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*by R.W. Bradford*

## Osama bin Laden:

Not as Scary as You Think

*by Gene Healy*

## Therapy Today, Regrets Tomorrow

*by Dolores Puterbaugh*

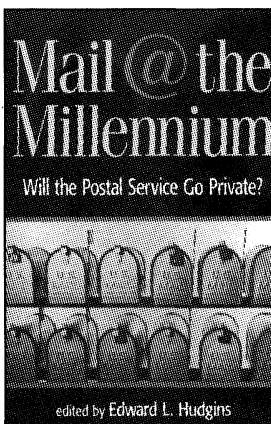
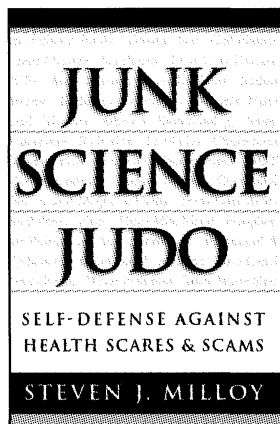
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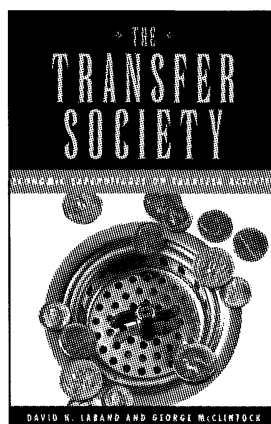
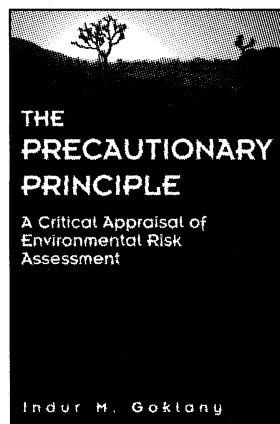
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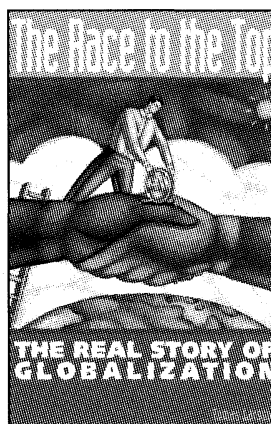
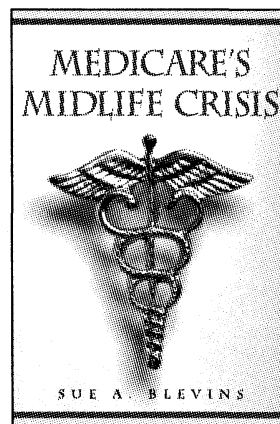
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# Inside Liberty

September 2002  
Volume 16, Number 9

**4 Letters** Our readers get a few things off their chests.

**9 Reflections** We take the Pledge, ride the subsidized rails, fan the fires of Wall Street, look for smoke in Nevada, pin a penguin on NASCAR, get lost in the desert, and feel free to move about the LAX parking lot.

## Features

**19 The Geography of Taxes** Federal taxes are the same across the country, but what an American pays in local taxes is five times higher in some states than in others. *R. W. Bradford* tells where taxes are high, where they are low, and looks at the relation between taxes and growth.

**31 Free Therapy Today, Regrets Tomorrow** Getting your health insurance to pick up the bill for your counseling might not be such a good idea, argues *Dolores Puterbaugh*.

**33 The Many Faces of Mr. Hiss** Alger Hiss had it all: wealthy parents, powerful friends, an Ivy League education. So why did he become a spy for the most murderous dictator in history? *Ron Capshaw* looks for an answer.

**35 Practical Idealism** You'd better be careful what your ideals are, warns *Wendy McElroy*. They determine the world you live in.

**37 Crossroads in Indianapolis** America's fifth party converged to deal with its problems. *James Barnett* reports.

**41 Fear of the Press** Real political parties do not fear an independent, critical press, observes *R. W. Bradford*.

**43 Letters to MIAs** A lot of prominent Libertarians missed this year's convention. *Ken Sturzenacker* brings them up to speed.

**45 Convention Diary** *Carol Moore* fights for a peace plank, runs for office, gets down in the trenches, and kisses Ed Crane.

## Reviews

**53 A Glimpse Ahead?** *Chip Pitts* discovers that Stephen Spielberg's nightmare is George W. Bush's vision for America.

**56 Sometimes a Great Nation** Less than a century ago, Argentina was among the world's richest countries. *Stephen Cox* looks at a new book that tells just how much ruin there is in a nation.

**59 The Manufacture of Terror** *Osama bin Laden* scares you a lot more than he should, explains *Gene Healy*.

**60 Utopia for Kids** At last, *Joe Bast* writes, there's a good book on freedom for kids. *Jane S. Shaw* isn't so sure.



**57 Notes on Contributors** The folks who brought you all this.

**62 Terra Incognita** Be careful out there.

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## Letters

### Sex in the Seminary

Scott Chambers has hit one of the nails in the "pedophile priest" issue right on the head in his cartoon in the August issue. The problem is not numbers of priests attracted to little boys, the problem is — and has been for years — the Roman Catholic Church's "looking the other way" as homosexuals made their way through the church's seminaries and up the hierarchical ladder. How else would a man who in his own words "fell in love with a 23-year-old theology student" become the archbishop of Milwaukee?

Although the church appears to be reeling from recently exposed secrets, it will begin to face a real problem as many priests begin dying from AIDS. The few rallying to the church's defense will leave — their faith destroyed. The church has destroyed its credibility and will no longer have medieval control over the modern world. Victory at last for those who have the unmitigated gall to think for themselves.

Bill Kelly  
Dundas, Minn.

