

# Liberty

Nathaniel Branden  
on living with  
**Ayn Rand**

September 1999

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## Dear Bill Gates,

Now that you've played monopoly with the government, please allow me to suggest a saner game . . .

*Peter McWilliams*

## Genocide in Kosovo?

*by R. W. Bradford*

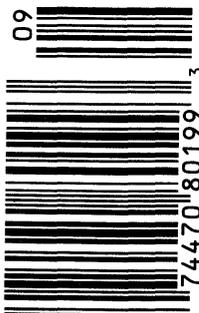
## The Wisdom of Bobby Kennedy

*by Stephen Cox*

## Clinton, and Other Liars

*by Jonathan Ellis*

**Also:** *Jen Tracy* reports on what the Russian secret police are up to, *Sarah McCarthy* celebrates being "sexually harassed" in high school, *Forrest Smith* exposes the cowardly paramilitaries who "protect" us . . . plus other articles, reviews & humor



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*"No man's life, liberty or property are safe while the Legislature is in session." — Gideon Tucker*

# Liberty

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## Letters

### Simple Solution

I agree with Jane Shaw ("Amoral Cocktail," July) that the Littleton tragedy probably has many contributing factors rather than one overriding cause. However, she overlooks two important ingredients in her deadly cocktail. I am referring to the compulsory public school attendance laws, and the fact that there are no real alternatives to public school available for most families.

Abolish the former and fix the latter. Do this, and I have no doubt these school shootings will go the way of the "anarchist" restaurant bombings of the last century.

Scott A. McLennan  
Minneapolis, Minn.

### Brainwashed!

July's commentaries on the massacre at Columbine High School in Littleton, Colorado, overlooked what I believe is the real significance of the wave of violent incidents at schools in recent years. I believe that school shootings are an indirect consequence of government's reliance on psychological conditioning. Teachers in government-funded schools use brainwashing tactics to reinforce politically correct (i.e., pro-government) ideas. Politicians use rewards and penalties to shape peaceful behavior. They propose taxing junk food (to prevent obesity), banning cigarette advertising (to curb smoking) and restricting the distribution of credit card applications (to limit consumer debt).

When a child turns a gun on his classmates and teachers, politicians suggest that there are too many negative influences (e.g., television violence, violent video games, violent music and guns). Therefore, government should control what children — disarmed of the will to think and act independently of influence and stripped of the capacity to reason, in government-run schools — will ultimately be influenced by.

The solution is to teach children how to exercise judgment and to instill in

them respect for individual rights. Individuals who think and act independently of influence tend to act responsibly, deal fairly with others, develop and pursue constructive interests and overcome abuse and neglect. The belief in our culture that it is proper to coerce individuals to live, work and suffer, for the benefit, appeasement and ignorance of others was a much more important influence on the behavior of Littleton killers than exposure to violence in the media.

Charles Stampul  
Wappingers Falls, N.Y.

### A Private Matter Between Buyer and Seller

In "Privacy Unbound" (July), Bruce Ramsey argues that "A society with the widest feasible scope of private action will mandate that some things be open to scrutiny. If we allow a wide freedom to sell patent medicines, we should require that all ingredients be printed on the label."

I see a conflict between "widest feasible scope of private action" and "require that all ingredients be printed on the label." Labeling requirements can in fact significantly reduce the "scope of private action," to the detriment of both sellers and buyers. It seems to me that a strictly libertarian point of view demands rather less: only that the parties to a transaction not deceive each other about the goods or services to be exchanged. This follows from the libertarian concept of private property rights, which include the right to transfer one's property (material goods, labor, space, etc.) to a willing recipient. The transfer is actually accomplished by announcing it. Thus, when one party says (or perhaps writes) "I give you this bicycle," and the other says "Thanks," the ownership of the bicycle is legally changed. Transactions in which each party gives something to the other form the basis of a market economy, and may be called "sales," "swaps," or "jobs," depending on the nature of the goods or services exchanged.

Applying the above principle to

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Ramsey's example of a patent medicine, the crucial question is whether the product lives up to the claims made by its vendor for its alleged curative properties, since these claims specify what is actually being sold. Of course, if the vendor does put a list of ingredients on the bottle, then those form part of the product description and must also be correct.

In a way, a list of ingredients is just another characteristic of a product, and regulations that require its presence are not fundamentally different from regulations restricting or mandating other characteristics. To be consistent, a libertarian would frown on both kinds of regulations, and leave the issue of the ingredient label to be decided privately between seller and buyer.

David J. Slate  
Chicago, Ill.

### Missed Target

Clark Stooksbury makes an interesting and perhaps valid point in "Brill's Discontent" (July). Perhaps state gun control regulation would turn out to be as incompetent as auto registration.

However, he misses a chance to respond to Brill (and Clinton, Sarah Brady and other handwringers) with a serious rebuttal.

Brill says guns should be registered like cars. Fine, I have absolutely no problem whatsoever with that.

Cars are registered by states, not by the federal government, and the way they are registered varies from state to state as each sees fit. The federal government has no authority whatsoever to register cars.

More importantly, the states only register cars that are used on public, state-owned, roads. Want a car to use strictly on your farm, or to race on privately owned tracks, or a truck to patrol the private parking lot of your shopping mall? To the best of my knowledge no state requires registration.

So to carry the analogy to guns, if you use a gun (not merely transport one) on public land, then perhaps the state, in its capacity as owner of the land, should be able to register it. But if you do not use it on public land, they should have no power.

John R. Henry  
Fajardo, Puerto Rico

### Political Death Wish

Until I read Jacob Hornberger's April article, "Why Harry Browne Doesn't

Work," I believed that the only direction the Libertarian Party could go was up; but he may have proved me wrong! Hornberger has convinced me that I am wasting my time thinking the Libertarian Party will ever be detected on political radar, let alone get a president elected. It is almost as if the party has a political death wish and would rather wallow in historical ideals than get voters.

I have read many issues of *Freedom Daily* and have even passed them around

among friends. Most people are too enamored with the social promises that we have, and continued to get from the major parties. Its like the politicians were the campfire and the people are the moths that get hypnotized and keep coming in only to get burned. Americans are in a political co-dependency that is like a bad marriage; knowing there must be something better but are afraid to take a chance.

Hornberger and Browne are not that

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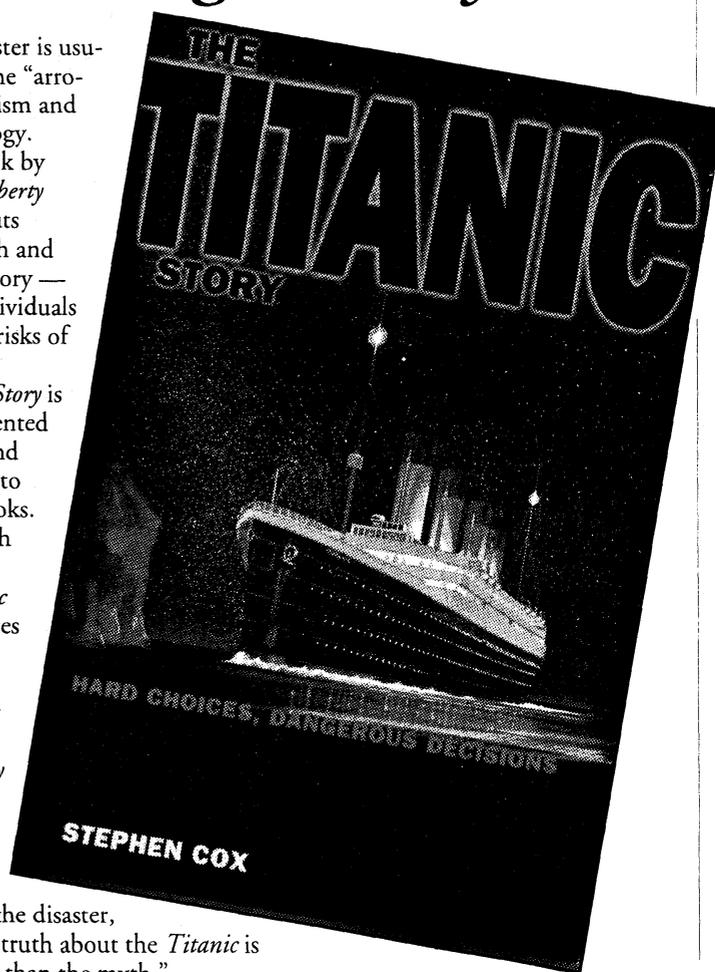
—R. W. Bradford

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much different with regard to platform and ideals. They only differ in a few tactical approaches to getting votes.

All I can offer Jacob Hornberger is to read the recent article in *Home Business Magazine* about how Jesse Ventura and his network of home-based entrepreneurs got him elected. I have also read that Ventura has begun the process of getting Federal approval for Minnesota to grow hemp.

Maybe Hornberger would benefit in talking with Jesse and studying his campaign rather than fragmenting a small party even further. Hopefully this will get the Libertarian party above the political and media stealth position it always seems to be locked into. You can bet that other parties will cob every idea they can get from Ventura because they are already experts at stealing.

Even though I am currently at an all-time Libertarian low with regard to our party, I will still vote Libertarian.

Jack Satkoski  
Sagle, Id.

### LP Strategy: Rhyme Without Reason

Sandy Shaw notes ("Why we sue," July) that the Libertarian Party plans to spend \$10 million on its next Presidential campaign. She proposes spending the money on litigation instead. While all Libertarians were delighted by her FDA First Amendment lawsuit, in the long term political action is more effective than litigation. A Republican-Democratic Congress will pass new unconstitutional laws faster than Libertarian litigants will strike them down.

Shaw is nonetheless totally correct to skewer the national Libertarian Party for its fixation on the national Presidential campaign and other centralist programs, such as the "Operation Everywhere" and Project Archimedes membership recruitment schemes.

Fortunately the Libertarian Party has alternatives: Alternatives to a national centralist political campaign, namely campaigns for local office. Alternatives to a national centralist party, namely local groups supporting their members in winnable campaigns. Alternatives to a national centralist plan to recruit members, namely Local Organization to recruit local activists and local candidates. Alternatives to a revealed political strategy, namely Libertarian strategic analysis as urged by the Libertarian

Strategy Caucus. Alternatives to a national office that raises millions, yet spends a pittance on supporting electoral campaigns.

A national central coal board could never compete on even terrain with private entrepreneurs. National centralism — Washington trying to run the world — fails in commercial markets. Why should national centralism work any better in the marketplace of ideas?

George Phillis  
Worcester, Mass.

### Litigate 911

David Boaz showed convincingly ("No Contradiction Between Rights and Consequences," May) the indivisibility of natural rights and consequentialism and how best to deal with them in practice. He also put emergencies into the background where they belong, but I would suggest to pedants like R.W. Bradford that even the unreal world of emergency situations can be dealt with if we must discuss them: If a blizzard threatened my life, I would if necessary break into a house and even disregard the owner's protests. I would know it was wrong, but know also that I would put it right later by compensation. Proper compensation renders the crime irrelevant. This solution can be applied to most of the oft-quoted "dilemmas" such as the misanthrope refusing to let in the man on the window ledge, the theft of a gun to defend oneself, etc. The key is legal action if the criminal makes it necessary. This enables everyone to live happily ever after. Now let's let these emergencies rest in peace.

Tony Dear  
Victoria, Australia

**R.W. Bradford responds:** If a blizzard threatened my life, I too would if necessary break into a house and even disregard the owner's protests. The difference between me and Mr. Dear is that I recognize that this is a violation of what some libertarians consider to be a fundamental law: namely, that it is always wrong to initiate the use of force. I have serious reservations about Mr. Dear's dictum that "Proper compensation renders the crime irrelevant." Suppose, for example, that a man rapes a woman, then pays compensation. Does this render the crime of rape irrelevant?

In the August *Liberty*, we identified Chris Matthew Sciabarra as "author of *Ayn Rand and Feminism*." In fact, Mr. Sciabarra is co-editor (with Mimi Reisel Gladstein) of *Feminist Interpretations of Ayn Rand*.

# Reflections

**Janus profiled** — Bill Clinton, the man who (while bombing Yugoslavia) told children that you cannot solve differences with violence, is now campaigning against local law enforcement using racial profiling. This is the same Bill Clinton that ordered Al Gore and the FAA to assemble a profiling database for airline passengers. Passengers are now routinely searched on the basis of religious and ethnic backgrounds. He is forcing state and local police to ignore the fact that almost one out of every three young African-American males have run afoul of the law, while holding every Arab-American responsible for a handful of terrorists. —TS

**There's no one here but us liberals** — Does *The Washington Post* think liberals are Communists, or maybe that Communists are "liberals in a hurry," as was once said? A front-page article in July, part of a year-long series on the history of the century, focused on Washingtonian Mary Stalcup Markward, who went undercover for seven years as an FBI informant in the Communist Party of the District of Columbia and then surfaced to tell her story to the House Committee on Un-American Activities. In the story, *Post* reporter Heming Nelson writes, "Many people, especially racial and religious minorities, were attracted to the Communist Party's liberal, progressive agenda." He goes on to describe a Washington neighborhood known as Trenton Terrace: "Many of the residents there were idealistic liberals — ranging, [longtime leftist Marvin] Caplan says, from actual Communist Party members to Truman Democrats." These days few right-wingers would dare to say that there was a common bond between Communist Party members and liberals. But apparently *The Washington Post* sees Communists as a breed of liberals. And who is to disagree? —DB

**Fifty million Frenchmen can be dead** — "According to Nostradamus, 'In the year one thousand nine hundred and ninety-nine and seven months, a great fearful King will come from heaven.'" This and other passages from Catherine of Medici's famed doctor have been interpreted to mean that the end of the world should have come on July 9th. . . . Or, in other interpretations, human civilization ceases on August 11, when the upper half of France will be blackened by an eclipse of the sun. Somehow, a disaster in France translates into the end of the world. Michel de Nostredame (Nostradamus) was French, after all. —WM

**What about the bats in the belfry?** — A March 9, 1999 ruling by the U.S. Court of Appeals for the 2nd Circuit extends a manufacturer's duty to warn of risks to even obvious ones. The Court ruled that a manufacturer of meat grinders shared some liability for an amputated arm suffered by a worker after a supermarket had removed the safety guard from the grinder. "A reasonable manufacturer may have a duty to convey" to users that protective guards are available "even if the danger of using a grinder were

itself deemed obvious," said Judge Guido Calabrese.

In Guido's spirit, then, we hereby provide a few warnings for users of baseball bats:

1. Do not swing bat while standing within reach of another person. You might cripple or kill them.
2. Do not attempt to swallow a bat. You might die very painfully of asphyxiation.
3. Do not use as a dildo.
4. Do not leave on a stairway. It may cause a fall that results in permanent paralysis or death.
5. Keep locked up while not in use to prevent unauthorized and untrained personnel from doing who knows what with it.
6. Do not leave lying on the floor or serious adverse consequences may ensue. At best, it may attract a beaver into your house.
7. Do not leave on top of an operating stove unless you have fire insurance and are already outside the house.
8. Do not carry in the presence of a police officer or you may be shot to death if the officer is paranoid.
9. Under no circumstances, use it to hit a baseball. You might hit a bird protected under the Endangered Species Act.

One wonders how manufacturers will fit warnings about all the obvious potential risks on a label or package. And even after cramming them all on, the manufacturer might still be liable because consumers couldn't expect anyone to read all that stuff before using the product. —SS & DP

**Bite the hand that feeds** — The United States and other capitalist countries are still supporting the United Nations, and the United Nations is still reproving them. According to a July 12 report in *The Guardian*, the UN's annual Human Development Report considers it "grotesque" that "the world's 200 richest people" have recently "doubled their wealth to more than \$1 trillion," while the income of the world's poorest 1.3 billion people has not increased. The report claims that "the richest one-fifth account for 86 percent of world consumption while the bottom one-fifth account for just 1 percent." It observes that "almost three-quarters of the world's telephone lines . . . are in the West."

It appears never to have occurred to the UN's brilliant analysts that three-quarters of the world's business is done in the West, because over 86 percent of the world's production — not just consumption — is done there. Hence all those telephone lines.

A person of normal intellect would hail the world's increase in wealth, and recognize its implications. Western people are not better or smarter than anyone else; nor does "the West" exist in some miraculous geographical zone where telephones fall from the sky. There must therefore be something distinctive about the social and political system of

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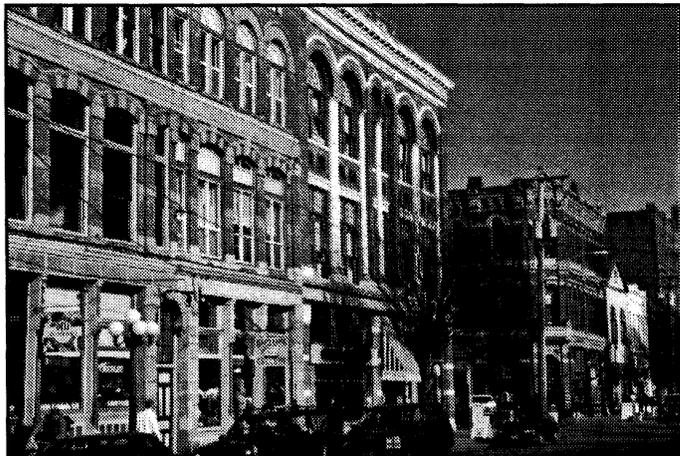
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the West, something capable of producing the amazing economic effects described in the United Nations report.

That something is individual rights and capitalism.

But the United Nations has never been a haven for normal intellects. Its response, therefore, is to blame the social system of the West, scorn its effects as "grotesque," and call for its undoing — for "a rewriting of global economic rules to avoid inequalities between poor countries and wealthy individuals," and for "a more representative system of global governance." In other words, we should let the United Nations take the phone lines away from Microsoft and General Motors and give them to politicians in Madagascar, so that they can start producing their fair share of software and SUVs. Or would that be a "grotesque" idea? —SC

**Knick-knack, paddy-wack** — Now we're supposed to believe that Washington somehow *found* a trillion dollars at the same time President Clinton was engineering a free-drugs-for-seniors policy. It should be called the "keep 'em alive enough to vote!" program. Coming soon, free biscuits for puppies! It will cost the annual budget a minuscule amount compared to the surplus . . . —TS

**Vocabulary test** — Define "legitimate" as used in the following sentence: "Almost a month after entering Kosovo, NATO forces remain the only legitimate authority in the province" (*The Washington Post*, July 11, 1999). —DB

**A Ken Starr in every pot** — After Democratic whining about Independent Counsel Kenneth Starr reached a fevered pitch, Congress decided not to renew the independent counsel act in June. Democrats said Starr was out to "get" Bill Clinton. Last year Hillary Clinton, in a statement foolish and trite even for her, implied that Mr. Starr's work was part of a "vast right-wing conspiracy." I don't remember her or any other Democrat howling in indignation when Independent Counsel Lawrence Walsh was zealously digging to find dirt on Republicans involved in the Iran-Contra affair.

Politicians on both sides have condemned the very idea of an independent counsel, charging that it merely looses a wild bull in Washington to gore whomever he desires, and that it greatly interferes with the workings of the administration in power. Many Clinton supporters sadly lament that, due to the Lewinsky affair, Clinton failed to accomplish his agenda and secure his place in history. Well, hurray for the independent counsel! Long may he reign! In fact, we need to expand the powers and scope of the independent counsel, not get rid of them.

I recommend that on every Inauguration Day, as each new president is sworn in, next to him an independent counsel will also be sworn in. It will be the duty of this prosecutor to serve as a watchdog and a shadow, hounding the president constantly, an ever-present thorn in the president's side to keep him distracted from the issues at hand. In addition there should be several independent counsels whose job will be to hound all the members of Congress; some congressmen would require a full time independent coun-

sel just for themselves (i.e., Ted Kennedy).

The independent counsel has been an accidental but wonderful discovery in the fight to limit the out-of-control growth of government and stop those activists who would take away our freedoms with intrusive laws. Why rid ourselves of it now? —DCS

**Heat ain't necessarily so** — Get ready for the annual wave of environmentalists blaming summer heat on man-made gases, and forecasts of impending doom. They use summer heat the same way witch doctors used eclipses to frighten the tribe into human sacrifice. Most of the reasons that temperatures seem higher than previous years is reliance on the heat index to inflate actual temperature. The crisis is nothing more than local television stations manufacturing a lead story. —TS

**It usually begins with Beccaria** — In 1764, at the age of 26, Cesare Beccaria found himself an international celebrity, with the publication of his masterwork *Dei Delitti e Delle Pene* ("On Crimes and Punishments"), which was soon translated into French, German, Polish, Spanish, Dutch, and English; eventually, the book appeared in 22 languages.

Beccaria created the first systematic theory of criminal behavior and public policy control of crime, thereby creating the social science of criminology. He also denounced torture, secret trial, corrupt judges, and degrading punishments.

Dubbed Newtoncino by his admirers, Beccaria said that he was applying geometric principles to criminal law. He reasoned that a penal system should provide punishment only severe enough to preserve security; any punishment above this level was a form of tyranny. As Beccaria put it, the criminal law should provide, "That bond which is necessary to keep the interest of individuals united, without which men would return to their original state of barbarity. And thus, Punishments which exceed the necessity of preserving this bond are in their nature unjust." (Contrast Beccaria's view with that expressed in Sen. Orrin Hatch's juvenile crime bill [S. 254] currently moving through Congress. That bill provides mandatory five, ten, and 20 year prison sentences for violations of laws about gun possession, and other non-aggressive offenses.)

Beccaria influenced English thinkers like philosopher Jeremy Bentham and legal theorist William Blackstone, as well as many French philosophers, including Voltaire, Diderot, and Buffon. Sweden's Gustavus III, the enlightened Empress Maria Theresa of the Austrian Empire and the Empress Catherine the Great of Russia reformed their criminal justice systems along Beccaria's suggestions.

John Adams apparently got hold of a European edition of *On Crimes and Punishments* before the book was published in America in 1777. Adams served as defense counsel for the British soldiers accused of firing on unarmed civilians in the Boston Massacre in 1770. In explaining why he would defend such unpopular clients, he quoted Beccaria: "If I can but be the instrument of preserving one life, his blessings and

**Who's Who**

DB	David Boaz
DC	Douglas Casey
DCS	David C. Sphar
DK	David Kopel
DP	Durk Pearson
DRS	David Ramsay Steele
EDD	Eric D. Dixon
JOG	J. Orlin Grabbe
MMS	Martin M. Solomon
RWB	R.W. Bradford
SC	Stephen Cox
SS	Sandy Shaw
TS	Tim Slagle
WB	Will Block
WM	Wendy McElroy

tears of transport, shall be a sufficient consolation to me, for the contempt of all mankind."

Beccaria's influence can be seen in the Eighth Amendment to the United States Constitution, which outlawed cruel and unusual punishment. His ideas are also visible today in the movement to abolish the death penalty, a punishment which Beccaria was the first notable thinker to oppose.

Thomas Jefferson liked *On Crimes and Punishments* so much that he carefully copied many lengthy passages into his *Commonplace Book* containing his favorite sayings, which he used as his principal modern authority for revising the laws of Virginia. Jefferson quoted a succinct and powerful statement of how gun control laws harm the innocent and assist the criminal:

False is the idea of utility that sacrifices a thousand real advantages for one imaginary or trifling inconvenience; that would take fire from men because it burns, and water because one may drown in it; that has no remedy for evils, except destruction. The laws that forbid the carrying of arms are laws of such a nature. They disarm only those who are neither inclined nor determined to commit crimes. Can it be supposed that those who have the courage to violate the most sacred laws of humanity, the most important of the code, will respect the less important and arbitrary ones, which can be violated with ease and impunity, and which, if strictly obeyed, would put an end to personal liberty — so dear to men, so dear to the enlightened legislator — and subject innocent persons to all the vexations that the guilty alone ought to suffer? Such laws make things worse for the assaulted and better for the assailants; they serve to rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man. They ought to be designated as laws not preventative but fearful of crimes, produced by the tumultuous impression of a few isolated facts, and not by thoughtful consideration of the inconveniences and advantages of a universal decree.

This passage is very popular with Second Amendment enthusiasts, many of whom, unaware of the contribution of Beccaria, believe it is the work of Jefferson himself. —DK

**Implants R Us** — The push to ban vinyl toys seems to be a repeat of the breast implant scare. Recent peer-reviewed scientific research has concluded that implants are completely safe, and the frenzy over them was based not on science, but on the courtroom opinions of Jenny Jones's peers. The controversy boils down to one simple fact: some children like to put synthetic playthings in their mouths, and some adults don't like it. —TS

**The market doesn't run for office** — Al Gore seems to have learned the wrong lesson about giving credit where it's due. Recently lambasted for his claims of responsibility for creating the Internet, Gore has taken a less bombastic approach to economic growth by acknowledging that the current boom in economic activity began while George Bush was president in 1991, *The Washington Times* reports. While his newfound respect for the accomplishments of others is vaguely reassuring, Gore's nod to the Bush administration reveals a continuing habit of assigning credit to the wrong places. In this case, he inappropriately credits

government with triggering the growing economy.

No matter who's in the White House, the only way government can successfully spur economic growth is by getting out of the way. Even if we could unreservedly say George Bush had a better record than his predecessors at leaving the economy alone, the best we can say about any president's economic policies is: He wasn't as good at screwing things up. —EDD

**Good for the goose** — With Hillary officially on the political prowl, the media is bound to muckrake. Then, a slew of self-referencing broadcasters, who believe that *they* are the news, will feel equally bound to soul-search about violating the personal life of politicians. No one states the obvious. Politicians bring such inquiry on themselves. They present their spouses and children, their churchgoing and military records to the public as credentials for the job. It is rank hypocrisy for a politician to get upset because someone checks out the all-American qualifications that he himself has flaunted. Employers look into the claims made on application forms. Why exempt politicians? Dig deeper and let the mud splatter where it will. —WM

**PIS poor** — Congress allowed the independent counsel law to lapse in June. Guess who will do the investigations of sensitive politically encrusted matters now? The Public Integrity Section (PIS) of the Justice Department. One small problem, however, is that the highly ethical PIS has itself been breaking the law for two years running. As reported in the March 22, 1999 issue of *The National Law Journal*, PIS is required by federal law to report to Congress at the beginning of each congressional session on the probes and prosecutions that the section conducted in the previous year. The 1998 report was due seven months ago. The 1997 report was due 19 months ago. And the 1996 report was due 31 months ago. Guess nothing was going on. . . . —SS

**Downshifting the police state** — In the little town where I live, the speed limit is posted on a major thoroughfare at 30 mph. Approximately 80 percent of drivers habitually exceed this limit. I am in a good position to appreciate this; I often drive a motor scooter whose top speed is 30, and I find that drivers routinely pass me illegally (there is no



"A special prosecutor? — for me?"

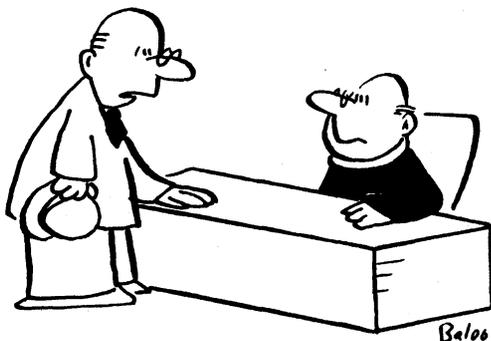
passing lane), honk their horns at me, make obscene gestures at me, motion for me to drive on the shoulder (which is illegal), or (if they are especially meek) stack up impatiently behind me. Despite the fact that the speed limit is routinely flouted, there have been few accidents and, so far as I know, no fatalities at all on the road, despite its having the highest traffic of any in town.

Local people aren't particularly upset by this unreasonably low speed limit. Some people favor it because they oppose motor vehicle traffic altogether. (A recent candidate for city council whose platform called for banning all motor vehicles from this sprawling, hillside town, got, as I recall, 27% of the vote in a three-way race — a measure of wacko environmental sentiment if ever there was one. One of those elected to city council proposed a city-wide speed limit of 15 mph, to encourage people to walk and ride bicycles, like she does.) Business owners along the road believe slower traffic increases the chances drivers will stop and patronize their businesses. Risk-averse people believe that a lower speed limit means greater safety.

While the reasons for the low speed limit are many and some are difficult to understand — if people really believed what they say, presumably they'd obey the speed limit themselves — the consequences are not. The low speed limit gives the local police an excuse to stop and cite virtually any motorist. Whenever they see a driver or a vehicle that they deem suspicious for any reason, they have a pretext to stop, cite, fine, search, and use whatever they find in their warrantless search as evidence in court.

A couple months ago, I was surprised to learn during an interview with a young man seeking work at *Liberty*, that he had previously been a police officer. He was a loquacious fellow and shared with me several anecdotes about stopping drivers because he was suspicious of them. (And he suspected a lot of drivers: he told me that no one had a reason to drive a car between 2 a.m. and 5 a.m. unless he were drunk.) He explained that the traffic laws are such that a police officer can stop, cite and search virtually any motorist: he need follow his prey until that inevitable moment when some law or another is broken. (His favorite, very useful in his lightly trafficked community, was stopping people for illegal lane changes: if one of a vehicle's tires touched the line marker, he explained, that's enough.)

The Supreme Court, bloated with conservative



"I know it's irregular, but I'm on my way to be audited, and I was wondering . . . could you possibly administer last rites?"

Republican appointees, has ruled that virtually any search pursuant to a traffic violation is legal. In effect, when a person starts his engine and begins to drive on a public highway (private parking lots and driveways are considered "public highways" for purposes of the law, by the way), he has given up his constitutional right against warrantless search.

