

Liberty

March 2005

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Outsource
Me,
Please!

They're Coming to Take Your Land!

by Timothy Sandefur

Conversion of a Gun Grabber

by Bruce Ramsey

Did the Fed Cause the Great Depression?

by Robert Formaini

Everything You Learned About History is Wrong

by Anthony Gregory

Also: Alan Ebenstein exposes who really wrote Hayek's last book, Robert Nelson slashes traditional environmentalism, Michael Caldwell examines the deep roots of liberty . . . plus other articles, reviews & humor.



"Liberty, when it begins to take root, is a plant of rapid growth." — George Washington

KING GEORGE W. AND A GREAT SUPPORTING CAST
BRING YOU

BIG BROTHER IS WATCHING

COMING to you direct from
Washington and into your
living room:

"PEEK-A BOO. I SEE YOU"

The reality show of all
reality shows, and everyone
gets to play, or should
I say "Must Play."

It's simple:

First we all get national
I.D. Cards which you, of course,
must carry at all times.
This will be one card you
won't want to leave home
without, if you get my drift.

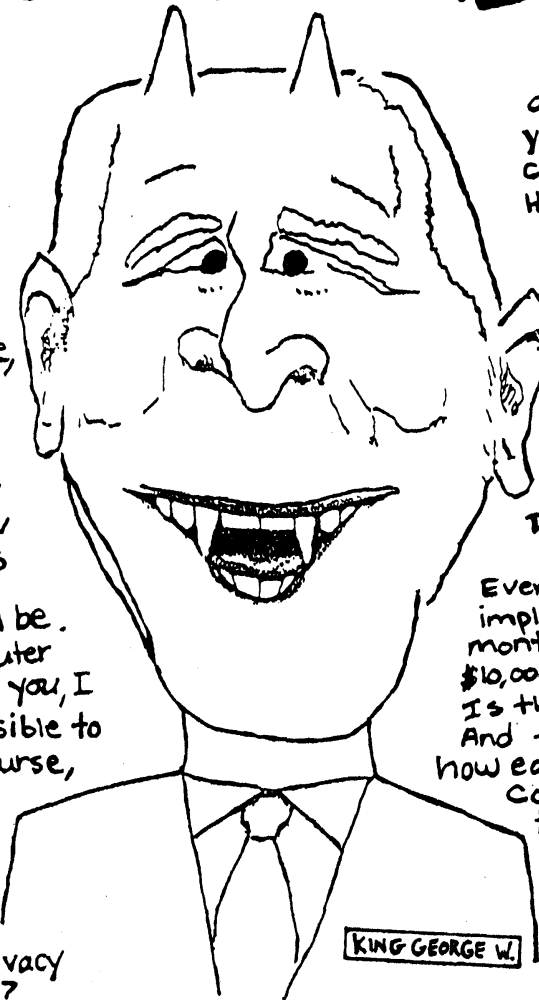
Next, as rapidly as possible,
everyone will get a
barcode implant. Simple as
barbecued ribs.

Just think how safe we'll be.

Everyone in a giant computer
with information all about you, I
mean us, immediately accessible to
the government. And of course,
you can trust this won't
be abused.

Look out you terrorists and
political whackos.

Your days are numbered.
This privacy stuff is over-
rated anyway. Privacy schmiracy
I say- what you got to hide?



And think of this. It'll be
a lot easier for us to spot
your moral failings. So we
can help you help yourself.
Help you stay on the right track.

"What about prizes G.W.?"

Glad you asked.
Old G.W. wouldn't let
you down:

The first 10,000,000
people who get barcode
implants will receive a
free D.V.D. player and a
copy of "Inside Tips to
the Stock Market" by
Dick Cheney.

But that's not all.

Everyone who gets a barcode
implant will qualify for the
monthly, that's right monthly,
\$10,000,000 lottery. Oh boy!
Is this gonna be fun!

And for the future - think
how easy it could be at the checkout
counter or for paying your
taxes or for every possible
transaction you ever do.

Gosh, what a great
tomorrow we have in store.
This is a reality game you
just can't refuse, if you get
what I mean.

see you
Soon.

ALREADY IN YOUR LIFE WITH MORE TO COME!

Disclaimer: This has nothing to do with the Mark of the Beast.

Liberty

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Letters

Rallying the Disinterested

In "Freedom: What's Right vs. What Works" (January), Bill Bradford remarked that "the salient characteristic of human beings is not their rationality, but their adaptability." That struck me as important in answering a question that has been nagging me for years: How is possible that billions are willing to accept living under intrusive, even oppressive, governments? Certainly, adaptability is a better answer than rationality. However, adaptability and rationality fail to explain why thousands of people enthusiastically and passionately participate in political rallies even when personal interests may not be involved. Does anybody have a reasonable explanation for this or similar behaviors?

Franklin López
New Orleans, La.

The Geography of Protection

Ayn Rand defined government as having a monopoly on the use of force in a given geographical area, i.e., exclusive jurisdiction. Free-market anarchism takes this definition literally, as distinguishing government from anarchist protection agencies which lack such a monopoly. But that can't be the difference between them.

A government holds exclusive jurisdiction over the real estate of its citizens; that's its geographical area. And an anarchist "protection agency" holds exclusive jurisdiction over the real estate of its clients and that constitutes its given geographical area. Exclusive jurisdiction over geographical area cannot distinguish government from protection agencies.

There are differences, of course. The conceptual history of the anar-

chist protection agency will encourage a more fragmented jurisdiction than a government's history. And anarchist clients will be able to take their real estate with them when they emigrate and immigrate. But these (and similar) differences cannot be essential, because if the fragmented jurisdiction or the shifting of jurisdictions turned out to be efficient, governments would adopt them. And if they turned out to be inefficient, protection agencies would drop them.

Indeed, "protection agency" is a literal description of an ideal government: its sole job is to protect its citizens, and it's their agent, exercising only those rights and powers delegated to it by those citizens.

If governments are just protection agencies, then protection agencies are just governments. Genuine anarchism would have no governments, i.e., no protection agencies.

Tom Porter
Reseda, Calif.

Friedman responds: Tom Porter makes, in my view, two mistakes. First, he writes that "an anarchist 'protection agency' holds exclusive jurisdiction over the real estate of its clients."

That does not describe anarcho-capitalism, at least as I understand it. A dispute has at least two parties, and there is no reason to expect them to be customers of the same agency. A dispute need not have a geographical location, let alone one that both parties agree to, so settling a dispute according to the law of agency of the party on whose real estate it happened is not a workable rule. Consider, for a simple example, a dispute over who owns a particular piece of real estate.

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Under anarcho-capitalism no agency has “exclusive jurisdiction.” “Jurisdiction” is a function not of one agency but of two — the court that gets to rule on the dispute is determined by a preexisting agreement between the agencies of the parties. For details see part III of my “Machinery of Freedom”; one relevant chapter is webbed at http://www.daviddfriedman.com/Libertarian/Machinery_of_Freedom/Moff_Chapter_29.html.

Second, he writes that “if the fragmented jurisdiction or the shifting of jurisdictions turned out to be efficient, governments would adopt them.”

This assumes that governments have some mechanism that automatically moves them towards an efficient structure. I know of no good theoretical reason to believe this is true and lots of evidence that it is false. The ability of individuals to easily switch from one agency to another means that agencies must compete for customers — not a situation that a government, starting with a monopoly over its customers, would want to emulate.

In a letter to the editor in February, explaining why libertarian anarchism is impossible, Porter writes:

“Protection agency A has exclusive jurisdiction over the property of its clients, and protection agency B has exclusive jurisdiction over its clients.”

That is not a correct description of the versions of anarcho-capitalism with which I am familiar, and I find it hard to see how it could be. A legal dispute involves at least two parties. If they are not clients of the same agencies, how can each agency separately have exclusive jurisdiction over the dispute?

In the form of anarchy I argue for, a dispute between clients of agency A and agency B goes to a court pre-selected by the two agencies for handling such disputes, so neither agency has exclusive jurisdiction — or indeed any jurisdiction. And although that court has exclusive jurisdiction over that dispute it does not have exclusive jurisdiction over any person or any property, since a dispute between the same client of agency A and a client of agency C might go to a different

court, pre-selected by those two agencies.

Republicans in Libertarian Clothing

The commentary on the 2004 election in January’s issue seemed to confirm the quip of a liberal friend who once observed that “most people who say they are libertarians are really Republicans.” A full third of the issue could have come right out of National Review or the Weekly Standard. I am really trying to understand how anyone with serious libertarian leanings could rejoice over Bush’s reelection, which he has interpreted as an endorsement of an imperial foreign policy.

Robert Kelley
Austin, Texas

Taking Charge of Consequentialism

I read with interest the article “Freedom: What’s Right vs. What Works” (January). The deontological thesis took a thorough drubbing in the symposium, whereas the consequentialist one escaped relatively unscathed. I suggest that the latter as defined has significant problems of its own. One is the vagueness and ambiguity in the notions of happiness, prosperity, etc. (especially when construed as applying not only intraculturally but trans-culturally). Another is the difficulty in demonstrating that freedom, defined as no more than minimal government, invariably or even consistently “creates a more prosperous or a happier society,” that is, “a society in

which human beings flourish and maximize their happiness” to a greater extent than they would in a society with more than minimal government.

Exogenous factors can adversely affect individuals’ achievement of happiness regardless of the governmental or anarchistic system that is in place. Accordingly, I believe that a weaker but more easily defended consequentialist position is worth exploring, a position that gives proper weight to the distinction between trying and succeeding, and asserts that freedom as defined provides the best environment for the vast majority of competent adult humans to pursue happiness (as they view it). One virtue of this thesis is that it coheres well with the common libertarian emphasis on taking charge of one’s life. Another is that it keeps libertarianism from being subordinated to traditional utilitarianism.

Jan Wilbanks
Marietta, Ohio

Zombie Persuasion Symposium

Let’s see if I get the “consequential” defense/justification as regards liberty. The champion of liberty must persuade animated corpses who need blood to survive and who, therefore, see liberty as the hated enemy, that liberty serves their self-interest. With such friends as these, liberty needs no enemies.

Steve “Esmo-Blubbo” Esmedina
San Diego, Calif.

Dubious Deism

Jane Shaw writes (Reflections, February) that we should pay atten-

Letters to the Editor

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

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Errata

On the lower-right portion of page 23 of the February issue, a sentence in Stephen Cox’s article should read: “Americans would simply turn to one of the two major parties, to an entity whose vast, unruly breadth came closer to representing their own multifaceted identities.”

A reflection on page 7 of the November 2004 issue credited to Wendy McElroy should have been attributed to Doug Casey.

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tion to the possibility of a creator God because noted atheist Antony Flew has converted to Deism. Flew, a philosopher in his 80s with no special knowledge or training in science, cites physicist Gerard Schroeder's "The Hidden Face of God" as a reason why he has adopted belief in the God of Thomas Jefferson and Aristotle. For a cogent critical view of Schroeder's work, I would recommend turning to physicist Mark Perakh's book "Unintelligent Design," rather than to Flew, who can't seem to decide what he currently believes or what his reasons are for it — see Richard Carrier's "Antony Flew Considers God . . . Sort of" on The Secular Web at <http://www.secweb.org/asset.asp?AssetID=369>. Shaw also writes of Brown University biologist Kenneth Miller, a Catholic evolutionist, stating that "Darwinist Kenneth Miller calls intelligent design the 'best rhetorical weapon against evolution' and thus refuses to take it seriously." Actually, Miller took Michael Behe's irreducible complexity argument for intelligent design seriously enough to refute it in detail in his book "Finding Darwin's God."

Jim Lippard
Phoenix, Ariz.

Design on the Fringe

In a reflection in the February 2005 issue of *Liberty*, Jane Shaw observes that the philosopher Antony Flew, once a prominent atheist, now describes himself as a Deist, who believes that a great intelligence must have created the initial conditions for the universe to exist. Shaw concludes that "Darwinists" are giving short shrift to intelligent design. This is clearly not the case.

Her word choice is interesting. Rather than referring to Kenneth Miller as a scientist (which may seem a vague term), she refers to him as a "Darwinist," employing the rhetorical trick of equating people who accept current biological theory as being stuck in an 1859 paradigm. Never do you see germ researchers referred to as "Pasteurists" or people who do research into gravity referred to as "Newtonists." It would be simply nutty to ignore that a lot has hap-

pened in the germ theory of disease since Pasteur, or ignore the tremendous contributions to the theory of gravity that have been made since Newton.

The theory of evolution has gained a great deal more intellectual horsepower since Darwin's time, the most important contribution of which has been the addition of genetic theory to the theory of natural selection and the theory of common descent. One thing the theory of evolution doesn't try to explain is from where the first self-replicating mechanisms came.

When Kenneth Miller refers to intelligent design as the "best rhetorical weapon against evolution," he is right. However, Miller is talking about something different than Antony Flew is. Flew is talking about arguments regarding the fine tuning of the entire universe, why gravity attracts things with just so much force, why the speed of light isn't faster or slower, etc. Miller is talking about the biological idea that living things show signs of intelligent design, a fringe idea which has never caught on in mainstream biology and as of yet has only proven popular among people who don't want to accept that living species are descended from earlier species. I call this idea intelligent design creationism, as the vast majority of their arguments can be traced back to earlier versions of creationism.

There are practicing philosophers and biologists out there (Robert Pennock and Francis Fukuyama come to mind) who can provide a better answer to the literature on intelligent design than I can, particularly when I'm composing this from my work account on work time. Briefly, however, let's take Antony Flew's revelations and see what they say about modern biology. If Flew is right, and the universe's constants were set by some superpowerful being, this implies nothing about the origins of the first self-replicating mechanisms. If we extend Flew's argument and say that such a super-being created the first living cells, this says nothing about the mechanism of evolution and origin of species. In other words, Flew has nothing to tell us about biology

continued on page 22

Reflections

Timequake — In the winter of 2004 in the Indian Ocean, the earth took a great step in its long journey, and an enormous number of its passengers tumbled down its shoulders to be lost forever. Amid the chaos and destruction that followed the subaqueous earthquake in the Indian Ocean, something much more fundamental was altered: time.

Geophysicists theorize that enough of the earth's mass moved toward its center to cause the planet to spin micro-seconds faster, shortening our days. While the change may not be noticeable to the average human as he goes about his business, governments of the world have taken notice. Here's a few of the adjustments that will be made:

- Drinking-age limits will be raised due to a slight lack of maturity.
- Tax rates will be raised to compensate for reduced annual revenue.
- A new federal holiday will be created due to the loss of vacation time.

Additionally, the French government has applauded the change, as it shortens the work week for all employees worldwide.

— Kasey Allen

I, Tsunami — I used to think of the word *tsunami* as a rather rarified term for destructive change — a synonym that you might use instead of whirlwind or cyclone or hurricane or tempest. How little I knew! For me, *tsunami* will now describe only itself — something so unspeakably powerful and disastrous, so sudden and so widespread, that in a matter of minutes it leaves everyone it touches not injured, but dead.

— Jane S. Shaw

Prison food: it's a good thing — I've always assumed that Martha Stewart is a very picky eater. If the wine was not perfectly chilled, or the cheese not aged just so, she would gag and spew it from her mouth. I always imagined her meals consisting of delicacies from around the world, eaten off of the finest bone china with tasteful sterling and coordinated linens with seasonal napkin rings. I thought she might starve to death if forced to dine in a mundane fashion.

But recent pictures of her indicate this is absolutely not

the case. She has obviously been eating quite a bit while incarcerated. It's nice to know that, when presented with creamed corn, mashed potatoes and chipped beef served cafeteria-style with plastic silverware, she is just as apt to overeat as the rest of us.

— Tim Slagle

The final days of the News Oligopoly — CBS's two-man, blue-ribbon panel to investigate CBS News' publication of fabricated documents purporting to show George W. Bush used political pull to minimize the personal cost of serving in the Texas Air National Guard began its report with a David Letterman-like Top Ten List.

The list, entitled "the most serious defects in the reporting and production," reads like a recipe for bad journalism, itemizing seven different "failures" to follow sound jour-

nistic practices, one episode of "misleading" the public into thinking that the documents had been authenticated, one event "that created the appearance of political bias," and one episode of just plain lying — oops, I mean making a "false statement."

It goes on to list six of the "more egregious shortcomings during the Aftermath" of the CBS report, including making "inaccurate press statements," airing

"misleading stories," making a "strident defense" of the story "without probing whether any of the questions raised had merit," airing "misleading stories" about the story "despite strong and multiple indications of serious flaws," searching for "additional document examiners who would vouch for the authenticity of the documents instead of seeking the best examiners available," and "preparing news stories that sought to support the Segment, instead of providing accurate and balanced coverage of a raging controversy."

Given the number of people who put the CBS story together, vetted it, and were involved in its dishonest and meretricious defense, it is surprising that the network decided that only one person should be fired and three others asked to resign. The overwhelming majority of those involved in the fabrication and defense of the story will keep their jobs. So how much credibility can CBS News hope to retain?



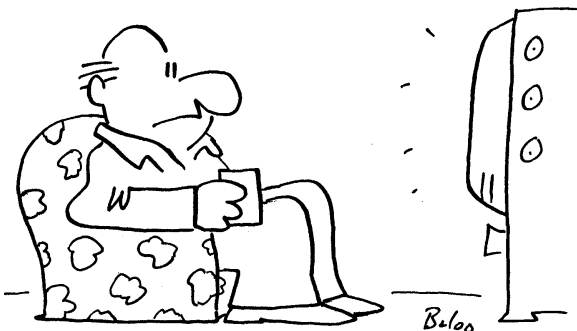
The Panel (as it calls itself) refused to conclude that “a political agenda at 60 Minutes Wednesday drove either the timing or airing of the Segment or its content,” even though it “reviewed this issue and found certain actions that could support such charges.” Apparently it figured that highly paid, experienced professionals would flout the ethical standards of their profession merely to get a scoop, and would have done so just as eagerly if the target had shared their politics. If this is really the case, it is a further powerful reason for CBS to clean house in its news division.

Why did CBS News publish a fabricated story and defend it even as the evidence of its fabrication mounted? I think the answer can be found in Lord Acton’s famous maxim, “Power CBSizes, and absolute power CBSizes absolutely.” CBS News is used to functioning as part of a news reporting oligarchy. It expects what it says to be believed because, well, it said it. And it’s used to the other elements of the news oligopoly not looking very closely at what it puts out.

Traditionally, CBS News and its fellow oligopolists have been as secure from scrutiny as Gov. Bill Clinton was in one-party Arkansas. Clinton barely attempted to cover up the payments his wife received for helping Jim McDougal swindle the taxpayers out of millions of dollars, safe in the knowledge that no one in Arkansas had the wherewithal to expose him. This, I believe, is what led the

Given the number of people who put the CBS story together, vetted it, and were involved in its dishonest and meretricious defense, it is surprising that the network decided that only one person should be fired.

CBS newspeople to be so negligent or outright deceptive in claiming that the purported Bush documents were unquestionably genuine even though their counterfeit nature was evident to intelligent but otherwise ordinary viewers of the original television report. It was obvious even to me, a total novice in the field of document authentication, that the documents were almost certainly fakes: typewriters with proportional spacing just didn’t exist at the time in question.



“This program is coming to you live, unless, of course, you illegally videotaped it.”

But CBS News in New York was no more used to scrutiny than was Bill Clinton in Arkansas.

Political reporting is naturally susceptible to the sort of fraud that ensnared CBS News. Political reporters depend on information from political people, and political people are not paragons of truth. It is common sense, not a bureaucratic code of ethics, that ought to keep political journalists focused on truth.

At Liberty, we’ve published two major political stories that had their origin with information or documents provided to us by sources plainly hostile to their object — in both cases the 1996 and 2000 Libertarian Party presidential nominee, Harry Browne. The first story came to us in 1997, when one of Browne’s critics offered us information showing that his campaign had spent the money it raised mostly on consultants and building up its own infrastructure, and had spent only a tiny fraction of its funds on advertising, despite its oft-repeated claims to the contrary. It took us nearly three years to get the story ready for publication, mostly because we wanted to see unquestionably authentic documents that supported the claim.

As it happened, the Browne campaign was required by law to report details of its spending to the Federal Election Commission, which by-and-by published copies of the original documents on its website. We had to download nearly a thousand pages of Browne campaign spending reports, carefully compile the data they contained into a form that could be analyzed, and look at the entire, immense body of evidence. It was an extremely complicated task, one subject to clerical error and requiring computer enhancement of some of the documents. We went forward with the story only after we had checked and double-checked all the data obtained from the unquestionably genuine documents. In this case, the dangers of political prejudice were relatively small, as the lead reporter of the story (me) had long been an enthusiastic supporter of Browne.

Browne and his staff never denied the authenticity of the documents. Instead, Browne publicly claimed that no such documents were available at the FEC’s website — a preposterous claim that may have satisfied his true believers, but could be easily disposed of by anyone with access to the Internet.

The next story also began with a document provided by a critic of Browne’s: an invoice from the LP’s National Director for service rendered to the Browne campaign that violated his employment contract, LP party rules, and his and Browne’s explicit agreement to obey the policy prohibiting party employees from working on behalf of any individual seeking the party’s presidential nomination. This time, authenticating the sources was easy: we simply called the alleged author of the damning document, and he verified its authenticity to us. But there was a risk of political bias, in that the lead investigator (me, again) had become generally critical of Browne. Yet with the document authenticated by the individuals involved, eventually including Browne himself, the risk of falling victim to political prejudice was slight.

These were not the only political stories that have been brought to us by people hostile toward a politician. We

gave careful consideration to the others, but they didn't check out. We didn't reject them because they couldn't run the gauntlet of a detailed list of codified procedures. We rejected them because we looked at all available evidence, and it wasn't good enough to verify them.

The "reforms" recommended by the Panel are all additions to its procedures for vetting stories. They sound good, but I don't think they will help clean matters up at CBS News. The problem isn't a lack of procedures, but a lack of integrity to carry them out. Whether the CBS News staffers' willingness to go with a story whose basis is fraudulent is

It took us nearly three years to get the Browne exposé story ready for publication, mostly because we wanted to see unquestionably authentic documents that supported the claim.

the product of their political bias or their ambition to enhance their reputations by producing "scoops" isn't really what's important here. What is plainly needed is a staff with a commitment to truth.

My own fantasy was that CBS would hire Brit Hume away from Fox, make him boss of the organization, and give him carte blanche to clean up the mess. True, Hume is vaguely conservative. But his integrity is unassailable and he has never shown the bias in his reporting that is more or less standard at CBS. And his vaguely conservative politics is certainly no more off-center than Dan Rather's mild leftism. A credible journalist with vaguely conservative bona fides and unassailable integrity is just what CBS needs to restore its credibility. But CBS has chosen not to clean its house.

In any event, the major media have to recognize that the days of the News Oligopoly are numbered. Although CBS may not know it yet, the number of those days has already turned negative. Before CBS News aired the fake documents, the Internet and the independent media had ended the days when news reporters and producers could ignore their first and most obvious obligation: to tell the truth.

— R.W. Bradford

Neoconfusion — The call by neoconservative strategist Bill Kristol for Defense Secretary Donald Rumsfeld to resign after his "the army you have" response to a media-prompted question from a soldier in Iraq looks like a transparent attempt to deflect attention and responsibility for how badly things are going in Iraq. If people focus on aspects of the execution of the occupation considered faulty — inadequately armored vehicles, not enough troops — perhaps they won't spend much time thinking about whether the entire invasion and occupation were misconceived.

The neocons in their magazine offices and think-tank aeries have at least metaphorical blood on their hands for misdirecting the response to the 9/11 attacks into an attack on Iraq. But if most of the blame for the ugly aftermath lay

at Don Rumsfeld's feet, perhaps the neocon day of reckoning can be postponed and the "sofa samurai" (thanks to Taki for the term) can get on with urging preparation for the next dubious war, against Iran, Syria, North Korea, or whoever the next demon of the day may be. — Alan W. Bock

When we want Canadian opinion, we will give it to them

— It is difficult to understand why the U.S. is so heavy handed in foreign relationships which would yield so readily to diplomacy . . . or just plain silence. I am thinking specifically of the recent announcement to the Canadian press by Paul Cellucci — the American ambassador to Canada — on the controversial missile defense plan. Cellucci stated, "We've been told that it will be dealt with over the next couple of months," thus clearly implying that the States had struck a deal with Canadian Prime Minister Paul Martin. Cellucci even provided a timeline. Canada would join the U.S. ballistic-missile defense system for North America by the end of March.

The statement has been poorly received. For one thing, why is a foreign ambassador announcing to the press what Canadian military policy will be? Especially when the Canadian PM continues to declare to all-and-sundry within hearing range that no decision has been reached? Martin rushed to inform reporters, "No such assurances were given."

It is a particularly sticky issue as Martin promised in his Oct. 5 Throne Speech to open Parliament to debate the issue before signing on with the States. No such debate has occurred.

Canadian politics is a complex balancing act with at least four players who must constantly watch each other for reactions. The Liberals under Martin are in power, but they constitute a minority government, which must look to

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Quebec for support or risk losing office. The Conservatives generally back the antimissile defense system but they are bristling at not being consulted . . . indeed, at not even being shown the terms of an agreement into which Canada has — perhaps — already entered. The New Democratic Party (more left than the liberals) is adamantly opposed to the program, as is the Bloc Quebecois and most of Quebec itself.

Nevertheless, sneaking the antimissile program past Parliament at the last minute would probably have worked since the Conservatives would not have blocked it, and they're the only ones with sufficient numbers to act as a brick wall if they joined with other factions. But the prospect of easy, sneaky passage has been rendered more difficult by Cellucci's statements. First, everyone is irritated at the United States announcing Canadian foreign policy. Second, everyone is suspicious of Martin and his motives. Third, even politicians who agree with the plan are enraged at being kept in ignorance about it.

What on earth was Cellucci thinking? If there is, or was, a covert deal sliding through, then he's doing the best he can to jeopardize it.

— Wendy McElroy

Heating up the N. Y. Times Bestseller List — For years, free market environmentalists have longed for a blockbuster book that would change the public's views about the environment. Such a book would convincingly show that the environment is improving, not deteriorating; that private individuals and organizations are the key to progress; that economic prosperity will lead to greater improvement; and that predictions of gloom are wrong. We have wanted our own "Losing Ground," Charles Murray's 1984 book that revolutionized public thinking about welfare.

Bjorn Lomborg's "Skeptical Environmentalist" was a big step in this direction — a serious book that undermined today's emphasis on imminent environmental disasters. But it appealed mostly to scientists and policy analysts. (One sign of its forcefulness was the level of antagonism it aroused among scientists committed to environmental disaster.)