### Liberate This!

George W. Bush's war might be splendid but Clark Stooksbury's knowledge of recent history isn't ("Bush's Splendid Little War," July). He writes: "Iraqi soldiers would have put up more of a fight if the U.S. and its allies were actually trying to conquer their country." Why should they? The "conquest" (actually a liberation) would have been quite popular. The Kurds and Shi'ites were in open revolt against Saddam's dictatorship, he had dragged his country into two disastrous wars, and Schwarzkopf wanted to drive into Baghdad. Back in Washington, Bush the Elder and Colin Powell (men with spines of chocolate) chickened out.

It's worth noting that during World War II, the Germans were seen as liberators in parts of the Soviet Union. It

remained this way even after the Nazi plan of Slavic enslavement became clear. Why? Because these people figured no matter what a monster Hitler was he couldn't be as bad as Stalin.

Jordan Simmons  
Laurinburg, N.C.

### The Confederacy: A Conspiracy of Foreigners?

At last a libertarian magazine publishes an article saying that the Southern states did not have the right to secede ("Liberty and Union, Now and Forever," by Timothy Sandefur, July). Not only is Sandefur correct, but there is more to the story of the Confederacy than its proponents and apologists admit.

The Founders knew that allowing secession would end the United States; Thomas Jefferson was virtually the only one to comment in favor of such a right. The first constitution, the Articles of Confederation that became effective in 1781, said explicitly not just once but twice that "the union shall be perpetual." Most of the same people wrote today's Constitution several years later.

But mention of this perpetuity is seemingly conspicuous by its absence in the Constitution of 1787. Secession advocates have therefore felt free to use the Tenth Amendment, which reserves to the people and the states other rights not explicitly mentioned elsewhere, to justify a right of the states to leave the U.S. at will. Evidence that the Founders had not changed their minds is, as Sandefur mentions, given in Federalist 15, which explains a primary flaw of the Articles of Confederation but is not in itself a clear rationale against secession. A more explicit one is given in Federalist 58, which refers to "the baneful practice of secessions" — going on to call the practice "subversive" and a cause of "public convulsions, and the ruin of popular governments."

Only around 1830 did serious secession threats begin, centered in South

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Carolina. By then the Founders were dead. Not by coincidence did South Carolina later become the first state to secede, among other strange things that happened in 1860–1861. The Confederate states cited the threat President Abraham Lincoln purportedly posed to the practice of slavery, even though he had sworn he would leave it alone where it existed. The North had been weakened by financial scandals, and many weapons had been transferred south where they just happened to fall into insurrectionists' hands. The South simply grabbed federal property and public works without offering compensation that might have gained it sympathy in the North.

Also, election and legislative irregularities — many based on scattered votes from a fraction of the population — happened in a number of Southern states including Georgia, Louisiana, and Texas, suggesting outcomes fixed to favor secession despite popular sentiment in those states largely against it. For example, secessionists appealed to Texas governor Sam Houston for a convention to vote on the issue and made an end run around him when he refused, calling a sudden election in which only 50,000 voted out of a state population of 600,000. Fernando Wood, the mayor of New York, proposed that his city also secede to become a "free city." This would have crippled the North not just because of the loss of manufacturing capacity, but also financially, and Wood knew it. In an address delivered to the city government on Jan. 6 1861, he used arguments most libertarians would recognize in favor of breaking away, asking, "Why should not New York City, instead of supporting by her contributions in revenue two-thirds of the expenses of the United States, become also equally independent?" Finally, it took extraordinary measures by Lincoln to keep Maryland from seceding, which would have isolated Washington, D.C. — with obvious results.

All of this suggests something larger was going on. But what? Here are clues. The influential head of South Carolina College (now the University of South Carolina), British native Thomas Cooper, agitated there for secession to protest "unfair" tariffs as early as the 1820s. He was the catalyst for the secession crises that followed. Many of his

cronies and initiates had foreign ties. They and others with such ties later became active in the Confederacy: one example is Judah P. Benjamin. He served the Confederacy as attorney general, secretary of war, and finally as secretary of state, but was originally a British subject and went to Britain after the war. Also, the business interests whom Wood was allied with, who would have benefited from New York as a free city, had ties to Europe as well as the South.

In addition, there was real risk that Britain, France, and other European powers might enter the war on the side of the South, especially after the Trent affair in 1861 in which a Union warship commander seized two Confederate representatives from a British steamer bound for Europe. Liverpool was "seething with pro-Confederate sentiment. More Rebel flags were said to be flying there than in Richmond," said Nathan Miller in *Spying for America*. Its shipyards built warships for the South. Only distaste for slavery prevented European recognition of the Confederacy; this was compounded by Lincoln's Emancipation Proclamation. Finally, while the U.S. was preoccupied by the war, Britain, France, Belgium, and other colonial powers felt free to invade Mexico to install a monarchy, despite the longstanding Monroe Doctrine.

Secession was the result of decades of foreign manipulation in the South by European powers, particularly Britain. The true intent was not to create a new country, but to destroy the United States. Britain, France, and other colonial powers were still empire building, but they smarted from the loss of territory that became the United States. They worked to break up the country and nearly did. Had the South split off, in its war-torn state it would have been no match for foreign invaders taking back old territories; then it would have been the North's turn. If this scenario had occurred, in the absolute best case we would now speak British English. And we would have solid reason to curse the Confederacy. Lincoln did what he had to do. Get over it.

Edwin Krampitz Jr.  
Drewryville, Va.

### Defending Lincoln

Bravo to Timothy Sandefur, for his excellent article putting the Civil War

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into a clearer historical and constitutional light. He justly criticizes those libertarians who defend the Southern secessionist cause (and with it, implicitly, Confederate tyranny), pointing out their misunderstanding of both the Declaration of Independence and the U.S. Constitution.

As Sandefur notes, the essential principle of the Declaration is not a supposed right of a people to create whatever government it wishes — the so-called right of “self-determination of peoples” — but, rather, is “the equal right of all individuals to be free.”

The American Revolutionaries of 1776 declared their independence from King George III’s government because, as the text of the Declaration details, that government had denied them this fundamental right in various ways, evidencing a “long train of abuses and usurpations” which justified their exercise of the right of revolution (that is, the right to alter or abolish the existing system of government and to refashion a new government better suited to its legitimate ends).