One of the pleasures of living in Washington (the State, not the Death Star) is that those who live here are protected by a state constitution that offers slightly more protection of individual rights than the federal constitution — and by a state supreme court that often respects those rights. Consider the case of *Washington v. Ladson*, decided by the Supreme Court of Washington on July 1.

On October 5, 1995, two police officers observed two young African-Americans driving in Lacey, Washington. There were no apparent driving violations and the officers were not on traffic patrol: they were on "proactive gang patrol." They followed the young men for some distance, even waiting while they stopped and refueled their car. Eventually, they spotted a minor violation, stopped the car and cited the driver. They proceeded to search the car "incident to Fogel's [the driver's] arrest," discovering that his passenger had a small amount of marijuana and a handgun in his jacket. They arrested the passenger, who, in court, argued that the search was illegal, on the ground that it lacked legal justification. He was nonetheless convicted. During his appeal, the U.S. Supreme Court ruled that traffic stops made solely for the purpose of searching an individual deemed suspicious by the police are eminently constitutional.

Enter the Washington Supreme Court. Acting upon Washington Constitution article 1, section 7 — which specifies that "No person shall be disturbed in his private affairs, or his home invaded, without authority of law" — the court threw out the conviction. It was a blow, albeit a small one, for legal protection of liberty.

The Court did not rule that all searches pursuant to traffic stops are unconstitutional, or even that such searches are generally unconstitutional. It ruled that "the reasonable articulable suspicion that a traffic infraction has occurred which justifies an exception to the warrant requirement for an ordinary traffic stop does not justify a stop for criminal investigation." A search pursuant to a traffic stop is still legally justified, provided the police claim that they were seeking to enforce traffic laws, not merely using especially strict enforcement of traffic laws as a means of stopping and searching whomever they deem suspicious.

Which brings me back to the young man who told me he could always find a pretext to stop any driver. And to the speed laws in a small town like mine that are set so low that even elderly women routinely exceed them. When my neighbors support a legal speed limit that virtually no one obeys, they are not merely giving the police arbitrary power to stop and cite anyone. They are giving police arbitrary power to search anyone, a far more dangerous thing to do. After all, the American Revolution was fought partly to secure the right against arbitrary search. The Fourth Amendment very clearly establishes this right:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and sei-

zures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

One solution to the problem, of course, is to privatize the roads, and turn establishment and enforcement of the rules of the road over to the roads' owners, just as the establishment and enforcement of rules of conduct in the hallways of hotels, apartment buildings and offices are the responsibility of the buildings' owners. I've never heard of anyone being held at gunpoint and searched for walking on the wrong side of a hallway, except in a prison.

A less radical and more promising approach from a practical point of view would be to separate the enforcement of traffic laws from the enforcement of criminal laws. This would be a simple matter: the enforcement of parking violations is already separate from that of traffic and criminal laws. (A uniformed meter maid once noticed that my motor-scooter license was expired. "I cannot cite you," she said, "because you haven't violated any parking regulations. But if a regular policeman sees you, you'll get a ticket.")

In the meantime, thanks to our state supreme court, people in Washington state enjoy slightly more "security in their persons, houses, papers and effects" than people in other states. But only slightly more. It is a sad commentary on America that police can still pretty much arbitrarily stop and search any traveller, anytime they want, with only a minor limitation on that power in one, smallish state. —RWB

**Buzz words** — Latest to join the ranks of encryption-nazis, along with *en vogue* bashing of Bill Gates, is Robert Novak, a columnist for the *Chicago Sun-Times* and regular on CNN's *Capital Gang*. Writing in a June 28 column "A high-tech defeat," Novak drags out the tired boogymen of "international drug lords" and "drug cartels" to explain why the DEA's Thomas A. Constantine and the FBI's Louis J. Freeh should be able to listen to our conversations at their leisure. The fact they can't is all the fault of Bill Gates ("the world's richest man," Novak darkly notes) because "encryption devices sold by his company and used by international drug lords are so powerful they cannot be deciphered by law enforcement." Gee, fancy that.

The satire is all the richer once one realizes that Novak may believe his own moronic bilge. Let's summarize the plot and the cast of bit players.

First we have Bill Gates, an evil plutocrat who is being taken to task for not selling shoddy-enough products: his software actually runs on some computers, and his encryption devices can't be broken by Beavis and Butthead.

"As Gates knows, no computer is big enough to break Microsoft's new codes," warns Robert Novak, crusading journalist, moral conscience of the nation, and also secretly-paid Microsoft PR agent whose primary task is to promote the notion that some of Microsoft's encryption products are actually secure.

Next, we have "career cop" Thomas Constantine, the ring-leader of a gang of pirates whose main job is to protect the high profit margins available to approved dealers of illicit drugs by busting the competition and thus restricting the supply. Constantine has in recent years graduated to international bank theft as noted in a previous issue of *Liberty* ("The

Money Laundromat," November 1995).

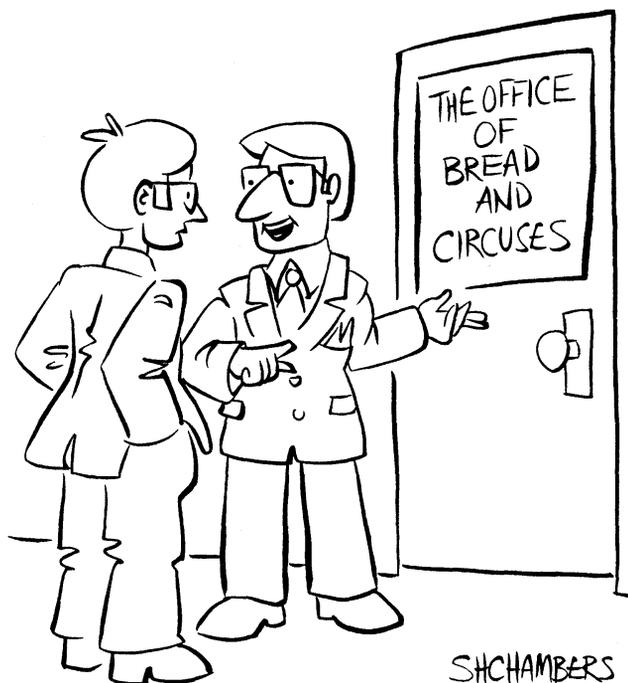
Then there are the Freehstone Kops, who (headed by a pantywaist in elevator shoes) are actually scared of real criminals, and so prefer to content themselves with monitoring the conversations of widows and orphans, and others they can easily pick on. In recent years, the Kops have adopted the motto that "if you can't beat 'em, join 'em," and (according to detailed journalistic accounts and court filings) become heavily involved in protecting the drug trade in locations such as Montana. However, part of their operation has now fallen apart, apparently because they weren't using Microsoft's "powerful" encryption products.

Now for the plot complication. Are you ready? The evil Drug Lords, who work hand-in-hand with Bill Gates to provide a paycheck to the Con and the Kops, have discovered—prepare yourself now, are you ready? — LEVEL TWO ENCRYPTION. Their billions in drug profits had not previously allowed the Drug Lords to reach this plateau of enlightenment, but now with the aid of the sinister Bill Gates they have gotten their mojo working.

Crusading moralist Novak explains: "Freeh and Constantine are desperate. Wiretapping is law enforcement's biggest weapon, authorized by court order 1,329 times nationwide in 1998 — 72 percent for drug cases. No longer able to infiltrate the narcotics apparatus, the DEA depends on eavesdropping.

"But intercepted conversations now are interrupted by a steady buzz, signifying that intelligible conversation is encrypted. What experts call 'level-one encryption' could be decoded, but the drug lords have turned to 'level two.'

"And we can't break it," Constantine told me. "There's no big computer in Livermore [Calif.] or in New York City that you can take your staff to and say, 'Take the buzz, and make it into words.' It's just that encryption is ahead of the power



"We've consolidated the Food Stamp Program and the National Endowment for the Arts!"

of the decrypt.' The agents need the key supplied by the manufacturers."

Closely pursued by a STEADY BUZZ, Con and Kops go in search of the *sacred keys*. After many adventures and close calls, the pair of lovable rogues rescue a sexy blond, Helga, 19, whose bits were previously held in bondage to Microsoft's powerful codes. She gives them a list of computer manufacturers: Compaq, Dell, Apple, IBM . . .

"You left off Microsoft," Con points out suspiciously.

"Microsoft doesn't manufacture computers," Helge explains with a flutter of her eyelashes. "We need the keys supplied by the manufacturers, remember?"

Their team is soon joined by Novak, the crusading journalist and Jesus of juju. He hastily delivers the latest news: ". . . the Senate and House Commerce committees last week approved bills to end export controls over encryption systems to which law enforcement and national security officials have no access. That would give the big drug cartels, now based in Mexico, worry-free communications with their U.S. operatives."

"But wait," Helga says, puzzled. "If the Drug Lords can ship tanker loads of drugs across the border, why is it they can't smuggle a few floppy disks, containing powerful encryption programs, or just buy them overseas — or even learn to use the Internet?"

"Hush!" commands Novak. "You are giving away national security secrets that they" — he indicates Con and Kops — "are not permitted to know."

In his June 28 column, Novak quotes Constantine about Bill Gates and his colleagues: "Their No. 1 concern is to make money. They don't live in a neighborhood where their mother is shot and killed by dope peddlers in a gang war."

Funny, Edgar Bronfman — who sells a legal drug called alcohol — doesn't live in one of those neighborhoods either. Come to think of it, neither does Louis Freeh or Thomas Constantine. In fact, I'll bet Robert Novak's mother wasn't killed by a drug dealer, any more than Bill Gates's was. Let's face it: Freeh, Constantine, and Novak are all getting paid to do what they do. They're all in it for the money.

Keep that in mind the next time you read a column by the evil plutocrat, cryptologically-illiterate, Big Brother advocate, and purveyor of buzz-words Robert Novak. —JOG

**Politics and alcohol do mix** — Sen. John McCain has written off Iowa, despite its importance as the first state to choose its delegates to the Republican convention that will choose the GOP nominee. The reason? He has long opposed the federal program that subsidizes the production of alcohol from corn, and Iowa's farmers produce a lot of corn.

Of course, very few Iowans are farmers and it would be in the interest of most to get rid of the sort of corporate welfare exemplified by the alcohol subsidy. Why don't they? "The problem is, that's not seen as corporate welfare here," Republican activist Bruce Kelley told *The Wall Street Journal*. "It's seen as help to farmers. And farmers, although millionaires are seen as people to be helped."

Why do most Iowans, like most Americans, see millionaire farmers — people who own hundreds of acres of the best farmland in the world and farm it profitably — "as people to be helped"? Part of the reason is that voters, like gener-

als, always fight the last war. Back in the 19th century, when the farmers' lives were often very difficult, Americans could not afford subsidies: there were simply too many farmers and too few other taxpayers to subsidize them.

The media haven't helped. Farmers make the news mostly when bad weather or natural disaster strikes. Around a decade ago, Hollywood produced several films about the difficulties of midwesterners who lost their farms to creditors. Of course, these films overlooked the fact that these farmers suffered because they had borrowed money to finance land speculation, and that the overwhelming majority of American farmers neither went deeply into debt to buy more land nor suffered the consequences of doing so.

Lately, there haven't been many films about the plight of the farmer. I guess maybe the story of a farm family vacationing in the Caribbean just isn't as interesting as the plight of a family losing the farm. —RWB

**Subsidize Beano?** — Not considered in the Kyoto treaty is a ban on vegetarian lifestyles. The tendency towards consumption of beans rather than meat for protein requirements most certainly threatens the environment with that notorious greenhouse gas methane. —TS

**Belgrade sprung** — Stephen Browne's memoir of his visit to Belgrade in 1997 (*Liberty*, August 1999) had some interesting points, but is rather romantic. Stephen imagined he was in a "Communist" country ruled by a "tyrant." Once this had been established (in his mind), the mere fact that anyone could say what they wanted, that opposition newspapers, TV, and radio flourished, and that mass demonstrations occurred in the streets, for weeks on end, without violence — these are mere details which apparently didn't cause him to revise the fanciful picture of Yugoslavian life he had taken with him.

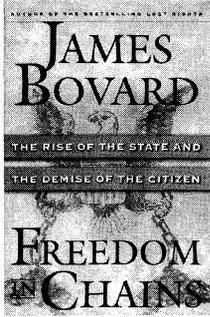
As for the fact that Yugoslavia has a multi-party system in which the various political groupings compete in free and fair elections for votes — one would never guess this at all from Stephen's breathless account. He doesn't therefore need to explain that the militant opposition to the current office-holders was confined to the capital and very few other places, and that there was strong support for Milosevic in the rest of the country. Otherwise, of course, Sloba would have shortly had to leave office. Just like in the U.S. or any other democratic country.

It's fair to say that the "Left" coalition of three parties headed by Milosevic is the heir to the former Communist Party which once ruled Yugoslavia as a one-party state, though even in the final years of Communist rule, in practice people could say what they liked in Yugoslavia, about as much as they can in the U.S. It's quite common in post-communist democracies for the former Communist party to become one of the competing democratic parties.

Stephen talks of "Milosevic's armed thugs" (the police) on the streets, and claims that "the threat of full-scale violence was never far." This is no doubt true of any instance where thousands of demonstrators take to the streets in a democratic country. The demonstrators held a disco in the streets, the armed thugs looked on indifferently, or occasionally with embarrassed smiles, female demonstrators now and then kissed the armed thugs or put flowers in their helmets, and

# Unchaining Freedom in America

## by Richard M. Ebeling



*Freedom in Chains: The Rise of the State and the Demise of the Citizen* by James Bovard (New York: St. Martin's Press, 1999); 326 pages; \$26.95.

For more than 200 years, political philosophers have attempted to portray the state as the great god that stands above the narrow, selfish interests of the individual subjects over whom it has control. They have rationalized political power as the tool for righting great social wrongs, remaking imperfect man into a more noble creature of goodness and virtue, harmonizing the purposes of the multitudes for a higher common good, and planning the organization of society for the betterment of all. The state and its servants have been idealized as the essence of the best that is or could be in man.

But what, exactly, is the state and political power? Regardless of how political theorists and apologists may have tried over the centuries to describe it, the state and political power ultimately means one thing and one thing only: coercion.

When everything else is stripped away and the state is left bare, its fundamental nature is the claim to have the right to threaten and if necessary to use physical force. And those who control the reins of political power claim the right to threaten and use force against their fellow human beings.

In his previous books, *Lost Rights: The Destruction of American Liberty* and *Shakedown: How Government Screws You from A to Z*, James Bovard itemized in depressing detail the degree to which government in modern America controls, regulates, and brutalizes the citizenry of the United States. In his newest book, *Freedom in Chains: The Rise of the State and the Demise of the Citizen*, Bovard places this growth of state power into a wider political and philosophic perspective.

Bovard shares with the Founding Fathers the belief that a political authority is necessary to serve as a guardian of the individual's rights to life, liberty, and property from the violent acts of others. But at its best, it is only an institutional device for facilitating social order, the essence of which is peaceful and voluntary relationships among the members of society. Political power is neither a holy entity nor an engine for good in any sense other than maintaining the peace among men.

To demonstrate this, Bovard documents state power

in action, both in the past and in our own time. For the state to care for men under the assumption that men are unable to reasonably care for themselves, he shows that government must necessarily deny all of us the freedom to make our own decisions, whether in planning our own futures, selecting the type of work we find most attractive and profitable to pursue, or choosing the things we each conclude will provide us with the greatest happiness.

The state is always real people elected to political office or appointed to a bureaucratic position. It is these real flesh-and-blood people, not some divine beings, who then proceed to control, regulate, punish, imprison, and even kill the citizens of the United States when the government's controls and regulation are disobeyed.

How could it have happened that political power has come to be viewed as possessing the "righteousness" to dominate our lives in this way? Bovard suggests that a primary source for this dangerous attitude has been the modern concept of democracy, under which it is presumed that since "the people" elect those who rule, the elected "servants" can never oppress those whom they represent. He clearly shows that modern democracy is not a tool for controlling political power but instead an engine for special interests and ideological demagogues to gain the implements of force to use against others in the society.

How, then, do we reconcile the image that America is a land of freedom and prosperity with Bovard's view in *Freedom in Chains* that a great deal of liberty has been lost in modern America? In relative comparison with the totalitarian states of the 20th century or even the interventionist-welfare states of contemporary Europe, America still does offer a greater degree of personal and economic freedom that has allowed the creation of tremendous wealth and prosperity.

Yet in absolute terms America today is a much less free country than it was, say, 50 or 100 years ago. The degree of personal and economic liberty taken for granted in 1899 is completely lacking in 1999. And it is this absolute loss of freedom that James Bovard is reminding us of and warning us about in his important work. How much freer and more prosperous we could have been today if the ideology of statism had not triumphed both around the world and in the United States! And if we do not take heed of Bovard's warning, what freedom we still retain may be lost sooner than we think.

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the threat of full-scale violence, or half-scale violence, or even microscopic-scale violence, never actually came to anything, anywhere outside Stephen Browne's cranium.

Romance turns to recklessness, however, when Stephen casually suggests that Yugoslavia should perhaps have been invaded by NATO, because of the "horror story" (presumably a reference to NATO's tall tales of ethnic cleansing in Kosovo) which our gullible lad has apparently swallowed whole. He is correct to say that, in bombing the civilians of Belgrade, NATO was attacking the opposition to Milosevic. But he fails to understand that an invasion would have been even more destructive than the bombing alone, and that the Yugoslavian people would not have viewed it any more favorably.

It is disgracefully irresponsible to countenance invasion of a country because you have taken a dislike to the man the population has elected as leader. It is also quite silly, since Milosevic would undoubtedly have resigned from office, in a heartbeat, if that had been sufficient to halt NATO's aggression. And Sloba would soon be gone, and will soon be gone, in any case. —DRS

**WAR: what is it good for?** — The costs of the war in Kosovo are estimated, so far, at about \$10 billion. That money is enough to give each of one million Kosovars \$10,000 in cash — about \$50,000 per average family, more than most of them would ever see in a lifetime. That doesn't count the estimated \$100 billion that will be needed to repair the damage caused by the bombing. From an economic point of view, the war looks a bit like Vietnam where, you'll recall, it would have been cheaper, and much more effective, to give every VC and NVA a free house and a fat bank account in the U.S. to induce them to quit fighting.

One indication of the war's corrupting influence is offered by the treatment of the three U.S. soldiers who were captured, and then released, by the Serbs. Each has been given six medals for his experience, including the Purple Heart. The Purple Heart. Why? Because they sustained some kicks and punches from their captors, about what you'd expect from a barroom dustup. I don't know what happened when they were captured, but it seems to me it could be more fitting to see them investigated for violation of the code of military conduct, which specifies that surrender isn't an option while there are still means to resist. These guys were decorated as if they were Alvin York, Audie Murphy and David Hackworth. The whole thing is shameful, from beginning to end.

There's one legitimate, and only one, purpose for the U.S. armed forces: to protect U.S. territory from foreign invasion. That does not include protecting the overseas interests of American business, or "showing the flag" and "projecting force," or intervening in others civil wars (no matter how nasty or newsworthy), or "peacekeeping" in a dozen different pestholes. I propose that Bill Clinton, Madeline Albright, and Wesley Clark be indicted for war crimes. If there were any justice in the world they'd be convicted, and hung. —DC & WB

**Going corporate** — In the mid-1970s, as a member of the Symbionese Liberation Army that kidnapped Patty Hearst, Kathleen Soliah used to engage in shoplifting, bank robbery, and extortion. During one bank robbery her accomplice shot a customer to death. Then Soliah disappeared.

She turned up this spring, living in St. Paul, Minnesota,

as Sara Jane Olson, wife, mother, liberal do-gooder, and Democratic Party activist. After the FBI arrested her, her new friends told reporters they just couldn't understand it. "It just doesn't compute," said the best man from her wedding. "We can't figure things out," said her United Methodist minister. "Sara Jane Olson is an easy person to love. . . . She quietly goes about seeking justice in an unjust world." *The Washington Post* summed up her friends' views this way: "How could this superlative person have done those violent things? How could one soul encompass such extremes of good and evil?"

Let's see: In her youth Kathleen Soliah stole wealth from those who produced it in the name of a higher good. In her middle age she organized her neighbors and allies to . . . steal wealth from those who produced it in the name of a higher good. Most of us, as we age, switch from motorcycles to cars, from playing sports to watching them, from staying out all night to staying home with the kids, from backpacking and bartending to settling down and getting a job. In that light, switching from armed robbery to Democratic politics is just part of the natural maturing process. Too bad she didn't also develop the greater wisdom that often accompanies maturity. —DB

**The Unknown Declaration** — I reread "A DECLARATION BY THE REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN GENERAL CONGRESS assembled" this July 4 morning, anno. decl. 223. A few thoughts:

1. Only 1320 words! If brevity is the soul of wit, our Gores and Bushes are witless.

2. Do you recall all five Truths held to be self-evident? (I didn't.) They are (1) all Men are created equal, (2) they are endowed by the Creator with unalienable Rights, (3) Life, Liberty and the Pursuit of Happiness are some of those Rights, (4) Governments are instituted to secure unalienable Rights, and (5) the people may alter or abolish a government which becomes destructive of these rights. In 110 magnificent words, equal to 22 per truth.

3. How many Injuries and Usurpations were submitted to a candid World? (I didn't know that either.) My count is 37, comprised of six acts of omission and 31 acts of commission. The list was a mere 656 words, or less than 18 words per injury. Some of my favorites, with modern American applications, are:

"He has endeavoured to prevent the Population of these States . . . refusing to pass others to encourage their Migrations hither . . ."

"He has erected a Multitude of new Offices, and sent hither Swarms of Officers to harrass our people, and eat out their Substance."

"For abolishing the free System of English laws in a neighboring Province, establishing therein an arbitrary Government, and enlarging its Boundaries, so as to render it at once an Example and fit Instrument for introducing the same absolute Rule into these Colonies."

"He has plundered our Seas, ravaged our Coasts, burnt our Towns, and destroyed the Lives of our People."

"He is, at this time, transporting large Armies of foreign Mercenaries to compleat the Works of Death, Desolation, and Tyranny, already begun with circumstances of Cruelty

*continued on page 61*

# An Open Letter to Bill Gates

by Peter McWilliams

Dear Bill Gates,

Now That You've Played Monopoly With the Government, Please Allow Me to Suggest a Saner Game — Libertarianism.

There is a well-established political philosophy in which the entrepreneur is an admired citizen and your freedom to run your company and your life as you see fit is a self-evident unalienable right.

As a libertarian, I watched in horror and disgust as the government dragged you and your magnificent creation, Microsoft, through the bureaucratic mire. What happened was nothing short of character assassination on you and an assault with intent to kill your company by the most powerful government in the history of the world.

Your creativity was labeled cunning, your enthusiasm called predatory, your passion mischaracterized as obsession. The government — our government! — obviously does not understand capitalism, entrepreneurship, the Constitution, or you.

The government called it an "antitrust" action. For once, the government named it right. I cannot imagine any action that would have left you with less trust in the government than this one.

For all you've done for the betterment of this country and all humankind, libertarians would have given you the Congressional Medal of Honor. The Clinton Justice Department gave you a subpoena.

The attack was not just from Clinton and the liberal Democrats, but from conservative Republicans as well. Sen. Orrin Hatch labeled you a criminal, which was nothing short of criminal on his part. Bob Dole, onetime Senate majority leader and 1996 Republican presidential candidate, wrote an opinion piece published in the *Los Angeles Times* on November 24, 1997. Was it entitled, as it should have been, "Happy Thanksgiving, Mr. Gates — We're Thankful You're

an American!?" No. It was "Microsoft Must Obey the Law." A few excerpts:

"Microsoft cannot be allowed to use its current dominance in personal computer operating system software to preclude competition. The speed with which Internet and electronic commerce markets develop creates an increased responsibility for antitrust enforcement officials to move rapidly to prevent anti-competitive practices. . . . I think the Justice Department is doing the right thing by taking swift action to force Microsoft to comply with the law. . . . Microsoft's goal appears to be to extend the monopoly it has enjoyed in the PC operating system marketplace to the Internet as a whole and to control the direction of innovation. . . . When a dominant company artificially dictates how, where and even if consumers have choice in the online marketplace, it is time for the government to step in and enforce the antitrust laws."

After all this, Senator Dole throws you a bone by mentioning that he met and personally likes you. That must have made your day.

It seems you have no friends among Democrats or Republicans. I cannot remember a single member of Congress on either side of the aisle (save those from Washington state), speaking out in defense of your Constitutional right to run your own company in your own way.

While Democratic and Republican politicians pay lip service to capitalism and the Constitution, in reality they are contemptuous and hostile to both. They are also terribly frightened of the free market, personal freedom, and — especially — any limitation of governmental power. This is because (as libertarians know well) the government is not run by people who "preserve, protect, and defend the Constitution of the United States," but by people who preserve, protect, and defend their own personal power. It is crystal clear that your "crime" was not violating antitrust

statutes, but that you failed to donate large sums of money to the powers that be.

How *dare* you be the richest man in the world and not be the largest contributor to one or both political parties? That's why you were called on the carpet in Washington — it's a classic extortionist's shakedown, pure and simple. I know it. Every libertarian I've talked to knows it. To borrow a phrase from the Declaration of Independence, it is "self-evident."

Just as in a B-movie, the gangsters from Washington walked into your office, sniffed the air, and said, "We think we smell monopoly." When you failed to fork over large

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*Your creativity was labeled cunning, your enthusiasm called predatory, your passion mischaracterized as obsession. The government — our government! — obviously does not understand capitalism, entrepreneurship, the Constitution, or you.*

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amounts of cash, they metaphorically set fire to your warehouse.

Because it is so young, the computer industry as a whole hasn't learned the rules of how the country actually works. Making significant contributions to the economy and the country are not enough. Paying taxes is not enough. You also must pay money directly and indirectly to those who have seized the reigns of power, or those who are likely to seize the reigns of power in the future.

These are known as the Democratic National Committee and the Republican National Committee. Their worldview: If you're not one of "us," you are one of "them," and all the "thems" had better watch out. How do you get to be part of "us"? Give "us" your money. If you don't, we will sic the Just Us Department on you.

As Nobel laureate in economics Milton Friedman observed, "Hell hath no fury like a bureaucrat scorned."

The movers and shakers of the computer industry have, for the most part, failed to pay into the political protection racket. So the movers and shakers of the power structure have chosen you — the biggest fish in the pond — as an example of what will happen if the rules are not followed. The message is clear: pay up, or get raked over the coals of federal bureaucracy.

It seems to be working. Gore's campaign chest is significant larger thanks to the computer industry, and according to the *L.A. Times* (July 2, 1999) "a whole lot of new money [is] flowing from the technology-based New Economy into the bulging war chest of Texas Gov. George W. Bush. [In one day] individuals in Silicon Valley poured \$850,000 into Bush's coffers."

If the scorned bureaucrats don't use one law, they'll use another. There are so many federal laws — most of them unconstitutional — that we probably break two or three of them every day without even realizing it. Do you know, for example, that it is illegal under federal law to own anything that was on the *Titanic*? It is. Read *The Titanic Maritime*

Memorial Act of 1985, signed into law by Ronald Reagan, the president who said he would get the federal government off our backs. The number of pages in the Federal Register, where new regulations are printed, doubled between 1957 and 1967, tripled between 1970 and 1975, and grows by about 4,000 pages every year.

In your case, the Justice Department could just as easily come down on you for violation of federal sexual harassment in the workplace statutes. As I understand it, you met your wife while she was an employee at Microsoft. In the normal, healthy practice of courtship, you probably broke the law that says you cannot make amorous advances toward someone who works for you.

Even if you never so much as held hands until your wedding night and fifteen Catholic nuns chaperoned your every date, the government could have caused you and your family months of embarrassment by indicting you on sexual harassment charges and then ordering compulsory testimony from your wife, every woman you ever dated, and every person who ever saw you and your wife together in any context. Your courtship would be documented in excruciating detail on the front pages of daily newspapers, weekly newsmagazines, and late night comedy monologues. "First Clinton, now Gates," Jay Leno would muse. "Maybe there's something in the name Bill."

## How Libertarians Responded to the Antitrust Suit

Unlike Democrats and Republicans, libertarians defended you and Microsoft against government encroachment. Back in 1991, Robert Higgs identified the first signs of the war against you and your business in *Liberty*:

Antitrust actions are making a comeback under the Bush administration. The Microsoft Corporation, the most gloriously successful competitor in a gloriously competitive industry, is now being investigated and harassed by federal antitrust officials, and Microsoft may be restricted in some way or even broken up to give less successful competitors a better chance.

In February 1997, the *Libertarian Party News* printed an editorial entitled, "The Tragedy of Microsoft."

Perhaps the biggest success story of the American economy in the past decade is the Microsoft Corp.

Founder Bill Gates and many other millionaires in Redmond, WA, got rich the only way you can in a free market: by producing something other people wanted.

But in our modern politicized economy no good deed goes unpunished for long. The federal government noticed that Microsoft was just too good and was helping its customers just too much. It launched a Federal Trade Commission investigation, later compounded by a Justice Department investigation.

The tragedy is that the most important factor in America's economic future in raising everyone's standard of living is not land, or money, or computers; it's human talent. And some portion of the human talent at one of America's most dynamic companies is now being diverted from productive activity to protecting the company from political predation, motivated by envy, lust for power, or simply the desire to win in the political arena what you can't win in the economic arena.

On June 9, 1998, *The Wall Street Journal* ran a front-page

story entitled, "Freedom fighters: Antitrust suits expand, and Libertarians ask, Who's the bad guy?" The *Journal* identified libertarians as the "loudest protesters" against the Justice Department's antitrust lawsuit.