Now Michael Crichton has come up with "State of Fear." This could be a genuine blockbuster — right now it's

second on the New York Times bestseller list. Whether it will reframe public thinking, I don't know. Crichton attempts to meld an argument about science — evidence that global warming is not a catastrophic threat — with a techno-thriller in which murky eco-terrorists are the villains. As far as I know, this is the first thriller to include a monologue about risk policies, footnotes citing peer-reviewed scientific literature, two real-world appendices, an "author's message," and an annotated bibliography featuring politically incorrect books (such as "Free Market Environmentalism" by Terry Anderson and Don Leal and "In a Dark Wood" by Alston Chase).

The only other Michael Crichton novel I've read was the

beautifully rendered historical novel "The Great Train Robbery," so I can't make a direct comparison to his previous works of this sort. I must say that this book does fall short of thrillers I've read by, say, Nelson DeMille or Tom Clancy. The characters are paper-thin and the plot twists are preposterous. But the five-and-a-half page appendix on the politicization of science is worth the price of the book.

There, Crichton compares the obsession of scientists and policymakers with global warming to the shameful eugenics episode of the first half of the 20th century, when scientists claimed there was a "crisis of the gene pool." Luminaries such as Theodore Roosevelt and Margaret Sanger favored isolation or sterilization of "degenerates" who were harming the rest of society, and there was little protest by scientists who knew better — or should have known better. For that comparison, Michael Crichton deserves applause, whatever the influence of his latest tale turns out to be.

— Jane S. Shaw

CIA or CYA? — I've often observed that Baby Bush is unintelligent, thoughtless, and pigheaded. But I've never accused him of lacking a sense of humor, even if it's of the frat boy variety, giving rise to his famous smirk. Proof that Bush possesses this singular virtue was recently offered by his giving the Medal of Freedom, the U.S. government's highest civilian honor, to Paul Bremer III, Tommy Franks, and, most egregiously, George Tenet. The award is something of a farewell present from the government to the trio, who have each been intimately involved in the ongoing disasters in Afghanistan and Iraq.

THE UNDECIDEDS THE EARLY YEARS

LET'S SEE: HUNT? OR GATHER.



SHCHAMBERS

Now that they've escaped to the "private sector," they'll each be showered with millions of dollars in speaking fees, book contracts, corporate directorships, and the like. In other times and places, these three stooges would have been executed (if they hadn't been honorable enough to perform *hara-kiri*) for complicity in such overt failure. But in today's public relations-driven U.S., they're rewarded instead, demonstrating an ingrained pattern of dysfunction in the empire.

I suppose I don't have much of a problem with Tommy Franks: he's just a soldier who followed orders to go in and kill people and destroy property when and where he was told. His excuse for the snowballing disaster is that there weren't enough troops to quell the insurgency, which tells me that he never had a clue what he was dealing with. Paul Bremer, as the chief bureaucrat on the ground, stumbling from one catastrophe to another as the situation deteriorated in Iraq, bears more responsibility. Frankly, it's hard to see how anyone could possibly have created a bigger mess. But the strangest choice — in a class with Doris Day, who's also a recipient of the medal — is George Tenet.

I suspect he'll be most remembered as the political lackey who, while running the CIA, assured Bush that it was a "slam dunk" that they'd find atomic, biological, or chemical weapons when they invaded Iraq. At a recent investment conference, Tenet — in exchange for a neat \$50,000 honorarium — delivered a glib justification of his agency's embarrassing record. I spent about five minutes of my speech at that same conference debunking the Agency's shameful track record. But I knew, in light of the jingoistic hysteria ruling the American psyche today, that *Boobi americani*, whipped dogs that they are, would give Tenet a standing ovation instead of shouting him down with catcalls and pelting him with rotten fruit. Which is exactly what happened, solidifying my opinion that Americans have become something like trained poodles, sitting up to beg, then rolling over on their backs, whenever they're graced with the presence of a high government official.

In fact, I was amused (but, regrettably, not in the least surprised) to discover that I created a near riot among the attendees when I asserted that the CIA, like almost all government agencies, not only served no useful purpose, but was a detriment to the well-being of the average American. It's not just the \$20 billion or so the agency fritters away every year. It's not even the fact that a lot of that goes to fund informal retirement programs for its agents and "assets" around the world. It's not even that every place it goes, without exception, the Agency reflexively props up the most corrupt dictatorships available, leaving immense hatred for the United States in its wake. It's not even that the powerful Agency might, in the future, act as a Praetorian Guard to install an emperor in Washington.

The real problem is that — for all the damage this dangerous, unwieldy, and corrupt bureaucracy does — it's apparently incapable of supplying intelligence. The CIA is, in effect, nothing more than a secretive version of the post office, but that may be an unkind comparison because at least the post office manages to deliver the mail, sometimes even on time. What does the CIA do? It precipitates disas-

ter everywhere it goes — the Congo, Guatemala, Iran, Somalia . . .

What doesn't it do? It failed to predict the start of the Korean War, or the subsequent Chinese intervention. It failed to predict the split of China and the USSR. It apparently didn't have the foggiest idea what Castro was all about while it was propping up Batista; then it bungled the Bay of Pigs invasion. It was unaware that the Soviets had tactical nuclear weapons in Cuba, and almost touched off a nuclear war during the Cuban missile crisis. From start to finish, it didn't know who was who in Vietnam. It failed to predict the collapse of the USSR, actually buying into Soviet propaganda that the place was an economic powerhouse.

Anyone with a lick of common sense would have been much better off getting "intelligence" by reading the New York Times.

Will the next political hack to run it reform the place? No. Government agencies, like families or corporations, have ingrained cultures. A certain type of person is drawn to certain groups, and the larger and more self-contained an organization is, the more it has a life of its own and is given to recruiting only similar types. The CIA, quite predictably, will always put its own interests ahead of those of Americans at large; it's just a good thing that there's still a lot of overlap.

The only solution is to abolish it, and let its employees see if they can find productive work. But that's not going to happen. Instead, the CIA (like the FBI, NSA, DEA, ATF, and all the other "national security" agencies) will continue to grow like a cancer.

— Doug Casey

Quagmire quickie? — When John Kerry, during a campaign, said his goal was to have U.S. troops leave Iraq within four years, he was berated as showing weakness and possibly aiding and abetting the enemy. When Defense Secretary Donald Rumsfeld said pretty much the same thing — after the election, to be sure — while chatting up reporters in Kuwait, hardly anybody even noticed, let alone

I knew that Boobi americani, whipped dogs that they are, would give Tenet a standing ovation instead of pelting him with rotten fruit.

was outraged. If he really wants U.S. troops out that "quickly," it's best that he stays on as Secretary of Defense. Almost anyone you can imagine the Bushlet appointing to replace him would probably be even worse. — Alan W. Bock

Leave corruption enough alone — U.S. Rep. Stephanie Tubbs Jones and U.S. Sen. Barbara Boxer protested the certification of Ohio's electoral votes on the grounds of reported voting irregularities. This is a dangerous precedent being set by the Democrats. By disputing every presidential election, they are planting seeds of doubt that fair elections are occurring in America. In certain cir-

cles it is already conventional wisdom that Bush stole the 2000 election.

I don't mean to sound naive. I know that there is corruption in American elections. The adage goes: In every election there is fraud on both sides, and corruption cancels out corruption. This, for better or worse, is just the way American politics operates. It's amusing, however, that the cries of corruption are currently coming from the Democrats. After all, cities where electoral corruption has been rampant for decades, like Chicago, have long been Democratic strongholds, and it was the twice-recounted votes from Washington's strongly Democratic King County, thanks to its counting 1,800 more votes than there were voters, that turned the governorship over to Democrat Christine Gregoire.

— Tim Slagle

Cuckoo for coca paste

— Late last year President Bush made a point, on his way back from the Asian Pacific Economic Conference in Chile, of stopping off in Colombia to praise Colombian President Alvaro Uribe's sterling effort in fighting the drug war.

In claiming that victory is just around the corner, the president noted a sharp increase in arrests, more spraying of poison on coca fields (Colombia supplies about 90% of the cocaine that the U.S. imports), and seizures that have kept 475 tons of cocaine from reaching the United States. The cost to the U.S. is about \$3 billion in military and economic aid over the last four years, along with 325 U.S. troops and 600 civilians doing contract work in Colombia.

Statistics about spraying and seizures, however, are not especially relevant. What matters, if the drug war is really about reducing drug use, is whether all this effort and expense has any impact on the price and availability of cocaine on the streets of America. That story is hardly encouraging.

Just last August, "drug czar" John Walters (a little closer to the ground than the president on this issue) took an AP reporter on a flyover of blackened Colombian coca fields and let slip a few candid comments. "Thus far we have not seen a change of availability in the United States," Walters admitted. He quickly added that the drug warriors expected to see those kinds of results sometime soon — maybe in the next year or so. But they've been promising that since the 1970s.

I talked to San Ho Tree, who follows Colombian developments at the Institute for Policy Studies and visits the

country often. He told me the price for a kilo of coca paste in Colombia has remained steady at about \$800 since the inception of Plan Colombia, back under the Clinton administration. He worked with a reporter who called the New York Police Department a couple of months ago to get an idea of how things are on the street. The NYPD says the price, availability, and quality of cocaine are virtually unchanged over the last several years.

The drug war does drive some of those who are less efficient at violence and concealment out of business, thus buttressing the most vicious of the drug lords. If that's good news, maybe the drug war is a success. By any common-sense evaluation, however, it's a failure. But President Bush

wants to nick \$566 million from taxpayers for Plan Colombia next year. It would be less damaging to flush that money down a toilet — as they'd have to do if the stupidity narcs ever threatened to break down the president's door. — Alan W. Bock

No bias here, no sir

— On Jan. 10, the committee appointed to investigate the CBS News scandal finally issued its report. The 224-page document, a fascinating study of bureaucratic incompetence and malignity, led to the firing of four CBS personalities but acquitted CBS News of political bias in its broadcast of faked documents reflecting discredit on George Bush's service in the National Guard.

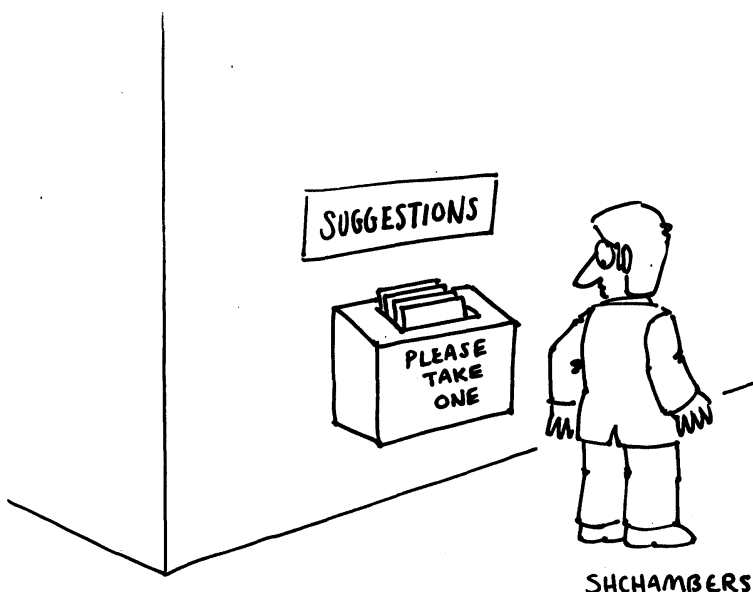
We are supposed to believe, in other words, that in the midst of an election campaign in which Bush's character was a major issue, employees of CBS News (according to the organization itself)

- pushed a faulty story so fast that they didn't have time to review it for accuracy;
- mounted a "stubborn 12 day defense" of the story when it was questioned;
- made "virtually no attempt . . . to determine whether the questions raised had merit";

and further, that

- "the producer of the piece, Mary Mapes . . . call[ed] Joe Lockhart, a senior official in the John Kerry campaign, prior to the airing of the piece, and offer[ed] to put [the purveyor of the faked documents] in touch with him . . . a 'clear conflict of interest that created the appearance of political bias'". . .

BUT THERE WAS IN FACT NO POLITICAL BIAS.
Huh?
If you believe that, maybe you're prepared to believe



that the documents weren't faked in the first place.

— Stephen Cox

Interstate smoke — The medical marijuana case *Ashcroft v. Raich*, heard by the U.S. Supreme Court at the end of November, will not turn on whether lawyers and justices know much about medicine. The outcome of the case will depend on whether certain conservative justices mean it when they say they believe the Constitution gives state governments discretion in using what political scientists call “police powers” and limits the power of the national government to override them.

Angel Raich, having tried dozens of prescription medicines, uses marijuana to alleviate the effects of an inoperable brain tumor. She believes she would be dead if she didn't use it. Diane Monson suffers from chronic back pain and muscle spasms caused by a spinal disease. Since voters approved Prop. 215 in 1996, both women's marijuana use is legal under California law. But federal law still prohibits any use, possession, or production of marijuana.

When the Supreme Court considered a different medical marijuana-related case in 2001, it did not rule that the federal supremacy rule automatically overturns the laws of California and ten other states — two added by voters this year — that allow sick people to use marijuana. And it will not so rule in this case. Federal supremacy is not at issue. At issue, interestingly enough, is the Constitution's commerce clause, which allows Congress “to regulate commerce with foreign nations, and among the several states.”

The original purpose of the commerce clause, amusingly enough given the purposes to which it was turned in the early part of the 20th century, was to prevent state governments from erecting barriers to commerce. During the New Deal, however, the clause was used to expand the power of the federal government to regulate almost anything, based on the theory that almost any activity affects interstate commerce, however indirectly or theoretically, so the national government can regulate just about anything that moves. Or stands still.

Most conservatives have deplored this expansion of federal regulatory power, and the conservatives on the Supreme Court have sought to rectify the balance (as they would put it) by restoring a little power to state governments to handle certain kinds of regulation without federal interference, notably in the *Lopez* and *Morrison* cases. Some observers even believe that Chief Justice Rehnquist sees such a restoration of proper federalist balance as the legacy he hopes to leave when he retires.

This is a case where the state of California has legislated in health and safety, an area that has traditionally been left to the states and is absent from the powers enumerated in Article I, Section 8 of the Constitution. The activities of Angel Raich and Diane Monson involve no commerce at all, let alone interstate commerce. Not only is everything they do done within the state of California, but no money changes hands.

If there's no interstate commerce, there's no legal justification for the federal government to interfere with Angel Raich's and Diane Monson's efforts (in conjunction with

duly licensed physicians) to treat their illnesses. It will be interesting to see what the conservatives on the court — and the liberals — do with this case.

— Alan W. Bock

God: killer, bumbler, or fake? — There are only three main ways to reconcile traditional concepts of God with the horrific carnage of the Asian mega-tsunami. Each way is a hypothesis that depends on whether God caused the tsunami. And each leaves God with a lot to answer for.

Suppose that God caused the tsunami. Then the first hypothesis is that God is a murderous fiend.

This murderer hypothesis follows if God not only caused the tsunami but intended to cause it. Causality is easy to show for an omnipotent or all-powerful being. Such a God can cause any event by simply willing it and then His will be done. Indeed tsunamis are just the kind of *force majeure* that we call an Act of God.

The sharper question is whether God intended to cause the tsunami and its disastrous aftermath and thus whether He deliberately killed over 150,000 innocent children and adults. The law defines intent as either desiring an outcome

The sharper question is whether God intended to cause the tsunami and its disastrous aftermath and thus whether He deliberately killed over 150,000 innocent children and adults.

or being substantially certain that the outcome will occur. Assume that God did not desire to cause such death and destruction. That still won't get Him off the hook.

The clincher here is God's alleged omniscience or complete knowledge. Set aside the argument from philosophers that omniscience is logically impossible because it requires knowing all truths and because there is no set of all mathematical truths (a consequence of Cantor's Theorem: a set always has less size or “cardinality” than the set of all its subsets). So go ahead and grant that God has omniscience and perfect foresight. Then God does not play dice because for Him there is no probability or uncertainty. God knows with certainty the causal consequences of everyone's actions and of His own actions.

So God intends His actions — and so God is a mass



“Not the whole Universe — I just want to attain oneness with Julia Roberts.”

murderer.

The verdict is worse than this because God shows no remorse and because He deliberately continues to compound the problem. It does not matter that He may be all-loving. God's alleged omnipotence lets Him resurrect the dead tsunami victims and fix the other damage that He has caused. But He refuses to do so. Instead God lets the victims' relatives grieve and lets disease spread and lets chil-

dren suffer abuse.

The second hypothesis is that God caused the tsunami but He did not intend to. It just sort of happened after He unleashed the Big Bang 15 billion years ago and imposed the laws of physics on all matter and energy. The Universe Maker is still responsible for His dangerous product.

This careless or negligent God does not really count as God because He lacks omniscience — since omniscience

News You May Have Missed

Kerry Goes Down in History

BOSTON — John Kerry's "I actually voted for the 80 billion dollars before I voted against it" is being seen as the major gaffe in the recent presidential campaign, tagging him with a flip-flop image that he was unable to shake off and possibly costing him the election. But scholars at Harvard University's Center for the Advanced Study of Total Nut-Job Screw-Ups say that such colossal gaffes are nothing new, and there is plenty of evidence that they repeatedly changed the course of history long before they became staples of American negative campaign ads and "gotcha" journalism.

According to Center director Dr. Fiona Lunchmeat, Julius Caesar's triumph over Pompey in their rivalry for the dictatorship of Rome in 49 B.C. was due to a major gaffe on Pompey's part. During the third debate, Pompey went on the attack, pointing to Caesar's quip "The die is cast" as proof that he was in the pocket of gambling interests planning to turn the Forum into a casino-entertainment complex called Caesar's Palace. But Pompey mistakenly used the dative rather than the accusative case, so that instead of accusing Caesar of taking bribes, he asked him out on a date. When Pompey subsequently tried to appease the powerful grammatical-industrial complex by promising to introduce two new cases, the putative and the laxative, high-school Latin students rioted in the streets, and Caesar, whose campaign slogan ("Bread and Circuses") also seemed to go over better than Pompey's "Arugula and Compulsory Lectures on Early Etruscan Sarcophagi," went on to win a close, disputed election after the Seven Sybils

voted 4-3 in favor of stopping the recount.

Another example, said Dr. Lunchmeat's colleague Professor Dudley Thweek, was a crucial election in 12th-century Lincolnshire, England, in which the challenger, Robin Hood, had opened up an apparently insurmountable lead in the polls over the incumbent, the Sheriff of Nottingham, who had alienated many voters by hanging them. But then Hood carelessly summed up his economic policy as "stealing from the rich and giving to the poor," which implied extensive paperwork, including filling out Forms 1066A and 4562W, plus Schedule SE-998b ("Application for Partial Exemption from Non-Farming Poaching Depreciation Credit Allowance Penalties and Fees"). The Sherwood Forest Veterans for Truth quickly produced a series of ads portraying Hood as "Red Robin," a subversive who had betrayed his men and the cause of merriness in general, and he was finally forced to drop out after he made another huge gaffe at the Early Gothic Arts and Crafts Fair while attempting to demonstrate the new intermediate-range longbow he favored. He badly overshot the target, and the arrow found its way to the Archbishop of York just as he was bowing to greet the delegation from the League of Norman Voters, causing the archbishop to say something in pure Anglo-Saxon for the first time in his life.

Lunchmeat and Thweek also cite the firestorm that erupted in 1789 when Louis XVI, running unopposed in the Versailles primary, was forced to apologize after his unpredictable, outspoken

foreign-born wife Marie Antoinette published her controversial diet book "Let Them Eat Cake." Louis reiterated that his strict low-carb policy of denying both bread *and* cake to the people of Paris would remain in place, with the aim of eventually making the city the fashion-model capital of the world. Both Louis and Marie quickly gained a reputation for losing their heads.

Finally, the scholars point out, in the heated campaign for Soviet leadership in Moscow in 1925, Leon Trotsky and Joseph Stalin got into a fierce argument over whether the new Five-Year Plan For Maybe Coming Up With A Four-Year Plan was, from a strict Marxist perspective, "objectively correct" (Stalin's position) or "correctly objective" (Trotsky's position). Both seemed to find support in an early pamphlet written by Lenin while in exile, "Ambles and Rambles in Olde Zurich," but Trotsky's controversial stance produced a plunge in the polls, and he was forced to apologize by leaving the country and ducking behind sofas a lot. He tried to recoup his political fortunes by breaking with the Communists altogether and starting the new, even more radical Revolutionary Socialist Vanguard Party, but the R.S.V.P. itself quickly splintered, one faction favoring "permanent revolution," the other favoring "permanently talking it over." Trotsky, after faking his assassination and changing his name to Arthur C. Perkles, opened a catering business in New Jersey, rising quickly to absolute power in the Paramus Chamber of Commerce.

— Eric Kenning

implies intent and thus no intent means no omniscience. Yet this might be the God that many inadvertently pray to. It is pointless to pray to an omniscient God because He already knows the content of the prayer. Prayer itself is nothing more than asking for a divine handout and thus it borders on blasphemy. The request is not a waste of time and effort for all concerned only if it tells God something that He did not already know. But then He lacks omniscience and that in turn suggests that He is not all powerful or omnipotent. How can you have total power over everything for all eternity and yet not know everything?

Such lack of knowledge would itself be a lack of power and hence there could be no omnipotence either. So this creature would not be God — but He would still be liable for multiple counts of wrongful death if not criminal negligence.

That leaves the third category where God did not cause the tsunami. Here there are many variations on the simplest hypothesis of all: There is no God. So God did not cause the tsunami or anything else.

The no-God hypothesis is what statisticians call the null hypothesis. It is the default hypothesis that we try to reject or refute with evidence to the contrary as when physicians test to see if a new drug has a predicted effect. Failure to reject the no-God hypothesis does not mean that we accept it as true although it does point in that direction. It technically means that so far the evidence has not knocked down the claim.

So it goes with God.

Science has not found a single footprint or miracle that would refute the null hypothesis that there is no God and thus support the claim that there is a God. The microscopes and telescopes have found no trace of Him whatsoever. This negative evidence is strong but not completely conclusive because the universe is a big place and a God signal may still turn up.

Until then what science can explain with God it can explain without God. The tsunami arose from natural causes — as did everything and everyone else in the universe.

— Bart Kosko

It doesn't take a weatherman — I'm not a scientist, and I don't know whether "global warming" is going on or not. Some scientists — for instance, Richard S. Lindzen of MIT — make me doubt that it is going on and, if it is, that it's caused by anything that people do. And I am always suspicious of scientific claims that are "universally accepted," or turn violently political.

Right now, "global warming" is probably the most politicized of all scientific issues. The fact that it is constantly proclaimed as the obvious truth, with all who doubt it relegated to the rubbish bin of moral and intellectual history, is enough to make anyone doubt that it's real — or, again, that it's caused by human beings. You just don't get that level of smug self-assurance from scientists and public officials who are careful about the problem of drawing "global" conclusions from diverse and fragmentary data. It's clear, as well, that we wouldn't hear one-hundredth as many dire declarations that the earth is warming — as it has been, off and on, for countless ages — if the warming

warriors weren't trying to sell various draconian political programs designed to Deal With It.

A few nights ago, I saw an amazing show on the so-called History Channel that asked the scientific question, Will the prophecies of Revelation be fulfilled in our time? Maybe they will be, the show insinuated, when "the ice caps" melt. (Background noises: Groan! Crunch! Splash! Gurgle! Smash!) That didn't make me feel any more confident about the Warming. Then, the next day, I was trolling a used-book store when I discovered a book that was popular in 1976. It's called "Global Cooling."

The book was written by a journalist named Lowell Ponte, whose research was wide, if not particularly deep. His arguments are actually a good deal fairer than those of most public advocates of the warming hypothesis.

He's not quite sure that the earth is cooling, and he's not quite sure that humans are responsible. He's willing to state his reservations and allow for varying points of view. Nevertheless, he does believe that (A) the earth grew warmer from the mid-19th to the mid-20th century and (B) has been cooling rather dramatically ever since.

He has some evidence, which would be tedious to rehearse. The entertaining thing is his citations from experts who agree with him. He cites a National Academy of Sciences warning about the significant possibility of a 10,000-year-long chill. And he quotes "a group of the world's leading climatologists" who in 1974 and 1975 pronounced the "near certainty" that climate change would result in "major crop failures within a decade."

That didn't happen. Neither did the global-warming predictions he cites, such as those of the people who met at MIT in 1970 and estimated that by the year 2000 the amount of the atmospheric "greenhouse gas" carbon dioxide would

WELL, I ALWAYS SAY
ACCENTUATE THE POSITIVE,
LIQUIDATE THE NEGATIVE.



SHCHAMBERS

have grown from its preindustrial level of 275–280 parts per million to 379 parts per million — or 390–400 parts per million, if you prefer the 1975 revisions of the forecast. The actual figure for 2000 was about 360 ppm.

Equally foolish predictions were made about the growth of earth's population, which Ponte and many other supposedly well-informed people imagined was a runaway train about to crash into the food-production barrier of a cooling (or warming) earth. According to "optimists," Ponte says, the human population of the world, with all its carbon-dioxide-generating proclivities, will rise to 6 billion in the year 2000, while "pessimists" predict 8 billion. Strangely, the "optimists" were right. The figure in 2000 was 6 billion, or a trifle more.

Every thinking person can see what happened. The population estimators, like their cousins, the climate cranks, considered only what Lindzen and other scientists call "positive feedback" — reinforcements of a trend — while discounting "negative feedback," the contrary forces that the trend may stimulate. Population pessimists assume that each generation will replicate its progenitors' habits of reproduction. Yet the experience of every industrial society has shown that new generations are repelled by the squalor of large families and, given the chance, do their best to limit their own family size.

As Lindzen suggests, similar things happen in earth's climate. Rising temperatures, for instance, produce clouds that help control temperatures. Such events happen in the sociology of intellectuals, too. Contrary to what hysterical anticommunists used to suggest, a victory for Marxism in one nation, party, trade union, or profession did not necessarily lead to victories in others. Success inspired further left-wing activity, but it also stimulated right-wing opposition.

Let's hope that such self-corrective tendencies are universal, and that hysteria of all kinds, especially the hysteria that attaches itself to science, where it least belongs, will continue to receive the sharply negative feedback it deserves.

— Stephen Cox

All I needed to know about government I learned at the stop light — My friend, Herb, says he never met a traffic light he liked. "They're just like laws. Lousy ones never get dismantled and they clutter up the intersections of my life." The last piece of legislation Herb respected was the Magna Carta. Who needs more?