In contrast, the Southern secessionists of 1860–61 had no legitimate complaints justifying revolution. The historical evidence is overwhelming that the Southern states seceded from the Union because they understood that Lincoln’s election effectively thwarted their two key demands for the expansion of slavery — that Congress pass a slave code permitting the institution in the Western territories and that all the states, free as well as slave, be forced to recognize property rights in “sojourning” slaves (that is, not runaway slaves, but slaves brought voluntarily by their masters into free territories). The provisions in the Confederate Constitution for the permanent establishment of slavery — provisions which increased the powers of the national government and limited the powers of the states, with regard to

the so-called “peculiar institution” — clearly show what Southern secessionists demanded with regard to slavery, in the wake of the Supreme Court’s activist decision in the Dred Scott case.

Sandefur also is correct in pointing out the dubious constitutional grounds for the supposed right of secession. As he points out, the U.S. Constitution is based upon the sovereign power of the people of the United States, as shown both by the explicit language of the preamble (“We the People,” not “We the States”) and by James Madison’s clear exposition of the concept of dual sovereignty. Moreover, Lincoln was right in arguing, as he did in both his First Inaugural Address and in his special message to Congress on July 4, 1861, that “the Union is older than any of the States, and, in fact, it created them as States,” and that “no one of our States except Texas ever was a sovereignty. . . . The States have their status in the Union, and they have no other legal status. If they break from this, they can only do so against law and by revolution.”

Lincoln also was right in arguing that “the central idea of secession is the essence of anarchy.” So perhaps it is not surprising to see modern libertarians dividing along philosophical lines, with anarchist libertarians condemning Lincoln and the Civil War, but minimal-government libertarians (like myself) understanding Lincoln’s arguments and instead condemning the Southern secessionists, not only for their defense of slavery but for their actions undermining republican government and the rule of law.

The secession of the Southern states, simply because they were unhappy with the results of the 1860 election, presented the question, as Lincoln said, “whether discontented individuals . . . can always, upon the pretenses made in this case, or on any other pretenses, or arbitrarily without any pretense, break up their government, and thus practically put an end to free government upon the earth.”

This argument is not “just plain nonsense,” as Jeff Hummel and others have asserted. Rather, it is based on the fundamental organizing principle of republican government: the principle that the minority must acquiesce in the legitimate decisions made by the majority. As Thomas Jefferson said in his

First Inaugural Address in 1801, once a vote has been taken according to the rules of the Constitution, everyone must “arrange themselves under the will of the law.” Noting the “sacred principle” that the equal rights of the minority must be protected, Jefferson nevertheless maintained that “the will of the majority is in all cases to prevail.”

Sixty years later, Abraham Lincoln faced the greatest crisis that any American president has ever faced. While we might justly condemn some of the actions he took in waging the Civil War (Mark Neely, in his book *The Fate of Liberty*, ably shows the many civil liberties violations that resulted from efforts to enforce the draft laws, for example), Lincoln should not be condemned for his determination to take seriously his oath as president, to see that the laws be “faithfully executed” in all the states. Nor should he be condemned for concluding, justifiably, that the doctrine of an unlimited right of secession is “one of disintegration and upon which no government can possibly endure.” The rule of law is (or should be) an important principle to libertarians, too.

David N. Mayer,  
Columbus, Ohio

## Declaration of Secession

The idea that the Declaration created the U.S. and the states were then bound to the U.S. forever is silly. If so, how could states have had the power to withhold their ratification of the Constitution? Is this the best argument these guys have?

The Declaration was *all about* secession. That was the point. How can you twist that document into one that strictly prohibits secession under any circumstances?

It is quite clear that at the time of ratification people felt that they could withhold their consent to join and also withdraw their consent later if they chose. The Constitution is silent on secession so it’s a power reserved to the states under the Tenth Amendment. The states can leave the Union by the same authority with which they joined it. To get around these clear facts Sandefur buys into the silly, tortured argument that the Declaration somehow created the U.S. and prohibits secession (I’m laughing as I type this).

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What interests me more is why obviously intelligent, well-read people would strain logic and credibility so hard to arrive at a silly conclusion. I think the answer lies in the bigger picture. If secession was legal, then Lincoln had no grounds to prosecute a war that killed over half a million people.

John Foster  
Baton Rouge, La.

## The Real Story

Timothy Sandefur makes it evident that the old controversy between the confederalists and the consolidationists has reared its head among libertarians. By a "confederalist" I mean someone who believes that our Constitution of 1787 is a compact among sovereign states, while a "consolidationist" is one who thinks that we then formed a single consolidated nation. Sandefur is a consolidationist and, as usual, advances the argument from the Preamble. He believes that the wording of the Preamble to the Constitution "We the people of the United States, in order to form a more perfect Union, etc., do ordain and establish this Constitution for the United States of America" proves that the Constitution was established by all the people in the United States taken in aggregate and that, therefore, what we have is a consolidated nation, not a federal union of sovereign states.

This is incorrect. When the Constitution was passed by the Constitutional Convention the Preamble read: "We the people of the States of New Hampshire, Massachusetts, Rhode Island and Providence Plantations, etc., etc., do ordain, declare, and establish the following Constitution for the government of ourselves and our posterity." Then the committees on style changed the preamble to its familiar form for only one reason. They did not know which states would ratify the Constitution and which would not. And so they substituted "We the people of the United States, etc." for the enumeration of all the 13 states. They made no change in the meaning of the Preamble. The phrase "the United States" simply had the same definition which had been given to it in the Treaty of Paris, signed four years earlier: "His Britannic Majesty acknowledges the said United States, viz.: New

Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, etc., etc., to be free, Sovereign, and Independent States . . ."