The *Journal* observed, "The Libertarian Party has criticized [the antitrust suit], calling on the Justice Department to get its bureaucratic Lilliputians off Microsoft's back."

Here's a report on libertarian student activity from 1998:

About two dozen George Washington University students gathered in front of the Department of Justice building in Washington, DC, on April 7, carrying signs and chanting, "Don't punish success; leave Gates alone!"

The students, members of the GWU College Libertarians and GWU Objectivists Club, said their protest was designed to send the message that the "government has gone too far" in its prosecution of the giant software company.

We, as believers in private property and the free market, believe that the government has no place in regulating the business practices of Microsoft," said Ryan Sager, the vice president of the GWU Libertarians. "It is time for the American people to tell the government to back off. Decisions about product design and packaging should be left to companies — not the government."

Students at the rally echoed his sentiments, with signs that read, "Freedom Leads to Success" and "Bill Gates is Good For America."

The Cato Institute, a libertarian think tank in Washington D.C., has released a number of papers and articles about the antitrust case, all critical of the government's actions. I know you attended a reception there in your honor on June 15, 1999. You were welcomed by the president of Cato, Ed Crane, with these words: "In my view, one of the great cos-

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*For all you've done for the betterment of this country and all humankind, libertarians would have given you the Congressional Medal of Honor. The Clinton Justice Department gave you a subpoena.*

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mic injustices of our time is that a person of the quality of a Janet Reno should be able to distract the attention of an individual who has been responsible for the creation of more wealth than anyone in human history."

Here are a few passages from Cato publications:

- Microsoft's latest difficulties with the U.S. Department of Justice reveal the absurdity of attempting to apply 19th century antitrust law to a 21st century computer and telecommunications marketplace. (D.T. Armentano)
- In his online diary in *Slate* magazine, Bill Gates wrote, "It's been a year since the last time I was in D.C. I think I'm going to be making the trip a lot more frequently from now on."

And that's what Janet Reno's Justice Department is costing America: Bill Gates is going to waste his mind on protecting his company instead of thinking up new products and new ways to deliver them.

Dragging Microsoft into the political swamps is a tragic example of the diversion of America's productive

resources into the unproductive world of political predation. (David Boaz)

- At root, the Department of Justice's attack on Microsoft aims to prevent the computer software industry from responding to consumer demand. The Department of Justice, not Microsoft, should be held responsible for interfering with consumer choice and free markets. (Dave Kopel)

Alas, we libertarians don't believe in extorting money from the rich before we protect them, so our voices were not heard as loudly as they could have been.

### Blowing a Little More Smoke Up Your Chipset

I watched your rise to power, profits, and service to all humankind not from afar, but from the press box. I was there not quite at the beginning, but very near the beginning, and I made a lot on money tracking you and the rest of the computer industry as a journalist. In 1979 I published *The Word*

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*Of course, as we all know, you didn't do as much for the Internet as Al Gore, but you've done quite a lot.*

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*Processing Book: A Short Course in Computer Literacy.* In response to my book, a senior editor at Random House wrote a letter to *Publishers Weekly* proclaiming, "No great work of literature will ever be produced on a computer."

Shortly thereafter followed *The Personal Computer Book*, which, believe it or not, required this question as the subtitle: "What Are Those Television-Typewriters Anyway?" That was only 20 years ago. Today, you have to explain to a young person what a typewriter is (or was).

In addition to other computer books (including the one of which I am most proud, *Personal Computers and the Disabled*), I wrote extensively about computers for *Playboy*, *The New York Times*, and for 17 years I had a column on computing syndicated by Universal Press Syndicate.

I tell you this so you'll know my praise for your overall achievements comes from a working journalist who took great pleasure in criticizing Microsoft from time to time. Windows versions 1.0 and 2.0, for example, were so problematic they went sailing right out my window — literally. I informed my readers of their flight paths and trajectories, and suggested they do the same should they ever be unfortunate enough to be given this not-anywhere-near-ready-for-market software.

Over the years I watched with awe, appreciation, and no small degree of envy as you made one brilliant business move after another. Your genius was apparent from the start. To buy a preexisting operating system in 1980, license it to IBM as IBM-DOS, thus gaining IBM's stamp of approval, while retaining the rights to market the same operating system as MS-DOS is one of the best business moves of all time. People say you were "lucky" and "at the right place at the right time." Nonsense. A good 10,000 people — myself included — were in the same place at the same time, but only you saw the need and successfully fulfilled it.

By licensing the MS-DOS rights to other computer manufacturers, you not only made a royalty on every computer sold, you also created the first important standard in personal computing, the IBM-compatible standard. For the next 15 years, people who were not buying an Apple would ask, "is this IBM-compatible?" in the same way they ask today, "Is this Windows compatible?"

Prior to your groundbreaking move, each computer hardware manufacturer had its own proprietary operating system: Apple had AppleDOS, Tandy Radio Shack had TRS-DOS ("trash-DOS," as the hackers called it, before the government turned the word hacker into a bad name), and so on

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with Atari, Commodore ("commode door" in hackerspeak), and all the rest. The only other cross-computer operating system was CP/M, which was on the market before MS-DOS. But you were an entrepreneur pushing your operating system and CP/M seemed an orphan by comparison.

You took the babble of a dozen incompatible personal computer operating systems and created not one, but both, industry standards — platforms — on which the phenomenal growth and success of the personal computer industry is anchored. The first was the IBM-compatible standard; the second, Windows. Without these two standards, personal computer advancements would be retarded by at least a decade, maybe more.

These two standards allowed software manufacturers to concentrate on improving software, not adapting the same software to a dozen different operating systems. Further, standards gave the consumer confidence in which computer to buy. This gave computer manufacturers confidence in which computer to manufacture, and the giant engine of capitalism could kick into high gear. Mass production and competition drove prices down and quality up, which increased sales even more, causing additional price breaks and innovative breakthroughs. For the price of a single word processing program in 1979 (remember WordStar?), you can buy an entire computer today, and the Write program that comes free with Windows 98 is better than WordStar ever was.

You accomplished this so quickly the government didn't have time to jump in with its leaden feet and dictate a standard. You were so swift, in fact, the standards were set before the government even knew a standard was necessary. By the time the government knew personal computers even existed, the IBM-compatible standard was already in place, and the government wrote on its purchase orders, "All software must be IBM compatible."

This speed is probably your greatest contribution to personal computing. If the government had realized that a standard was necessary, it would have — as it did with digital television — frozen all private innovation until the "official

government standard" had been set. By the time the standard-setting process had gotten through the infinite number of bureaucratic layers of Washington, the United States Standard Operating System (US-SOS) would resemble CP/M and be issued in the year 2020.

I watched as you went public at just the right time and used your capital in just the right way to build your company into one that provided lasting value for your investors, co-workers, stockholders, and customers. That you became the richest man in the world because of this, as all libertarians know, is just the way capitalism works.

On the day before Microsoft went public, *The Wall Street Journal* called and asked my professional opinion of the stock. "Buy, buy, buy!" I said. "It's the best computer company in the business. And, by the way, short IBM." I didn't follow my own advice — journalistic conflict of interest and all that — but I should have given up writing about computers and started an investment firm specializing in computer stocks.

Your contribution to personal computers was not just limited to software. When mice were not generally available for IBM-compatible computers, you went into the hardware business. Now rodents run everywhere. Some mice say Microsoft, some don't, but the fact that mice made their way onto every desktop in America was more you than it was Steven Jobs.

(Besides, Jobs was not a very good entrepreneur. In 1982 he was invited to a private demonstration of Xerox computer innovations. These included a graphic interface, clickable icons, and a mouse. Rather than going into business with Xerox, he reverse engineered Xerox's ideas and came up with the Macintosh. But the Mac could never make it into the business world, thanks to the stifled innovation and higher prices Jobs' proprietary control entailed. Imagine what would have happened if Xerox, one of the most trusted names in business, had marketed the Xerox-Apple computer to the corporate world and Apple had marketed the same computer to the personal world? Jobs would be facing the antitrust inquisitors today, not you.)

When CD-ROM players cost \$1,000 each, you looked upon them and said, "This is good." You put all the resources (power) of your company behind CD-ROM development and, behold, CD-ROM players now come standard on almost all computers, even those costing less than \$500.

At one time you looked askance at the Internet. You looked again, realized your mistake and put Microsoft in the Internet business overnight. Without your entrepreneurial efforts over the past three years, the Internet would be one-third less popular and one-third less powerful than it is today. Of course, as we all know, you didn't do as much for the Internet as Al Gore, but you've done quite a lot.

You were so good at supporting Internet innovation that your competitors went crying to Uncle Sam. "Nasty Bill Gates is trying to destroy us!" they whined. "Help me! Help me! Uncle Sam!" But you did not have a history of providing sugar for political fundraising coffees, so you had few friends in Washington D.C.

What would a libertarian Attorney General have told Netscape, Oracle, Sun, and the other ProCom crybabies? "Bill Gates is not trying to destroy your company, but he is

trying to take your customers. He is doing that by offering better Internet browser and server software than you at a better price. If you want to keep your customers, you'd better get busy and offer them a better product rather than wasting your time and money bellyaching to me. That's called capitalism, kiddies, and if you're not ready to play in the big time with the big players, then you'd better sell your company to another company that is." (Which, of course, is precisely what Netscape did.)

In my view, the economic prosperity the country currently enjoys is based primarily on the increased productivity that inexpensive personal computers and software have brought to the business world. Thanks to the PC, American businesses — especially smaller businesses — have doubled their productivity in the past 15 years. You, more than anyone else, are responsible for this.

Libertarians one and all stand aghast as the government penalizes rather than rewards you for all that you have done. But then, libertarians also know, that's what governments do. Until, that is, some creative genius stands up and says in no uncertain terms, "Knock it off."

### What Libertarians Know

Libertarians know that each individual — not the state, not the church, not the society — owns and is responsible for his or her body. If one chooses to give one's body to the church or to the state or to another in marriage, it is still the individual who is making that choice.

After one reaches the age of consent — adulthood — one is not owned by parents or government. The individual belongs to him or herself. This coming of age, technically, is known as emancipation. Whatever debt there may be to the parents and the state is cancelled, and the individual stands alone — free, but personally responsible. Responsibility and freedom are two sides of the same coin. In order to spend

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the coin of freedom, one must assume the obligation of personal responsibility.

The right of each individual to freedom is so fundamental that the Founding Fathers referred to it as a "natural right." They held that freedom was as integral to the healthy human being as breathing, walking, and thinking. Freedom is not a right granted by the state — it is the birthright of every human being, a part of "Nature's Laws."

This, of course, is radical thinking, as it has been throughout history. The government holds that your body belongs to the state. The church holds that your body belongs to God (but, as He's not around much, we'll take authority over your body for Him in His name). The notion that you belong to you was considered outright theft of that which rightfully belonged to country and God. Many "free thinkers" lost their lives on charges of treason or heresy.

Socrates was condemned to death for "sedition" and

"corrupting the morals of the young." Jesus was executed for challenging the absolute authority of the government *du jour* and the prevailing religion of the day.

When the signers of the Declaration of Independence proclaimed that "Life, Liberty and the pursuit of Happiness" were not rights to be granted by the government or the church, but were instead the "unalienable" right of each individual as set out by "Nature's Laws," such thoughts were almost as dangerous then as they are today.

Of the 56 signers of the Declaration of Independence — the men who pledged to support their libertarian ideas with

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*Even if you never so much as held hands until your wedding night and fifteen Catholic nuns chaperoned your every date, the government could have caused you and your family months of embarrassment by indicting you on sexual harassment charges.*

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"our Lives, our Fortunes and our sacred Honor" — five were captured by the British as traitors, tortured, and executed. Twelve had their homes ransacked and burned. Two lost sons in the Revolutionary Army. Nine of the 56 died from wounds or hardships of the Revolutionary War.

Two centuries later, the government of the United States came in with its antitrust suit against you and essentially said, "Watch it, Gates. Don't take this personal freedom thing too far." Libertarians cringe, for we know that inherent in the right of sovereignty over our own minds and bodies comes the unalienable right to gather with our minds and bodies as much property as we can, providing we don't use physical force, the threat of physical force, or fraud.

In fact, in the original draft of the Declaration of Independence Jefferson wrote — reflecting the philosophy of the Age of Enlightenment and quoting Locke — "Life, Liberty and Property." Benjamin Franklin suggested "Life, Liberty and the pursuit of Happiness."

The Founders were enlightened men who understood that property and the pursuit of happiness were one and the same. But Franklin thought the happiness angle might play better in the provinces. It was, frankly, one of Franklin's most unfortunate suggestions. Rather than educating the populace on the value of property and its inseparable connection to personal freedom — as essential as life and liberty — the colonists were sold a crock of ephemeral nonsense known as "pursuit of Happiness" rather than the concrete reality of "property."

This national ignorance continues to this day. If it did not, the government could no more come after your property because you had been "too successful" in gathering property any more than it could have executed you (taken away your life) on the same charge.

We see this ignorance in the press and public over your not donating substantial amounts of your property to "charity." Any libertarian understands that your fortune is invested in your business, and the more of your business

you own, the more control (power) you have. Greater control allows you to manifest your creative ideas with greater effectiveness and (here's that word again) freedom.

You're not sitting on \$90 billion worth of cash buried in your back yard, thereby depriving homeless children of food and milk; your billions are your tools — your working capital — just as a mallet and chisel are the sculptor's creative tools. To say that you should give some of your tools away to the poor just because you have a lot of them is as absurd

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*How dare you be the richest man in the world and not be the largest contributor to one or both political parties? That's why you were called on the carpet in Washington — it's a classic extortionist's shakedown, pure and simple.*

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as walking into Michelangelo's workshop and saying, "You have 90 chisels. Why don't you give some away to other sculptors who don't have as many?"

Libertarians know that property is the power necessary to manifest one's creative vision. History is replete with creative geniuses who didn't have the power — the property — to turn their dreams into reality, and the world is a lesser place because of it.

Of course, not all creative ideas are good ideas, and even good ideas can be bested by another entrepreneur's better idea. Here capitalism provides the great tester of ideas — competition in the marketplace.

In a free market, your idea will not be alone in its attempt to woo dollars from consumers, but will be up against everyone else's idea as well. Consumers want the most for their money, so they invest (buy) carefully. They decide which idea makes it and which does not. Enlightened self-interest all around makes the system work.

Capitalism closely emulates the process of natural selection (survival of the fittest). The system does not guarantee that the best ideas will always survive — as libertarians are fond of saying, "Utopia is not an option" — but it's the system that works best.

Libertarians know that the most important single element of capitalism is the individual entrepreneur. Ah, the entrepreneur, whose ideas create wealth and fuel all businesses large and small.

It is the entrepreneur selfishly fulfilling his or her own vision that creates profits, jobs (these are so that the non-entrepreneurs of the world can get by as well as have money to buy the output of the entrepreneurs), innovation, lower prices, more value, a higher standard of living, greater health, longer life, increased peace (it is the international alliance of businesses, not governments, that keeps the peace between nations), equality, integrity, freedom, truth, justice, and the American way.

Libertarians do not admire you because you head a large corporation. We admire you because you are a world-class entrepreneur, worthy of respect and praise no matter how dorky your haircut may be.

And who funds the government? Read my lips: taxes.

And who creates the wealth — and the flow of wealth — for the government to tax? Yep, entrepreneurs. To ponder the fact that the government takes money from you, your company, your employees, and the tens of millions of Americans and American businesses that have increased their incomes using your computational innovations, and then uses that money to try to "break up" your tool of creation makes us libertarians, frankly, sick to our stomachs.

Even libertarian Appleholics who think Windows is the incubus incarnate will back you against the government on this one. "I do not agree with what you manufacture," they might say, paraphrasing Voltaire, "but I defend with my life your right to manufacture it without government interference."

This is because keeping the government's destructive bureaucratic hands off wealth — and freedom — producing entrepreneurs is a fundamental libertarian goal. If the entrepreneurs would help from time to time, it would speed us to our goal. But even without their help, we slog on.

### What's the Constitution Between Friends?

We libertarians are rather simple-minded people. We read the Constitution of the United States and believe it means exactly what it says. The Constitution strictly limits the federal government to specific activities known as the enumerated powers. They are in Article I, Section 8 of the Constitution, and I quote:

Section 8 — Powers of Congress The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States; To borrow money on the credit of the United States; To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; To establish a uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States; To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures; To provide for the Punishment of counterfeiting the Securities and current Coin of the United States; To establish Post Offices and Post Roads; To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries; To constitute Tribunals inferior to the supreme Court; To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations; To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water; To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years; To provide and maintain a Navy; To make Rules for the Government and Regulation of the land and naval Forces; To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions; To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress; To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular

States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings; And To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

As Porky Pig would say, "That's all folks!" Just so there would be no doubt that Congress — and, therefore, the federal government — can do nothing more than those acts, the Tenth Amendment (the final Amendment of the Bill of Rights) reiterated that fact: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Just in case, as is often the case today, someone says, "You don't have that right (to, say, run your business as you choose, or let your business get as big and powerful as it can) because it is not specifically granted in the Constitution," you can quote the Ninth Amendment: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

Simply put (for we libertarians are simple people), all rights belong to you, or that of the state in which you live, except for the handful of rights granted Congress in the enumerated powers. Put another way, unless Congress is given the power to do it in the enumerated powers, it can't. This is why libertarians are fond of saying about most laws that pass through the bowels Washington D.C., "It's unconstitutional."

You'll note that nowhere among those enumerated powers lurks even hint at the ability of the federal government to

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*The government called it an "antitrust" action. For once, the government named it right. I cannot imagine any action that would have left you with less trust in the government than this one.*

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"break up" a business that just happens to be meeting so many needs of so many people that it becomes really big.

What do libertarians think the government's role in business should be? That was succinctly expressed by some French business owners a couple of centuries ago. The government, noting how successful and taxable these businesses had become, asked them, "What can your country do to help?" The response from the businesspeople came back loud and clear:

"Laissez Faire!" Leave us alone!

The Constitution, written primarily by businessmen, loudly proclaims a "Laissez Faire!" America. It is a document — "the supreme Law of the Land" — that protects the right of the entrepreneur to entrepreneur, and the more successful he or she becomes, the better it is for everyone.

So what happened? Over the years, one by one, our constitutional rights were wrongly taken from us by politicians who swore a solemn oath to "preserve, protect, and defend the Constitution of the United States of America." The two-party system, rather than defending the Constitution, was used to chip away the rights for which millions of Americans have fought and died.

Rather than the Republicans saying, "No, Democrats, you're not allowed to usurp that constitutional right," the GOP would say, "Well, if you get to usurp that right, then

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*Libertarians one and all stand aghast as the government penalizes rather than rewards you for all that you have done. But then, libertarians also know, that's what governments do.*

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we get to usurp this right." Rather than the Democrats saying, "Knock it off Republicans, you know that's unconstitutional," the Democrats would instead say, "If you get your unconstitutional law, we get our unconstitutional law, too."

When President Cleveland refused to sign a law because he felt it was unconstitutional, a politician, echoing the voice of Washington D.C. during this century, replied, "What's the Constitution between friends?"

This is why libertarians see Democrats and Republicans as essentially the same party — a party of power, not principles; a party of what it can get away with, not what is constitutionally correct; a party of spin doctors, not constitutional scholars. Libertarians call this party either the Demlicans or the Republicrats.

### **What You Can Do to Prevent Your Baby from Being Slapped Upside the Head with Antitrust Suits in the Future**

Currently, the fate of your masterpiece, Microsoft, is in the hands of a single federal judge who doesn't seem to like you very much. He can break your company up into what the press has already gleefully termed "Baby Bills."

You must feel the way Michelangelo felt when powerful cardinals demanded the ceiling of the Sistine Chapel be painted over because it was obscene and the pope took the matter under divine consideration.

Seen another way, now you know how someone accused of heresy must have felt during the Inquisition — the trial is over, and your fate in the hands of the Grand Inquisitor, a person who has created nothing of value in his entire life and who sleeps in the same bureaucratic bed as your prosecutors. Yes, you are encouraged to earn, baby, earn, but if you do too much of it, you will burn, baby, burn.

What can you do to prevent this from happening in the future? Essentially you have two choices:

1. Donate, donate, donate. Then start contributing. Big time. There is an election year coming up. It is the ideal opportunity for you to placate the Powers That Be with major donations to Democrats and Republicans alike. Give a few billion well-placed dollars during each election cycle and you will be sleeping in the Lincoln bedroom, not gang

raped in a federal courthouse. I'm certain you have already been advised of this path. I notice that Microsoft's executive vice president and chief operating officer, Bob Herbold, was at the Bush Silicon Valley fundraiser in early July. Of course, there's no real need to send someone from Washington state to Silicon Valley — for you, all major candidates will make house calls.

2. Work to establish a libertarian government — and fast. This is not as difficult or farfetched as it may seem. Most Americans are like you — they already are libertarians, they just don't know it yet.

Many people define themselves as "economically conservative and socially liberal." What they mean is that they believe the government should keep its stifling little hands

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*What would it take? A major educational campaign to let the public know that what most of them already believe. Cost? A few hundred million. Half a billion, tops.*

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out of business (conservative) and its paternalistic little hands out of private lives (liberal). Traditionally, conservatives believe businesses should be left alone, but private lives should be regulated, and liberals believe private lives should be left alone, but businesses should be regulated.

Bush is trying to capitalize on this by calling himself a "compassionate conservative." Although he hasn't clearly defined the term, the image seems to be one of a conservative who will leave businesses alone, but still be compassionate enough not to lock individuals up for what they do in the privacy of their own home. The better word for this, of course, is libertarian.

Add to this the absolute — and absolutely justified — distrust Americans have for government, the federal government in particular. This is nowhere more true than in high-tech. As Silicon Valley venture capitalist E. Floyd Kvamme described the political leanings of computer people, "The Valley is about 15 percent Democratic and 10 percent Republican and 75 percent wishing government would go away." The general population is probably 25 percent Democrats, 25 percent Republicans, and 50 percent wishing the government would go away. That latter, larger, percentage are closet libertarians.

Fifty percent of the population does not vote. Is this because they are apathetic, or because they feel they are not being offered a real choice? The answer, of course, is both — and the latter can certainly cause the former. Keep in mind that in a three-way election you don't have to win a majority, just a plurality. If Gore and Bush split the vote of currently registered voters between them, each would have 25 percent of the potential electorate. That means only slightly half of the current nonvoters could elect a libertarian president. Motivating nonregistered voters to vote worked for Jessie Ventura in Minnesota.

There already is a Libertarian Party that has been around for a quarter-century and is qualified on the ballot in all 50 states. Add to this a libertarian-leaning, technology-friendly candidate the American public already loves and trusts —

say, Hugh Downs — and you have the makings of a libertarian president in the White House in 2001. If nothing else, it will be the most exciting campaign in United States history.

What would it take? A major educational campaign to let the public know that what most of them already believe has a name, libertarianism, and it has a long, rich history that includes the Founding Fathers, the Declaration of Independence, and the United States Constitution. Cost? A few hundred million. Half a billion, tops.

This will be a one-time investment. Unlike the Democrats and Republicans who need their palms greased regularly and perpetually, once Americans experience the fresh air of personal freedom and economic prosperity of a libertarian government, they'll never go back to 900-pound-gorilla government again. It would be like giving up word processing and returning to the manual typewriter. There'll be no need to donate any more. Whoever wins will automatically have your interest — and the interest of every other entrepreneur — at heart. Gratuity not required. No tipping allowed.

What will you get out of it? First, you'll know that the word antitrust will never be spoken again, except in the same context as other major American mistakes, such as slavery, Native American genocide, or anti-Semitism. Second, when you finally decide to sell all that Microsoft stock and it's time to pay capital gains taxes, you can be assured there won't be any. Finally, you will be passing on a freer, healthier, safer, happier country to your children and their children.

### Action Steps

Might I suggest you take a few days and study the issue? Here's a crash course in libertarianism that will take about a week:

1. Surf on over to the Freedom Network ([www.free-market.org](http://www.free-market.org)), the Cato Institute ([www.cato.org](http://www.cato.org)), *Liberty* magazine's "Liberty Unbound" ([www.LibertySoft.com/liberty/](http://www.LibertySoft.com/liberty/)) and the Libertarian Party ([www.lp.org](http://www.lp.org)).

2. Read *Libertarianism: A Primer* by David Boaz. This is not only a well-written overview of libertarian thought, it also presents the solid historical background in which libertarianism is rooted.

3. Read *Free to Choose* by Rose and Milton Friedman. This is the economic side of libertarianism — free-market capitalism — explained eloquently and persuasively. (Alternate option: watch the video of the PBS series of the same name.)

4. Read the first chapter (no need to read the whole book) of my *Ain't Nobody's Business if You Do: The Absurdity of Consensual Crimes in Our Free Country*. (Free online at [www.mcwilliams.com/books](http://www.mcwilliams.com/books)) This book discusses the social (hands off private lives) aspect of libertarianism.

5. Browse the Laissez Faire Books catalog for titles that might interest you. ([www.laissezfaire.org](http://www.laissezfaire.org))

6. Invite the Friedman family, Hugh Downs, Ed Crane, David Boaz, Roger Pilon, Fred Smith (of the Competitive Enterprise Institute), Steve Buckstein (of Oregon's Cascade Institute), Bill Bradford (of *Liberty*), Virginia Postrel (of *Reason*), representatives of the Libertarian Party, and me to your home for nice cozy chat about life, liberty, and the pursuit of property.

Regards,

Peter McWilliams

# Why Milosevic Has to Go

by David Ramsay Steele

NATO's bombs have spoken.

Slobodan Milosevic, president of Yugoslavia, will retire early from public life, for one simple reason: because this is something of immense importance to the United States and of little importance to Yugoslavia.

The "removal" of Milosevic will be viewed as a triumph for NATO and the Clinton administration. Every day some new oracle announces that "we" will not really have "won" as long as the "dictator" Milosevic remains in power. The departure of Milosevic will play well in U.S. opinion polls and help to quell doubts that Clinton achieved a wonderful victory by his bombing of Yugoslavian civilians.

To most people in Yugoslavia, on the other hand, the resignation of Milosevic will not be a matter of such earthshaking importance.

Under Yugoslavia's democratic constitution, Milosevic has to leave office in two years' time. The Yugoslavian presidency is limited to a single term of four years. Milosevic has already served the limit of two terms as president of Serbia. His impending absence from any top leadership role is therefore inevitable. (There are some who debate whether the constitution really prohibits more than two terms for Serbian president, as opposed to more than two terms *consecutively*, but it's unlikely that Milosevic would put this to the test, and even if he did, he would then have to fight and win a popular election, presumably without the votes of Serbs in Kosovo.)

The likelihood that Milosevic might try to install himself as a dictator is very small. Milosevic has shown no tendencies in that direction, and his support within the country is not great enough for him to believe he could ultimately succeed in a *coup*. The outcome of such an attempt would be continual strife and turmoil in Serbia, something that would delight the U.S. but would hold nothing but horror for the people of Serbia.

That leaves the possibility that Milosevic might not

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change the essential democratic character of the Yugoslav political system, but might simply try to nullify the term limit on the presidency. Assuming that Milosevic would want to try this, which is doubtful, he would probably not do so unless evidence emerged that there had been a tremendous swing of popular support in his favor. It is not yet clear whether such a swing has occurred, but probably it has not.

And to be reelected as president, he would have to gain a majority of votes in the Yugoslavian parliament, itself dependent on the popular vote. It's not likely that the parliament would decide to ignore the constitutional term limits, even if Milosevic asked it to.

## An Ordinary Politician

In the make-believe world concocted by NATO propaganda, Milosevic is uniquely responsible for bad things in Yugoslavia and Milosevic's Kosovo policy is the reason NATO bombed the civilian population of Yugoslavia. In reality, very little in Yugoslavia has anything to do with any peculiarity of Milosevic's policies. He is a moderate on all major issues — a "moderate" in the purely factual sense that, in the Yugoslavian parliament, reflecting the Yugoslavian electorate, there are substantial parties on both sides of Milosevic's Socialist Party of Serbia.

Nothing about Milosevic explains why Clinton bombed the civilian population of Yugoslavia — with the exception of the need for a villain in a black hat, and the investment NATO had made over several years in defaming and demonizing Milosevic. Even that is doubtful, for most of the investment was in indiscriminately defaming and demonizing

Serbian people collectively. So anyone with an "ic" on the end of his name might have served the purpose just as well.

As for Milosevic's Kosovo policy, it's difficult to imagine anyone in Belgrade doing much different, except perhaps for Vojislav Seselj's Radical Party, which would presumably have taken steps to reverse the proportionate increase of Albanians in the Kosovo population. This is something Milosevic never did, or if he did, he did it so quietly and ineffectually that the ethnic Albanian proportion of the Kosovo population rose continuously up to 1999. (At the time of this writing, NATO has, with marvelous aplomb, abruptly scaled down its estimate of the number of Kosovo Albanian civil-

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*Whenever A has something that B wants, and this something is vastly more valuable to B than it is to A, a deal is in the offing. The "something" in this case is Milosevic's departure.*

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ians killed by the Yugoslav government from 100,000 to 10,000. Oops. By the time this figure falls to 1,000, no American voters will care, and by the time it's down to 100, the U.S. will be bombing the Albanians.)

No government of Serbia would have ignored murder and terror by the KLA, a small, well-funded group of young thugs, against most of Kosovo's population — not just Serbs, but also Roma, Turks, Muslim Slavs, and all those Albanians who were willing to co-operate with non-Albanians. On the evidence available so far, it does not appear that the operations of the Yugoslav Army and local police against the KLA differed significantly from similar actions by other governments against rural insurrectionists the world over.