"And when's the last time you saw a traffic light

removed?" he adds. "About the last time a Muslim was voted president of the Southern Baptist Association. Traffic lights and laws — as irreversible as a speeding bullet." He may be right. When's the last time a politician stood up in broad daylight and admitted to a lousy piece of legislation and called for its revocation?

And when did your traffic engineer admit that the light at Rural Road and Lullaby Lane was a needless impediment; and so proclaim on the front page of your local paper?

"Motorists, me and my staff are really sorry about the five-minute light we put on the corner of Gran Prix Boulevard and Old Rural Lane. Your bomb threats have convinced us. It's a bummer. (We just couldn't resist the 2-for-1 special from ACME Signal Corporation.) We'll take it

down tomorrow evening (during rush hour, naturally). There'll be free beer for all. And glass and metal fragments will be dispensed as souvenirs. Again, apologies to you patient Gran Prix travelers. If anybody lived on Old Rural Lane, we'd apologize to them, too."

What's operating here is the sin of pride. Lovers and weathermen are *always* apologizing. Traffic engineers and politicians, on the other hand, never do.

Both traffic signals and laws should attend to the delicate equilibrium between society and individual freedom. The stoplight that stacks up traffic on the eight-lane parkway is there to allow the eight residents of Serenity Lane to get out into the world. For them it's freedom, but for the 10,000 whose parkway progress is disturbed daily, it's a pain in the transmission. Trouble is, there's a constituency for Serenity Lane

and not for the eight-lane parkway.

One Wednesday night long ago, before the expressway was encumbered by traffic lights, those frustrated Serenity Laners gathered at the municipal council meeting and raised the devil about the mortal danger of the Parkway-Serenity Lane intersection. They spoke loudly and waved signs picturing maimed toddlers and shouted slogans like "Kids should be seen, not hurt."

Noisy voters bonded by a common cause, who wave signs and write letters to editors, often get what they want — their own traffic light. This Serenity Lane community that dreams of easy access to the world outside their environs is, in the classic sense of the word, a special interest group. And city planners have to please vocal constituents, especially sign wavers who write letters to editors. Result? BAM! A new light quicker than J. Lo sheds boytoys.



Think any of the expressway users scattered all over the county dropped in at that Wednesday night meeting? Nope. They are geographically and politically dispersed, as cohesive as pebbles on a beach. Therefore, they will pay the price for Serenity Lane's cohesiveness: a two-minute delay on the way to work. Not so terrible. But if the natural process of pleasing special interest groups adjacent to the expressway continues . . . well, the expressway is no longer an expressway. It's a thicket of lights. Gridlock — like Times Square on New Year's Eve.

And even when the ex-expressway has congealed into a parking lot, not one of the Serenity Lane folks will go down to city hall to sacrifice their highway access for the great good of the commuting multitudes. That's human nature. And it shapes our political as well as our automotive freedom.

— Ted Roberts

Judicial Activism for Conservatives—

The U.S. Supreme Court declined to hear an appeal in the matter of *Largess v. Supreme Judicial Court of the State of Massachusetts*. The appellants sought, on equal-protection grounds, to overturn the decision by the state Supreme Court about a year ago to allow same-sex marriages in the state.

The case involves a few delicious ironies.

The Massachusetts Supreme Court made a decision about state law based on the wording of the equal-protection clause of Massachusetts' state constitution — ruling that if the state granted marriage licenses to heterosexual couples, equal application of the law to all without discrimination required it to give marriage licenses to same-sex couples as well.

The state legislature gave initial approval to a constitutional amendment that would change the equal-protection

clause to ban gay marriages but allow civil unions. To change the constitution, the legislature must approve the same amendment next year and put it to the voters. If that happens, it could go on the ballot in 2006.

Thus the issue can be handled within the state under state law. There is no federal issue involved.

The case was brought by Florida-based Liberty Counsel, a conservative legal group, on behalf of eleven Massachusetts legislators. The grounds? The U.S. Constitution requires the federal government to guarantee a "republican form of government" in the states. The issue has never been adjudicated, partly because the question of just what constitutes a republican form of government is ticklish and partly because no state government has strayed too far from the republican reservation, broadly viewed. In this case, there is recourse from the "tyranny" of a legal decision, and that recourse is already under way.

The case was a real stretch for foes of gay marriage. These opponents routinely decry "activist judges." But in this case they were pleading with the U.S. Supreme Court to be activist in a way that would override the right of Massachusetts to make decisions for itself in an area that has never been considered part of the legitimate federal domain. Activist judges expanding federal power? What kind of conservative jurisprudence would that be?

— Alan W. Bock

Catch-6.2 — Michael Tanner, Director of Health and Welfare Studies at the Cato Institute, recently published a study titled "The 6.2 Percent Solution: A Plan for Reforming Social Security." Tanner writes, "[A]lthough the individual account option is completely voluntary for current workers, it will eventually become mandatory for those workers who have not yet entered the labor force. As a result, the PAYGO

News You May Have Missed

Chomsky Stuns Followers, Blames U.S.

CAMBRIDGE, Mass. — MIT Professor Noam Chomsky, speaking from his home in suburban Boston, forthrightly placed the blame for the December Indonesian earthquake and the resulting tsunami that killed over 150,000 people in half a dozen countries on the United States government and the global corporate elites who are conspiring with it to dominate and eventually destroy the world. "Nothing happens by accident," Chomsky declared. "I see the carefully calibrated calculations of the malign genius George W. Bush, exercising an implacable will and an almost superhuman intelligence, behind everything, not just the earthquake and killer wave but the fact that

I can't seem to find my car keys and bumped my head looking for them under the desk."

Chomsky argues that "nature" is a deceptive ideological construct designed to disguise the malfeasance and meddling of the CIA and other secretive government agencies and points out that the earthquake, not by coincidence, removed some of the very people — Swedish tourists, poor Indonesians and Sri Lankans — who were standing in the way of Bush's evil plan to seize control of all money and resources for himself and his friends and then, while stroking a large white cat and cackling maniacally, to kill everyone outside his secret underground compound in

Texas with a universal death-ray activated by a switch concealed in the arm of his specially made recliner chair. Chomsky, who concluded by chiding patriotic Americans for exaggerating the extent of their power in the world and concocting a simple-minded "devil theory" to explain everything they don't like, also blamed the earthquake-related destruction of the Minoan civilization of Crete in 1600 B.C., the Black Plague of the 14th century, the Basque separatist movement in Spain, and a bad Chinese takeout order he ate in October on the machinations of the U.S. government and global corporate elites.

— Eric Kenning

Social Security system will eventually be replaced entirely by a market-based one."

A mandatory, market-based proposal. That's what a policy analyst from Cato, the giant of free-market policy analysis, is proposing. It's difficult even to take Tanner's remarks seriously. Ellsworth Toohey would have had trouble with such blatant mendacity. Tanner, and the executives at Cato who let him get away with it, need a reminder: if a program

is mandated by the national government, it's not part of the free market. If politicians force you to do something, it's not "completely voluntary." Indeed, it's not voluntary at all.

The accounts aren't even "completely voluntary for current workers." Under Tanner's proposal, workers would face a choice. They either continue to pay 6.2% of their earnings into the Ponzi scheme known as Social Security, or they can pay that money into accounts mandated and regu-

Word Watch

by Stephen Cox

Words, like human beings, spend their lives ascending or descending the stairway of social esteem and status. A lot of silly things can happen on those long, twisting stairs.

Members of the Church of Jesus Christ of Latter Day Saints were once derided by their neighbors as crazy "Mormons" (after the title of their "third testament," the Book of Mormon). Then they decided to pick up the name and apply it to themselves. The same thing happened to "Quakers," the word that people used in sneering at early adherents of the Society of Friends, who always seemed to be shivering with enthusiasm. Something similar may be happening with "queer," meaning "gay," meaning "homosexual": it's on its way up.

"Queer" is an ugly expression, and I hope it slips somewhere and falls, but at least it's better than "gay, lesbian, bisexual, and transgendered people." That phrase is currently lodged in the linguistic basement, with other ten-ton samples of bureaucratic, pressure-group, and political-lobby lingo; but it's trying to hoist itself upstairs. Please don't give it any help.

Anyway, while "Mormon," "Quaker," and "queer" were rising, "catamite" (from Ganymede, the male lover of the great god Zeus) and "bohemian" (from Bohemia, a respectable European

How could he say no?

So they had to shuffle,

Shuffle off to Buffalo.

But that song was a signal that "belly" was back, and shimmying brazenly up the stairs.

Is "Christmas" back, or forth? That question preoccupied me throughout the recent season of year-end frivolity, which was marked by an unusual amount of political conflict over words. The aggressors were the fundamentalists — not the fundamentalist Christians, this time, but the fundamentalist atheists, who can be just as much of a pain in the rump. These are the people who succeeded in pressuring mayors, public-school principals, and managers of commercial enterprises around the country into converting Christmas trees into "holiday trees," Christmas musical events into "winter concerts" (who would want to celebrate "winter," for God's sake?), and the store clerk's robust "Merry Christmas!" into a flaccid "Happy Holiday."

Now look. December 25 isn't a "holiday" because it's in "winter"; it's a holiday because it celebrates the birth of Jesus. That's just a fact. And "winter concerts" consisting entirely of songs like "Jingle Bells" and "Have a Holly, Jolly Something" show a good deal less than perfect sensitivity toward the poetry of song, not to mention the needs of junior high-school music instruction. That's also a fact. Why should anybody raise a row over a bunch of kids playing "Silent Night" on their tubas and xylophones? Does the Chicago Symphony refuse to perform Handel's "Messiah" because that work proclaims the divinity of Christ?

To me, the great Christmas Controversy of 2004 was a reminder, not that America is becoming a secular nation, but that America is still the most religious nation on earth. The only difference is that the aggressive, self-righteous, puritanical religion of the present day is multicultural atheism, fully equipped with its own array of linguistic superstitions.

Every form of puritanism gladly sacrifices beauty to its superstitious pursuit of "goodness" and "truth." Just as the religious rotters of the 17th century smashed church organs because they were an offense to their view of the primitive (and therefore veridical) church, so the "secular" rotters of the current age think nothing of asserting, in effect, that learning the lyrics of "Frosty the Snowman" will do more for the seventh-grade intelligence than learning the lyrics of "Once in Royal David's City." On the same assumptions, I suppose, children should be forbidden to act

The aggressive, self-righteous, puritanical religion of the present day is multicultural atheism, fully equipped with its own array of linguistic superstitions.

country whose moniker descended upon people of doubtful respectability elsewhere) passed them on the staircase, coming down. Other words climb and fall, then pick themselves up and climb again. "Piss" got into the King James Bible, then tumbled completely out of polite usage; now, however, it's almost respectable enough to use in a urologist's office.

During the genteel age of American writing, "belly" found itself so far downstairs that nice people were afraid to use it. Hence the comic song in "42nd Street" (1933) about an unfortunate sex encounter:

He did right by little Nellie

With a shotgun at his bel — . . . tummy;

lated by the national government. And if a worker simply wants to keep that money and spend it as he or she chooses? That's not allowed — and any attempt to deviate from the "choices" specified by the national government will result in persecution by national enforcement agencies. Tanner seems to think that "completely voluntary" means "do it or else."

Tanner recommends "individual accounts [that must]

in Shakespeare: just look at those shocking *words* they'd be forced to *say*!

We do not hear, as yet, that "Happy New Year!" will be banned along with "Merry Christmas!", but just wait till somebody notices that numerous minority groups do not start *their* new year on January 1. And there are many children — I am one — who ordinarily find the new year depressing. Why should *our* sensibilities be abused by seeing "Happy New Year!" glaring from the blackboard? It's as if our *feelings* didn't *count*. And did you realize that Valentine's Day is the celebration of a Roman Catholic saint? Not only that; it's a standing offense to all who have loved and lost. Surely the *pain* such children feel can never equal the pleasure others take in cutting hearts out of construction paper and writing "I Love You" upon them.

Of course, you can make all kinds of arguments about what should or should not go on in public schools. Murray Rothbard was right when he said that quarrels about "public" places can have no convincing solution — because who has a "right" to a "public" place? What's within the province of this column is not the legality or even the politics of this mighty issue; it's the psychology.

Take the private businessman who forbids his employees to wish the customers a "Merry Christmas!" That's his right. But what psychological principles are in play? The businessman, of course, is scared that someone, for some reason, may possibly object to the customary expression of theological good cheer. So let's think a little more about this real or imagined objector. What is his psychology? Such a person must imagine that if I am not a Christian and do not celebrate Christmas, I am injured in some manner by a stranger's benevolent wish that I enjoy myself on Christmas day. Such a person must believe that "Have a nice day!" is innocent and innocuous, except when the day is December 25 and the good wishes are cloaked in religious language. Then it becomes insidious and hurtful. Perhaps he also imagines that any person, black or white, who wishes me a happy Kwanzaa is assaulting me in some way. Just imagine! The cashier at Denny's actually wants me to be *happy*! The nerve of that woman.

People who imagine such things are — not to put too fine a point on it — more than a little bit goofy. They are also going a lot farther in devotion to religious principle than even Jesus Christ was willing to go. Criticizing the puritans of his day, he said that a person is "defiled," not by the "unclean" foods he puts into his mouth, but by the evil that comes out of it (Mark 7:14–23). He apparently had no idea that a person can be defiled by what gets into his ears while he's collecting his change at the sales counter. And I'm certain that neither Jesus nor James Madison would have stood at the bottom of the staircase to keep expressions decked out in their holiday best from going on up to the Christmas party.

be invested in real capital assets under a three-tiered system." Magnanimously, he wishes to initially give workers "a choice of three investment options." Three whole options? What benevolent dictators Cato endorses!

These "voluntary" accounts will be regulated by the national government, and thus sustain Social Security, not eliminate it. Tanner's admission that "there will almost certainly be a short-term requirement for additional revenues" acknowledges the costs of transition, but he must be naive to think that the money will come from cutting Medicare and corporate welfare, rather than raising taxes or increasing the national debt.

Cato is located in Washington, D.C., yet Tanner seems to have an idealized vision of how Congress operates. Tanner fears "government investment," but his plan entails overwhelming government control of investment. But of course Congress would never fight about which investments are "appropriate" according to some interest group. While Tanner's plan is better than giving the national government full control over the money, it is still a statist system.

Unfortunately, Tanner is not the only advocate of mandatory accounts at Cato. José Piñera, co-chairman of the Cato Institute Project on Social Security Choice, wrote a similar article for the New York Times (Dec. 1). Piñera describes Chile's system, which he admires: "10 percent of [workers'] pretax wage is deposited monthly into a personal account. . . . Workers may choose any one of several competing private pension fund companies to manage their accounts. Those companies can engage in no other activities and are subject to strict supervision by a government agency." Piñera suggests such a system "is based on ownership, choice and personal responsibility." In fact, it is based on coercion.

People who advocate free markets don't want the government to strictly supervise the investment of 10% of wages. Furthermore, forced investment is a direct violation of individual rights that results in the destruction of value. The more limitations the state places on the use of income, the less valuable that income is to the earner.

Those who support mandatory, regulated accounts don't like Social Security, but they don't have the moral fortitude or intellectual integrity to admit the obvious: Social Security should be abolished. So instead Tanner and like-minded wonks pretend that "replacing" Social Security with a system of mandatory, regulated accounts is somehow desirable.

I propose a radical alternative to the Cato proposal: Social Security should be phased out. This can be accomplished in two ways: gradually increase the age at which benefits are paid or incrementally reduce real benefits for new retirees. This can be achieved without touching the benefits of current recipients, if that's politically necessary. Furthermore, the Social Security tax would be reduced only as benefits were reduced, so there would be no danger of Congress borrowing more.

As a matter of policy, it's probably wise to attack only the general retirement provision of Social Security first, and leave for another day the debate over funding the elderly

poor and the disabled. Nevertheless, when the issue arises, market advocates must not shy away from criticizing the welfare state in all its manifestations.

The phase-out plan is simple and compatible with free markets. While the initiation of force would continue in lessening degrees for a period of time, eventually Social Security would be wiped out. In its place would stand liberty, not a shadow statism composed of mandatory accounts and "completely voluntary" doublespeak.

— Ari Armstrong

Withdraw or conscript? — The announcement that the number of U.S. troops in Iraq would be increased to 150,000 during the prelude to Iraqi elections scheduled for Jan. 30 almost counts as a grudging bow to reality — hardly a popular place in the administration. It would probably be too much for this administration to acknowledge what the move tacitly admits: that previous troop levels have been insufficient for tasks that have proved more difficult than our top leaders let on.

Actually, the move in early December was a second installment in a belated, almost covert recognition of reality. In October, 6,500 U.S. troops had their tours of duty in Iraq extended.

So when do we start to rethink the mission in Iraq, to bring it more in line with a realistic assessment of current U.S. resources and will? The alternative would be to increase the size of U.S. military forces substantially, which might or might not be politically feasible.

Ideally, military commanders like to have available three times the number of troops actually in place in a theater of operations. The idea is that at any given time a third of those troops are deployed, a third are training to be deployed, and a third are doing rest and rehabilitation after coming home, preparing to go overseas again. This regimen can be altered or speeded up, of course, but it's the

preferred way to go.

Thus to support a need for 150,000 troops in Iraq, you would need 450,000 troops dedicated to Iraq. But Congress just increased the mandated size of the Army from 482,000 to 502,000, and troops are deployed, believe it or not, in places other than Iraq. If 150,000 troops are going to be deployed in Iraq on a long-term basis, the military will be somewhat stretched.

Reduce commitments or institute a draft? Those seem to be the only realistic options.

— Alan W. Bock

But who's counting? — Arnaud de Borchgrave has reported that in a lot of mosques, it has been preached that Allah punished Western culture by sending us a tsunami between two big Christian holidays. I personally avoid this kind of speculation. But if pressed, I would point out that fewer than 100 of the victims were American, and the vast majority were Muslim.

— Tim Slagle

Enemies everywhere — Unlike some others in this administration, Donald Rumsfeld is not stupid; he's quite eloquent and even aware that not everyone agrees with his view of Iraq. Even so, based on his comments to the troops over there this Christmas, he apparently still thinks denial is only a river in Egypt — a place, incidentally, that's ripe for trouble once Mubarak kicks the bucket.

Rumsfeld exhorted his audience that "when it looks bleak, when one worries about how it's going to come out, when one reads and hears the naysayers and the doubters who say it can't be done, and that we're in a quagmire here," to pay no heed, for there have been such doubters "throughout every conflict in the history of the world."

He then went on to say that he was going to push ahead with the global war on terror, wherever it may take the U.S. military, and for however long it takes. Something like that should fill the hearts of men with terror, not good will.

Is there reason to question his mental stability, as well as

News You May Have Missed

Bush Hails Blind for Leading Blind

WASHINGTON — President Bush, who described the Iraq War as a "catastrophic success" during his re-election campaign last year, said yesterday that he hoped to turn things completely around this year and make the war a "successful catastrophe." To that end he has appointed a distinguished disgrace, Bernard Kerik, to head the newly created cabinet-level Department of Insecure Security, where he will preside over a staff of stupid intellectuals who will implement and coordinate reckless precautions, despondent hopes, minuses on the plus side, breakthrough stalemates,

transparent cover-ups, tar-based whitewashing, and other oxymoronic initiatives throughout the federal government.

In a related development, the president announced that three principal figures of the war, General Tommy Franks, former CIA director George Tenet, and former Iraq occupation autocrat Paul Bremer, who were honored with the Presidential Medal of Freedom on Dec. 14, would be given a new award, the Presidential Medal of Cheap Plastic, in a ceremony on the White House lawn scheduled for Friday, the 13th of April. The medal, which looks

good from a distance, is intended to honor the ability not to see what is right in front of you. The president, who now wears a blindfold emblazoned with the presidential seal to prevent any accidental reading of newspapers, singled out Franks, Tenet, and Bremer "for having the foresight to have no hindsight whatsoever, and vice-versa," before tripping over some TV cables and plunging headlong into a crowd of reporters. Administration sources explained that the president's seeing-eye dog, Karl, was at the vet's office being fitted with new glasses.

— Eric Kenning

his judgment? When he said: "The battlefields of the global war on terror are everywhere one looks," it struck me as something a paranoid would say.

It was especially ironic when he commented, "[The insurgents] can go out across the world and take young people and put things in these schools and teach them that their goal in life has to be to go out and kill innocent men, women, and children, and they can find recruits." I wonder if any of the soldiers thought he was hitting a little too close to home.

— Doug Casey

Fly the friendly ether — Last year I drove up to Mojave to see Burt Rutan's SpaceShipOne kick-start the private space race. It was a festival of delight in entrepreneurialism. This year could see private space travel make significant steps toward becoming a commercial enterprise offering ordinary people, not just government astronauts or people with \$20 million to spend, a chance to travel in space for an affordable price.

The Ansari X-Prize Foundation in St. Louis, which offered the \$10 million prize Burt Rutan and his Scaled Composites Company won in October, has already announced the X-Prize races, to be held in New Mexico. This series of events will offer prizes for would-be private space travel providers for going higher, faster, or traveling with more maneuverability. Several providers said they were close to meeting the criteria for the initial prize, but Rutan, with backing from Microsoft co-founder Paul Allen, got there first. Virgin Atlantic founder Richard Branson has already placed an order for suborbital space vehicles and wants to start flying passengers by 2006 or 2007.

Hotel magnate Robert Bigelow is offering a \$50 million prize for building a vehicle capable of orbiting the earth twice with five passengers and docking at a space hotel he hopes to build. Rep. Dana Rohrabacher has introduced a bill to provide the kind of light-handed regulation budding space-travel entrepreneurs will need to innovate. And so far the Federal Aviation Administration has chosen to cooperate with private space travel enthusiasts rather than throwing bureaucratic roadblocks in their way.

— Alan W. Bock

Nature au naturel — Like a lot of celebrities, he lives in Manhattan. His building is right on Fifth Ave., facing Central Park. He's a well-known movie star. Like a lot of movie stars, he's run through a few female consorts since he got famous, fathering kids with each of them. And like any celebrity, when he runs into trouble, it's a big story, a scandal made to order for screaming tabloid headlines and the 10 o'clock news.

This is a bird we're talking about. A real one. Not a mob canary, not a stool pigeon, not an ambulance-chasing vulture with a law degree, not a night owl or dead duck or gone goose or other common New York avian sights. Pale Male — that's the nickname of the celebrity hawk who more than ten years ago built an eight-foot-long nest made of twigs and branches high on the facade of an elegant Fifth Ave. apartment building, attracting crowds of enraptured birdwatchers and becoming the subject of a documentary film as he went about his business of soaring and hovering

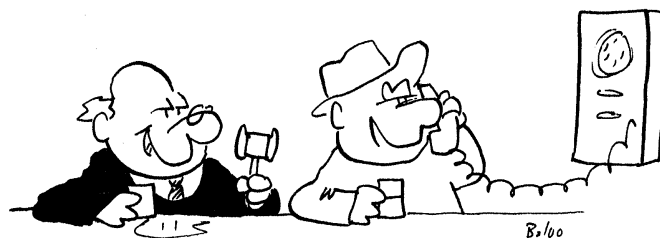
and sky-diving into the woods of Central Park for the kill, ordering takeout and returning to his cluttered nest with the food like everybody else.

On Dec. 7, after a few residents of the snooty building, where apartments sell for millions of dollars, objected to the pigeon carcasses, rat limbs, and similar déclassé garbage that occasionally fell from the nest to the sidewalk below, threatening their Manolos and Guccis, the co-op board voted to remove the nest and the antipigeon spikes that had held it in place. The immediate result ruffled the feathers of the residents far more than any mere rat limbs or bird droppings. They got hit in the eye with a very big, very bad glob of publicity. Sign-waving, chanting protesters were parked on the edge of the park across the street all day, every day, joined by one of the building's more famous residents, Mary Tyler Moore, along with TV crews and gawking hawk-lovers. You could buy Pale Male t-shirts from sidewalk merchants. The cowed co-op board sheepishly retreated, voting by the end of the month to restore the anti-pigeon spikes, plus a platform to catch any debris, effectively inviting Pale Male, who had been trying without success to rebuild the nest, back. And no maintenance fees, no rent, no doorman's Christmas bonus. Pale Male, like other well-off Manhattan apartment-dwellers, will be able to hawk his really, really lucky real-estate story to anyone who will listen and crow about his great find while pretending to pity all those poor pigeons out there with raw deals, and then he can get down to the serious, full-time, never-ending business of renovation and remodeling. Maybe he can enlist a few of the city's 1.3 million or so gay interior decorators to give him advice this time — *Queer Eye for the Straight Bird*. "Oh, lose those appalling pigeon bones, love. Maybe we'll just try a few silk pillows?"

Anyway, it was good publicity for Nature, Inc., which otherwise had a bad month. Hawks and earthquake-spawned tsunamis, both 100% natural. Natural heroism and natural terrorism. It was useful to be reminded, dramatically, all in the same month, that Mother Nature is, after all, only human-all-too-human, creative and destructive, angelic and demonic, lustrous and monstrous. Nature is every bit as morally ambiguous as we are. Or is it the other way around? As that quintessential New Yorker, Pale Male, might say, "You and me, buddy, we gotta whole lot in common."

— Eric Kenning

Vaporizing research — During U.S. Supreme Court oral arguments in *Ashcroft v. Raich*, the latest medical marijuana case, Justice Stephen Breyer commented that



"Why, no, dear — I'm sober as a judge!"

instead of passing a patchwork of state laws, medical marijuana advocates would be better off petitioning the Food and Drug Administration to have marijuana, or cannabis, reclassified as a prescription drug. "Medicine by regulation is better than medicine by referendum," he opined.

Not to put too fine a point on it, but both regulation and referendum are lousy ways to do medicine. It's probably utopian to dream of conscientious research and dispassionate scientific investigation, unhampered by bureaucratic constraints or popular passions. Given the current system, Justice Breyer's suggestion sounded reasonable on its face.

The FDA model is unlikely to work as long as marijuana is subject to strict federal prohibition and the Drug Enforcement Administration, with a vested interest in preventing research that might call into question the notion that marijuana is a devil-weed with no redeeming characteristics, has veto power over who can do research.

On Dec. 10, after a delay of almost four years, the DEA rejected a 2001 proposal from Dr. Lyle Craker, professor of plant and soil sciences at the University of Massachusetts at Amherst, to grow marijuana for FDA-approved research. The decision came only after Dr. Craker filed a suit in July demanding a response.

