

# Liberty

October 2004

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Gay  
Marriage  
*Is Fabulous!*

## Kerry Nation

*by Douglas Casey & Patrick Quealy*

## Why Bureaucrats Cannot Win the War on Terror

*by Christopher Hartwell*

## Liberty and Spending Under Reagan

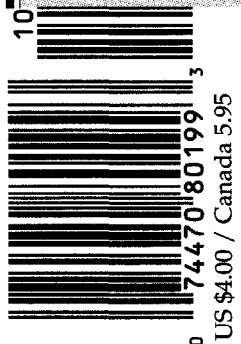
*by Milton Friedman*

## Freedom at the Ballot Box

*by R. W. Bradford*

Also: *Bill Woolsey* figures out who owns the Fed, *Greg Kaza* looks at the weird history of third parties, *Anthony Gregory* exposes Bush as a big-spending warmonger . . . plus other articles, reviews & humor.

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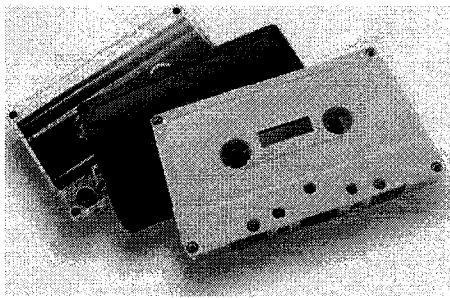
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*editor & publisher*

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*managing editor*

Stephen Cox  
John Hospers  
Bruce Ramsey  
Jane S. Shaw  
*senior editors*

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Alan W. Bock  
Douglas Casey  
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- 4 Letters** Readers touch the Fed's private parts, explore the monogamous Enlightenment, take us to task about Badnarik's nomination, and more.
- 7 Reflections** We salute Mr. Saigon, Nixonize Kerry, find pigskin and pot don't mix, logic-check Harper's, admire Moore's "Triumph," get down with Osama and Lucifer, square the circle with John Kerry, fight terrorism with feminism, and celebrate the liberation of Poletown.

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- 49 The Unwasted Vote** *Greg Kaza* examines the curious history of fringe parties in America.
- 
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## Letters

### One-Trick Pony

For many years, publisher R.W. Bradford has concentrated on reporting anything that can denigrate the Libertarian presidential candidate. He has become a one-trick pony, repeating ad nauseam that Badnarik "willfully refused to file his federal tax return for years."

Missing from Bradford's breathless response is any questioning of the IRS position concerning the income tax. For instance, does Badnarik legally owe income tax (only "if you are liable")? According to the IRS's own manuals, most of us don't. Asking the question of the IRS, however, will most likely get your website shut down, your home broken into and searched, and your computer, records, and bank accounts confiscated — all without a trial. Badnarik has taken a courageous stand against this repugnant, out-of-control agency as a true patriot.

Bradford's "reasoning" (the IRS says so) regarding who owes income tax would lead one to accept the myth of a Social Security "trust fund"; believe all pronouncements of the DEA, CIA, and FBI; and believe in the goodness of the Patriot Act and John Ashcroft.

Badnarik talks the talk *and* walks the walk — he has my vote.

Jim Kinard  
Lancaster, Ohio

### The Fed Is Private!

I enjoyed "Dark Horse on the Third Ballot" by R.W. Bradford (August) immensely, and, being a former investigator, was fascinated with the investigative "behind the scenes" details. However, I noticed some errors in the article that I wanted to bring to your attention.

Bradford describes the belief that the Federal Reserve System is privately owned as a "goofy belief" and describes his utter surprise that all

three presidential candidate nominees subscribe to this "goofy belief." I also believe that the Federal Reserve is privately owned, but I consider such to be knowledge of a particular fact as opposed to a "belief." There are many facts that support this "goofy belief." One, in particular, is the case of *Lewis v. United States*, 680 F.2nd 1239 (1982), in which a man named John Lewis was injured by a vehicle owned and operated by the Los Angeles branch of the Federal Reserve Bank of San Francisco and he sued for damages. The Ninth Circuit Court of Appeals ruled that Federal Reserve banks are "independent, privately owned and locally controlled corporations."

I try to make it a practice not to mock or ridicule a particular belief or position until I have meaningfully examined the reasons supporting it. Adhering to this practice, I have learned that many beliefs regarding the income tax and monetary system I once thought to be "goofy" are based, in many cases, on solid, verifiable facts.

Thank you again for your thought-provoking article.

Joseph R. Bannister  
San Jose, Calif.

### The Fed Is Private!!!

Get off your high horse, OK? There are guys in the Wakko-Patriot-Militia movement that, however lacking in PR skills, have forgotten more law than you'll ever know. Our liberty was lost through legal frauds and deceptions, and we won't get it back and KEEP it unless we understand this.

Richard L. Perry  
Indianapolis, Ind.

*Bradford responds:* I characterized the belief that the Fed is privately owned as "goofy" because every person who believes it also believes that the Fed's owners are secretly making profits of billions of dollars at the expense of

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ordinary Americans. In actual fact, the Fed is not privately owned in any meaningful sense. The Fed was created and remains controlled by the government. The *Lewis* decision simply prevented a man from suing the Fed in federal court over an automobile accident, and has no relevance to the question of whether the Fed is in any real sense privately owned. For further information on the Fed and the *Lewis* decision, readers can read "Who Owns the Fed?" by Bill Woolsey and "The *Lewis* Decision" by William E. Merritt elsewhere in this issue.

### Eliminating the Competition

I have just finished reading your take on the LP convention in Atlanta. I was a delegate, attending my first LP national convention, and I was impressed with your coverage of the event.

There was another reason that Badnarik won the nomination Bradford did not report. The word was out that, as you reported, Badnarik would run for VP if he lost. There was a move within the VP campaigns to vote for Badnarik for president to eliminate one competitor for the VP nomination. I know of delegations that voted that way and VP campaigns that campaigned that way (i.e., vote for Badnarik for president or he will receive the anointing for the VP position).

As for this LP member and convention delegate, I'm not feeling too good about the happenings in Hot-lanta.

My name is Rich Moore and I have approved this email.

Richard J. Moore  
Sloan, Iowa

### Not the Answer

I was disappointed with John Hospers' July reflection "Iraq and anticipatory aggression." I would imagine that most libertarians accept the concept of a justifiable preemptive war. If someone is pointing a gun at you and threatening to kill you, you do not have to wait until he actually shoots to shoot at him.

But there have to be specific standards widely if not universally agreed to in advance to justify a preemptive strike. The overwhelming majority of libertarians apparently believe that Saddam Hussein and Iraq did not meet the standards justifying an American

invasion.

Hospers seems to claim that any country ruled by an evil despot can rightly be invaded at any time. If this is correct, then we should have had perpetual war during the past century and beyond.

Perpetual war for perpetual protection. Is this really the answer?

Paul Thiel  
Crescent Springs, Ky.

### No Libertarian, He

Thank you for reprinting "Ronald Reagan: A Political Obituary" by Murray N. Rothbard in the August issue. It's nice to know I wasn't the only libertarian who loathed Reagan.

I was 15 when Reagan was first elected, so I became politically aware during his tenure. Despite being raised by liberal Democrats, I soon described myself as "socially liberal, economically conservative."

Reagan's war on civil liberties guaranteed I would not be a Republican. I investigated a few issues of Reason, and agreed with most of what I found, but I was turned off by the frequent effusive praise of Ronald Reagan. That delayed by several years my willing-

ness to declare myself a libertarian.

Thomas Giesberg  
Rosharon, Texas

### Read Your Mises!!

In "Why Is the West Rich?" by Jane Shaw (September), there is no mention of the explanation given by Ludwig von Mises: "... the tremendous progress of technological methods of production and the resulting increase in wealth and welfare were feasible only through the pursuit of those liberal policies which were the practical application of the teachings of economics. It was the ideas of the classical economists that removed the checks imposed by age-old laws, customs, and prejudices upon technological improvement and freed the genius of reformers and innovators from the straitjackets of the guilds, government tutelage, and social pressure of various kinds. It was they that reduced the prestige of conquerors and expropriators and demonstrated the social benefits derived from business activity. None of the great modern inventions would have been put to use if the mentality of the pre-capitalist era had not been thoroughly demolished by the economists. What is

## From the Editor . . .

We're approaching the height of the political season and the air is full of lies and evasions. My little article noting that John Kerry was promising to support the Iraq War even more strongly than President Bush brought a rejoinder from Bruce Ramsey (see "Reflections"). Ramsey argues that Kerry's promise didn't imply, as I had suggested, that he actually supports the war more than Bush does. Of course, Ramsey is right. Politicians are all chronic liars, and no sensible person ever believes a word they say.

That mega-truth is part of my argument with Steve Cox over the idea that people who value liberty should vote for the major party candidate who promises to destroy it more slowly. There's a lot more to my argument, which begins by considering whether a sensible libertarian would vote at all, proceeds through evidence that government spending rises faster under Republican presidents than Democratic ones, to what I think is a strong case for voting the Libertarian ticket under virtually all conditions.

There's lots of other interesting stuff in this issue. Bill Woolsey demystifies the Federal Reserve System, a subject that has clouded many minds. Doug Casey and Patrick Quealy deliver John Kerry a couple of well-deserved drubbings. Anthony Gregory can't find enough praise for Jim Bovard's new book that drubs George W. Bush. Chris Hartwell looks closely at how government failures led to 9/11. John Coleman identifies the real issues involved in the gay marriage debate. And Milton Friedman defends Ronald Reagan against my libelous comments in our August issue.

As always, we begin with short takes on the lunacy that surrounds us. The world may be crazy, but our editors are a joyous bunch and liberty is a wonderful thing.

R. W. Bradford

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commonly called the 'industrial revolution' was an offspring of the ideological revolution brought about by the doctrines of the economists. The economists exploded the old tenets: that it is unfair and unjust to outdo a competitor by producing better and cheaper goods; that it is iniquitous to deviate from the traditional methods of production; that machines are an evil because they bring about unemployment; that it is one of the tasks of civil government to prevent efficient businessmen from getting rich and to protect the less efficient against the competition of the more efficient; that to restrict the freedom of entrepreneurs by government compulsion or by coercion on the part of other social powers is an appropriate means to promote a nation's well-being. British political economy and French Physiocracy were the pacemakers of modern capitalism. It is they that made possible the progress of the applied natural sciences that has heaped benefits upon the masses" ("Human Action," pp. 8-9).

But, as usual, libertarians will see no economics, hear no economics, speak no economics.

D. G. Lesvic  
Pacoima, Calif.

### Love and Marriage

In her review of Pomeranz's "The Great Divergence" (September), Jane Shaw states that "even if one agrees that colonial advantages gave Europe an important economic edge, one might point out that the earlier institutional developments made Europe (but not China) capable of establishing colonial empires."

What were those "earlier institutional developments"? Classical liberal theory identifies them as property rights and limited government, both of which evolved from feudalism and the fragmentation of Europe.

Shaw is almost there.

The real reason has to do with sex. Specifically, the rise of socially imposed monogamy in Western Europe in contrast to the polygynous cultures of the East.

According to evolutionary psychologist Kevin MacDonald:

"Monogamy may well be a necessary condition for the unique European 'low-pressure' demographic profile, [which] results from late marriage and

celibacy of large percentages of females during times of economic scarcity. . . . [M]onogamous marriage results in a situation where the poor of both sexes are unable to mate, whereas in polygynous systems an excess of poor females merely lowers the price of concubines for wealthy males. . . .

"Not only was the marriage rate the main damper on population growth, but this response, especially in England, had a tendency to lag well behind favorable economic changes so that there was a tendency for capital accumulation during good times rather than a constant pressure of population on food supply.

"There is therefore some reason to suppose that monogamy, by resulting in a low-pressure demographic profile, was a necessary condition for industrialization."

If Pomeranz were to study history through the prism of monogamy he would understand why Enlightenment England was not only willing but able to colonize the world.

Trevor Poulsen  
Portland, Ore.

### Reductio ad Incognitum

Ari Armstrong's incidental remark that "a libertarian's reductio ad absurdum is often a bureaucrat's logical conclusion" ("Urination Nation," September) should be enshrined as "Armstrong's Law." Evidence thereof is conveniently located on the Terra Incognita page of any *Liberty* issue.

Russell B. Garrard  
Bellevue, Wash.

### The Budgets of Ronald Reagan

In his September letter, "Reagan's Critics and the Constitution," Bill

*continued on page 30*

*Liberty* invites readers to comment on articles that have appeared in our pages. 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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# Reflections

**Mr. Saigon** — At the well-choreographed Democratic nominating convention and in much of his advertising since, John Kerry has taken great pains to portray himself as a Vietnam war hero. Yet he objects every time anyone mentions his war record in a way that is less than favorable. A remarkable strategy: as the centerpiece of his campaign he has painted a self-flattering portrait as war hero, but only those who present an equally flattering portrait of his war record should be permitted to comment about it. He's the painter, he's the subject, he's the controller of all criticism. One question remains: who's supposed to be the audience?

— R. W. Bradford

**Copy Catwoman** — Actress Halle Berry, during a London press conference to promote her movie "Catwoman," slammed women who get plastic surgery, saying "this plastic copycat look evolving" is "really insane and I feel sad what society is doing to women." Well, duh! She already looks like Halle Berry.

— Alan W. Bock

## Reconcile this!

— Why is it that the politicians who promise to be social conciliators invariably turn out to be dividers — to such an extent that their reelection often turns principally upon the issue of themselves? Two recent examples that come immediately to mind are Dubya and David Dinkins.

— Richard Kostelanetz

**Kerry comes of age** — John Kerry first emerged into national prominence in 1971 when he led Veterans Against the War in Vietnam, in opposition to the Nixon administration. Richard Nixon himself thought of Kerry as a capable opportunist who might constitute a serious threat. In public, however, Nixon voiced the hope that Kerry would come to understand the administration's Vietnam policy.

As I write this, it seems unlikely that Kerry will win the presidential election, but it is just about conceivable. If that improbable event does come to pass, Kerry will undoubtedly appreciate Nixon's old point of view, for it will be precisely his own.

Kerry, just like Nixon, will say, in effect: "This war was not of my making and I deplore the way it has been handled. Perhaps it should not even have been started. But now we

are there, we cannot simply leave. That would be a humiliating defeat for the United States, something I simply cannot countenance.

"What we must do is to build up the local forces that are fighting on our side, so that they can crush the insurgents and we can safely leave knowing that this faraway country will voluntarily do exactly what America wants. If we leave now, the insurgents will win, and the people we have installed in power will be eliminated. But if we temporarily build up the number of our troops there, we can strengthen the pro-American forces so that they will ultimately eliminate all opposition without further help from us."

So, in the end, Kerry absorbs the wisdom of Nixon. Or perhaps it's the wisdom of Macbeth: "I am in blood / Stept in so far that, should I wade no more, / Returning were as tedious as go o'er."

This wisdom is not the last word, however. President Kerry of 2005 would be called upon to answer the John Kerry of April 1971: "How do you ask a man to be the last man to die for a mistake?" How indeed, President Kerry?

— David Ramsay Steele

## Divided we stand

— Do Americans really "long to be united," or is that mainly the goal of political leaders — to have their "followers" united and dutifully obedient?

Would it be healthy for freedom if we were united? Not that I would ever advocate division for its own sake (though I might for the sake of variety and amusement), but is unity a healthy goal for a country of 260 million people who hail from every corner of the world?

— Alan W. Bock

**Pigskin, pot, and piss cups** — Former NFL running back Bam Morris has been released after nearly five years in federal and state prisons, following convictions for marijuana possession and trafficking.

In 1996, Morris was Super Bowl XXX's top rusher. As the Houston Chronicle reported, "Two months later, he was busted for the first time, and his career began to unravel with one incident after another." Yet in his six years in the NFL, Morris scored 35 touchdowns and gained an average of 3.5 yards per rushing attempt. It seems the drug laws hurt him far more than the drugs.

Meanwhile, Miami Dolphins running back Ricky

I JUST LOVE IT  
WHEN YOU TALK ABOUT  
STRICT CONSTRUCTIONISM!



## SHCHAMBERS

Williams recently retired. He admits to regular marijuana use throughout his career. Williams now wishes to enjoy his life and fortune, without having to evade NFL drug testing.

I would like to see Williams visit schools and reveal to the children that the government is lying to them about the putative harm from marijuana use. But someone who speaks the truth surely will not be permitted on campus.

— Thomas Giesberg

**Saddam's crime** — The legal proceedings by the American puppet government in Iraq against former president Saddam Hussein raise the interesting question of what might happen to Saddam in a genuinely independent Iraq. No doubt the former U.S. protégé would still go on trial, but the counts would be somewhat differently worded.

The main indictment against Saddam would have to be that, as leader of Iraq, he failed to develop weapons of mass destruction, and in an incredible act of folly destroyed even those he had been given earlier by the United States, thereby inviting the horrendous butchery of the American attack followed by the interminable mayhem and obscene brutality of the occupation.

The clear lesson of the invasion of Iraq, to all countries that might be a target for American violence — and that is almost anyone, almost anywhere — is to develop, as rapidly as possible, viable and credible weapons of mass destruction. North Korea prudently did develop such weapons. As a result, it's extremely unlikely that the United States will attack North Korea. Had North Korea failed to take this precaution, it's quite certain that the United States would have unleashed its trademark "shock and awe" against the population: terror bombing and mass murder, followed by occupation, more mass murder, rape, torture, and humiliation of the inhabitants, followed by further years or decades of interminable mass murder and appalling brutality.

The United States chooses only victims it believes to be helpless. It cares not a jot for untold thousands of foreign deaths, but cherishes each of its own soldiers like a Fabergé egg. After years of propping up the inefficient Saddam Hussein and feeding him weapons of mass destruction, the United States switched to economic sanctions accompanied by almost daily bombing. Following twelve years of this softening up, the U.S. rulers believed that the Iraqi population was helpless. Although it turns out that this was a miscalculation, and the United States is now being defeated by the Iraqi resistance, actual possession by the Iraqi government of weapons of mass destruction would very likely have deterred the American attack. Instead, Saddam thought he could appease the aggressor, and unilaterally disarmed. Dozens of governments around the world must now be giving higher priority to their WMD programs.

The United States spends more on its military than the next 25 biggest-spending nations combined. The United States alone has the power — in this brief window in history — to run amok all over the world, killing and maiming according to whim. Sadly, it also has the aptitude and the inclination.

It is pleasant to imagine that public opinion inside the United States might one day demand repentance from this appalling evil, conversion to non-interventionism and peaceable international dealings, and execution of the Bush cabi-

net for their unspeakable crimes.

The actual outcome will no doubt be different. Nearly all the major world powers other than the U.S. will combine to form a military alliance for the containment of the United States: at least three of Europe, China, Russia, and India will lead this alliance. One will perhaps serve its self-interest best by becoming the stooge of the American serial aggressor; this stooge could be any of the four, but will most likely be China, where the government is least responsive to popular sentiment.

Even a world of jostling, predatory nation-states is not so collectively irresponsible that it can tolerate a chronic situation where one power is able and willing to wreak mass slaughter anywhere on Earth, at its merest whim. The future emergence of the Alliance to Contain America is by no means entirely beneficial. I don't look forward to it with eager anticipation. It will have many unfortunate, perhaps terrible, side effects. But it is now inevitable.

— David Ramsay Steele

**Cold comfort** — The theme of the Democratic convention seemed to be that the Democrats are just as bellicose and belligerent, just as capable of undertaking military adventures overseas, as the Republicans. Pardon me if I don't find that especially reassuring.

— Alan W. Bock

**What are they good for?** — Given that Republicans have been no more successful in their war in Iraq than in their "War on Drugs," may I suggest a constitutional amendment forbidding Republicans forever from declaring war on anyone or anything? Democrats and Greens, take heed.

— Richard Kostelanetz

**Elián's revenge** — I am bracing for the Democrats' election-year vilification of me and my fellow residents of West Palm Beach. Accusations that we are responsible for Bush's theft of the presidency from Al Gore began at the convention, and I am sure they will crescendo by election day. Though for me voting has never fulfilled any meaningful purpose, I feel compelled to defend my voting neighbors.

South Florida has an immigrant's soul. Fifty-nine percent of the residents of Miami were born outside this country. City council meetings are held in Spanish. I have five stations on my radio that broadcast in Creole, the lingua franca of Haiti. As the local saying goes: we love living in south Florida because it is so close to the United States. Even we native-born gringos catch the immigrant fever — and it's good. Shortly before the 2000 election, our passionate immigrant hearts were beating in sync with an 8-year-old boy whose mother died in pursuit of *libertad*. To return Elián to oppression was beyond comprehension. Janet Reno, the hero of Waco and Ruby Ridge, chose to deal with that delicate moment of passion with a SWAT team. To many Floridians, the face of the Clinton administration wore a riot mask and looked down the barrel of an assault weapon at a frightened little boy. That image may have faded, but it hasn't died. I'll bet if you tried right now, you could conjure up the image of that famous photograph. In November of 2000, that image was fresh.

While the rest of the country carried on an intellectual and philosophical debate over the disposition of Elián, south Florida got pissed. I observed a number of the "Keep Elián in



America" demonstrations. They occupied every shopping center parking lot. True, they were instigated by Cuban-Americans who already had Republican leanings, but the crowds were not exclusively Cuban. They were Guatemalan, Salvadoran, Mexican, and even Haitian. In Miami they were Venezuelan, Brazilian, and Chilean. Many if not most of the demonstrators were from ethnic groups with traditional leanings toward the Democratic Party. Elián struck a chord with all, and immigrants vote with their hearts.

And so I request a favor. The next time you hear a Democrat complaining about the handful of questionable votes delivered to George W. Bush by Palm Beach County voters' dimpled, hanging, or pregnant chads, remind him of the truckload of votes delivered by Janet Reno and her boss.

— Dan Kiely

### Red team, brown team

— We grow up playing cops and robbers, cowboys and Indians, good guys and bad guys. Perhaps these childhood games imprint us with the notion that the belligerents in every battle are polar opposites. Maybe that explains why the Left equates the right wing of American politics with Nazis. The Nazis fought the Communists in the Second World War, so Nazi must be the antonym of Communist. Since the American Right fought so hard against Communism during the Cold War, they must be Nazis also. (It is a little strange that the side of the aisle that refuses to be judgmental also chooses to paint politics with such bold colors.)

The charge of Nazi is a popular one on the Left, used frequently today as a pejorative for anyone opposed to their policies and politics. The truth is that Communists and Nazis have far more in common with each other than either has with libertarians. The main difference between Communists and Nazis is that nobody is sympathetic to the Nazis. Nobody would ever embarrass themselves by saying that the intentions of National Socialism were noble, that the idea was just corrupted by the people in charge, and that it would work if it were ever honestly attempted. Leftists say things like that about Communism all the time.

— Tim Slagle

**Soapboxes and grandstands** — If you have a position with power, you can use that as a lever to make familiar opinions heard; if you lack that advantage, you must say something unfamiliar, if not radical, if you expect to be heard or read at all. Similarly, reporters eagerly quote a baseball player with a high batting average or a low earned run

average, while less successful athletes are rarely quoted, no matter how smart or perceptive they are.

— Richard Kostelanetz

**Thinking tanked** — Lewis Lapham, editor of Harper's, is one of the nation's finest essayists. His writing on politics and culture is nearly always thought-provoking, so when the September Harper's arrived with "Tentacles of Rage: The Republican Propaganda Mill, A Brief History," by Lewis H. Lapham, emblazoned on its cover, I sat down expecting a good read.

And a good read it was. Lapham began by noting that a half century ago, political opinion in the United States was virtually universally "liberal." As evidence, Lapham cited a brief quotation from polemicist John Kenneth Galbraith (1964) and an observation of critic Lionel Trilling (1950). In 1964, Americans gave 61% of their votes to Lyndon Johnson, who called for a huge increase in state power, against "reactionary" Barry Goldwater, who had the effrontery to call for "actually reducing the size" of government. Ah, the good old days!

But things have changed: now, he notes, only "one in five Americans [is] willing to accept identity as a liberal, [while] one in three prefer[s] the term 'conservative'." (His sneer quotes around "conservative," not mine.) He also cites as evidence of this change the facts that Americans have "accepted" a lower level of government spending than the citizens of any Western European democracy, that government

doesn't provide "full funded health care" and tolerates a situation where 40 million people earn only \$10 an hour or less, that "no politician is permitted to stand for public office without first professing an ardent faith in God," and a few other characteristics that Lapham presumably believes are "conservative."

Of course, his observations about contemporary America would be relevant only if he provided evidence that in the halcyon days of the '50s and '60s, government spending was lower, wages were smaller, and non-professing candidates were better tolerated. He makes no attempt to establish that any of these conditions has changed, probably for the very good reason that the changes in these categories were all in the other direction. Americans seem more tolerant of the irreligious these days: a half century ago, divorced men were pretty much considered morally unfit for office, government spending was 80% less per capita than it is today, and medicine was almost entirely in private hands.



### SHCHAMBERS

The only change for which Lapham offers any evidence is the change in self-labeling, and even here his evidence is weak: his vague citation of contemporary opinion surveys is sensible enough, I suppose, but quoting two smug left-liberals about how totally dominant their political views were a half century ago is a bit more slippery.

The great change of labels was effected, he argues, by a conspiracy of wealthy Americans who, starting in the mid-1970s, bankrolled several conservative think tanks, which have been extraordinarily effective in changing public opinion — much more effective, he admits, than the much wealthier left-liberal institutions.

Here, it turns out, he has undermined what little argument for ideological sea change he has mustered. If the change began in the mid-'70s, as he claims, the self-identification of Americans today should be different from self-identification in the '70s — and Trilling's 1950 testimony and Galbraith's 1964 testimony that America was a 100% pure liberal nirvana are irrelevant.

By karmic coincidence, the same day my mailman delivered the September Harper's with Lapham's essay, he also delivered the September issue of *The American Enterprise*, whose regular feature "Opinion Pulse" provided data on how Americans have located themselves on the political spectrum during the past four decades, citing polls by Harris Interactive:

Decade	Conservative	Moderate	Liberal
1970s	32%	40%	18%
1980s	36%	40%	18%
1990s	38%	41%	18%
2000s	34%	40%	18%

This is a picture of stability, not a sea change effected by anyone, including wealthy conservative think tanks. Liberals haven't declined a whit during the 30 years since the think tanks started up. Conservatives have increased by a whopping 6%, while moderates remain unchanged.

Obviously, Harper's needs a logic-checker on its editorial staff.

It also could use a fact-checker. Elsewhere in the essay, Lapham identifies Barry Goldwater's "The Conscience of a Conservative" as "Goldwater's autobiography." Goldwater's best-selling book was not remotely an autobiography; it was a conservative manifesto, no more and no less.

Such intellectual sloppiness, however, should not discour-

rage anyone from reading Lapham's essay. Not only does it reveal the vulnerability of a major cultural critic to idiotic conspiracy theory and a myopic inability to distinguish between conservative and libertarian institutions (he puts the Cato Institute and the Reason Foundation on the same list of conservative "think tanks" as the Heritage Foundation, the Hoover Institution, and the Institute for Foreign Policy Analysis), it also discloses the systematic attempts by neo-conservative Irving Kristol to lure Lapham into the neo-conservative trap. All in all, it's a fascinating piece.

— R. W. Bradford

**Decapitating the hydra** — One interesting aspect of the Orange Alert issued in late July — if the authorities are to be believed — is that jihadist terrorists still seem focused on what Homeland Security Secretary Tom Ridge called "iconic economic targets." This suggests a fundamental misunderstanding of the American economy and market economies in general, a misunderstanding shared by many Americans.

We may never know if Osama bin Laden expected the American economy to collapse or to be irreparably damaged by the attacks on the World Trade Center. But there is little doubt that he and others have an essentially hierarchical understanding of the U.S. economy, a vague belief that it depends on orders from a few oligarchs at the top to function.