Patrick Henry advanced the Argument from the Preamble at the Virginia ratifying convention as a reason the Constitution should not be ratified. But he was answered by James Madison, whom Sandefur seems to think was a consolidationist. Madison replied to Henry: "Who are the parties to it [the Constitution]? The people — but not the people as composing one great body; but the people as composing thirteen sovereignties: were it as the gentleman [Henry] asserts, a consolidated government, the assent of a majority of the people would be sufficient for its establishment and as a majority have adopted it already, the remaining States would be bound by the act of the majority, even if they unanimously reprobated it . . ." At that time nine states had ratified the Constitution, and it was in operation when Virginia ratified it on June 24, 1788 — with the explicit reservation, both for herself and for all other states, of the right of secession. Subsequently New York and Rhode Island also joined the Union with similar reservations. And no other state objected. In view of these facts how can any one deny the right of secession to any state?

In any case the process of ratification itself was an expression and a demonstration of the sovereignty of the people of each state taken individually. The state legislatures could not ratify the Constitution, since they operated under powers delegated by the people, and those powers did not include the further delegation of powers to a central government. So each state legislature called for the election of a convention to consider the ratification, the members of the convention to have the power to do so. The reservation of the power to resume the powers delegated was made as explicit as it needs to be in the Tenth Amendment. And the Tenth Amendment was not even necessary for the purpose under the rule *expressio unius est exclusio alterius*. The central government was never given the power to coerce a state that wanted to secede. And it had no powers other than those enumerated even without the Tenth Amendment. Gouverneur Morris made the motion at

the Constitutional Convention that the Constitution be ratified by a single convention representing all the people of all the states *en bloc* in order to give us a consolidated nation. The motion was not even seconded. Sandefur quotes a speech of James Wilson at the Pennsylvania ratifying convention to the effect that "sovereignty resides in the people," but "the people" is the people of each state taken individually. Wilson had attended the Constitutional Convention himself. Sandefur concludes that "... the state government has no authority to break the constitutional compact." Nobody has ever claimed that they do. The sovereign people of a state, acting through Sovereign Convention or plebiscite, not through the state legislature, can resume the powers delegated to the federal government.

There was no hint of a denial of the right of secession in our political discourse until Chancellor Kent's *Commentaries*, published in 1826. The denial of the right of secession is a neo-terism devoid of any grounding whatsoever in the antiquity of the Republic. Judge Story tried to deny it, and so for a while did Daniel Webster. But Calhoun was so persuasive in the debate over nullification in February of 1833 that by 1839, in his speech before the Supreme Court in the case of *The Bank of Augusta v. Earle*, Daniel Webster himself had become a confederalist. And so was even John Quincy Adams, who defended the right of secession in his 1839 speech on the Jubilee of the Constitution.

Sandefur thinks that if the Southern states wanted to secede they should have applied to Congress for permission. Fat chance! Congress was controlled by the North, and the South was providing more than three quarters of federal revenues through the tariff, and it was being spent in the North.

William Rawle's book prescribing the proper procedure for the secession of a state, had received quasi-official status by being adopted at West Point as a text in constitutional law. The Southern states did everything according to Rawle and called secession conventions to resume the powers delegated in 1787 and 1788, then sent commissioners to Washington to arrange payment for federal property

within their borders and to assume their share of the national debt.

If Sandefur thinks that the Confederate States of America were "all awful tyranny," what does he think of the United States of Abraham Lincoln, who was throwing people into jail without due process by the tens of thousands for the crime of disagreeing with him?

Wayne Holman  
Glen Ellyn, Ill.

## Just Like All the Others

In the August issue William Henley claims to have studied the writings of Southerners and secessionists, and is convinced that slavery was the real issue behind Southern secession.

The fugitive slave act (which Lincoln supported in his inaugural address) had been declared constitutional (*Dred Scott*) and was being enforced throughout the North. A runaway slave had to make it to Canada to be free, which created a huge buffer making it unlikely a slave could escape. With a separate Confederate nation a slave would only need to make it to Pennsylvania, and could, in some cases, be free before his former owner even knew he was gone. This would have required a "slave free" buffer in the north of the Confederacy and would have reduced the area open to slavery. An international border also would have made it easier for fanatics like John Brown to raid slave owners and escape back across the border, and it's unlikely the C.S.A. could have executed him any deadlier than the U.S. did. Slavery was not legally threatened in the U.S. It most certainly was threatened in the C.S.A.

The Civil War was fought for the same reasons as all other wars: money and territory. The reason Southern writing focused on slavery was because it's hard to convince a man to die in battle just to determine which businessman gets to exploit his widow. The battle cry of "The North's going to free the slaves" always carried the implication "and we all know what a free black man's going to do the first time he sees a white woman, don't we?" (And it's an effective ploy. Just changing the word "free" to "stoned" gave us the War on Drugs.)

The war was fought over tariffs, slavery was just the ploy used to get

the soldiers to show up.

Paul Kelly  
Boulder, Colo.

## Electric Liberty

I am disappointed with William E. Merritt's conclusion in "Discovering the Limits of Liberty in Bolivia" (August) that government intrusion is necessary with electrical codes. Hasn't he heard of Underwriters Laboratories? In a country one generation away from widespread malnutrition, it may take a while for electrical wiring to catch up to our standards.

In any case, if the 220 switch box was properly grounded, a little water would not turn him into toast. In fact, where I live, it is common for the electrical meter and circuit breaker box to be mounted on the outside wall of a house.

Paul Studier  
Lake Forest, Calif.

## The Trouble With Slovenko

It was interesting to see the weakness of the statist arguments in Ralph Slovenko's attack on Thomas Szasz ("The Trouble with Szasz," August). I was surprised by its highly questionable logic and its disregard for word meanings. Thomas Szasz provided a reasonable rebuttal to Slovenko's nonsense but I still feel that it is worthwhile to highlight three other problems I noticed.

1) Slovenko claims that "neither the courtroom nor the country is run by psychiatrists. In fact, more often than not psychiatry is debunked." As proof he offers a New Mexico bill that was extremely insulting to psychiatrists. How does the New Mexican legislature's effort to make fun of psychiatrists "debunk" psychiatry? If this is the best example Slovenko can offer for what he claims to be a frequent "debunking" he should have concluded that occasionally psychiatry is ridiculed.