Currently, the only marijuana available for research is grown at a Mississippi farm overseen by the National Institute on Drug Abuse. But researchers claim that the product is of poor and inconsistent quality.

Furthermore, if the FDA were ever to consider approving something as a prescription drug, it would have to review clinical trials on the product that was going to be

sold. The federal farm at Mississippi has no intention of getting into commercial growing. Dr. Craker's proposal had in mind developing strains of clinical-grade cannabis that could eventually be used commercially, if the FDA were to give its approval.

Well! The DEA had to stop that idea in its tracks. The DEA's letter also included a fascinating pre-judgment. "Current marijuana research has not progressed to Phase 2 of the clinical trials because current research must use smoked marijuana, which ultimately cannot be the permitted delivery system for any potential marijuana medication." Not only does this ignore the fact that tests are beginning in California using vaporization (a technique by which cannabis can be ingested without being smoked), but it decides in advance a question that should be subject to the very research that opponents of medical marijuana say needs to be done before it can be approved.

By denying the application, the DEA effectively prohibited any research that might eventually lead to FDA approval of cannabis as a federally authorized prescription drug. The decision said, in effect, that the feds don't approve of the medicinal use of marijuana, and they will block any research that might challenge that predetermined opinion.

The decision renders ridiculous the constant whine of medical marijuana opponents that we simply can't allow medical use without more research. They're the ones preventing research. But don't expect them to stop using that lame excuse, and don't expect too many people in the establishment press to call them on it.

— Alan W. Bock

Letters, from page 6

even if he is right, which is in dispute.

Chris Wiswell
Seattle, Wash.

Love the One You're With

R.W. Bradford's reasoning that Badnarik got many votes from Nader and Green supporters (January) is on target and needs some explanation. For many years some libertarians have preached and practiced a strategy of working with the Left. This began with Murray Rothbard working with Marxists in alliances to end the Vietnam War and continued with the Radical Libertarian Alliance and others through the '70s working for McGovern, Hatfield, and drug legalization campaigns. During this time we had little success because people on the left were either

(1) Too tied in with the Democratic Party.

(2) Too involved with Marxism and other authoritarian structures.

(3) Too amorphous in lifestyle and ideas to do any real organizing.

After attending a Green convention in 2002, I realized that here was a group that was pro-decentralization, willing to say no to the Democrats and the authoritarian left and organized enough to be on the ballot and run candidates. Many other libertarians recognized this as well. What made our working with the Greens possible is that the Greens perceived us as being similar in size and in opposition to the establishment. During the campaign we had a series of friendly debates. Cobb and Badnarik got arrested in St. Louis and cooperated on various projects. Since we were friendly with the Greens, when they were not allowed on the ballot in many states some of their supporters voted for us. This default libertarianism can work for us when we work together on referendums and anti-war protests. My hope is that

on a local level we can place some referendums on instant runoff voting and proportional representation and that we will become the second choice of the left more and more. This strategy will also work with conservatives such as the Constitution Party. To build liberty we need to work on single coalitions and outreach. This strategy can work for LPers and non-LPers alike.

Don Meinshausen
Hoboken, N.J.

Worse at Second Glance

In "Lies, Damned Lies, and Election Analysis" (January), R.W. Bradford compares the LP presidential candidate's vote share in 2000 with 2004 for three states: Nevada, New Mexico, and Wisconsin.

The New Mexico data read .37% in 2000 and .31% in 2004. However, the data presented on the New Mexico

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The Conversion of a Gun Grabber

by Bruce Ramsey

If guns couldn't help the Swiss or the Branch Davidians, what good are they?

I was never that interested in guns. My dad, a hunter, gave me a fine Japanese shotgun, a 12-gauge double-barreled side-by-side; I downed a few pheasants and ducks with it and nailed one sad jackrabbit, then sold it to my cousin for a hundred bucks. I was a city fellow. I didn't need a gun, and for years I didn't have one.

I was tempted once. A gun-owning friend took me out for a shoot with his AR-10 semiautomatic, a castoff of some African army, and I pulled off ten rounds at a tree stump. I pretended it was a communist tree stump, and blasted it to hell. Wow! I could understand my friend better after that, but I didn't get a gun myself.

Some folks argued that they needed a gun for self-defense, but I never did. I never lived in a high-crime area, and I figured that even if I had a gun it wouldn't be handy at the moment I needed it. The handier it was, the greater the risk of me killing the wrong person, or having my gun used by someone else, and the greater hassle it would be. If I bought a gun, I'd put it on a shelf somewhere, and what good would it be? To hell with it.

In 1993 I returned to Seattle from three and a half years in Hong Kong. The United States was in the midst of an epidemic of drive-by shootings. There was one at the high school nearest my house. Some kid meant to shoot at another kid but did it from a moving car because he was nervous and shot other kids instead. Bang, you're dead. This would not have happened in Hong Kong, because kids couldn't get guns there. Adults couldn't get them. They were banned. I suggested in one of my newspaper columns

that guns be banned here, too.

Conservatives and libertarians hated what I wrote, and several called me a communist. One sent me a baby pacifier. My progressive colleagues (which was most of them) congratulated me on my fine logic.

I was uneasy about that, because I was being praised by the wrong people. I reviewed my arguments.

All individuals, I agreed, have a right to defend themselves. But not with any kind of weapon — not with a nuclear weapon, certainly. Not with a howitzer or a mortar, land mines or a machine gun. Those are too dangerous to be allowed for general private use, and no civilized country allows them. And that means there can be no general right to own a weapon, but only a right to own a *certain class* of weapons.

What weapons? Ones useful for self-defense. That might include pistols, rifles and shotguns, and it might not, because those things can be used offensively, and they are designed to be lethal. A society, even a libertarian one, might say that people could defend themselves with pepper spray or electric zappers, or by taking karate and having a dog, or with deadbolt locks and barred windows, but not with devices designed to kill. Private ownership of guns means amateurs in control of lethal force. I didn't

want that. Too many morons.

The gun people made the argument that it's not guns that kill people, but people who kill people. Banning guns, they said, was as stupid as banning steak knives, scissors, or even cars and trucks, since all those things can be used as murder weapons. But by that argument, a razor blade was indistinguishable from a machine gun. I thought that was a fatuous argument, and I still think so.

The gun people argued that guns were an "equalizer" of special value to women and old people. But there are other

I pretended it was a communist tree stump, and blasted it to hell.

equalizers, and most shootings were of young men by other young men. The demand for guns was mainly not from old ladies.

The gun people also argued that when guns are outlawed, only outlaws will have guns. There was a bumper sticker to that effect, and it was tautologically true. But I recalled Hong Kong. Nobody had guns there except the cops, a couple of Gurkha regiments, and a handful of outlaws with connections in China. Petty criminals did not have them. You could not buy guns or ammo or reloading supplies. These things were just not available — and when I was living in that very dense, impersonal city, the homicide rate was about *one-sixth* that of the United States.

Don't tell me that gun control can't work, I thought. I have seen it work. And it was not in an authoritarian society, but in the place that the Cato Institute says, year after year, has the freest economy on earth.

I was right about Hong Kong. But America is a different place. Millions of Americans had guns, ammunition, and the technology for reloading cartridges, and they were scattered over an immense area. They had a strong desire not to have their guns taken away. To make America like Hong Kong would require draconian, invasive enforcement pursued over decades, confiscating not only guns but ammunition and reloading supplies. It would mean severely restricting hunting, or maybe banning it altogether. People would hate it, and they would resist. It would also mean cutting a hole in the Constitution — *another* hole, because there were several already. It would mean giving officious, moralistic "progressives" even more powers to order people around. Ugh.

In the abstract, I liked the idea of a gun-free society. If I were setting up a new society, on Mars maybe, that's the way I'd do it. But that wasn't the question.

The gun people had one more argument, that guns were connected with freedom. The real reason we needed guns, they said, was to defend ourselves from invaders, like in the 1980s B-movie "Red Dawn," or from an oppressive government, like the Nazis. If the Jews had had guns, they said, the Nazis would not have been able to come for them. One of the first things the Nazis had done upon taking power, the gun supporters said, was to take away the people's

guns.

They offered no documentation for that, and I couldn't find any. I found a source called "Firearms Regulations in Various Foreign Countries," published in 1990 by the Law Library of Congress. It said the Germans had passed a law in 1928, five years before the Nazis came to power, requiring a license to buy handguns and rifles. In 1938 the Nazis amended that law, *lifting* the requirement for rifles, encouraging people to buy them so that the nation would be more militarily fit. The law also let Nazi officials buy handguns without a license. Gun imports were banned, but the motive was to stimulate the German armaments industry. Finally, the book said the law in effect during the Nazi years was much less strict than the law in effect in Germany in 1990.

The histories I consulted listed all sorts of restrictive things the Nazis did to the Jews, right from the start. These sources didn't say anything about guns.

I thought about Jews defending themselves with guns. If you're a Jew in Germany in 1942, and the Gestapo is knocking at your door, it does no good to have a gun. Use it and you're dead. It was the same in the 1990s in Idaho for Randy Weaver or at Waco for the Koresh cult. Guns do not protect an individual or a small group from the state. They are worse than useless. They are an incitement. They bring the state down on your head.

Regarding national defense, the gun people used the argument of Switzerland in World War II. In Switzerland, every man of a certain age was in the reserves, and had a rifle at home. And because of that, the gun people said, the Germans did not invade Switzerland. I tended to believe this until I read an account of Switzerland and the war, Angelo Codevilla's "Between the Alps and a Hard Place" (Regnery, 2000). That made it clear: Germany had refrained from invading Switzerland because of the Swiss Army's bloody-minded determination to use the Alps as a fortified redoubt, with as much organization and advanced weap-

Guns do not protect an individual or a small group from the state. They are an incitement. They bring the state down on your head.

only as it could get. The (conscript) reserves were part of the strategy, but the Swiss were not expecting to hold off Panzer divisions with a mosquito swarm of small-arms fire.

Regarding revolution against a state, the gun people tended to use our own Revolution, in which the armed Americans beat the British. Even then, I discovered, the citizen militias were notorious for turning tail rather than facing the Redcoats. It was Washington's professional army, trained by a Prussian, fortified with artillery and backed by the French Navy, that won the battle of Yorktown. Farmers with muskets played a role in the Revolution, but they could not have won it.

continued on page 28

Outsource Me, Please!

by Anonymous

After the technology market crash of 2000, many in the industry turned protectionist. A software developer makes his plea for open markets and competition.

Every day I work in the United States, most of what I do should be done in Mumbai or Bucharest or Manila. My work should be outsourced.

April 1996: I gave a lecture to a small group of engineers in Madras (now Chennai), India. They smiled broadly and rocked their heads vigorously from side to side. Thankfully my wife had instructed me that the south Asian head waggle indicates agreement. Within a few days we had resolved some tricky software problems and my employer's first major outsourcing project was on track.

I was born in 1953 when the United States was at the zenith of its economic advantage as the only major industrial power without significant damage to its homeland in the Second World War. The United States and other industrialized countries also had a knack for dictating favorable terms of trade to the developing world, getting oil, bananas, coffee, and many other commodities at low prices while selling manufactured goods at relatively high prices.

For 15 years I had worked with Indian engineers at Intel and other high-technology companies, admiring their hard work, intelligence, and determination to succeed. Now I was working with a new generation of engineers who no longer had to emigrate in order to work with U.S. companies on U.S. projects. The cost of pay, benefits, and overhead for a U.S. software developer exceeded \$10,000 per month in 1996. We paid less than \$2,000 per month for the services of each Indian developer. As with U.S. developers, quality varied. We worked with three Indian companies, one unsatisfactory, one mediocre, and one of outstanding quality. We resolved all problems and finished our project with quality work, on schedule and on budget, saving my employer hundreds of thousands of dollars in development costs.

The developed world offered aid to the "Third World," partly out of genuine altruism and partly because of the competition between the Western "First World" and the communist "Second World." The aid was accompanied by rhetoric and assurances: the aid was a hand up, not a handout; the already industrialized countries would trade with the developing countries. Trade was liberalized, in blocs such as the European Common Market and the North American Free Trade Agreement, and in worldwide agreements such as the General Agreement on Tariffs and Trade. Americans became accustomed to buying foreign-made clothes, then autos, and then electronics as well. In consuming the fruits of free trade these past decades, the woes of my fellow

American workers have not concerned me. The auto workers of defunct American Motors, the electronics assemblers who once built U.S. television sets, and the artisans at a hundred textile companies in the South — all lost their jobs with nary a tear from me.

In 1980, 16 years earlier, I installed a computer process control system in a sawmill in the rural South, in Arkansas. As a young engineer, I pompously explained to the graying veteran who operated the sawing machine that the computer would now position the log for sawing, as it would be able to produce a better yield from the log than he would. His job would be reduced in scope to simply moving the log laterally back and forth through the saw. He told me that I was taking the skill out of his job; he resigned a few days later. I then realized concretely what I had known abstractly: that the economic rationale for most information technology is the replacement of human labor.

In 1965 the United States, shedding its own apartheid past, reformed its immigration laws, allowing immigration from Asia and Africa as readily as from Europe. The first generation of Indian engineers immigrated to the United States, welcomed and needed in a country with a perennial shortage of technical graduates. Many went to work in the booming computer and electronics industries.

At Intel in the late 1980s our division was building a very technically advanced computer system. One-third of the engineers in many groups were immigrants from India. These men and women weren't low-cost commodities, but the best available talent, building the future of computing. The wife of one of those engineers started her own small business, sending small programming jobs to colleagues in India.

The Internet changed everything. Suddenly, any job which dealt primarily in information could be done by the lowest bidder anywhere in the world with a telephone line. The information workers displaced by the resulting wave of outsourcing were highly paid, politically savvy, and vocal in their communities. The pain of outsourcing became front page news after the year 2000 technology market crash in the United States; it has stayed on our front pages ever since.

In India I browsed in a bookstore containing books written by Indians for Indians. The business, medical, scientific, and technical books were in English. Most of the Indians I met spoke some English and many were fluent. I was told that if a businessman from Delhi wanted to converse with a businessman from Tamil Nadu, they would probably not converse in the Hindi of Delhi (nominally the national language) nor the Tamil of Tamil Nadu, but in English. In the hotel the satellite TV channels carried computer skills tutorials around the clock. I grasped the potential of a billion people in a free democratic India able to provide services over the Internet to other English-speaking nations.

Outsourcing is now a worldwide phenomenon, but it began with India doing work for the United States. These two countries at the antipodes are more alike than many realize: the world's two largest democracies, both with strong religious influences, both with governments traditionally separate from religion, both with multicultural and heterogeneous societies, both strongly influenced by Great Britain, and both devoted to forward economic, cultural, and technological progress.

eties, both strongly influenced by Great Britain, and both devoted to forward economic, cultural, and technological progress.

Madras was a city of 5 million people without a single traffic light. Traffic at intersections moved all ways at once, in a cooperative chaos of three-wheelers, motorbikes carrying entire families, and bicycle rickshaws. I braved the traffic for an outing with two Indian entrepreneurs who had returned from successful careers in the United States. They proudly showed me their software factory: 300 programmers, many of them women, under one roof. In 18 months this team wrote several hundred applications for a U.S. state government. India's brain drain of 20 years before had turned into a modern brain gain as former Indian expatriates returned and helped build a multi-billion dollar outsourcing industry.

The woes of my fellow American workers have not concerned me. The auto workers of defunct American Motors, the electronics assemblers who once built U.S. television sets, and the artisans at a hundred textile companies in the South — all lost their jobs with nary a tear from me.

If human rights mean anything, then the young engineers in Beijing and Ulaanbaatar, in Cote d'Ivoire and Johannesburg, in Caracas and Kiev, should all be free to compete to do my job.

Outsourcing is the triumph of economic law over human contrivance and conceit. The West erected expensive welfare states with a focus on entitlement and protection rather than efficiency and production. The West relied on immigration restrictions to keep the developing world's relatively infinite pool of cheap labor from undermining these cozy political arrangements. The borders maintained in geography have now dissolved in cyberspace. Jobs migrate over electronic networks at the speed of light, to where work can be done most efficiently and economically.

Immigration, guest-worker programs, and outsourcing are different ways of addressing the same imbalance. When nations restrict immigration or guest workers, more outsourcing may result. Restrict all three and the nation stagnates economically. Allowing more skilled workers to immigrate may depress wages, but the new workers at least pay taxes in the developed world to sustain the welfare and pension programs that we rely on. New workers brought into the country are also new consumers, contributing to growth in overall economic output, if not in per capita income.

Ashwin immigrated from Chennai and joined our U.S. firm just out of college. He was still learning a few things and I was happy to help him. We've stayed in touch. He is now a senior software architect in Texas with a home, a wife, and a child, paying U.S. taxes and bolstering the U.S. economy.

Economic freedom feels good when it works to my advantage, when I am the highly paid worker or the purchaser of inexpensive goods. Each particular producer is tempted to abandon economic freedom in favor of protection or monopoly when he feels the heat of competition. To make that temptation into policy ruins a nation, because an already uncompetitive nation paying higher prices for steel, for software, and for a thousand other products becomes even less competitive.

Protection also has non-economic costs: the personal acceptance of job stagnation in exchange for temporary security; the hypocrisy of embracing the free market when it benefits us and discarding it when it benefits others; and the diminution of our professions from serving humankind to serving ourselves.

In 2004, my employer weathered the technology depression, surviving and staying profitable. We shed one-third of our software staff along the way. Because we are not hiring many junior developers, much of the day-to-day work that our experienced developers do is routine work that could possibly be done less expensively overseas, freeing up our time to develop improved products.

We are long past the days when those of other nations, other colors, or other religions could be regarded as less than human. In 1948 the world, through the United Nations, adopted the Universal Declaration of Human Rights, which proclaimed the "equal and inalienable rights of all members of the human family." In other words, we are humans first and Americans or Indians, Europeans or Africans, second. If human rights mean anything, then the young engineers in Beijing and Ulaanbaatar, in Cote d'Ivoire and Johannesburg, in Caracas and Kiev, should all be free to compete to do my job.

Besides, what is America but an idea? It is not the cobbled-together territories and peoples of just another nation-state. The true America is in many places now, in Estonia and Bangalore, in Santiago and south China, wherever the spirit of freedom is advancing against statism and stagnation. My tribe is these true Americans, wherever they live.

Outsourcing is not altruism. If 3 million Americans produce information technology services, nearly 300 million consume and benefit from those services. With outsourcing we can afford to do things that we could not otherwise afford: improve software, streamline business processes, and save our companies billions of dollars. For small companies and new ventures, outsourcing's cost savings can make the difference between survival and failure.

So, outsource me, please! If I do not find another place in this economy, then I will go and again ride on the back of Mr. K. Rangarajan's motorbike through the streets of Chennai. I will learn to waggle my head and work six days a week for rupees with my esteemed fellow software developers and humans in Chennai. □

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Conversion of a Gun Grabber, from page 24

A better example of the people versus the state, I thought, was the deposing of Ferdinand Marcos. The Philippine islands are saturated with guns, but in 1986 the people brought down the dictator with a press campaign, mass protests, a walkout of election workers and a defection of army commanders. They didn't use private hand-guns against the army. They *won over* the army.

I decided that for the protection of the people against invasion and dictatorship, pistols, hunting rifles, and shot-guns were just about useless. I said so in a newspaper column and challenged the gun people to find me one example in which a country was defended from invasion or purged of a dictator with private guns of the sort Americans had.

I got some nasty replies — the gun people can be so emotional — but no examples.

I had made an interesting point, but politically and culturally, I was wrong. I see that now.

The answer hit me while reading a science-fiction story about a survival test. The youths of a space colony were to be dropped on a forest planet and had to survive alone for 30 days. They could choose what weapons to take with them. The instructor said they could take a powerful gun if they liked, but he advised against it, because there might be ferocious beasts on that planet, and the key to survival was to avoid ferocious beasts, not to pick fights. A gun in a man's hand made him physically bold.

And I thought, *a gun in a citizen's hand makes him politically bold. That is its value.*

The gun owner's pistol, rifle, or shotgun is useless against the state. But it has a powerful effect on *him*. It strengthens his resolve. It steels his will. It affects his political attitudes, the organizations he joins, the money he donates, and how he casts his vote. It makes him think

about his relationship to the state, and his responsibility for himself and his family. *That* is why he needs to keep his gun, and that is why I need to support his right to have it.

I changed my opinion on it.

For the first time in 25 years, my house has a gun. My son received it as a gift, and my wife and I allowed him to

A gun in a citizen's hand makes him politically bold. That is its value.

accept it. It was a family heirloom, and having a gun is a part of American life, and I decided I should teach him how to shoot it. I didn't do it for a political reason, but I probably would not have done it had my political thoughts not changed.

I now support the Second Amendment — because I support the First, the Fourth, and all the others in the Bill of Rights. Canceling the Second, particularly if done New Deal-like, by weaseling around it, will weaken the others. We already have the War on Drugs; I do not look forward to the War on Guns, which would tend to be another chapter in the War on Us.

I still harbor a private doubt that all these guns make me physically safer, but I am pretty sure they make me politically safer, and that is a good thing. If the cause of limiting government is to have any future, it will be as part of what Grover Norquist calls the "leave us alone coalition." The gun people are a part of that coalition. A big part. We need to stick together.

That AR-10 *was* fun, too. □

Letters, from page 22

Secretary of State's web site (<http://www.sos.state.nm.us/>) do not agree, and are even worse. The official results are: In 2000, Harry Browne got 2,058 votes out of 598,605, or .344%. In 2004, Michael Badnarik got 2,382 votes out of 756,304, or .315%.

Of course, this doesn't change Mr. Bradford's analysis or conclusions, which I found enlightening and disturbing. Mr. Bradford concludes by stating that it was a bad year for the LP and all third parties. To that I would only add this: It was a bad year for our country, for in the "most important election of our time" not a single important issue or idea was addressed by the Bush/Kerry ticket or allowed into the non-debate offered us by the major media.

Richard Obergfell
Chairman, LP of New Mexico
Ruidoso, N.M.

Bradford responds: I used data from the USA Today website as of Nov. 13, 2004, at 5:00 EST, with the realization that more precise data would eventually become available at the various states' Secretary of State websites during the following weeks. The change in data that Mr. Obergfell presents adds

strength to my thesis that the Badnarik campaign's advertising in selected battleground states added to his vote total, though the cost of doing so was extraordinarily high. I share Mr. Obergfell's concluding sentiment that 2004 was a bad year for the country.



"It's getting harder and harder to keep up with politics these days."

The Final Deceit

by Alan Ebenstein

Hayek's last words were written by someone else.

Friedrich Hayek (1899–1992) was among the greatest political and pure philosophers of the 20th century. His most famous work, “The Road to Serfdom,” published in 1944, is an anti-socialist classic. His later works, “The Constitution of Liberty” and “Law, Legislation and Liberty,” are rightly considered permanent contributions to political philosophy. His works in pure philosophy, extending from “Economics and Knowledge” in 1936 through studies published in the 1940s through early 1980s, are permanent contributions to human understanding. Hayek’s was one of the greatest minds of the 20th century.

The state of his final work, “The Fatal Conceit,” published in 1988, is something of a mystery. The degree of involvement by the work’s editor, William Warren Bartley, is not commonly known, troubling many scholars. The first indication that something might be amiss in the published version came from Jeffrey Friedman, editor of *Critical Review*, in 1998. “In 1986,” Friedman wrote, “I served as research assistant to W.W. Bartley . . . the ‘editor’ of the book . . . [T]he products of Bartley’s labors were allegedly reviewed by Hayek. . . . The extent of Hayek’s supervision of the project . . . is called into question by the appearance in the book, verbatim, of passages I submitted to Bartley as suggestions for how Hayek might consider updating his critique of constructivist rationalism. Among these are . . . passages mentioning Marcuse, Habermas, and Foucault. Since Hayek had not previously referred to these figures in print, I was surprised to learn, upon the appearance of the book, that he would have accepted without alteration discussions of their work written by someone he had never met.”¹

Other scholars in the past seven years have questioned how much of “The Fatal Conceit” was written by Hayek.

Austrian economist Peter Boettke writes that “Bartley was an extremely active editor . . . and scholars are just beginning to assess not only the extent of the revisions made by Bartley — perhaps with or without Hayek’s approval — and the judgment of whether the editorial changes made improved the manuscript or decreased the value of the final product.”² Intellectual historian Jerry Muller writes of his own work on Hayek and “The Fatal Conceit” that “I have not made much use of this volume because the question of how much of it was actually written by Hayek and how much by his editor, W.W. Bartley III, remains an open question among scholars.”³ The general editor of Hayek’s collected works, Bruce Caldwell, notes “interpretive puzzles surrounding Hayek’s last book,” and speculates that “comparison between the finished and earlier manuscript version of ‘The Fatal Conceit’ might . . . help us to decipher what Hayek originally had in mind.”⁴

Fortunately, it is now possible to engage in such comparison. In 2003, Hayek’s longtime, final secretary, Charlotte Cubitt, deposited her extensive records with the Hoover Institution at Stanford University. These records demonstrate that Bartley’s role in the published “Fatal Conceit” was significant, far more significant than has heretofore been known.

“The Fatal Conceit” has a sad history. Hayek considered

it the great work of the last years of his career. "The Fatal Conceit" grew out of "The Three Sources of Human Values," the epilogue of "Law, Legislation and Liberty," which was published in 1979. "The Three Sources of Human Values" was originally given as a lecture at the London School of Economics in May 1978, when Hayek was 79 years old. He here attempted to convey the general direction in which his ideas were moving at the end of his career.

In this lecture, Hayek put forward the idea that there are three sources of human values and institutions. In addition to genetic and intellectual sources, there are subconscious sources that emerge through group selection — sources that are not adequately characterized as either rational or innate. Rather, these are rules of human conduct that flourish because of the success of the human groups that practice them. Better rules result in more effective human communities, with the latter defined as the communities that are the most materially productive.

Hayek saw economics as fundamentally about knowledge and information, how they are generated and transmitted. He considered prices and profits to be knowledge-conveying devices. Prices and profits convey information about the supply of and demand for goods, and the effectiveness of individuals in producing them. According to Wesley Clair Mitchell, one of the greatest teachers of economists in the first half of the 20th century, whose students included Hayek and Milton Friedman: "Men who are trying to make money are the servants of consumers — that is, of the whole society. . . . [T]he money economy gradually put the task of making goods under the direction of men who provided most efficiently what solvent consumers wished to buy, and whose continued leadership depended on maintaining their efficiency."⁵ This, in a nutshell, is the theory and justification of capitalism.