Fortunately, a market economy — which the United States still has, despite its subversion by government intervention — works from the bottom up, rather than from the top down, and its hallmark is decentralization. Economic coordination results from millions of decisions and transactions undertaken voluntarily rather than from orders from the top.

The 9/11 attacks, which damaged but hardly destroyed the economy, demonstrated that such a decentralized structure is more resilient than a top-down hierarchy. This implies that one defense against terrorism is further decentralizing authority structures rather than gathering more power at the center.

— Alan W. Bock

**The goat and Mr. Bush** — There is little I could add to the critiques and counter-critiques of the content of Michael Moore's great documentary "Fahrenheit 9/11", but about its style, I have a few thoughts not commonly heard.

The editing is wildly uneven. Many parts (especially those drawn from television footage) reflect the hyper-zippy editorial style of MTV, sometimes effectively, as with the footage of former President George H.W. Bush consorting with Saudis, but often ineffectively. Many other parts in "Fahrenheit 9/11" go on too long, especially when Moore appears on screen.

Most visual artists want to produce an afterimage that sticks in the viewers' minds long after they have seen a work; I have more than once suggested that a film or television documentary lacking an afterimage remains just illustrated journalism. In my mind, the principal afterimage of "Fahrenheit 9/11" is the president's paralyzed indecision at an elementary school photo-op after being informed that a plane had struck the World Trade Center. Though Moore, in his editorial impatience, did not use all seven minutes report-

## Writing Workshop



"It's a nice story, Mr. Landry, but why do you always write in the passive voice?"

"I guess because I've been a taxpayer all my life."

edly taken in the Florida elementary school photo-opportunity the morning of Sept. 11, 2001, his film contains more of Dubya's pathetic reaction than we've seen before, along with Moore's devastating portentous narration. This sequence, in the past often conveniently abridged to suit the restrictive rhythm of TV news, is now frequently shown again in television reviews of or reportage about the film. The irony is that the limitations of American television news reporting gave Moore the opportunity to use fully available footage that, given the newsworthiness of his film, can now be shown more completely on American television. It is this afterimage, more than any other in "Fahrenheit 9/11," that will undermine Dubya's pretensions to remain president (and thus realize Moore's ambition, often sidetracked in the film, to unseat the incumbent).

In fairness to Bush, I don't assume that another president necessarily would have acted more decisively against such an unprecedented attack. Many filmmakers would have given millions of dollars to have footage of FDR's face immediately upon hearing of the Japanese attack on Pearl Harbor. It was Bush's misfortune to have a photo-op camera turned on his face at a paralyzing time.

It is noteworthy that neither of the two major sponsors of mediocre American documentaries contributed to this film — neither the National Endowment for the Humanities nor Public Television — though I'm sure the latter would be happy to show it (after it tours movie houses, of course). Indeed, since "Fahrenheit 9/11" has made millions for those producing and distributing it, one beneficial result is likely to be more movie-house documentaries similarly tough on their subjects.

The historic film that "Fahrenheit 9/11" most resembles in its focused political purposefulness is "Triumph of the Will", Leni Riefenstahl's appreciation of a Nazi political rally. Whereas the principal afterimage of the former is Dubya's weakness, the strongest memory of "Triumph" comes from its portrayal of the awesome strength of Hitler's speaking. — Richard Kostelanetz

**Blinded by the Faith** — Disembarking from his campaign train in Pittsburgh on the first morning after receiving his party's nomination in 2000, George W. Bush began with a small greeting that set the tone for his presidency. "Hello people of faith!" he began, addressing the crowd with an inappropriate linkage between government and religion and already wedging out those who didn't consider themselves "people of faith." In less than a minute, Bush had rolled up and discarded Reagan's Big Tent.

The theocratic wing of the Republican

Party came out again during Bush's campaign stop in Pittsburgh this summer. The crowd saved its most enthusiastic applause for politicians of faith like Congressman Tim Murphy (R-Pa.) and Sen. Rick Santorum (R-Pa.). Murphy declared, "We cannot be one America until we are one America under God!" Santorum, labeled "Senator

*News You May Have Missed*

## In Wisconsin, Vegans Scarce, Cheegans Common

OSHKOSH, Wis. — In the last few years there has been a surge across the country in the number of people identifying themselves as vegans, people who eat no animal products whatsoever, just vegetables, fruits, grains, and nuts. Gwyneth Paltrow and other Hollywood stars are said to be vegans, and Congressman Dennis Kucinich declared himself one early in his campaign for the Democratic presidential nomination, sewing up the nut constituency. In some parts of the country, vegans are so numerous that you can easily find vegan entrees on restaurant menus, vegan muffins and cookies in bakeries, and vegans being cheerfully served (rare, medium, or well-done) in steakhouses.

But here in Wisconsin, it can be hard to find a single vegan, let alone a menu accommodating vegans, while cheegans (people who eat only cheese, or objects covered with cheese) are everywhere. In towns like this small industrial city on the western shore of Lake Winnebago, about 90 miles north of Milwaukee, you will find cheese on almost everything you can eat, as well as many things you can't eat. Every conceivable restaurant order is an inadvertent order for cheese. Pancakes, oatmeal, salads, BLTs, lamb chops, clams, pâté de foie gras, red wine, hot fudge sundaes, after-dinner mints, aspirin, the check: all seem to come with cheese in or on them somewhere.

Visitors from other states are said to sometimes go into shock when they innocently stop by one of the many stridently advertised roadside food and gift emporiums in the state and contemplate, for the first time in their lives, pecan maple cheese logs, enormous, leaden objects consisting of a densely compacted compound of

cheese and nuts and artificial maple syrup, often chocolate-covered, that, if ingested, can cause the unwary traveler to gain 37 pounds overnight. Conversely, Wisconsin cheegans who leave the state are sometimes at a loss when they find they are unable to buy cheese-flavored chewing gum and cheese-based cough syrup in other states. Authorities here, under pressure from dairy interests, are still refusing to say whether state investigators have determined if it is a common practice in Wisconsin to repair plumbing fixtures and flat tires with some of the more resilient varieties of Wisconsin cheese or whether it was just a few well-publicized cases.

Thanks to nationally televised NFL football games, viewers around the country are familiar with the sight of cheeseheads, the Green Bay Packer fans who wear bizarre hats in the form of wedges of cheese. What is not so well-known is that the devotion goes much deeper than wearing clothes resembling cheese or even made of cheese. Many Wisconsin cheegans are believed to have turned what began as a strict dietary commitment into a religious cult that aims at nothing less than the conversion of the entire country to total cheese immersion. Wiretap transcripts of sermons by ministers and conversations between church members believed to be devout cheegans, for instance, refer to a revered godlike figure known only as Cheeses Christ. At what is known as Holy Communion in these cheegan-dominated churches, worshippers are given a choice of cheddar, muenster, cottage, Swiss, camembert, and aerosol-spray cheese on their communion wafers. Experts on the new religion have determined that Swiss is considered the holiest cheese.

— Eric Kenning

Sanctimony" by the Pittsburgh Post-Gazette, characterized Democrats who favor stem cell research as wanting to "create children so they can experiment on them and kill them!"

Santorum worked the crowd into the most vigorous cheering of the day by delivering a faith-based litany of grievances against John Kerry and the Democrats at the "Hollywood production in Boston." He railed repeatedly, "Is that moral? Is that mainstream?" Sen. Arlen Specter (R-Pa.), a pro-choice political moderate, was rudely and repeatedly booed by his fellow Republicans.

From the start, many Republicans have reacted to John Kerry not simply as a rightful opponent in a two-party system, but with fury and their long knives out, as if he were some satanic interloper coming to wreck the plans of God's chosen people.

With Karl Rove hovering behind the bleachers, the president followed Santorum onstage, saying that "the most important thing" about a win for him in November is that we'd get four more years of Laura as First Lady — meaning, of course, that we wouldn't get You Know Who, Teresa, the loose cannon who Pat Buchanan warned needs to be watched. "An argument between two guys is understandable, but this woman needs to be watched," said Buchanan. "You know she has this huge fortune and she's uppity and Americans need to keep an eye on her."

If we're not careful, God knows, Teresa Heinz Kerry might do something crazy like insult the French or tell Europe to shove it. She's so crazy she might start a war against the wrong country. She might send tanks into Baghdad. If he weren't such a freedom lover, I'd think Buchanan wanted American women all to be Stepford wives, barefoot and permanently pregnant. I suspect Patrick Buchanan would put Teresa Heinz Kerry under a burqa if he could.

Meanwhile, the big news on the day President Bush came to Pittsburgh was a report that "the equivalent of 390 jumbo jets full of people are dying each year due to likely preventable, in-hospital medical errors, making this one of the leading killers in the U.S.," according to Samantha Collier, vice president of medical affairs at HealthGrades, which conducted the study.

HealthGrades found that American hospitals accidentally killed 195,000 people each year from 2000 through 2002. Their study was based on research from 37 million patient

records. "If the Centers for Disease Control's annual list of leading causes of death included medical errors, it would show up as number six, ahead of diabetes, pneumonia, Alzheimer's disease and renal disease," reported Collier. "Hospitals need to act on this, and consumers need to arm themselves with enough information to make quality-oriented health care choices when selecting a hospital."

The Institute of Medicine found in a study in 1999 that medical accidents in hospitals killed nearly 100,000 Americans annually, often through errors in prescribing or delivering medications. The government said it is trying to spearhead a move to get hospitals and clinics to use electronic databases and prescribing methods.

However, despite the high accidental death and injury rate, the Bush administration has argued in several recent court cases that individual consumers have no right to sue for injuries allegedly caused by defective drugs or medical devices if the products have been approved by the FDA. "In a recent ruling," explains an editorial in *The New York Times*, "a federal appeals panel in Philadelphia, after seeking the administration's views, threw out a lawsuit filed by the widow of a man whose heart pump failed."

The Bush administration is, as usual, solidly on the side of corporations that have helped finance his campaign — in this case the pharmaceutical industry and HMOs — rather than on the side of patients. Bush opposed the Patient's Bill of Rights, which gave patients the right to sue the HMOs that made the decisions mismanaging their hospital care. Now he has hijacked the legitimate tort reform movement by attempting to blur distinctions between serious lawsuits and frivolous ones. In Pittsburgh, the faithful crowd cheered when the president advocated eliminating their own right to legal recourse if injured by defective drugs or medical equipment.

Bush told the Pittsburgh audience, "I don't think you can be pro-doc, pro-patient and pro-trial lawyer at the same time. I think you have to make a choice." He may have bragged in the past that he doesn't "do nuance," but only a simpleton or a cynic could advocate choosing sides between doctors, patients, and trial lawyers as a reasonable solution to America's mistake-ridden, top-heavy health care system, where few things are frivolous, and almost anything can turn deadly serious. Doctors, nurses, patients, and trial lawyers all must play vital roles to balance it. While the faith-based GOP obsesses about threats to stem cells, the equivalent of 390 jumbo jets packed with fully developed people are dying from medical mistakes every year. People of reason don't think it's moral or mainstream to disarm helpless hospital patients, and grant total control to a corporate health care system that has killed far more Americans than al Qaeda.

— Sarah J. McCarthy

**Mandatory minimum sense** — A case decided with little fanfare by the U.S. Supreme Court toward the end of its term is creating a good deal of confusion in the lower courts. It is likely to create more confusion before its consequences play out, but it could lead to better sentencing practices in federal and state courts — or to worse ones.

In *Blakely v. Washington*, a Washington state judge had enhanced the sentence of a convicted kidnapper based on the



"Instead of nagging you, Randy, I've started writing a syndicated column."

# Word Watch

by Stephen Cox

Everyone who admires reputable choices of words has at least a sneaking admiration for the skill shown in crooked choices, in language employed to delude or confuse. One of the funniest moments in "Citizen Kane" is the shot of the headline prepared for Kane's newspaper when he loses the election for governor. "FRAUD AT POLLS," it says.

As a connoisseur of verbal imposture, I relished Monica Lewinsky's outraged response to President Clinton's autobiography. His book calls their affair an "inappropriate encounter." She suggests that it was, instead, a "mutual relationship." I understand the way she feels, despite the fact that "mutual" makes an awkward redundancy with "relationship." But while she's amusing us by twisting her office sex breaks into the pretzel-like babble of "relationship" and "mutuality," I wish she'd be fair to the expert twisting that went into her former innamorato's phrasing. He might have chosen a hundred expressions less favorable than "inappropriate encounter," and you know what they are.

Some people have a knack for this kind of verbal technology. Think of the person, whoever it was, who decided to call welfare pensions "Social Security." Or that partisan of the French Revolution who named its supreme group of cutthroats the "Committee of Public Safety." Of course, literary talent is not confined to politicians. Witness "adult exercise programs" (fat camps), "custodians" (janitors), and "correctional officers" (prison guards). Nor is such renaming always euphemistic. It can go the other way. There is in Washington a gang of guys whose job is to contact the media to try to put the administration's spin on the news. Al Gore (as mentioned in the last "Word Watch") calls these people "digital brownshirts."

But the most talented twisters of words — and Gore, notoriously, is not the best guy in the word department — refuse to stop with a single phrase. They go for the slope effect. They want to get just one of your feet, just one of your toes, on some slippery slope of syllables, some slope so smooth that when you get to the bottom you won't even realize that you've fallen on your intellectual ass.

Sigmund Freud was a master at this. On page 16 of "Civilization and Its Discontents," he modestly suggests that he is "inclined" to think that "somehow" all experience is preserved in memory. By page 20, he's so sure about it that he is barely willing to consider it "possible" that certain memories may be lost. Without adducing a scintilla of evidence, he blandly refers to "the fact" that "it is rather the rule than the exception for the past to be preserved in mental life." Then, before you realize what he's doing, he's erected a whole philosophy on the groundless assumption that anything that happens to anyone remains inscribed in the subconscious mind — and a good thing, too, because otherwise his professional followers couldn't charge people \$200 an hour to exhume their subconscious recollections. The moral is this: just keep your terms shifting silently, and you can "argue" for anything you want.

Freud took several pages to construct his verbal ski slope. News editors have more limited means to work with. Their slopes have to be short and steep. But if you do something fast enough, it may not be noticed. In merchandising, there is a trick known as "bait and switch" — advertise X, and once you've got the customers in the

door, fob 'em off with Y. They may feel just as good as if they'd actually walked out with X. Whoever conveys the news at Yahoo is pretty good at the bait and switch technique.

Here's a typical headline (June 25): "Women: Wal-Mart execs knew of sex bias." Now, what impression does that convey? That all women, or at least all women who ever came in contact with Wal-Mart, testify incontrovertibly that the company knowingly practices discrimination. But if you click on the headline and go to the news article itself, you will not find the mass of "women" that the headline seems to mention. You will find that certain lawyers who are suing Wal-Mart "will try to show" various things, including the alleged fact that "some current and former employees say they complained about pay disparities or sexism to the corporate office but got little or no response." This is a long way from the women of Wal-Mart rising as one to testify that their bosses knew all about "sex bias," and laughed contemptuously. But the impression has already been created.

Here's one from the preceding day. It's an AFP story carried by Yahoo. The headline is: "US experts say global warming faster than thought." Pretty definite, eh? You may not think so if you're the rare person who reads farther, and the rarer person who notices what's being said. That person will be surprised by the following revelation of who the "US experts" really are, or is: "The computer at the National Center for Atmospheric Research projects that temperatures

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*Some people have a knack for this, like that partisan of the French Revolution who named its supreme group of cutthroats the "Committee of Public Safety."*

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could rise by 2.6 degrees Celsius (4.7 degrees Fahrenheit) if countries continue to emit large amounts of carbon dioxide. The previous estimates were a rise of about two degrees Celsius (3.6 degrees Fahrenheit)."

Oh, I see. It's not the Legion of American Experts, united like the army of the Holy Ghost; it's a machine that somebody programmed, somebody who seems to have a very good press agent. And the globe isn't "warming faster than thought" (and who was it who thought that, exactly?); "temperatures *could* rise . . . if countries continue to emit . . ." But that's in doubt, too. The last lines of the article quote an actual scientist who finally states the obvious: "The key question is: How much of the change is a natural variability and how much of the change is caused by activities of mankind on the face of the planet." He just threw in those last six words for the hell of it; that's how scientists are. But every little bit helps to bury the truth that the impression created by the headline lacks a basis in fact.

Words to the wise, or at least to the canny: if you have nonsense to peddle, follow the example of Clinton and Gore and Freud and Yahoo and the cronies of Charles Foster Kane. Your readers will probably never know what hit them.

— Stephen Cox

judge's finding that he had acted with "deliberate cruelty" by holding his wife at knifepoint and forcing her into a small box in his pickup. The high court ruled that since the jury had not heard this evidence but had decided based on those facts before them, the sentence enhancement was not justified.

The case challenges practices in place since 1984, when Congress created a new sentencing system and many states adopted similar guidelines.

Erik Luna, a professor at the University of Utah College of Law, told me that four different federal judges in Utah had come up with four different interpretations of what the *Blakely* decision purposes to do. But he hopes the federal sentencing guidelines, which he believes to be the heart of the

problem, will eventually be replaced.

"The sentences are promulgated not by Congress but by a bureaucratic entity, the U.S. Sentencing Commission. And they rest on the notion that people thousands of miles away who have not seen a defendant or heard the facts know more about an appropriate sentence than the judge who has heard all the facts and looked him in the face."

The sentencing guidelines are not true guidelines, Luna contends, but formulas so strict that judges are tempted to go outside them. That's what happened in the *Blakely* case.

The Supreme Court was correct to throw out that sentence, however. The jury convicted Blakely for one crime. By enhancing the sentence based on facts the jury hadn't heard, the judge was in effect convicting him for an additional

*News You May Have Missed*

## Fundamentalists Claim Nobody Invited Devil

GURGIK, Ashkanistan — Delegates at the first annual World Fundamentalist Congress, which has drawn religious zealots and extremists of many faiths to this windswept, gravel-rich former Soviet republic, vowed "to set aside differences of doctrine and creed and, in an ecumenical spirit of unity and concord, to summon the healing power of murderous rage as a solution to the profound problems the world faces in this critical time." But they received what was clearly a nasty shock when a big-screen video hook-up that was supposed to convey warm greetings from the Rev. Pat Robertson and Osama bin Laden, both of whom were unable to attend, apparently malfunctioned and instead conveyed a short speech of gratitude by the Devil.

As the assembly sat in stunned silence, Satan, as he is also known, thanked fundamentalists everywhere for "doing my job better than I could have done it myself, and as you know, I usually hate to delegate responsibility." Lucifer continued, "Thanks to the growing influence of fundamentalists on world events, millions of suffering human souls throughout the world have been lifted up out of their everyday cares and woes in order to be thrown headlong into a bottomless abyss of hatred, fear, guilt, and hellbent scripture-based suicidal religious insanity."

Old Nick concluded his remarks by quoting scripture, as he has long had a reputation for skillfully doing; in this case, a little-known passage from an

obscure Old Testament text, which seemed to suggest that there is a sound scriptural basis for doing stupid things based on scripture: "And the Lord looked down upon His servants, and He saw their iniquities and abominations that they did in His name and according to His word and the word of His prophets, for the word of the Lord is dark, and subject to interpretation, and the Lord in His wisdom did sometimes wonder if maybe He should never have gone into the sacred book business in the first place. But when He heard the voices of His servants raised not in humble supplication and repentance, but in accusation and incitement, His wrath was kindled against them, that he might smite them, if they were not quite so busy smiting each other, and behold, the earth did tremble, and the firmament shook, and the Lord spake in a loud voice, saying: It's getting hard to find decent help these days." (Oprah 6:25-29)

The apparent mix-up in the video feed didn't stop the delegates from attending to other business. They quickly passed a resolution commending American Evangelical Protestant fundamentalists for having called upon the Bush administration, with which they have considerable clout, to implement a "balanced" Middle East policy, one that would weigh the urgent need for a Battle of Armageddon that would kill pretty much everybody on the planet with the equally compelling need to bring about, as quickly as possible, a plague of giant locusts, the transformation of the

world's aquatic resources into blood, and the appointment of a beast with seven heads to be either dictator of the world or the new commissioner of Major League Baseball (the Book of Revelation is considered unclear on this point).

The fundamentalist gathering also passed a resolution praising the decision of Jewish fundamentalist settlers on the West Bank to continue to expand their settlements eastward toward Xinjiang province in China, a predominantly Muslim area that they believe was promised to them in the part of the Hebrew scriptures in which God appears to Moses not in the guise of a burning bush, as the passage is usually interpreted, but as a smoke-blowing real estate agent.

Finally, the delegates unanimously acclaimed Muslim fundamentalists for "showing that the most reliable and certain path to the state of absolute, undefiled spiritual purity that all fundamentalists seek lies not in rigid dogmatism, superstitious credulity, sadistic authoritarianism, and twisted sexual puritanism but in blowing everybody, including ourselves, to smithereens." The conference concluded ahead of schedule on only its second day after minor disagreements arose concerning the wording of several resolutions. Local police called to the scene determined that the situation had been quickly and harmoniously resolved because everybody was dead.

— Eric Kenning

crime.

If the sentencing guidelines were true guidelines, Luna said, the judge would have had the flexibility to serve what he saw as justice based on all the facts.

The high court, cognizant of the confusion the *Blakely* case has caused, has taken two cases for the first day of its next session in October, to clarify how the *Blakely* rules apply and to what extent they can be used retroactively. Given *Blakely* and an earlier decision, *Apprendi v. New Jersey* in 2000, Luna doesn't see how the court can avoid applying the principles to federal sentencing rules.

If that happens, Congress could dump the 20-year-old sentencing system and give judges more flexibility. It is possible, of course, that Congress could simply impose more mandatory minimum sentences — an approach that has filled prisons but done little to reduce illicit drug use — which would be disastrous.

"Congress will have to fix it" is often a prelude to disaster. Let's hope — perhaps vainly — they get it right this time.

— Alan W. Bock

**Certified public clowns** — Alan Keyes has become the Al Sharpton of the right — a voluble clown who's attractive as long as he's talking, and similarly eager to be conned into running his big body through an obstacle course, even if he is unlikely to be elected to any position of greater responsibility than dogcatcher. Approximately equal in age, one was trained in the African-American church, the other was educated at Harvard, both first-rank clown schools. I wonder whether somewhere down the road, perhaps on Earth, perhaps elsewhere, they will do an act together, hand in hand, and it will be hilariously successful.

— Richard Kostelanetz

**Nine simple things to do before breakfast** — Roll Call, the newspaper of Capitol Hill, reports that various Democratic members of Congress want John Kerry, if and when elected, to start a more expansive prescription drug plan than President Bush's, spend more on education, spend more on funding for minority health care, spend more on environmental protection, restore relations with Europe, liberalize immigration laws, roll back tax cuts for "the rich," fix Iraq — and balance the budget quickly. How about squaring the circle and turning lead into gold?

— Alan W. Bock

**Reporting for duty, sort of** — R.W. Bradford asks in a recent article why the Democratic Party has "nominated a man who supports the war even more enthusiastically than George Bush does." I don't think it has. Judging by John Kerry's lifetime record, he is less likely than Bush to start a war, at least a medium-sized war like the Iraq venture. But much of Kerry's recent rhetoric is as Bradford says. Listening to the esteemed senator, you'd think that the most important things about him were his Bronze Star, his Silver Star, his Purple Hearts and his eagerness to be "reporting for duty."

What is Kerry saying here? He is telling the American people he is not, in JibJab's memorable words, a "liberal wiener." How does one say that? That other Taxachusetts Democrat, Michael Dukakis, tried to say it by posing for pic-

tures in a tank, and people laughed at him. Kerry has to be careful how he says it. He is trying to say it by declaring that he might, under some circumstances, go to war without asking permission of France or Germany.

Kerry is trying to appeal to the voter who is not in his base by making himself look more nationalistic than he is. His supporters understand. They want their power back (which was Bradford's main point).

In arguing that Kerry is not really more pro-war than Bush, I am not arguing that he is antiwar in any principled way. He's an internationalist, probably not a lot different from Bill Clinton, the master of small wars and discretionary bombing. Clearly Kerry is a believer in the presidential war power, which is how he justifies his October 2002 vote for the Iraq war resolution. That resolution did not declare a war, but gave the president the authority to start one when he wanted. Kerry covets the same power, but promises a more thoughtful use of it. After the past two years, even that begins to look good.

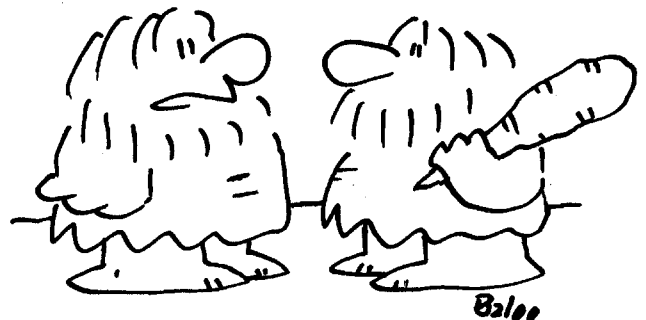
— Bruce Ramsey

**Butcher than thou** — Feminist author Barbara Ehrenreich, at a rally during the Democratic convention, said, "I feel so exasperated that they [Kerry and Edwards] can't figure out anything except to try to act butcher than [George W. Bush] when it comes to our international crises." She thinks the key to defeating terrorism is exporting feminism. No, not feminists, but feminism.

— Alan W. Bock

**The liberation of Poletown** — The Michigan Supreme Court, in a significant victory for property rights, has reversed *Poletown*, a landmark eminent domain decision that allowed a massive government taking of property to make way for a General Motors assembly plant in Detroit during the 1981-82 recession. The case (discussed in my article in the November 2003 Liberty) led to the government condemnation and destruction of 1,400 homes, 144 businesses, and 16 churches in the Poletown neighborhood on Detroit's Lower East Side. The victims of this aggression were Poletown's poor and elderly residents. The reversal is a defeat for all governments that have relied on *Poletown* to justify their own taking of property from the weak to benefit politically connected corporations, developers, and other commercial interests.

*Poletown*, originally decided by the Court in 1981, was struck down in another eminent domain case brought by Wayne County, Mich., against private property owners. The county sought to use eminent domain to condemn the prop-



"Being a vegetarian isn't a matter of principle with me — I just prefer biting things that don't bite back."

erty so it could build a development for commercial interests. The Court, in a unanimous (7-0) ruling, found:

"To justify the exercise of eminent domain 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 is to render impotent our constitutional limitations on the government's power of eminent domain. *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."

The Court noted:

"Because *Poletown's* conception of a public use — that of 'alleviating unemployment and revitalizing the economic base of the community' — has no support in the Court's eminent domain jurisprudence before the Constitution's ratification, its interpretation of 'public use' . . . cannot reflect the common understanding of that phrase. . . . Consequently, the *Poletown* analysis provides no legitimate support for the condemnation proposed in this case and, for the reasons stated above, is overruled."

Thus, the Court sided with property owners fighting government action in 2004 by overturning a decision it made nearly a quarter century ago:

"Because *Poletown* itself was such a radical departure from fundamental constitutional principles and over a century of this Court's eminent domain jurisprudence leading up to the 1963 Constitution, we must overrule *Poletown* in order to vindicate our Constitution, protect the people's property rights, and preserve the legitimacy of the judicial branch as the expositor — not creator — of fundamental law."

The Court also applied its ruling to other eminent domain cases:

"Our decision to overrule *Poletown* should have retroactive effect, applying to all pending cases in which a challenge to *Poletown* has been raised and preserved."

This is a sweeping victory for property rights, with implications for property owners in Michigan and other states fighting government seizure of their property. Governments across the United States have cited *Poletown* to justify their

own takings of private property. They will no longer be able to rely on *Poletown* now that Michigan's highest Court has reversed its original decision.

— Greg Kaza

**Slo-mo pullout** — President Bush announced that he plans to reduce the number of troops in Europe and Asia by 60,000 to 70,000 over the next decade. If this suggests a serious reconsideration of the policy of keeping U.S. troops in places where they are not only unnecessary but also increasingly resented, or the first step toward a program of more comprehensive disengagement, it is welcome news. But the devil is in the details, and the president didn't provide many details.