2) Slovenko also claims that, "Szasz argued against any limitation on the use of narcotics, at least until a crime other than drug use is committed." Slovenko seems not to appreciate the differences between a crime and a vice. He apparently thinks that all illegal acts (which, at various times and places have included things like: being a homosexual, being a Christian, being an atheist, drinking a beer, loaning

money at interest, or learning to read) are *ipso facto* crimes. Ironically, he accuses Szasz of lacking "any concept of social responsibility" while he himself twists the concept into a collectivist justification for anything the statists wish to impose.

3) Slovenko says, "The discipline most effective in dealing with a problem tends to be the way the problem will be classified. It may be called a crime by the police, a social problem by a social worker, a sin by the clergy, or disease by the physician. If treatable, it tends to be called a disease. The question is: which classification is most helpful to one and all?" Unfortunately, he never answers this question! The only thing he has demonstrated is the fact that each discipline likes to define a perceived problem under its own terms, whether its response is "effective" or not. The real question here is: why should "one and all" be in my business?

Since the police have the power to force me to do things I may not wish to do, it is a moral requirement of good government to make sure that crime is narrowly defined to those actions which violate the rights of another. All other groups should never be granted the power to force me to do anything, and therefore they can make up any definitions they like. A social worker may decide that my libertarian views are a "problem" for my neighbors; a priest may tell me that agnosticism is a "sin"; a physician may proclaim my excessive sugar consumption a "disease"; so long as their opinions do not become law, I will happily defend their right to disagree with me.

What Slovenko and many others choose to ignore is the corrupting nature of power and the immorality of placing "progressive" causes before individual rights. It is true that "The Nazis' forward-looking health activism came from the same root as their medical crimes," but it is a fatal error to think that you can divide these things out into separate groups and have one without the other. The Nazis — National Socialists — wanted what all socialists want, utopia. They knew that there was a better way to do things (everything) therefore they felt justified in imposing that way every time they felt they understood it. They disre-

*continued on page 32*



# Reflections

**Johnny Jihad cops a plea**— A plea agreement with federal prosecutors allowed Taliban POW John Walker Lindh to avoid a life prison sentence. He will instead have only 20 years to convert other federal inmates to radical Islamism.

— Brien Bartels

**But can they rap?** — Those of us committed to “racial progress” should take comfort in the recent developments in the changing face of American crime, which is no longer that of a black teenager in a T-shirt but, shazam, expensively dressed white guys, whose pilferage involves sums unknown to black teenagers, and whose damage to America is almost incalculable.

— Richard Kostelanetz

**Now I get it** — The Bush administration says the terrorists attacked us because we are rich and free, and vows that this should never happen again. So it’s boldly acting to impoverish and enslave us.

— Sheldon Richman

**Agin’ with the ragin’ Cajun** — James Carville has enthusiastically endorsed Social Security privatization.

I want you to read that again. Democratic operative James Carville, feared campaign manager and strident commentator, the man who sold Bill Clinton to America, and author of *We’re Right, They’re Wrong*, has endorsed Social Security privatization with the zeal of a redeemed sinner.

Of course, he didn’t realize it. He was probably just mouthing off as he is wont to do, and this is what popped out:

You see those charts that say if you put away \$500 a year starting at age 20, by the time you’re 50, you’d have a gazillion dollars? It just makes you ill that you didn’t do it. You almost want to grab young people and shake ‘em and say, “Please don’t make the same mistake I did. Please.”

In other words, if 20-year-olds had a few more dead presidents left to rub together on payday, we wouldn’t be talking about today’s young people growing into dog-food eating welfare louts. We’d be worrying about how the economy was going to produce enough gold-plated walkers and Armani nipple-high golf pants.

Of course, almost no 20-year-olds have extra dead presidents to rub together. Partly that’s a function of being 20 in the world’s most consumerist culture among the most

nubile and cleanest co-eds. But another reason might be the terrible toll the government takes from their paychecks, which is a lot more than the \$500 figure Carville was mouthing off about.

And if Carville wants to put that money back into their hands and potentially into a long-term savings strategy, well, Jim, finally you really are right about something.

— Brien Bartels

**Chunky monkey business** — As the stock market plunges into record lows and bargain hunters salivate like mall junkies on the day after Christmas, pundits are beginning to speculate about who is responsible for this drastic slide toward reasonable price-to-earnings ratios. I can’t help but think that enemy number one are the leftist baby boomers.

When the “don’t trust anyone over 30” crowd went

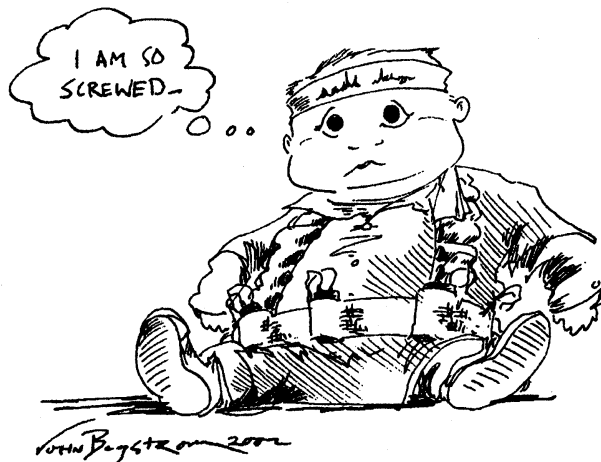
through menopause and joined the AARP, something fascinating started to happen. They lost their long-ingrained mistrust of capitalism, and with all the courage of the Temperance Society going into the speakeasy for a drink, jumped into the market. Maybe they were jealous of their kids, making enormous money in Internet startups, and wanted in on the action. Maybe the spectacular 20% annual gains were reflecting not value, but an entire generation sticking its life savings into the market for the very first time.