Hayek came to see whole societal systems — their webs of rules, customs, values, and governments — as competitors with one another. Just as the most efficient individuals and firms come out on top in the market, so the most materially productive society will ultimately prevail. He saw the market as the prototype for intersocietal competition.

He worked on "The Fatal Conceit" for seven years, from mid-1978 through mid-1985. In about August 1985, he fell ill, never to recover. He thereafter did no work on it.

"The Fatal Conceit" was published in late October 1988,

more than three years after Hayek last worked on it. During this period, it was substantially remolded by editor Bartley. Though Hayek reviewed some of Bartley's work, he did not participate in any substantial way in the changes — he was too ill to do so. His mental capacities had diminished precipitously with his 1985 illness.

When "The Fatal Conceit" was published, it included a preface, purportedly written by Hayek and dated April 1988, that ended with Hayek expressing his "deep gratitude . . . to Professor W.W. Bartley . . . who — when I fell ill for a time, just prior to the completion of the final draft — took this volume in hand and prepared it for the publishers."⁶ It is not known whether Hayek or Bartley wrote this closing to the preface.

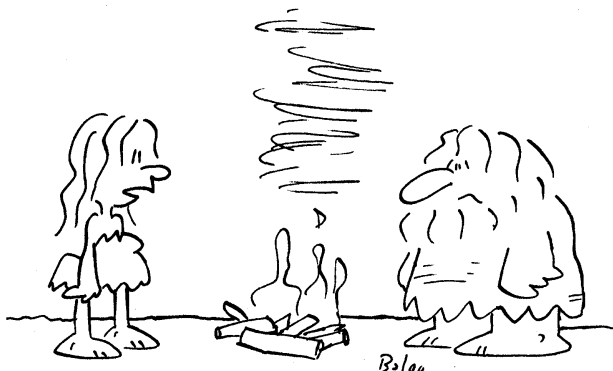
Readers of "The Fatal Conceit" were given a misleading impression of Hayek's recent participation in the book by the concluding sentence of the preface and its 1988 dating. The preface conveyed the impression that Hayek had recently been involved in writing "The Fatal Conceit," that Bartley's role in it was minimal, and that Hayek had at least somewhat recovered from his illness. None of this was the case. That Bartley himself intentionally misled readers about Hayek's recent participation in the book and inaccurately stated his own role is inescapable from his editorial foreword to the work, in which he wrote that "'The Fatal Conceit' . . . is fresh from Hayek's hands."⁷

Actually, during the more than two and a half years that Bartley worked on "The Fatal Conceit," from about late 1985 through the first half of 1988, he changed the work substantially. He rearranged, reorganized, and retitled chapters. He introduced much extraneous material, deleted paragraphs and sentences, added others, and rewrote many more. He inserted paragraphs from individuals who reviewed the manuscript and added citations (including to his own work). He changed terminology and emphasis. He apparently composed the conclusion of the work on page 140, Hayek's final word.

Bartley's interpretation of Hayek was heavily influenced by philosopher Karl Popper, a Viennese near-contemporary of Hayek, who, like him, taught for many years at the London School of Economics. Bartley was a student of Popper, whose primary philosophical message was the tentativeness of knowledge.

This resulted in a Bartleian Hayek who was more concerned with the evolution of knowledge than Hayek was. Hayek's major point with respect to economics was the incompleteness of knowledge rather than its evolution, Bartley's focus. Thus, when it was said in the last paragraph of the introduction of the published "Fatal Conceit" that "I suggest . . . we need . . . an evolutionary epistemology"⁸ — the latter two words being Bartley's favored terminology — it is hard to know who was doing the talking here, Hayek or Bartley. Caldwell is "leery of putting too much emphasis on Hayek's apparent new enthusiasm for Popperian themes in 'The Fatal Conceit,'"⁹ as a result of Bartley's participation.

There was little reason for most of the changes Bartley made. In a July 26, 1985, letter from Hayek to Bartley, just before Hayek fell ill and was unable to continue working, he wrote to Bartley that he had completed all but one chapter of the first part of "The Fatal Conceit," which he hoped to finish



"It's a great invention, but what about secondary smoke?"

in the next few weeks. Instead of bringing this final chapter to completion (chapter 6, of seven chapters in the first part, for which good material existed that Hayek had written), and publishing Hayek's introduction and six chapters of the first part, Bartley rewrote the first part of "The Fatal Conceit."

Unfortunately, as a result of restrictions imposed by Hayek's literary heirs, it has not yet been possible to quote from much of Hayek's correspondence — particularly with respect to sensitive topics such as "The Fatal Conceit" — and it is only possible to paraphrase his and Bartley's correspondence. Nonetheless, as a result of the Cubitt donation to the Hoover Institution, it is now possible to verify the information presented here. Curiously, prior to Cubitt's deposit, little of the relevant correspondence between Hayek and Bartley was in the Hayek archive at Hoover, nor were Hayek's drafts of "The Fatal Conceit" there.

In the editorial foreword of "The Fatal Conceit," Bartley wrote that the published book was at one point "a large work in three parts; then the whole was compressed into the short book . . . presented here."¹⁰ This was misleading. While "The Fatal Conceit" was intended as a three-part work, the book as published was not a compression of the three parts. Rather, it was almost exclusively the first part. The latter two parts were intended for separate publication, which has not occurred.

During the seven years Hayek worked on "The Fatal Conceit," there were two basic versions of it, which has caused some confusion. Hayek worked on the first version from about 1979 until the summer of 1982, when a group of economists from the Mont Pelerin Society met with him to discuss this manuscript. According to James Buchanan, one of the participants: "I reveal no secrets when I state that the participants were skeptical, even after two-days discussion, about prospects for the circulated material to be transformed into a publishable book."¹¹

For the next three years, Hayek then worked on the second version of "The Fatal Conceit," particularly its first part, which is what Bartley used to produce the published volume. Hayek's own second version of "The Fatal Conceit"

The preface conveyed the impression that Hayek had recently been involved in writing "The Fatal Conceit," that Bartley's role was minimal, and that Hayek had at least somewhat recovered from his illness. None of this was the case.

was not a casually written document, but one on which he worked for years and that he anticipated would be his last and perhaps most important book.

This helps to explain Buchanan's further comment that when "The Fatal Conceit" was "eventually published . . . we were quite pleased that the book had been markedly improved." Buchanan went on to say that it was improved "due not only to Hayek's diligence in responding to our criti-

cisms, but, probably, also to the help of William Bartley, who took over as editorial assistant in the final stages of preparation."¹² But Hayek's own second version of the first part of

A new version of "The Fatal Conceit," including all three parts and consisting of Hayek's final drafts, should be prepared and published.

"The Fatal Conceit" was improved over what Buchanan and others saw in 1982.

Hayek expressed conflicting views regarding Bartley's work on "The Fatal Conceit." It should be emphasized that Hayek's mental state fluctuated during his last years. At one point, he sent a memo to a few friends saying he had suffered a nervous breakdown. In a Jan. 24, 1986, letter to Bartley, he noted great fluctuations in his state. From at least 1987 on, he experienced significant diminution of memory, being unable to remember individuals with whom he had, even recently, been in frequent correspondence. His son, Larry, once remarked to me that his father was "out of it" during a considerable part of his last years. At the same time, Hayek experienced periods of mental comprehension and lucidity, though his physical state prevented him from work.

In a Dec. 11, 1986, letter to Bartley, Hayek told Bartley that Bartley's initially revised version of "The Fatal Conceit" should not be published during Hayek's lifetime, and that when it did appear, it should be under both their names. According to Cubitt, when Hayek received a copy of the published "The Fatal Conceit," he told her that Bartley's changes were so significant that he hardly recognized it.

At the same time, in other late correspondence to Bartley and others, Hayek expressed the view that Bartley had improved the text, and Hayek ultimately agreed to publication of Bartley's version. According to Cubitt, he agreed because "Bartley had spent so much time and effort on it."¹³

Bartley's approach to editing was perhaps best described in a Jan. 16, 1988, letter to Leif Wenar, another of Hayek's research assistants, who was to edit the latter two parts of "The Fatal Conceit." In this correspondence, also at the Hoover Institution, Bartley encouraged Wenar to edit Hayek's work on a massive scale: to compose introductions, conclusions, connective material, and summaries on Hayek's behalf, to link the second and third parts to the first part Bartley was working on, and to compose its conclusion.

Hayek's essential message in "The Fatal Conceit" could be lost in the circumstances surrounding the work. This message was that people do not like capitalism because it relies on an unseen extended order over time to produce goods and services, and people instinctively like to see immediate, visible good. Similarly, the glamorous idea of what he termed "constructivist rationalism" (that individuals can design any sort of society they wish) is false. Rather, by following rules that enforce contracts, promote and preserve private property, and encourage exchange, mankind can pro-

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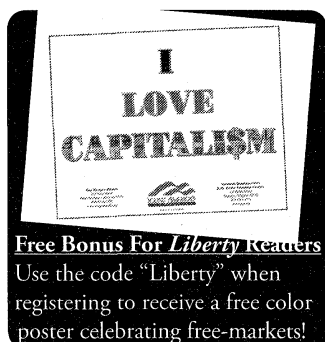
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They're Coming for Your Land

by Timothy Sandefur

Big Business wants your house, and the government is going to take it from you and give it to them.

"With no power, of which they are possessed, do [legislatures] seem to be less familiar, or to handle less awkwardly, than that of eminent domain. . . . At times they fail, or seem to fail, to distinguish accurately between public and private ends, and if their terms and language be alone consulted, to pervert the power to uses to which it cannot lawfully be applied."

— *Sherman v. Buick*

(California Supreme Court, 1867)

Frank Bugryn and his three elderly siblings owned two houses and a Christmas tree farm in Bristol, Conn. The 32-acre family homestead had been in the family for over 60 years when city officials decided the land would produce more tax revenue if it were transferred to industrial use. Specifically, the city wanted to give the land to the Yarde Metals Corporation, which hoped the state highway frontage area would allow them to construct a large sign and entranceway. When the Bugryn family turned down the city's offers to buy the property, the city began eminent domain proceedings.

In May 1998, Bugryn and his family asked a state court to bar the condemnation of his property. "I don't want to go anywhere," he told the court. "My parents built the family house in 1939, and I built my own house on the property 42 years ago. I'm almost 78. Where am I going to go now?" But Mayor Frank Nicastro testified that the industrial park was "in the best interest of the future growth of the city," because

it would "build up the tax base." The court denied the injunction, holding that the condemnations of the Bugryns' homes "do not . . . constitute serious or material injuries." In the face of unrelenting pressure from the community, and particularly from the Hartford Courant, which editorialized repeatedly against them, the Bugryns appealed. But the Court of Appeals also refused to stop the taking, and the city continued its plans even when Yarde Metals chose to relocate due to the legal delays.

Finally, in 2004, when the family refused to leave their homes, the city initiated proceedings to evict them. Once again, the Courant decried them in an editorial, calling their resistance a "public farce," and a "melodrama," and denouncing the family for "stall[ing] and draw[ing] upon the public's sympathy." Meanwhile, 76-year-old Michael Dudko, husband of one of the Bugryn sisters, and a Polish immigrant who at the age of 15 had been taken from his home by the Nazis and forced into farm labor, suffered a relapse of cancer and died. After a nearby radio station ran a story about the Bugryns' plight, an anonymous, irate telephone call forced the police to post a guard in the mayor's office. Relations within the Bugryn family itself became strained; when one sister failed to leave her house in time, her nephew took the city's side, telling reporters "people are pointing the finger at the mayor and the council and city officials, but all they're really doing in taking the property is using an eminent domain system that was given to them by the legislature." The reverberating effects of eminent domain not only disrupted the family and community, it also bred a sense of disillusionment best expressed by Frank Bugryn himself, who told a reporter, "I'm a veteran of World War II, I fought for

our freedom, democracy. But it seems 60 years later it doesn't work."

Eminent domain — the government's power to force a person to sell real estate against his will, at a price the government deems "just compensation" — is one of the most extreme forms of government coercion, and today, among

With the eminent domain power unmoored, the power to redistribute property fell into the hands, not of the most deserving, but of the most politically adept.

the most common. Used for centuries for building railroads, highways, and post offices, eminent domain is now a multi-billion dollar industry, and a classic example of rent-seeking run amok. Governments throughout America routinely seize property to transfer it to private companies to "create jobs" and increase the tax base in a community. In 1999, the city of Merriam, Kan., condemned a Toyota dealership to sell the land to the BMW dealership next door. That same year, Bremerton, Wash., condemned 22 homes to resell the land to private developers. In one especially notorious case, billionaire Donald Trump convinced the government of Atlantic City, N.J., to condemn the home of an elderly widow so that he could build a limousine parking lot. As attorney Jennifer Kruckeberg puts it, "Whether you know it or not, your house is for sale. Corporations, using cities as their personal real estate agents, are proposing the following assignment: 'Find me your most prominent location, get rid of what is on it, help me pay for it, and maybe you will be lucky enough to have me move to your city.' Such is the state of the current eminent domain power."

The exploitation of eminent domain by such private interests is a relatively new phenomenon, and is explicitly prohibited by the U.S. Constitution, which holds that "private property" may be taken only "for public use." But a series of court decisions beginning in the first years of the 20th century, and culminating in the 1954 decision *Berman v. Parker*, eroded the "public use" limitation to such a degree that, as Richard Epstein once noted, some law professors have taken to replacing that clause with an ellipsis when writing out the text of the 5th Amendment.

In *Berman*, the Supreme Court held that eliminating slums was a public use because once the legislature deems a project worthy of its attention, that project is necessarily a public one: "[W]hen the legislature has spoken, the public interest has been declared in terms well-nigh conclusive," wrote Justice William O. Douglas for a unanimous Court. "In such cases the legislature, not the judiciary, is the main guardian of the public needs to be served by social legislation."

This level of deference from the Court had become standard fare for property rights and economic liberty by 1954. With the coming of the New Deal, the Supreme Court had decided to take a hands-off approach to regulations of economic rights, which it decided — without the slightest constitutional basis — were "lesser" rights, deserving only "rational basis scrutiny." Under "rational basis," a law regu-

lating economic or property rights is presumed to be constitutional unless it is shown to lack a "rational relationship to a legitimate government interest" — a standard so advantageous to the government that laws hardly ever violate it. But if government's decisions regarding property rights are supposed to be related to a "legitimate government interest," what interests are not legitimate? Are there goals that are off-limits to the state, or beyond the acceptable use of eminent domain? *Berman* was followed by the Michigan Supreme Court's 1981 decision of *Poletown Neighborhood Council v. Detroit*, which held that the state could seize an entire working-class neighborhood and transfer it to the General Motors Corporation to build an automobile factory. Since the factory would "create jobs," and creating jobs is a legitimate government interest, the public use clause was satisfied. A few years later, the United States Supreme Court came to a similar conclusion in *Hawaii Housing v. Midkiff*, holding that the Hawaii legislature was within its constitutional limits when it wrote a law allowing renters to buy their landlords' property at a fraction of the actual value. Decisions like this rendered so little protection to property owners that the Ninth Circuit Court of Appeals once declared that "the whole scheme is for a public agency to take one man's property away from him and sell it to another. The Founding Fathers may have never thought of this, but the process has been upheld uniformly by latter-day judicial decision. . . . Our hands are tied — if the book on the procedure is followed."

By failing to define, let alone limit, the scope of "legitimate government interests," the courts sparked an explosion of condemnations in the service of any interest that the legislature decided to pursue. "The 'legitimate state interest' test in vogue today," wrote Epstein shortly after *Midkiff*, "is a bare conclusion, tantamount to asserting that the action is legitimate because it is lawful. . . . As such, it functions, at best, as a convenient label for serious inquiry, without defining the set of permissible ends of government action."



With the eminent domain power thus unmoored, the result was predictable to public choice theorists: the power to redistribute property fell into the hands, not of the most deserving, but of the most politically adept. As government became capable of transferring unlimited amounts of land between private parties, the business community began investing an ever-increasing amount in lobbying to persuade it to give the land to them. These companies portray the redistribution of land as a benefit to the community, in the form of job creation and increased funding for public services, as well as an eradication of "economic blight," a vague term attached to any neighborhood that is less than affluent but not an actual slum. Meanwhile, government officials have come to see their roles, not as defenders of the public's safety and welfare, but as sculptors of neighborhoods, for whom citizens and land are raw materials to be formed into the ideal community.

Boynton Beach, Fla., for example, is gradually implementing the "Heart of Boynton Redevelopment Plan," an immense redesign involving potentially hundreds of condemnations. After an attorney from the Pacific Legal

Foundation attended a community meeting to challenge officials about the plan, City Redevelopment Director Quintus Greene gave a presentation to the city council entitled "Why We Are Doing This." Greene told the council that although the cities of Boynton Beach and Delray Beach have almost the same population, "when comparing median household incomes, Boynton Beach ranks lower at \$39,845 than Delray at \$43,371. Boynton Beach ranks higher in median household income than West Palm Beach at \$36,774. . . . The purpose of this redevelopment, is to compensate for the loss of one of the City's major taxpayers. Our property tax values are meager compared to other cities and this redevelopment is our attempt to enhance property values within this City. Our choices are to expand our tax base, raise property taxes or reduce services to our citizens. . . . In Boynton Beach, there is a significant amount of property that pays little or no taxes. Given that reality, we must do other things to compensate for that loss of tax dollars."

In plain English: throw poor folks out of their homes, and the city's median income will be higher. Well, that is undeniably true.

But this marriage of government and private industry doesn't just benefit bureaucrats eager to be seen as "creating jobs" and "cleaning up the community." It also yields enormous boons for companies that are adept at political persuasion. Recent articles in *The Wall Street Journal* and *Mother Jones* have detailed the enormous pressure that Home Depot, Bed Bath & Beyond, Wal-Mart, Target, and especially Costco, exert on governments to give them somebody else's real estate. These efforts can be extremely enticing to government officials pursuing "the vision thing," not to mention local residents desperate for new jobs. The plans are presented with a smooth and authoritative style — with sophisticated PowerPoint presentations including lovely artist's renditions of gleaming new streets and bustling pedestrian malls — that is hard for bureaucrats to resist. There's even a website, www.eminentdomainonline.com, which bills itself as "an internet based business to government (b2g) clearinghouse for professionals in the eminent domain, right of way, and infrastructure development fields." If the lobbying efforts should include donations to mayoral election cam-

Donald Trump convinced the government of Atlantic City, N.J., to condemn the home of an elderly widow so he could build a limousine parking lot.

paigns, and promises to fund giant public works projects on the side, so much the better. As one city planner told *Mother Jones*, "The reality is that you need to rely on developer interest in order to facilitate projects. We're not paying for this party." (Conveniently enough, the Internal Revenue Code allows money expended by a company seeking to persuade a city official to exert eminent domain to be deducted from the company's gross income when determining income tax liability.)

Industry uses sticks as well as carrots when prodding officials to use eminent domain on its behalf. The *Poletown* case is a prime example: GM presented its plan to the city in July of 1980. On Sept. 30, the city's Economic Development Corporation approved it. Eight days later, GM chairman

A prep school in Wisconsin was declared blighted despite its elite \$10,000 tuition price.

Thomas Murphy wrote the mayor and the chairman of the Detroit Economic Development Corporation, strongly urging them to adopt the plan: "I firmly believe the prospect of retaining some 6,000 jobs, and the attendant revitalization of these communities is a tremendous challenge," he wrote, adding ominously, "it also is an opportunity and a responsibility which none of us can ignore." This letter and GM's other maneuvers, Michigan Supreme Court Justice James Ryan later said, "suggest the withering economic clout of the country's largest auto firm," and indeed Detroit was more than eager to do GM's bidding. Preliminary paperwork was finished within days, and the city council and mayor approved the final documents less than a month after Murphy's letter. Action in the courts moved with the same rare speed, culminating in oral arguments before the state Supreme Court on March 3, 1981, and a decision only ten days later. Meanwhile, wrote Justice Ryan, an "overwhelming psychological pressure . . . was brought to bear upon property owners in the affected area," as a "crescendo of supportive applause sustained the city and General Motors. . . . The promise of new tax revenues, retention of a mighty GM manufacturing facility in the heart of Detroit, new opportunities for satellite businesses, retention of 6,000 or more jobs . . . all fostered a community-wide chorus of support for the project."

Other cases present similar David-and-Goliath scenarios. In 2001, Mississippi redevelopment officials gave the Nissan Corporation 1,300 acres of state-owned land to construct an auto factory. When Nissan hesitated, the state condemned a middle-class black neighborhood to give Nissan another 23 acres. James Burns, Jr., executive director of the state's development authority, told the *New York Times* that the property was not actually a part of the project: "It's not that Nissan is going to leave if we don't get that land. What's important is the message it would send to other companies if we are unable to do what we said we would do. If you make a promise to a company like Nissan, you have to be able to follow through." Attorneys from the Institute for Justice, a Washington, D.C.-based libertarian law firm, managed to fight off the state, and the residents kept their homes. Less fortunate were the residents of the Toledo, Ohio, neighborhood that was taken to build a Jeep factory, which received the blessing of Ohio courts in the fall of 2004, or the property owners in Redwood City, Calif., where the city condemned land to build a movie theater. Knowing that a theater is probably not a "public use," the city declared it was really building a parking lot — and it just happened to include a theater above the parking lot.

The precise amount of money involved in the eminent domain industry is impossible to assess, but Mother Jones' Gary Greenberg notes that one project in Ohio — an attempt to condemn 13 acres for the benefit of a shopping mall called Rockwood Pavilion — involves about \$125 million in planning and construction costs, and promises the local city some \$1.5 million per year in tax revenue once completed. Multiplied by countless cases, as well as the legal expenses and the detriment to property values caused by a city's unpredictable tendency to exert eminent domain, the costs are incalculable.

Eminent domain abuse can have perverse social consequences, too. One of the most commonly voiced justifications for eminent domain is that it is necessary for cleaning up unsightly neighborhoods, which include "adult" businesses or other low-class uses. But in 1997, a consortium of Las Vegas casinos persuaded the city to take the retail property owned by Greek immigrants John and Carol Pappas to build a parking lot for the "Fremont Street Experience," a pedestrian mall including such adult attractions as the "Topless Girls of Glitter Gulch." Moreover, the concept of "blight" is so elastic that economic interest groups can easily exploit it. A mall in St. Louis was recently determined to be blighted, despite the fact that it was 100% occupied and had \$100 million in annual sales. And a prep school in Wisconsin was declared blighted despite its elite \$10,000 tuition price (which conveniently enough qualified it for a \$5.6 million tax-exempt bond issue).

Costco, the nation's leading corporate abuser of eminent domain, has persuaded cities across the nation to engage in such transfers. Lancaster, Calif., tried to condemn a 99 Cents store to transfer it to Costco, even though Costco already had a store in the same mini-mall with the 99 Cents store. The city did so, not on the grounds that the property was blighted — it wasn't; in fact, it's probably the cleanest 99 Cents store in America — but on the grounds that the neighborhood might be blighted in the future, if the government did not act now. A federal court struck down this condemnation (an extremely rare occurrence) after noting that "by Lancaster's own admissions, it was willing to go to any lengths — even so far as condemning commercially viable, unblighted real property — simply to keep Costco within the city's boundaries. In short, the very reason that Lancaster decided to condemn 99 Cents' leasehold interest was to

The Supreme Court held that eliminating slums was a public use because once the legislature deems a project worthy of its attention, that project is necessarily a public one.

appease Costco. . . ." It is impossible to tell how many properties Costco has taken through eminent domain because the company hasn't released exact figures and has tried to stifle shareholder attempts to reverse the company's policies. But the cases abound. Institute for Justice lawyer Dana Berliner, who recently published a catalogue of some 10,000 instances

of eminent domain abuse, reports that "of the big-box retailers, Costco shows up the most." But the company is unrepentant. Asked for an explanation, Costco senior vice president Joel Benoliel told investors that if they didn't exploit eminent domain, "our competitors . . . would . . . and our shareholders would be the losers."



It's hard to deny that assertion. So long as the power is available to the highest bidder, Costco executives would violate their duty to investors to withdraw from the scramble for other people's land. Although it is easy to damn power-

A series of court decisions eroded the "public use" limitation to such a degree that some law professors have taken to replacing that clause with an ellipsis when writing out the text of the 5th Amendment.

ful companies so insensitive to homeowners unable to afford a legal defense — a Costco attorney once told the city council of Lenexa, Kan., that the property he wanted condemned was "not much of a neighborhood, anyway" — the blame rightfully rests on the courts that have gradually erased the public use clause.

But in confronting this problem, the courts suffer from a serious intellectual handicap, which dates back to the Progressive Era at the opening of the 20th century. During this period, leading intellectuals came to reject the individualistic natural rights premises of the American founding. As Michael McGerr writes, the Progressives "wanted not only to use the state to regulate the economy; strikingly, they intended nothing less than to transform other Americans." But remaking Americans meant inverting the premise that the state was a tool of the people. John Dewey, philosophical champion of the Progressives, denounced "the notion that there are two different 'spheres' of action and of rightful claims; that of political society and that of the individual, and that in the interest of the latter the former must be as contracted as possible." Such a notion, he said, would be replaced with "that form of social organization, extending to all the areas and ways of living, in which the powers of individuals shall not be merely released from mechanical external constraint but shall be fed, sustained and directed."

The Progressives thought society should mold individuals in a manner best suited for the survival and flourishing of the state. It was during this period that various devices for controlling citizens — everything from the Pledge of Allegiance to eugenics and forced sterilization — were introduced. In his great book on this era, "The Metaphysical Club," Louis Menand explains just how opposite the Progressive idea was to the views of the Founding Fathers. To the Progressives, "Coercion is natural; freedom is artificial. Freedoms are socially engineered spaces where parties engaged in specified pursuits enjoy protection from parties

who would otherwise naturally seek to interfere in those pursuits. . . . We . . . think of rights as privileges retained by individuals against the rest of society, but rights are created not for the good of individuals, but for the good of society. Individual freedoms are manufactured to achieve group ends. This way of thinking about freedoms helps explain why the . . . [Progressives] were indifferent to the notion of individual rights."

The Progressive Era began to dissolve the public-private boundary by holding that the things we think of as rights are really just permissions granted by society and revocable whenever society decides. Understandably, this period brought a corresponding explosion in the use of eminent domain. In 1923, for the first time, the Supreme Court held that government could condemn land not just for necessities, but for mere recreational facilities like scenic highways. A California court held in 1911 that "[g]enerally speaking, anything calculated to promote the education, the recreation or the pleasure of the public is to be included within the legitimate domain of public purposes" served by eminent domain.