I talked with Ted Carpenter, vice president for defense and foreign policy studies at the Cato Institute. He said the president "deserves the gratitude of the American people for deciding to withdraw 70,000 troops from Europe and East Asia," and explained that from a defense standpoint these commitments make little sense. He told me, however, that he is concerned about the ten-year timetable. "A lot of good intentions can disappear over that period," he said.

Chalmers Johnson, University of California political science professor emeritus and author of "The Sorrows of Empire," was more skeptical. "Are they planning to bring those troops home or transfer them to Poland, Romania, Bulgaria, Uzbekistan, Kazakhstan — or Iraq?" he asked. "If that's the plan it will meet resistance within the military and do little or nothing to reduce our exposure overseas."

Johnson also suggested the move may be retaliation against Germany and South Korea, which have not been especially supportive of U.S. policy in Iraq, or an effort to move U.S. troops from places where they have become more an irritant than an asset. He noted that recently a U.S. helicopter crashed on a college campus on Okinawa, setting off a new round of protests against U.S. bases.

Whether the move represents serious rethinking of U.S. military policy or not — Defense Secretary Donald Rumsfeld has talked seriously for some time about realigning U.S. forces and making the military leaner and more agile, but not about reducing overseas commitments — this move is overdue. South Korea and Germany are quite capable of handling whatever threats they face.

However, as Shakespeare once put it, "If 'twere done, 'twere well if 'twere done quickly." There's no reason to take ten years to do what should have been done ten years ago.

— Alan W. Bock



"I'd like to help, buddy, but I've got a priority call to arrest a guy for violating a 'No Smoking' ordinance."

**False prophet** — Watching former President Clinton warmly endorse the Kerry-Edwards ticket on the first night of the Democratic convention reminded me that a few months back, nutball conservatives were atwitter over the idea that the Clintons were somehow pulling strings behind the scenes to put themselves back in power via their puppet, Wesley Clark, or possibly put Hillary onto the Democratic ticket. The second theory was pushed by Dick Morris, the toe-licking former Clinton consultant, now a New York Post columnist. How adept a prognosticator is Morris? Let's look at the first paragraph of a column from last December: "Especially now that the capture of Saddam Hussein could turn the Iraq war into a positive for George Bush, Howard Dean may turn to Hillary Rodham Clinton to be his vice-



presidential candidate. And, especially now that Al Gore has un-retired, Hillary might just accept." Hmm. The capture of Saddam boosted the president for a news cycle, Howard Dean imploded in Iowa, and John Edwards is the vice-presidential nominee of the Democratic party.

Morris' predictions quickly foundered on the shoals of reality. In a February column, Morris tackled the subject again. Again, there is no need to look beyond the first paragraph: "The demise of Howard Dean's candidacy opens the door to a Kerry-Clinton ticket in 2004. As long as Dean was favored to get the nomination, Hillary likely wasn't interested in the second slot on the ticket. With the Vermont governor almost certain to go down to a massive defeat, Hillary probably wanted no part in the ensuing carnage. But now that the Democrats have a real chance to win, it makes all kinds of sense to offer her the nomination and for her to accept it."

Morris' predictions seemed to me to be bunk from the get-go. But I am not part of his intended audience of barely coherent wingnuts who think that the Clintons are the focus of evil in the modern world. For them, there is not even a need for Morris to explain why he predicted Hillary would run with Dean in December but said that she would refuse such an opportunity in February or even to acknowledge the glaring inconsistency. He is giving them what they want — fodder for their perverse obsession with the Clintons.

As much as some people hate them, the Clintons are simply politicians who crave power. In this regard, they are no different from John Kerry, George Bush, or Tom DeLay. For some people, however, a Clintonian coup is always right

around the corner. Like most readers of Liberty, I never liked Clinton. But I would take Slick Willie over the preppie doofus in cowboy boots currently sitting in the White House.

If his convention speech is any indicator, Bill Clinton sincerely wants Kerry to be elected, even though this would hinder his wife's ambitions. The most memorable line from the former president's speech stands out because he deprecated himself to build up Kerry. "Let me tell you what I know about him. During the Vietnam War, many young men, including the current president, the vice president, and me, could have gone to Vietnam and didn't. John Kerry came from a privileged background. He could have avoided going too, but instead he said: 'Send me.'"

Should Kerry win, Morris will no doubt start predicting that the Clintons are maneuvering to have Bill appointed head of the Federal Reserve and Hillary Chief Justice of the Supreme Court (or perhaps the other way around). The folks occupying the right side of the fever swamps will lap it up. They won't even bother to check what he says today against what he said two or three months ago. — Clark Stooksbury

***Let's go all the way*** — The controversy over the Federal Marriage Amendment has given rise to a discussion dominated by two equally ridiculous claims.

Conservatives argue that marriage is a sacred institution which, if not reserved by constitutional amendment for one man and one woman, will be stripped of its power and meaning, leading to a (more) degenerate society.

Left-liberals have a couple of primary factions, one that supports gay marriage (but not polyamorous or intrafamilial

## Lessons from the Iraq War: Reconciling Liberty and Security

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marriage!) and one that sort of agrees with conservatives, but doesn't want to be painted as conservative.

It's time for bold solutions to this moral crisis, and I've got one. Left and Right should come together (so to speak) in support of sex licenses.

Sex licenses would solve most problems that marriage licenses are meant to solve. Marriage is a stable and civilizing influence, giving young people one person from whom it's socially acceptable to get as much nookie as they want. Marriage theoretically promotes monogamy and discourages promiscuity, thus encouraging loyalty to one's spouse. Marriage provides a family for children to be raised in; sex licenses are sort of a supply-side approach to the same problem.

The conservatives and modern liberals having this debate are all authoritarians of one type or another. They think it's the state's business to license marriage, and they're okay with prohibition of prostitution, so they shouldn't be bothered by this sensible expansion of the state's regulation of sex. Unlike laws that discriminate against homosexuals, this one will have no equal-protection problems. Gay, straight, doesn't matter — *nobody* gets laid without the state's say-so!

I envision a photographic identification document, like your driver's license. There would be restrictions ("A" for heart patients who may not use Viagra, "B" for people with chronic venereal disease) and endorsements ("good in bed," "sterilized," "total babe").

Most states let teenagers get a learner's permit a few months before they're eligible to get their "real" driver's license. During this probationary phase, they can drive as long as there is a licensed driver in the car with them. I'm sure there's a role for a learner's sex permit: you can do anything up to second base, but only with a fully licensed individual present.

The vagaries of federalism would give us an exciting array of licenses. California and New York would have colorful, good-looking plastic cards emblazoned with the words "Sex License," while certain states in the Midwest and the South would issue their citizens an understated, easy-to-forge laminated piece of paper called a "Permit for Conjugal Relations." I'll bet the pictures on progressive states' licenses would give a whole new meaning to "head shot."

Sex licenses would encourage young people to practice safer sex. In many states, if a cop pulls you over for speeding and you don't have your seat belt on when he arrives at your car window, he can ticket you. Similarly, a cop who caught you having a quickie in the back seat of a car could tack another costly violation on top of public indecency: "I don't see a helmet on that solider, Jimmy. That's an \$80 ticket!"

Sex is a privilege, not a right. We need responsible coitus control. Do it for the children. Just don't do it *with* the children — that'll still be illegal. — Patrick Quealey

**A voter's dilemma** — I won't vote for president unless, as seems unlikely, a third candidate gets on the Alabama ballot. But I will vote to reelect our third-district Republican congressman. Mike Rogers gets my vote because his office expedited fixing a screw-up on my passport renewal and because I'd rather see Republicans controlling the House of Representatives, especially if Democrats win the White House. Rogers gets my vote even though his ads

blatantly appeal to special interests. He trumpets protecting textile workers against "unfair" foreign competition and getting prescription-drug benefits (doubtful, by the way) for us old people.

This inconsistency on my part illustrates one of the many inaccuracies of the democratic process. Voters have no chance to express their opinions on particular issues, one by one. They must choose among packages of policy positions (and candidate characteristics), each package probably including several positions that the individual voter rejects. This and other perversities of the democratic process argue against subjecting more and more aspects of life to government control. — Leland Yeager

**Iranian nuance** — Iran has overturned the death sentence for an academic dissident guilty of telling Iranians not to follow clerical leaders "like monkeys," sentencing him instead to five years in prison. On the same day Iran announced it will resume building nuclear centrifuges. Maybe its idea of getting into the good graces of the "international community" is to baffle 'em with contradictory moves. — Alan W. Bock

**Man's Google for meaning** — Edward I. Koch, when he was New York City mayor, would often ask, "How am I doing?" seeking approval from everyone within earshot. For those of us in professions without rankings or positions and, unlike Koch, lacking an immediate audience as well, the question is more problematic and at times haunting. How is anyone's cultural presence measured? Income is not a sure criterion; nor other dubious distinctions such as academic appointments. Western intellectual life is a kind of free market with values and rankings always in flux.

Nonetheless, retaining an interest in the issue, I feasted upon the Internet search engine Google.com, which claims to store well over four billion "web pages," including printed text and websites. Every time a person's name appears in any of these sources, it becomes an entry noticed by Google. For reasons that escape me, entries are often duplicated, if not triplicated, creating for any person a false sum that, however, suffers about as much redundancy as everyone else's sum.

To measure someone who has a unique name, simply type it in the appropriate search space surrounded by quotation marks to ensure that the search engine notices only when the whole name appears together. Otherwise, Joe Clinton's name on a laundry bill would be credited to our former president. Names belonging to two or more people, like "Milton Friedman" or "Philip Johnson," won't work at all. And names that include common words, such as "Robert Street" or "William Summer," generate false positives.

After trying "Hannah Arendt," Google informed me it had found "about 123,000" results, which seems reasonable, given that she wrote several influential works. Here are some other figures:

Noam Chomsky	316,000
John Cage	224,000
Ayn Rand	167,000
Kurt Vonnegut	138,000
Aaron Copland	102,000
Allen Ginsberg	99,400

Susan Sontag	78,300
Joyce Carol Oates	72,100
William F. Buckley	71,400
P.J. O'Rourke	55,100
Saul Bellow	53,900
Thomas Pynchon	48,600
Henry Louis Gates	33,300
Irving Kristol	20,000
Richard Kostelanetz	5,840
Hilton Kramer	5,500
Dwight Macdonald	5,300
Gordon Lish	1,870
Jerome Kinkowitz	913

Bear in mind that misspellings don't count, or are counted elsewhere. I discovered 28 entries under the name "Richard Kostelantz," but Google's programming is so adept at recognizing possible spelling errors that it asked me if I had meant to type "Richard Kostelanetz."

As a measure of cultural presence, most of these numbers seem fairly credible to me. Remembering the problem currently plaguing Friedman and Johnson, I recently advised a young relative named Gordon Craig to add his middle name to all professional work, to ensure that anyone trying to find him under a search engine wouldn't get the historian of Germany or the theorist of theater instead.

One charm of Google-counting is that the sums reflect democratic procedures, the results of a large number of people discriminating independently — to the detriment of disdainful snobs, who believe that only certain recognitions count while others are to be dismissed. You might say that those who think their name insufficiently counted suffer from Google envy.

Is it possible to stuff the Google box, so to speak? The photography critic A.D. Coleman, an Internet pioneer, tells me, "If I were to post a thousand identical new pages at my site, with the page title consisting only of my name, with my name as the keyword, and with the text content consisting exclusively of my name a hundred times over, using slightly varying URLs (adc1.html, adc2.html, etc.), I could considerably up my own count. The downside is that anyone who clicked on such a link during a Google search would find, basically, junk; and anyone who did that several times might well give up looking at or for my substantial online material. Stuffing the system is not smart in the long run." Since statistics don't lie, Google counts reveal, at least for now, truths about cultural presence unavailable before.

— Richard Kostelanetz

### *The war to start more wars* —

As with so many famous lines, the phrase "war to end all wars" was apparently never uttered by the man to whom it's attributed, Woodrow Wilson. In "Breaking The Heart of The World" (2001), author John Milton Cooper says the phrase originated with Lloyd George. But in fact, the phrase appears to have originated with

H.G. Wells, who used it in his 1918 book "In The Fourth Year: Anticipations of a World Peace," where he writes, "In the latter half of 1914 [a] phrase, 'The War to end War,' got into circulation, amidst much sceptical comment. It was a phrase powerful enough to sway many men, essentially pacifists, towards taking an active part in the war against German imperialism, but it was a phrase whose chief content was its aspiration. While we talked of this 'war to end war,' the diplomatists of the Powers allied against Germany were . . . seeing in the treacherous violence of Germany only the justification for countervailing evil acts. To them it was only another war for 'ascendancy. . . .' In those days, moreover, we said this is the 'war to end war,' and we still did not know clearly how. . . . It is largely the detachment and practical genius of the great English-speaking nation across the Atlantic that has carried the world on beyond and replaced that phrase by the phrase, 'The League of Nations,' a phrase suggesting plainly the organization of a sufficient instrument by which war may be ended for ever." He used the phrase again in his book "The Shape of Things to Come" (1933), but in a 1934 article, Wells acknowledged that the phrase which "got into circulation" in 1914 was actually his own creation. This, however, didn't stop him from using the phrase again as if it weren't artificial, in "The New World Order" (1939).

— Timothy Sandefur

**You, robot** — Isaac Asimov's message in his 1950 collection of short stories, "I, Robot" — loosely applied in the movie "i, ROBOT," starring Will Smith — remains light years ahead of its time. Viewing oneself and others as machines is, to quote a recent New York Times editorial, "vastly easier and more thrilling than introspection." Indeed, pretending one is a machine, that is, pretending one is not human, reduces existential fear. Machines don't die. They're



not responsible for their actions. They're not lonely. They don't fear freedom, and when they're creative, we say they're broken.

Machines also require an operator.

Where does this escapist thinking come from? Today, the dominant explanatory paradigm for human behavior is based

in mechanistic philosophy. Proponents posit that human beings are ultimately reducible to chemical and electrical interactions — man is considered a machine, an incredibly complex machine, but a machine nevertheless. This view is scientifically valid when it comes to understanding the human body and disease; however, it is unscientific when it

## Portrait of a Congressperson in Service to His Constituents

Selected resolutions co-sponsored by Rep. Jim McDermott (D-Wash.), in the 108th Congress:

- to honor George Thomas "Mickey" Leland on a postage stamp
- to commend India on Republic Day
- to declare death by stoning a violation of human rights
- to express the sense of the Congress regarding scleroderma
- the same, regarding viral hepatitis
- the same, regarding polio
- to honor the 140th anniversary of Abraham Lincoln's Emancipation Proclamation
- to oppose anti-Semitism in Europe
- to encourage the establishment of a National Visiting Nurse Association Week
- to support International Women's Day
- to recommend naming a day to celebrate African-American scientists, mathematicians and inventors
- to recommend that Arthur Ashe be put on a postage stamp
- to support the designation of an American Jewish History Month
- to reaffirm women's role in the promotion of world peace
- to recognize the historical significance of the Triangle Fire of 1911
- to thank two Iraqis, Mohammed and Iman, for helping in the rescue of Pfc. Jessica Lynch
- to recognize the importance of inheritance rights of women in Africa
- to recognize the importance of the Mexican holiday of Cinco de Mayo
- to support the goals of Veterans Educate Today's Students (VETS) Day
- to proclaim that strengthening women's groups in Iraq would promote democracy there
- to recommend that Japan apologize for "comfort women" during World War II
- to celebrate the achievements of Larry Doby
- to express the sense of Congress regarding the educational curriculum in Saudi Arabia
- to commemorate former Rep. Dalip Singh Saund as the only Indian American to serve in Congress
- to support Hire a Veteran Week
- to suggest a presidential proclamation honoring the 200th birthday of Constantino Brumidi
- to urge the observance of Global Family Day
- to honor the life of Johnny Cash
- to suggest that Congress adopt the goals of the President's New Freedom Commission on Mental Health
- to honor Sargent Shriver
- to urge the government of Indonesia and the Free Aceh Movement to immediately declare a ceasefire
- to express the concern of Congress regarding human rights violations committed against lesbians, gay men, bisexuals, and transgendered (LGBT) individuals around the world
- to preserve Franklin D. Roosevelt's profile on the dime
- to recommend that the U.S. car industry be given a place in any U.S.-Thailand Free Trade Agreement
- to recommend that Rotary International's polio program be commemorated on a postage stamp
- to commend the persons inducted for service during World War II
- to recognize the 75th anniversary of the Empire Builder rail service, now operated by Amtrak
- to declare genocide in Darfur, Sudan
- to recommend that the Senate ratify the Convention on the Elimination of All Forms of Discrimination Against Women
- to declare that affirmative action programs are indispensable
- to recommend Medals of Freedom for the astronauts who died in the space shuttle Columbia
- to recognize the importance of sports in fostering the leadership ability and success of women
- to recommend a National Day of Remembrance around the internment of Japanese, Germans, and Italians during World War II
- to note the 11th anniversary of the return of the remains of musician Ignacy Jan Paderewski to Poland
- to recognize the inauguration of President Roh Moo Hyun of the Republic of Korea
- to recognize the contribution of historically Black colleges and universities
- to urge the posthumous granting of a Presidential Citizens Medal to Frederick Douglass
- to urge the adoption of a legal public holiday to commemorate Cesar E. Chavez
- to urge the adoption of a paid legal holiday to commemorate Native Americans
- to recognize the achievements of Operation Respect and the "Don't Laugh At Me" programs
- to observe the 15th anniversary of the enactment of the Genocide Convention Implementation Act
- to welcome home the crew of the carrier Abraham Lincoln
- to condemn bigotry and violence against Arab-Americans, Muslim-Americans, South Asian-Americans, and Sikh-Americans
- to honor the life and work of South African Walter Sisulu
- to commemorate the 53rd anniversary of the "Declaration of Conscience" speech by Sen. Margaret Chase Smith
- to express sympathy for the victims of the May 21, 2003, earthquake in Algeria
- to recommend that Anne Frank be put on a postage stamp
- to congratulate Canada on the occasion of Canada Day
- to call for the immediate and unconditional release from prison of certain Kurdish members of the Parliament of the Republic of Turkey.

— Compiled by Bruce Ramsey

comes to understanding mind and behavior. For example, brains become physically diseased, whereas minds become diseased in a metaphorical sense only. Some people are invested in obscuring that difference.

Psychiatrists and psychologists are among the worst when it comes to peddling science fiction as fact, despite (or perhaps because of) their interest in "humanizing" people. They frequently argue that behavior is caused (machines don't choose). This thinking underpins the insanity defense and involuntary commitment to prisons called mental hospitals. It's an integral part of justifying drug prohibition (illegal drugs turn users into machine-like zombies) specifically, and the therapeutic state (anti-depressant prescription drugs help people to "become themselves") generally. Clearly, illegal drugs are bad and dangerous. Prescription drugs are good and safe. The distinction is socially constructed, not the result of chemical analysis. Drugs are neither safe nor dangerous, neither good nor bad — it's all a matter of how one uses them.

People who believe Martians are beaming messages to them via the fillings in their teeth are "diagnosed" as schizophrenic. Those who believe Jesus is entering their hearts are having a valued religious experience. Similarly, what we call human and non-human is a matter of social construction. A person is a person. We can't differentiate between persons and non-persons by reading machines like PET scans, any more than we can differentiate between machines and persons by reading science fiction like "I, Robot."

Desire, aversion, angst, love, despair, courage, selfishness, and altruism — all the things that we consider uniquely human — are now construed by experts as mechanical secretions of the brain. And this dehumanizing view of human nature is heavily influencing clinical, legal, and public policy, as well as the structure of society. The brain "acts." That which is represented by the pronoun "I" is simply a ghost in the machine. And who believes in ghosts, anyway?

The revenge of the robot makers is upon us.

— Jeffrey A. Schaler

**The Yellow Plague** — In *People v. Hall* (1854), California's Chief Justice Hugh C. Murray, joined by Justice Solomon Heydenfeldt, held that Chinese people could not testify in California's courts. Why not? Murray based his decision on an 1850 law which declared that "No Black, or Mulatto person, or Indian, shall be allowed to give evidence in favor of, or against a white man." But this law also applied to the Chinese, because "When Columbus first landed upon the shores of this continent . . . he imagined that he had accomplished the object of his expedition, and that the Island of San Salvador was one of those Islands of the Chinese sea. . . Acting upon this hypothesis . . . he gave to the Islanders the name of Indians. . . From that time, down to a very recent period, the American Indians and the Mongolian, or Asiatic, were regarded as the same type of the human species." So the Chinese are Indians. He goes on to discuss whether "modern" science has justified this opinion; the evidence isn't clear, he says, but "the name of Indian, from the time of Columbus to the present day, has been used to designate, not alone the North American Indian, but the whole of the Mongolian race, and that the name, though first applied probably through mistake, was afterwards continued as appropriate on account of the supposed common origin." As if this weren't enough,

Murray continues: "even in a doubtful case we would be impelled to this decision on grounds of public policy. The same rule which would admit them to testify, would admit them to all the equal rights of citizenship, and we might soon see them at the polls, in the jury box, upon the bench, and in our legislative halls. This is not a speculation which exists in the excited and over-heated imagination of the patriot and statesman, but it is an actual and present danger. The anomalous spectacle of a distinct people, living in our community, recognizing no laws of this State except through necessity, bringing with them their prejudices and national feuds, in which they indulge in open violation of law; whose mendacity is proverbial; a race of people whom nature has marked as inferior, and who are incapable of progress or intellectual development beyond a certain point, as their history has shown; differing in language, opinions, color, and physical conformation; between whom and ourselves nature has placed an impassable difference, is now presented, and for them is claimed, not only the right to swear away the life of a citizen, but the further privilege of participating with us in administering the affairs of our Government."

As Elmer Clarence Sandmeyer notes in "The Anti-Chinese Movement in California" (1973), this was practically a declaration of war against the Chinese, since violence against them would usually only be witnessed by other Chinese, who then could not give evidence against the perpetrators.

Oh, and although *Hall* has not been expressly overruled, the State Supreme Court repudiated it in 1948, in *Perez v. Lippold*, itself a remarkable opinion which struck down California's antimiscegenation law. — Timothy Sandefur

**Muriel Hall, RIP** — Muriel Hall, one of the last witnesses to the early years of the modern libertarian movement, has died at the age of 82. She was the friend of the libertarian author and theorist Isabel Paterson, and the lifelong exponent of Paterson's ideas.

Muriel Welles Hall was born in Trenton, N.J., on Nov. 27, 1921, the daughter of Mabel De Geer Welles and the Rev. Samuel Gardner Welles. The Welles family had for generations played a prominent role in the Episcopal church. One of Muriel's grandfathers was an early bishop of Wisconsin, and one of her brothers became bishop of West Missouri. Her father, a priest, worked as a missionary in Oklahoma Territory, where he met his future wife, a pioneer schoolteacher. Muriel was reared in an environment in which the spirit of Western enterprise and the spirit of traditional learning were equally respected.

After graduation from the New Jersey College for Women



"He only watches the news to give himself an excuse for drinking."

(now Douglass College) and staff work for Time magazine, she studied at Oxford University and worked as a “stringer” for Time, interviewing such people as C.S. Lewis. In England she married Edward Matson (Ted) Hall, a distantly related scion of the Welles family who was serving in the American merchant marine. They returned to America, where both pursued careers in journalism, Ted as a newspaper reporter and editor, Muriel as a senior researcher for Time-Life and later for the Reader’s Digest. The couple, who divorced in the mid-1960s, reared four children, including two young relatives whom they informally adopted.

It was in 1937 that Muriel first encountered the novelist and critic Isabel Paterson (1886–1961), a friend of Muriel’s parents and of her older sister Mary, who had worked with Paterson in the editorial offices of New York Herald Tribune “Books.” Impressed by Paterson’s intelligence and sophistication, Muriel was first astonished and then attracted by her radical political views. At the Welles’ home, Muriel witnessed the great debate between Paterson and another family friend, Whittaker Chambers, later celebrated for his role in the Hiss-Chambers case and in the foundation of the modern conservative movement. Muriel joined in the brilliant conversations at the famous “Monday Night” salons in Paterson’s office at the Herald Tribune. She was present on the Monday night in January 1949 when Paterson announced that she had been fired from the paper, with whose management she had long disagreed about political and social issues.

During the 1950s, Muriel and Ted were frequent visitors at Paterson’s farm near Princeton, New Jersey. When she sold the farm, they urged her to move to their own home in Montclair, New Jersey; and Muriel was beside her when she died there in 1961. Muriel executed Paterson’s will and, in 1964, sponsored a new edition of her major work of political and historical theory, “The God of the Machine.” She preserved the memory and the written records of Paterson’s life and upheld Paterson’s ideal of individual liberty during the many years in which others ignored or scorned it. When the resurgence of libertarian thought took place in the 1970s and 1980s, Muriel shared her knowledge with new generations, creating a unique and vital connection between the past and future.

In the mid-1980s Muriel retired to her home in the tiny village of Hampton, Conn., where she devoted herself to reading, gardening, and the enjoyment of her family and friends. An expert fisherman, she spent summers at a primary location for the sport, Cape Hatteras, N.C. establishing residence there in the late 1990s. “I’m an old woman,” she said; “I could die at any time!” — a reflection that did not prevent her from going wherever she wanted with her truck, her fishing poles, her cat, and her latest copy of The Wall Street Journal. When, last September, she developed a rare form of leukemia, she fought back heroically and succeeded in maintaining her enjoyment and control of her life, at one point driving alone through hundreds of miles of hurricane-ravaged territory in order to reach her house at the Cape. On July 13, 2004, she at last succumbed, still fearless in the face of death, at the home of her beloved sister, Mabel Owen, in Storrs, Conn.

Like Isabel Paterson, Muriel Hall was a complex and forceful personality, a woman of passionate and outspoken conviction, yet a woman of great kindness, generosity, and delicacy of feeling. She was also a woman whose serious

intellectual interests never restricted her sense of fun. As she said of Paterson, “it was just laugh, laugh, laugh” when she was present. Witty and ebullient, Muriel was at the same time a deeply meditative person, patiently developing her own thoughts and expressing them, when they matured, in words that could not be forgotten. No one who accompanied Muriel to a gallery of art or heard her reading aloud in her deep, resonant, effortlessly modulated voice could fail to remember the experience.

Superbly competent herself, Muriel revered competence in others, whether it was mastery in building, painting, cooking, or gardening, or brilliance in literature or political thought. She felt that she could never say enough to praise the individual achievements of the men and women, famous or obscure, who created the wonders and pleasures of “this beautiful world.”

Many Americans express devotion to ideas of individual liberty and responsibility, but Muriel saw the full significance of those ideas and embodied them fully in her life. She cherished their history; she grasped their implications, and she rejoiced in anticipation of their final victory. She was, as she said of Paterson, “a great libertarian” — and a very great person.

— Stephen Cox

**Bernard Levin, RIP** — The late British writer and controversialist Bernard Levin was known to everyone in the United Kingdom but to few in the United States. Americans might be interested to hear that for some years his mistress was the well-known writer Arianna Stassinopoulos, who later immigrated to the U.S. and began a new life as Arianna Huffington.

Levin had many accomplishments, and did some things perhaps not most aptly describable as accomplishments, like his swooning advocacy for a while of the Rajneesh cult. Among other unfashionable opinions, he was an early opponent of socialism and excessive union power. Approximately speaking, it is fair to describe his political outlook as libertarian, though there were a number of jarring features, like his support for the U.S. war in Vietnam and his adoption of Solzhenitzyn’s view that the over-affluent West had grown too soft and needed a spiritual rebirth. He attacked Communist and Socialist pretensions at a time when this took courage.