I think the real tragedy of the market collapse is that their distrust of capitalism has been redoubled. The clamor for investigating bankrupt corporations like WorldCom and Enron reflects that hatred. The biggest danger is that this crash might repeat the 1929 advent of Rooseveltian socialism, and we’ll have to wait another 75 years for a return to constitutional government.

— Tim Slagle

**You’re now free to move about the parking lot** — I write on July 4. It is 4:00 p.m. At 11:30 a.m.,

a man fired shots at the El Al counter at the Los Angeles airport. He killed two people, and he was killed. As a result, the international section of the airport was closed, and thousands of passengers waiting for planes were kicked outside, forced to wait without plan or purpose or sanitary facilities until the airport authorities decided, in their wisdom and generosity, to allow them back in. Domestic flights resumed, but very slowly. Ground traffic in the airport dis-



trict was locked in an impenetrable snarl. Air traffic around the world was convulsed by the crisis at LAX.

How many people, I wonder, will die because of this? How many old men and women will have heart attacks? How many organ transplants will arrive too late? How many hopeful young people will miss the connections that are crucial to their lives, because . . . because . . . why?

On a fairly regular basis, banks in my neighborhood are held up by guys with guns. Very occasionally, somebody gets shot. My neighborhood is not shut down when this happens.

On a fairly regular basis, people are killed in traffic in the Los Angeles basin. Los Angeles is not shut down when this happens.

Why, then, is LAX shut down?

On television, I watch the invariably fat-assed cops, "security personnel," rescue-vehicle workers, etc. etc. etc., strolling around behind their barricades of yellow ribbon, talking to one another, or perhaps to themselves, on hand-held electronic devices, while thousands of suffering fellow humans mill about in front of them, seeking, with intense and inquiring looks, to discover when, if ever, they will be permitted to escape from the concentration camp in which they have been penned. The "security personnel" continue to speak importantly in the direction of their hands. Nothing else is going on.

It is 4:40. A "spokesman" comes on TV to say that one part of the international terminal has been opened (no signs of this on the live TV feed) but another part of it "will remain closed, pending ongoing FBI investigation." Oh. I see. The FBI takes five hours, plus, to establish that a crazy person did a crazy thing. They do this by, in effect, closing the LA airport. "We want to do the best job possible for the traveling public, here at LAX," the mayor of Los Angeles just said. That does not, it appears, include keeping the airport open.

What would you do if you wanted to encourage terrorism? What I would do is to make sure that whenever anything abnormal happened in the American transportation industry, the whole thing would be shut down. This thought is not original. It would occur to anyone. I assume that it occurs to all "security personnel" who are, at this moment, batten on the terminals at LAX. I therefore assume that they do nothing in response to this realization because they want to do nothing. I assume that they are sadists.

— Stephen Cox

**Political horsepower** — While most of the professional sports are either stagnant or declining, NASCAR's popularity is booming. I was thinking about this while watching a race this past weekend: NASCAR, to the best of my knowledge, is the only major sport not governed by a union.

Then, as is wont to sometimes happen when I'm stoned, another thought struck: NASCAR is very libertarian, at least in its support for the concept of free markets as evidenced by its deification of corporate sponsorship. AOL Time Warner, Pfizer (Viagra), UPS, and Budweiser are just a few of the big-name companies that annually shell out big bucks

to ride the NASCAR bandwagon.

With so much speculation about who the Libertarian Party should target for outreach, I submit that NASCAR fans should be at the top of the list. For starters, there are millions of them. Secondly, they aren't politically correct (their championship trophy is named after a brand of cigarettes — The Winston Cup). Third, while I don't have the demographics to back up this claim, my guess is that most NASCAR fans lean right, which, for good or bad, is the previous slant of most libertarians. Last but not least, NASCAR fans have a sense of humor (NASCAR produces some of the funniest commercials on television).

I used to be one of those people who looked down their noses at stock car racing. Like a lot of people who think of themselves as "intellectual," I used to think the sport's primary audience was trailer park trash. Other than the occasional spectacular wreck, I didn't understand what was so entertaining about watching 43 cars drive around a oval track for three hours. Then I moved to Tennessee, where

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*Other than the occasional spectacular wreck, I didn't understand what was so entertaining about watching 43 cars drive around a oval track for three hours. Then I moved to Tennessee . . .*

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NASCAR is a religion second in popularity only to football (the University of Tennessee Volunteers being the major denomination).

I lived in Tennessee four years before peer pressure got the best of me and I watched a complete race from start to finish. The following year I saw five races. Last year, I watched maybe 20 races. While I've yet to plunk down any In-God-We-Trust dollars for NASCAR paraphernalia, more and more I'm finding myself glued to the television set on Sunday afternoons, and thus a captive audience for the parade of corporate logos and sponsor messages that is NASCAR.

I can't quite put my finger on it, but something about the blatant commercialism tugs at the purse strings of my capitalist heart. Think of the statement libertarians could make if the Statue of Liberty was painted on the hood of race car, or better yet, the cute Liberty Penguin. And if the Libertarian car won, instead of thanking God and Coor's Light, the victorious driver could thank free markets and the LP.

Of course, this would be expensive. I don't know what the going rate is to sponsor a car, but it's no doubt several million dollars. Somebody would have to start a foundation.

Then again, even if we raised the money, I doubt the Libertarian Party would go for it. The results are too easy to quantify. In NASCAR, to be successful, you have to win — or at least come close.

— Steve Cason

**The Pledge and the law** — On June 26 the Ninth U.S. Circuit Court of Appeals held that reciting the Pledge of Allegiance in public schools is unconstitutional because of the words "under God." This decision, whose

reversal is widely expected, appears to be one more case of judicial overreaching, to which that particular appeals court is especially addicted.

My outrage over its decision is slighter, however, than over various court decisions banning prayer in schools and even at school football games. The First Amendment says that "Congress shall make no law respecting an establishment of religion," but it says nothing at all about what religious expression the states may tolerate in their schools. Neither does the Fourteenth Amendment, and it is quite a stretch to hold (as some courts have done) that that Amendment "incorporates" a strained extension of the no-establishment clause. I do think, and for the usual reasons, that organized prayer in the schools is a bad idea; and as a school-board member or state legislator, I would have voted against it. But to make this a federal issue is just one more unwarranted move toward centralization of power. I don't much admire plaintiffs who give the federal courts such opportunities.