In short, the Progressive goal of "remaking Americans" meant breaking down the limits on state power. The difference between "legitimate" and "illegitimate" government interests was accordingly dissolved. Since government would "extend to all the areas and ways of living," it would now be free to do "anything calculated to promote . . . the pleasure of the public."

It is no coincidence that the Progressive Era was the first time the word "blight" was applied to economic stagnation. The Progressives saw society as an organic whole, with each person a cell. Thus the term "blight," originally a term for a plant disease, was applied to neighborhoods that failed to perform to the standard the society desired. Private businesses were no longer private, they were a tool by which society produced a certain standard of living, and if they failed to do so, society could simply revoke the permission (formerly called property rights) and give that land to someone else.

With the boundaries of "legitimate government interests" erased, New Dealers built on the Progressives' work by establishing the concept of judicial deference. In previous decades, courts had been willing to block the more extreme Progressive social experiments, but in the 1930s they took a more deferential view. Louis Brandeis, a Progressive attorney who had once coined the term "right of privacy," was appointed to the Supreme Court, where he would instead declare that "in the interest of the public and in order to preserve the liberty and the property of the great majority of the citizens of a state, rights of property and the liberty of the individual must be remolded, from time to time, to meet the changing needs of society." President Roosevelt's other appointees (including Justice Douglas, who would later write the *Berman* decision) agreed not only that government could "remold" the "liberty of the individual," but that courts should not stand in the way. The result was the creation of "rational basis scrutiny."

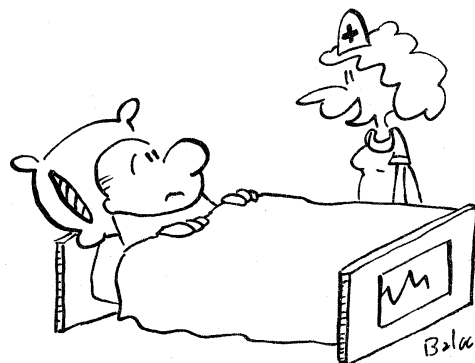
Today, courts are unable to decide whether an asserted "government interest" is legitimate or illegitimate. Indeed, the Supreme Court has confessed that "our cases have not

elaborated on the standards for determining what constitutes a 'legitimate state interest.'" But without such an elaboration, it is impossible to determine whether a law is "rationally related to a legitimate state interest." Since anything at all might qualify as a "legitimate interest," anything subject to this test will receive a pass from the Court. The result is that government's power to manipulate individuals, and their property, is limited only in the rarest possible circumstances.



There is reason for optimism, however. The severest abuses of eminent domain have already forced many people to reexamine their views about the lesser stature of property rights. When the Michigan Supreme Court indicated its willingness to reconsider its *Poletown* decision, the ACLU joined forces with the Pacific Legal Foundation urging the court to declare eminent domain abuse unconstitutional. The court agreed, unanimously overruling its decades-old decision. To permit the condemnation of land "solely on the basis of the fact that the use of that property by a private entity seeking its own profit might contribute to the economy's health" would "render impotent our constitutional limitations on the government's power of eminent domain," said the court. "*Poletown's* 'economic benefit' rationale would validate practically any exercise of the power of eminent domain on behalf of a private entity. After all, if one's ownership of private property is forever subject to the government's determination that another private party would put one's land to better use, then the ownership of real property is perpetually threatened by the expansion plans of any large discount retailer, 'megastore,' or the like."

Only months later, the United States Supreme Court agreed to hear *Kelo v. New London*, a case challenging Connecticut's attempt to seize a neighborhood for the benefit of Pfizer. Although it is impossible to predict what the court will do, there are three main possibilities. The first is that the court may allow government to redistribute private land of New London residents to a private company on the grounds that any benefit to the public is good enough. Second, it might hold, on very narrow grounds, that in some cases, the private benefit is just too extreme to be labeled public. This seems the most likely outcome, but it is an unsatisfying one, because it would leave the important question unanswered. The third and least likely option is that the court could invest serious thought into the difference between what is public



"Try not to get excited in front of the doctor — this is his first operation."

and what is private, and could declare that attenuated social effects of private behavior aren't enough to make it into a public concern. Just because a private business affects the public in some way doesn't make it the government's busi-

President Eisenhower once warned the nation about the military-industrial complex, but today local governments are wrapped up in the Costco-WalMart complex.

ness. If the court embraced this view, the answer to the *Kelo* case would be obvious: of course a private company is not a public use, even if the public likes to purchase its products.

It is not impossible that this will happen. In *Lawrence v. Texas*, the Supreme Court declared that alleged harm to society by private, adult, consensual sexual activity is not enough to allow the state to pry into people's private bedrooms. It would be refreshing indeed if it also said that alleged social effects of private business interests are not enough to make a private business into a public use. But, again, I think it unlikely. Such a decision would require the court to reexamine old and politically volatile assumptions which trace back to the Progressive abandonment of America's founding principles. To city planners, your neighborhood is theirs to shape as they please. The fact that a business uses condemned land for its own profit is irrelevant to them because private businesses are public uses, in their minds. They are the tools by which society creates jobs and provides people with goods. President Eisenhower once warned the nation about the military-industrial complex, but today local governments are wrapped up in the Costco-WalMart-Home Depot complex. They believe in what they call "partnerships" between government and private industry in which government and corporations decide the shape and layout of whole neighborhoods, with no regard for the rights of the landowners who stand in their way.

But even a favorable outcome in *Kelo* might come too late

to help Curtis Blanc of Liberty, Mo. Through his company, Mid-America Car, Inc., Blanc owns a well-maintained brick warehouse which he leases for \$1 per year to two charities: In As Much Ministries, and Love, Inc. These ministries feed more than 400 families per month — despite one city council member's statement during a council meeting that "there are no poor people in Liberty." But the council has other plans for Blanc's land: it wants to construct a business district on "Liberty Triangle," which consists of 88 acres of land, including Blanc's warehouse. The first phase of the Triangle project has already begun, and a 160,000-square-foot Lowe's home improvement store recently opened. Steve Hansen, the city's public works director, recently told businesses that those which generate high sales tax income for the city will be allowed to remain in the area, but that "most of the businesses that are there now are not high sales producers" and will be condemned to make way for companies that will raise tax revenue for the city. Blanc has received a final notice from the city requiring him to sell his property, or face condemnation. Still, Blanc is hopeful. Along with the Bugryn and Pappas families, he agreed to be represented by the Pacific Legal Foundation in a friend of the court brief in the *Kelo* case which urges the court to breathe new life into the "public use" clause.

It is very sad that we have come this far. For the Supreme Court of the United States to declare that "our cases have not elaborated on the standards for determining what constitutes a 'legitimate state interest'" is a shocking statement. Two hundred years after the founding, with the Declaration of Independence and the Federalist Papers at hand, and with the experiences of the Revolution, the Civil War, the World Wars, and the civil-rights movement behind us, we ought to know what a legitimate state interest is. As Hadley Arkes has put it, "this late in the seasons of our experience, federal judges should not be in need of this kind of instruction, on the rudiments of constitutional government. . . . [The Founders] did not expect that the main instruction would have to be offered to the lawyers and the judges themselves, and to the resident wits in the schools of law. . . . But that project has become, in our own day, steady work." □

The Fatal Deceit, from page 31

duce the most and be freest and happiest.

Clearly, a scholarly version of "The Fatal Conceit," including all three parts and consisting of Hayek's final drafts for as many chapters as possible, should be prepared and published. Fortunately, most — perhaps all — of these chapter drafts are now at the Hoover Institution. Hayek's goal in writing "The Fatal Conceit," as in so much of his other work, was to free men from misconceptions about the free society made possible through private property. A new edition of his last great work would be a valuable step in realizing this goal. □

Endnotes

1. Jeffrey Friedman, "What's Wrong with Libertarianism?" *Critical Review* (Summer 1998), p. 463
2. Peter Boettke, "Which Enlightenment, Whose Liberalism?: Hayek's

Research Program for Understanding the Liberal Society" (undated Internet article), p. 24.

3. Jerry Muller, "Chapter 12. The Untimely Liberalism of Friedrich Hayek," Internet chapter from "The Mind and the Market: Capitalism in Modern European Thought" (2002), p. 68.
4. Bruce Caldwell, "The Emergence of Hayek's Ideas on Cultural Evolution," *Review of Austrian Economics* (February 2000), p. 19.
5. In Arthur F. Burns (ed.), "Wesley Clair Mitchell: The Economic Scientist" (1952), p. 247.
6. Friedrich Hayek, "The Fatal Conceit: The Errors of Socialism" (1988), p. 5.
7. *Ibid.*, p. xii.
8. *Ibid.*, p. 10.
9. In Alan Ebenstein, "Hayek's Journey: The Mind of Friedrich Hayek" (2003), p. 228.
10. Hayek, *op. cit.*, p. x.
11. Caldwell, *op. cit.*, p. 17.
12. Ebenstein, *op. cit.*, p. 230.
13. Correspondence between Charlotte Cubitt and Alan Ebenstein (July 8, 1996).

Did the Fed Cause the Great Depression?

by Robert Formaini

Most libertarians and conservatives blame the Depression on the Federal Reserve System. Do the facts support their view?

A staple of current economic history is the idea that the Federal Reserve pursued inappropriate monetary policy during the 1930s and, by so doing, prolonged the Great Depression. I will hereafter call this the Friedman-Schwartz view, naming it after Milton Friedman and Anna Schwartz, whose very influential work "A Monetary History of the United States, 1867–1960" advanced this thesis.* A similar claim is that the Fed caused — or helped cause — the depression in the first place through expansionary monetary policy during the 1920s, which created a stock market boom even though the overall price level remained relatively stable. I will call this the Robbins-Rothbard view, after Lionel Robbins' book "The Great Depression" and Murray Rothbard's book, "America's Great Depression." To what extent are these incompatible views correct? Which is, to put it simply, "more true"? What was the Fed's responsibility, if any, for the Great Depression?

It's unlikely that any answers to these questions will ever satisfy most economists. There are too many potential caveats and confounding effects, too many agendas on the part of authors addressing the issue, and too much uncertainty in the weak predictive capabilities — even in hindsight — of economic theory. It's always a difficult thing to assess cause in historical incidents. We are always prone to that great logical fallacy known affectionately to all historians: *post hoc ergo propter hoc*. Nonetheless, I happily tread

where many have trod before me, offering my own view of what happened, what went wrong, and why it stayed so very wrong for so very long.

It is impossible to understand the 1930s without first examining the 1920s, just as understanding the 1960s helps one to understand the '70s, and an understanding of the 1990s helps us to understand why we are where we are right now. Nothing historical is understandable in a vacuum and, typically, it is probably true that there are so many potential causes for historical events that isolating any few is always questionable. But what alternative to understanding history do we humans have at our disposal? None. And so — David Hume be damned — we chug along, pronouncing our hypothesized causal relationships as historical truths.

The most entertaining history of the 1920s is Frederick Lewis Allen's wonderfully titled book "Only Yesterday." Reading this famous work today, one cannot help but be struck by the similarities between the '20s, the '60s, and the '90s. The ancient Greeks Parmenides and Anaximander — on opposite sides — explored an interesting question: do things ever really change, or are things always changing? After reading Allen's entertaining, informative history, you might well wonder whether in fact we ever learn from history, and whether things do really change . . . at least insofar

* Friedman, Milton and Anna Schwartz. 1963. "A Monetary History of the United States, 1867–1960" (Princeton: University Press). See also Meltzer, Allan H. 2003. "A History of the Federal Reserve," Vol. 1 (Chicago: University Press).

as social trends and stock markets are concerned. The chapter titled "The Big Bull Market" remains a fascinating — and cautionary — read. Lewis' position, generally stated, is that the Fed knew exactly what was happening during the late 1920s and, although it tried to do something about the looming crisis, it failed to stave it off. It failed, in the first place, because it was trying to help European economies —

Murray Rothbard argued that the Fed caused — or helped cause — the depression in the first place through expansionary monetary policy during the 1920s, which created a stock market boom even though the overall price level remained relatively stable.

notably Great Britain's — instead of seeing to the United States' problems. By lowering interest rates here, it helped prop up Britain's attempted return to its pre-war gold standard, with the pound worth \$4.87. That rate was too high, and required coordinated macro policy between the Fed and the British central bank for its survival. The Fed obliged. It shouldn't have. Using American monetary policy to help another nation pretend that it had the same status after WWI as before was not — and never could have been — a good idea, notwithstanding that it was approved of by a majority of English citizens and both the British and American governments.

The policy failed because the Fed did not want to precipitate a market crash as stocks climbed ever higher. It failed because the public would not go along with the Fed's policy initiatives. Corporations and non-national banks had little trouble evading the Fed's interest rate moves and verbal exhortations concerning speculation, especially as state chartered banks vastly outnumbered national banks, thus limiting the Fed's power to centrally control the monetary system.

I will, therefore, call the following contention Great Depression Myth #1: that the Fed was "clueless" about the impending market crash and the possible inflationary consequences of what was happening in the '20s. It just wasn't so.

And it is here that the differences between the Friedman-Schwartz and Robbins-Rothbard views become clear. During the '20s, according to the Friedman-Schwartz view, there was price stability and hence, no inflation. Therefore, there was no general loose money policy driving the '20s boom years. In the '30s, the Fed contracted severely when it ought to have inflated, thus causing a general deflation and contraction of the money supply.

In the Robbins-Rothbard view, the Fed inflated throughout the '20s, price indices notwithstanding, and then, in the early '30s, it did everything it could to reflate, but the process didn't work, as Allen's book suggests as well.* Instead,

* Prochnow, Hebert V. (ed). 1960. "The Federal Reserve System" (NY: Harper and Row). Chapter 15.

we got deflation as a byproduct of causes other than Fed policy. The public lost confidence in the banking system and began to increase its demand for money to hold, including gold. The velocity of circulation fell, and so did prices. Concurrent fiscal policy, as will be discussed momentarily, was probably as bad as it has ever been in American history given the circumstances in which it was carried out.

One of the major Fed problems during the late 1920s — the most heated speculative period for stocks — was a disconnect, personal and professional, between the New York Fed and the system's Board of Governors in the person of NY's president, George Harrison, who had succeeded the legendary Benjamin Strong, Harrison's board, and the Fed Board's chairman, Roy Young. The central disagreement was over bank loans used for stock speculation, and what, if anything, to do about it. The New York bank wanted to raise the discount rate and voted to do so several times in 1929. The Board demurred, preferring to pursue a policy it called "direct pressure," or verbally chastising those banks that appeared to be funding "excessive" speculation. I don't want to engage in loose speculation here, but this policy of direct pressure seems to have failed.

Even in this policy dispute, we can see that the Fed *was* concerned about the stock market, but unsure — *déjà vu* — exactly what to do about it. The stock market was suffering from "irrational exuberance," 1929-style and, as was also true in the late 1990s, the Fed surely knew how to make the market crash, but it was even more reluctant to do so back then. It appears that the Fed may have learned something from its experience of the '20s: how better to handle the aftermath of a market downturn.

Eventually, the power struggle between the regional banks and the Board would be settled by 1935's federal Banking Act, which gave full control to the Board in Washington. FDR's handpicked chairman, Marriner Eccles, wouldn't have taken the job otherwise; until then, this conflict played an important role, and should be noted by anyone attempting to explain today what happened eight decades ago.

What was the Fed doing with monetary policy during the 1920s? We have to remember that the structure and authority of the Fed was different from what it is today.

Milton Friedman has argued that the Federal Reserve pursued inappropriate monetary policy during the 1930s and, by so doing, prolonged the Great Depression.

The Fed Board's head was the secretary of the Treasury, and Fed policy was always subservient to the Treasury's. We were on a gold exchange standard. Coordinated, national monetary policy was something the Fed had not been given the power to do under the 1912 enabling act. And, it had not yet assumed the ability to make national

monetary policy, as it would later do, whether authorized or not. During the 1920s, the Fed generally pursued policy based on the doctrine that economists call “real bills.”

The real bills theory proposes that the money supply can be increased proportionately to real output, since increases in real output can “back” new money issues, therefore making inflation impossible. Under this view, inflation is impossible so long as the money supply is tied to real, productive transactions. The problem in the doc-

The Fed tried to do something about the looming crisis. It failed because it was trying to help European economies instead of seeing to the United States' problems.

trine, not unknown even to 19th-century economists — Henry Thornton is a famous example — is that, as prices rise, the total dollar amount of transactions necessarily rises, which, according to the theory, calls for money creation and a resultant increase in prices. The fallacy of treating prices as given, when, in fact, they vary with the money stock, makes the real bills doctrine a dangerous base upon which to try to conduct price stabilization policy.

Unfortunately, the Federal Reserve Act seemed to enshrine this “pro-cyclical” doctrine into the Fed’s institutional structure. The Act provided for the system to extend bank reserve credit via the Fed’s rediscounting of eligible, short-term, self-liquidating commercial paper presented to it by member banks. The Fed’s 10th annual report, issued in 1923, states: “It is the belief of the Board that there is little danger that the credit created and distributed by the Federal Reserve Banks will be in excessive volume if restricted to productive uses.” By this, the Board meant loans that financed the actual production and marketing of real goods, the classic real bills definition.

Further, it was during the 1920s that the Fed began to do open-market operations, even though these were not contemplated by the original enabling legislation. And these early open-market operations were undertaken, unfortunately, to “sterilize” gold inflows from England’s overvaluation for its pound sterling. Sterilization is the process by which the money supply is kept constant regardless of the inflow of gold; ordinarily, under the international gold exchange standard, in force at that time, the gold flow into the U.S. would have caused monetization that would raise U.S. prices and make Britain more competitive as its prices fell. The U.S. and France prevented this from occurring. Both nations’ gold stocks rose dramatically while, at the same time, their central banks sold securities to reduce the monetary impact of the new gold to zero. In fact, during the late 1920s, the U.S. should have experienced inflation due to this gold inflow; but instead, it experienced a mild deflation due to the sterilization policy.

Myth #2: “The Fed pursued a reckless policy of inflation between 1922 and the crash.”

By the late 1920s, Britain was desperate to get out from under its current account deficit position. A meeting was held in 1927 between representatives of the Bank of England, the Fed, and the U.S. Treasury. It was decided that the Fed would lower interest rates in the U.S. rather than Britain raising them, since Britain was already in a worsening economic condition. This monetary expansion has been credited with precipitating the late ’20s market boom by many, including both the Friedman-Schwartz and Robbins-Rothbard camps. Note however that the point of departure is 1927 and this policy lasted but a short time.

The joint policy agreed upon — and carried out in 1927 — failed for several reasons. As the U.S. stock market boomed, money flowed in and capital exporting fell. American banks were more interested in financing domestic stock speculation than economic projects elsewhere in the world. This, in turn, slowed trade and economic output in other nations, thus hurting England all the more. A recession began there in 1929 as their interest rates rose, their money supply tightened, their international exports declined, and their current account position continued to weaken.

Both Robbins-Rothbard and Friedman-Schwartz see the looser policy beginning in 1927 as creating the crisis of 1929. For Friedman-Schwartz, the perfect correlations between money and economic activity throughout the decade point to changes in money supply being the prime cause of the downturn and the boom that preceded it. For Robbins-Rothbard, the story is more complex because their model of the cycle is based on the Austrian theory propounded by Ludwig von Mises. I shall not elaborate fully on that model, but I can say that it is the view that booms are caused by bank credit expansions that then distort the consumption-saving-production time structure of the economy by sending an incorrect interest rate signal to business owners and entrepreneurs. The “artificial” boom, thus created, must be followed by a bust. A stable price level in no way means that the boom is not underway, since prices might have been lower than they were without the credit expansion, and therefore index stability merely masks the ongoing, real inflation picture. Eventually, money and credit must be tightened and the crash then looms. And that tightening came in the 1928–29 period so that, by August 1929, the recession had already begun, the market peaking on Sept. 3.

Myth #3: “The stock market crash caused the Great Depression.”

The crash was a symptom of things unique to mid-to-late 1929, not the cause of what followed. Regardless of how the market crash occurred, and regardless of who or what was to blame, the issue of whether post-crash policy helped or hurt the prospects for recovery must be addressed. As Meltzer titled one of his book’s chapters: “Why Did Monetary Policy Fail in the Thirties?” This is not only an important question, but a divisive one. There are many deeply held and contradictory points of view among economists and historians.

One of the most prominent views is the Friedman-Schwartz view, echoed by Meltzer, that monetary contrac-

tion between 1928 and 1933 produced deflation, and deflation produced — in a vicious spiral — worsening depression. These authors see a clear causal connection between the decline in the money supply and the depression that followed. Others do not believe the causality runs that way. They see the public's distrust of the financial system as leading to an increase in the demand for money outside the banking system. The Fed's expansionary policy was impotent because of a weird, non-Keynesian liquidity trap situation where, due to public distrust and the Fed's "let them fail" policy toward banks, all monetary expansions ended up hoarded as people and banks awaited better economic conditions.

Some measures of the money supply shrank while others grew. The money supply of the '30s was very different from today's M1 and M2. It included a variety of competing paper notes, national notes, bank notes, and gold coin. As banking crises arose, people drained their accounts and hoarded cash out of a well-founded fear of the banking system's soundness. The Fed, the "lender of last resort," allowed the banks to fail: 1,400 in 1930, 2,300 in 1931, almost 1,500 in 1932, and a staggering 4,000 more in 1933. The failure of the Bank of the United States in New York City had particularly disastrous results. In retrospect, the Fed probably should have lent assistance, but, realistically, that just wasn't about to happen at that time. Thus, Robbins-Rothbard might be correct in asserting that reflation was attempted by the Fed, but failed between 1930–33 because of the effects of ongoing occurrences.

To be fair to the Fed, we should survey factors that were contemporaneous with the end of the bull market and the coming of depression, factors over which the Fed had absolutely no control, including:

1. The enactment in 1929 of the Smoot-Hawley tariff, which led to a contraction of international trade. U.S. exports fell by two-thirds between 1930 and 1933. This was precisely the sort of policy that ought *not* to have been enacted at this time. Hoover wanted to protect Republican-leaning agricultural interests, and he did — at a very high price for the nation.

2. The Nazi Party's success in Germany's 1930 elections, which created havoc in the international bond market.

3. Hoover's wage policy, which was a misguided attempt — agreed to by major corporations — to keep

wages from declining during a depression. Not surprisingly, this proved to be a surefire way to create unemployment.

4. Congress' raising of taxes during an economic downturn in an attempt to balance the federal budget. This increased the tax burden on citizens whose incomes were already falling. This perverse policy was followed throughout the decade of the '30s, first during Hoover's and then FDR's terms. Taxes were three times higher in 1939 than they had been in 1929: this was utterly perverse macroeconomic policy.

5. Anticipation, in 1932, that FDR would abandon the gold standard if elected, and his failure to deny that rumor during the campaign. This was also destabilizing. Of course, once elected, he did a great deal more than simply abandon the standard. His administration outlawed the private ownership of gold, and required all Americans to surrender any gold they owned.

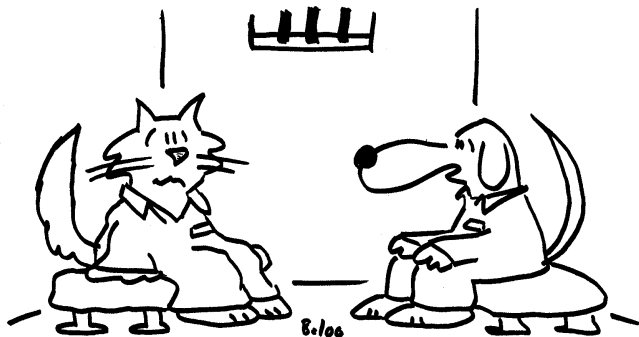
6. A great surge in economic regulation, begun under Hoover, which grew exponentially under FDR. This spooked entrepreneurs and investors throughout the decade, aided by the capricious, back-and-forth court decisions on the regulations' constitutionality and the always-changing policies that poured forth from Washington during FDR's terms.

7. England's leaving the gold standard in 1931. This caused a gold drain from the U.S. that the Fed fought by raising the discount rate during the depression. In retrospect, it is hard to suggest that the Fed could have done anything else given the legal-institutional parameters in place at that time.

Whatever policies the Fed followed, or might have followed, between late 1929 and 1933, they were the last ones to matter until after WWII. The Treasury took over economic policy, and the Fed played a much smaller role between 1934 and the end of war than it had during the 1920s and early 1930s. What power remained at the Fed as a whole shifted to the Board in Washington. The seeds for the post-WWII Fed were sown by the Banking Act of 1935, finishing what the Banking Act of 1933 had begun.

After WWII, the regional banks became a good deal less important than the Washington Board, and policy became completely centralized. It is hardly surprising that the Fed took a passive role during the New Deal — FDR was not one to share power, and so his Treasury, over which he had total control, became the center for national economic policy. It would be good if one could say it did better than the Fed had done but, of course, it didn't, and hardly could have given the economic capriciousness of FDR's attitudes and actions — all of which flowed from his general ignorance of, and contempt for, market processes and businesspeople.

An example of FDR's capriciousness was his foolish habit of personally setting gold prices. Believing, after he read George Frederick Warren's peculiar argument in his book "Prices," that the current gold price caused commodity prices to be what they are, he set about inflating the price of gold and, *ipso facto*, depreciating the dollar. Having taken ownership of all gold previously in private hands, and hav-



"Wow! — Nine life sentences?"

continued on page 53

Reviews

"Price, Principle, and the Environment," by Mark Sagoff. Cambridge University Press, 2004, 294 pages.

Pollution Violates Individual Rights

Robert H. Nelson

In his new book, *"Price, Principle, and the Environment,"* University of Maryland philosopher Mark Sagoff (and in the interests of full disclosure, I should also say a colleague of mine) announces, "I agree with middle-of-the-road libertarians that public policy should seek primarily to improve the institutional arrangements" that sustain a market system. He criticizes reliance on economic valuation in environmental policy and argues that "the fundamental choice ... lies between the institutions of a free society and the pretensions of social science. That is the big trade-off."

Sagoff also takes the position, advocated previously by many libertarians, including Tibor Machan and Murray Rothbard, that "pollution should be enjoined as a violation of personal and property rights" — an act of trespass or assault against a person who in most cases has not given any consent. Since it is impossible to stop all pollution, public policy in this area should be regarded as setting the proper bounds of legally acceptable nuisances, requiring social decisions concerning the degree of acceptable

harm before a form of pollution requires the consent of an injured party.