One of his achievements, now largely forgotten and not mentioned in the British obituaries I have seen, was his prediction (in 1968 or 1969, I recall) of the downfall of the Soviet Union. Levin announced that this would occur in 1988. Shortly after this initial prediction, he modified the date of the Soviet collapse to July 14, 1989. His reasoning, I believe, was bold and simple. Levin looked at the abortive Czech liberalization, crushed by Soviet tanks in 1968, and he asked himself who would be driving the tanks when the Russian people started behaving like the Czechs.

In the 1960s, the reaction of some correct-thinking middle-class Brits to Levin’s prediction was that the nasty, vicious, right-wing elements in his thinking had finally tipped him over the edge into crazy delusion.

Brilliant journalist, adventurous mind, indispensable gadfly, Bernard Levin died aged 75 on August 7, his last years clouded by Alzheimer’s Disease. — David Ramsay Steele

# Kerry Nation

*by Douglas Casey*

America is a great democracy in which we get to choose, every four years, which sociopath will lead the nation. Meet John Kerry, the devil we hardly know.

Americans increasingly, and in so many ways, find themselves in the position of the Romans of the Early Empire. After Tiberius died there was great rejoicing, since people figured it couldn't get much worse. But it did: they got Caligula, then Claudius, then Nero — and the decline of the Empire was just beginning. Some emperors were noted more for incompetence, some for dissipation, or viciousness, or stupidity, or paranoia, or — choose your vice. History would show that the immense power of the office of emperor brought out the worst in almost everybody.

I felt much the way a Roman of Tiberius' reign might have when Clinton was in office. Sure, he was smart, eloquent, and charming, but he was essentially a degraded being, surrounded by vicious harpies like Hillary, Madeleine Albright, O'Donnell, Shalalala, and Chelsea's father, Janet Reno. It seemed like it couldn't get much worse, but at least there was an element of black comedy around Clinton.

And then it got much worse, with Bush and his axis of evil advisors — Cheney, Ashcroft, and Rumsfeld. I'd make an attempt at mischief with their names, but they're about as funny as 50,000 dead Iraqis and a billion enraged Muslims.

Now I have some really bad news for you: John Kerry is going to be your next president. And he's very likely going to be worse than Bush has been. But we should be thankful, because if Bush were to be reelected, he would realize that he would be out of office in 2008 in any event and thus have nothing to lose, so he and his handlers would likely pull out all stops, destroying what remains of liberty in the United States — in the interest of preserving liberty. Unless, of course, there were a modern-day Reichstag fire, or a terrorist

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event that would induce the government to postpone elections, as Homeland Security Czar Tom Ridge recently suggested, putting his finger in the wind.

Would the Bushites try such a stunt? Don't forget that the population of sociopaths is a standard distribution in all countries and at all times. It's a manifestation of Pareto's Law, known to most as the observation that 20% of the people do 80% of the work, but in this case reflecting the fact that 20% commit 80% of the crime. I'm not worried about common crime. The really smart and ambitious sociopaths are inexorably attracted to government. In normal times, most of the potential bad actors are hard to tell from their neighbors: they like dogs and kids, and play softball on the weekends. But when the situation is right, they'll show their true colors, as they did in Germany under the Nazis, Russia under the Soviets, and in so many other times and places. It seems to me that conditions are increasingly ripe for that kind of thing in the United States. And the current regime — and most of those who are candidates for their positions for the foreseeable future — are quite capable of using another 9/11 or some other tear in the social fabric as an excuse to descend to mankind's more brutish tendencies.

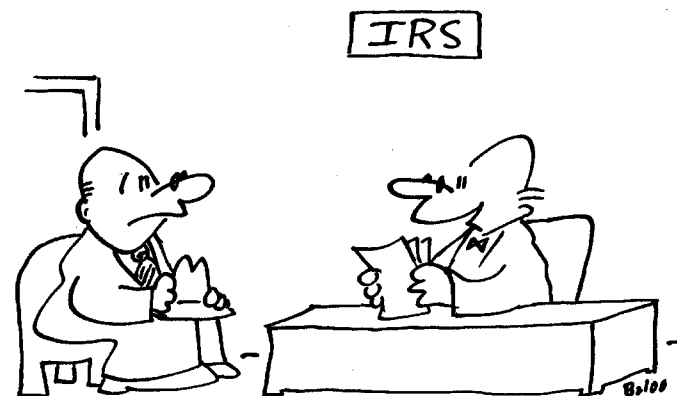
Some believe that it's usually better to deal with the devil you know than the one you don't, and that's reason enough

to vote for Bush. True enough. And that will undoubtedly get him millions of votes from people who actually dislike him and what he stands for.

But, everything else being equal, I'm sadly of the opinion that we're better off with Kerry, the devil we don't know. That's because it takes a year for the new regime to have its high-level nominees approved by the Senate, shuffle the bureaucracy around, meet the players in foreign governments, and generally get situated. That's at least a year that they'll get the country into less trouble than they would otherwise. And again, there is the aforementioned concern that a second-term Bush presidency could turn into a no-holds-barred neocon orgy.

There are three reasons why I think Bush is dead meat. First is the war on terrorism in general, and the wars in Iraq and Afghanistan in particular. They've gone very badly so far and they are likely to get much, much worse. *Boobus americanus* is naturally xenophobic, provincial, and paranoid, which would tend to lean him towards Bush. But he's also emotional. It's estimated that close to half of likely voters will have seen Michael Moore's *Fahrenheit 9/11* by election day, and the proportion of undecided voters seeing it is even higher. The movie takes some dramatic license, but it generally makes a very compelling case. My guess is that it alone, courtesy of Bush's disastrous adventures in countries he couldn't even find on a map before he was elected, will cost him the election.

Second is the economy. The great bear market that started in March 2000, interrupted by a significant (and perfectly normal) rally starting in 2003, is about to resume. Interest rates, which are still at generational lows, have begun to increase, and they are likely to rise above the levels of the early '80s before it's all over. A housing bubble, blown up by an unprecedented debt binge, is desperately in search of a pin. The dollar is going to resume its death march towards its intrinsic value. And inflation will go through the roof, probably about the time the \$500 billion trade deficit starts to reverse course and the standard of living heads down in lockstep. You don't have to believe in doom and gloom to believe these things will happen. You only have to believe that the economy is cyclical, and that cause has effect. The question, of course, is when. Perhaps it won't get bad enough to make a difference before November. But a declining economic environment will



"Everything seems to be in order, except that you forgot to add the hard-working middle class surcharge."

give whichever candidate wins an excuse to do all kinds of predictably stupid and counterproductive things.

Third is that many rationally thinking Republicans, disgusted with Bush's wars, unconstrained spending, and general shredding of the Bill of Rights, will simply not vote this year.

Bush's main hope is that Nader will draw enough votes away from Kerry to tip the balance, as happened last time. In 2000, you may recall, Bush lost the popular election by only 500,000 votes. But he really lost by more like 3.5 million, when you count those who voted for Nader, or for any of several other leftist candidates. For these voters, Gore wasn't

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*Really smart and ambitious sociopaths are inexorably attracted to government.*

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nearly far enough left. Is Bush's henchman Karl Rove cheeky enough to steal the election with another stunt like what happened in Florida in 2000, even though he'll be under close scrutiny? Who knows? But if he does, I bet there will be riots.

Bush is unintelligent, unknowledgeable, psychologically unbalanced, pig-headed, mean-spirited, bad-tempered, and a religious fundamentalist to boot. It's hard to imagine a worse set of personality traits in a president.

Kerry doesn't appear to suffer from any of these particular flaws; however, he's got a whole set of his own that are already apparent, and unquestionably many more will only become apparent once he's in office. He is terminally vain, devoid of a moral compass, interested only in his own aggrandizement, and a serious philosophical statist and collectivist.

Bush can blame the mess he's in mainly on his lack of such things as intelligence, knowledge, wisdom, understanding, and judgment. But at least he started out haphazardly on the road to perdition. Kerry is going to do worse because he will purposefully pursue the wrong goals. He'll raise taxes and increase spending (more than Bush, as hard as that may be to believe). He'll institute some type of mandatory "national service." He'll create loads of new government agencies, backed by draconian new laws. He'll nationalize health care.

Oh, and P.S., he'll continue all the current wars. At no time has he disavowed any of Bush's actions; he's only said he'd do it differently. If anything, he's even more a creature of Israel than Bush. (And lest my reference be unclear, I believe it is almost entirely on behalf of Israel, which is remarkably adroit in its manipulation of U.S. politicians, that we are currently fighting in Iraq.)

What kind of man is Kerry personally? Other than his authoritarian voting record, numerous self-contradictory statements, and the fact that he's perhaps the richest man in the Senate solely by virtue of being a serial gigolo, there's surprisingly little available about what kind of man he is, aside from his Vietnam war record, which he uses ad nauseam as a centerpiece in his campaign.

Is Kerry a war hero? There are dozens of websites run by

*continued on page 52*



# The Michaelmoorization of John Kerry

by Patrick Quealy

The road to power is paved with moorons.

John Kerry's nomination acceptance speech at the Democratic National Convention was by turns absurd, comedic, horrifying, and stupefying — but good for a few laughs at the expense of the nation's dignity.

The senator began by "reporting for duty" with a cheesy, halfhearted, pathetic salute. It was beyond embarrassing and probably lost him a goodly number of whatever veterans' votes he had. It was a cheap device that looked no more dignified than walking up to the podium enshrouded in the American flag and carelessly casting it aside.

Notwithstanding his insincerity, Kerry spoke well, and even, at times, convincingly. In telling the delegates why he and John "Ah Been Ready Fer This Faht Mah Whole Lahf" Edwards should be elected, he said nothing of consequence, but he said it *well*. And though tens of thousands of words could be written about this bland auditory artifact of a strange political situation, a single line stands apart. If Kerry wins the election, the moment he uttered this line can be said to mark a decisive switch from Bush's politics of newspeak-couched neoconservatism to Kerry's neo-Slick politics, and he'll treat his victory as a mandate to bring more of this "nuance," which is to say doublespeak, to the White House.

The line in question is: "I want an America that relies on its own ingenuity and innovation, not the Saudi royal family."

There's a general acknowledgement that America is dependent on Middle East oil, and a legitimate policy

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debate about the consequences of that dependence. Intelligent people argue for and against actively weaning America off overseas oil.

In "Fahrenheit 9/11," Michael Moore lays out lots of facts which constitute circumstantial evidence, enough to convince people unwilling or unable to do their own research that there were improper business relationships between Bush and various Saudis. He essentially implies that Bush is guilty of treason. That's pretty serious stuff. He doesn't say it outright, not in a fact-checkable way. But gosh, he makes it *look* bad, doesn't he?

Weeks after the release of Moore's film, in an unrelated, uncoordinated speech (wink, nudge), Kerry says we need independence from the Saudis. He doesn't say that American energy policy shouldn't be dependent on Saudi Arabia; no, he says he doesn't want America to rely on "the Saudi royal family."

Suppose some enterprising reporter were to have a problem with the Democratic nominee parroting Moore's racist propaganda as part of a major political speech. Suppose he interpreted Kerry's line about the Saudi royal family to be a not-so-subtle allusion to Moore's film, and

*continued on page 53*

**MILTON FRIEDMAN**  
SAN FRANCISCO, CALIF.

August 5, 2004

Editor  
Liberty Magazine

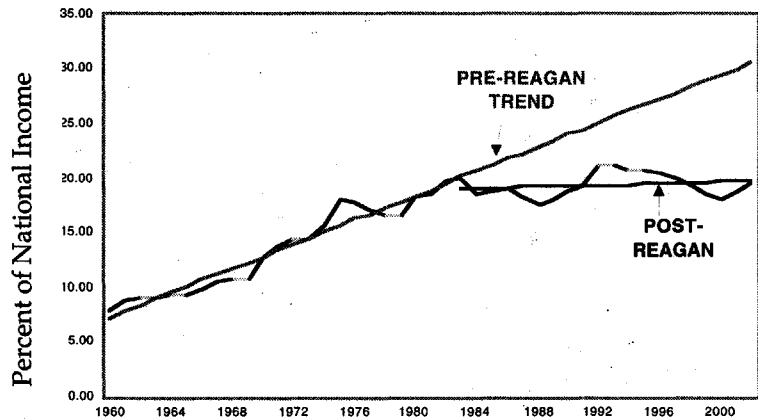
Dear Sir:

"Ronald Reagan...came into office promising to reduce government and to increase individual freedom...Yet government spending grew rapidly during his presidency, and individual liberty suffered" (Liberty, August 2004, p. 15).

Herewith the record:

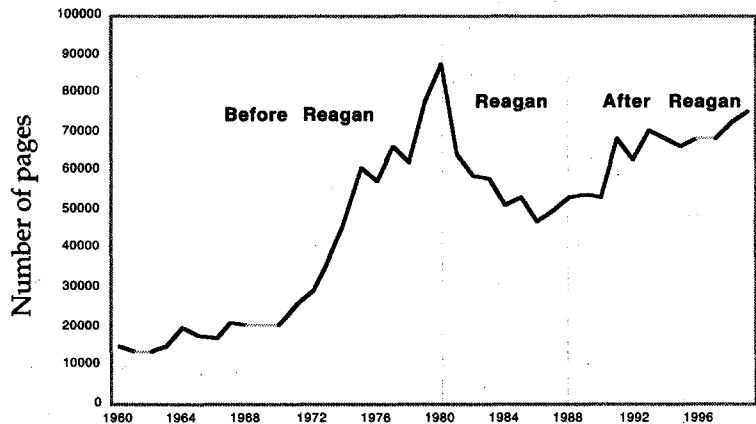
On government spending.

Figure 1: Federal non-defense spending as percentage of National Income, before and after Reagan



On individual liberty.

Figure 2 Number of Pages Added to the Federal Register Each Year, 1960-1999



The record speaks for itself.

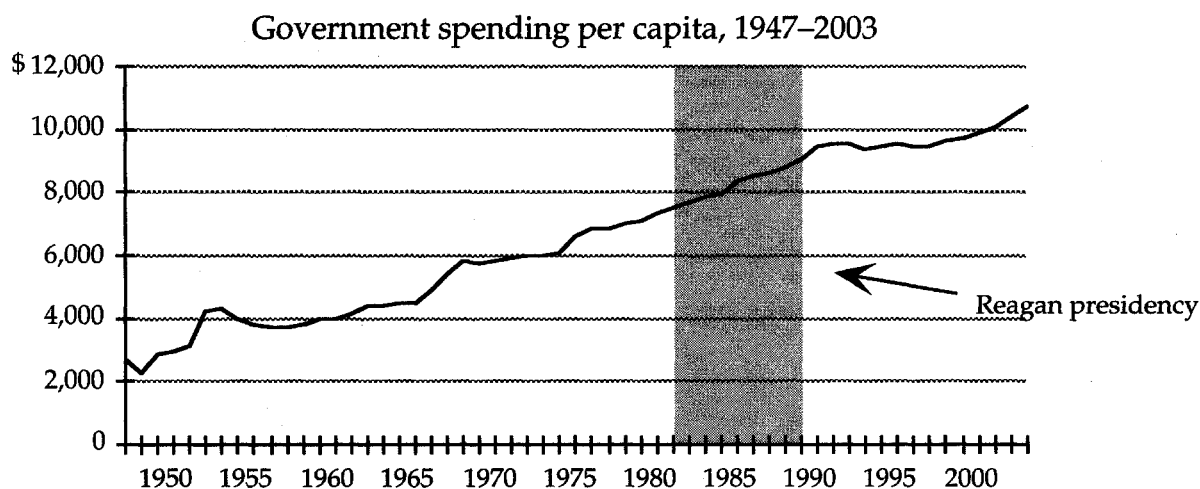
Sincerely Yours,

Milton Friedman

P.S. Figures taken from my op-ed published in The Wall Street Journal on June 11, 2004 under the title "Freedom's Friend."

# Freedom and Spending Under Reagan

by R. W. Bradford



Prof. Friedman has graciously offered some interesting data that he apparently believes undermine my claim that “government spending grew rapidly during [Reagan’s] presidency and individual liberty suffered.” The two graphs that Prof. Friedman offers, he writes, constitute a record that “speaks for itself.”

While I share the value that Friedman places on historic claims backed by hard evidence, as opposed to mere conjecture or prejudice, which he seems to suggest my claims amount to, I am not convinced that the data he cites undermine those claims.

## I. Government Spending Under Reagan

Against my claim that government spending grew rapidly during the Reagan years, he offers a graph showing that non-defense federal spending as a percentage of national income grew only very slightly during Reagan’s tenure. I see two problems with this.

I can think of no reason why we should eliminate defense spending from the category of government spending. After all, defense spending is money spent by the government. Nor am I certain that state and local government spending should be eliminated from the total. While it is true that the president has less influence over state and local government spending than he does over federal government spending, it is still a fact that the money spent by state and local governments is government spending.

Second, I do not see any sensible reason to normalize spending by national income. I suppose I might conclude that if a particular ten-foot tree in my backyard grows two feet during a decade, while other ten-foot trees in my yard grow three feet, that the first tree was not growing rapidly. But this supposes that government spending has as much in common with private income as one tree has with another. It comes perilously close to assuming that government spending is not growing at all unless it is growing faster than private income.

So how can we test the proposition that government spending grew rapidly during the Reagan years? The answer seems plain to me: by getting the figures for government spending and seeing how fast they grew. Of course, we have to correct the annual spending figures for the declining value of the dollar. It also makes sense to correct for population growth — at least it does if we accept the notion that government in some sense provides goods and services for people.

Happily, annual population figures and government spending figures are easily available from the U.S. Census Bureau and an estimate of the declining value of the dollar is available from the Department of Labor, which publishes each month its Consumer Price Index.

A few simple calculations show that government spending per capita, corrected for inflation by the CPI, yields the data reflected in the graph on page XX.

The Reagan years are highlighted in the graph. A quick inspection revealed that government spending grew about as fast during the Reagan presidency as during the years immediately before and quite a bit faster than the years immediately after.

Let's take a closer look, by checking the average annual change under each president since 1960 in the chart below:

While spending grew fastest during the Johnson years, during which the welfare state was greatly expanded (the "Great Society") and an expensive war in Vietnam was pursued, it is interesting to note that spending rose faster under Reagan than under the two presidents who preceded him and who followed him. It was even higher than the average rate of growth (the dashed line in the chart) during the entire 42-year period and has since been eclipsed only by George W. Bush, who like Lyndon Johnson, pursued both an expensive war (Iraq) and a huge expansion of the welfare state (Medicare-financed prescriptions).

It seems to me that these data strongly support the proposition that "government spending grew rapidly under Reagan." Unless Prof. Friedman can tell me why federal non-defense spending as a percentage of national income is a better measure of "government spending," I will remain satisfied with the truth of my claim.

## II. Freedom Under Reagan

Here I am afraid the problem is murkier. Prof. Friedman offers a graph showing the number of pages added to the Federal Register each year, which is in general a measure of how much economic regulation people face. It shows that the number of pages added during the Reagan years declined from its highs under President Carter, and after five

years had actually fallen to roughly the same number of pages as were added under the previous Republican president, before starting to rise for the last three years of Reagan's tenure.

This doesn't seem very convincing to me for two reasons.

First, I question whether the number of pages added to the Federal Register is an accurate gauge of how much individual liberty suffers. It may give us an idea of how heavily regulated businesses are, but that is not the same thing as individual liberty. Our freedom is reduced by all sorts of actions which are not reflected in the Federal Register: for example, by outlawing certain forms of consensual sex or the ingestion of certain substances.

Like all scientists, the economist wants to deal in measurable phenomena. But not everything in life is quantifiable. That's why when libertarian and conservative think tanks like the Heritage Foundation, the Cato Institute, and the Frasier Institute attempt to measure freedom, they are careful to limit their efforts to *economic* freedom. And even here, there is a certain element of the arbitrary. Why, for example, should foreign exchange controls be included in an index, but not the degree to which a person can privately move funds from one country to another?

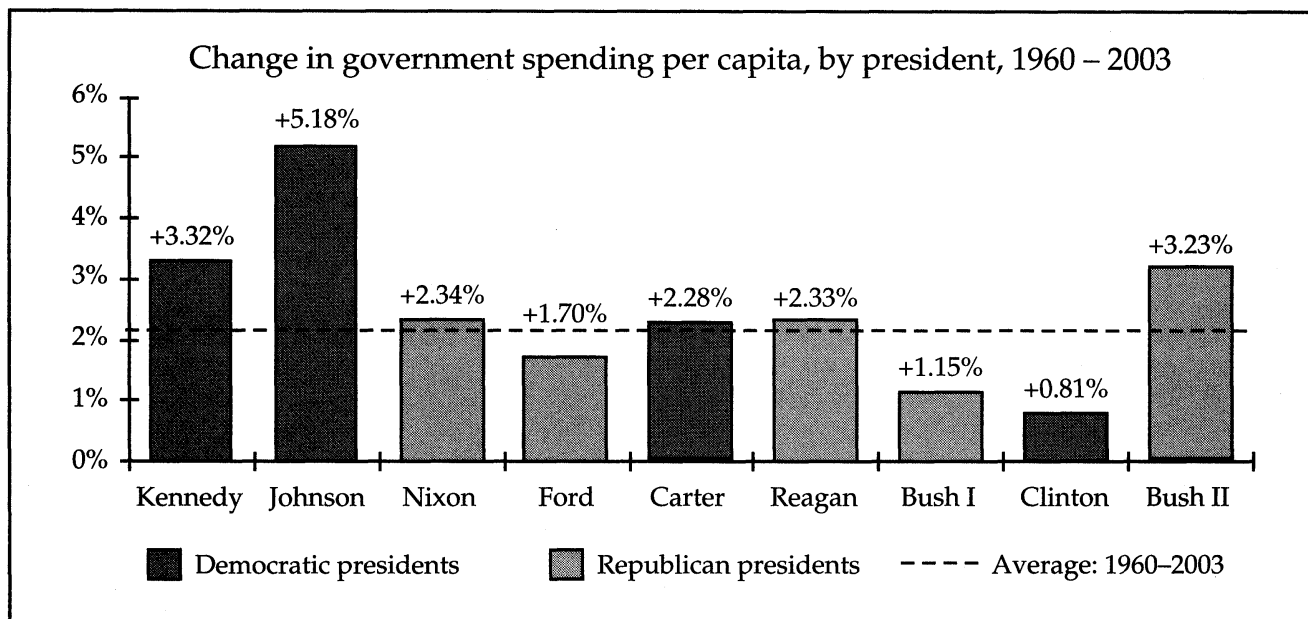
Three decades ago, in a review of Douglas Casey's "Crisis Investing," I pointed out that Casey's ratings of the freedom one enjoys in various countries depend in part on which freedoms one wants to enjoy. Casey had rated the Bahamas as a very free place for investors, thanks to its low taxes and general absence of regulations. I pointed out that while the Bahamas may be a free place for the investor whose recreational drug of choice is alcohol, an investor whose drug of choice is marijuana might prefer to live in the Netherlands.

There are two epistemological problems involved.

First is the problem of attaching hard numeric values to freedoms gained or lost. Freedom is a matter of degree, but in what units do you measure it?

The other problem is the relative value of different freedoms. If you are a gay American, the fact that in 1904 you

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# When You Wish Upon a Czar

by Norman Ball

Even a big brother needs someone to look up to.

America's ruling class wants it both ways. Those in its ranks guard their power jealously, having no desire to lose the perks it gives them, but they nonetheless proffer a cavalcade of czars in hopes of shirking heavy lifting. Drug Czar, Education Czar, now an Intelligence Czar. The ruling class needn't bear the responsibility of ruling — give it to the czars! This autocratic fantasy betrays a subliminal recognition of the intractable morass American democracy has become. As it turns out, all the ruling class wants to do is dance at Inaugural Balls.

We tend to ascribe self-certitude to those in power, when in truth our Maximum Leaders are controlled mostly by their towering insecurities. Secretly, they yearn for the *Übermensch*, a Bigger Daddy who tells them what to do, administering sound spankings followed by prolonged house arrest with no VIP privileges. At least the trains would run on time.

Rarely, however, is the self-doubt of the ruling class so vividly evidenced as in "The 9/11 Commission Report." An eerily impuissant tone echoes throughout the massive tome, something like: "We, your leaders, are largely powerless to protect you." The report warns plaintively that 85% of the nation's infrastructure lies in private-sector hands. Read: "Our hands are full with the Statue of Liberty. Guard your own stuff." Yes, we're over the Rubicon without a Caesar. Next stop? Amtrak Czar.

Rumsfeld had it tragically reversed. The shock and awe is mostly ours. The world's only remaining superpower is discovering itself horribly vulnerable to flight-bound nail clippers. Though the report largely skirts the elephant in

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the living room (Iraq), there are the obligatory Beltway bromides about improving the "unity of effort" across disparate organizations, etc. But once again, the self-exploratory waltz of the well-connected (so euphemistically embodied — and entombed — in the "commission" format) converges on the same hackneyed prescription: "We'll appoint a cabinet-level strongman, 'cause he'll make us take our medicine."

The grass roots are equally parched. Americans are thoroughly fed up with their cache of personal liberties. In increasing numbers, they'd happily swap freedom for enhanced security. Funny how anthrax spores and suitcase nukes can shift the tenor of a debate. Breathing is, after all, *the* inalienable right, so who can blame people for thumbing their noses at the genteel postulations of a bygone Age of Enlightenment? According to Ben Franklin, those who relinquish liberty for a modicum of security deserve neither. But then, Franklin flew kites during thunderstorms.

Many Americans today would embrace Mussolini if it meant a copious supply of the first-run movies they've come to enjoy. What, too cynical? There is a move afoot in some circles to make Blockbuster Video the fourth branch of government. Strict constructionists, though strictly

opposed, are treading lightly. Hassling America's largest dispenser of opiates would precipitate an uprising of massively obese proportions. It's thanks to Blockbuster that Americans have made permanent peace with the reclined,

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*Americans are thoroughly fed up with their cache of personal liberties; in increasing numbers, they'd happily swap freedom for enhanced security.*

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prone position. In this sense, Blockbuster is to Big Brother what John the Baptist was to Jesus: the Great Preparer. But what form will our new Messiah take, and will he generate sufficient box-office receipts? I don't know, but effete intellectuals would do well to sit down, grab some popcorn, and accept the inevitable. And no talking during the movie!

Grassy knoll paranoiacs get it wrong most of the time. I envy Michael Moore's childlike belief that someone in power has the world's problems completely in hand. If ending terrorism were as simple as disbanding *Skull and Bones* and the House of Saud, I'd relinquish my Yale decoder ring in a New Haven minute!

I miss the days when the seeming inoperability of our system didn't have such dire implications. The quaint term we used was "gridlock." Hearing it, our teeth would clench,

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### Freedom and Spending Under Reagan, *from page 28*

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were liable to be tossed into the hoosegow and tortured by hostile brutes merely for being gay, but are not likely to be so treated today, probably makes America in 2004 seem like a much freer place than the America of 1904, despite the fact that taxes are much higher and economic regulations much more onerous. On the other hand, if you are a heterosexual businessman engaging in retail trade, the absence of sales and income taxes and near absence of regulation in 1904 makes that time seem much freer than today.

When I wrote that "individual liberty suffered" under Reagan, I was thinking of things like his escalation of the War on Drugs, which resulted in the imprisonment of hundreds of thousands of casual marijuana users and the enactment at his administration's instigation of omnibus anti-crime measures that allow, for example, federal officials to search your person (including, as I recall, your body cavities) if you happen to be canoeing on a river in central Kansas. (The law authorized customs officials to make such

each of us conjuring images of our own private purgatories. Rush hour was my personal demon. These days, sitting in interminable traffic, stewing over a continued lack of dictatorial prerogative, I reflect on the United States' utter lack of exceptional people in positions of authority. But then, that is what a generation of telegenic leadership can do. Mind you, good looks are not an entirely bad thing. As first lady in waiting Teresa Heinz Kerry bubbled recently, John Edwards is a babe magnet.