What weakens my outrage over the June 26 decision is the fact that Congress inserted "under God" into the pledge by an act of 1954. This federal act arguably does verge on official endorsement of monotheism in opposition to polytheism, nontheistic religions, and atheism. Why couldn't, and can't, Congress leave well enough alone?

That schoolchildren may be browbeaten or shamed into reciting the religiously tinged pledge gains plausibility from its mass recitation by members of Congress on June 27. A similar sign is the haste of Alabama politicians across the political spectrum to condemn the Circuit Court. So is the abuse that Rush Limbaugh heaped onto callers on June 27 who ventured to doubt in God and his promotion by government.

I do wish that the case had not arisen and that Congress had not provoked it, but I recognize some merit in the decision about what is, after all, an act arguably infringing on the First Amendment. Some critics of the decision point out that even the Supreme Court opens its sessions with "God save the United States and this honorable Court." But Congress, as far as I know, did not legislate that wording. If

the Supreme Court should uphold the appeals court, political pressure would grow for a positively pro-religion constitutional amendment. Regrettably, in my view.

— Leland B. Yeager

**Resisting the Pledge** — For most Americans, caught up in the post-Sept. 11 anti-terrorist hysteria, the Ninth U.S. Circuit Court of Appeals' decision to ban government schools from exacting the Pledge of Allegiance from their inmates was a horrible thing. This sentiment was so widespread that virtually every member of Congress, whatever his political orientation, took the opportunity to grandstand and posture.

I was not so upset. It's not that I like the idea of the state's forcing children to make a daily profession of religious faith. It's just that the "under God" phrase in the Pledge of Allegiance is, so far as I am concerned, one of its less objectionable passages.

The Pledge of Allegiance, the literary work of a 19th-century American socialist, is fundamentally a profession of faith in government, the product of the secularization of religion which is gradually replacing the irrational belief that there is a supernatural entity capable of magic with a belief that there is a natural entity capable of magic.

My atheist friends like to talk about the harm that faith in a supernatural being has done, pointing to Europe's wars of religion or, if they

are a bit more *au courant*, to fundamentalist Islam's jihad against the West. But the death and destruction occasioned by these conflicts pales in comparison to the horrible toll of statism in just the first half of the century just past, in which untold millions of people were killed and most of Europe and Asia laid waste. There is another reason, I think, that faith in government is generally more destructive than faith in a supernatural being: many believers in traditional religion make no attempt to impose their will on others and some even respect the rights of nonbelievers, while statolotrists almost always seek to require that everyone — including nonbelievers — obey the strictures of their religion. No church has ever tried to force me to obey its rules or to pay

## THE K CHRONICLES



it for its services. The same cannot be said of government.

When I was in high school, someone got the idea of having the entire school recite the flag pledge simultaneously, with one anointed student leading the profession of faith over the school's intercom during the second period. I thought the idea a bad one and refused to participate. Before long, most of my fellow inmates also ceased to participate and pretty soon the whole thing became a farce.

I don't particularly like to make a big deal about the issue, though. And as an adult, I haven't yet been subjected to anything much akin to the pretty-much mandatory recital of the flag pledge exacted of government school students. Occasionally I've been in a public place at which the pledge is being recited. I simply stand up and remain quiet with my hands at my side. It's not like I'm on a crusade about this. But I am unwilling to make a pledge that I am not prepared to keep.

In the meantime, I am amused by the spectacle of my conservative friends ostentatiously taking the oath of fealty to the state, crafted by a crackpot American socialist.

— R. W. Bradford

**Riding the rails on the dole** — Calculating my deductible expenses for the past year, I noticed that professional postage costs have declined from roughly three grand year in and year out for most of the 1990s to less than a thousand now. I'm sure I'm not alone in spending less at the USPS, using the Internet instead not only for brief communications but for whole manuscripts of books in progress. Rather than lowering rates to remain competitive, our audacious Postal Service got an increase, further discouraging most people from using their services, creating a greater deficit, mark my words, prior to a desperate, over-publicized appeal for federal funds simply to survive. My own opinion is that two centuries of service notwithstanding, any company charging uncompetitive prices should be allowed to go bankrupt. Bye bye.

A few years ago, when I had to travel from New York City to Wilmington, Del., purportedly on Amtrak's most active route, I discovered that our railroads, already subsidized, wanted roughly \$110 round trip for its normal train and yet more moolah for a faster train. In contrast, a bus

company demanded less than 35 bucks for a round trip.

As a compulsive reader, I prefer the bus to the train, whose defuse overhead lighting gives me a headache. By charging too much, Amtrak creates the preconditions for demanding yet more subsidy for its passenger service. The one lesson Enron should teach us is that society benefits from letting incompetence go bankrupt; subsidizing economic stupidity is inevitably self-defeating. Don't ever miss the opportunity to repeat that truth. Ever.

— Richard Kostelanetz

**Lost in the desert** — It is somewhat mysterious that President Bush departed from his original instincts and decided to get more involved in the Middle Eastern quagmire, even threatening to present his very own plan for a "provisional" Palestinian state. (Ted Carpenter of the Cato Institute calls it the "partially pregnant" solution.)

Yes, yes, I know. The Bushman wants badly to attack Iraq and all his advisers tell him he needs at least nominal support from at least one or two Arab regimes. And the tacit price seems to be movement in Israel toward at least some sort of promise to tolerate a Palestinian state.

But the very fact that everybody knows that Bush is desperate to make progress in this quest gives the U.S. less leverage in the area than it has had in recent memory. Furthermore, from the radical Palestinian perspective, the murder-suicide bombing tactic has been working. It has disrupted life in Israel and hurt Israeli morale, and has caused more Israeli casualties (especially in proportion to Palestinian casualties) than any recent campaign. Yasser Arafat may have some modest incentive to bring the campaign to a close in the near future, but the real militants, over whom Arafat may not even have effective control, have almost none.