The decision to reject the terms offered by NATO at Rambouillet was not controversial. It would have to have been the decision of any Yugoslavian leader who wished to remain in office. The decision to do a deal to end the bombing, on the terms offered by NATO in June is more open to question, but every day more Yugoslavian babies were being murdered by Clinton, the Russians were pressing for a deal, and NATO's demands had been shaded down to something Yugoslavia would probably have accepted without the bombing. It might have been several more months before disunity within NATO and opposition to the war in the NATO countries would have compelled Clinton to simply give up, with nothing, and in that time thousands more Yugoslav civilians would have been killed and billions of dollars more infrastructure damage incurred.

Both the decision to reject Rambouillet and the decision to accept the Russian-brokered peace terms were made by big parliamentary majorities, though no doubt Milosevic's recommendations counted for something on both occasions.

### Why He Will Go

Whenever A has something that B wants, and this something is vastly more valuable to B than it is to A, economic theory predicts that a deal is in the offing. The "something" in this case is Milosevic's departure. Assuming some rationality on the part of both Clinton and the Yugoslav ruling

class, it seems that the latter can use the departure of Milosevic to gain concessions in other areas. And they do need concessions: there are still many ambiguities in the peace settlement. What role, for example, will Yugoslav officials play in policing the border between Kosovo and Albania, or Kosovo and Macedonia? Will the owners of Kosovo property damaged by NATO bombs be compensated? When, if ever, will the KLA be asked to stop killing people?

It seems unlikely that Milosevic will want to hang on to power until the last moment, even less likely that he will try anything extra-constitutional. Although Milosevic first made a name for himself by doing something unexpected and exciting (his famous 1987 declaration to Kosovo Serbs brutalized by the ethnic Albanian authorities: "No one will beat you again"), he's like the Gide character who does that just once and then becomes quite normal for the rest of his life. Milosevic has since been very much the team player, and particularly eager to make concessions to protect Yugoslavia from outside intervention.

An odd feature of NATO propaganda during the bombing was that Milosevic's past readiness to conciliate was several times cited as further proof of his evil: since he had not fought NATO in Bosnia, for instance, but had helped talk the Bosnian Serbs into accepting NATO's demands, Milosevic was a cold-hearted, brutal man who was prepared to sell out his own people!

Of course, no one becomes a national leader who is indifferent to the allure of power. A vast groundswell of popularity which would strengthen Milosevic's position might

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*Nothing about Milosevic explains why Clinton bombed the civilian population of Yugoslavia — with the exception of the need for a villain in a black hat, and the investment NATO had made over several years in defaming and demonizing Milosevic.*

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tempt him to have the constitution modified so that he could become president for life. But although many Yugoslavs do admire Milosevic for fulfilling his obligations in standing up to NATO, it seems unlikely, at present, that he will enjoy a great tide of increased popular support.

What will be the net outcome of recent events on Milosevic's electoral following? It's too early to be sure, but probably this will be substantially reduced.

It's not likely that many Yugoslavs will blame Milosevic for the war. Not being mentally deranged, they will blame NATO for the war. Indeed, Milosevic will have won the grudging support of some former opponents by doing the only correct thing in resisting NATO. But in all likelihood, many Serbs will feel that it's time to make way for new faces. As many Brits felt about Churchill in 1945: he's done his job and now he should go. And some people used to vote for Milosevic in the belief that, as an internationally recognized figure who had been photographed with Western leaders, he would be able to cut the best deal for Yugoslavia and keep

the country out of trouble. These voters, presumably, will now place less credence in Milosevic's diplomatic skills.

## Why He Should Go

Aside from all this, Milosevic *should* go because he epitomizes the political forces which have stifled economic development by sustaining what remains of the old socialist system of economic administration.

In 1948, Tito's Yugoslavia broke with the Soviet Union. While remaining a socialist state, with secret police, single-party rule, purges, a gulag of political prisoners, and full state ownership of industry, Yugoslavia became in effect allied with the West against the Soviet Union. The ruling Communist Party, itself led by former guerrillas, prepared for a possible Soviet invasion by constructing a network of hidden military installations, including numerous underground tunnels and hangars with their own power supplies, ready for the most extended siege conditions.

Little did anyone then guess that this defensive system would eventually be a deterrent to NATO invasion, and 50 years later would be eagerly studied by dozens of countries around the world, all of them fearful of NATO's whimsical bombing campaigns against civilian populations.

Tito's Yugoslav socialism was at first a faithful copy of the Stalin model. It was in no way more liberal or more democratic. But the break with Russia led to some ideological adjustments, and the friendship with the West encouraged a slightly more open economy. To distinguish their regime from that of Stalin, Yugoslav Marxist theorists began to develop the theory of workers' control, or self-management, with all the workers in each enterprise having an important say (in collaboration with a state-appointed director) in the management of that enterprise.

Rather unexpectedly, workers' control, when it was implemented, by giving the workers' managing councils autonomy in relation to the central planners, automatically tended to imply greater market freedom within the system of state-owned enterprises. By the 1960s, Yugoslavia was being hailed as (yet another) "third way" or example of "market socialism." Its economic performance was superior to that of the Soviet bloc but still decidedly inferior to the West's.

Unfortunately, Yugoslavia's tinkering with "market socialism" appears to have been a homeopathic dose of free-market medicine, protecting the socialist system against fundamental reform. Though the earliest "Communist" country (not counting the Soviet Union in the 1920s) to experiment with "market socialism," Yugoslavia has become one of the last to tear off the shackles of socialist industrial administration.

The legacy of Titoism now haunts not just the rump "Yugoslavia" (Serbia and Montenegro) but the other fragments of the old Yugoslavia: Slovenia, Croatia, Bosnia, and Macedonia. All of these countries' economies have performed badly since the overthrow of Soviet-style socialism and the breakup of the former Yugoslavia.

In the case of the rump Yugoslavia, conditions were worsened by the effects of the Bosnian civil war and then by economic sanctions. Owing to a successful media campaign of bigoted anti-Serbianism, comparable to the "blood libel" against the Jews earlier this century, events in Bosnia were

systematically misinterpreted to make the Serbs appear uniquely villainous, and the United Nations imposed economic sanctions on Yugoslavia. The end of those sanctions was announced in late 1995, but they did not begin to be relaxed in practice until well into 1996, and milder informal sanctions continued. Outside investors waited to see how things would turn out.

In early 1998, fresh sanctions were imposed, not by the UN but by the U.S. and the European Union, as part of NATO's preparations for its war against Yugoslavia, using the flimsy pretext of alleged mistreatment of ethnic Albanians in Kosovo. Various investment plans then maturing, such as Peugeot's involvement in the Zastava auto manufacturing plant (makers of the Yugo), were again put on hold. Since Clinton's bombing has now destroyed the Zastava car plant, along with dozens of other industrial plants, any involvement of Peugeot will have to be negotiated on a fresh basis.

## The Self-Sanctions of the Sanctioned

So Yugoslavia, which desperately needs foreign investment, has been hit by severe sanctions more or less continuously since 1992, with no letup in sight. As with most instances of economic sanctions, however, the government of the sanctioned country inadvertently cooperates with the sanctioners by imposing even more burdensome costs on its own subjects.

The growth of Yugoslavia's private economy has been mainly confined to the service sector. The first McDonald's in Eastern Europe was opened in Belgrade in April 1988 (just days before the first one in Budapest). The Belgrade Hyatt regularly wins hotel awards. Yugoslavia's telecommunications industry has been successfully privatized.

But heavy industry and manufacturing are still operated largely under the old system of state ownership. All the bosses of state enterprises are appointed by the government as political rewards. In practice, the appointments are made by the top man in Belgrade, currently Milosevic.

Decades of Communist Party control have instilled a mentality which finds it difficult to see the management of industry as other than political. Naturally, these subsidized state enterprises are inefficient and unprofitable, but they provide income not only for the boss (usually a veteran of the Left Coalition of three parties including Milosevic's) but also for the workers. What social benefits there are in Yugoslavia are traditionally provided by the state enterprise; to close any such enterprise would mean a sharp increase in local unemployment and misery. The political unpopularity of throwing people out of work (where they lose much more than just their wages) reinforces the power of the local boss and the thoroughly corrupt system of patronage controlled from Belgrade.

Overall, this system drains away productive output and wastes it, further impoverishing the population and retarding the growth of output. The resultant moribund condition of industry provokes a brain drain: many of the more talented and educated Serbs leave the country for better opportunities overseas.

The remedy is as obvious as it is acutely painful: the state enterprises must be cut loose; some of them have no prospect

*continued on page 29*

# Genocide in Kosovo

by R. W. Bradford

The United States went to war with Yugoslavia to prevent Serb genocide against ethnic Albanians. The bombing has stopped. Now it's time to count the bodies.

A couple of months ago, an old and dear friend and I got into a spat about whether and to what extent the Serbs had engaged in genocide or war crimes in Kosovo. He'd read David Ramsay Steele's articles on the Kosovo war in *Liberty's* pages and bristled at Steele's dismissal of such charges against the Serbs. I was an agnostic on the issue, I tried to explain, and didn't necessarily agree with Steele about it, though I was pretty sure that NATO and the Clinton administration were habitual and cynical liars.

I thought of that conversation when I saw a story in a recent *Economist* entitled "Nailing the War Criminals," about "the largest criminal investigation since the end of the second world war." It began by noting that the Western press has been full of reports of war crimes and asserting that "almost every town and village in Kosovo bears witness — in the shape of mass graves, for one thing — to atrocities."

But, it noted, so far there's actually very little evidence that will meet "the exacting legal standards required by the UN's International Criminal Tribunal" because "refugees, soldiers and reporters may have already contaminated or disturbed many sites."

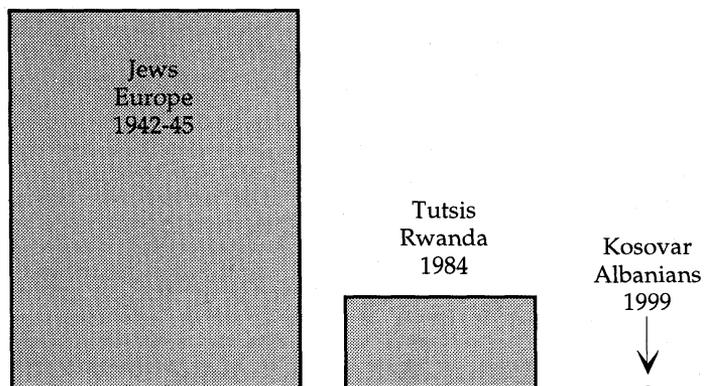
It turns out, according to the article, that the UN has identified only seven "suspected Kosovo massacre sites." Here is the list:

Site name	Number thought killed	Date
Racak	45	Jan 15
Bela Crkva	77	Mar 25
Djakovica	6	Mar 26
Velika Krusa	105	Mar 26
Crkolez	20	Mar 27
Izbica	130	Mar 27
Djakovica, Qerim District	19	Apr 2

Consider:

1) The total number of Kosovars of Albanian descent that the UN Tribunal "thinks" were killed by Yugoslavians prior

## 20th Century Genocide



Total number killed in each genocide, alleged by investigators.

to the NATO attack is 45. I don't want in any way to dismiss the killing of even a single innocent person — but if this charge turns out to be true, did it provide good reason to institute an air war that results in the killing of thousands of innocent people?

2) The number of people "thought" to have been killed at Racak — the sole suspected atrocity committed before the NATO attack began — is barely more than half the number of innocent people killed by the FBI at Waco in 1993. Yet so far as I am aware, NATO never considered an air attack on the United States in response to this far more serious atrocity.

3) The lowest credible estimate of the number of Tutsis

killed by Hutus in Rwanda is 500,000 — and most estimates run much higher. Yet neither the U.S. nor NATO took any action to stop this ethnically motivated slaughter. So why would they attack a state accused of killing 45 innocent people?

4) Including the suspected "atrocities" that occurred after the air bombardment began, and were committed by Yugoslavians, not ethnic Albanians or NATO forces, the total number of casualties is 605. Again, I don't want to dismiss even a single murder, but is there any way in which this constitutes *genocide*?

5) Clinton's decision to carpet bomb the Serbs resulted in the deaths of vastly more innocent civilians than the 605 suspected victims identified by the UN Tribunal. Yet, so far as I know, the UN Tribunal is not even investigating those deaths.

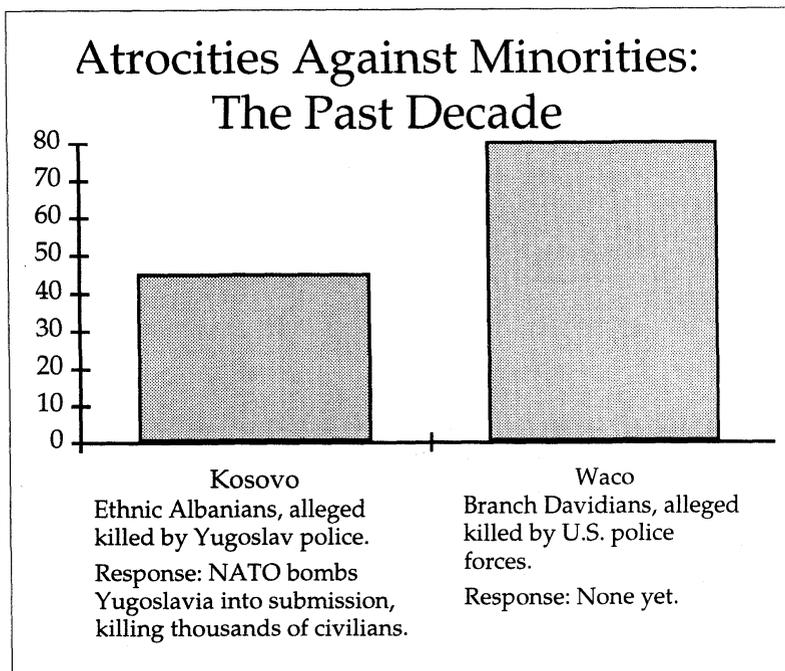
6) The UN Charter prohibits members from attacking any other member without the sanction of the UN. It is indisputa-

ble that the NATO states — all members of the UN — attacked Yugoslavia, without UN authorization. Yet the UN Tribunal has not indicted the NATO countries, or even begun an investigation.

I still don't know whether the Serbs committed anything that could reasonably be considered mass atrocities. But the fact that NATO occupiers can come up with a total of 605 suspected victims after having had the run of Kosovo for a full month suggests that the charge of genocide is bogus. And it's more obvious than ever that the attack on Yugoslavia was motivated by something other than concern for the Kosovar Albanians.

If it turns out that the Serbs did engage in atrocities, there still remains a question: did

Serb crimes justify the spending of tens of billions of dollars to murder thousands of innocent people and do hundreds of billions of dollars of property damage? □



## Steele, "Why Milosevic Must Go," *continued from page 27*

of becoming profitable and should just be shut down, their equipment broken up and sold for scrap. Others may be turned into viable concerns, usually only after drastic restructuring.

### Lip Service to the Free Market

Almost everyone in Yugoslavia acknowledges that privatization is the wave of the future. No one wants to go back to socialism. But even "privatization" is instinctively seen as a political plum to be doled out to supporters.

Although, like nearly everyone else, Milosevic pays lip service to privatization and the free market, although he has pragmatically encouraged some privatization and marketization, and although he is intellectually resigned to the passing away of the corrupt system of industrial patronage he heads, Milosevic's style of governance has been to utilize that system to the utmost, sometimes even with needless provocation in an attempt to show who's boss.

Police descended on ICN Galenika and threw the senior management out on the street. ICN and the Yugoslav government had each accused the other of failing to make payments in accordance with their agreement. The U.S. company ICN Pharmaceuticals is controlled by Milan Panic, former president of Yugoslavia, fierce political opponent of Milosevic, and believed by Milosevic's party to be a CIA stooge. Whatever the rights and wrongs of the underlying

dispute (over the financial arrangements, I mean, not over whether Panic's cover has been blown), the visible display of strong-arm tactics is not the sort of thing best suited to encourage foreign investors to go to Yugoslavia. The dispute should obviously have been taken straight to arbitration and treated just as though anyone other than Panic had been involved.

A clean break ought to be made with the rotten legacy of Tito's socialism, and Milosevic seems incapable of making that break. Unfortunately, some of the "democratic opposition" have discredited themselves as contemptible traitors by failing to take a clear stand in opposition to NATO's bombing of civilians. For the time being, this leaves only Vuk Draskovic and Vojislav Seselj, who between them may now pick up votes from the Left.

It is a time for prudently conciliating and humoring the U.S., however monstrously evil its deeds. Draskovic rather than Seselj should be the public figure who replaces Milosevic. The Yugoslavian presidency should be reduced to its former, somewhat ceremonial status, and the engaging, handsome Draskovic should be sent on a tour of American TV talk shows, where he can charm hearts away from anti-Serbian bigotry, and where his occasional foolish outbursts will do little harm.

Draskovic or Seselj, or both of them together, now have a

*continued on page 36*

# Privacy in Russia

by Jen Tracy

What is privacy like in a country where the police have unlimited power, but not unlimited funds?

Imagine every one of your incoming and outgoing emails, every one of your credit card purchases and every one of your electronic banking transactions popping up in real time on a computer at the Lubyanka, the former KGB headquarters that now houses Russia's Federal Security Service (FSB). Imagine the FSB's computers collecting and storing this information — for years, perhaps even decades — without ever obtaining a warrant.

That is the reality the FSB is striving toward with a little-known legal project dubbed SORM-2. The Russian security service is seeking what its American counterparts have long enjoyed: complete access to the electronic communications traffic of the nation's people and organizations.

SORM is the Russian acronym for Sistema Operativno-Rozysknykh Meropriyatii, or System for Operational-Investigative Activities. A 1995 regulation called SORM-1 gave the security services the power to monitor all telecommunications transmissions — provided they first obtained a warrant.

That is the way things work now: The FSB and FAPSI, the Federal Agency for Governmental Communication and Information, already monitor email transmissions. To do so, they must either tap into someone's telephone — a time-consuming process that involves physically splicing into select lines — or visit that someone's Internet service provider. Either way, transmissions cannot be monitored in real time, and the FSB needs a warrant before it can even get started.

In August, however, the FSB and the State Communications Agency, Goskomsvyaz, drew up an addendum to the SORM regulations called SORM-2. It would require all of Russia's Internet service providers — there are about 350 across the nation — to install an FSB-provided "black box" monitoring device in their main computers, and to build a high-speed fiber-optic line from that device to the

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FSB. Because SORM-2 is to be enacted as a regulation and not a law, it will be reviewed by the Justice Ministry, but will not need the approval of either Parliament or President Boris Yeltsin.

These SORM-2 listening devices would route copies of all Internet traffic to FSB computers — warrant or no. In theory, a warrant would be needed to actually read any of the documentation piling up in the FSB's hands. But in practice, human rights groups say, the FSB is unlikely to worry about such legal niceties when the information it wants is just a mouse-click away. In other words, human rights activists are predicting a complete loss of Internet privacy for the more than 1 million people in Russia who use the Internet — and for tens of thousands more who use credit cards or other electronic banking instruments here.

"This is a police-state practice. [The FSB] should not be alone in its right to surveillance. Society should be able to audit the agency in return. It's a step toward dictatorship," said Anatoly Levenchuk, a Moscow-based Internet expert — and the man who first revealed the existence of SORM-2, by posting a draft of the FSB project on his own web site, [www.libertarium.ru](http://www.libertarium.ru).

But the FSB is not the first to come up with the idea of tracking all Internet traffic. The U.S. National Security Agency has been doing it for years: Electronic surveillance information is collected from across North America, Europe and Australia through an international network called ECHELON, and routed to the NSA complex in Fort Meade,

Maryland.

The NSA has never confirmed that. But then, the NSA's own existence was a secret — despite its staggering annual budget of \$8 billion — until a 1982 book, "Puzzle Palace," told about it. Since then the NSA has set up its own web page ([www.nsa.gov:8080](http://www.nsa.gov:8080)) — and more and more information has come out in recent years about its activities.

"Within Europe, all email, telephone and fax communications are routinely intercepted by the United States National Security Agency," according to a report commissioned by the European Parliament, and presented to the parliament in January 1998.

"ECHELON indiscriminately intercepts large quantities of communications and uses computers to identify and extract messages of interest from the mass of unwanted ones," wrote New Zealand author and researcher Nicky Hager in a 1996 book about the NSA, *Secret Power*.

A key difference between the American and Russian security services is that Russian *spetssluzhby* have a nasty habit of selling information gathered electronically to the highest bidder, and the information ends up serving political ends. As *Noviye Izvestia* noted Friday, Internet users are already ironically referring to SORM as Sistema Oblegcheniya Rassledovaniya Materialov, which could be roughly translated as a System for Scandalously Unveiling Investigative Materials. The newspaper *Novaya Gazeta* in January even argued that this was the main point of SORM-2 — to let FSB agents gather material for use in blackmailing business people and for other dubious yet profitable activities.

The FSB can only dream of the \$8 billion allocated to the NSA: The entire 1999 Russian federal budget only foresees spending of about \$25 billion at current exchange rates.

In SORM-2, however, the FSB has come up with its own solution to the expensive problem of setting up a Russian-style ECHELON system: The FSB wants Internet service providers to pay for the installation and maintenance of the SORM-2 black boxes and dedicated FSB hotlines.

Providers and Internet analysts say picking up the costs of SORM-2 would set providers back thousands of dollars a month. That extra cost would be passed on to Internet users in the form of markups of 10 percent to 15 percent — which could be horrible for business, as Internet access in Russia is already expensive, running at least \$30 or \$40 a month for most people.

Dozens of the nation's smaller providers would not be able to sustain the burden of paying for both their own costs

and for SORM-2.

"The SORM-2 financial burden will be quite heavy for small [providers]," said Michael Novikov, marketing manager for St. Petersburg software developer Arcadia Inc., in an interview with *The Industry Standard* computer magazine. "[Providers] will also likely lose some corporate users because of fears over insecure data exchange, perhaps through the possibility that the FSB would reveal or sell corporate secrets."

One way around SORM-2 is the use of encryption programs. Legal experts disagree on whether private individuals or companies in Russia can encode their emails and other

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*The Russian security service is seeking what its American counterparts have long enjoyed: complete access to the electronic communications traffic of the nation's people and organizations.*

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electronic correspondence, but Levenchuk, who has looked into it thoroughly, insists it is legal.

And already people are turning to encryption. Maxim Otstanov, the host of the Russian version of a U.S.-based web site that offers the commonly used encryption program Pretty Good Privacy, or PGP, says that since the news of SORM-2 was first leaked by Levenchuk in the summer, the number of hits to his web site have more than doubled.

You remember the KGB, don't you?" said Yury Vdovin, deputy chairman of Citizens' Watch, a St. Petersburg-based human-rights group. "They're used to collecting dossiers on citizens, just in case. They collected, collect and will continue to collect information on us. Now they're asking me to pay extra so they can tap me at an even higher quality?"

As Vdovin's comment suggests, there seems to be a natural alliance between Internet providers and human-rights activists against SORM-2. But appearances can be deceptive: No such alliance has materialized, and the two groups are often suspicious of each other.

Human-rights activists complain that providers are too FSB-friendly as is — and allege that providers themselves are already running their own mini-SORM-style operations, storing years worth of their clients' old emails.

At a Citizens' Watch conference on privacy held last month in St. Petersburg, Ivan Seckey of the Open Society Institute at the Central European University in Budapest said that Russian Internet service providers could be doing much more to fight the FSB.

"They should delete all transmissions immediately, so the FSB can't force them to hand over information by threatening to revoke their licenses," Seckey said. "They don't do this now because they need the benevolence of the authorities, and also because they use certain information for marketing purposes."

Providers concede that they store information about a client's Internet activity — that is how they keep track of "hits" on certain web sites, and assemble information about those hits by demographic factors, which is important to



"Well, it looks like he's decided to go with the Big Bang idea."

advertisers and would-be advertisers on a certain web site. And they concede that emails get stored along with that information, because the programs that track Internet activity don't differentiate between different kinds of activity — it all just gets sent into the memory banks.

But beyond that, providers say the human-rights activists often don't know what they're talking about. And they also say they are afraid to stand up to the FSB and Goskomsvyaz because the state can pull their licenses. Given that FSB power over their fate, it's not surprising that many providers disdain the fiery talk of the human rights and privacy rights

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activists, and instead try to speak carefully of SORM-2 — as a narrow business dispute with the FSB over who will pay for it.

"There is no conflict now [over SORM-2]," said Andrei Sibrant, director of Moscow's Glasnet. "When the FSB comes to me with specific documents detailing what technology I need to install and how much I will have to pay for it, then there will be a massive conflict. Until then there is no reason for human rights groups who know nothing about the business to provoke a conflict."

Andrei Sorokin, executive director of St. Petersburg's Peterlink, offered a similar view. "I will not, I repeat, will not buy this equipment for the FSB. This is ridiculous. We'll have to pass along this cost to the customers. We're in the middle of a crisis and they can barely afford the Internet as it is," he said in a telephone interview. But if that sounded combative, Sorokin's rhetoric is, like that of many other providers, simply the opening bid: "When the time comes, we will band together and fight. They can't close down an entire market. But until then, there is nothing to fight."

Levenchuk, the Internet analyst who first spoke about SORM-2 on his web site, has long been trying to organize opposition to it. It has been an uphill slog — in no small part because Internet service providers themselves are rarely eager to stand up to the FSB. "Usually providers are more FSB-friendly than the public thinks," Levenchuk said.

The same complaint comes from Yevgeny Prygov of Krasnodar, who was working with Levenchuk as the coordinator of an official anti-SORM movement with its own web site, [www.antisorm.df.ru](http://www.antisorm.df.ru).

"Well, the movement was a good idea but the movement has been broken," Prygov said in an email interview last week. "It lacks the interest of [Internet service provider] executives."

"The crisis in Russia has redefined some of the priorities and the Anti-SORM movement is one of the victims of this

process," Prygov continued. "People are thinking about how to stay alive and they forget the value of freedom."

In fact, about the only thing Prygov's anti-SORM movement seems to have done was set up a web site, announce itself — and disband.

"No steps were taken — only talks," Prygov admitted. "Everyone is so afraid. I don't have a family but even I alone cannot go without work for a month and expect to eat. We have to be careful to survive. We have no reserves. The standard of living here is not to be compared to that in Moscow or St. Petersburg."

But even in Moscow, the standard of living is no picnic for the unemployed. Membership in the anti-SORM resistance movement has crumbled just as quickly here.

"They lasted all of five minutes," Levenchuk said. "The FSB usually wins these things."

The Internet service provider Data Force was one of two Moscow companies that tentatively decided to oppose SORM-2. "After we had a discussion we decided to [join the] protest," said Sergei Domatov, Data Force's assistant director. "Afterward the FSB contacted us, and we decided at this point there is nothing to fight about. The FSB is doing their job, and we are doing ours."

If providers seem quick to fold, in part that's because they have long ago learned the futility of arguing with the FSB. Even before SORM-2 the FSB has been known to request access to emails and other information — with or without a court order.

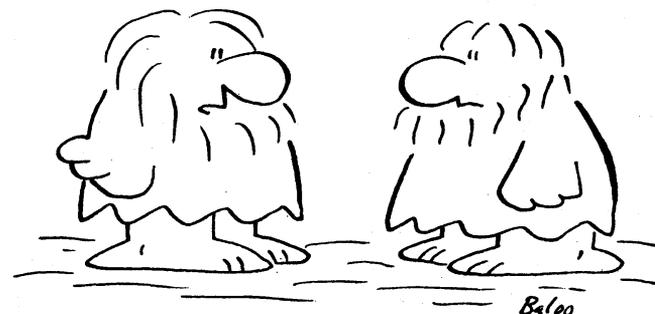
Peterlink is one of many providers where company officials can recount a visit from FSB agents who refused to present a warrant.

"We refused to give them information, but they're professional," said Sorokin of Peterlink. "They threaten to revoke our operating license. We want to protect our clients' rights — but we also have to protect our business. Everyone is afraid."

"The FSB comes to providers here and says simply, 'We want full access to all email traffic of your clients.' We ask for a warrant or court order, they don't have one, but they have the power in every structure in the province and [providers] surrender to stay alive," said Prygov of the anti-SORM movement.

To date, only one provider has refused to conform to SORM-2 regulations. Since last April, Oleg Sirov of

*continued on page 48*



"Interesting that you should say 'stick' — I always thought of God as a rock."

# See How They Run

by Chester Alan Arthur

A month ago, it looked like Harry Browne would get the next Libertarian presidential nomination by default. But new challengers are emerging.

In 1996, Libertarian Party nominee Harry Browne took a tremendous drubbing, garnering only 485,798 votes. These returns topped Ron Paul's 1988 total only because Browne's name appeared on the ballot in four more states than Paul's — even though the 1996 campaign had vastly more money and the LP had more than three times as many members in 1996 than in 1988. Even more disappointing, Browne got less than half the vote share that LP nominee Ed Clark had garnered in 1980. Browne finished in fifth place, the lowest of any LP candidate since 1972, when the nascent party was on the ballot in only two states.

Nevertheless, Browne managed to do something that no LP nominee had ever before accomplished: he remained a viable candidate for a second nomination. Prior to the 1996 election, the LP had a tradition of turning against its presidential nominees. 1976 nominee Roger MacBride, despite running (and largely financing) a campaign that saw the LP vote increase more than fiftyfold, was subject to such withering criticism that he returned to the GOP with his tail between his legs. 1980 nominee Ed Clark, had the best showing of any LP nominee ever, but he was not considered for renomination in 1984. 1984 nominee David Bergland, ran a caretaker campaign after a bitter convention fight; he was snubbed at the 1988 convention. Ron Paul, who'd left the Republican party to accept the LP nod in 1988, was ignored by the party to such a degree that, like MacBride, he returned to the GOP. And 1992 nominee Andre Marrou was treated as a virtual outcast after his defeat.