So who's our daddy? I can only tell you whom I would fearlessly follow up a hill in a battle for America's lost love of freedom. Trouble is, that fearless leader mounted his (or her) last charge leading a group of fellow passengers to wrestle a plane into a Pennsylvania field. So who *was* that

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*If ending terrorism were as simple as disbanding *Skull and Bones* and the House of Saud, I'd relinquish my Yale decoder ring in a New Haven minute!*

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masked man? The greatest irony of all is that United Flight 93 had the belly of *our* beast in its sights. There, beneath a luminous white dome of indecision, that beast dithers even now. □

searches on any body of water that connected to any body of water . . . that connected to international waters, which means virtually any lake, river, or stream outside the basin areas of the West.)

I am not convinced that the number of pages *added* to the Federal Register is a good measure of freedom, even if we grant that there is a direct correlation between Federal Register pages and freedom. After all, under Reagan, the number of pages of regulations continued to grow at about 19,000 pages per year. It seems to me that freedom suffers so long as any pages are added. Indeed, I am sympathetic to the proposition that freedom suffers as long as the Federal Register contains any regulations at all.

To me, the data offered by Prof. Friedman does not "speak for itself." Hard data supports my claim that "government spending grew rapidly" during Reagan's presidency. While it seems impossible to obtain the same kind of scientific data to support my claim that "individual liberty suffered" during those years, I think the anecdotal evidence is quite convincing. □

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### Letters, *from page 6*

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Chambers quoted Article 1, Section 7, Clause 1 of the U.S. Constitution. This reads, "All bills for raising revenue shall originate in the House of Representatives." Then Chambers pointed out that the Democratic Party had a majority in the House during the

Reagan administration.

Like other apologists for Reagan's deficits, Chambers argued that this absolves President Reagan of any responsibility for the tripling of the national debt that happened when he was president. If we take this argument

seriously we will need to maintain that the president of the United States has no control over taxing and spending.

That is not what candidate Reagan said during the campaign of 1980. Back

*continued on page 51*

# Freedom at the Ballot Box

by R. W. Bradford

For most Americans, voting is a ritual that sanctifies theft and aggression. How can a person who values liberty participate in this process?

Stephen Cox's "George W. Bush: Our Liberal President" (March, Liberty) argues persuasively that George W. Bush is neither a conservative nor a fundamentalist, as so many contemporary liberals believe, but is in reality a modern liberal. Cox cited extensive evidence, from Bush's responding to the recession with tax cuts and increased spending to his aggressive foreign policy which can scarcely be distinguished from Clinton's. It is an argument pretty familiar to libertarians and the more thoughtful conservatives, distinguished mostly by Cox's wit and literacy than by its content.

But toward the end of the essay, Cox takes a startling turn. He announces that he intends to vote for Bush. His very brief argument for this position is that the Democrats were proposing somewhat more activist forms of the policies that Bush was implementing, and that Bush was thus preferable: "If you value your life, do you prefer Bush's moronic but limited 'reforms' of health care, or the Democratic candidates' wacky and unlimited schemes? . . . Much the same might be said about the Democrats' plans: to pursue an aggressive foreign policy, but only under the direction of the U.N. and France; to reduce military expenditures, but to spend still more on (the destruction of) education and social welfare; or to manipulate the economy, but to do it on a more massive scale than Bush ever dreamed of."

It was an interesting argument, and it got me thinking about the kind of mental processes that a sensible person whose highest political value is human freedom might go through when deciding whether, and how, to vote.

It is worth pointing out that voting is not free, at least not to the voter. Voters who cast their votes in person must go to the polls, wait in line perhaps, and mark a ballot or pull levers on some contraption. This all takes time, and if they are a considerable distance from their polling place, it can take a lot of time or the use of motor transportation. Voters who use mail-in ballots must take the time to fill out their ballots, and in most cases, pay the postage to return the ballot to the elec-

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tion authorities. Voters who want to vote sensibly must also invest time in learning about the candidates and ballot measures they vote on. Voting costs time and money.

So why vote?

Well, it's pretty clear that a lot of people vote simply because they believe it is part of being a "good citizen," because it is expected of them, or because they want to maximize their own financial gain. Whatever the virtue of those rationales for voting, I shall not discuss them here. Instead, I wish to consider only people who vote because they believe that the choices they make in the voting booth can somehow help make the world a better place; or more specifically, those who believe that their vote can make the world a better place by making it a freer place.

A lot of those qualified to vote apparently find the arguments for voting unconvincing. Many never vote at all, and many others vote only occasionally. Apparently, they do not believe that voting is worth the time and the effort. And who is to say that their thinking is wrong? After all, the chance that any individual vote they cast is going to change their lives is infinitesimal. Virtually no elections are decided by a single vote, and the minuscule number that are so decided are for low level, insignificant offices. The 2000 presidential election was the closest in modern history, but changing its outcome would have required 466 Florida voters to switch their votes from Bush to Gore. While 466 vote switchers among 100 million-plus voters is a very small number, it is also a lot larger

than the number of votes — one — that each individual enjoys.

But there remain reasons to vote. Each individual vote may be insignificant, but all votes taken together determine who makes and enforces laws, and in many cases, even the character of the laws themselves. If, for example, American voters had elected at least 218 individuals to the House of Representatives in 2000 who agreed with Benjamin Franklin that “They that would give up essential liberty to obtain a little temporary safety, deserve neither liberty nor safety,” the Patriot Act would not have been enacted and your local library would not be keeping a file on the books you read for the convenience of federal police authorities. Indeed, if American voters had elected people who value freedom as highly as I do, America would be a much freer place today than it is.

While this does not mean that the person who values human liberty is morally obliged to vote, it does provide some incentive, and for many such people the cost of voting is less than the satisfaction they get from casting their ballots.

But the sorts of candidates and issues the voter faces seldom offer easy choices. Consider just one single election, the November 2 election for the office of president of the United States. The candidate who advocates policies most likely to optimize liberty is Michael Badnarik, the nominee of the Libertarian Party. But the possibility of his actual election is virtually zero, and if one is voting in hopes of changing the outcome of the presidential election, there is no reason to vote for the Libertarian — just as there is no reason to vote for independent Ralph Nader, Green Dave Cobb, or Constitutionalist Michael Peroutka. If one hopes to have an impact on the outcome, one must choose between the nominees of the two major parties, one of whom will surely be elected.

This is a tough choice. While it is true, as Cox pointed out, that Democrat Kerry calls in a general way for reducing liberty at a somewhat faster rate than does Republican Bush, it is far from plain which outcome would be better for liberty

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*The chance that any individual vote they cast is going to change anyone's life is infinitesimal.*

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itself. Certainly Democrat Bill Clinton called for reducing liberty somewhat faster than did Republican George H. W. Bush in 1992 or Republican Bob Dole in 1996. Clinton was the head of a disunited party whose dominance of the legislature was about to be broken and stay broken for a long time, making it difficult for him to implement most of his anti-liberty schemes. Bush I or Dole would have had a much easier time of putting their own anti-liberty schemes into law. If you have any doubt about this, ask yourself whether President Al Gore could have gotten the Republican Congress to enact a \$550 billion subsidy for senior citizens' prescription drugs, as Bush II did.

The GOP-controlled House of Representatives is far more inclined to oppose massive increases of government power than any other major government institution. And the House

is likely to remain firmly in Republican hands. The Economist has claimed that the possibility of the GOP's losing control of the House is just about negligible, thanks to the fine job Republican state legislators did of gerrymandering congressional districts. With a Republican president, House Republicans can be pushed to vote against their convictions, as they did on the prescription subsidy measure. With a Democrat in the White House, they will dig in their heels and resist with all their might, as they did when Clinton proposed a government takeover of medical care.

The hypothesis that government grows faster under Democrats than under Republicans is not supported by hard data: government spending per capita corrected for inflation, as indicated by the Consumer Price Index, increased faster during the presidencies of Bush I and Bush II than it did during the presidency of Clinton. In fact, government spending grew more slowly under Clinton than under any president since Eisenhower.

At the very least, it is not plain that liberty would fare better with Bush as president than with Kerry.

Things get even murkier when you consider that politicians are congenital liars whose campaign promises mean practically nothing. As candidate for office, Bush II promised to end nation building and to bring home many American troops; as president, he engaged in the most aggressive nation building program undertaken since the Marshall Plan and greatly increased foreign deployment of American fighting men. As candidate, he promised less spending and smaller government; as president, he presented Congress with budgets containing the largest deficits in American history and greatly expanded federal power. Bush II is hardly unique in this sort of thing: as candidate for president in 1932, Franklin Delano Roosevelt promised to return to sound money and supported the gold standard; as president he got off the gold standard as quick as a wink and inflated the currency beyond recognition. As candidate, Lyndon Johnson warned that his opponent might want to escalate American involvement in Vietnam; as president, he escalated the war to the point where more than 50,000 American soldiers were killed.

Nor is it obvious that losing liberty slowly is preferable to losing it faster. Some libertarians (and others who want radical political change) believe that people are more inclined to accept slow change, and that the chances of successfully turning the tide are better if change seems to be coming faster. We've all heard the Parable of the Boiled Frog, haven't we? If you put a frog in a pot of boiling water, it will jump out. But if you put a frog in a pot of cool water, he will swim about contentedly, and if you gradually heat the water, he will not be aware of the danger until it is too late. Likewise, if socialized medicine were introduced in this country in one radical move, people would resist on a massive scale, but implementing it piecemeal, as the Republicans and Democrats have done, alarms no one but a few nutty libertarians.

But does it really make sense to try to promote liberty by voting for candidates who want to undermine it faster? Could any lover of liberty really vote for Lyndon Johnson rather than Barry Goldwater? Or, to take a more extreme

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\*Libertarian theorist Murray Rothbard did, but he argued that Johnson was more libertarian than Goldwater, not less.



case, could a lover of liberty vote for the Nazis rather than the Social Democrats or Christian Democrats? Or for Lenin over Kerensky?

And those who accept the Boiled Frog theory still have to deal with the problem of determining under which major candidate government is likely to grow faster. As I have pointed out, judging by campaign promises, government should grow faster under Democrats, but judging by growth in government spending, it is likely to grow faster under Republicans.

All the foregoing considerations, which are as inconclusive as the conclusions they lead to, are irrelevant unless one is convinced that his vote (or, more broadly, his support) might actually make a difference. As I've noted, the chances

*In the American political system, it is generally impossible to determine which major party candidate would maximize liberty or better retard state growth.*

of any individual's vote determining the outcome of any significant election is so small that it is hardly worth consideration. The 2000 presidential required but 466 vote switches among major party voters, or 931 vote switches from minor party candidates to Gore, to change the outcome. It is pretty plain that Ralph Nader could have changed the outcome of the election if he had, two days before the election, dropped out of the race and purchased extensive television advertising telling his Florida supporters to vote for Gore.

Similarly, one might acknowledge that while one's vote had an infinitesimal chance of changing an outcome, one might influence enough voters to do so, just as Nader could have in the last presidential election. But very few people are in a position to influence as many votes as was Nader, and even if Nader had wanted to change the outcome, he could not have done so without foreknowledge of the closeness of the race and of which state (or states) would be so close that investing money to tell supporters to change their votes could have been concentrated in those states.

More importantly, we must remember that the 2000 election was extraordinary in its closeness. Since the two party system came into being nearly two centuries ago, only one other presidential election has been even remotely as close. In all other elections, even individuals as influential as Nader could not have affected the outcome. The chances that an ordinary voter, or even one as influential as the senior editor of this magazine, could affect the outcome of an election remains absurdly tiny.

Which raises the question: why should anyone who values liberty ever vote for (or support) a candidate who, if elected, will increase government power? The chance of affecting the outcome is a tiny, tiny chance made tinier still by the fact that it is difficult to determine which candidate will harm liberty more, and that in the American political system, major party candidates almost always have positions that are virtually identical on major issues. Witness John Kerry's support for Bush's war in Iraq and George W.

Bush's support for massive increases in Medicare benefits.

Further, advances in polling have reached the point where the outcome of most elections is known before the actual balloting starts. No one but an idiot gave Republican Bob Dole any better chance of winning the 1996 election than Libertarian Harry Browne had: virtually all the polls predicted the landslide victory that Clinton enjoyed.

The simple fact is that in the American political system, it is almost always impossible to determine which major party candidate would maximize liberty or better retard state growth. The chances that it makes sense for a person whose highest political value is liberty to cast his vote for a major party candidate are virtually nil. I will succumb to Cox's argument for casting my ballot for (or supporting) Bush only when he can demonstrate to me that my vote (or my support) can actually make a difference and that it is reasonable to conclude that Bush is significantly more likely to reduce state power than Kerry, or at the very least, that Bush is more likely to retard state growth more effectively. The chances that Cox (or anyone, for that matter) can provide a convincing argument that my vote (or support) can make a difference is negligible; the possibility of a convincing argument that liberty will fare better under Bush than under Kerry (or vice versa) isn't much greater.

So why would any thinking person who values liberty bother to vote? The answer to that question, I am convinced, is that voting is a form of political speech. When I cast my vote for Michael Badnarik, I will be making the most unequivocal statement for human liberty that I can possibly make. That is why I proudly wrote in John Hospers' name for president in 1972, why I have made my mark for every Libertarian candidate since, and why I will proudly vote for Michael Badnarik this fall.

Supporting Bush or Kerry on the theory that liberty will fare better (or less badly, which I think is Cox's view) under one or the other makes virtually no public statement at all. It is merely to cast one more vote with the millions who vote

*When I cast my vote for Libertarian Michael Badnarik, I will be making the most unequivocal statement for human liberty that I can possibly make.*

their economic interests, or vote as an act of faith in the state, simply from dumb habit, or under the misapprehension that one candidate is significantly preferable to the other. And doing so has virtually no possibility of impacting the outcome of an election.

Casting my vote for Badnarik and other Libertarian candidates, whatever their personal merits or demerits, is one way I can tell the world that I stand apart from those infected with the delusions of state worship and from those who vote as a means of legalized theft, and that I believe a free society is a good society. It is my way of standing up and being counted for the political values I hold most dear. As long as I have that opportunity, I shall take advantage of it. □

# Who Owns the Fed?

by Bill Woolsey

The Federal Reserve System prints \$100 bills at a cost of 6¢. So who is pocketing the \$99.94 profit?

It was in the late eighties. I was a new faculty member at The Citadel, teaching Money and Banking. A memo was in my box. There was a phone number and a note that someone had questions about the Federal Reserve.

Being dutiful (and not tenured), I returned the call. A man answered. I said that I was from The Citadel and understood that he had some questions about the Fed. An interrogation then began.

"Isn't it true," he demanded, "that the Federal Reserve pays the Treasury three cents for each dollar bill printed?" I replied that this was pretty much true.

He continued, "Isn't it true that the Federal Reserve lends this money to ordinary banks and charges 3% interest?" I noted that while the discount rate was currently at 3%, it has sometimes been higher or lower. I added that the Fed doesn't really lend out currency directly and that these Federal reserve advances aren't very important. He interrupted, "Is it true or not?" I said, "Pretty much so."

His next question was a bit different. He asked, "Isn't it true that the Federal Reserve is privately owned?" I agreed that it was, "kind of."

The rest came out in a bit of a rush. "So, isn't it true that, for every dollar printed, the Federal Reserve covers the three cent cost of printing the currency with the interest and so makes a one dollar profit for the owners. And that's how the international bankers get their money to rule the world."

I said that no, that wasn't true, but I had no quick and easy explanation. And my conspiracy theorist wasn't interested in anything other than a confirmation of the first three

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premises. His logical deduction of a one dollar profit and his alleged bankers' conspiracy weren't things he needed to have confirmed.

I had never heard anything like it. Now, don't get me wrong. I have been a libertarian since I was a teenager in the mid-'70s. The notion that the Federal Reserve, as an engine of inflation, was nefarious seemed natural. It was just this particular approach to the evils of the Fed that was new to me.

Soon after, a former student visited and asked me about Pat Robertson's discussion of the Federal Reserve in his book "The New World Order."<sup>1</sup> As my student relayed the story, the Fed pays three cents for each dollar, lends it out at 3% interest and so on. Another student reported on a story about a Washington call girl. She claimed that all the politicians had credit cards. Where did they get the money? The Fed pays three cents per dollar bill and so on. A year later, at a local Libertarian Party meeting, a newcomer was distributing issues of *The Spotlight*, a publication of the anti-Semitic Liberty Lobby. Among the articles about the dual loyalists in the State department was one about the Fed. It pays three cents per dollar bill, lends it out at 3% interest, and so on. This time, however, it was the international *Jewish* bankers making all the profit.

A Google search on the Federal Reserve and ownership

will generate several hundred thousand hits, many of which allege that the private owners of the Fed are making huge profits from the issue of currency. There are quite a few links to sites that specifically debunk the conspiracy theory. Some links are to Federal Reserve sites that describe the system's ownership structure.

The conventional wisdom among libertarian economists is that central banking is the modern means by which governments continue their traditional policy of debasement — using inflation as a means of public finance. The government

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*The government prints money and spends it. The result is price inflation, which is often blamed on the greed of businessmen.*

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prints money and spends it. The result is price inflation, which is often blamed on the greed of businessmen who actually set the prices. Could economists be wrong? So I did some research.

The conspiracy theorists have a point regarding the ownership of the Federal Reserve. The Federal Reserve system is made up of twelve Federal Reserve banks. According to the Atlanta Federal Reserve bank, "They were to be *quasi*-private bankers' banks, owned by the member banks, which would buy all the stock of the Reserve Banks and receive dividends for it."<sup>2</sup>

Any Principles of Economics or Money and Banking text describes the situation, usually in similarly ambiguous terms. Baumol and Blinder state, "Technically, each Federal Reserve bank is a corporation; its stockholders are its member banks."<sup>3</sup> Mishkin explains, "Each of the Federal Reserve banks is a *quasi-public* (part private, part government) institution owned by the private commercial banks in the district that are members of the Federal Reserve system."<sup>4</sup>

The courts have taken notice of the Fed's peculiar status. In the 1982 case, *Lewis v. United States* (see "The Lewis Decision," p. 38), the Ninth Circuit Federal Court of Appeals opined, "Federal reserve banks are not federal instrumentalities for purposes of a Federal Torts Claims Act, but are independent, privately owned and locally controlled corporations." On the other hand, the opinion notes, "The Reserve Banks have properly been held to be federal instrumentalities for some purposes."<sup>5</sup>

Apparently, there is

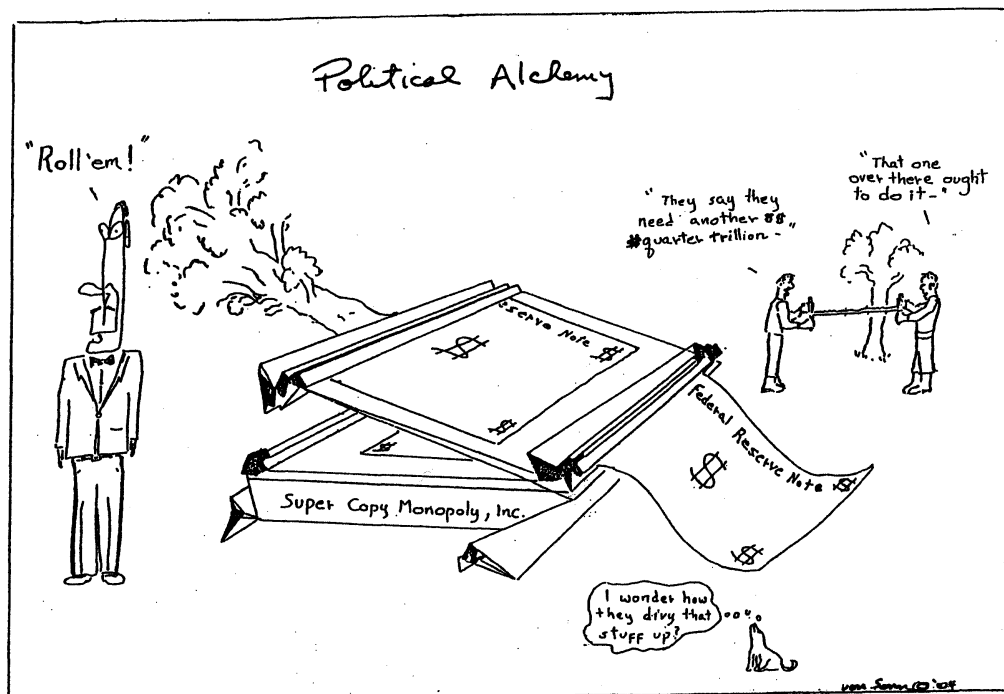
something unusual about the status of these Federal Reserve banks. Some libertarian economists describe claims about the "private" nature of the Fed with an attitude of "if only." In the context of a proposal to privatize the Federal Reserve banks, Richard Timberlake explains that "The member commercial banks already 'own' the twelve Fed banks," but adds that, "they have no property rights."<sup>6</sup> Murray Rothbard notes that "[c]entral banks are often *nominally* owned by private individuals or, as in the United States, jointly by private banks, but they are always directed by government-appointed officials, and serve as arms of the government."<sup>7</sup>

According to the Federal Reserve Act, a Federal Reserve bank is a special type of corporation chartered by the Federal government.<sup>8</sup> Shortly after the act was passed, the United States was divided into twelve districts and a Federal Reserve bank was organized in each district.<sup>9</sup> National banks (private commercial banks chartered by the Federal government) were forced to join the Federal Reserve system. State chartered banks could join if they chose, though most did not.<sup>10</sup> Any newly chartered national bank must still join the system and existing or new state chartered banks can still choose to join.

One requirement of membership was for a bank to purchase stock in its district Federal Reserve bank. The amount purchased was fixed by the Act. Each member bank must purchase stock equal to 3% of its capital.<sup>11</sup>

Take a bank's total assets — vault cash, loans, investments, building, and equipment. Then subtract its liabilities — checking accounts, savings accounts, bonds. The difference is the bank's capital, which, in banking lingo, is another term for net worth. Multiply by 3% and that is the dollar value of the Federal Reserve stock a bank must hold.

The par value of the Federal Reserve stock was fixed by the Act at \$100 per share.<sup>12</sup> As a bank's net worth changes and deviates from the 3% requirement, its Federal Reserve bank issues it new shares or buys back excess shares —



always at the \$100 par value. If any bank joins the system, its district Federal Reserve bank issues new shares. If any member bank fails, its district Federal Reserve bank pays off the shares.

The Federal Reserve Act contained a provision for selling shares to the general public or even to the U.S. Treasury if necessary to meet a minimum capitalization for each district bank. These provisions weren't needed, and so all shares are held by member banks.<sup>13</sup>

All member banks are U.S. chartered banks — chartered by the federal government as national banks, or by one of the states. However, the stockholders of the various banks can be U.S. citizens or foreigners.

So, private investors, including foreigners, own the member banks which in turn seem to own Federal Reserve banks. That is the element of truth in the conspiracy theory.

The member banks' "ownership" of the Fed is consistently described as "quasi," technical, or nominal. The key reason is that owning stock in a Federal Reserve bank does not provide the usual benefits of stock ownership.

One of the key benefits of the corporate form of business relative to partnerships is that the owners can sell part or all of their interest in a business by selling some or all of their shares. But Federal Reserve banks aren't like ordinary corporations. Aside from the transactions with their Federal Reserve banks to maintain the 3% ratio to capital, the member banks cannot buy additional shares or sell off their shares. They cannot pledge the shares as collateral for loans.<sup>14</sup>

Most investors purchase stock to earn capital gains, in the hope that it will increase in value. There is no market for Federal Reserve stock — its price remains at the par value of \$100. It is impossible for the shareholders of Federal Reserve banks to earn capital gains or suffer capital losses on their stock.

Of course, stockholders in ordinary corporations can also hope for dividends. As the owners of the business, all profits belong to them. In most corporations, the board of directors decides if and when to pay dividends on common stock. But

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*It is impossible for the shareholders of Federal Reserve banks to earn capital gains or suffer capital losses on their stock.*

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the Federal Reserve banks are different. The Federal Reserve Act fixes dividends at 6% per year.<sup>15</sup> That is \$6 per year per \$100 share. Any additional earnings go to the U.S. Treasury.

If an ordinary corporation is liquidated, any remaining assets belong to the stockholders. But that isn't the situation with the Federal Reserve banks. If the Federal Reserve is liquidated, the member banks get back their \$100 per share and pending dividends and anything left over goes to the U.S. Treasury.<sup>16</sup>

Stockholders generally vote for their corporation's board of directors, and that is true of the stockholders of the Federal Reserve banks. But there are some very unusual voting rules. Usually, stockholders vote their shares, so that the

largest stockholders get the most votes. Each member bank, however, gets just one vote regardless of the number of shares it owns in its Federal Reserve bank.<sup>17</sup>

Each Federal Reserve bank has nine board members. They are divided into three groups. There are three Class A directors, three Class B directors, and three Class C directors.<sup>18</sup>

The Class A directors can be involved in the banking industry and usually are. The member banks are divided into three groups — large, medium, and small banks. While

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*While the Fed no longer pays off Federal Reserve notes with anything, it continues to account for them as liabilities.*

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this is measured by their stockholdings, stock holding is proportional to net worth, which is closely associated with total bank size. The large banks elect one Class A director, the medium-sized banks elect another, and the small banks elect the third.<sup>19</sup>

Class B directors are elected in much the same way, except that none of them can be bank employees or stockholders. Each member bank gets one vote and the large, medium, and small banks elect one director each.

Class C directors cannot be involved in the banking industry either, but they aren't chosen by the stockholders. They are instead appointed by the Board of Governors in Washington D.C.<sup>20</sup>

To sum up, the stockholders of each Federal Reserve Bank elect two-thirds of its board of directors. They don't vote by shares, but rather each bank gets one vote. Bank size does influence voting, however, with large, medium, and small banks getting two directors each — one banker and one nonbanker.

For most corporations, the board of directors selected by the stockholders is free to choose top management. While the board of directors of each Federal Reserve bank chooses its president, that decision is subject to approval by the Board of Governors in Washington, D.C.<sup>21</sup>

There are seven members of the Board of Governors and they are appointed by the president of the United States with the advice and consent of the U.S. Senate. They are appointed for 14-year terms. The chairman is appointed by the president with approval by the Senate for a four-year term.<sup>22</sup> The current chairman is Alan Greenspan.

The Board of Governors is clearly a federal government agency. Its members have substantial independence from the president and Congress because of their long terms — less than federal judges, but more than those serving on most federal regulatory commissions.

The Board of Governors dominates the twelve Federal Reserve banks. Not only does it appoint one-third of their boards of directors, it has an effective veto power over the selection of the twelve Federal Reserve bank presidents.

The Federal Reserve Act authorized the board of directors of each Federal Reserve bank to set its own discount rate in consultation with the Board of Governors. This was the

interest rate at which Federal Reserve banks made loans (called advances) to member banks.<sup>23</sup> While some of those supporting the Federal Reserve Act thought that there would be different discount rates across the United States depending on local conditions, the consultation process with the board of governors resulted in the twelve boards of directors setting a uniform discount rate.<sup>24</sup> During the Great Depression, the Banking Act of 1933 changed consultation to a requirement that Federal Reserve banks obtain Board of Governors approval for their discount rates.<sup>25</sup> There continued to be a single discount rate for the Federal Reserve system, though it was routinely approved by each Federal Reserve Bank's board of directors.

In 2003, the Fed changed its lending policy. Today, any financially sound bank (member or not) can obtain loans from its district Federal Reserve bank at the primary credit rate. It is set at 1% above the Federal Funds rate.<sup>26</sup> Since the Federal Funds rate is the interest rate at which banks borrow from and lend to other banks for overnight loans, there is little motivation to borrow from the Fed. Financially troubled banks can obtain loans at the secondary credit rate. That rate is set at .5% above the Federal Funds rate and entails added supervision.<sup>27</sup> Given this new policy, the "power" of the board of directors of a Federal Reserve bank to set the discount rate has become a dead letter.