Sagoff's libertarian views put him in the camp of many committed environmentalists. No industry should have an automatic right to pollute; the social goal, although it may not be feasible at present, should be to eliminate all pollution as an unwarranted intrusion on individual liberties. Fishermen in the Adirondacks should be able to bring class-action nuisance suits to stop power plants in Ohio from polluting lakes with sulphur and thus damaging their fishing. If I want to dump toxic wastes somewhere, I should be required to win the consent of the nearby land owners — possibly by offering a suitable payment.

Most economists — including some who label themselves libertarian — take a different view. They argue, in essence, that the degree of acceptable pollution should be determined by a comparison of benefits and costs to society associated with polluting activities. That is the role of the Environmental Protection Agency and other regulatory bodies that become in effect the "scientific managers" of the environment. Sagoff, however, dismisses benefit-cost analysis and most

other tools of centralized management as they have been developed by social scientists over the years. He argues that the claims to expert management by economists and other professionals are often a scientific fraud and practical failure. The best that can be done is to devise better institutions in society that allow private individuals in the market, and small-scale democratic decision making in politics, to resolve conflicts.

Sagoff is no less dismissive of professional ecologists and other environmental "experts." He lumps them together with economists as part of the broader failure of scientific professionalism in the 20th century. Since the progressive era, professionals have advertised that the world could be transformed by the application of objective, technical skills. They were unable to deliver on this promise, however. The technical quality of their understanding of social and ecological systems was typically weak and inadequate for public purposes. Their "scientific" efforts, moreover, usually had powerful value assumptions underlying them. Both economists and ecologists sought to advance their own "religions" in the misleading guise of scientific knowledge. Even as they

claimed to be acting as “experts,” Sagoff writes, the actual result has been a general “holy war against the forces of evil on the other side.”

At a minimum, Sagoff wants to institute a new regime of intellectual honesty. The protection of the environment, he says, is “ethical at bottom” and should be defended explicitly by “moral argument.” Endangered species, for example, are seen by environmentalists as having “a certain intrinsic worth because they are part of God’s creation.” Environmentalism asserts a “distinction between the natural and the artificial [that] marks the difference between those things that God has ordained and those things for which human beings are accountable.” It thus becomes necessary to go to heroic lengths to protect the natural heritage of the earth because “human beings, weighed down by sin and corrupted by the profit motive, are far less likely to improve upon than to spoil what God has made.” It is only their own hubris that makes them believe otherwise. This is the correct message of contemporary environmentalism, Sagoff argues, even when is misleadingly asserted with “the authority of scientific journals and prestigious [expert] panels.”

Sagoff explores several examples of scientific malpractice by economic and environmental professionals. Since the 1960s, for example, leading economists — including some Nobel Prize winners in economics — have advanced a new concept of “existence value” by which they claim to calculate the monetary value of nature protected from human

actions. Broadly, an existence value is the value in money to an individual to know that some state of the world — a wilderness, for example — is actually present. Existence value is distinct from previous efforts of economists because it involves in effect the “consumption” of an idea that makes a person feel good (the idea gives “utility”). There is little doubt that people do feel better or worse according to their perceptions of the state of the world. Yet, as Sagoff says, calculating the dollar value of feeling better, or feeling worse, according to individuals’ thoughts is to reduce the practice of economics to an absurdity.

Noting that “beliefs are not benefits,” Sagoff thus argues that it is an act of economic imperialism to propose that issues of social — or environmental — justice can be reduced to economic calculations. Should society decide abortion policy by whether some people assign a greater (or lesser) dollar value — to be calculated by economists — to the knowledge that an abortion clinic (which they will never visit themselves) is legally present in a community, as opposed to the dollar valuations of people on the other side of the debate? As a philosopher, Sagoff is quick to note that economists are logically inconsistent in this matter. They would never think of making economic policy recommendations based on existence value calculations, even though many economic policies provoke strong emotional reactions going well beyond the direct effects on the individuals. Sagoff observes: “If economists believe that

society should tax pollution or allocate resources to maximize welfare, they do not necessarily think this because they will be better off as a result,” as possibly shown by existence value calculations for the mere adoption of such policies.

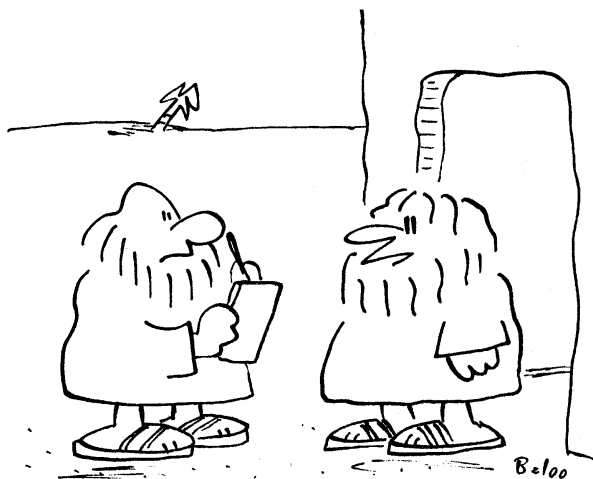
The follies of existence values represent an extreme example of the failure of benefit-cost

analysis in general. Sagoff argues that consumer preferences are intrinsically unobservable; even given actual instances of consumer choice, it is impossible to calculate any revealed

Sagoff argues that “pollution should be enjoined as a violation of personal and property rights” — an act of trespass or assault against a person who in most cases has not given any consent.

preferences without imposing a rigorous framework of choice that implicitly reflects a powerful set of assumptions. But this framework is itself often a prime issue for debate. As a result, economists have no way of reliably calculating economic benefits for ordinary goods and services. With respect to the concepts of “choice, preference, and value,” Sagoff concludes that “the only general relations that hold among these terms are stipulated — constructed as tautologies within the theory and otherwise without merit or application.” The bottom line is that the calculation of the dollar benefits of government policies is impossible; “the relation economists assert between preference satisfaction and concepts such as ‘welfare’ is at best an empty, trivial, frivolous, fatuous, specious, and tautological one.”

Sagoff’s argument in this respect has far reaching implications. Much of the activity of the modern welfare and regulatory state seeks to increase public welfare by various forms of government programs and policies. Sagoff is saying that there is no way objectively and quantitatively to evaluate the benefits of these welfare state functions, in order to compare them with the costs. Past benefit and cost calculations have merely reflected the desires and goals of the politicians, the bureaucrats, and the constituencies who have ordered up these studies. Benefit-cost analysis — and here Sagoff is in the camp with many traditional libertarians — simply rationalizes the current power relationships in the economy and society. It is



“Where do I stand on human sacrifice? — I guess I’m pro-choice.”

merely “politics” in a less transparent form.

The legitimacy of the welfare and regulatory state thus should derive not from the technical expertise with which government acts to increase the public welfare but from the mere fact that a policy or program has been democratically approved in the political process. When so much of the power of modern government is concentrated in Washington, D.C., however, it is difficult to see how ordinary citizens can acquire the knowledge or influence necessary to achieve democratic participation. If the political process cannot achieve genuine democratic results, and technical experts cannot act as surrogates to advance the public welfare, this leads to a libertarian conclusion. Much of the activity of the national government in Washington lacks legitimacy. Perhaps it should be dismantled. Sagoff does not himself go this far, but the conclusion is embedded in his logic.

Sagoff is similarly critical of past attempts by “ecological economists” to justify environmental policies in terms of the services that the natural world provides for the economy. Again, technical arguments are being marshalled falsely to justify strong moral positions about the proper relationship of human beings and nature. Sagoff thus explores efforts to preserve the land and the environment in the Catskills mountains of New York State, justified as measures to protect the quality of the drinking water of New York City. As with so many efforts of economists, it is the desired conclusion that ends up driving the analysis. There was never any real problem with the water quality in New York City and it is doubtful that the natural conditions in the Catskills have much effect on City water. If there is a problem, it may be an excess of nature. Rapidly growing populations of white tailed deer, beaver, and other wild animals pose a greater risk of pathogen contamination than human wastes. Sagoff sees this as another example of how, when “ethical, ascetic, and religious arguments are not winning the battle,” advocates of preserving nature turn to “science” in hopes that it will “ride to the rescue” — however spurious the quality of the scientific research.

As an example of the scientific quackery offered by many ecological scientists, Sagoff cites the widely publicized estimate that human beings have “co-opted” 40 percent of the net primary production (NPP) of terrestrial organic material — the “phytomass” — of the earth. Sagoff points out that under the usual definition of NPP employed by the ecologists making this claim, “termites represent a direct assault on global NPP . . . almost ten times greater than human beings. Other creatures, such as beetles and ants, may be as prodigious.” That is, in the same sense that humans are now said by ecologists to consume an excessive share of NPP, total consumption by all creatures may equal many multiples of 100 percent.

Sagoff finds that the calculation of NPP serves, not as a scientific finding, but as a religious metaphor. Ecologists define anything influenced by human activity in a separate category that consists, in effect, of things that are morally objectionable. As he writes, “[T]he implication that human dominated environments (farms, suburbs, etc.) are not ‘natural,’ however, provides a clue to a suppressed premise of the argument. Since what humans do — including all they consume — is tainted by original sin or something, it is ‘unnatural.’ By definition, human beings, corrupted as we are by sin, must threaten and contaminate ecosystems simply by changing them.” The ecological science of phytomass calculations is a modern form of “Calvinism minus God,” presented in brand new — and this time entirely secular — imagery. It would be much more honest, however, to present the theology explicitly.

Is there anything useful to be done by government? Sagoff believes it may be possible to improve the institutions of society so that free individuals can achieve their goals more effectively through their own actions, often thereby serving the wider purposes of society. The most important step is to define property rights clearly in order to encourage a well-functioning market. Sagoff suggests that ranchers who use public lands for cattle grazing to be able to sell the “rights” to public land grazing to environmentalists. In this way, a free market dealing in rights to

graze on public lands would be created, determining in this manner the amount of grazing that actually occurs.

Sagoff would thus overturn the decision in the progressive era to retain the public lands under federal ownership in order that the lands might be “scientifically managed” by forestry, range management and other public land professionals. As in other areas of government, the application of science to public lands has papered over the exercise of raw political power. The comprehensive land use plans that ostensibly guide U.S. Forest Service and Bureau of Land Management decision making have been about as functional as the central five-year plans in socialist Poland. In planning theory, ranchers were allowed to graze public lands because their presence maximized public benefits minus costs. In reality, they grazed the lands because they had been there first, and had the political clout to remain there. If environmentalists now want to greatly curtail livestock grazing on public lands, then, as Sagoff argues, they should just

When ethical, ascetic, and religious arguments are not winning the battle, advocates of preserving nature turn to science in hopes that it will ride to the rescue.

do it the old fashioned way: they should buy the ranchers out. It would be faster and fairer, and the willingness to actually pay off environmental groups would serve as a practical test of the relative value of livestock grazing versus the environmental plans for the use of the land.

Many issues involving the public lands do involve collective decisions, however. In such cases, a democratic

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decision is necessary, but Sagoff argues for a sharp decentralization of this process. The local community will often be

The comprehensive land use plans that ostensibly guide U.S. Forest Service and Bureau of Land Management decision making have been about as functional as the central five-year plans in socialist Poland.

the appropriate decision-making unit because most of the benefits and most of the costs are experienced there. Sagoff explores the example of the Quincy Library Group in northern California where local environmental, timber industry, and other parties worked with officials of the local government to devise a citizen plan for nearby national forest management.

Sagoff thinks that his example of "civic engagement" offers a model that might be followed in the future across much of the public lands.

The residents of Quincy faced a problem not unlike other Western rural communities dominated by federal land ownership. The "scientific management" by the Forest Service had made a mess of the surrounding Plumas, Lassen and Tahoe National Forests. For much of the 20th century, the agency had suppressed forest fire, but this had now resulted in the accumulation of large amounts of fire-prone "excess fuels" among the trees of these forests. There was a severe danger of catastrophic forest fire, as had already been seen in other areas of the West. Because they regarded timber harvesting as an unwarranted intrusion on the innocence of nature, environmental groups had compounded the problem by pressuring the Forest Service to curtail timber harvesting — thus leaving more fuel to burn and also putting many local mill workers out of their jobs. In response, the members of the Quincy Library Group had put together a plan that combined modest

increases in timber harvesting, consequently reduced fire hazards, protection of the most environmentally sensitive forest areas, and more jobs in local lumber mills. From the local community viewpoint, it offered the prospect of win-win all around.

The citizens of Quincy were unable to persuade the local Forest Service administrators that they had either the authority or the technical justification to implement this plan. In desperation, Quincy residents went to Congress seeking special legislation and, remarkably, were successful. However, when national environmental organizations attacked the whole effort, the Forest Service was able to fend off what it saw as a challenge to its core professional authority. In the end, the Quincy Library agreement collapsed. Nevertheless, while central authorities will inevitably be difficult to dislodge from their longstanding prerogatives, Sagoff argues that local democracy must be the next step.

"Price, Principle, and the Environment" thus makes many arguments that libertarians will find congenial. In some ways, Sagoff is more libertarian than many libertarians — he would probably reject, for example, the arguments that global warming is acceptable because the costs of preventing it are too high; to him, that would just be another form of benefit-cost analysis, in the service of scientific management of the world's climate. Yet, unlike many libertarians, Sagoff sees himself as a committed environmentalist. He argues that there are powerful moral arguments — ultimately theological arguments — for protecting the natural world from the physical depredations of modern science and industry. Unlike many environmentalists, however, he wants to abandon the false "scientific" arguments in defence of protecting nature and put the religion on the table for discussion and debate.

There are, admittedly, a few economic errors in the book. In Chapter 4, Sagoff argues correctly that the calculation of "consumer surplus" and other estimates of individual "willingness to pay" (part of the standard apparatus of benefit-cost analysis) is usually flawed and sometimes impossible. However, he goes too far in suggesting in this



Jolie, Barbra, even Sammy, Leo, and Liz

"Almost every Jew in America owes his life to laissez faire capitalism. It was relatively laissez faire America that welcomed Jews in unlimited numbers and progressive, New Deal America that turned them away by the boatload, and back to Auschwitz... For Jews especially: God Bless America should be God Bless laissez faire capitalism."

For *The Jewish Debt to the Right*, the New Mises Seminars, an Open Forum of the Right, and new ideas that the old libertarians don't want you to know about

see [Intellectually Incorrect](http://IntellectuallyIncorrect.atintinc.org) at intinc.org

chapter that consumers do not respond vigorously to price signals. Sagoff leaves large areas to be resolved in determining precisely when and how much human beings are allowed to “play God” in transforming “the Creation” — it would be impossible in many cases to do otherwise. He could also have said more about how to determine what level of harm is minimal enough to be acceptable without

compensation.

Yet, libertarians would do well to read “Price, Principle, and the Environment.” It is an argument for a “libertarian environmentalism” that breaks new ground. It is all the more interesting and important because Sagoff makes little formal use of traditional libertarian terminology and theoretical sources, even as the argument is distinctly libertarian in its substance. □

“A Politically Incorrect Guide to American History,” by Thomas E. Woods, Jr. Regnery, 2004, 270 pages.

History Without Blinders

Anthony Gregory

In today’s world, “political incorrectness” means little more than a reflexive gainsaying of every left-liberal disposition and sentiment, whether harebrained or rational. Many libertarians have proudly embraced and self-applied the label “politically incorrect,” and wannabe libertarians such as Bill Maher have transformed its meaning into one signifying style more than substance: an inflammatory and in-your-face approach to commentary designed to offend the sensibilities of those in the political mainstream.

Conservatives especially love the term, often employing it in the duplicitous mission of defending the state, which their preferred political party now controls. To be against violations of civil liberties and war is seen as “politically correct,” even though such positions oppose the actual dominant political regime and status quo.

No doubt, many such conservatives have picked up copies of Thomas Woods’ new book, “The Politically Incorrect Guide to American History,”

expecting to find in its pages rhetorical ammunition and personal reassurance that the main threat to America comes from an alleged and perhaps conspiratorial leftist drive toward totalitarian political correctness, to the detriment of the country’s taxpayers, families, religious institutions, and traditional civil society.

They’ll find much of this in the book. He dismantles the case for the 1964 Civil Rights Act and its progeny, such as affirmative action and the Americans with Disabilities Act. He attacks the Civil War for masquerading as social justice while consolidating power and overturning the secessionist principles of the American Revolution; and he portrays Lincoln as a racist, opportunistic powermonger who wavered between a plan to keep blacks in bondage indefinitely by constitutional decree, and a proposal to send them all to Africa. Woods puts the post-war Republicans to the fire, suggesting the strong possibility that “the real purpose behind Radical Reconstruction was to secure the domination of the Republican Party in national political life through the newly freed

population of the South,” and even boldly comments that “[i]n the Northeast, as well as in Indiana and Wisconsin, the vagrancy laws were as broad as any [black codes] in the South, with more severe punishments for violating them” (pp. 79, 81).

Woods argues that the government caused the 1929 stock market crash, and the New Deal didn’t bring America out of the Depression. He defends such rarely defended subjects as Eugene McCarthy, school prayer, Andrew Johnson, and even the notorious robber barons.

Politically incorrect conservatives will find all this amusing, but may begin to wonder: is it really conservative to attack the Civil Rights Act anymore? Many conservatives are more likely to boast that the Republicans, more than the Democrats, deserve credit for this program of federal intervention. Modern conservatives frequently argue that the egalitarian Civil Rights Act and affirmative action are based on opposite principles, the first on racial equality and the second on discriminatory quotas. However, as Woods points out, “Since it is impossible to read minds, it cannot be known whether a private employer is engaged in ‘discrimination,’ or if he is perfectly unbiased but in the course of hiring failed to employ various minority groups in proportion to their representation in the general population. In order to prove they have not discriminated, employers must now establish quota systems in hiring to protect themselves from government lawsuits. *Thus the logic of antidiscrimination legislation leads directly to affirmative action*” (207, emphasis in the original). To further provoke heavy-duty political soul-searching, Woods reminds his readers that it was Nixon, not a Democrat, who gave America its first major federal affirmative action programs.

And is it really conservative to condemn the New Deal? Sure, it was socialism, but among today’s conservatives Franklin Roosevelt is more revered as a great leader than lambasted as a villain. Woods astutely places the blame for the beginning of the New Deal where it belongs, on Republican Herbert Hoover, who backed the protectionist and devastating Smoot-Hawley tariff that “[v]ir-

tually all American economists united in urging Hoover to veto," signed into law "the largest peacetime tax increase in United States history up to that point," and headed the administration under which "[m]ore money was spent on [public-works projects] in four years than in the previous thirty" (143, 144).

Woods relentlessly attacks the cherished wars of old, documenting the propaganda, deceit, and futility surrounding U.S. entry into World War I. But exactly whose politically-correct nose is he thumbing here? Rarely does the modern Left express strong opinions about World War I, other than its being a futile and destructive waste of time. To discredit the Great War in the way Woods does attacks a more fundamental political correctness: that of the U.S. military state.

Woods documents how leftist American newspapers and journalists whitewashed the genocidal regime of Stalinist Russia during the 1930s. He tells the shocking story of how the New York Times "denied the existence of the [Ukrainian] famine" (quoting Times reporter Walter Duranty as saying, "The 'famine' is mostly bunk"), and tells the reader that "[p]rominent Americans could even be found to defend Stalin's show trials, a spectacle of political theater so transparent that it would have taken genuine effort *not* to see through it" (165, 166, emphasis in the original).

But then he exposes Franklin Roosevelt and Harry Truman — heroes of today's conservatives (compared to Bill Clinton, anyway) — as being sympathetic towards Stalin. Here Woods exploits the anti-Communist, pro-McCarthy sympathies of the New Right, while denouncing

two of its greatest heroes. Meanwhile, he slips in facts about "Mr. Republican," Sen. Robert Taft, a man who would feel about as comfortable with the Bush administration — or, for that matter, Rush Limbaugh — as does today's antiwar libertarian Congressman Ron Paul. "Conservative" Bob Taft opposed the Cold War, and especially the Truman Doctrine: "Not only would it potentially involve the United States in countless conflicts around the globe, but it was also, in [Taft's] view, founded more in hysteria and paranoia than in a rational and sober appraisal of Soviet capabilities" (192). So Mr. Republican opposed the Cold War while the Democratic "liberal" communist sympathizer Harry Truman waged it. This is certainly not the run-of-the-mill political correctness of, say, Sean Hannity. Nor should we expect many of today's conservative shock jocks to share Woods' interest in Pearl Harbor revisionism, now that the interventionist warfare state and the accompanying delicate web of mythologies on which it thrives are part of the Republicans' view of the world.

The Guide's best section details one of the most abhorrent, and least known, atrocities of the Second World War: Operation Keelhaul. At the end of the war, in accordance with agreements made at Yalta, the Allies forcefully rounded up 1 million or so war prisoners, mostly expatriates from the USSR, loaded them onto boxcars, and shipped them off to Stalin. "Uncle Joe," as FDR used to call him, worked many of them to death and murdered the rest, a predictable consequence of Stalin's forced repatriation, as anyone who had noticed Stalin's gulag, purges, and mass starvations could

have predicted: "Some of the men simply committed suicide rather than return" (188). Woods tells how the atrocity hit American soil: "About 200 Soviet nationals were among the prisoners of war at Fort Dix, New Jersey, in mid-1945. . . . They were taken prisoner with

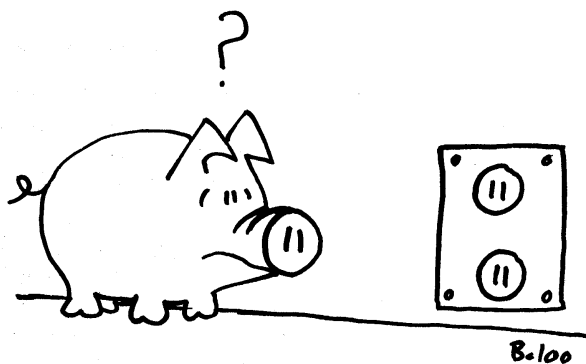
the solemn promise that under no circumstance would they be repatriated to the Soviet Union, where they faced certain death. That promise was betrayed so that the American president might be faithful to Uncle Joe"

Woods' book is being pitched primarily to conservatives as an anti-leftist piece of work, but its anti-state message is strong and consistent.

(188). Today's textbooks don't mention this war crime at all, and few educated people know much about it. This piece of history is far more politically incorrect than anything you will ever see in an Ann Coulter column, and it's a reminder that the worst Communist sympathizers, the ones with the most blood on their hands, were not the ignorant liberal journalists, but rather the most celebrated heroes of the U.S. warfare state.

"A Politically Incorrect Guide to American History" is a bit soft on Reagan, who, as Woods explains, did not cut government at all, but rather expanded it. Yet Woods defends Reagan as a man who "was unable to do *more* of what he had hoped to do" (237, emphasis in the original). Some would argue that Reagan never had any interest in cutting government in the first place. The book also glosses over the Vietnam War, and speeds past entire periods of history with barely a comment. Woods acknowledges this in his preface, and points readers interested in further study to his selected bibliography.

The book is being pitched primarily to conservatives as an anti-leftist piece of work. Nevertheless, its anti-state message is strong and consistent, and the author does not pander to the right at the expense of principle. He explains the differences between political capitalists — such as most of the railroad tycoons, who fed off the powers of the government — and entrepreneurial capitalists, who made their enormous wealth by producing for the masses and raising their standard of living.



The "Politically Incorrect Guide" explains the economics behind Europe's recovery after World War II, and obliterates the myths surrounding the so-called "success" of the Marshall Plan, concluding that it "worked no better than any other government giveaway program" (190) — another government program you won't hear many modern conservatives condemn amidst the "reconstruction" efforts in Iraq. Woods consistently defends the free market and opposes the collusion

between Big Business and the state that has become so pervasive, especially under Republican rule.

Overall, Thomas Woods has produced a wonderful book. I recommend it highly for high school and college students who have been exposed to nothing but leftist propaganda in academia. I recommend it even more highly for today's self-proclaimed "politically incorrect" apologists for the very politically correct ruling ideology and regime of our times. □

"The Politics of Liberty in England and Revolutionary America," by Lee Ward. Cambridge University Press, 2004, x + 459 pages.

Libertarianism in the 17th Century

Michael Caldwell

In my public high school it was a truth universally acknowledged that any student caught woolgathering by an attentive teacher should respond to that teacher's inevitable question (designed to shame said daydreamer) with the magic phrase "The French Revolution." No matter what the topic or class, these words were regarded as a talisman so pregnant with meaning that the surprised teacher would always assume one's reply denoted deep thinking. I was reminded of this as I read Lee Ward's "Politics of Liberty in England and Revolutionary America." The answer to every question this text seems to throw up is "The American Constitution." Lest it seem as if I am damning this work by linking it with teen folly, let me state right up front: this is a very good book.

Ward writes lucidly. He begins and ends every section and nearly every chapter with a clear summary of where he has been and what it all means. His

paragraphs begin with straightforward theses; one could read them *seriatim* and have an excellent outline of each chapter. The mini-history lessons used to orient the reader, particularly in the book's central section, are lucid without being overly simple. The mastery of a broad range of historical, philosophical, and political scholarship is impressive. At the risk of seeming churlish, I will note that even if Ward's tendency to organize thoughts in twos and threes — every paragraph seems to have an idea which comes in binaries or triptyches — can get tiresome, one is nevertheless grateful for the fact that the prose is structured so clearly on these matters. And the text is blissfully jargon-free. Nevertheless, this book will be easier to read for those conversant with the outlines of Anglo-American history in the 17th and 18th centuries. Similarly, the broader and deeper one's familiarity with the range of political and philosophical thinkers deployed in Ward's text, the greater will be one's appreciation for his argu-

ment.

Ward's has an interlocking series of goals. His primary wish is to contribute to the debate among political historians and philosophers regarding the legacy of John Locke, the most popular candidate for intellectual founder of classical liberalism (and ultimately libertarianism).

On one side of this debate are (or were) the Lockean liberals, who see his "Two Treatises on Government" (1690) as crucial to the development of Anglo-American liberalism. In brief, they trace to this text the classical liberal emphasis on "the centrality of individual and natural rights, an . . . understanding of government as a product of human artifice designed and directed to the securing of rights, and . . . the importance of private property rights" (p. 2).