But Browne remained so popular with LP members that as 1999 began, he was plainly the front-runner for the nomination. His campaign scored this success by developing a new strategy: it focused much of its effort in 1996 not at the general voting public but at LP activists; practically by the time the ballots were counted, it was ready with an entirely new strategy to replace its disastrous 1996 strategy. This time, in Browne's words: "we have to create a party so big,

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so strong, so well-financed that in the year 2000 no one can ignore us."

Toward this end, the Browne campaign developed "Project Archimedes," which proposed to use "sophisticated direct mail techniques" to recruit another 180,000 members for the LP during the next three years. In the pages of this magazine, Browne and *Liberty's* editor debated the subject of whether Project Archimedes was feasible. R.W. Bradford argued that it simply was not possible to recruit that many new members that quickly by means of direct mail, no matter how sophisticated the effort, and that even if that huge number of members could be recruited, it was virtually impossible that they would donate the \$50 million for the 2000 campaign that Project Archimedes called for.

Browne responded that the LP had never tried to mount such "an all-out recruitment campaign," and that "with every passing year, more millions of people become aware of the futility of government solutions and more responsive to libertarian one"; he said that if he was wrong about Project Archimedes, libertarians might as well "forget all this 'liberty' stuff and make the best of a bad deal."

Browne and the National LP implemented Project Archimedes, raising and spending hundreds of thousands of dollars to do so. During the first 30 months of its planned 36 month existence, LP membership rose by 10,517, from 21,622 to 32,139. To achieve its stated goal, Project Archimedes will need to capture another 167,861 members in the final six months of its duration.

Of course, whether the membership growth is purely the

result of Project Archimedes is an open question. According to membership figures provided by Harry Browne, LP membership has grown 48.6% since the 1996 election — exactly the same rate as during the 30 months that followed the 1988 election.

But most LP members are evidently quite happy with the results of Archimedes. In the race for National Chair at the 1998 LP Convention, David Bergland, one of the architects of Archimedes, easily defeated Gene Cisiewski, who had criticized the plan as unrealistic.

Anyway, as 1999 began, it looked as if Browne would face serious opposition only from Jacob "Bumper"

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*Browne managed to do something that no LP nominee had ever before accomplished: he remained a viable candidate for a second nomination.*

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Hornberger, head of the Future of Freedom Foundation and a popular speaker at LP events. After Hornberger dropped out of the race on June 12, it seemed that Browne would win the nomination easily.

On Independence Day, novelist L. Neil Smith sent out a 1,500 word email announcing that he would seek the presidency as an independent candidate, "if those who want me to do it will collect 1,000,000 petition signatures to convince me I'm not wasting everybody's time and energy." He observed that there is a "a group who want to draft me as the LP candidate for President," and that he wouldn't refuse such a nomination. But he doubted that it would be offered: "I believe the LP has reached a point where, if I were to walk into its convention with a million petition signatures, or five million, or ten million, the clique that owns the party would still find an excuse to reject my candidacy."

Smith is a popular science fiction writer, some of whose novels have libertarian themes. He's at least as popular and as well known with LP members as Harry Browne was on that day in 1994 when he decided to join the LP and seek its presidential nomination. And unlike Browne at the time, he doesn't have a history of opposing the LP; in fact, he's been a member since 1972. He's an excellent speaker, a formidable wit, and a very smart guy. Despite his demurrals, he has to be taken seriously.

Yet his claim that "the clique that owns the party would still find an excuse to reject my candidacy," even if he walked into the convention with petitions signed by 10 million people, doesn't stand up to scrutiny.

It's aimed at front-runner Browne, whose allies control the bureaucracy of the national LP by holding a solid majority within the National Committee and control of party offices. While Browne's allies control the activities of the national office, it is not the national office that will run the LP convention next year. Delegates are apportioned among the states and chosen by state parties according to rules that are well established, and Browne's allies on the National Committee cannot change them even if they want to.

And what's this stuff about Browne's allies "owning" the

LP? They were elected to their positions of control at the 1998 convention; new National Committee members and officers will be chosen at the 2000 convention. They no more "own" the LP than Bill Clinton "owns" the Democratic Party. Smith is a novelist, so I suppose it may be that he's using a metaphor. But it's a misleading one.

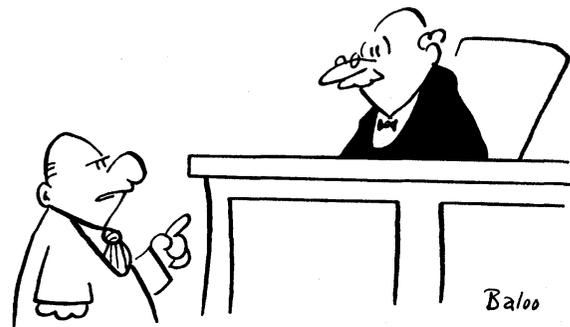
Far more serious is his insistence on a million petition signatures. Getting a million signatures, as anyone who's ever worked as a petition gatherer knows, takes a tremendous amount of effort and considerable expense. If one is serious about running for the presidency, he should try to channel the effort of his supporters toward activities that will actually benefit his candidacy, not on a goofy make-work project like this. Without a trace of irony, Smith claims that the reason for this huge effort is "to convince me I'm not wasting everybody's time and energy" by running for president. Apparently, he thinks it's much better for his supporters to waste their time and energy doing something that won't help his effort at all.

Nor is his credibility helped by his suggestion that "for now" those "who wish to help" his campaign ought to "buy my books." It's as if Hillary Clinton told her supporters in New York that if they really wanted to help her campaign, they should buy more copies of *It Takes a Village*. (I make a political, not a literary, comparison.) Ironically, one of the charges that Browne's critics within the LP make against Browne is that substantial campaign resources were spent promoting the sale of his book *Why Government Doesn't Work*, which presumably increased Browne's personal income.

Meanwhile, the field of presidential aspirants continues to grow more crowded. The Clean Slate Action Program is calling for a radical reorientation of LP strategy at the national level. It sees the national office as primarily a self-perpetuating bureaucracy focusing almost all its efforts on fund-raising and the presidential campaign. The Clean Slaters want the national party to direct more resources to state and local efforts and are consequently unhappy about the prospect of another Browne campaign. Most Clean Slaters supported Bumper Hornberger's candidacy prior to his withdrawal from the race, primarily in hopes that Hornberger would abandon the Browne strategy and allow the party to focus more on state and local races. They have little interest in the Smith campaign, primarily because they are convinced that the idea of soliciting a million petition signatures is a waste of time and energy.

The Clean Slate Action Program Committee includes

*continued on page 36*



"You'd have shot her too, if she'd flushed while you were in the shower!"

# Paramilitaries Among Us

by Forrest Smith

Why a group of Rambos sat biting their nails behind body armor and ballistic shields while children were slaughtered in their schoolhouse in Columbine.

During a four-hour period outside Columbine High School on April 20, 1999, squads of highly-touted SWAT teams — masked men clad all in black, wearing Fritz helmets and Kevlar vests, clutching M-16's and MP-5's behind their ballistic shields — waited for the order to “kill people and break things,” an order that, amazingly, never came. As two of Columbine's students celebrated Hitler's birthday by murdering twelve of their classmates, a teacher, and then themselves, the SWAT teams remained safely under cover while their spokespersons weathered grueling fire from the reporters who had descended on the scene. The episode raises serious questions about SWAT teams in general, and those participating outside Columbine High School in particular.

Whatever else one might call them, SWAT (Special Weapons And Tactics) teams are actual combat soldiers. Few people have recognized the fact that with the advent of SWAT teams, the government planted organized military units right in Anytown, USA, and as the Declaration of Independence phrased it, “kept among us, in times of peace, Standing Armies,” by insisting they are just plain policemen.

Insinuating combat soldiers into the civilian population for control of those civilians has been accomplished with ridiculous ease by a government whose power continues to metastasize out of control. In the late 1800's, *posse comitatus* (power of the county) laws were enacted. These laws forbade the government to use the military against civilians or for the enforcement of civilian issues. Since the late 1960s, however, these laws have been continuously undermined, and there has been a move to militarize civilian police forces, even down to the smallest of municipal departments. SWAT is everywhere, even in towns having fewer than ten sworn officers.

Modern television programming contains a plethora of “cop” shows featuring this new breed, these men whose appearance and style are indistinguishable from that of the U.S. Army. It is however no wonder that they look military

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— they are military. Often, they have been trained by the U.S. military on active military bases and they are armed by the U.S. military. In 1998 the Los Angeles Police and Sheriff's Departments received 6,000 M-16 military-issue assault weapons from our federal government. Police units are transported like the military, with several departments operating surplus Huey helicopters of the type used for combat assaults in Vietnam. Many possess armored urban assault vehicles like the Mad Max vehicle rolling to and fro at Littleton doing God knows what. They even dress like military commandos, often buying their black ninja gear at their own expense through military supply houses. By the time the military trainers are through with their civilian cadets, one cannot distinguish a SWAT team from a SEAL team.

Of course, the government needed a fig leaf to turn Barney Fife into a Green Beret, and the perfect pretext was the war on drugs. Nothing was too good — or bad — to deal with the dreaded scourge of drugs. After all, those valiant Boys in Blue were hopelessly outgunned by the evil gangs of international narco-terrorists who threatened our children and indeed our very way of life. Today few Americans are surprised by the spectacle of forty ninjas leaping from rental trucks in the ghetto, smashing down doors and knocking terrified young African-Americans (almost always) to the floor, to emerge triumphantly displaying small plastic bags of marijuana. Another school saved, another blow for freedom.

As if the very existence of SWAT were not sufficient affront to any barely-conscious civil libertarian, there is a nagging and growing perception in the public mind that

these military units are staffed largely by testosterone-soaked, trigger-happy Rambo wannabes who see the world as "us" and "them." "Them," of course, is the vast pool of "perps" on whom SWAT longs to "bust a cap" and "double tap" (they actually talk that way).

### The Warriors of Littleton

It would be nice if SWAT teams could perform jobs that have a positive impact on society — protecting life and property. It is difficult to understand, for example, why something was not done quickly to insert these "great warriors" into Columbine High School to confront the gunmen, before the killers could consolidate their positions and kill more people. After all, it was known from the earliest moments that there were gunmen shooting and killing at random in the school. Are we wrong to expect the people trained, equipped, and paid to deal with dangerous criminals and high-risk situations actually deal with them? When that agonizing little corner of hell was in session in the Rockies, instead of marching toward the sound of the guns, our SWAT regulars took shelter behind fire trucks, ambulances and police cars, as their leaders talked with a specially-dispatched Dan Rather. We know what Rather is paid to do, and we know what the SWAT teams are paid to do. Clearly, Rather was the only one earning his pay that day.

The SWAT teams had antiballistic nylon vests and helmets with man-sized antiballistic shields, the latter capable of deflecting anything up to a .308 round, the standard high-

power military rifle caliber. Even if they could not assault in force of numbers, why wasn't a small reconnaissance squad of volunteers sent in immediately to determine if they could do anything at all?

When the teams finally entered the school, the massacre had long since ended. What death and misery might have been prevented during those four hours while the SWAT teams watched and waited? While the news cameras revealed everything happening outside the building, which is to say, nothing at all, inside the school building, the carnage and terror continued. Though SWAT was conspicuous by its absence, the field of battle was not empty of courage and honor. Children directed children to closets and barricaded rooms for safety. One child crawled through the carnage to hang a pathetic sign in a window — "Please help us, we are bleeding to death." Another brave child wrapped his own body around his friend, saying, "I'll take the bullet." One adult, a mild-mannered coach, helped a number of his students to safety, even as he himself was repeatedly shot, then slowly bled to death, waiting hours for SWAT to rescue him and the students he saved — that is, to do their job. In the end he asked a student to carry forth his final words: "Tell my girls I love them."

The SWAT teams in Littleton failed to protect the lives of the citizens they're paid to protect. No one has asked the obvious question: if the mission that day had been a surprise raid on a marijuana farmer, would the teams have acted as cowardly? □

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### Steele, "Why Milosevic Must Go," *continued from page 29*

once-in-a-lifetime chance. NATO bombing has destroyed over 50 industrial plants. Some of these, such as the Sloboda household appliance factory, makers of reputedly the world's worst vacuum cleaner, should have been shut down long ago. Many of these plants were never worth keeping in operation, but economic theory also tells us that plants which are in fact worth keeping in operation may not be worth rebuilding if destroyed.

The new regime which will emerge with the disappearance of Milosevic has the wonderful opportunity simply to abandon these parasitic state enterprises which have been

sucking the life's blood out of the Yugoslav economy. NATO, instead of Belgrade, can be blamed for the loss of jobs. It should be declared unequivocally that not one of these factories will be rebuilt, unless some private company, domestic or foreign, will undertake the task without subsidy.

The devastation wrought across Yugoslavia by NATO can become the occasion for an economic miracle, if the new government which will appear within the next year or so can seize the opportunity to uproot the socialist industrial system. □

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### Arthur, "See How They Run," *continued from page 34*

several prominent LP activists, including George Phillies, Janice Presser, Jim Givens, Mark Hilginberg and John Famularo. Sometime in the next 90 days, the Committee will likely announce its support of an alternative to Browne. Announced candidate Larry Hines has endorsed the Clean Slate agenda, and is plainly in the running for this endorsement, but sources within the committee suggest that its more likely choice is committee chair Phillies. Whoever it is will offer a serious challenge to Browne's renomination, if only because of its members' determination to change the direction of the LP.

Meanwhile, the outlook for the LP's eventual nominee will soon darken: Senator Bob Smith is about to announce that he'll seek the U.S. Taxpayer's Party nomination. If the

Republicans nominate a mainline moderate like George W. Bush or Elizabeth Dole, as seems likely, the nomination of a prominent national political figure like Smith will energize the Taxpayer campaign. Smith is a very conservative Republican whose appeal will likely be to the same voters whom Browne courted in his 1996 race and that have usually been the core of the LP vote: disaffected conservatives fed up with compromise by GOP candidates.

With the invigoration of the Taxpayers Party, the Reform Party revitalized by the victory of Jesse Ventura in Minnesota and continued growth by the Greens (who clobbered the LP in '96, despite being on the ballot in only 22 states), the LP will have its work cut out to avoid becoming "America's Sixth Party" as the new century begins in 2001. □

# Nathaniel Branden Speaks

Probably no factor was as important in the resurgence of libertarian thinking in the past half century than Ayn Rand's philosophy, Objectivism, which combined reason, egoism, realism and libertarianism into a reasonably coherent system. Rand promoted her thinking primarily by means of two very popular novels, *The Fountainhead* (1943) and *Atlas Shrugged* (1957).

Her friend, Nathaniel Branden, was the second most important formulator of Objectivist thought and arguably the person most responsible for organizing the movement around Rand. From 1955 to 1968, he was also her secret lover. When their affair ended in 1967, Rand denounced him fiercely and he moved from New York to California, where he began a very successful career as a psychotherapist.

He remained generally silent on the subject of Rand and her movement until after her death in 1982. In the years since, he has delivered several lectures about Rand and involved himself with the Institute for Objectivist Studies. In 1989, he published *Judgment Day*, his account of his relationship with Rand. (The affair itself had become public knowledge in 1986, with the publication of *The Passion of Ayn Rand*, a biography of Rand written by Branden's former wife, Barbara, who had also been intimately involved with the Objectivist movement.) Earlier this year, he published a substantially revised version of his memoir, this time entitled *My Years With Ayn Rand*. (For detailed information on the differences between the two memoirs, see "A Kinder, Gentler Judgment Day," by Bryan Register [*Liberty*, August].)

On May 27, *Bryan Register* interviewed Branden on behalf of *Liberty*. What follows is a slightly edited transcript of that interview. By and large, Branden's words have been left untouched, except for minor corrections of syntax and the elimination of a few repetitions and conversational hesitations. The use of ellipses (. . .) indicates pauses in Branden's conversation, not the deletion of words.

**Liberty:** In 1990, Barbara Branden did an interview with *Liberty* in which she said a number of things about you which were negative. Some of them seemed to be, well, unkind enough to be insuperable obstacles to working together to revise your book. How exactly did she help you out and what kind of obstacles did the two of you face in working together?

**Branden:** Well, let's see now. She heard from someone — I forget from whom, or perhaps I never knew — that a new edition of the memoir was being published, and she also heard that I was concerned that if there were any unintentional or inadvertent factual inaccuracies . . . I wanted to clean up anything I could for the new edition for obvious reasons.

She wrote me an email in effect volunteering to offer feedback. I said I'd be very happy and grateful if she could tell me anything or show me that I got wrong. I wanted to correct it. I had no interest in having anything in the book which is not right.

And it was really a very good event, because in the course of discussing the book and going back and forth, we were able to reconnect on a far more friendly basis than we've had between us in some years. The actual factual issues were relatively minor: for instance, I had compressed the dates of two trips to Toronto. (This I already knew about.) But she wasn't concerned so much about a factual misstatement as she was about certain passages which carried implications that were false, rather than my making a literally false statement. I'll give an example, okay?

**Liberty:** Yes.

**Branden:** She seemed to feel that I had implied in *Judgment Day* that she had gotten those dozens, hundreds of lovers — I don't know what, but it made a very large number. That was not the fact, and that was not my view of what my passage implied. But I said, "Hey, it's no big deal. I'll go back, and I'll really simplify that aspect of the story. I will strip it down to the bare essentials necessary to make the point that I need to make clear to the reader, and I will eliminate anything that is totally not essential. The mate-

rial may be true, but if it isn't really important, and it pertains to this issue, and is painful to you, I am very happy to cut it."

She would say "Well, this implies such-and-such," and I would either cut it or say something additional that would remove some implication which I wasn't aware of and had not intended. There were a number of issues of that kind. I no longer can pull them from my memory bank.

So, I think that it's fair for me to say that Barbara expected me to be very hostile and non-receptive to anything that she might tell me, and I think she went into

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*Barbara expected me to be very hostile and non-receptive to anything that she might tell me, and I think she went into kind of a benign shock when she could see that I really didn't want to cause pain for the sake of causing pain.*

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kind of a benign shock when she could see that I really didn't want to cause pain for the sake of causing pain. I had a story to tell, and certain things had to be said in order for the story to be clear and meaningful, and so at the end of it, we ended up more benevolently disposed to each other than had been the case in over a decade.

She wrote me a very nice letter; I sent her a copy of the book and she complimented me. She felt it was a much better book, and she appreciated the things I had done. She pointed out things to me, and I felt were very valuable. She said that with regard to certain people — the Blumenthals being the most obvious example — I focused, in her view, overmuch on their negatives, but hadn't indicated to the reader adequately what were the positives about them that could have allowed the relationship to exist in the first place, and that the book was out of balance, and, uh, caused them a lot of pain which was not necessary. She implored me to edit the treatment of them in such a way as to eliminate anything not absolutely necessary that was of a negative nature, but more importantly — or as importantly, I should say — to give more of a positive sense. Which I did.

**Liberty:** Let me ask you another question specifically about the Blumenthals. One passage that you removed from the book is one in which you say that the Blumenthals had been saying for about twenty years that you had provided marriage counseling to your second wife Patricia and her first husband Larry Scott . . .

**Branden:** Yeah, yeah . . .

**Liberty:** While they were married and you were having an affair with Patricia.

**Branden:** That's not what happened, but go ahead.

**Liberty:** Why did you remove that passage from the book? Because they had eventually apologized and retracted the statement?

**Branden:** Well, several reasons. The first reason is not very

exciting. The editor wanted me to cut the book as much as possible for two reasons: to make the story move faster and to leave room for the addition of new material.

So I began looking at everything from the point of view of "Is this really important for what the book is most essentially about?" So I did a lot of cutting; a lot of the stuff that Barbara asked me to cut, I had already cut before I received her request. Not for the reasons that were in Barbara's mind, but simply because I was really intent on eliminating whatever I regarded as nonessential to the story I wanted to tell. So, many times during our email exchanges, she would say "How would you feel about eliminating paragraph X?" and [laughs] I would say "I did that three months ago." It almost became a joke between us, how often that would happen. And, so that was one of those issues I said "Ah, to hell with it." It's history. Larry's gone now. Poor Larry's gone, he's dead. It's not important anymore; screw it.

**Liberty:** Okay.

**Branden:** And, and, and you know, the truth of the matter is that when I wrote *Judgment Day*, I was feeling more pain about the past than I was fully consciously aware of, and some of that showed up in the writing. Thank heaven having another chance a decade later, when I processed many of those experiences, obviously my sense of what I needed to tell underwent certain shifts. And so I wanted to make a book that would be benevolent and more positive and more kind, and if I had to say something negative, I had to

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*When I wrote Judgment Day, I was feeling more pain about the past than I was fully consciously aware of, and some of that showed up in the writing.*

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have a very good reason in the logic of the story to do so. That was the reasoning I was on.

**Liberty:** There's a passage that you didn't remove about Joan Mitchell Blumenthal and Leonard Peikoff, in which you tell how they helped you understand social metaphysics by being case studies in a sense.

**Branden:** Yes.

**Liberty:** I couldn't help but notice that there's a passage that reads almost identically in your book *Taking Responsibility*, except that there you don't identify them. The two people are left anonymous, but they are clearly Joan Blumenthal and Leonard Peikoff. And they're described as patients that you had when you were practicing psychotherapy. Is there anything revealed in either of these books that was told to you confidentially in therapy?

**Branden:** No, because . . . [chuckles] This is hard to explain, uh . . . In the subculture in which we lived at the time, during those years, those issues were widely discussed. There was very little psychological privacy in those days. Everything that was wrong with anybody or thought to be wrong was publicly discussed. It was like public knowl-

edge in our whole group; it was kind of like it wasn't . . . it wasn't, uh . . . a professional relationship in the full sense, and it was part of the highly wide-open Objectivist culture in which we lived. However, having said that, I wish to tell . . . Oh! I know what my reason was. Had I not told the story accurately in *Judgment Day*, when I came to tell it in *My Years With Ayn Rand*, I would've made it two anonymous cases, only by then it was too late.

**Liberty:** Oh.

**Branden:** Do you understand what I'm saying to you? Because that's really stupid, it's already there. So . . . but . . . of course, in the case of the other book, when I had to re-approach the whole subject of social metaphysics, it was totally irrelevant — I was writing for a different audience and it would have been totally irrelevant to talk about who the people were. I don't think that's a very good state of affairs, and I wouldn't recommend it, or . . . or approve of it today, but it's the history of the time.

**Liberty:** That leads me to another question, about something that Barbara Branden said in that 1990 interview. She said at the time that there were various purges and so forth in the inner circle, when you and Ayn Rand would get around to denouncing people, your denunciations were much more severe than Rand's . . .

**Branden:** Yeah . . .

**Liberty:** Because you were everyone's psychotherapist, and so we wouldn't find that out by reading, say, your calmer tone in *The Objectivist* articles, or something like that, but that in private you were, in a sense, meaner than she was.

**Branden:** I don't know, uh . . . I should've discussed that with Barbara, because I have no idea to this day where she was coming from. I mean, I think she was very hurt and angry by *Judgment Day*, and she gave the *Liberty* interview at a time when she really had a lot of pain and rage against me, which is understandable, because anybody who knew Ayn and me knew that what Barbara said wasn't true — meaning that Ayn took, uh, denunciation, judgmentalism, to a . . . an intensity that nobody [chuckles] could approach! I mean, to say that I was a worse holy terror than Ayn, I mean, it made me laugh when I heard about it. If you could interview her, I would be shocked out of my mind that Barbara would persist in that evaluation today.

**Liberty:** Oh.

**Branden:** I think . . . I mean, I can't speak for her, because I didn't discuss that particular point. But I have to say that anybody from the old days — because you're talking to a lot of people who weren't even born when the Ayn Rand-Branden split happened. But anybody who was there, who witnessed what went on, knew that Ayn Rand was in a class by herself, when it came to, um, bringing down the wrath of God. Now that doesn't mean that I couldn't at times be thoughtless, judgmental in an inappropriate way, cruel, and not really realize what the impact on another person was going to be of something I was saying. I could be quite oblivious, and I'm not trying to whitewash myself or suggest that I couldn't at times be incredibly insensitive and unkind, because I could be. I only challenge the statement that . . . I forget what Barbara said. Something

like, uh . . . like Ayn was a softy compared to me.

**Liberty:** "Was a pussycat in comparison."

**Branden:** I mean, that really made me laugh. And, and . . . and I do think, let me add, that it is relevant to compare our articles in *The Objectivist* or *The Objectivist Newsletter*, because I do think that you can see the differences in the way our minds worked about those issues and what we leaned heavily on there. And I do think that, uh . . . any person who's . . . will see that in terms of being critical, judgmental, psychologizing, reading the wrath of God,

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*There was very little psychological privacy in those days. Everything that was wrong with anybody or thought to be wrong was publicly discussed.*

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telling what depravity led you to ask that question, etc., etc., etc., nobody was in Ayn's league.

**Liberty:** Barbara also said in the *Liberty* interview that in the very last months before the break, you were refraining from telling Rand the whole story about your relationship with Patrecia just until Rand had written the introduction to *The Psychology of Self-Esteem*. Was that the way it happened?

**Branden:** No, that's news to me . . . I don't think that's what Barbara said. I don't think that was the . . . Because by then . . . Jesus . . . she . . . no . . . Uh, There was no connection between not telling Ayn the truth and the introduction to *The Psychology of Self-Esteem*. I felt pretty hurt and angry by then, and I felt that Ayn had been saying such incredible things about *The Psychology of Self-Esteem*, for so many years — I mean, the essays as they were being written — and in light of what I saw myself as having done contributing to her career, I will certainly say that I felt that was owed to me, since it was a truthful expression of her convictions. And I didn't think it should've been contingent on whether or not I was in love with her. However, that was my feeling then, and I said in my book in retrospect I don't think I was thinking very clearly, because the truth of the matter is that she had the right to set whatever kind of terms she wanted to set. And, uh, if I wasn't in love with her, or I was in love with another woman, and if that for her became grounds for her to repudiate me publicly, well, that was her right. Not perhaps her rational right [chuckles], but her right in the broader sense.

I hope I'm being clear and responsive to your question.

**Liberty:** Okay. Let me ask you about Alan Greenspan. In *Judgment Day*, there are two references to his being a Keynesian — one of them was a quotation from Ayn Rand.

**Branden:** Yes.

**Liberty:** Both of them are removed. Did Ayn Rand believe that he was a Keynesian? Did you?

**Branden:** Bill Bradford wrote an article in *Liberty* in which he

raised the same question — was Greenspan really a Keynesian as Branden had said? So I wrote Alan Greenspan a letter. I said "I'm working on a revised issue of my book and I want to clean up anything I may have not got quite right, and in my book, the first version, I did characterize you as a Keynesian. That's my memory; can you help me? Is my memory right or wrong?" And he wrote . . . he wrote me back — I can't quote it now, it was a couple of years ago — he wrote me back to the effect "Well, it depends how you define Keynesian. In certain respects I was, and in certain respects I wasn't. And . . . in this respect I could be called a Keynesian, and in this

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respect I didn't share Keynes's premises." So I wrote back, "I . . . I wouldn't be wrong in characterizing you as a Keynesian. That would not be unfair," but it was again another chance for me to cut and save some space, so I said "Just the same I think I'm going to cut the whole reference," and he wrote back "Sounds good to me."

**Liberty:** [chuckles] Okay.

**Branden:** And that's how it ended.

**Liberty:** Oh . . .

**Branden:** Maybe he didn't say literally "Sounds good to me," but it was that kind of an idea.

**Liberty:** Okay.

**Branden:** I'm . . . I'm . . . I'm quoting by memory.

**Liberty:** There's a very funny discussion of Leonard Peikoff's problems with school in *Judgment Day* that was not in the new book. Is this just another cut for space or does this somehow reflect a reassessment of his abilities?

**Branden:** Remind me, please, of what I cut.

**Liberty:** A discussion between you and Rand about how he couldn't remember the meta-ethical proof, and how whenever he would study Dewey he'd become a Deweyan for a while . . .

**Branden:** Oh, that was cut for no other reason than space. You see, my editor kept saying "The story is you, Barbara, Ayn, Frank and Patrecia. People don't care about those kinds of details," so I keep being encouraged to trim, trim, trim.

**Liberty:** You have said that you didn't think all that terribly highly of Peikoff's 1991 book *Objectivism: The Philosophy of Ayn Rand*. Why do you think that his efforts seem so lackluster? Is there something intrinsic to his philosophical abilities, or is it because he's a part of an Ayn Rand cult?

**Branden:** Well, let me say this. I judge a book of that kind, very basically, by whether or not it has a chance to persuade somebody who's not already a believer. And I

judge that book as very inadequate in that respect. It was a book written, in style and in approach, for those who were already Randians or Objectivists, or very, very sympathetic to that point of view.

**Liberty:** Yes . . .

**Branden:** And I didn't think that was a good way to present her philosophy to the world. I thought that he should make a fresh effort to write it in a way that would make it more logically and emotionally compelling.