While the Federal Reserve Act implies that lending at the discount rate would be the key element of monetary policy, that approach was long ago superseded by open market operations. Open market operations are the purchase or sale of government bonds by the Federal Reserve.

The Federal Reserve Open Market Committee directs open market operations. It is made up of the seven members of the Board of Governors and five Federal Reserve Bank presidents. The president of the New York Federal Reserve always serves and the other four slots rotate among the other eleven Federal Reserve bank presidents.<sup>28</sup>

The committee sets a target for the Federal Funds rate.<sup>29</sup> The open market trading desk at the New York Federal Reserve buys or sells government bonds. Generally, they

Presidents that make up the remaining five-twelfths of the committee. And the Board of Governors has an effective veto over the selection of Federal Reserve bank presidents.

Because of the 14-year terms for the members of the Board of Governors, today's monetary policy mostly depends on the appointments made by politicians in the past. Short of rewriting the Federal Reserve Act, appoint-

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*The politicians control the Fed, in the same sense that they control the federal judiciary.*

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ments by today's politicians will only gradually effect future monetary policy. That is why the Federal Reserve System is described as an independent agency within the federal government.

Many of the conspiracy theories claim that the private owners of the Fed are making large profits from the issue of currency — Federal Reserve notes. The twelve Federal Reserve banks are responsible for issuing Federal Reserve notes, but they don't print currency themselves. They pay the Bureau of Printing and Engraving, a division of the U.S. Treasury, for the service. Estimates for the amount the Fed pays for printing each note vary from 2 cents to 6 cents. In 2003, about 8 billion notes were printed. The Fed purchased currency with a face value of \$143 billion<sup>30</sup> and then paid the U.S. Treasury \$508 million.<sup>31</sup> That amounts to about 6 cents per note and .3 cents per dollar printed.

It is like having copies made at Kinkos, and even more like the cost of printing checks. The printing cost doesn't have much to do with the amount the checks will be worth when they are written and spent.

While paying less than one cent per dollar issued sounds profitable, the Federal Reserve Banks do not treat this as profit. The Fed accounts for Federal Reserve notes as a liability — a debt of a Federal Reserve bank.<sup>32</sup>

When the Fed was formed, the United States was on a gold standard and the Fed was obligated to pay off Federal Reserve notes on demand with lawful U.S. money — mostly gold coins and gold certificates. While the Fed no longer pays off Federal Reserve notes with anything, it continues to account for them as liabilities.

After the Fed has currency printed and before it is issued, it is just paper — like a blank check. When the currency is issued to banks or ends up in the hands of other firms or households, it becomes a liability for the Fed. When the currency is deposited by a bank back into the Fed, it is again meaningless paper — like a cancelled check. Unlike a used check, however, the Fed can issue out currency again.

While the Fed accounts for Federal Reserve notes as liabilities, the U.S. government guarantees them as well. If a Federal Reserve bank were to fail, then the U.S. government would pay off the outstanding currency. To protect the U.S. government from losses, it requires that Federal Reserve banks set aside U.S. government bonds or gold certificates as collateral.<sup>33</sup> When the United States left the gold standard, there was no longer any possibility of the Fed defaulting on Federal Reserve notes, so the secondary U.S. government

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*In 2003, the total dividends to the member banks were \$518 million. That amounts to .02% of U.S. government spending.*

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purchase them at either a faster or slower rate so that surpluses or shortages of funds in the market cause private traders to agree to interest rates on overnight loans close to the target.

When the Federal Reserve Open Market Committee sets its target for the Federal Funds rate, it is also determining the primary and secondary credit rates for loans by the Federal Reserve banks. Today, monetary policy is controlled entirely by the Open Market Committee.

The politicians appoint the Board of Governors, which makes up seven of the twelve members of the committee. That same Board of Governors appoints one-third of the boards of directors, which select the Federal Reserve bank

guarantee became meaningless. Still, the Federal Reserve banks pledge collateral for Federal Reserve notes.

The Federal Reserve doesn't directly lend currency to banks. When a bank gets an "advance" from the Fed, the Fed just makes an entry into its computer and credits the bank's deposit account. So rather than paying less than one cent per dollar for the money they lend to banks, the Fed actually pays nothing.

Of course, banks can withdraw currency from their deposit accounts at the Federal Reserve banks whenever they want. And they do so regularly, to cover currency with-

drawals by their depositors and to stock ATM machines. The Federal Reserve banks have currency printed up as needed to cover withdrawals by the banks. And while the total stock of currency is usually expanding, a substantial portion of the Fed's printing cost is for new currency to replace worn currency that has been withdrawn from circulation and shredded. In 2003, the Fed increased the stock of Federal Reserve notes by \$42 billion and replaced \$101 billion of worn currency.<sup>34</sup>

Suppose the Fed lent money to a bank, charging 2.25% annual interest (the primary credit rate in August 2004).<sup>35</sup>

# The *Lewis* Decision

by William E. Merritt

In certain quarters (mine, for example), the revelation that vast chunks of federal power had been quietly privatized would be cause for bonfires and parades and patriotic rejoicings, so it was with a thrill of optimism that I read *Lewis v. United States*. This is the case — the definitive statement by the Ninth Circuit Court of Appeals — that proves once and for all that the Federal Reserve banks and, by extension, our entire economic system, have fallen into private hands.

*Lewis v. United States* was brought by a man named, naturally enough, Lewis, who was injured by a vehicle owned and operated by the Los Angeles Branch of the Federal Reserve Bank of San Francisco. (The Ninth Circuit didn't say what kind of vehicle Lewis was injured by, but I like to think it was a triple-trailer loaded with cancelled checks. One of the things Federal Reserve banks do is ship huge quantities of cancelled checks around the country.)

Lewis then sued the United States in federal court under the Federal Torts Claims Act. The trial court, and then the Ninth Circuit, dismissed the case on the grounds that the Federal Torts Claims Act didn't apply because Federal Reserve banks don't actually belong to the federal government but are, as the Ninth Circuit put it, "independent, privately owned and locally controlled corporations."

The Ninth Circuit had a point: each Federal Reserve bank is a separately chartered corporation owned by commercial banks. The commercial banks appoint six of the Federal Reserve bank's nine directors (the other three are appointed by the Federal Reserve Board, so the government keeps a finger in this pot) and the directors enact bylaws, appoint officers, and supervise daily banking activities. Given these facts, the Ninth Circuit came up with the same standard, white-bread result any court would have reached, and people who go around claiming that Federal Reserve banks are privately owned are right.

The banks *are* privately owned, at least for purposes of the Torts Claims Act.

But this decision doesn't set my juices flowing, and not just because I wasn't the one who was run down by a truckload of cancelled checks. It's because the decision doesn't have much to do with who actually controls monetary policy in the United States. All the Ninth Circuit decided was that the federal government did not have enough ownership in the Federal Reserve Bank of San Francisco to trigger jurisdiction under the Federal Torts Claims Act.

It's as if I were run down by a tow truck owned and operated by the Shell station on the corner, and decided to go to Holland to sue Royal Dutch Shell. The worthy Dutch jurists would undoubtedly point out that, since Shell doesn't own the filling station in question, I should have sued the filling station back home in state court. They would explain their decision by pointing out that the station was owned by local investors who hired their own employees and made their own rules about day-to-day operations, that the owners of the station set the price of gas at the pump, and that the owners of the station were responsible for deciding whether people's windshields got swabbed as part of the deal and whether customers had to pay for the air squirted into their tires. And the Dutch court would be right. But none of it would mean that my local pump-jockey secretly controlled Shell Oil and was calling the shots down at the International Energy Cartel.

As fervently as I might wish it different, it's the same with Federal Reserve banks: the fact that they enact their own bylaws, appoint their own officers, conduct general banking business, and load cancelled checks onto trucks with forklifts doesn't mean they have any say in federal monetary policy. All it means is that their job is to get the rest of us to buy the gas the federal government puts out.

The bank might withdraw the funds and the Fed would be obligated to issue it currency which would cost .3 cents per dollar (or 6 cents per note). When the bank repaid the loan (probably the next day), the Fed would earn a tiny fraction of a cent per dollar. The returned Federal Reserve note, however, wouldn't be revenue. And the Fed could issue it out (perhaps by lending) again and again until it wears out.

Total outstanding loans by the Fed to the banks was \$245 million in July 2004.<sup>36</sup> At 2.25% interest, that would earn the Fed an income of about \$5.5 million per year. But since the

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*There are any number of ways in which regulations associated with the Federal Reserve system impose unjustified costs on banks.*

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total amount of Federal Reserve notes is approximately \$700 billion,<sup>37</sup> it is apparent that Fed lending to banks does not play a significant role in the creation of currency.

Conspiracy theorists, like Thomas Schauf<sup>38</sup> and Eustace Mullins,<sup>39</sup> complain that the private owners of the Federal Reserve are profiting from the national debt. Since the Federal Reserve creates money out of thin air through open market operations — purchasing government bonds — they are at least looking in the right direction.

As of July 2004, the Fed held government bonds worth \$693 billion.<sup>40</sup> Contrary to the claims by some conspiracy theorists that the entire national debt is associated with the issue of currency, the Fed's holdings are about 9% of the \$7.5 trillion gross national debt.<sup>41</sup> After subtracting securities held by various federal government trust funds, the Fed's holdings are about 15% of the remaining \$4.5 trillion net national debt.<sup>42</sup>

When Fed bond holdings are added to the small amount of its lending to banks, the \$11 billion gold reserve, \$40 billion in holdings of foreign exchange, along with repurchase agreements, Federal Reserve bank premises, and the like, the Fed's assets cover its liabilities — Federal Reserve notes issued, the \$25 billion that banks have deposited at the Fed, the government's \$4 billion deposited in the Fed, and various other small items.<sup>43</sup>

Since government bonds make up the bulk of the Fed's assets, the interest from those bonds provides most of its revenue. In 2003, the Federal Reserve's total income was \$24 billion, of which \$22 billion came from holdings of government securities.<sup>44</sup> While that is a substantial amount of money, the total interest expense for the U.S. government was \$153 billion<sup>45</sup> and total government spending was \$2.157 trillion.<sup>46</sup> The Federal Reserve's earnings on bonds were a bit over 14% of the government's interest expense and 1% of total government spending.

Some conspiracy theorists have claimed that personal income tax funds are earmarked to pay interest to the Fed, and if no such interest was paid, there would be no need for the income tax. Fed interest earnings amount to a bit over 2% of the \$987 billion in personal income collections in 2003.<sup>47</sup> Total interest payments by the government are about 15% of income tax revenues.

The chief problem with the theory that the private owners are making huge profits from the Fed is that the Fed transfers large amounts of money back to the U.S. Treasury each year. In 2003, the amount transferred was \$22 billion.<sup>48</sup> Since that is exactly how much interest the Fed earned from U.S. securities, the net cost of the Federal Reserve to the U.S. taxpayers was zero.

Zero? The conventional view among economists is that the Fed makes money for the government. How? One way to look at it is that if the Fed didn't own these government bonds, then someone else would. Those investors would not transfer their earnings back to the Treasury. By having the Federal Reserve own a portion of the national debt, the U.S. government saved \$22 billion in interest expense in 2003.

Conspiracy theorists like Schauf have proposed that the government replace Federal Reserve notes with "greenbacks" — U.S. Treasury notes that bear no interest.<sup>49</sup> They claim that this would free the government from paying interest on part (or even all) of the national debt.

If the government replaced Federal Reserve notes with that sort of currency and retired interest-bearing debt, then the government would not have paid the Federal Reserve \$22 billion in interest. But neither would the Fed have transferred the \$22 billion back to the Treasury. An exact match doesn't occur every year. In 2002, the Fed earned \$25 billion on government bonds and transferred back only \$24 billion.<sup>50</sup>

Still, that didn't create an additional \$1 billion "profit" for the member banks that "own" the Federal Reserve. The member banks make six cents on each dollar they are forced to have invested in the Federal Reserve system. In 2003, the total dividends to the member banks were \$518 million.<sup>51</sup> That amounts to .02% of U.S. government spending. It amounts to about .5% of the \$100 billion in total commercial bank earnings.<sup>52</sup>

The rough equivalence between the interest the Fed earns from the government and the amount it transfers to the U.S. Treasury causes most economists to see these financing issues as a shell game. Since nearly all the interest paid on debt sold to the Fed is transferred back to the U.S. Treasury, there isn't really any interest paid. The government uses the Fed to partly finance its deficit by creating money and spending it. The end result is no different than if the U.S. Treasury just printed up "greenbacks" and spent them. The

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*For the Fed, final authority is in the hands of the politicians.*

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process is just a bit more "efficient" than the ancient practice of melting down silver coins and mixing in lead. Most economists would argue that the Fed created \$36 billion for the government in 2003.<sup>53</sup> That is the change in the monetary base (currency and reserves) less the expenses of operating the Federal Reserve system.

Do shady international bankers control the Federal Reserve? Perhaps, but not because they "own" the Federal Reserve system. The politicians have control, in the same

sense that they control the federal judiciary. Government appointees make up the majority of the Open Market Committee and those same appointees have an effective veto in selecting the Federal Reserve presidents who make up the remainder of the body. Further, they appoint one-third of each Federal Reserve bank's board of directors, which in turn choose those presidents.

However, if one begins with an understanding that the Fed is fundamentally a political operation, then it is unusual in that bankers have an extra avenue of influence. Like everyone else, they can vote, lobby, and make campaign contributions and so influence the politicians. Unlike everyone else, they can own shares of stock in member banks that "own" the Federal Reserve banks and so influence directors, Federal Reserve bank presidents, and the Open Market Committee.

Do shady international bankers make large profits from the Federal Reserve? It depends on what is meant by "large." Since there is little or no risk in stock whose value remains at par, and the interest rate earned by the Fed on its government securities portfolio is closer to 3% than the 6% dividend, perhaps a substantial cut in payments to the member banks is in order. If the dividend rate were reduced to reflect the current return on the Fed's portfolio, the taxpayers could save as much as \$250 million a year in financing the national debt.

However, this potential gain depends on the low levels of interest rates for the last few years. Since 1960, the rate on Treasury bills has been greater than 6% almost 40% of the time. It was consistently above 6% from the fall of 1977 to the summer of 1986. When the T-bill rate peaked at 15% in March of 1980, the Fed was earning substantially more on its security portfolio than the dividend rate it was paying the member banks.<sup>54</sup>

Further, from a libertarian perspective, there are any number of ways in which regulations associated with the Federal Reserve system impose unjustified costs on banks. Reserve requirements force banks to tie up more funds than they believe necessary in vault cash and Federal Reserve deposits. The banks earn less interest and the Fed and the U.S. Treasury collect roughly what the banks lose. More importantly, by taking away the right of banks to issue redeemable, dollar-denominated banknotes, the Fed's compulsory monopoly on currency issue reduces bank earnings by tens of billions of dollars. How a competitive banking system would distribute those funds between bank stockholders and customers is difficult to predict, but there is a cost to having the government finance its budget deficits by issuing currency.

Who owns the Fed? The owners of a business typically have ultimate authority over operations and serve as residual claimant. Stockholders elect directors, who appoint top management. Stockholders receive the profits — excess revenues after all other claims on funds are paid.

For the Fed, final authority is in the hands of the politicians. They appoint the Board of Governors, who dominate the Federal Reserve banks. Further, any earnings of the Federal Reserve banks beyond expenses, including the 6% dividend to the member banks, goes to the U.S. Treasury. Since the U.S. government has final authority and serves as

residual claimant, the most reasonable view is that the Federal Reserve system is government-owned.

The conspiracy theorists' claim that private owners of the Fed are making bundles of money is false. The conventional view among economists (including libertarian ones) that the

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*The conspiracy theorists' claim that private owners of the Fed are making bundles of money is false.*

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Fed is a government operation that partially finances fiscal deficits by money creation is fundamentally correct. The live question among libertarians is how to get the government out of the banking system — perhaps by truly privatizing the Fed's operations — in a way that prevents inflation and macroeconomic instability. □

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22. U.S. Code, op. cit., Subchap. II, Sec. 241–2
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*continued on page 52*



# Reviews

**"Ghost Wars: The Secret History of the CIA, Afghanistan, and Bin Laden, from the Soviet Invasion to September 10, 2001,"** by Steve Coll. Penguin Press, 2004, 695 pages.

**"The 9/11 Commission Report,"** by the National Commission on Terrorist Attacks Upon the United States. W.W. Norton & Company, 2004, 516 pages.

## The Paper War on Terror

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Christopher Hartwell

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The 9/11 commission hearings monopolized the headlines earlier this year. The media and Democrats gleefully seized upon former counterterrorism guru Richard Clarke's assertion that the Bush administration was so obsessively focused on Iraq that it ignored al Qaeda, despite the protestations and pleadings of the outgoing Clinton administration. Republicans countered that the foreign policy drift of the Clinton years, including the desultory "wag the dog" missile attacks in 1998, did nothing to counter al Qaeda ascendance and required President Bush to confront eight years of neglect.

Two recently published books seem to vindicate both sides of this debate; indeed, they can be seen as a two-volume exposé of America's failed policies in Afghanistan and the Middle East, written in a rare bipartisan consensus. The central lesson of both *Ghost Wars*, Steve Coll's new book on the CIA's involvement in Afghanistan, and "The 9/11 Commission Report" is that the U.S. government has become so weighed down dealing with issues outside its purview that it now fails at just

about everything, including its most important responsibility: defending the country. Contrary to things you will hear and have heard during this campaign, Iraq is not the distraction from the war on terror — everything else that government does is.

Of the two books, *Ghost Wars* has more depth. Coll paints a damning picture of a superpower that built up an armed resistance in Afghanistan, erroneously funded some of the most virulent anti-American jihadists (though not bin Laden himself; the bulk of CIA funding went to Gulbuddin Hekmatyar, now on the lam from U.S. troops), and then walked away when the Cold War abruptly ended. The anarchy that Afghanistan plunged into provided ripe conditions for the rise of the Taliban and al Qaeda just as America was taking its vacation from history.

Inextricably linked to this tale of America's myopic foreign policy is the more malicious story of America's role in shaping the Afghan resistance and rebuilding the country. America deferred continually to its allies Saudi Arabia and Pakistan, with nary a thought as to what a post-resistance,

post-communist Afghanistan would look like. Pakistan had been calling the shots in Afghanistan for quite some time, as CIA funding to the mujahedeen was channeled through Pakistan's notorious intelligence service, the ISI (and matched by Saudi funds that went to the most radical commanders). The CIA was not concerned with where or to whom specifically the money went, so long as it was used effectively. As Milt Bearden, the CIA station chief in Islamabad, kept repeating to anyone who would listen, the mission was to kill Soviets, and the "CIA was not going to have its jihad run 'by some liberal arts jerkoff.'" (p. 166)

Coll subtly but continually makes the point that relying blindly on allies to do work important to our national security is naive at best, and dangerous at worst. Our allies do not always share our national interests — witness France in the run-up to the Iraq war. Pakistan's behavior in post-Cold War Afghanistan bears out Coll's point. As Afghanistan descended into chaos, and with a new president in the White House promising to focus on domestic matters, the U.S. government was con-

tent to let the Afghans sort things out for themselves — which meant letting Pakistan control the course of Afghan events. It was in Pakistan's interest to have a subservient, weak Afghanistan that could provide "strategic depth" (i.e., a fallback position for Pakistan) should India finally get fed up with Pakistani provocation in Kashmir. And a weak Afghanistan was a divided, Islamic Afghanistan. While America was preoccupied with trivial matters, the ISI stepped up its support for Islamist militants and America's hard-fought gains in Afghanistan were virtually wiped out by 1996. This saga alone should give pause to those who would have the United Nations run our foreign policy.

Another bit of conventional wisdom that is detonated in Coll's book is the notion that legal maneuvering is effective, from the endless debates among lawyers about what military targets were justified to the comical attempts to explain the legal parsing to our Afghan allies and get them to conform to what State Department lawyers had decided was "acceptable." Coll relates several anecdotes about the U.S. government's reluctance to act forcefully, even after the embassy bombings in Africa in 1998, where "any joint operation [with the

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*Those who plotted the Sept. 11 attacks suffered setbacks and confronted obstacles, but still succeeded because of the sheer incompetence of their enemy.*

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Afghans] had to be a plausible, well-planned attempt to capture [bin Laden]." Attempting to explain the nuances of American legal constraints, Afghan resistance legend Massoud was inclined to think, "Oh, okay, you

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want us to capture him. Right. You crazy white guys." (495)

Given John Kerry's declaration that fighting terrorism should be primarily a "law enforcement operation," one hopes that Coll's examination of the way it actually was handled under Clinton has made its way to Kerry's staff. Indeed, Coll's account becomes more and more infuriating as the Clinton administration lets chance after chance to nab bin Laden slip away, as the reliance on lawyers as the arbiters of all that is holy in international relations becomes complete. The section on deciding whether to classify the CIA's predator drone as a missile or not would be hilarious if it were not so depressing. At the end of the day, the legal constraints on our operations were so extensive that American policy towards terrorism boiled down to this: "American officials began to hope that bin Laden would mistakenly stray behind Northern Alliance lines one more time." (495)

Coll's book, by design, tells a tale of the past but does not seek to offer recommendations for the future. This task has been taken up by the government itself, in the form of "The 9/11 Commission Report" prepared by the National Commission on Terrorist Attacks Upon the United States.

Much of this work corroborates Coll's tales of missed opportunities to nab bin Laden, although in much less detail, and concentrates on both the attacks themselves and how the government can reinvent itself to prevent an even worse disaster.

Despite the headlines yanked by the media from the report (declaring, for example, that Saddam and bin Laden never collaborated "operationally"), the report itself is a sober and, dare I say, nuanced effort. Being a product of bipartisan investigation, it paints the Clinton administration as much less inept than some critics on the Right claim, although how much of this owes to the fact that the Commission's reconstruction of events is dependent upon testimony from Clinton himself, I can't say. The report shows that the government as a whole was not able to deal with terrorism in any systematic way, especially when terrorist attacks actually occurred.

Those who plotted the Sept. 11

attacks suffered setbacks and confronted obstacles, but still succeeded because of the sheer incompetence of their enemy. The 9/11 Commission's retelling of that late summer morning appears as a culmination of all the bureaucratic failures that Coll laboriously depicts. In fact, one of the disheartening lessons of the report is how flexible and adaptable al Qaeda was, in

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*The problem with having one part of government detail the entire government's failures is that its solutions invariably involve more government.*

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sharp contrast to our government, and how it was able to work as a lean machine on limited funding. Of course, part of the reason is that al Qaeda didn't face the same political pressures that governments do; there is little call for a government-funded pension program when your members expect to die between the ages of 18 and 35 in a fiery cataclysm. But the continued improvisation of al Qaeda shows the difficulty we were and are facing. Even the Commission itself notes that the plotters had:

- [L]eaders able to evaluate, approve, and supervise the planning and direction of the operation;
- Communications sufficient to enable planning and direction of the operatives and those who would be helping them;
- A personnel system that could recruit candidates, vet them, indoctrinate them, and give them necessary training;
- An intelligence effort to gather required information and form assessments of enemy strengths and weaknesses;
- The ability to move people; and
- The ability to raise and move the necessary money. (173)

What's striking is not that al Qaeda accomplished this; it's how a government as expansive as ours was *unable* to accomplish this and prevent the plot. Indeed, some of the biggest successes in the fight against terrorism, such as the discovery of the January 2000 plot to detonate a bomb in the Los

Angeles International Airport, were only achieved because of alert individuals, not because of governmental action. The opening chapters are alternately gripping, infuriating, frightening, and illuminating. They detail exactly what happened on Sept. 11, and how individuals working outside the rules were the only ones with any success that dark day. Stewardesses willing to risk their lives by calling for outside help via cell phone, passengers not willing to acquiesce to terrorists over Pennsylvania, and air traffic controllers who circumvented normal procedures were the only ones who managed to alert the military and the nation of the threat, despite an elaborate chain of command that was supposed to prevent something like this from happening. If anything, the opening chapter of this report shows that homeland security begins and ends at the level of the individual.

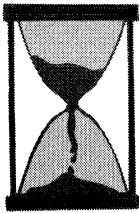
Both of these books are meticulously compiled, researched, and argued, but the interlocking narrative leads the reader to the unmistakable conclusion that the attacks of Sept. 11

weren't the fault of Reagan for arming the jihadists during the 1980s, nor were they the fault of the Clinton administration's ambivalence towards terrorist threats. Nor, as Richard Clarke claims in his latest book, did the attacks of Sept. 11 occur because George W. Bush had to destroy Iraq at all costs, Osama be damned. No, the lesson of America's approach to Afghanistan and international terrorism is that our government is too big, too unwieldy, and too slavishly devoted to process and interagency meetings to handle a thousand terrorists in a mud fortress on an open plain.

Time and again, both books point out the bureaucratic infighting that crippled intelligence operations. What would have happened if there hadn't been at least five different agencies (the State Department, the Department of Justice, the Department of Defense, the CIA, and the NSC) pulling in different directions while dealing with the threat from Afghanistan, with these agencies themselves bitterly divided into bureaus and task forces and country desks? Even though the report tries

to salvage some of the Clinton administration's supposed determination to eradicate bin Laden and stop al Qaeda, the method the administration chose for signaling urgency was less than efficacious — as the report says, "the Principals [i.e. the cabinet members at Secretary level] met constantly" (179).

What these books expose is the U.S. government as an organizational nightmare. Having worked at the Treasury Department on the reconstruction of Afghanistan and Kosovo, I can attest that the worst aspects highlighted in both books are perhaps not highlighted *enough*. In fact, our successes in deposing both the Taliban and Saddam Hussein are threatened because of the same bureaucratic processes and infighting. Endless meetings that leave subordinates scrambling to brief their superiors, incessant quibbling about wording of memos and communiques, and inter- and intra-agency feuding that require *any* communication on letterhead to receive approval from at least eight people do nothing for our national security, much less for our liberty.



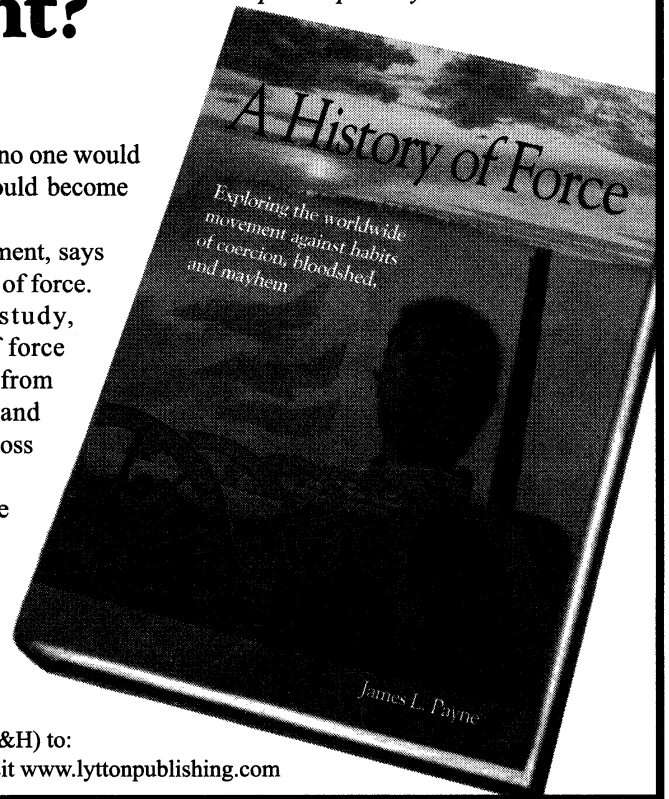
## Is Time Running Out for Government?

*"Historically comprehensive and philosophically coherent"*—*Choice*

**Force** is the basis of government. Take away the guns, and no one would care what senators say, and their bustling marble chambers would become echoing mausoleums.

Therefore, if we want to know about the future of government, says political scientist James Payne, we need to track trends in the use of force. This is what Payne has done in his provocative new study, *A History of Force*. His readable account of dozens of uses of force reveals a long-term tendency for the human race to turn away from violence and coercion. This trend affects government. Large and intrusive as it is today, government is quietly being eroded by the loss of moral, cultural, and intellectual support.