On the other side are the classical "republicans," who trace a different lineage from 17th-century political philosophy to the Declaration of Independence. These thinkers replace Locke with neo-Machiavellians like James Harrington (1611–77) and, especially, Algernon Sidney (1622–83), and find their influence in all the old haunts that Locke used to occupy. As embodied in the work of their central theorist, J.G.A. Pocock, classical republicanism identifies a "civic humanist

Ward seeks to end the liberal-radical standoff by pointing out where both sides have reason to view the Constitution as the culmination of their cherished tradition's ideals.

mode of thought" that emphasizes "mixed government, civic virtue, property as instrumental to citizenship, and the importance of participatory poli-

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tics" (3).

More recently, Locke and his liberal partisans have found new life, and political historians exist in something of a tense equilibrium on these matters. In the realm of political debate, most parties tend to appropriate as much of both traditions as they can. Even contemporary libertarians tend to see as many of their own, essentially Lockean, ideas in America's founding documents, without allowing for possible influence from other sources.

Ward argues that both the republican and Lockean liberal strands inform the development of Anglo-American debate over a wide range of political issues, reaching a synthesis in, you guessed it, the American Constitution. In other words, he seeks to end the standoff by pointing out where both sides have reason to view the Constitution as the culmination of their cherished tradition's ideals. Still another way of putting it is that Ward wants to redefine more precisely Locke's influence in Anglo-American political discourse. In this, it seems to me, Ward is wholly successful.

Ward recognizes that texts in the civic humanist tradition bear strong traces of Locke's imprint, and it would be an oversimplification to deny these

The challenge after the English Civil War was to develop the notions of resistance and popular consent, without raising the specter of mob rule and anarchy.

influences. He also sees that it would be wrong to deny the remnants of republican ideas in classical liberal texts; such elements appear in Locke's own work, for instance. Ward argues that "only by digging down to the very roots of [18th-century liberal] thought

will we find the materials necessary to reconcile the different strands of this early modern philosophy into the heterogeneous whole it originally was" (10). In Ward's conception, the digging must be deep. In order to explicate the American synthesis of these traditions, Ward feels it is important to trace their development from three influential 17th-century thinkers: James Tyrrell (1642–1718), Sidney, and Locke. And in order to discuss these three thinkers, he finds it necessary to trace their response to natural law theory, to Robert Filmer's Bible-based patriarchy, and to others' early responses to Filmer.

My own initial response to a text conceived in this fashion was to wonder just how far back one has to go to understand an idea. I was skeptical that in order to place Locke's influence on Adams and Jefferson I needed to comprehend the development of natural law theory in the early 17th-century Catholic thinkers Roberto Bellarmine and Francisco Suarez. Even Ward's lucid chapter summaries could not at first convince me that one really has to grapple with Filmer's attacks on Catholic natural law. Haven't we been schooled to think that people like Filmer are just insects best preserved in the amber of their opponents' theories?

From Ward's work, it would seem that Filmer has too often been flipantly dismissed. His reading shows that for 17th-century political thinkers, Filmer was a force to be reckoned with. Why? Because, as Ward explains, "it is in the light of Filmer's professed horror about the theological and political consequences of [the Catholic theologians'] doctrine of natural liberty that the Adam of Genesis emerges as the central figure in the divine right drama" (25–6). As developed by Bellarmine and Suarez, the Catholic doctrine of natural liberty boils down to four principal tenets: people are equal and free, popular consent produces the particular form of government of a people, this government can be viewed as the result of a contract, and the people may alter this contract under certain circumstances (25). Filmer rejects all of these positions. His view is that "the lordship which Adam by creation had over the whole world, was as large and ample as the absolut-

est dominion of any monarch which hath been since the creation" (quoted by Ward on p. 26). From this basic position, Filmer derives his views that

For Paine, society forms the raw material of government, and government should almost always be democratic to safeguard the individual rights of the people who make up the society that sanctions it.

political power (that is, monarchy) is divinely inspired, that the hereditary right of kings is absolute, and that the natural condition of people is subjection. For obvious reasons, Filmer loathes the notion of consent.

The 17th century produced many responses to Filmer. The most influential of these responses, however, tended to produce absolutist government. As Ward writes, the "leading lights of early modern natural jurisprudence offered secularizing, and, in Hobbes' case, emphatically individualistic models of political theory, but these models also contained dangerous absolutist tendencies" (98). For Ward, the need to synthesize secular and anti-absolutist elements of the natural liberty debate as they swirled around Filmer and his disputants in the 17th century is the backdrop crucial for understanding the work of Tyrrell, Sidney, and Locke.

The response of James Tyrrell (Ward calls him the "Voice of Moderate Whiggism") to Filmer is founded on Samuel Pufendorf's (1632–94) development of the natural rights tradition. The challenge for anti-Filmerites after the English Civil War was to develop the notions of resistance and popular consent, without raising the specter of mob rule and anarchy, and without resorting to Filmer's royal absolutist doctrines. For thinkers like Tyrrell "who were seeking justification for their own resistance to the crown . . . but were also profoundly suspicious and fearful of the populist or even republican implications of radical resistance theory,

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Pufendorf's formulation of a limited, primarily restorative, right of resistance in emergencies was the ideal theoretical support" (113). For Pufendorf, as for Tyrrell, societies are founded on the natural rights of consent, but these rights come with duties and obligations. Thus the bar for resistance in such a system is set rather high; Tyrrell hopes to limit the occasions for resistance and the anarchical tendencies of mass rule.

Tyrrell's "abiding moderation" and his solution to the problem of Filmer are rejected outright by Algernon Sidney. Of the three major thinkers in Ward's second section, Sidney is the most radical. Unlike the almost conservative views of Tyrrell or the more moderate liberalism in Locke, Sidney resuscitates the republican views of Machiavelli. For Sidney, the only legitimate government is that which derives the most frequent and widest consent from the governed. Sidney's "linking the doctrine of natural liberty to the contention that all legitimate rule rests on popular sovereignty and is directed to the security of rights," for Ward, means that "Sidney establishes the theoretical foundations of radical Whig republicanism" (181). Despite the fact that Sidney's views were not enacted in any meaningful sense by his 17th-century countrymen, it is difficult to overstate his long-term influence. For Ward, "the Sidneyan form of Whig republicanism . . . presented a blueprint for later variations of Anglo-American republicanism" (208).

Locke's response to Filmer partakes of elements of both Sidney's and Tyrrell's work. Ward sees Locke as a "radical Whig and a defender of the doctrine of natural liberty" at the same time that he notes "his principles of individual natural rights and popular sovereignty did not eventuate in a defense of republicanism and popular government" (212). That is to say, Sidney's extreme emphasis on popular sovereignty "runs counter to Locke's support for the separation of powers and his assertion that sovereignty is a product of the delegated natural powers of individuals" (212). For this reason, Ward sees Locke as a "liberal and constitutional alternative to the moderate Whig and radical republican constitutional thought of Tyrrell and Sidney"

(213).

In another passage, Ward claims that "liberal constitutionalism, as Locke conceived it, broke from both radical republicanism and moderate Whig ideas by reconceptualizing government power in such a way as to make political sovereignty difficult, and perhaps impossible, to locate. Neither the moderate Whig king-in-Parliament nor the modern republican

popular assembly would be sovereign in Lockean society. In a fundamental sense, society would be sovereign, not institutions" (269). Thus Locke's response to Filmer is less radical than Sidney's, yet holds out more room to maneuver against tyrannical government than Tyrrell's.

Ward's readings of these authors depend for their strength on the use he makes of a wide range of philosophical

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and political discourse. For example, in his explanation of Locke's account of slavery in the second treatise, Ward explains Locke's appeal to Richard Hooker's account of the state of nature, as a way of defending Locke's theory from dissenting views found in Aquinas or Suarez. That's a mouthful, but I am trying to suggest that the specific arguments within Ward's chapters are a good deal more detailed and nuanced than one can do full justice to in the space of a review.

Once Ward has laid out his three main theorists' views in the book's central section, he turns in his final section to show how these strains of liberal thought play out in an American context. As one might expect from the foregoing summary, the line from Locke to the Constitution is not a straight one. Different colonial writers respond to the moderate, radical, and liberal constitutional views (Tyrrell, Sidney, Locke) differently, and they also combine these views in interesting ways.

One of the pleasures of Ward's book is how he explains and makes attractive, writers who would seem to deserve more attention. One of my first reads after Ward's book will be James Otis' "The Rights of the British Colonies Asserted and Proved" (1764). The text, of which John Adams remarked "then and there the Child Independence was born" (quoted on p. 332 in Ward), surely deserves to be better known. In Ward's account, Otis combines elements of the radical and liberal strains of post-Lockean thought prevalent in Anglo-American discourse, without developing the more radical conclusions implicit in them. So, for example, Otis insists on the notion of government depending on

the consent of the governed. He defends the British notion of a mixed constitution of king-in-parliament. For Ward, "it is this uneasy balance of the radical and moderate Whig elements in America's English political inheritance that characterized the early colonial position in the imperial crisis" (333). Later colonial writers more eagerly pursue the radical implications of combining Sidney and Locke.

For instance, in Ward's reading, Jefferson's "Summary View of the Rights of British America" (1774) is a logical and somewhat more radical development of the views of Otis. For Jefferson, "[G]overnment is the product of human artifice generated by the consent of free and equal individuals" (352) — a view that could come straight from Locke's "Second Treatise." More importantly, Ward claims that "in conformity with Locke's delegation theory of sovereignty, Jefferson argues that the colonial assemblies were the bodies to which the colonists delegated supreme legislative power" (355). Jefferson's views are thus much in keeping with Locke's liberal constitutionalism in the "Summary View": he wishes to enshrine colonial legislatures on a par with Parliament, but still under the rule of the king. At the same time, Jefferson's views on popular sovereignty stem from the more radical views consonant with Sidney.

This blending of liberal and radical political discourse largely disappears from the work of Paine, whose views are much more in keeping with those of Sidney. Paine justifies independence for the colonies by a "potent blend of distinct radical Whig ideas" (375). Specifically, Paine reconceives society, government, and monarchy in recognizably republican terms. Paine sees society as the natural precursor to government, but government as, at best, a necessary evil. As Ward puts it, "Paine believes society is good and government is bad, or at least stands as a testament to human frailty" (377). For Paine, society forms the raw material of government, and the reason why government should almost always be democratic is to safeguard the individual rights of the people who make up the society that sanctions it.

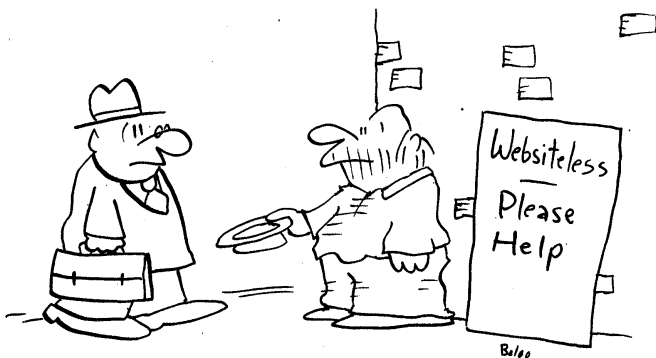
Having laid out Jefferson's and Paine's arguments, Ward turns to a discussion of state constitutions,

If I have one major disappointment with this book, it is that (and one can almost never say this of academic monographs) it ends too soon.

because in them, the process of working out how liberal (Lockean) and radical (Sidneyan) would be combined in the American experience becomes most clear. The earliest of these documents emphasized the more radical strains of the tradition. Ward thinks the earliest state constitutions picked up on the most radical elements in Paine and Jefferson (including the Declaration). Thus, "the central premise of the first-wave constitutions" was, according to Ward, "ensuring popular control over the central lawmaking body in an effort to make the engine of government reflect the thoughts, opinions, and feelings of the public as closely as possible" (411). The insistence on weak executives, frequent elections, and a strong lower legislative chamber in these constitutions reflected Sidney's influence more than Locke's.

The next wave of state constitutions sought a stronger role for the executive branch, controls on who could participate in upper legislative chambers, and a more nuanced understanding of the delegation of powers to government. Thus for Ward, "the second-wave reaction to the perceived populist excesses of the republican first wave" involved blending "the moderate Whig principle of constitutional balance with the Lockean liberal ideas of a functional separation of powers and the fundamental limits on the legislature" (416).

Something of an ideal balance seems to be struck in the



Massachusetts constitution of 1780. Ward sees it as “the first fully articulated formulation of the uniquely American form of constitutional government” (422). Like other second-wave state constitutions, Massachusetts’ sought a greater role for the executive and upper legislative chamber, and a clear separation of powers. The key innovation here was the submission of a draft of the constitution for popular ratification. For Ward, “the process of popular ratification in Massachusetts represented the most ambitious effort in the revolutionary period to institutionalize and operationalize the Lockean liberal understanding of the origin of government” (423). Why? Because “by fleshing out the process required to distinguish the fundamental popular consent implied in the idea of natural constituent power so central to Lockean Whig philosophy from the operational consent required in quotidian governance and normal legislation, the Massachusetts constitutional framers advanced the American idea of consent materially

toward a coherent theory of divided sovereignty” (423–4).

One could be forgiven for wondering, in all the jockeying between partisans of Sidney and Locke, where Tyrrell went. By Ward’s account, Tyrrell’s defense of mixed government and the British constitution becomes the default position of the wider British polity in the 18th century. In a terrific chapter entitled “The Glorious Revolution and the Catoic Response,” Ward shows that while a few radical Whig voices (John Trenchard and Thomas Gordon in their periodical *Cato’s Letters* being the best example) cried out for more daring constitutional reform, including more frequent parliaments and wider suffrage, in the end, something like Tyrrell’s moderate views came to predominate. Ward’s narrative does an excellent job of placing writers like Bolingbroke and Blackstone, writers who have sometimes been badly misread in the service of other agendas.

If I have one major disappointment with this book, it is that (and one can

almost never say this of academic monographs) it ends too soon. Because the American Constitution looks like the richest possible answer to the question of how the various strains of liberalism combined, it seems strange that the text ends where it does, with the Massachusetts Constitution of 1780. Everything in the text led this reader to expect a grand summary showing how the American Constitution itself solved the problems of competing traditions; Ward breaks off before this summary can occur. Another scholar, or perhaps Ward himself, ought to write a text tracing how the synthesis Ward details in his work panned out in the years 1788 and following. Such a text, particularly if it followed through on American and British (and French?) developments after the American Revolution, would be a worthy sequel to this excellent monograph, especially if it teased out the philosophical and political implications of neglected texts and authors with the rigor and clarity brought to this effort. □

Did the Fed Cause the Depression?, from page 42

ing prior contracts specifying payment in gold revoked by Congress, FDR decided that the “correct” price for gold was \$35 per ounce.

Along the way, he would meet in his White House bedroom with Treasury Secretary Henry Morgenthau and set that day’s price for gold. One morning, FDR chose an increase of \$0.21, and Morgenthau asked him why. FDR replied, “because three times seven is 21, a lucky number.”* That’s how the author of the New Deal pursued and implemented important economic policy decisions. These manipulations of gold stocks and gold prices had no positive economic impact, but they did make the federal government the single greatest hoarder of gold in human history. I suppose I should point out that many prominent economists at the time had also advocated confiscation of gold and other gold manipulations. There was the so-called Chicago Plan for banking reform — signed by such important economists as Frank Knight, Aaron Director, Henry Simons, Lloyd Mints, Henry Schultz, and Paul Douglas — which sought just such policies, without anticipating, of course, Roosevelt setting prices from his bed.†

So we see that the Fed alone — Myth #4 — cannot be held responsible for the Great Depression. Two presidential administrations and Congress played important roles in vir-

tually guaranteeing that the depression would worsen. And so it did. In a way, we learned a great deal about economic policy during the 1930s. We learned pretty conclusively what *doesn’t* work. And that’s a very valuable thing to know. Unfortunately, the nation as a whole paid a severe price for this particular collection of truths, and we remain in the shadow of many policy initiatives begun during the Great Depression that at best are dubious, and at worst, might ultimately bankrupt us.

As for the Fed’s responsibility, which of the two views mentioned above is more correct? Perhaps we can do no better than to quote Frederick Lewis Allen on the business cycle: “Fundamentally, perhaps, the business cycle is a psychological phenomenon. Only when the memory of hard times has dimmed can confidence fully establish itself; only when con-

One morning, FDR chose an increase of \$0.21 in the price of gold. Morgenthau asked him why. FDR replied, “Because three times seven is 21, a lucky number.”

fidence has led to outrageous excess can it be checked. It was as difficult for Mr. Hoover to stop the psychological pendulum on the downswing as it had been for the Reserve Board to stop it on the upswing.” □

* Powell, Jim. 2003. “FDR’s Folly” (NY: Crown Forum). p. 72.

† Phillips, Ronnie J. (1992) “The Chicago Plan and New Deal Banking Reform.” Working Paper #76 (Avondale-on-Hudson, NY: The Jerome Levy Institute). p. 8.

U.S.A.

The march of progress in military science, reported in *The New Scientist*:

The Pentagon considered developing an "aphrodisiac" chemical weapon that would make enemy soldiers sexually irresistible to each other. Provoking widespread homosexual behavior among troops would cause a "distasteful but completely non-lethal" blow to morale, the proposal says. Spokesman Edward Hammond says it was not known whether the proposed \$7.5 million, six-year research plan was ever pursued.

Eastsound, Wash.

Alert border patrolmen protect our nation's food supply, as detailed in *The Island's Sounder*:

When Richard and Debbie Tetu attempted to cross the U.S. border with 15 cases of maple syrup destined for a high school fundraiser, they were pulled out of line for seven hours of questioning by the Border Patrol, who said the syrup could be considered a biohazard. Their passports were taken away and they were threatened with a \$5,000 fine.

Olympia, Wash.

Evidence of the efficacy of bureaucracy, from the *Seattle Times*:

Department of Social and Health Services Secretary Dennis Braddock said there are legitimate reasons for Medicare payments to dead people.

South Hall, Ga.

A roadblock on the way to community recreation, as reported in the *Gainesville Times*:

Three hundred eleven acres of Eleanor Brazell's land are under contract to a developer for \$8.4 million, leaving Brazell twelve acres and the home her husband built. County Commissioner Deborah Lynn proposes to use eminent domain to force the widow to sell all 323 acres to Hall County for \$6.4 million, in order to build a park and community center. A county-appointed citizens' park board has said they do not want any of Brazell's land for a park.

Detroit

Yuletide spirit, noted by the *Detroit Free Press*:

Agostinho Fernandes, the director of a Detroit food bank, is wondering what happened to 60 turkeys that his charity gave to members of U.S. Rep. John Conyers' local staff two days before Thanksgiving to give to needy people. Fernandes said he became suspicious after hearing from a friend that a federal court worker had said he was offered free turkeys by a member of Conyers' staff.

Muscatine, Iowa

Further evidence of the efficacy of bureaucracy, from the *Des Moines Register*:

Dean Wooten was denied unemployment benefits after it was revealed that the 65-year-old, formerly a greeter at Wal-Mart, was fired for displaying to incoming customers a picture of himself wearing nothing but a strategically-placed Wal-Mart sack. He is appealing the decision.

Hempstead, N.Y.

Evidence that Shakespeare was right, from *New York Newsday*:

While waiting in line to get into the 1st District Courthouse, Harvey Kash and Carl Lanzisera passed the time by telling jokes about lawyers. An attorney ahead of them in line reported the pair to court personnel, who arrested them and charged them with disorderly conduct for "being abusive and causing a disturbance."

Redmond, Wash.

Experiments in workplace diversity at Microsoft, from employee newsletter *MicroNews*:

I would like to challenge every Microsoft employee to try an experiment during the next week. As you attend your meetings, take a moment to look around the room and ask yourselves, "Are the people in this room a diverse group?" If the answer to that question makes you a little uncomfortable, congratulations! Moving outside your comfort zone is the first step. Then, ask yourself, "How can I personally make a difference?" It won't always be easy, and it may be uncomfortable, but it will be worth the effort.

Victoria, Australia

Politicians give back to the community, from the *Ballarat Courier*:

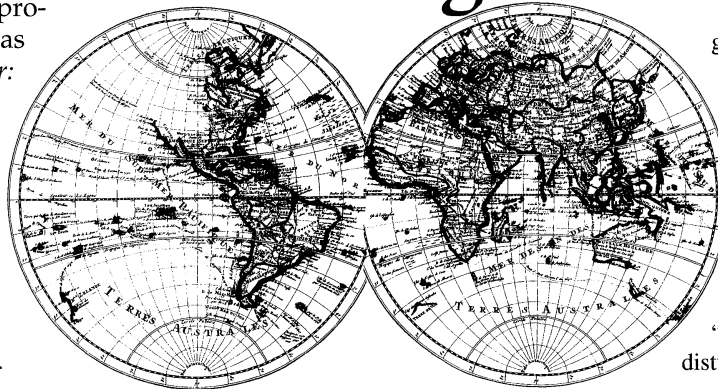
Politicians have been asked to lend a hand and become sperm donors to help arrest dwindling supplies at an in vitro fertilization clinic.

San Anselmo, Calif.

Police become educators, as outlined in the *Marin Independent Journal*:

Drake High School administrators and police Commander Jim Providenza defended the possible hiring of a campus police officer as a way to educate students on police law, if not tamp down on campus crime. Providenza said the hiring was not primarily aimed at thwarting crime at the school, but rather an effort to "work in a pro-active fashion to interact with the kids. I would also hope that it would have an impact on discussions on civil liberties."

Terra Incognita



Special thanks to Russell Garrard, William Walker, Tom Isenberg, 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@libertyunbound.com.)

Franceland

Harrowing, seething, scary, ~~tremulous~~, frightening, hilarious, petulant, frustrating, even searing tale of a sabbatical year at a French University not-in-Paris.

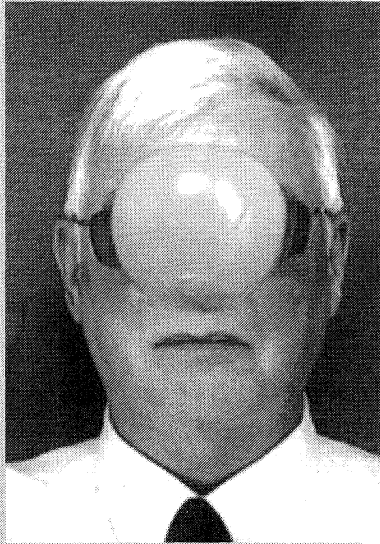
Read as Dwayne tries to convince a Gabonese Customs agent that his RAM chip was "free" via a coupon and thus not dutiable.

But there's better, much better: mad cap races in tiny cars during hapless transportation strikes and terrorist attacks, resulting in such sure-fire defenses as welding the trash-cans shut.

And, churning, stewing underneath it all is Dwayne's mid-life sea change. Like what? Did he chase after pizza waitresses? Buy a Miata? NO! He became a Libertarian.

Learn how to rate French restaurants, hotels and bars by the infallible "quality of the bar dog" system. Learn how to speak real French without the agony of learning any. Come to understand why the entire French education system is incomprehensible.

Join us in this neither fish nor fowl (note to book store clerks: "travel/humor") romp through France, a joyous but often sad, digestible yet searing (I know; I already said that) epistolary memoir.



Fake praise for *Franceland*:

"Damn, I wish I'd written that!"

— P.J. O'Rourke

"I knew there was a reason why I've never gone to France."

— Dave Barry

"Funnier than Dave Barry — hey, and even me on a bad day."

— Bill Bryson

"Eef I aver get my 'ands on zat weasel I'll wrang 'ees nek."

— Président Chirac

The Luzerville Trilogy, by Dwayne Lubner. Order at:
www.luzerville.com

Fake praise for *Leaving Luzerville*:

"Damn, I wish I'd written that!"

— John Dewey

"Flee flee! David didn't learn by eating finger paint!"

— Maria Montessori

"Les pommes frites sont belles comme les chaussettes séchés."

— Marquis de Condorcet

"Dwayne is such a scamp!"

— Woodrow Wilson

Leaving Luzerville

It isn't easy being funny when relating the harrowing, seething, scary, ~~tremulous~~, frightening, frustrating, even searing tale of being fired by your University and betrayed by your wife, but why not? I mean, IS there an "appropriate" response to finding out that your wife traded you in for a free trip to Japan?

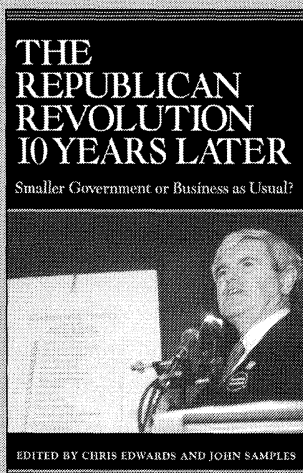
Read on as the Luzerville University attorney flays Dwayne for being, in order of egregiousness, "uppity," heterosexual, quietly Libertarian, loudly critical of really, really stupid policy decisions, and a tall poppy in general. An excerpt:

What [advisors] do is translate the ever-increasingly complicated University Catalog, the contract between the student (at the time of his or her matriculation until seven years later or the return of Halley's Comet, whichever comes first) and L.U. Here is a fictional, but not far from the mark, entry:

Equine Statistics 304: Use of ways and means of alternative deviations as they apply to horses. Prerequisites: Equine Gender Studies 204, Equinetrics 107, Equine writing 201. Must be taken before the age of 26 if male. Not fungible with any Military Science course. Not an adequate substitute for equine chemistry courses taken at area junior colleges or any school in Albania prior to 1999.

Steering the poor students through such quagmires is the job of the uncredentialed or "differently credentialed" faculty wife. Such quagmires also tend to stretch a "four" year degree into five or six. The logic behind such waste is, at bottom, that no one at universities, or at least those who feed in the public trough, really give a damn about students.

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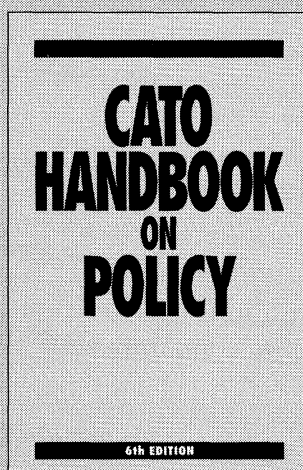
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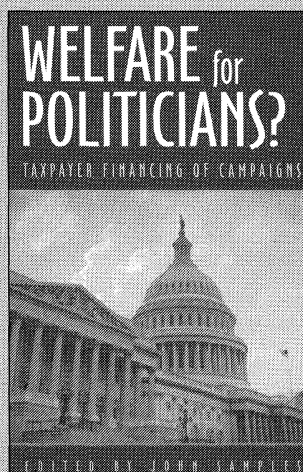
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