**Liberty:** Okay . . .

**Branden:** As to the explanations as to why he didn't write what, by my terms, I would call a better book, I feel that I'm speculating on his psychology, which I'm not eager to do. Let me think, now, what could I say that would be fair and appropriate? Well, I do think he's very, very intellectually rigid. I do think he's the quintessential true believer, if there ever was one. And I think that that inhibits his creativity. That inhibits a fresh approach. That inhibits . . . um . . . kind of bringing a whole brand new perspective that would illuminate, perhaps, aspects of Objectivism in fresh and exciting ways for people. I don't think that if you are as much a true believer — and I trust your readers will understand what I mean by that — as Leonard is, I don't think it's possible to write the kind of book I would like to have seen him write.

**Liberty:** You make two small changes dealing with the word "cult," and, of course, there's always been a question whether Objectivism is or was a cult. You pulled a sentence "This is how cults are made," from a description of an attitude that some of you had toward Ayn Rand. Elsewhere you wrote "We were not a cult," but in the new edition, you wrote "Perhaps we were not a cult." What's your current view on whether or not Objectivism was a cult at that time?

**Branden:** [Laughing] Very reasonable question. I would have to say the following. Obviously, we had many cult-like aspects. That's undeniable. Uh, failing only perhaps that we didn't, uh . . . encourage people to make financial sacrifices or financial contributions, you know, or stuff of that kind. And, um, we, took great pains to offer reasons for anything we asked people to sign on for. I put in the word "perhaps" because I wanted to modulate and not . . . I wanted to acknowledge the fact that it's obvious that we had many cult-like aspects, but I wasn't prepared to say "Yes, we definitely were a cult" either. So I was treading that middle ground of saying "Possibly we were a cult." We were certainly a cult in some respects. I don't think we were a cult in all respects.

**Liberty:** In *The Ayn Rand Cult*, Jeff Walker claims that you were a cult by eight of nine criteria that he lists.

**Branden:** Yes.

**Liberty:** Do you have any general assessment of that book? Have you read it?

**Branden:** I have not read the book. But I'm told by people whose judgment I trust that he makes a great many allegations and claims for which he doesn't offer anything remotely resembling evidence. And, of course, as far as I am personally concerned . . . Um, I want to express myself politely; I am being tape recorded. I understand from

friends that this gentleman suggested that I was somehow, if only through negligence, complicit in my wife's . . . my former wife Patrecia's death. You'll understand that on that ground alone, I don't buy or read those kind of books.

**Liberty:** Right. I certainly didn't intend to ask you about that allegation. I regarded that also as being uncivilized. Do you mind if I ask you a couple of other questions about some of the other allegations he makes about you?

**Branden:** No. No.

**Liberty:** He claims that your master's degree at NYU was from the education department, in psychology and that you didn't have to write a thesis. What's your assessment of the academic value your master's degree.

**Branden:** Oh, I think it's pretty much in the medium range. I don't think that it was a fantastic school. It wasn't a bad school. But you know, I'm not a person who's ever been [chuckles] who's ever been especially excited about credentials one way or the other. I don't base any of my claim to anything I might've accomplished in this world on what school I went to. If I would be judged, I would be judged by my books. If you think the books are of value, then it wouldn't matter what school I went to, and if you don't think they're of value, it wouldn't make any difference. So, for me, the whole question is unimportant.

I can't say he's wrong. I don't think it was a great school. But there was a special reason, which I explained

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in my book, why I didn't have to write a thesis, and that I told, because I thought it was an interesting story, and because I feel a great sense of gratitude to that professor, who really believed in me and supported me.

**Liberty:** He also talks about your Ph.D. from the California Graduate Institute . . .

**Branden:** Right.

**Liberty:** And he says that a Ph.D. from that particular unaccredited school is just, basically, one step above the kind of Ph.D. that you can send off for and get in the mail.

**Branden:** Well, there he's factually mistaken.

**Liberty:** Okay.

**Branden:** Meaning, anybody can check that out. You can get licensed as a psychologist or a marriage family counselor on the basis of a degree from that school, in California. So, I mean, I don't think he did his homework.

**Liberty:** Speaking of licensing, he also says that you occasionally have run-ins with the licensing board in

California, that they've asked you not to describe yourself as a psychologist.

**Branden:** There's an interesting story here, too. When I came to California, I got licensed. I didn't know where I was going to end up living. I got licensed as a psychologist in Washington, D.C., in the state of New Jersey, and the state of Pennsylvania. California had super, super, super,

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tough licensing laws, because the whole world wanted to live in California. And I found out that they had an alternative license that would free me up to operate, which was a marriage, family and counseling license, okay?

**Liberty:** Uh-huh.

**Branden:** Which would allow me, in effect, to do what I had wanted to do, and wouldn't require a lot of the work that would've been involved in getting the psychologist's license, and I didn't think it was going to make any difference to me. Now, this is a real interesting story. When I came to California, I got very, very busy, very, very fast. Within two years I was doing a lot of groups. I had a practice at one time of as many as 117 clients, which is incredible for a psychotherapist. All right?

**Liberty:** Okay.

**Branden:** Now, one day I get a call from the licensing board. No, I think it was the D.A.'s office of Beverly Hills, that some charge had been made that I was practicing medicine without a license. Okay?

**Liberty:** Uh huh.

**Branden:** I can't remember the details, but I remember the important ones. So I went over to them and I told them what I was, what my training was, what my licenses were, and we got the issue clarified very, very simply. What happened is somebody made a complaint against me. They sent somebody there undercover acting like a client. Okay?

**Liberty:** Mm-hmm.

**Branden:** My secretary said something that perhaps she shouldn't have said, I don't know what, implying that I could treat something or other, that might've fallen into the category of medicine. But for her it was like a casual conversation, like, "Yeah, you know, like, uh, uh . . . Dr. Branden has helped clients with headaches." You follow me?

**Liberty:** Mm-hmm.

**Branden:** So, I explained to them, and they were satisfied in two seconds. And the whole issue got cleared up pretty

quickly. Let me just pursue this. I said "I don't understand; this is really puzzling." And then he said "Listen, Dr. Branden, here are the facts of life. You are a very, very well-known, very, very successful psychotherapist. If somebody phones up and issues a complaint, we are obligated by law to pursue it and look into it. However, we get a lot of complaints, which we have a very strong suspicion up front, that they don't mean anything, but we have to look into them. Just as a matter of precaution, make

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*I do think Peikoff's very, very intellectually rigid. I do think he's the quintessential true believer, if there ever was one. And I think that that inhibits creativity.*

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sure you're always very clear with people what you can do and what you can't do and what you're authorized to do, and thank you very much, and good day." All right?

**Liberty:** Okay.

**Branden:** Years go by. So, I tell my publishers, don't call me a psychologist. You can call me a whole variety of other things, so I don't want to run into this issue, Okay?

**Liberty:** Mm-hmm.

**Branden:** But the whole world calls me a psychologist because . . . of who I am and what I write. It's all bullshit. So a few years ago, I forget in which book . . . in one of my books — it somehow escaped my notice — the word "psychologist" appeared. One of my non-fans reported this. Why? To make trouble for Nathaniel Branden. Nathaniel Branden is masquerading as a psychologist. Again, they didn't even ask me to come, but we settled on the telephone. They said "Could you please explain this?" I explained to them that I had instructed my publisher, that this was an oversight, that my problem was the following: I asked them "Please understand this. My books are taught in psychology courses. I'm translated, I'm read all over the world. Because of what I write about, I am called a psychologist irrespective of what any licensing law in the state of California may state. I don't represent myself that way in the context of therapy in the state of California. I explained what my background is, what my degree is, and they got it, and they said "Perfectly understandable, thank you for being so cooperative," end of story.

**Liberty:** Okay.

**Branden:** The point is this: the authorities were never harassing me, they were a . . . and when we had a chance, for the two times that I can remember — there may have been a third incident; I vaguely think there was, but it was of . . . of the same order — some person complained, but as soon as I heard about it, and the authorities and I talked, it got resolved in literally five minutes. And they couldn't have been nicer to me, and more understanding of the situation. I do have a kind of a special situation, and, uh, that's that. That's the story of that.

**Liberty:** One last thing from Walker. He says that your sen-

tence completion technique is not completely original, that it's a derivation of an old diagnostic technique that's very well-known. To what degree is that technique original to you, and to what degree does it owe something to prior psychological work?

**Branden:** Well, it definitely does, as I said in my book *The Disowned Self*. Word association has been around for a long time.

**Liberty:** Okay. Let me ask you two more questions about *Judgment Day* and *My Years with Ayn Rand*. In your new introduction you suggest that Rand was supporting your marriage to Barbara, not out of a sincere desire for anyone's well-being other than her own, that she was keeping you married because Barbara was easy to control. Why didn't you suggest that in 1989? Did that occur to you in the interim?

**Branden:** It never [occurred to me] in 1989. The thought had not yet entered my mind, but I did often wonder . . . We were so . . . And this is not said against Barbara, I mean, she's a fine, decent, intelligent woman. But we were just not meant to be husband and wife. As the years go by, you reflect on why the hell was Ayn so keen on Barbara and me staying together? And then one day, talking about it with my wife, Devers, Devers said to me "Well, it was really awfully convenient for her. She never had to worry about another woman. She had Barbara completely in her thrall. And that may have been a reason." I said "Jesus, you know something? I don't know; I can't prove whether it's true or not, but it . . . it feels intuitively like — not that

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*I want to express myself politely; I am being tape recorded. I understand from friends that this gentleman suggested that I was somehow, if only through negligence, complicit in my wife's . . . my former wife Patrecia's death. You'll understand that on that ground alone, I don't buy or read those kind of books.*

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that would have been the only reason — but that would be quite like Ayn to have that as one of her considerations." So I can't claim this as knowledge, obviously, nor do I claim this as knowledge in my book. I say it as an explanation . . . a partial explanation that occurred to me.

**Liberty:** One small change you make is a sentence in which you say that Ayn Rand was a very highly individuated person. Why did you take that out? Have you reassessed her and decided that she wasn't?

**Branden:** Gosh, I don't even remember that, to be honest with you.

**Liberty:** Oh, it's only one sentence.

**Branden:** Uh . . . hmm . . . [chuckling] I have to confess I don't know, I don't remember.

**Liberty:** Okay. Another change comes in a passage wherein a reporter asks Rand what it means for you to have been her

intellectual heir.

**Branden:** Yeah.

**Liberty:** And in *Judgment Day*, you say that you felt as if the spotlight of history was upon you. But here as in *My Years With Ayn Rand*, the experience that you relate yourself as having had is of feeling very foolish, and feeling very uncomfortable in the situation. Have you changed your mind about what happened?

**Branden:** Yeah, that's a very fair question. Here's my answer. I spent a great deal of time reliving and almost going into an altered state to recapture the nuances of what I felt, and when I reread the passage in *Judgment Day*, I kept feeling, like, static, like something about this is not right. I just looked at it and looked at it and I know that happened, I know that this is what the reporter said, I know what Ayn said, but something about the paragraph bothered me. And it just . . . I felt like, for days, I've got some counter-memory that's creating static in my brain. So I thought about it and I thought about it and I thought about it, and gradually what I began to feel was that there was a whole other issue that you're not . . . that you were much more, uh . . . shy, and, uh, at times foolish-feeling than you have felt, perhaps, comfortable acknowledging. And that, in retrospect, felt more relevant to the deeper psychological reality than whatever surface arrogance I might've projected. And, so, what I was trying to do was to reach deeper into myself and to name what was the most truthful feeling of what was actually going on, in contrast to what I may have been projecting by my demeanor.

You see, there's a wider point there that might be interesting . . . on this, which is the following . . . that was another thing that I tried to clean up in the revised version. Some of the most important changes in the book are so subtle — and I'll give an example — that unless you read very, very carefully, you're not even going to notice what they are, and yet cumulatively, they give a very different feeling.

Sometimes in the first version, I would tell a story, and I would be, in effect, mocking, or making fun of myself at

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*I was wondering this morning, am I an idiot to give this interview? Because I know, judging from your written works that you're not exactly an admirer. And I certainly know that Bradford is not exactly an admirer. So I asked myself this morning, "What the hell am I doing?"*

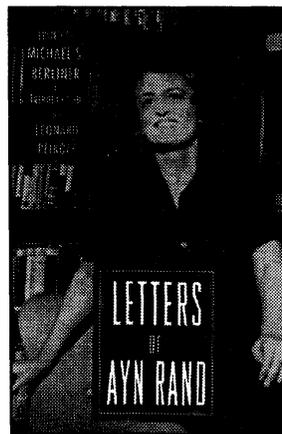
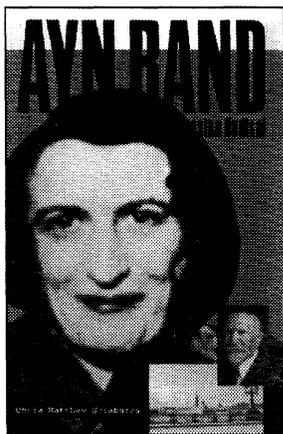
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that time, and I would think that it would be obvious to the reader that is what I was doing. However, later I learned from some of the feedback that where I thought it would be obvious to the reader how this was to be taken, it wasn't obvious, and that it was perceived as arrogant in a way which was the opposite of my intention. So, when I had a chance to take another run-through in the book, I

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looked for anything that could possibly be ambiguous or give an impression counter to what I wanted, and here is a classic example. In following the famous car ride that sets up the scene in which Ayn Rand and I will first declare our love for each other . . . in that scene you'll remember — since you seem to remember the book so well, you've obviously done your homework — you'll remember that Ayn questions me, do I understand what I'm saying, do I understand what responsibility I'm taking on . . . She's, in effect, testing me — is this for real?

And, of course, I am very intoxicated, and I'm totally flying and acting like I'm the complete master of everything in this situation where I was anything but, in reality. Anyway, in the original version, I had a paragraph of one sentence: "I was Nathaniel Branden and I could do anything." And when I reread it, I thought "Oh, God. Uh . . . Is this what people will take as . . . Could this be interpreted that they won't get it, that I'm making fun of myself in this moment?" So I added one sentence. "I was Nathaniel Branden and I could do anything. Period. That is what I told myself."

**Liberty:** Right.

**Branden:** And it changes the whole sense of the moment, you see.

**Liberty:** Mm-hmm.

**Branden:** Well, there's a lot of that in the book, where it's not obvious that a person's going to remember from one book to another, but where I tried to clarify, and get as exact as I could, what was I experiencing. I hope I'm being clear.

**Liberty:** Away from the books again for a minute. At your Institute for Objectivist Studies talk a couple of years ago, you told a shocked audience that there are in fact gaps in Objectivism, that it's not complete and that anyone who reads really closely, should be able to figure this out. When did you discover these kinds of gaps, I mean did you, did you, have any, ah, awareness of them before 1968 when you were still lecturing on the floor?

**Branden:** No, no, before 1968 the most I ever had was feelings of apprehension, or something is not quite . . . but no. It all happened in the years after 1968 when I was out of that world and kind of took it as one of my challenges to rethink everything, and ask myself, you know, what really satisfies me intellectually, and where I feel something is not right. All of that is post-1968. I wish it had been earlier.

**Liberty:** One other thing that Jeff Walker wrote is that you are the one who actually systematized Objectivism. Was that in any way the case that . . .

**Branden:** No. He's paying me for once a compliment I don't deserve. I think what he may have been trying to say, or what people might have been thinking of was the following. But I would hardly call this systematizing Objectivism. When I did my first course of lectures on basic principles of Objectivism, there I had to organize the material into its first nonfiction presentation. So, that was the first time, and, and, ah, that ah, people ever had the chance to learn the main ideas of Objectivism outside the context of the novels. So, somebody not speaking too carefully might want to say that I was systematizing Objectivism. But that's really overstating the case in my view.

**Liberty:** All you were doing was just laying it out more clearly?

**Branden:** I was laying it out in a non-fiction, somewhat highly accessible academic format.

**Liberty:** Did you get a chance to see the documentary *Ayn Rand: A Sense of Life* or to look at the book based on it?

**Branden:** Sure.

**Liberty:** What do you think of it?

**Branden:** Well, of course I liked a lot about it. I loved the childhood photographs. I loved the pictures. I loved the visuals. As regards the physical comments, they're probably fairly obvious. Number one, I thought that it was too adulatory, completely lacking in objectivity. And I thought that the treatment of the discussion of the Rand-Branden events was, I mean, silly beyond silly.

For Leonard to say, "Well, I guess she must have liked him," about someone to whom *Atlas Shrugged* had been dedicated and with whom by then he knew Ayn Rand had been having a love affair, he certainly would have to have known that a woman as serious as Ayn would have to have done a good deal more than like me to have done what she had done. So, it was all silly. Or, or, or, you know, they argued that I was an actor. You must realize this, that as close to six months prior to our break, Ayn Rand was declaring at public lectures that Nathaniel Branden is the apotheosis of what she writes about, and the embodiment of her philosophy. Now I ask you. Here's what you're asked to believe if you follow Leonard's story. Number one, Ayn Rand is the greatest or one of the greatest minds who ever lived. Number two, for seventeen and a half years, somebody who didn't really care about ideas, philosophy, or her work, had her absolutely persuaded that he did. Not very complimentary to Ayn Rand's judgment. I mean it's, it's so . . . it's so silly. It shows such contempt for the intelligence of your audience.

**Liberty:** Let me ask you about the novel by Mary Gateskill called *Two Girls Fat and Thin* which came out in 1991. Have you read that?

**Branden:** No.

**Liberty:** No. Well I guess you wouldn't have an assessment of it then.

**Branden:** Unlike Leonard Peikoff, I prefer not to offer assessments of books I haven't read.

**Liberty:** One thing that you added in the new book has to do with *The Journals of Ayn Rand*. You suggest that publishing them was inappropriate in some way. Your complaint is that they were highly personal notes, and it seems that on the one hand you write about having had sex with Ayn Rand, which is rather more personal, and that on the other hand there didn't really seem to be all that many personal notes in the *Journals*.

**Branden:** Oh. Here's the difference. I am the author writing about my own life. I get a chance to . . . I obviously have the power of choice over what I will or will not publish of my own writing. Just as Ayn Rand would have. If Ayn Rand had published those journals, nobody could possibly have faulted her.

**Liberty:** Mm-hmm.

**Branden:** But, knowing what a perfectionist Ayn was — knowing how crude she regarded, for example, her first short stories, how, you know, how really she regarded them as like real beginner's finger exercises. It's hard for me to believe that she would have been pleased to see her thinking aloud published in books. Because it contains stuff that she would repudiate later, that would later not reflect her viewpoints. She was so eager always to present herself and her philosophy as finished and complete. So she minimized, for example, the changes she made between the first *We the Living* and the later republication, where in fact the changes were rather more important than one would gather from reading her introduction.

Knowing how strongly she felt about preserving this image of only the final finished Ayn Rand, I can't imagine her approving of the publication of materials that were never meant by her to be published. See, that's an entirely different issue. After all, like about my own case, not that I needed this justification, but after all the story of my affair with Ayn Rand was broken publicly by Barbara years before I did.

**Liberty:** Mm-hmm.

**Branden:** But in any event, I was writing about my own life, and I have that choice and that right. I do need to take a pause here. I hope that I have been responsive and I hope above all that I have been clear.

**Liberty:** Yes, you have pretty clearly answered all my questions. So I really appreciate you giving me your time. And I'll send a copy of this tape to you as soon as I get a copy.

**Branden:** You're very kind. I will just say this in conclusion. I was wondering this morning, am I an idiot to give this interview? Because I know, judging from your written works that you're not exactly an admirer. And I certainly know that Bradford is not exactly an admirer. So I asked myself this morning, "What the hell am I doing?" But, this is the truth that you have been given, as best I understand it. And what you or he will do with it is in the hands of you and him.

**Liberty:** Okay. May I ask you one brief question about that?

**Branden:** Of course.

**Liberty:** I am curious. What written works of mine are you talking about?

**Branden:** Letters on the Internet.

**Liberty:** Okay . . . Oh . . .

**Branden:** Cracks that you make about me.

**Liberty:** Oh, okay. I'd actually always considered myself an admirer of your work.

**Branden:** Well I mean, like uh, cracks about me always looking for opportunities to say something negative about Ayn Rand, or something like that, which you wrote somewhere. And I thought, where does he get that from?

**Liberty:** Okay.

**Branden:** Anyway, I don't have any animosity, and I talk to you in goodwill, and I don't feel any ill will coming from you today. But I really thought I would share this with you.

**Liberty:** Okay. Well, thank you very much. □

# Guilt, Blame and Politics



Allan Levite

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# Under the School Boardwalk

by Sarah J. McCarthy

The Supreme Court has ruled that boys can no longer be boys.

Now that Congress has inserted the Ghost of Anita Hill into every adult male-female interaction, the Supreme Court has decided it's time to go after the kids. Though school officials say that student sexual harassment is a delicate issue given the raging hormones of adolescence that cause otherwise normal teens to perform acts of superhuman stupidity, the Court is on its way toward blurring the line between adolescent bungling and criminal behavior by making school districts liable for punitive damages if anyone crosses the line. Parents and teachers have been trying to stop teenage stupidity since the beginning of time with little success, but Justice Sandra Day O'Connor and four other members of the divided Supreme Court think they have found the cure: damages, the legal profession's Johnny-One-Note-Magic-Bullet-Cure for everything. "Sue for \$2,000,000 and call me in the morning."

Following classmates in the halls, riding past their houses, hang-up calls, ponytail-pulling and other stunts were once the signs of teenagers in love. The Smooth Operators in my high school used to snap off the girls' plastic pop-it beads and try for slam-dunks by tossing them down the girls' blouses. Today, any male peacock strutting his stuff on the way home from school by cruising past a girl's house in a souped-up car and revving his engine risks being turned in by a nosy neighbor as a stalker.

Back in the days before we knew these guys were stalkers and harassers, we thought their escapades were funny, even romantic. We used to thrill to songs like "Born to Run" about "dying on Highway 9 in an everlasting kiss" and "Leader of the Pack." Real American memories are like the things that happened in *American Graffiti* — memories we could never have had in a place like China, where Mao and his government killjoys had outlawed public handholding. Who would've ever thought it could've happened here?

The best kept secret in America is that for many of us being sexually harassed was one of the peak experiences of our lives. When I was 16, my steady boyfriend Harry and his gang, the

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Mad Mechanics, who wore black and silver bomber jackets and had low-slung cars that made a lot of noise, had heard on the school grapevine that I was going to a party at the home of a guy in my neighborhood. That night the Mad Mechanics drove by the party house in an impressive male dominance display, much like the chest-pounding behaviors they inherited from the Great Apes. The neighborhood guys turned out all the lights and hid under the furniture at the first roar of the engines, but in reality, no one was too scared. The party guys, no slouches at predatory sexual moves themselves, used the darkened house as a chance to take off their shirts and kiss the girls while the Mad Mechanics roared on by.

Sexual harassment? Maybe, but it was the only time that I got to feel like Natalie Wood in *West Side Story* in the middle of a rumble between the Jets and the Sharks. For Harry, who went on to fly hundreds of bombing missions in Vietnam, I'm glad he could go onto adulthood with his Air Force career untarnished by his teenage capers. (Harry and I broke up a few months later, when upon arriving at our school picnic, I discovered he'd been riding the Tilt O' Whirl with some girl that he'd probably convinced *she* was the star of *West Side Story*. He's now married to a woman who he says was Miss Alabama.)

In his *Newsday* column, "Lunatic Feminists Arise on the Right," Robert Reno, an ardent support of the Supreme Court's heavy-duty legislation to protect girls from sexist language and hurt feelings, rails against what he calls the new conservative "female TV gas bags" — women who he says are, "fetching, wall-to-wall right-wing and blond to

their roots, like Laura Ingram and Monica Crowley," women whom he designates as "silly," "lunatic," "dumb" and "deeply snide." But these women, bad as they are, are just "irrelevant distractions" compared to the objects of Reno's real wrath — "the more serious-minded crowd" of women over at the "gloriously right-wing Independent Women's Forum." (You have to wonder what would happen to American womanhood without chivalrous defenders like Robert Reno.)

It seems a woman on the Independent Women's Forum's Advisory Board had ruffled Mr. Reno's feathers by writing a *Wall Street Journal* article in which she remarked that for kids "A kiss on the cheek, a sexually suggestive remark, the persistent pursuit of a romantic relationship with someone who is not interested, even unwanted sexual touching, all may be normal parts of growing up when the individuals are peers."

"Who raised this woman?" Mr. Reno howls. "You'd never hear Phyllis Schlafly come out for kissing or touching in the classroom. She'd cane the whole lot of them."

"What a mouthful," he roars on, surmising that the Independent Women's Forum is some group of crazed right-wing female renegades defending the rights of third-grade harassers. *The Wall Street Journal* article, says Mr. Reno, "savages the Supreme Court decision that prohibits boorish little schoolboys from making repulsive pests of themselves by being sexually obnoxious to the girls in their class." The Court decision "seems the least we can do for the girls who are going to grow up to run this country," wails Reno, "the way they have run more socially advanced nations, including Norway, Britain, Israel and India." Reno glosses over the fact that these girl future presidents so in need of federal pro-

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*The best kept secret in America is that for many of us being sexually harassed was one of the peak experiences of our lives.*

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tection from third-grade boys will someday have to compete with male presidential candidates who often have been toughened in bigger battles like Vietnam, Desert Storm, Korea and World War II.

The Supreme Court and columnist Reno believe that repulsive third-grade pests will be cured of their sexism and revolting male behavior once damages can be levied against their school districts. One wonders if he thinks school districts should be liable for a hostile environment created by obnoxious kids who pepper their female classmates with names like Mr. Reno uses, names like "gas bags," "lunatics," "dumb," "irrelevant distractions" or "blond to the roots"?

But don't worry, Mr. Reno, Laura Ingram, Monica Crowley and the Independent Women's Forum are tough women, experienced enough at verbal sparring to come back at a gas bag like yourself. I'd suggest that when you're done battling with these women, you might try the feminist libertarians in the Women's Freedom Network. Though they'll disagree with nearly everything you say, they'll defend to the end your right to say it, with no punitive damages — and no petty comments about your hair.

What Reno and other damage aficionados miss is that

those of us who argue against high-priced lawsuits as the magic-bullet for undesirable social behaviors are not in favor of harassment, but are simply concerned about the unintended consequences of current penalties. The constant threat of financial annihilation via lawsuits is not the best environment for freedom to thrive. Schools or workplaces that can have their entire annual budget wiped out by a single child-against-child or employee-against-employee lawsuit will be clearly pushed and tempted to go overboard in trying to con-

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*Parents and teachers have been trying to stop teenage stupidity since the beginning of time with little success, but the Supreme Court thinks it has found the cure: punitive damages. "Sue for \$2,000,000 and call me in the morning."*

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trol any speech or behavior that could appear questionable or actionable to a creative trial lawyer.

"This is already the normal state of affairs in the workplace," says columnist John Leo. "Sexual harassment law has given employers a powerful incentive to act in a defensive manner, warning workers against comments, gestures, office chitchat about the latest naughty joke on a sitcom. Many schools already ban handholding, the passing of romantic notes and chasing members of the opposite sex during recess. One teacher's manual says that a child's comment 'You look nice' could be sexual harassment, depending on the 'tone of voice' and 'who else is around.' 'Next year, kids will be suspended for behavior nobody's ever been suspended for,' said Bruce Hunter of the American Association of School Administrators."

Beyond concerns about emptying taxpayers' pockets and bankrupting school districts and businesses, we have to wonder what effect this centralized Orwellian behavior control is going to have on the kids. Squelching spontaneous behaviors like teasing, joking and chasing members of the opposite sex is an outrageous thing to do to an entire nation of school children because a few have gone out of bounds. Instead, on the individual level, third-graders who are truly creating a hostile environment can be punished with school suspensions or some other process without involving the entire school population of the United States in some sort of Americanized judicial version of China's Cultural Revolution.

The relative nonchalance with which Congress passes laws related to sexual harassment combined with an impassioned preference for overblown fines is a frightening prospect. Laws are passed with a casualness about defining the acts they are criminalizing, with drifting definitions such as the broadening of sexual assault to mean any unwanted touching. In an article titled "Could You Be The Next Monica?" by Nurith Aizenman in *New Woman Magazine*, Susan Molinari insisted that she didn't "set out to make Monica Lewinsky's life miserable when she pushed through ground-breaking sexual assault legislation five years ago. The Congresswoman only wanted to give a woman accusing a man of sexual assault the chance to bolster her case by showing that he had also attacked other women. Sensible

enough — but the law defined sexual assault so broadly (essentially any attempt at unwanted touching) that it allowed lawyers in the Paula Jones case to probe President Clinton's past for other violations. That investigation, in turn, set an unexpected precedent: Now any woman who's had a consensual relationship with a man accused of harass-

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*Punishment should be placed directly at the door of the offending students rather than with the school or with the student body at large in the form of higher tuition payments to cover lawsuit expenses.*

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ment could find herself subpoenaed — just as Monica Lewinsky was. Molinari was astonished to learn that her law was behind Lewinsky's interrogation. 'The law was supposed to target sexual assault,' she said."

And consider, if you can, this revealing admission by former Congresswoman Patricia Schroeder (D. Colo): "It was so much more fun to legislate than oversee. You could find many reasons to put more regulations on. We didn't feel accountable as much as we should have to make sure regulations were being applied reasonably."

It would, of course, be a gross oversimplification to argue that most cases of school harassment are like the madcap adventures in *American Graffiti*, or that high school or college harassers are harmless guys like Fonzi on *Happy Days* or Sam Malone on *Cheers*, or that girls end up feeling like the stars of *West Side Story*. Even in *American Graffiti*, two kids nearly died when their car turned over during a macho drag race. There are, no doubt, serious cases of harassment that need to be remedied.