For centuries, reformers have looked to the state and its use of force to improve the world. Payne shows that this perspective is historically misguided. Coercive approaches are in decline. The future belongs to voluntary arrangements that emphasize individual creativity, persuasion, and generosity.



To order *A History of Force*, send check for \$27.45 (\$23.95 plus \$3.50 S&H) to:  
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This is precisely the conundrum posed by "The 9/11 Commission's Report." The problem with having one part of government detail the entire government's failures is that its solutions invariably involve more government. This is perhaps an inevitable knee-jerk response in a democracy, as the populace wants its politicians to be doing *something*. So before the Commission's recommendations were even a twinkle in Tom Kean's eye, our government's initial response to terrorism was more bureaucracy, in the form of the vaguely fascist-sounding Department of Homeland Security. Now the 9/11 Commission lays out a series of recommendations that call for still more government.

Some recommendations seem

ready-made for their own bureaucracy and your tax dollars — witness the call for an "International Youth Opportunity Fund" (378) or "increased assignment of radio spectrum for public safety purposes." (397) But the most important recommendation calls for creating a National Intelligence Director that would oversee disparate intelligence centers but not combine them, leaving intelligence fractured across agencies. In other words, to add another layer of bureaucracy.

It's a pity that the 9/11 Commission drew this conclusion from the facts in its own report. President Bush's rush to implement some of these suggestions just means that our talk of being "safer" only really means that our government is larger. □

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**"The Bush Betrayal,"** by James Bovard. Palgrave Macmillan, 2004, 330 pages.

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# The Case Against Bush

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Anthony Gregory

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If we libertarians are ever going to reclaim the freedoms Americans once enjoyed, we must better understand the *specific* ways in which government officials have trashed our liberties, squandered our money, threatened the peace, and lied to us. No matter how well we understand economics, history, or philosophy, we must have concrete examples and modern empirical data that support the ideals of liberty and that reveal the dangers of government power, if we hope ever to sway public opinion.

Today we witness a political realignment. The libertarian movement suffered a setback from 9/11, and some libertarian thinkers and activists became advocates of the most accel-

erated expansion of government power in recent years, all in the name of fighting terrorism. Many of these same libertarians have defended the current administration with no shame, despite its well-deserved reputation as the most destructive administration to American liberty in many years.

Bush has expanded the size, role, expense, and belligerence of the federal government in virtually every conceivable way. He has betrayed the conservative principles of fiscal responsibility and constitutional federalism. He has ruthlessly attacked our civil liberties. He has cajoled the country into unnecessary war and imperial occupation. He has invaded two countries, censored our political speech, expanded agricultural corporate welfare, increased federal control of public

education, increased social spending, restricted foreign trade, escalated the drug war, racked up unprecedented public debt, shredded the Bill of Rights, and pushed through more health-care socialism than any president since Lyndon Johnson. We know all this. But what about the details?

In his new book, "The Bush Betrayal," James Bovard presents a succinct, cogent, and compelling analysis of how Bush has betrayed America's founding principles of liberty and limited government in ways that impact all areas of our lives. In 278 pages of text with more than 1,200 footnotes, Bovard provides us with a pleasantly readable and detailed account of the Bush administration's collectivism and dishonesty on every policy issue from farm subsidies to tariffs, from the oppressive Bipartisan Campaign Reform Act to the war on Iraq.

Bovard stays on target throughout the book, laying out the details of Bush's follies, but he sneaks in important lessons for the reader about how the answer is liberty, and the general problem is government power. Many libertarians write pages and pages outlining philosophical cases for freedom, ornamented with the occasional, often unconvincing example of actual government wrongdoing. Like most partisans, they tend to avoid the dirty work of looking up specifics — the facts, the figures, and the quotations from politicians and pundits involved with the issues they write and speak about. Bovard puts the facts first, lets them largely speak for themselves, and then offers his insights into what the fundamental problem is and how to solve it.

The fundamental issues, of course, transcend the particular faults of George W. Bush. Bovard knows this full well. For example, he writes: "The more government is exalted, the less likely national security will be improved. . . . Post-9/11 America shows what happens when a nation worships its leader and permits him to tell one lie after another" (p. 30).

Some of the best material in the book involves the foreign fronts of the War on Terror. Bovard exposes as an outright lie Bush's claim in his 2002 State of the Union address that diagrams of American nuclear plants

were found in Afghanistan. He reveals the administration's failures in Afghanistan, where the people are hardly "free" and the roads are still terrorized by warlords and the Taliban. And then there's Iraq. Bovard chronicles lie after lie about weapons of mass destruction and nicely documents the changing rationale for war, which has now reached the point where all the administration does is boast that at least Iraq is "free." But "Bush freedom" in Iraq, as Bovard calls it, is hardly freedom at all, with its censorship, military occupation, curfews, and frequent shootings of civilians. Bovard also shows that, far from being an anomaly involving a handful of bad apples, the prison torture at Abu Ghraib and elsewhere "arose from one of Bush's most audacious edicts" (260) and was a predictable result of the administration's policies.

Bovard does not limit himself to Bush's foreign policy. He shows how No Child Left Behind — far from being "ineffective," as the Left complains — has quite effectively encouraged states and districts throughout the country to dumb down their standards and simply neglect to test students who would likely fail. He describes the Bush administration's decision to impose steel tariffs, even though it knew the tariffs would destroy American manufacturing jobs. Bovard addresses Bush's socialistic "compassionate conservatism," ripping apart Bush's farm subsidies that "entitled farmers to snare up to \$360,000 per year" (98) and asking, "Who gave George Bush the right to be generous with other people's money?"

Bovard does not merely preach to the libertarian choir. A conservative, frustrated by Bush's rabid spending and skeptical of his wars, will find Bovard much more persuasive than Michael Moore. A liberal, disgusted by Bush's warmongering and mostly ignorant of his domestic economic policies, will find "The Bush Betrayal" a refreshing addition to the polemical anti-Bush literature.

Liberals in particular need to read this book. Much of the leftist critique of Bush is accurate and useful, especially in regard to war and civil liberties. And yet, the leftists' partisanship becomes clear in their frequent attacks

on Bush's social spending record. Liberals tend to blame Bush for cutting social spending, gutting the Department of Education, and, in Hillary Clinton's words, "undoing the New Deal." If only! Bovard shows how Bush has increased domestic spending

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*The fundamental issues, of course, transcend the particular faults of George W. Bush. Bovard knows this full well.*

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beyond Clinton's wildest dreams, and by showing the corruption of Bush-style welfare statism, Bovard offers the liberal much to think about. Bush's huge expansion of Medicare and his agricultural welfare can be attacked from the Right as big government or from the Left as corporate giveaways. Bovard criticizes such policies from all angles and on all counts. The chapter on campaign finance reform alone is a powerful argument not only against Bush, but against the kind of speech suppression that campaign finance "reform" entails. It's sure to complicate the blurred thinking of any well-meaning liberal reader who has long believed that Congress can legislate away its own corruption.

And conservatives who are tired of hearing liberals complain about Bush's fictional cuts in social spending, who think that any attack on Bush is an endorsement of Kerry-style socialism, and who are skeptical of hearing anti-war arguments from what they perceive as the Marxist Left, will have nowhere to run and hide when Bovard is done dismantling their illusion of Bush as any sort of protector of the free market, the Constitution, or limited government. Indeed, Bovard strategically avoids the Iraq issue until the very end, having already

proved Bush's willingness to lie about Medicare costs, pander to voters with profligate domestic spending, and suppress political speech.

Bovard's nonpartisan deconstruction of the Bush administration's lies and failures is reminiscent of his "Feeling Your Pain": The Explosion of Government Power and Abuse in the Clinton-Gore Years." At a time when conservative pundits put most of their anti-Clinton energy into condemning the president's marital infidelities and overall smugness, Bovard focused on what was most important. He laid out precisely how the Clinton administration squandered taxpayers' money, regulated business to an obscene extent, encroached on privacy and the right to bear arms, bombed thousands of civilians in Serbia for dishonest reasons, whitewashed Ruby Ridge, and gassed and torched a religious community in Waco in what was essentially a horribly failed publicity stunt. These were Clinton's sins that actually affected innocent people, and whereas Republicans focused on the intern — just as today's Democrats focus on Bush's poor speaking skills — Bovard devoted his energy to accounting for the tax dollars, liberties, and lives sacrificed on the altar of the growing U.S. welfare-warfare-police state. Whether or not the Serbians and Iraqis slaughtered fell victim to a man with a D or an R in his political title is not Bovard's main concern, and if we wish for freedom to return for everyone — conservatives, liberals, and libertarians — it must not be our main concern either.

Bovard seems to want Bush to lose the election, but he cautions that "[r]egardless of who wins the November



"No insurance? — Are you trying to make trouble?"

election, America will likely have a lousy president for the next four years. . . . No one is entitled to the amount of power that the winner of the November election will possess over the American people" (277). After reading his compilation of self-damning quotations from Bush and his underlings, the faulty cost projections, the frustration and follies within the federal bureaucracy, and the disastrous results of virtually all of Bush's

domestic or foreign programs, the reader will have a difficult time coming away from "The Bush Betrayal" with the same impression of Bush he had going into it. Those who defend Bush will be confronted with too much powerful evidence to walk away with their loyalty to the president intact, and those who think they cannot possibly dislike Bush's sorry record any more may find, after reading this book, that they can. □

**"Gay Marriage: Why It Is Good for Gays, Good for Straights, and Good for America,"** by Jonathan Rauch. Times Books, 2004, 224 pages.

# Marriage Is Fabulous

John Coleman

With his presidential radio address on July 10, George W. Bush kicked off a searing congressional debate over the Federal Marriage Amendment with his unequivocal support for defining marriage constitutionally as the union of one man and one woman. "A great deal is at stake in this matter," Bush commented. "The union of a man and a woman in marriage is the most enduring and important human institution, and the law can teach respect or disrespect for that institution."

The president's position seemed simple enough. The White House, however, was divided. Lynne Cheney, the vice president's wife and the mother of a lesbian, opposed the president, claiming instead that marriage is

an issue better left to the states. "[T]he constitutional amendment discussion will give us an opportunity to look for ways to discuss ways in which we can keep the authority of the states intact," she implored — and while the president publicly opposed "judicial activism" with legislative activism, Mrs. Cheney's subtler federalist position was echoed not only by prominent Republican Sen. John McCain, but also for many years by her own husband.

What is it about marriage that so confounds and arouses the political sensibilities of civil society? For millennia, state interference in man's primal social institution has been a source of inspiration, tyranny, and legend. In A.D. 249 St. Valentine, a Roman cleric, was imprisoned and executed for his opposition to Emperor Claudius' decree that young men (his potential crop of soldiers) could no longer marry. Nearly 2,000 years later, the California state Supreme Court faced political martyrdom when it struck down a ban on interracial marriage, crushing two centuries of institutionalized racism. In contradistinction to an

ideology that would blame all of marriage's problems on the state, writers from Shakespeare to Kate Chopin have noted the problems of societal pressure on the most sacred of human institutions.

In his new book, "Gay Marriage: Why It Is Good for Gays, Good for Straights, and Good for America," Jonathan Rauch, a writer at National Journal and The Atlantic Monthly, carries the torch of marital revolution by making the case for gay marriage at a time when the topic is perhaps the hottest cultural issue in the nation. Building on a wealth of historical precedent, statistical support, and old-fashioned reason, Rauch pieces together a lawyer's case for the inclusion of homosexuals in American civil marriage, and attempts to dispel the idea that gay marriage is a purely "civil liberties" dilemma. Rauch attacks the strongest arguments of his opponents, both conservative and liberal, maintaining his place as one of the pre-eminent journalists and essayists of the 21st century.

Rauch's work is a well-written and thorough defense of marriage itself. The first two chapters ("What is Marriage For?" and "Accept No Substitutes") explore the importance of marriage in modern society and argue for broadening the institution to include gay couples. To Rauch, marriage is much more than a "contract between two people" or a "package of benefits" (p. 31). It is the fundamental institution of civil society. It is the foundation of the family structure. It ensures the persistence of a reliable caregiver in times of illness and old age. It settles the populace, particularly young men, and discourages irresponsibility and sexual promiscuity.

As Rauch sees it, marriage is a cohesive of monumental proportions — binding society at a macro level and granting hope and security to those who choose it. However, it is also indescribably complex. "We can't preserve the marriage mystique if marrying is just one of many arrangements people make to express their fondness for each other or to link their bank accounts," Rauch contends (38). Marriage is not just a contract. It is a primal social bond with positive externalities both for those who enter into

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the agreement and for the society in which the agreement is made. Rauch's social case for marriage is persuasive,

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*The denial of marriage rights to an entire subset of human beings is precisely what should encourage Hayekian political evolution.*

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and throughout he reiterates that these benefits extend to homosexual as well as heterosexual relationships.

"For eons, human communities have favored more marriage over less," Rauch writes. "They have believed that marriage is a powerful stabilizing force: that it disciplines and channels crazy-making love and troublemaking libido; that stability and discipline are socially beneficial, even precious. . . . Why should homosexuals be the one exception?" (80–81) His analysis is simple: marriage is good; if homosexuals are permitted to marry, there will be more marriage; this increase in marriage is good for all parties involved. This, Rauch argues, is why marriage is good — good for gays, good for straights, and good for society.

It is not a radical position. Rather, it employs a kind of Midwestern, sincere, traditionalist rhetoric that challenges the conservative opposition on its own turf; and while his basic position is as simple as his thesis — "Let everybody marry" (54) — the analysis carefully woven to support this contention and counter the opposition is both smart and laden with Rauch's characteristic charm and subtlety.

Rauch argues that marriage might eliminate the more unsavory portions of the gay sexual underworld — a problem, he contends, created not by homosexuality, but by the repression of homosexuality. To assuage the fears of those who believe marriage must concern itself solely with the propagation of the species, Rauch cites data on adoption by gay couples and reminds readers that many heterosexual couples do not have children. He argues against a marriage based on exclusion — an institution defined more by the

absence of homosexuals than by the presence of any positive principle — in favor of a marriage founded in responsibility, fidelity, and trust. Civil unions and other forms of "marriage lite" are inadequate to this purpose, Rauch notes, because for several thousand years there has been no effective substitute for marriage; without real, civil marriage, homosexuals can never experience equality with their heterosexual peers — an equality guaranteed by the Declaration of Independence.

Perhaps more compelling is Rauch's philosophical support. According to Rauch, "there are only two objections to same-sex marriage which are intellectually honest and internally consistent. One of these is the simple anti-gay position: 'It is the law's job to stigmatize and disadvantage homosexuals, and the marriage ban is a means to that end.' The other is the argument from tradition. . . . marriage is as it is, and you can't just make it something else" (160). To the

## Notes on Contributors

*Norman Ball* did not attend Yale University, although he plays an effete East Coast intellectual on TV.

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

*Alan W. Bock* is a senior columnist for the Orange County Register and the author of "Waiting to Inhale: The Politics of Medical Marijuana."

*R.W. Bradford* is editor of Liberty.

*Douglas Casey* is a contributing editor of Liberty.

*Scott Chambers* is a cartoonist living in Arizona.

*John Coleman* is a freelance writer and assistant director of a classical liberal fellowship program in Washington, D.C.

*Stephen Cox's* most recent books are "The Titanic Story" and "The Woman and the Dynamo: Isabel Paterson and the Idea of America."

*Milton Friedman* is the 1976 Nobel Laureate in Economics.

*Thomas Giesberg* has an MBA and a prison sentence, both from Texas.

*Anthony Gregory* is a writer and musician who lives in the Bay area. He has considered James Bovard, whom he has met on a couple of occasions and whose most recent book he reviews here, to be a hero since he read Bovard's "Freedom in Chains" while he was serving a week of detention in high school.

*Christopher Hartwell* is an economist in Arlington, Va.

*Greg Kaza* served three terms in the Michigan House of Representatives (1993–98). He is executive director of the Arkansas Policy Foundation.

*Eric Kenning* is a freelance writer living in New York.

*Dan Kiely* is a graduate of Stanford Law School and is a consultant in the field of offshore and onshore asset protection.

*Richard Kostelanetz* has published books of poetry, fiction, criticism, and cultural history.

*Sarah McCarthy* is co-author of "Mom and Pop vs. the Dreambusters."

*William E. Merritt* is a senior fellow at the Burr Institute and lives in Portland, Ore.

*Patrick Quealy* is managing editor of Liberty.

*Bruce Ramsey* is a journalist in Seattle.

*Timothy Sandefur* is a College of Public Interest Law Fellow at the Pacific Legal Foundation.

*Jeffrey A. Schaler* teaches at American University's School of Public Affairs.

*Tim Slagle* is a stand-up comedian living in Chicago whose website is [www.timslagle.com](http://www.timslagle.com).

*David Ramsay Steele* is the author of "From Marx to Mises."

*Clark Stooksbury* has written for The American Conservative, Chronicles, and Metro Pulse (of Knoxville, Tenn.).

*Andy von Sonn*, a former linebacker for the Los Angeles Rams, is an attorney who lives in Hawaii.

*Bill Woolsey* teaches economics at The Citadel in Charleston, S.C.

*Leland Yeager* is Ludwig von Mises Distinguished Professor Emeritus of Economics at Auburn University.

delight of libertarians, Rauch terms this second position the "Hayekian argument" and spends significant time countering it.

Building upon the cautionary conservatism of Edmund Burke, Rauch notes that Hayek believed in the necessity of tradition, and saw the arrogance of central planning as a "fatal conceit." No one is smart enough to replace all of the complexity of history with some witty or intellectual abstraction, and sometimes institutions should stay the way they are precisely because, after 4,000 years, that is still the way they are.

Acknowledging the authority of this traditionalist argument is a brilliant move. It enables Rauch not only to portray himself as open-minded, but bolsters his own position. The traditionalism of Hayek, Rauch argues, is not inflexible. Rather, it encourages slow and careful change where institutions are fundamentally at odds with the rights of individuals; and Rauch argues that the denial of marriage rights to an entire subset of human beings is precisely the kind of impetus

that would encourage Hayek to allow for political evolution.

It is in this conservatism that Rauch finds a solution to the gay marriage dilemma. Siding with caution and limited government, he boldly rejects both judicial activism and federal legislation. His solution: in the words of Lynne Cheney, let the states handle things.

For libertarian readers this federalist approach is alluring. In his fight for civil liberties Rauch refuses to allow the personal inconvenience endured by him, his partner, and other gay people to override his respect for Constitutional republicanism. However, as appealing as it may seem, at the base of Rauch's otherwise persuasive case is a soft and subtle statism that presents a quiet threat to individual liberty.

Rauch's call for federalism and for the extension of marriage "rights" is one thing, but what precedent does his positive, conservative, and ultimately state-centered approach to the defense of same-sex marriage set for future marriage debates? Rauch contends

that gay marriage is the last step on the road to marital equality in the United States, but is he right?

Throughout "Gay Marriage," Rauch argues vehemently against lifting state restrictions on other outlawed marital unions. To him, there are no reasonable arguments for

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*To Rauch, it is the marriage license, not the private commitment, that formalizes the marriage bond.*

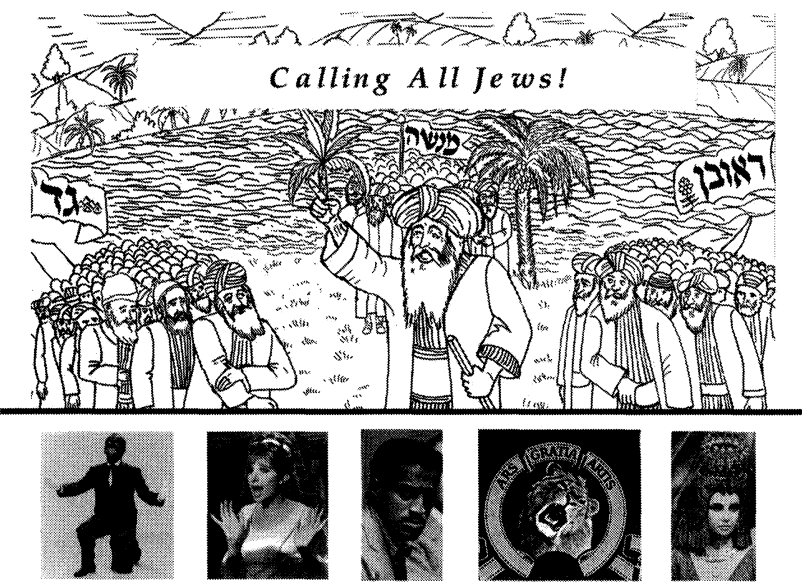
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polygamy, incest, and bestiality; however, it is precisely Rauch's willingness to relegate marriage to the supreme authority of the state that threatens to perpetuate the governmental tyranny that forced the "marriage debate" in the first place.

Nowhere in the Constitution is marriage mentioned — a testament to the foresight of the Founders. However, Rauch's argument depends on the belief that society has a compelling interest in controlling marriage, and that it is the place of government to sanction this control. To Rauch, it is the marriage license, even more than the private commitment, that formalizes the marriage bond. He lightly brushes off the idea of privatizing marriage, contending that the gay marriage ban, at present, is the only problem with state-sanctioned marriage (other than no-fault divorce), but his reassurance rings hollow.

The fundamental problem is not the gay marriage ban, but the very authority of the state to enact a ban. The abuse of marriage law did not start with the American homosexual community, and it will not end there. For thousands of years, rulers have misused marriage. In Russia, serf marriages were controlled and assigned. In the pre-Civil War United States, slaves were denied marriage simply to

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iterate the authority of their masters and to prevent the formation of strong family bonds. And, while the ban on gay marriage is the most glaring example of government interference in marriage today, to assert that it is the only example is deceptive.

In 30 states, mentally disabled people can be denied marital union. In almost every state, the judicial system must determine whether young people under the age of 16 may marry even with parental consent, and polygamy and incest are banned across the nation. Marriage licenses often require blood tests, and those who perform ceremonies must be licensed; and while Rauch attempts to brush off the injustice of this interference, it is important to remember that at the time the California Supreme Court overturned the ban on interracial marriage, homosexual marriage seemed as perverse and unimaginable as polygamy or incest does today. By relying on an argument of social good, Rauch engages in a little central planning of his own — declaring what is “Good for America” — and, in the process, subjects himself, voluntarily, to the very governmental tyranny that relegated the gay community to two and a half centuries of marriage-less existence.

Granted, privatizing marriage may be politically impractical (or impossible), and Rauch’s position may be the best pragmatic response to the marriage ban; but his argument goes the extra mile to affirm not only the state’s right to govern marriage law, but the necessity of that governance. And if his analysis prevails, the argument for a principled libertarian objection to future regulation will be crippled. At least a civil-liberties defense of gay marriage would serve to decrease the power of the state. Rauch’s argument attempts to bring one more social group under its benevolent control.

On July 14, a procedural motion was voted down 50–48 in the Senate, which for all intents and purposes meant the Federal Marriage Amendment was defeated — presumably as Lynne Cheney and Jonathan Rauch cheered, and as gay marriage inched one step closer to reality. But what might the future hold for these

marriage wars?

At the beginning of his book, Rauch issues a challenge to those who would oppose same-sex marriage and cling to the status quo: “The days

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*Rauch’s argument attempts to bring one more social group under the state’s benevolent control.*

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when homosexual unions — marital and nonmarital — were invisible are gone, and gone for good. Homosexual relationships will enjoy increasing

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**“Others: Third-Party Politics From the Nation’s Founding to the Rise and Fall of the Greenback-Labor Party,”** by Darcy G. Richardson. iUniverse, 2004, 668 pages.

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# The Unwasted Vote

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Greg Kaza

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Darcy G. Richardson’s book, the first of a planned four-volume set, is a comprehensive history of U.S. third parties from the founding of the United States through 1884. Standard establishment clichés about “minor parties” are absent from this work. Richardson shows third parties fielded stellar public officials, affected the outcome in six presidential elections, and elected more than 350 members to Congress in the mid-to-late 19th century while contributing to the abolition of slavery and to women’s suffrage. Third-party members, students of political science, media, and a curious public can all draw inspiration from this work, likely to emerge as a standard reference.

social recognition and respect even outside of marriage. If your first choice is for the whole gay thing to go away, remember that children can demand their first choice or nothing, but adults must often deal in second choices. If you can never accept same-sex marriage as just or moral, I ask you nonetheless to consider: If gay marriage is outlawed, what will come in its place? The world is changing, and marriage, like it or not, is changing too” (9).

If court rulings in Massachusetts and Senate votes on the FMA are any indication, the world is changing, and marriage is changing with it. With continued state interference, however, one has to wonder if some things will always be the same. □

Although the Constitution made no provision for political parties, by 1792 two distinct parties — the Federalists and the Democratic-Republicans — were vying for political control of the U.S. By the early 19th century most of the nation’s predominantly rural, agrarian population had gravitated toward the populist-oriented Democratic-Republicans led by Virginia’s Thomas Jefferson. The Federalist Party, he once observed, was an “Anglican monarchical aristocratic party” whose main purpose was to usher in an American version of the British government. By the 1820s the Federalists were extinct. A decade later the Whigs, whose membership included Kentucky’s Henry Clay and Massachusetts’ Daniel Webster, emerged as a major party.

In the interim the Anti-Masonic Party, organized around opposition to freemasonry, was a significant third party. While most historians insist the Anti-Masonic Party was the nation's first nationally organized third party, Richardson notes a strong case can be made that an earlier group, the Quids, deserve the distinction. The Quids, a term derived from the Latin *tertium quid* (a third party of ambiguous status), opposed the acquisition of west Florida and Jefferson's antitrade Embargo Act of 1807. The Quids held six U.S. House seats (1809–11). By contrast, the Anti-Masonic Party held 25 House seats at its peak in 1833. The party was formed after the murder of William Morgan, a bricklayer who threatened to divulge secrets of freemasonry. The number of U.S. Freemasons declined from 100,000 to 40,000 during the party's existence. The Whigs, taking their name from British antimonarchists, absorbed many Anti-Masons but soon faced a new threat from the abolitionist Liberty Party, a new third party opposed to slavery.

The Libertymen, as they were known, also accused the slave power of undermining the civil liberties of free Americans. Ironically, the party's 1844 presidential candidate, James G. Birney, held balance-of-power in the election, won by Democrat James K. Polk. The race featured several other twists, including Democratic President John Tyler's threat to run as a third party candidate, inducing the Democrats' southern wing to support Polk, a Tennessean, rather than Martin Van Buren of New York.

By decade's end slavery was creat-

ing irreparable sectional rifts within both major parties. Southern Whigs opposed the idea of excluding slavery from the territories. Northern Democrats wanted slavery decided on a state-by-state basis. In 1848, the anti-slavery Free Soil Party nominated Van Buren. In nominating the former Democratic president, Richardson argues, the Free Soilers demonstrated unusual political acumen. A man with a grudge against a party that he had served so loyally and capably was the ideal standard-bearer for an insurgent third party seeking to wreak havoc on the major parties. The shrewd Van Buren split the Democratic vote in New York, enabling Whig Zachary Taylor to sneak into the White House with 47% of the popular vote. The Free Soil Party also won 13 U.S. House seats, giving them balance-of-power in the body. The Free Soil Party played a critical role in the Whigs' decline in the 1850s and the Republicans' emergence as a major party.

Richardson notes the Free Soil Party might have emerged as the second major party if it had not been supplanted in the 1850s by the Know-Nothing Party, which opposed open immigration and the Roman Catholic papacy. The group, also known as the American Party, controlled at least 51 congressional seats. It also won six gubernatorial races, including California's, and won hundreds of seats in state legislatures. Citing these results, Richardson argues the Know-Nothing Party was "the most successful third party in American history." With the Democrats divided over slavery and the Whigs on virtual life support, the

Know-Nothing Party was briefly positioned to emerge as a major party. The party's fatal undoing was its moral ambivalence to the evil institution of slavery. Richardson writes: "Had it not been for the issue of slavery, it is possible — indeed, probable — that the two major parties in

America today would be called the Democrats and Americans. The anti-slavery Republicans, one could argue, probably would have gone the way of the earlier Liberty and Free Soil parties and vanished forever. Or, possibly, the

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*The Anti-Masonic Party was formed after the murder of William Morgan, a bricklayer who threatened to divulge secrets of freemasonry.*

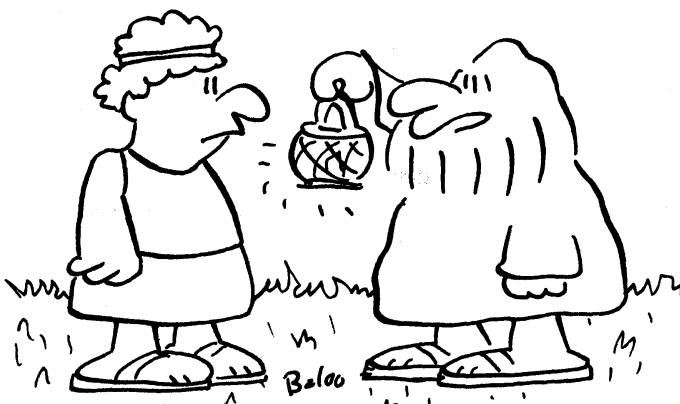
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Grand Old Party might have survived as a persistent third party much like the age-old Prohibitionists or the modern-day Libertarians."

Within a few months of their founding as a single-issue, antislavery party in Ripon, Wis., on March 20, 1854, the Republicans had become the second largest political party in the U.S. Lincoln's election in 1860 cemented its status as a major party. The GOP won ten of the next twelve presidential elections. In 1884, the Prohibition Party's John P. St. John, a former Kansas governor, cost Republican James G. Blaine 36 electoral votes and the presidency by capturing enough votes in New York to swing the state — and the election — to Grover Cleveland. Richardson notes St. John made at least 41 appearances in New York during the long campaign. Angry Republicans hung St. John in effigy, terming the Prohibition Party "spoilers."

Soft-money movements supported inflationist policies used to finance the Civil War. The Democrats waffled, and it cost them the 1876 and 1880 elections.

In 1876, Democrat Samuel Tilden got 4,288,546 popular votes, Republican Rutherford B. Hayes got 4,034,311, and Peter Cooper of the inflationist Greenback Party got 75,973. At least, that's how the votes were recorded. "Exactly how many votes were cast for the Greenback standard-bearer but were never counted . . . remains a mystery," Richardson writes. In Democratic districts, "it was customary for local election officials to credit so-called 'foolish' third party votes to the Democrats. In predominantly Republican districts many Greenback votes were credited to



"While I was out looking for an honest man, my wife ran off with another philosopher."

Hayes."

This chicanery was surpassed by the intrigue following the election. Tilden went to bed thinking he had won the election, and most newspapers reported the same. "But Republican national chairman Zachariah Chandler and a few of his friends at The New York Times weren't about to give up control of the White House without a fight," Richardson writes. "Determined to swing the electoral votes of Florida, Louisiana and South Carolina — three states still under carpetbag rule — into the Hayes column . . . John C. Reid of the Times and an exhausted Chandler sent telegrams to Republican leaders in those states asking them to hold their states for Hayes." On Nov. 10, lame-duck Republican President

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*With the Democrats divided over slavery and the Whigs on virtual life support, the Know-Nothing Party was briefly positioned to emerge as a major party.*

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Ulysses S. Grant sent additional troops into the contested states "to preserve peace and good order" and to guarantee local election boards remained "unmolested" while tallying the results. Florida was the most contentious of the disputed states in 1876. Richardson writes:

"On November 27, the state's canvassing board, deliberately excluding the returns of two Democratic precincts in Baker County, gave Hayes a 43-vote statewide plurality. Within nine days, that margin mysteriously swelled to 924 votes. The Democrats argued that the canvassing board should simply have counted votes, instead of deciding which ballots to count, arguing that a full counting of all the ballots cast would have given Tilden a 1,700-vote majority. The Florida Supreme Court ordered the canvassing board to meet on December 27, but it refused to do so. The Florida attorney general, a Democrat, appeared by himself and certified Tilden's electors. The board then convened shortly thereafter and certified the Republican electors. On January 1, 1877, the Florida Supreme Court then rejected the canvassing board's certification and the Democratic governor and the Democratic-controlled legislature then certified Tilden's victory. When the state Supreme Court decided to delay ruling on a challenge to the Republican certification, two sets of election results were sent to the Democratic-controlled U.S. House of Representatives, which refused to participate in a joint session with the Republican Senate."

Congress appointed a bipartisan Electoral Commission to resolve the constitutional crisis. The Democrats agreed to having the crisis settled by the commission, but "only after being assured that Hayes, if elected, would withdraw federal troops from the South, thereby leaving the state governments in the hands of southern

whites." The commission was composed of five senators, five House members, and five Supreme Court justices. Seven Republicans and seven Democrats were appointed to the panel. Justice David Davis, considered

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*Tilden got 4,288,546 popular votes, Hayes got 4,034,311, and Peter Cooper of the Greenback Party got 75,973. At least, that's how the votes were recorded.*

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the most politically independent judge on the Supreme Court, was expected to be the 15th member. But Davis was elected to the U.S. Senate by a coalition of Illinois Greenback and Democratic legislators, removing him from the commission. Justice Joseph P. Bradley, who had been appointed by Grant in 1870, replaced Davis. Bradley sided with the Republicans, and Hayes won the Electoral College vote, 185-184.

In the 1880 election, the Greenback-Labor Party was again instrumental. It won only 3% of the vote yet held balance-of-power as Republican James A. Garfield defeated Democrat Winfield Scott by only 1,898 votes. The post-2000 election debacle, in which the Green and Reform parties held balance-of-power in the national vote (the Libertarians held it in four states), was not unique in light of the elections of 1876 and 1880. □

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## Letters, from page 30

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then he promised the voters that if elected president he would cut taxes, raise defense spending, and balance the budget by 1984 without cutting popular middle class entitlements.

Reagan's director of the Office of Management and Budget from 1980 to 1985 was David A. Stockman. In his book "The Triumph of Politics," Stockman admitted, in effect, that Reagan's campaign promise was dishonest. He pointed out that it was never possible to cut taxes, raise defense spending, and balance the budget without making deep cuts in Social

Security, Medicare, and military pensions, and without eliminating farm and business subsidies.

Stockman also pointed out that Reagan refused to make these cuts because he knew that most of the people who voted for him favored those domestic spending programs. Stockman ended his book with: "The White House and the Republican Party should not have told the American electorate in 1984 that we don't have to raise taxes. It wasn't true."

Regardless of what the Constitution says, the way the system works is that

the presidential administration presents Congress with a budget. Congress adds to and subtracts from the budget, and returns it to the president who may sign it or veto it. Every one of Reagan's budgets arrived at the House of Representatives with a huge deficit in it. George Will has pointed out that if each of Reagan's budgets had been approved in its entirety, the increase in the national debt would only be 10% less than it was.

John Engelman  
Wilmington, Del.

## Kerry Nation, from page 24

Vietnam vets that vociferously denounce the man. It's pretty clear that most of the vets dislike him because of his subsequent grandstanding against the war, and his claims that both he and many others had committed war crimes. John O'Neill, who replaced Kerry in command after his controversial early departure, has stated, "John Kerry slandered America's military by inventing or repeating grossly exaggerated claims of atrocities and war crimes in order to advance his own political career." Recently, over 200 veterans who served with Kerry signed an open letter asserting that Kerry has "deceived the public, and in the process [has] betrayed honorable men, to further [his] personal political goals." I've got no problem with Kerry voicing opposition to the Vietnam war; being against the war was certainly a better position than being for it, and if he had regrets about his role in same and wished to come clean, all the better. And, frankly, I've got little patience for the posturings of 95% of the more vocal vets. But the circumstances surrounding Kerry's war record make me think the whole thing was just a charade to get him in the public eye and launch his political career. The vets make what seem to me telling points about the possibly bogus nature of his decorations.

The fact that during his brief four months in Vietnam, he was awarded three Purple Hearts, a Silver Star, and a Bronze Star with V device (for valor) suggests that he was a hero — a term used far too lightly today. But the Purple Hearts were for trivial, superficial wounds, especially the first, which was for a small piece of shrapnel, extracted with tweezers, and

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*Kerry volunteered to go to Vietnam, but he also did everything in his power to get out as fast as he could — serving the shortest tour of any swift boat commander.*

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covered by a Band-Aid. The shrapnel apparently was the result of a ricochet from a round Kerry himself fired from a grenade launcher; no enemy fire was involved. As one of his fellow swift boat veterans put it: "Three Purple Hearts but no limp. All his injuries were so minor that he lost no time from duty. Amazing luck. Or was he putting himself in for medals every time he bumped his head on the wheel house hatch?" Notably, Kerry put himself in for the award. After garnering three questionable Purple Hearts in less than four months, he made use of a little known naval regulation and put in for a transfer out of the war zone. Kerry points out that he volun-

teered to go to Vietnam, and this is apparently true, but it is also apparent that he did everything in his power to get out of there as fast as he could — in the end serving the shortest tour of any swift boat commander.

The legitimacy of his Bronze Star is fiercely debated. The Navy, of course, claims it was awarded for Kerry exposing himself to enemy fire in order to pull a Green Beret out of the water, and a number of witnesses back this story up. But some of Kerry's "brothers in arms" claim otherwise. "John Kerry lied to get his Bronze Star. . . . I know, I was there, I saw what happened," as one put it. The Silver Star was

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*What Bush and his cronies deserve is a horse-whipping, followed by being tarred, feathered, and shipped to Camp X-Ray in Guantánamo.*

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awarded for pursuing, shooting, and killing a fleeing, wounded Viet Cong. I would think if that's the case, he should have been brought up on charges for the incident. In fact, there was some debate at the time as to whether Kerry deserved a medal or a court-martial.

None of this sounds heroic; it sounds bogus, or worse.

No matter how you slice it, in the end the American voter is, yet again, confronted with a choice between a pair of horrible candidates. As a consequence, I expect that, except for Pareto's pathological 20%, most Americans won't be voting for a candidate, but rather against a candidate. Regrettably, that's not how their votes will be counted. But it gets worse. Even if Kerry doesn't win, there will be Hillary to look forward to in 2008, assuming there was no insurrection in the interim.

We're in for truly turbulent times, whether triggered by another successful attack by revenge-seeking citizens of the Middle East, or by Bush winning in another questionable photo finish. In case of the latter, regardless of the truth, the Republicans will be accused of election-rigging, and we could see mobs storming Washington.

If Bush loses, don't shed a tear. He and his cronies will all walk away, like Clinton and his crew, with hundreds of millions of dollars in book contracts, consulting fees, speaker's honoraria, and so on.

What they should get instead is a horsewhipping, followed by being tarred, feathered, and shipped to Camp X-Ray in Guantánamo for the rest of their sorry lives, under the loving care of someone like Pvt. Lynndie England — if for no other crime than having made it possible for someone like Kerry to become president. □

## Who Owns the Fed?, from page 40

38. Thomas Schauf, "The Federal Reserve is Privately Owned," <http://www.worldnewsstand.net/today/articles/fedprivatelyowned.htm>
39. Eustace Mullins, "The Secrets of the Federal Reserve," (Bankers Research Institute, 1984), p. 164
40. Economic Data, <http://research.stlouisfed.org/fred2/series/GFDEBTN/5>
41. Ibid.
42. Economic Data, op. cit., <http://research.stlouisfed.org/fred2/series/FDHBATN/5>
43. Factors Affecting Reserve Balances, (Board of Governors of the Federal Reserve System, Aug. 2004), <http://www.federalreserve.gov/releases/h41/Current/>
44. 90th Annual Report, op. cit., p. 270

45. Economic Data, op. cit., <http://research.stlouisfed.org/fred2/series/FYOINT/5>
46. Economic Data, op. cit., <http://research.stlouisfed.org/fred2/series/FYONET/5>
47. Tax Stats at a Glance (Internal Revenue Service, 2003) <http://www.irs.gov/taxstats/article/0,,id=102886,00.html>
48. 90th Annual Report, op. cit., p. 129
49. Schauf, op. cit.
50. 90th Annual Report, op. cit., p. 125-6
51. Ibid., p. 129
52. Governor Mark Olson, (Federal Reserve Bank Board of Governors, 1983), <http://www.federalreserve.gov/boarddocs/speeches/2004/20040301/default.htm>
53. Economic Data, op. cit., <http://research.stlouisfed.org/fred2/series/BOGUMBNS/45>
54. Economic Data, op. cit., <http://research.stlouisfed.org/fred2/series/TB6MS/116>

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## The Michaelmoorization of John Kerry, *from page 25*

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asked, "Are you referring to the Bushes' improper relationship with the Saudis as described in 'Fahrenheit 9/11,' Senator?"

No problem; the spin assuredly was waiting. The Kerry campaign wouldn't want to risk such a blatant accusation; it's not slippery enough, and it seems that every Kerry position has to include some means of backing out. Had anyone called him on it and created unfavorable public opinion toward the allusion, it would have been called an "oversight," an "unfortunate and unintentional characterization," a "slip by a novice speechwriter." After all, "We'd never want to imply in a time of war that President Bush's motives were anything but upright. The reference to the Saudi royal family was only about oil."

Well, that's plausible. Kerry's line about the royal family fell between a couple of paragraphs about American "dependence on oil from the Middle East."

When Howard Dean was still the front-runner for the Democratic nomination, he liked to tell audiences that President Bush had "played the race card" in using the word "quota" to describe the Supreme Court's decision regarding the University of Michigan's affirmative action policies. Dean said "quota" was a "race-coded word."

He was right. Now Kerry's doing the same thing, but he's doing Bush one better. "Saudi" isn't coded. It obviously refers to Saudi Arabians, who, not to put too fine a point on it, are predominantly Arabs. But to *which* Arabs was the senator referring? Did he merely pick a vague and inappropriate way to say, as he has on other occasions, that the United States should strive for energy independence? Or was he carefully deploying coded language to detonate political landmines previously set by Michael Moore's rantings?

We can't be sure. Smooth, John. Care to rant about the Rothschilds, too?

There's more. Not long after his nomination speech, Kerry was asked at a convention of minority journalists what he would have done differently from Bush in response to the 9/11 attacks. He replied that, had he been reading to schoolchildren that morning and been told the country was under attack, he would have acted differently.

That's good, as far as it goes. One wonders sometimes whether George Bush is capable of going to the bathroom without guidance from handlers, much less running the free

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*In telling the delegates why he and John Edwards should be elected, Kerry said nothing of consequence, but he said it well.*

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world on his own initiative. That concern certainly extends to his ability to deal with terrorism. But there are many other ways to make that point. Why invoke the particular image of Bush, appearing uncertain and frightened, stumbling through "My Pet Goat" for lack of any better idea of what to do?

Because it was another political landmine Michael Moore had planted, that's why. Kerry detonated one in the nomination speech, found that no one really cared, and now knows he has free rein to do it at will.

Thus the presidential nominee of the Democratic party gets away with implying that our president is in bed with Saudis, that he's helping terrorists by flying them out of the

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*If Kerry wins the election, he'll treat his victory as a mandate to bring more of his "nuance," which is to say doublespeak, to the White House.*

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country, that he has committed treason, that he wants to make mom and apple pie illegal and kill your babies, and that he's doing it all with ill-gotten Saudi money. Moore fed his audiences pictures of scary, dark-skinned foreigners in turbans, and of Bush sitting among a group of children with that dumbfounded, terrified look on his face. Kerry dropped a couple of lines referring to those images. The hysterical "Anybody But Bush" propaganda took care of the rest. Can you imagine the response from the Left if Matt Drudge had written some insane piece of propaganda claiming Kerry was a spy for North Korea, and Fox News ran stories on it, and then Bush made oblique references to it at every campaign stop?

Rudolph Giuliani said that Kerry "must be frustrated in his campaign if he is armchair quarterbacking based on cues from Michael Moore." That's an understatement. Republicans won't demand that Kerry either apologize to Bush or justify his suggestion that Bush has more allegiance to Saudi Arabia than to America. Nor will they stand by their traditional fiscal conservatism, and almost all their remaining ideologues are professed imperialists. What's left of the GOP?

The Democrats passed up several attractive candidates, some of whom even had a couple of worthwhile ideas, for a guy who gives sloppy salutes to score points with the least sophisticated, most unthinkingly partisan portion of his base. They don't care that he's exploiting his service in a cause he abjured, but then they also don't care whether he committed atrocities in service of that cause. Good thing, too, because he can't remember whether he did. Bayonet one gook, and you've bayoneted 'em all. Not only will he not take a stand on anything, but his Clintonesque slickness is compounded by a willingness to run a campaign whose real foundation is a documentary by Michael Moore; a movie with much popular appeal, but little credibility. So, what's left of the Democrats, either?

We're either headed for four years of the Slick-style spin of the '90s, or four more years of huge-government conservatism and embarrassing Bushisms. Either way, American political discourse has tanked and will continue to plummet. God bless America — she'll need it. □

### *Hartford, Wisc.*

Advance in jurisprudence in the Cheese State, from the *Chippewa Herald*:

When Robert Curry's jeep crossed the centerline causing a serious accident, his blood-alcohol content was twice the legal limit, and he had three prior DUI convictions. He argued that the accident was instead triggered by Vietnam War flashbacks, which his wife said had gotten worse since 9/11. The jury acquitted him.

### *Berlin, Germany*

The wonders of motherhood, from *Der Spiegel*:

Vets at a Berlin zoo have been forced to separate a baby rhino from his mother for fear she might accidentally trample him to death.

### *Los Angeles*

Evidence that America's Second City will not tolerate crime, from a dispatch in the estimable *Los Angeles Times*:

The Los Angeles City Council voted to ban the use of "silly string," a colorful foam that children spray on each other, because of environmental and security concerns. Offenders will face fines of up to \$1,000.

### *Oslo, Norway*

A worthy crusade continues, as commented on by the Oslo-based news and culture magazine *Utrop*:

The Prime Minister launched a two-year, zero-tolerance plan to eliminate bullying in schools, with a "Manifesto Against Bullying" which encourages competitions in writing essays and rap music against bullying.

### *Berlin, Germany*

A vacation for folks who have tried everything else, as relayed by *Swissinfo*:

A German company offers tourists an authentic jail experience in East Germany's biggest women's prison. For 100 euros (\$122), visitors are fed sloppy food and deprived of sleep in a tiny cell.

### *Roseville, Mich.*

Artistic integrity meets zoning laws, from the *Macomb Daily*:

Artist Edward Stross is threatened with jail time for his reproduction of Michelangelo's bare-breasted Eve from the Sistine Chapel. The painting violates a deal exempting Stross from the local sign ordinance, in exchange for his agreement not to paint words, breasts, or genitals on his studio.

### *Preston, England*

Curious episode in the United Kingdom's War on Drugs, from the estimable BBC News:

A drug-sniffing dog died from a suspected overdose of amphetamine after a police search for drugs, said Lancashire police. No drugs were found in the search.

### *Melbourne, Australia*

Setback in the struggle for prisoners' rights, from a dispatch in the *Sydney Morning Herald*:

Prison officials Thursday rejected a triple murderer's application to be allowed to wear make-up while serving his sentence. His request for a sex change was also rejected.

### *Sapulpa, Okla.*

The career of a public servant ends prematurely, from a report by KOCO, Channel 5 News, Oklahoma City:

An Oklahoma judge facing removal over charges that he masturbated and used a device for enhancing erections under his robes during trials said on Wednesday he would retire from the bench. The timing of his retirement means he will receive a full government pension.

### *Teheran, Iran*

Perplexing development in the world's most conservative country, from a dispatch in the *International Herald Tribune*:

The band Queen, fronted by gay icon Freddie Mercury, has become the first rock band to be given the official seal of approval in Iran with the release of an album of their greatest hits. Western music is largely frowned upon in the Islamic republic and homosexuality is a crime.

### *New York City*

The nation's largest city continues its crackdown on crime, from *Newsday*:

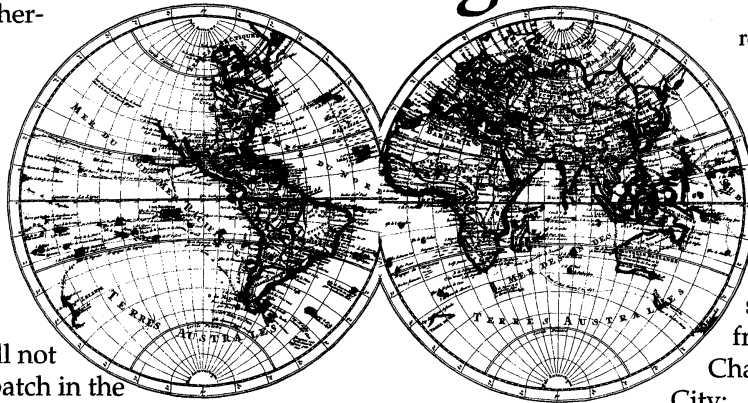
An 86-year-old man who was picking up take-out meat loaf at Luke's Restaurant was arrested and handcuffed for "disorderly conduct" when a law enforcement official concluded that he was "being overly assertive and disrespectful" and the officer "feared for his partner's safety."

### *Ashgabat, Turkmenistan*

Curious exercise of presidential power, from Moscow's venerable *Pravda*:

Turkmenistan's president has ordered television newsmen to stop wearing make-up because he has difficulty telling the men from the women.

# Terra Incognita



Special thanks to Juan Lopez, William Walker, and Fletcher Rice 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](mailto:terraincognita@libertyunbound.com).)

# Can anyone be happier than a Catholic libertarian?

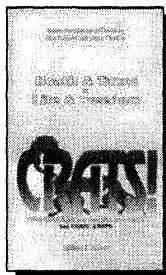
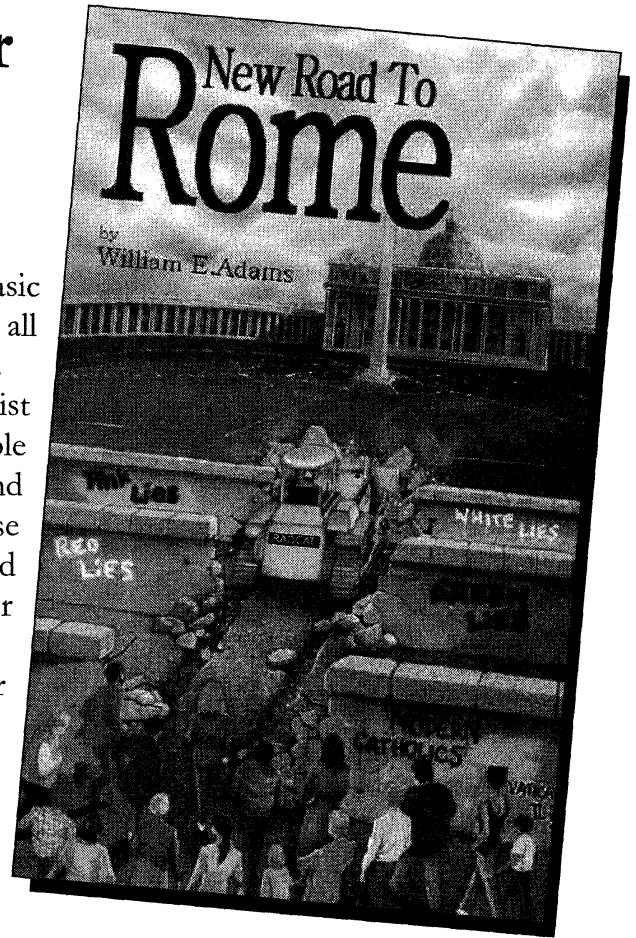
Libertarians and Roman Catholics share one basic teaching, the Doctrine of Subsidiarity. It teaches that all problems should be solved at the lowest possible level.

Moses got Aaron to do his talking for him. Christ appointed apostles. Bishops ordain priests. The people of God have practiced subsidiarity in theological and operational matters. God loves Libertarians because they believe in subsidiarity when it comes to politics, and that's a bigger step toward truth than many on the other side can take.

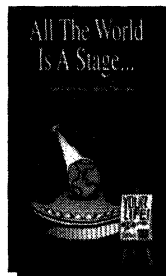
On the other side, control freaks want to do our thinking for us.

Should all libertarians be Catholics? Many already are, in that they feel God has given them the dignity and ability to think for themselves. It's a little harder to take the leap into full obedience, but a lot of smart people have.

You ought to explore this, especially if you're starting to be bitter and angry about how freedom is being destroyed a step at a time. Three books will cheer you up.



*Crats!* is a novel, halfway between Rand and Aquinas. It shows the relationship between reducing the size of government and God's great love for us. It shows that we can't fix government, even with armed rebellion, but we can fix ourselves.



*All the World is a Stage* is an easy read. It simplifies the world so we can see where we sit in our enemies' sights.

*New Road to Rome* explores a new theory of matter and human history. It helps us see that we live in God's world, which He programmed in place several thousand years ago. All human history (are you a child of Shem, Japheth, or Ham?) is boiled down to what our great-great grandparents believed. (They were largely right.). Learn about Catholic Fundamentalism and Radical Catholics, the theological soul-mates of libertarians.

Each book is \$6.95, plus \$2.00 s&h. The author has over a hundred patents, a sense of humor, and understands that, politically, libertarians are the salt that gives the world an important flavor. Order all three books for 19.95, plus \$3.00 s&h. If you don't like them, give them to your angriest friend, or send them back. We'll refund the purchase price.

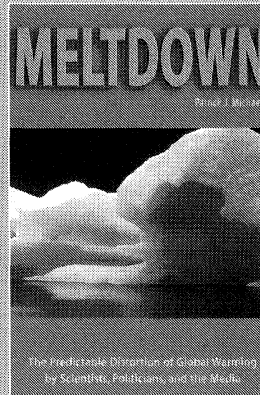
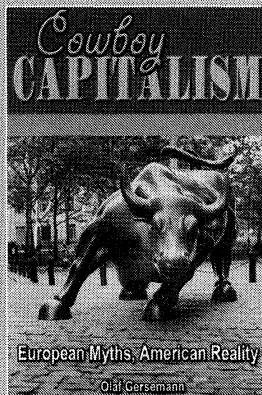


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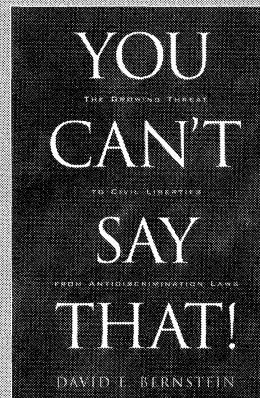
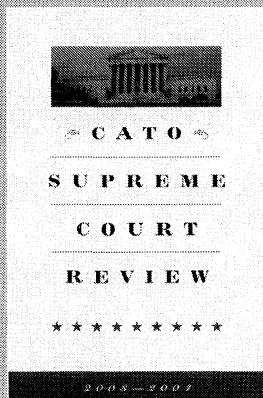


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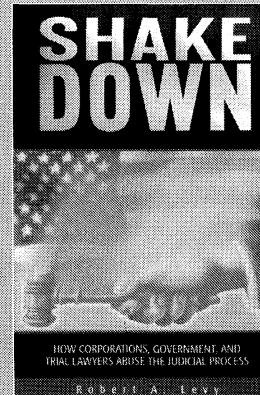
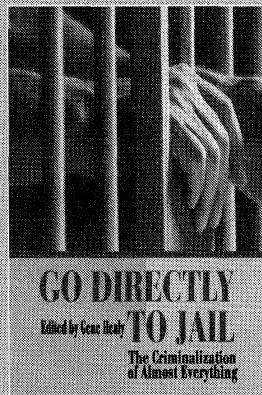


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