In Pittsburgh, there were fraternity parties like those in *Animal House*, where frat brothers at a local university held "Pig Parties" — parties where the brothers would invite the ugliest dates they could find, and the guy with the ugliest girl would win the contest. The girls, at first clueless about their dates' motives, eventually realized why they were invited and would flee the party in tears. In cases like these, the punishment should be placed directly at the door of the offending students rather than with the school or with the student body at large in the form of higher tuition payments to cover lawsuit expenses.

In the recent sexual harassment case, *Davis v. Monroe County Board of Education*, involving a fifth-grade boy who was prosecuted and found guilty of sexual battery in juvenile court, the Supreme Court ruled that the fifth-grade girl could proceed with her lawsuit seeking damages from the school district. School officials, said the Court, must be informed of harassment and be indifferent to it or ignored it before they could be held liable for it, providing a prudent safeguard for educational institutions — a safeguard that's denied to private businesses, which must operate under the "should have known" standard, a standard that says businesses may be sued even if they have no idea that any harassment is occurring in their workplaces.

And so the question remains: How can justice be achieved for victims of fifth-grade sexual batterers and pig parties without the collateral damage that tramples important quality-of-life freedoms for everyone else? Penalties that focus punishments on the wrongdoers themselves and minimize punishment of innocent members of society at large would be optimal, but current penalties do the exact opposite. If the Supreme Court and American law schools would explore possible alternatives to threats of financial annihilation as a wholesale method of behavior control, it would be a good start. At least when the Mad Mechanics showed up they had more than one tool in their box. □

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### Tracy, "Internet Privacy in Russia," continued from page 32

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Volgograd-based Bayard-Slavia Communications has repeatedly refused to cooperate with FSB requests for information, demanding first to see a warrant. He has also refused to foot the bill for the required technology.

But in telephone interviews from Volgograd, officials at Bayard-Slavia Communications say they have recently been threatened by the FSB with losing their license. They also say they have faced a tax police audit that turned up nothing but was harrowing just the same. Watching from Moscow, Levenchuk says of his friends at Bayard-Slavia, "I am afraid that the official reason for withdrawing their license will not be related to SORM-2."

Boris Pustintsev, chairman of St. Petersburg-based Citizens' Watch, said he was pessimistic about the chances of an anti-SORM resistance movement among providers.

"I'm sorry to say that they will probably only be successful in going broke," he said.

But Pustintsev added that if more than half of all providers were to unite, then with the backing of human rights

groups they could succeed.

"We will broadcast [news of the battle] throughout the world. The FSB can't close them all down. That would be a scandal of international proportion and Russia can't have that right now," Pustintsev said.

Citizens' Watch has set a self-imposed deadline of June to draft proposals, to be read in the State Duma, the lower house of parliament, on creating a system of checks and balances on SORM-2.

One such proposal described by Vdovin would involve giving a "key" to the FSB computers receiving information from SORM-2 black boxes and hotlines to an independent third party. That key would only be loaned to the FSB when its agents can produce a court order; the third party would also keep a log of all FSB SORM-2 eavesdropping activity.

But human rights and privacy activists are quick to add that SORM-2 raises fundamental questions about freedom that can't be solved with a few laws and clever ideas.

"It's a problem of educating the people — starting from the ground up," Levenchuk said. "It's no use fighting the FSB when no one understands what the fight is for." □

On page 33 of its August issue, *Liberty* quoted Nathaniel Branden as saying that his former wife Barbara had "given me an exaggerated idea of what her experience had been . . ." Branden actually wrote that "Wilfred [Schwartz] had given me an exaggerated idea . . ."

# Unwitting Victims

by S. H. Chambers

The last frontier of the civil rights movement . . .

Wally Reizenscheiner, a 30-something unemployed custodian, sits in his sparsely furnished studio apartment and explains why he dropped out of high school. "I didn't like it. They kept giving me D's and F's." He looks away, the memories painful. "It was too hard."

The most oppressed people in America today are the Intellectually Challenged (IC).

Wait. Don't stop reading. Like many Americans, you may be in denial about the plight of these folk. You may be wearing blinders that force you to look at issues only along racial, sexual, or ethnic lines, blinders that keep you from examining the more serious and pervasive issue of intellectual discrimination. It's time to take those blinders off.

## Defining the Problem

The Center for the Study of the Intellectually Challenged (CSIC), a Boston-based, not-for-profit research institute, recently surveyed 5,097 IC people and compared them with members of other minorities. "We really weren't surprised," says Director Dr. Helen Schnitzler, "to find that the IC are the most at-risk group of all." Some of the findings:

- While 37% of African-Americans attend at least one year of college or junior college, only 13% of the IC do.
- While 62% of gays and lesbians live in households with annual incomes of \$50,000 or more, only 6% of the IC do.
- While 14% of women live in poverty, fully 32% of the IC do.
- While 15% of the U.S. prison population is Hispanic, 86% of all prisoners are Intellectually Challenged.

To make matters worse, while other oppressed peoples have made progress in educating mainstream society, the IC continue to be faced with a profound lack of understanding. Phrases like "that's so stupid" and "it's a no-brainer" are

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uttered everywhere with seemingly casual malice. While it is no longer socially acceptable to use derogatory names when referring to African-Americans, gays, lesbians, women, or Hispanics, how often do we hear someone hurl epithets such as "airhead" or "bimbo," apparently without embarrassment? Such clearly discriminatory, hateful labeling deeply offends the approximately 42,000,000 Americans of both sexes, all ethnic groups, and all sexual orientations who happen to be Intellectually Challenged.

Deprived of a diploma, Wally found most doors to employment locked. He wound up cleaning fast-food restaurants on the graveyard shift. He was often fired, usually for "incompetence." "I did my best," he says now, eyes almost flashing with anger. "It isn't fair."

Other minorities are making progress on many fronts.

The Civil Rights Act ensures that historic injustices are being addressed for all racial and ethnic minorities. Gays and lesbians have succeeded in turning the tables by making homophobia, rather than homosexuality, the problem to be solved. But no civil rights laws protect the IC, and MENSA is still not viewed by most Americans with the same disdain as the Ku Klux Klan. Women have successfully organized and fought for more money, power, and prestige. But the IC are only now, slowly, beginning to organize.

The Americans with Disabilities Act ensures social and economic progress for the physically challenged, while denying employment to the IC because they are "unqualified" or

"incompetent" remains perfectly legal. It is an archaic double standard.

Dr. Schnitzler summarizes:

In school, the smart kids get praise, gold stars, and A's. The IC get put-downs, black marks, and failure. Smart kids go to the university, while the IC, if they are lucky, languish in junior colleges. IQ tests which measure the very characteristic that is the basis for anti-IC discrimination are used to ensure that only smart kids are selected for grad school and are then allowed to get rich. Meanwhile, the IC are exploited in menial jobs with minimal wages. They struggle to make ends meet. When they fail, they're caught committing ill-conceived crimes that land them in prison. Smart criminals, you see, don't get caught. This systematic victimization of the Intellectually Challenged is America's greatest shame.

Every day the Intellectually Challenged are punished simply for being who they are. People do not choose to be IC, yet our society has institutionalized this blanket injustice. It is wrong and it must stop.

In 1987, Wally hit bottom. He was arrested for selling a shopping cart full of overdue library books to a pawn shop. "I just wanted some money," he explains. After serving six weeks, Wally was paroled. He now tries to steer clear of trouble; but, saddled with a criminal record, he finds it harder than ever to land a job. Sadly, he often seeks solace in a bottle.

## Solutions

In education, we must scrap the inherently discriminatory intellect-based system that continues to trash the self-esteem of the IC and shunt them into second-class citizenship.

- The IC must get the same GPA's as their "bright" classmates. F's hurt and Pass/Fail is no better. Failure is failure, no matter how it is phrased.
- The IC must be awarded diplomas at the same rate as their "smarter" peers.
- To correct past injustices, the IC must be admitted to universities and graduate programs on a preferential basis.

In employment, all anti-IC discrimination must end immediately.

- The concepts of "competence" and "qualifications" must be recognized as prejudicial and discarded as

irrelevant in all decisions to hire, promote or terminate.

- Fair pay must be recognized as equal pay, regardless of "performance evaluations" or "levels of responsibility."
- Steps must be taken to ensure proportional IC representation in such high-status fields as law, engineering, and medicine. For entrance to such fields, IC people must no longer be required to disguise their condition.

In politics, IC people must help themselves by voting as a bloc. The CSIC estimates that 12% of all elected offices could be won by the IC if they voted together. In fact, the outcomes of several electoral races have already been determined by

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*Every day the Intellectually Challenged are punished simply for being who they are. People do not choose to be IC, yet our society has institutionalized this blanket injustice.*

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heavy IC turnouts. As Dr. Schnitzler points out, "Eighty-six percent of all registered IC voters supported the Democratic presidential ticket in 1992. In reality, Bill Clinton was put in office by millions of Intellectually Challenged voters." Some cynics suggest that the payback was not long in coming; one of Clinton's first acts as President was to sign the pro-IC "motor voter bill" into law.

The broader goal is an evolution of social consciousness. America must embrace, celebrate, and encourage intellectual diversity.

## You Can Help

The Society for the Intellectually Challenged (SIC) held its charter meeting in Washington D.C. in June, 1998. Newly-elected SIC President Patricia Shroeder reports, "Our first priority is to lobby for the Intellectually Challenged Americans Act, better known as the Waxman Bill. This legislation would do for us what the Civil Rights Act has done for people of color."

The radical activist splinter group Dummies has recently gained notoriety by staging several controversial, but arguably effective, pro-IC demonstrations. At their "in-your-face" rally against the proposed elimination of "social promotion" in Chicago schools, members wore "Dumb and Proud" T-shirts and shouted "Duh!" in unison. A spokesperson for the organization, which was founded in the early '90s in response to the release of the movie "Forrest Gump," argues in this way: "Hanks played a gay in Philadelphia, then an IC man in Gump. He's neither! It's like Al Jolson in black face! When there are thousands of Intellectually Challenged actors dying for a break, what he's doing is simply unforgivable!" This view was shared by thousands of activists and film personalities who picketed the premiere of the film.

Meanwhile, Wally Reischneiner, an intellectually challenged unemployed custodian, faces a future of cheap beer, food stamps, and sit-coms with laugh tracks that let him know when a joke has been told. □



# Reviews

*Make Gentle the Life of This World: The Vision of Robert F. Kennedy*, Maxwell Taylor Kennedy, editor. Random House-Broadway, 1998, 206 pages.

## The Eloquence of Bobby Kennedy

Stephen Cox

The editor of this book, Maxwell Taylor Kennedy, is Robert F. Kennedy's son, born three years before his father's assassination. Seeking to interest a new generation in RFK's mind and "vision," he provides a volume of selected passages from RFK's speeches and from a notebook in which he jotted quotations from other authors. The intention was to produce a book in the inspirational genre, a book that could "be read almost like poetry, or as meditations" (xvii). Apparently, the aim has been achieved; the book has become a best seller. Obviously, there is something about RFK's thoughts that continues to offer inspiration to literate (or at least to book-buying) Americans. This book helps us to see what it is that works as well in the nineties as it worked in the sixties.

One of the book's inspiring features is its ostentatiously intellectual quality, a quality that, in the sixties, was always supposed to be lurking somewhere around the Kennedy compound. The exact degree to which this quality afflicted Robert Kennedy is hard to fix. With a candor unusual among hagiographers, Maxwell Kennedy admits that his father "had help" in producing the

all-important Quality; his writings display "the unmistakable polish of many speechwriters" (xvi). The argument might be made, however — and I will make it, since the author neglects to make it himself — that one indication of a statesman's taste and knowledge is his choice of speechwriters; and John and Robert Kennedy's choices in this area were about a hundred times better than those of succeeding politicians.

But that isn't necessarily saying much. The style of the Early Kennedys is pompous, unsubtle, hectoring ("Let the word go forth from this time and place"), numbingly theatrical ("The torch has been passed to a new generation of Americans — born in this century, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage," and so on, and so on), a style in which people are always making pledges, breaking bonds, seeking, acting, beginning anew, and saying things they don't really mean: "We shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe. . . ." There is as much of that high Kennedy style in this volume as there was in JFK's inaugural address, and a little of it goes a long, long way.

The height (or stiltedness) of the

Kennedys' style came partly from their zealous quotations of other high-class authors. There are 137 such quotations in this book. The sources of 15 are not identified; of the remaining 122, 58 are culled from Americans, virtually all from the standard list: Lincoln 5, JFK 5, Jefferson 2, Webster 2, etc. Among the 64 contributions from foreigners, the largest number (19) come from a single source, Albert Camus. (Hence, perhaps, RFK's reputation as an existentialist — although Camus is the only existentialist he cites.) Ancient Greek authors provide 21 citations, although most of these are probably cribbed from Edith Hamilton (who is herself cited seven times), or from some other convenient modern source. None of Kennedy's quotations — American or foreign, modern or ancient — reveals any knowledge whatever of a surrounding plot, situation, or argument. He adheres strictly to the Bartlett's *Familiar*

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Quotations method; and although even this method is beyond the small powers of most politicians, it hardly bespeaks a comprehensive culture, or the ability to read all the way through a book.

Many of Kennedy's quotations, indeed, barely survive the act of quotation. Who was it who told him that Socrates said, "The world is my parish" — a few hundred years before Christians invented "parishes" (151)? Who told him that the famous passage

beginning "To everything there is a season" appears in the Song of Solomon, instead of Ecclesiastes, where it really does appear (97)? Both Ecclesiastes and the Song of Solomon are extremely short, easily readable in their entirety.

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*Kennedy adheres strictly to the Bartlett's "Familiar Quotations" method; and although even this method is beyond the small powers of most politicians, it hardly bespeaks a comprehensive culture, or the ability to read all the way through a book.*

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The fact that no one either read or checked them says more about Kennedy culture than readers in search of inspiration really want to know.

And — to continue in this biblical vein — what about the pregnant passage that is here attributed simply to "Scriptures":

Your old men shall dream dreams,  
your young men shall see visions.  
And where there is no vision, life  
shall perish from the earth. (81)

Well! That's decisive, isn't it? Notice the dramatic juxtaposition of *youth* and the prospect of *apocalypse* — very fashionable in the sixties, still fashionable today. But would it detract from the dramatic and inspirational quality of this passage to notice that the biblical source of the first sentence (Joel 2:28, Acts 2:17) has nothing to do with the biblical source of the second (Proverbs 29:18), and that the original version of the second is completely lacking in apocalyptic vision? In fact, it's an appeal to law and order: "Where there is no vision, the people perish; but he that keepeth the law, happy is he." But never mind; the more ignorant you are, the more inspired you can get.

Of course, Kennedy's vision offers more than a hollow pretense to high culture; it also offers a hollow political message. He hoped to inspire people by preaching individualism at the top of his lungs, while simultaneously and just as loudly preaching collectivism.

The individualist Kennedy decries

"the suppression of individuality" by a centralized government that continually talks down to "the passive citizen." He quotes Orwell. He talks wisely about the insidious effects of the welfare system (the "prying bureaucrat," the "all-powerful administrator"). He talks very wisely indeed about the callousness of people "who sit comfortably at home to form policy without full knowledge and consciousness of the costs to others" (92, 66, 164). But immediately after the individualist Kennedy has suggested that the survival of the republic is endangered by the "dependency" of "millions of our people" on welfare checks, the collectivist Kennedy declares that "fellowship, community, shared patriotism — these essential values of our civilization . . . come from a shared sense of individual independence and personal effort" (65). Not from independence and personal effort, mind you, but from a *shared sense* of them. It's the collective feeling that counts, and the togetherness. As for the economic and social specifics . . . his vision (without which, he imagines, life shall perish from the earth) sweeps him beyond all that.

It's obvious what Kennedy's political successors, down to and including the current president, have learned from this kind of oratory. They have learned that Americans are individualists with strong collectivist proclivities, that all the slogans, both individualist and collectivist, must be mobilized on every possible occasion, and that "feeling" is the goo that makes everything stick together. They, like Kennedy, have no difficulty with contradictions that would drive anyone with intellectual integrity crazy.

But there is one thing that neither they nor he is capable of imagining — the possibility of leaving anybody else alone. Kennedy's slogan is always "we must act" (56), even when the occasion for political action is the perceived failure of similar political actions. Regarding the effects of the New Deal, Kennedy observes, very accurately:

There is not a problem for which money is not being spent. There is not a problem or a program on which dozens or hundreds or thousands of bureaucrats are not earnestly at work.

But does this represent a solution to our problems?

Manifestly it does not. (104)

In one speech, Kennedy even proposes "to halt and reverse the growing accumulation of power and authority in the central government at Washington" (104). But that would never do as more than a sloganeering way of establishing his superiority to the last generation of political operatives. Kennedy is shocked to discover that "a half million" people are "virtually unprotected by collective bargaining or social security, minimum wage or workmen's compensation" (63). He says that to "build a community," "action" must be taken on many fronts simultaneously — action to "improve the schools," "assure that medical care will be available" build "new housing," "provid[e] social services," provide "transportation," and "ease the dropout rate" by offering the "promise of a job at the end" (78). He does not bother to specify how action on these fronts would reverse the growing accumulation of power and authority in Washington.

Admittedly, Kennedy found himself in a difficult position. The White House

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*Individuals are victims of unseen powers, big things that move in the dark, but power can somehow be controlled by increasing it and passing it around. That's what the democratic faith came down to in the age of Kennedy, and that's where it has stayed in the age of Clinton.*

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was occupied by his adversary Lyndon Johnson, and Johnson was directing government action on every front where Kennedy wanted to act. To regain the White House, Kennedy had to distance himself somehow from the tradition of massive government intervention that Johnson so perfectly exemplified. But to mobilize his own core constituencies (labor unions, racial activists, social-welfare "intellectuals," the left in general), he had to call for even more government intervention.

One way of resolving, or obscuring,

this contradiction was to redefine its terms. Thus, instead of analyzing specific problems of big government, Kennedy preached against bigness itself, "sheer growth," "overconcentration." He urged people to "bring the engines of government, of technology, of the economy, fully under the control of our citizens, to recapture and reinforce the values of a more human time and place" (52, 53). Is that vague enough for you? Probably. It was vague enough to please millions of Kennedy voters. The feeling (for it is nothing more than that, certainly not an idea) is that individuals are victims of unseen powers, big things that move in the dark, but that power can somehow be controlled by increasing it and passing it around. That's what the democratic faith came down to in the age of Kennedy, and that's where it has stayed in the age of Clinton.

It's no accident that learned historians have a hard time saying whether Clinton is "left" or "right." Neither he, nor RFK, from whom he may have learned much more than he ever did from his alleged idol JFK, can be confined to a world of logical distinctions. RFK may have believed that "Freedom is not money, that I could enlarge mine by taking yours" (24). But that didn't stop him from saying the opposite, when that old democratic faith got ahold of him. A student once had the nerve to ask him a sensible question: "Where are you going to get all the money for these federally subsidized programs you're talking about?" — to which Kennedy replied by stating, for once, the obvious: "From you." Black people will never be free to go to medical school, he explained, unless the money to send them is taken from the "privileged ones here." If you doubt that, you just don't want to fulfill your democratic "responsibility" (5). So there.

Once Kennedy got going, he was capable of representing all kinds of contradictory things as democratic responsibilities. Consider his various statements about political violence. On the one hand: "If there is anything that we've learned during the 1960s, all of us who are here, it is that violence is not the answer to our problems" (48). And on the other hand: "If our colleges and universities do not breed men who riot, who rebel . . . then there is some-

thing wrong with our colleges. The more riots that come on college campuses, the better world for tomorrow" (William Allen White, quoted by Kennedy in a speech at Kansas State University; 30).

In practice, of course, Kennedy's exhortations to save democracy, "recapture values," make a "better world," "make gentle the life of this world," and so forth, meant nothing more than "vote for me." But we need not conclude that Kennedy, who was detested

by most of his fellow politicians as a nasty little shark, was nothing more than a Pavlovian vote-cadger. He was also a self-righteous prig, the kind of man who could actually believe, even while he was acting every day as an old-style political boss, that "the essence of the American Revolution — the principle on which this country was founded — is that direct participation in political activity is what makes a free society" (12).

Of course, anyone who knows any-

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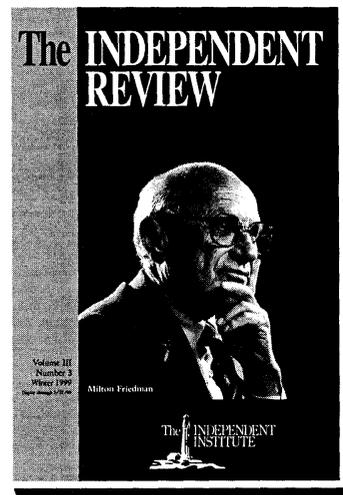
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thing about American history knows that the founding fathers plotted and schemed to keep the people as far away as possible from direct participation in government. That was their way of making a free society. Most book-buyers wouldn't find that very inspiring, but most book-buyers don't know much about history. Kennedy may not have known much more. And he might well have believed, in his pomposity and self-righteousness, that in some miraculous way his plotting and scheming for power represented a return to participatory democracy and all the other supposed "values" of a smaller and "more human time and place."

Kennedy's intellectual universe was, after all, an essentially magic place. He saw America as a dungeon in which his fellow-citizens were confined by forces and "engines" beyond their control; he saw himself as the wizard who could liberate them. The poor were the special targets of this bizarre vision; they appeared to him as prisoners who could do nothing for themselves. For "the Negro, and the Puerto Rican, and the Mexican American," he opined, "the world is a dark and hopeless place indeed" (36). "The black American youth is powerless to change his place or to make a better one for his children" (82).

Liberation could come only through the wizard's incantations, through the use of words that could get people to vote for him. As with most incantatory speech, these words achieved their power not from their literal meaning (since, in this case, they were hopelessly contradictory), but from the speaker's exalted station and ostensibly exalted intentions. RFK was not the last to rely on this kind of speech, but neither was he the first. Here's RFK, quoting Eleanor Roosevelt:

A democratic form of government, a democratic way of life, presupposes free public education over a long period. (89)

What does that mean? Does it mean that America was not "democratic" until the twentieth century, which was the first era of her history in which it could be said that "free public education" had been carried on "over a long period"? So the American Revolution wasn't "democratic" after all? Is that

what she means? And why should it be "free public education"? You can't be democratic if your parents pay something to your teachers? No, surely she must mean something else. Then what? And why? You will never know.

This is the kind of thing that Kennedy likes to quote; this is the kind of thing that Kennedy likes to write. Try another one of his visionary effusions:

The fight against crime is in the last analysis the same as the fight for equal opportunity, or the battle against hunger and deprivation, or the struggle to prevent the pollution of our air and water. (47)

Well, for God's sake, how can all these battles be *the same*? Don't worry; be happy; the wizard will tell you why.

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*We need not conclude that Kennedy, who was detested by most of his fellow politicians as a nasty little shark, was nothing more than a Pavlovian vote-cadger. He was also a self-righteous prig.*

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All these fights are the same fight because

it is a fight to preserve that quality of community which is at the root of our greatness; a fight to preserve confidence in ourselves and our fellow citizens, a battle for the quality of our lives. (47)

Now you know the answer, and you can feel inspired. You can feel that you are making some progress toward feeling confident in yourself and your fellow citizens as you struggle to give some quality to your life — if not your logic.

I wonder if the citizens of Indianapolis, Indiana, whose ears were first tickled by these strange locutions, understood them better than I do. I wonder if they tried. Maybe they did, and then gave up, willing to be lost in the flow of inspiration that has, for the past 30 years, so improved the quality of our political lives.

Read this book; you'll learn from it. □

*Shadow: Five Presidents and the Legacy of Watergate* by Bob Woodward. Simon and Schuster, 1999, xiv. + 592 pages.

# De-Imperializing the Presidency

Jonathan Ellis

To seek the post-Watergate presidency is to volunteer for four years of service in a bunker under continual bombardment. Reporters and partisan opponents relentlessly probe presidential administrations for hints of corruption. When they find them, they strike in human waves led by battle-hardened independent counsels. The presidents and their underlings exhaust themselves in defense, unable to devote enough energy to the grand programs and policies that would justify chiseling more Great Faces into the Black Hills of South Dakota.

Bob Woodward's latest endeavor, *Shadow*, won't set the world ablaze with a hot new theory on Watergate's effect on the presidency. Woodward's thesis — that the five post-Nixon presidents neither understood nor reacted properly to the crippling changes in the post-Watergate presidency — is obvious. Indeed, it's the kind of prosaic observation that usually condemns a book to the bargain bins quickly after its birth. But *Shadow* will likely avoid that fate. Woodward is a celebrity journalist who can actually think and write well: he brings keen insight and the experience of a career observing the effects of Watergate's nuclear fallout on the presidency from the lofty heights of *The Washington Post*.

*Shadow* is not a thorough history of post-Nixon presidential scandals; such a project would require devastating vast forests to provide paper for its many volumes. Instead, Woodward focuses on what he considers to be "the most important moments, small and

large, when the honesty and truthfulness of the presidents and those closest to them were challenged."

In Gerald Ford's case, that challenge came out of suspicion that he and Nixon made a deal — the presidency for a presidential pardon. In those final, flickering days of Nixon's reign, Ford was approached by Nixon's chief of staff, Alexander Haig, with six possibilities. One, that Nixon could pardon himself. Another, that Nixon could hope that his successor would extend a pardon. It was not an explicit deal, according to Haig and Ford. But Haig does acknowledge that the pardon option may have been Nixon lawyer J. Fred Buzhardt's attempt insidiously to plant a pardon suggestion in Ford's mind. Whatever it was, both Haig and Ford saw the danger in even discussing the option. And they both vehemently denied ever consummating a deal.

Nonetheless, one month after assuming the presidency, Ford pardoned Nixon. "As the years have passed," writes Woodward, "I have become more and more convinced that Ford made the correct decision in pardoning Nixon." Woodward's mature evaluation is probably a good one. But in those heavy days after Vietnam and Watergate, the pardon had the stink of corruption. By sparing Nixon, Ford thought the nation could put Watergate to rest and get back to politics as usual. He did not comprehend that the good old days were not coming back.

Jimmy Carter vanquished Ford with the promise, "I'll never lie to you," a pledge, writes Woodward, that resonated with scandal-fatigued voters. Yet even Carter's mother "told him it was a mistake to make such a bold promise.

Small, white lies were a part of life." During the '76 campaign, details of CIA plans for assassinations and domestic spying became public. At a stop in New Hampshire Carter vowed "If the CIA ever makes a mistake, I'll be the one as president to call a press conference."

Shortly after his election, Carter got the opportunity to call that press conference. But he didn't. Woodward learned the CIA was providing King Hussein of Jordan with money, prostitutes and other tax-payer funded goodies. Woodward recalls an off-the-record interview with Carter in which the president asked *The Washington Post* to kill its story in the interest of Middle East peace. When the *Post* went ahead, Carter went into a rage calling the story irresponsible and made public statements that contradicted the information he'd shared with Woodward. "I

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*More than half the book is devoted to Bill Clinton. And why not? Clinton did manage to achieve something that even Nixon couldn't — impeachment.*

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could see," says Woodward, "that it was now Carter's CIA, and understandably and predictably in the first four weeks of the Carter presidency the world looked different. The campaign statement about calling a press conference if the CIA made a mistake was coming home to roost."

Carter was supposed to have been Mr. Clean, but even he fell victim to scandal. He hadn't learned from Watergate. One of two "fundamental lessons of Watergate," writes Woodward, is to "release the facts, whatever they are, as early and completely as possible."

Ronald Reagan followed this lesson more closely than any other post-Watergate president. The question in late 1986 was whether Reagan's administration traded arms for hostages. When it became clear that this was the case, the question turned to whether Reagan knew or authorized diverting profits from the arms sales to his

beloved Contras. In early 1987, Reagan brought in former Sen. Howard Baker to clean up the mess. As Reagan's new chief of staff, Baker demanded and received wide power to get to the bottom of Iran-contra. "[H]e vowed to himself he was going to turn the White House and the CIA and the intelligence

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*Like law and social work, journalism attracts a certain number of cheats and liars. When these frauds are apprehended, they should be summarily driven out of profession with chains and whips.*

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agencies and the Pentagon inside out. What the independent counsel was going to do was child's play compared to his plan."

Baker recruited a small army to conduct the in-house investigation. William B. Lytton, a deputy counsel to Iran-contra, assembled the troops one day and explained their mission:

"The president has said we're going to turn over everything we have,' Lytton said. 'We're going to do it honestly, we're not going to withhold, we're not going to cover up.'

Suppose something incriminates Reagan? someone asked.

'If we find a document that hurts the president,' Lytton said, 'that is turned over. I want to know about it, but that gets turned over.'"

Reagan's approach wins grudging respect from Woodward, who writes, "The closest to a real investigation of presidential involvement in Iran-contra was conducted not by Independent Counsel Walsh, the Tower Board or Congress, but by Reagan's White House lawyers. . . . their inquiry was perhaps unique in a modern White House."

The Iran-contra investigation dragged well into George Bush's presidency. Indeed, some blame the scandal for aiding Bill Clinton. A few days before the '92 election Clinton and Bush were running neck-and-neck. On October 30, Iran-contra Independent Counsel Lawrence Walsh indicted

Caspar Weinberger for not turning over notes regarding the scandal. Included in the indictment was a note of Weinberger's reading "VP favored." Written while Bush was vice president, the note seemed to contradict Bush's claim that he was "out of the loop" on Iran-contra. By October 31, Bush's poll numbers had dropped seven points — a deficit from which he did not recover.

Of the post-Watergate presidents, Bush comes out looking and smelling the best. Watergate's curse affected his presidency, but often in ways beyond his control — as with nominations. In one of the many superb behind-the-scenes stories in *Shadow*, Woodward recounts how Sen. Warren Rudman physically restrained his good friend David Souter from withdrawing his nomination for the Supreme Court after rumors spread that the life-long bachelor was gay. Rudman, Woodward claims, wanted Souter on the Court because he felt certain Souter would not vote to overturn *Roe v. Wade*.

More than half the book is devoted to Bill Clinton. And why not? Clinton did manage to achieve something that even Nixon couldn't — impeachment. Woodward goes into excruciating detail about some of Clinton's many scandals, especially the Monica Lewinsky affair. It will take many years before the public gets a full accounting of what happened during the impeachment process. But Woodward's reporting in *Shadow* is a good start in painting the complete picture.

Woodward reports that Ken Starr was horrified when he learned the House planned to release his impeachment referral to the public before having it reviewed or edited for content. Starr and his deputies knew they'd take a pasting from neo-wowsers upset that their children had learned about blow jobs from his "pornographic" report rather than from proper sex educators, i.e. Hollywood film producers.

There are more surprises, including a report that Judiciary Committee Chairman Henry Hyde, poster boy for *The Weekly Standard* and long thought to be one of the most ardent supporters of impeachment, sparked a behind-the-scenes effort known as the "Plan of the Four Bobs" that would have secured a censure vote against Clinton. Stories like these will no doubt change the perceptions that many have regarding the

impeachment proceedings. Indeed, Starr even comes off in a sympathetic light. He is prissy, puritanical, excessively duty bound, and clearly losing perspective on his mission by 1997, but he is no wicked hound-on-the-leash of Richard Mellon Scaife as Hillary Clinton would have us believe.

In putting *Shadow* between covers, Woodward relied on information from a passel of anonymous sources. For this, Al Neuharth, founder of the ban-tamweight *USA Today*, calls Woodward a "shady author" who "has cast a dark shadow over journalism." But without anonymous sources, the truth about many government evils could never be reported. Sometimes sources of information have good reason to insist on anonymity. Conscientious journalists often have no choice but to depend on them. A good journalist scrutinizes anonymous sources even more closely than other sources. But if they have good reason to request anonymity and if their information is credible, there's no reason not to use it.

Like law and social work, journalism attracts a certain number of cheats and liars. When these frauds are apprehended, they should be summarily driven out of profession with chains and whips. If, as Neuharth claims, *Shadow* is brimming with fancy, Woodward will eventually be found out. As the years go by, participants of the Clinton impeachment will be will-

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*Clinton may very well be a war criminal, but Woodward skips the subject entirely.*

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ing to go on the record, as their need for anonymity recedes.

Perhaps Neuharth longs for the time when journalists treated their subjects with kid gloves. But this romantic vision, harking back to the days of JFK, is a recipe for hack journalism (Theodore H. White's *The Making of the President*, for example) and disaster (Vietnam). If anything, Woodward handles Clinton too delicately. Unlike journalist Christopher Hitchens, Woodward finds nothing odd about the timing of Clinton's cruise missile attacks in the Middle East. Nor does

Woodward mention that the factory Clinton bombed in Sudan was making aspirin, not making poison gas, as Clinton claimed. Clinton may very well be a war criminal, but Woodward skips the subject entirely.

*Shadow* has all the weaknesses and strengths of a book written by a reporter: it reports the facts but offers little analysis. Woodward shows, rather than tells, how the independent counsel

act slowly grew into a monstrosity. When he needs analysis on the subject, he quotes Justice Antonin Scalia's dissent in *Morrison v. Olson* (1988).

"[A]fter Vietnam and Watergate," concludes Woodward, "the modern presidency has been limited and diminished. Its inner workings and the behavior of the presidents are fully exposed."

Well, that's nothing to weep about. □

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***Communities Directory: A Guide to Cooperative Living (2nd Ed.),***  
Oxford University Press, 1996, 440 pages.

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# Freedom and Community

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Douglas Puchowski

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The word and concept of "community" is used with increasing frequency by politicians and pundits on both sides of the Washington seesaw, especially in attacks on and defenses of classical liberalism.

In the November 1997 issue of *Liberty*, Aeon Skoble reviewed *The New Golden Rule*, a book by Amitai Etzioni, director of the George Washington University Institute for Communitarian Policy Studies. Skoble's review showed how Etzioni and other communitarian theorists (Robert Bellah, Michael Sandel, et al.), in their arguments against individualism, often misrepresent classical liberals. As Skoble points out, communitarians have been criticized elsewhere (*The New Republic*, *The Economist*) for their contemptuous handling of liberalism. Something not mentioned in these critical essays and rarely acknowledged by Etzioni and his colleagues is the intentional communities movement; its heterogeneity is simply not comprehended by most communitarian theories — leading one to wonder what or whom, exactly,

communitarian theorists actually represent. The diversity of the intentional communities movement also illustrates the difficulty, if not impossibility, of using legislation to improve the diverse communities of this country.

The *Communities Directory* is intended primarily as a resource for people looking to join an intentional community. The book contains listings and brief descriptions for 550 intentional communities, as well as thirty-one articles related to communitarianism. The only criterion for appearing in the *Directory* is that a community not interfere with its members' freedom to leave at any time (a requirement that seems futile, since slavocracies would probably not be above concealing their true mission). This striving for inclusiveness, combined with the alphabetical ordering of the *Directory*, causes communities whose pursuits and ideologies are completely different to appear in the same book, sometimes on the very same page — something that rarely happens in social-political literature. For this reason the *Directory* offers a unique perspective.

In the first essay, "Intentional Communities: Lifestyles Based on

Ideals," Geoph Kozeny defines an intentional community as "a group of people who have chosen to live together with a common purpose, working cooperatively to create a lifestyle that reflects their shared core values." The groups in the *Directory* range in size from just a few members to several hundred. There are a multitude of different living styles: from communities that hold all property in common to groups whose members maintain individual property; from communities where living quarters are shared to communities where individuals or families own their own houses. There are urban communities, rural communities, clothing-optional communities, ascetic communities, pagan communities, new age communities, Christian communities, Sikh communities, Quaker communities, anarchist communities, etc. There are groups that are celibate and groups that practice polyfidelity (group marriage) and other esoteric variations, though most are more conventional in their amatory arrangements. There are family-centered communities, artist communities, homosexual communities, single-parent communities, ecovillages, communities for the disabled, the Galt's Gulch Objectivist community, communities that mix several characteristics of the groups just listed, and communities that have none of them.

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*It is possible that practicing communitarians are unintentionally learning lessons closer to those of F.A. Hayek, Rose Wilder Lane, and other classic libertarians than to those of the communitarian theorists.*

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The diversity of the intentional communities provides an excellent illustration of Milton Friedman's maxim that the "market . . . permit[s] cooperation without conformity," even if some within the communitarian movement would disdain such an analysis.

The *Directory* also lists groups that are in the process of forming (or reforming) and thus seeking charter members. There is a marked contrast

between the impassioned, idealistic manifestos of many of the forming communities and the soberly realistic tones of the established communities' listings. I think it is the element of unchecked idealism that makes communitarian theorists seem not just mistaken, but a little scary. One fears that their prescriptions will slink their way into legislation — assuming they haven't already.

But there is an ethos of self-reliance in the intentional communities movement. The *Directory's* statistical charts show that roughly seventy-five percent of the established communities own their own land. Many strive for increased levels of self-sufficiency through intensive farming, use of water catch systems and solar or wind energy. ("Getting off the grid" is the popular phrase.) Many run their own businesses; some run home schools. The Federation for Egalitarian Communities, its socialistic philosophy notwithstanding, offers its members (who must pay to join) access to an emergency medical fund, part of which is also available to member communities for low interest loans.

There is a substantial amount of practical literature. David W. Felder's *The Best Investment: Land in a Loving Community*, is essentially a how-to guide to buying land, building a house, and living well on less than ten thousand dollars a year (provided you can stomach the new age pieties evident in the sub-title). Similarly, the *Directory* advertises such services as insulated dome building, ecological architecture, community bartering programs, and pamphlets on alternative currencies. The do-it-yourself attitude has fostered creativity within some of the communi-

ties in many areas where government usually creates a dull and ineffective uniformity (specifically in urban planning, social services, and energy use). For example, the Innisfree Village, in Crozet, Virginia, welcomes mentally ill and retarded adults. The group is run by a volunteer staff, and is funded entirely by private donations; It takes pride in distinguishing itself from state financed programs.

Many of the groups use consensus decision-making to settle community issues, showing, in this way, an admirable commitment to non-coercive self-government (though this must result in a large amount of time spent in community meetings.) Yet they fail to see the hypocrisy in their support of coercive means to achieve larger political goals — their habit of backing such projects as legislation to restrict property rights in the cause of environmentalism.

While working in the Southwest recently I met several people who had lived or were living in intentional communities. The two with whom I spoke at length seemed to regard themselves as different from the mainstream; they had formed or joined a "community," which in their case was just an extended group of friends that existed mostly for the practical advantages that pooled resources might offer them. In the *Communities Directory*, however, the desire to live in an intentional community is often attributed to a reaction against individualism, an individualism seen as a derivative of the market. Viewed from a distance, however, the movement does not seem to fit that pattern. The existence of 550 different (and dare I say competitive?) intentional communities does not look much like a reaction against individualism to me. If

the editors of the *Communities Directory* didn't realize that different individuals prefer different living environments, would they have devoted seven articles to a section entitled "Finding Your Community"?

When one of the *Directory's* articles gives members of various communities a chance to describe what "intentional community" means to

them, the responses are similar in some general respects, but quite different in specifics. Etzioni and his colleagues fail to account for the differentiation — the individuality — within a movement *specifically devoted to creating communities*. As for the practicing communitarians, they have great difficulty accounting for the success they sometimes attain in the market economy that many of them detest. For the truth that intentional communities prove in practice, but miss in theory, is that to the extent that the market undermines "community values," it also provides the most efficacious means for rebuilding communities, or creating new ones.

It is fascinating to think that communism as Marx originally conceived

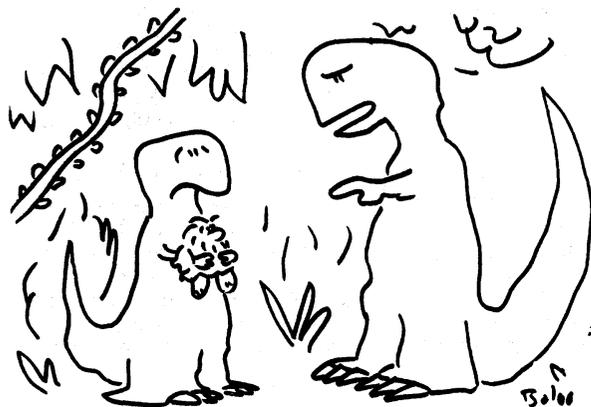
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*It is the element of unchecked idealism that makes communitarian theorists seem not just mistaken, but a little scary. One fears that their prescriptions will slink their way into legislation.*

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it, as a matter of community-owned means of production, has been better achieved in the relatively free markets of the United States than in any overtly socialized national economy. That a few existing communities use Marx's slogan "From each according to his abilities, to each according to his needs" as a credo and make it work on a voluntary basis and smaller scale is a testament to the flexibility of the market, a flexibility that allows for the greatest variety of living styles. Knowing this will allow us to correct for the world view that posits capitalism as antithetical to communism.

Although some individualists deplore the idea of intentional communities, such judgments are rash. They appear especially so when one considers that the *Directory* lists a sizable number of communities that have disbanded. A healthy amount of "failure" is the sign of something truly experimental. It is possible that practicing communitarians are unintentionally learning lessons closer to those of F.A. Hayek, Rose Wilder Lane, and other



"Put that down, Kevin! — You'll spoil your dinner."

classic libertarians than to those of the communitarian theorists. Indeed, if the communitarian theorists want to learn something, they should condense their

ideas into a 500-word summary, get a listing in the forthcoming edition of the *Communities Directory*, and start their own community. □

## Booknotes

**The Mummy** — *Lenin's Embalmers*, by Ilya Zbarsky and Samuel Hutchinson (translated from the French by Barbara Bray; Harvill Press, 1998, 215 pages), is a beautifully produced book on an ugly subject. The ugliest thing about it is the evidence that Lenin's mummy, long rumored and assumed to be a wax imitation, is real after all — disgusting thought. The book tells how they done it. Zbarsky's father helped embalm the dictator, and Zbarsky himself worked for 18 years in the mausoleum laboratory that enables the corpse to keep its lustre. His book, which is widely available in the United States, shows in new detail what a gruesome religion collectivism is. Its pictures and descriptions of the dying Lenin will satisfy any individualist's thirst for revenge. —Stephen Cox

**Comfort and Joy** — Those of us worried about the state of culture today can take comfort in the popularity of two books by Thomas Cahill: *How the Irish Saved Civilization* and *The Gifts of the Jews* (Doubleday 1995 and 1998). These short volumes (each under 300 pages) chronicle historical episodes that, according to Cahill, illuminate the "patrimony of the West." They are the first in a planned series of seven such books.

The *Gifts of the Jews* is subtitled *How a Tribe of Desert Nomads Changed the Way Everyone Thinks and Feels*. Largely through the retelling of stories in the Hebrew Bible, Cahill identifies what he believes to be a decisive change in how people view the world. The Jews replaced the ancient understanding of time as cyclical and never-ending with the idea of time as having a beginning and progressing toward an end. There is a moral aspect, too. The Jews, he says, "were the first people to develop an integrated view of life and its obligations."

For the most part, the book unfolds as a literary exposition. Cahill tells the

story of Abraham, for example, against the backdrop of the mythological stories of surrounding civilizations (represented in the epic *Gilgamesh*), leading us in some detail through fairly subtle comparisons between the pre-Biblical literature and the Biblical story. Though the book lacks an extended discussion of changes wrought by Judaism — despite the promise in the subtitle — it does lay a foundation for such a discussion.

Even more than a historian, Cahill is a literary enthusiast who relishes poetry, myths, stories, and the sound of language. In some ways he is the antithesis of the scholar Joseph Campbell, who loved ancient myths but recoiled at how the patriarchal Jewish priests buried and modified

them. Cahill welcomes the revisions.

*How the Irish Saved Civilization* is even more appealing than *The Gifts of the Jews*. It is richer in historical detail, probably because empirical evidence about the Dark Ages, while scanty, exceeds knowledge of ancient Israel. Cahill again shows his love of literature and myth as he tells a story that has largely been lost: the role of the Irish monks in the fifth through the ninth centuries.

Did you know that the European cities of Salzburg, Vienna, Auxerre, Laon, Liege, and Trier — among others — developed from monasteries founded by Irish monks or the pupils of Irish monks? I didn't.

In the fifth century, as the Roman empire came under attack by barbarians, Patrick, a Romanized Briton, returned to Ireland where he had been a shepherd and slave and began converting the Celts to Christianity. Following Patrick, Columcille and Columbanus not only developed monasteries throughout Ireland that preserved ancient Greek and Latin classics (through manuscripts such as the *Book of Kells*), but initiated the spread of

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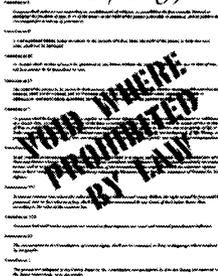
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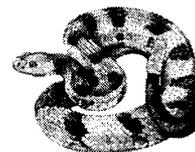


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monasteries throughout Europe. These became oases of knowledge in a culture falling into illiteracy.

I personally can't vouch for the authenticity of the story (you don't find it in, say, the *Columbia History of the World*, and I was taught years ago that it was the Muslims, not the Irish, who reintroduced the ancient classics to the West). Yet the support Cahill offers is impressive. Where have I been?

In sum, Cahill offers easy-to-swallow bits of history that have been ignored. He wraps them in a package of literary commentary and ever-so-slightly Panglossian observation. For a generation that isn't well-versed in its past, Cahill offers plenty to ponder — painlessly.

—Jane S. Shaw

**Isms and Schisms** — Free market economists have long needed a good dictionary of economics. Fred E. Foldvary's *Dictionary of Free-Market Economics* (Edward Elgar, 1998) aims to fill this need. But it fails on two counts.

First, it is too damn peculiar for a

reference work. It gives way too much space to the ideas of Henry George and his followers, whom I now learn are abandoning the designation "Georgist" for a new all-embracing moniker: "geoist"! You see, Henry George believed that land was truly special. So "geoist" is a nice pun.

Okay, very good for the followers of Henry George. But these "geoists" haven't proven themselves as a movement inside or outside the Academy, so the long list of George-related definitions — for example: *geo*, *geo-anarchism*, *geo-Austrian synthesis*, *geo-economics*, *geo-libertarian*, *geoclassical* (why no hyphen?), *geocracy*, *geoism*, *geoist ethic*, *geonomics*, *Henry George*, and *Georgist*, all from three pages of the "g" section — seems like special pleading, a smuggling in of a too-partisan slant into a putatively broad-based dictionary. (The various strains of the French Harmony school do not get this treatment, even though this school had a widespread influence in its day, even in the academic world, something the Georgists

can't say.)

Given this perversity, the other definitions had better be pretty good. But they aren't. Which brings us to the book's second shortcoming.

If I were advising a young free-marketeer to learn from a few concise definitions of the most important terms — like, say, "marginal utility" — I would not send her here. The definitions are apt to muck up her education.

Which brings me to a "geo" word not in Prof. Foldvary's dictionary: *geoduck* (a type of clam). The prefix in this word is pronounced "gooey." Prof. Foldvary's dictionary — like too many specialist dictionaries — does not contain a pronunciation key. So you can imagine how I'm going to pronounce the word "geoism" from now on.

—Timothy Virkkala

### **The Poverty of Philanthropy**

— Fred Cuny (1944-?) revolutionized some aspects of providing aid to refugees. Instead of developing a one-size-fits-all recipe for handling refugee problems, he approached every emergency situation as a set of specific problems to be solved, often taking very different approaches from the large, bureaucratic, non-profit organizations that he competed with.

Rather than housing refugees in mass tent cities, he organized them into small, community-like camps. Having seen refugee camps become permanent mini-welfare states, he encouraged refugees to see their refugee camps as emergency homes only, and to return to their villages as soon they safely could. Unlike other relief workers, he lived with the refugees, rather than in a hotel in nearby cities. And rather than operating as a bureaucratic, international non-profit organization, he ran a lean operation that stayed close to those he was trying to help. His relief organization was private and earned a profit.

Cuny developed this revolutionary approach in Central America in the 1970s and applied it in the Balkans, Kurdistan, and finally in Chechnya, where he disappeared — presumably killed by Chechnyan revolutionaries, bandits or Russian soldiers — in 1995.

*The Man Who Tried to Save the World* (Doubleday, 1999, 374 pages) tells his story. It could have been a biography of a man who led a fascinating life only to

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# Notes on Contributors

vanish in mystery. Or it could have been the story of charitable relief agencies gone astray and innovative ideas for changing them. Unfortunately it is neither.

Author Scott Anderson seems unable to write engagingly enough to maintain the narrative; the reader is left only with glimpses and the suspicion that there is a complex, engrossing tale hidden here.

There are anecdotes and vignettes that whetted my appetite for the larger story. Could there be a relationship here between the fact that his company was for-profit rather than the usual government agency or not-for-profit organization? If Anderson knows, he isn't telling.

Someday somebody will write a decent book on Fred Cuny's approach to refugee philanthropy. For now, the curious can only be frustrated by the tantalizing anecdotes and vignettes buried in Scott Anderson's bad prose and ill-constructed book.

—Kathleen R. Bradford

## Reflections, continued from page 16

and Perfidy, scarcely paralleled in the most barbarous Ages, and totally unworthy the Head of a civilized Nation."

4. How many things were declared in the concluding paragraph? There were three, somewhat overlapping declarations: that the Colonies are Free and Independent States; that the political connection with Great-Britain (yes, they hyphenated G-B, and New-York) is dissolved; and that the States have power to do all Acts and Things "which Independent States may of right do." This took a picayune 157 words.

5. Thomas Jefferson was a lawyer, and the Declaration has the structure of a legal pleading. After the preamble, there is a statement of jurisdiction (the self evident truths and duty to throw off the despot); a bill of particulars (the 37 injuries and usurpations); an answer to the defense of prematurity (the colonist's petitions for redress and warnings to the British Brethren); and a demand for relief. No, it was more than a demand, for they took the law into their own hands, at the risk of their Lives, Fortunes and sacred Honor.

—MMS

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*Jen Tracy* is a correspondent with the *Russian St. Petersburg Times*.

*Timothy Virkkala* is executive editor of *Liberty*.

## Coming in Liberty

"Libertarianism as if the Other 99% Mattered" Why are nearly all Americans indifferent to liberty? *Loren Lomasky* answers this vexing question.

"The Best Way to Stand Up to the State" *Gary Alexander* explains what he learned and what the cause of liberty gained when he sought election to the Virginia House of Delegates.

"The Real Meaning of the Jefferson-Hemings Affair" *Timothy Sandefur* explores the campaign against Thomas Jefferson, and finds interesting parallels between his leftwing and rightwing critics.

"Inside the Russian Libertarian Movement" *Jen Tracy* reports on the nascent libertarian movement in the former home of communism.

"In Search of Lysander Spooner" *Randy Barnett* searches the wilds of Massachusetts for traces of America's greatest anarchist.

"The Libertarian of the Century" And the winner is . . .

Look for the October *Liberty* on newsstands or in your mailbox right by September 1.

# Terra Incognita

## New York

The United Nations responds to the encroachment of crass commercialism, reported by Reuters:

The UN's legal department is investigating whether it can successfully sue an advertiser for using the slogan "Got time for a Kofi break?" on grounds that the slogan constitutes unauthorized commercial exploitation of the first name of Secretary-General Kofi Annan.

## New York

Curious "New York Times Business Bestseller," as reported in *The New York Times*:

*Seuss-isms for Success* by Dr. Seuss. Corporate writings culled from the writings of Dr. Seuss.

## Washington

Botanical trivium from the department of health, quoted from the *Food and Beverage Workers' Manual*:

"One kind of bacteria that you may hear about is Salmonella; it is not named for a fish; in fact it's not found in fish at all."

## U.S.A.

An unusual measure of hardware and building products market dominance, as quantified by *National Home Center News*.

The Pro Dealer Top 350 is made up of companies that generated at least 67 percent of their total sales from professional wrestlers.

## Great Britain

Advance of corpus juris in the home of the Industrial Revolution, reported by Reuters:

A British office worker was awarded more than \$100,000 in compensation for job-related stress because she became depressed after being promoted against her will.

## Colombia

More progress from the battlefield in the War on Drugs, as reported by Reuters:

U.S. intelligence figures show that land under drug cultivation in Colombia rose by 26 percent in 1998, despite an ambitious U.S.-backed drug crop eradication program. The program focuses on aerial spraying of plantations of marijuana, opium poppies and coca leaf — the raw material for cocaine — with herbicides.

## U.S.A.

Humanitarian progress in the war on poverty, reported in the *New England Journal of Medicine*:

A study on death rates in the U.S. has found that the combined death rate from substance abuse, suicide, accidents and homicide typically jumps 14 percent during the first week of each month compared to the last seven days of the previous month. The authors of the report blame the jump on the dispersion of government welfare checks.

## New York

Word of a new and thrilling magazine called *Talk*, quoted from its inaugural direct mail:

"TALK is the new magazine that provides illumination, depth, and perspective to the issues, passions, and pleasures that surround us, and obsess us.

Entertainment. And entertainers. Films. And filmmakers. Politics. And politicians. Spin. And spinmeisters. Technology. And the digerati. Publishing. And publishers. Writing. And writers. News. And newsmakers. Saints. And scoundrels."

## U.S.A.

Actress Pamela Anderson identifies her favorite book, quoted from *In Style* magazine:

"*Star Born* by Andrew Norton. My lucky number is 11, and I was amazed when I picked up this book and found a chapter called '11-11'! It explains how each one of us could be an angel."

## Argentina

Advance of the new jurisprudence, reported by Telam, the state-run news agency:

Two Argentine judges are locked in a dispute over whether they should be addressed as "Your Honor" or "Your Excellence." Judge Eduardo Daffis infuriated a colleague on a higher court when he addressed him as "Your Honor." Judge Alfred Rizzo Romano insists on being called "Your Excellence."

## Los Angeles

Report on the frugality of public servants in the City of Angels, reported by Reuters:

A secretary in the Los Angeles County Mental Health Department pleaded guilty to grand theft for making 2,600 calls to a "Psychic Hotline" which cost the department \$118,000.

## California

Interesting new way of financing public transportation, reported in *The Seattle Times*:

The California Senate is voting on a bill that would allow drivers to pay \$50 extra to display special car tags which would feature the smiling face of Ronald Reagan in a cowboy hat.

## Great Britain

Footnote on the operation of Her Majesty's public education, reported in *The Times* (U.K.):

The rigour of tests taken by 600,000 children is to be investigated by an independent inquiry after claims that marking was reduced to help ministers to meet education targets.

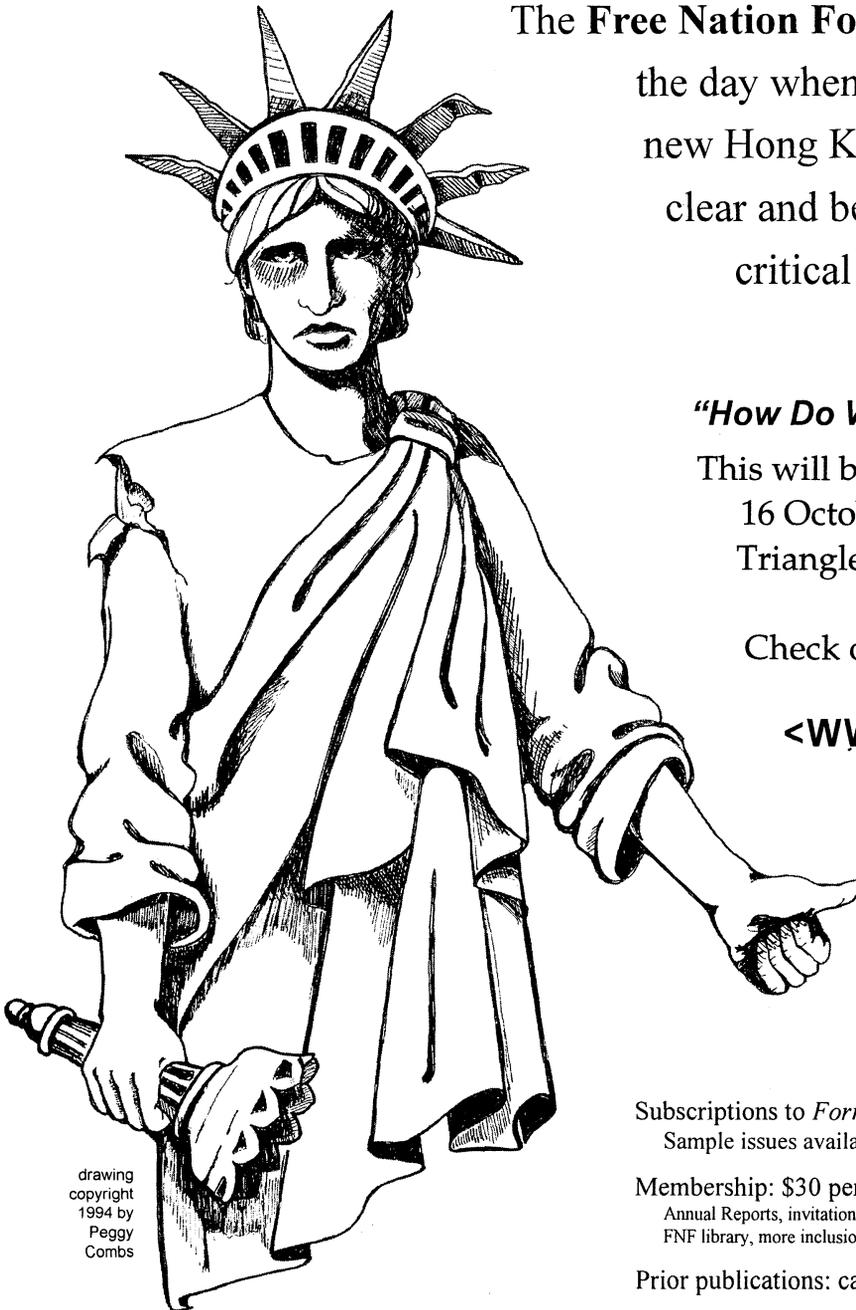
## U.S.A.

Appealing classified advertisement, from *Ladies Home Journal*:

"FREE MONEY! Never repay. Guaranteed. Debts, personal, business. Free information."

(Readers are invited to forward news clippings or other items for publication in *Terra Incognita*, or to email them to [terraincognita@LibertySoft.com](mailto:terraincognita@LibertySoft.com).)

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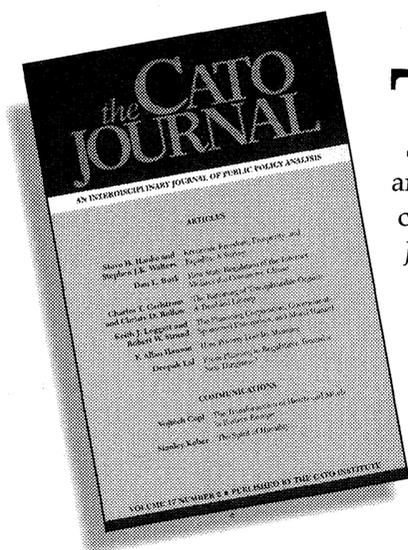
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