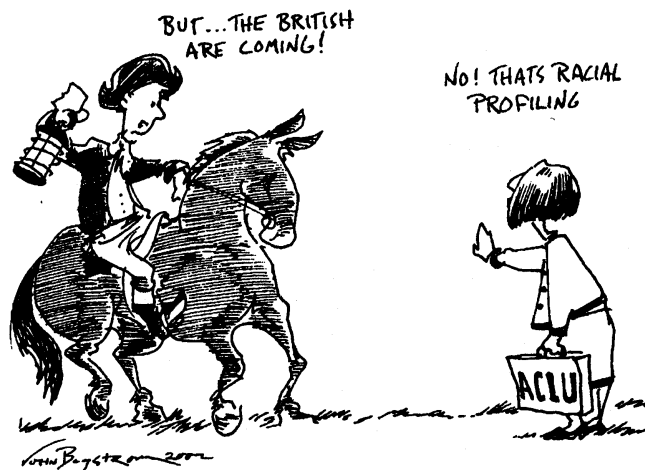
Talking heads babble about Camp David and Oslo as if they were examples of the United States stepping in and magically forging an agreement. They seem to forget that both those agreements came after months, even years, of behind-the-scenes negotiation by the parties themselves, and were only blessed by the United States when they were pretty much done deals. There's no evidence of a done deal or a desire for one on either side. If anything, the pressure on both Sharon and Arafat comes from those who want them to be even more intransigent and unyielding.

To be eager to step forward with an "American plan" in such circumstances suggests a certain lack of realism.

— Alan W. Bock

**Popularity über alles** — I loathe the totalitarianism, the hypocrisy, and the personal vileness of Hillary Clinton as much as any right-wing wacko, but when Rudy Giuliani was the GOP candidate against her in the race for New York's open Senate seat in 2000, I was unable to choose between them. Giuliani is simply the very worst sort of person America's political system has to offer. As a federal prosecutor in the 1980s, Giuliani was out of control, trampling on individual rights and the rule of law in his zeal to put unpopular people into prison. As mayor of New York, he was a drug warrior *par excellence*.

Now I realize that there were not hoards of New Yorkers





waiting for my opinion about how to vote, so whether I stated a preference for either candidate made little difference. But like most Americans, I treat partisan politics as some sort of goofy sport, and although I invariably vote for every Libertarian candidate whose name appears on the ballot, I usually have a favorite in prominent political races, just like I usually am cheering for one team or the other in the World Series each fall.

Mark Skousen is a friend of 20 years, but I have to wonder what inspired him to choose Rudy Giuliani to be the

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*FEE has been an important libertarian institution for a long time, and I hope this little flirtation with statism will prove to be only a temporary aberration.*

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Foundation on Economic Education's speaker at its annual banquet. I am well aware that Giuliani is very popular right now, basking in the glory of leading New York in the aftermath of the Sept. 11 terrorist attack. But should a libertarian institution like FEE pursue popularity over principle?

Skousen also took heat from some libertarians for inviting conservative television star Ben Stein to keynote the recent FEE convention. While Stein is certainly no libertarian, his conservative views are generally coherent with libertarian views, and I don't know of any that can reasonably be described as antithetical to human liberty. Sadly, the same cannot be said for Giuliani.

Skousen's choosing Giuliani to keynote the banquet touched off a storm of controversy among libertarians on the net, culminating in some of the nastiest and crudest personal attacks I've ever witnessed. I hope that Skousen will recover his senses and stop sucking up to fascists like Giuliani, no matter how popular they are. FEE has been an important libertarian institution for a long time, and I hope this little flirtation with statism will prove to be only a temporary aberration.

— R. W. Bradford

**The fires of Wall Street** — In the wake of a continued slide on Wall Street, recent reports indicate two major Oregon fires have merged to form the largest fire in Oregon's history. Similar mergers occurred earlier this summer in Arizona and Colorado.

Consumers groups have argued that such mergers can harm consumers. The fires indicate such mergers improve efficiency. The SEC is looking into the matter.

— Ross Levatter

**Voting their interest?** — Do people vote their economic interests? Here is some evidence that collectively, they don't. The Tax Foundation has estimated the effects of the Bush tax cuts of 2001, averaging tax savings per person by state. Here are the jurisdictions whose taxpayers benefit most, and the average tax break per person from July 1, 2001 to Sept. 30, 2002:

- |                |       |
|----------------|-------|
| 1. Connecticut | \$750 |
| 2. New Jersey  | \$585 |

3. Massachusetts \$567

4. D. C. \$559

5. Washington \$527

Here are the states whose taxpayers benefit least:

1. West Virginia \$201

2. Mississippi \$204

3. Arkansas \$224

4. New Mexico \$227

5. Montana \$228

The most obvious difference is in income: in the first group, average incomes are high; in the second group, low. But consider also how they voted. The first five, who got the most benefit from the cuts, voted mostly for Gore. Of the states whose people are getting the least benefit, four went to Bush in the election, and Bush lost the remaining state, New Mexico, by 366 votes.

— Bruce Ramsey

**The costs and benefits of cost/benefit analysis** — Writing in *The Wall Street Journal* on July 19, drug czar John P. Walters argues — shockeroo — that the costs of legalizing drugs would outweigh the benefits. He maintains that legalizing drugs would increase use, abuse, and deaths.

Okay, set aside for the moment the gross immorality of forbidding people to possess, use, and trade in drugs. Consider only Walters' claim with regard to the increase in use, abuse, and deaths that might result from legalization. Notice that one can with equal reason make the same claim about, say, the legalization of automobiles, alcoholic beverages, ladders, power tools, water skis, motor boats, and indeed any number of goods that the government deigns to allow people to use.

Opponents of drug legalization simply refuse to recognize that, like all those other goods, drugs have benefits for their users. Why else, indeed, would people go to such trouble and expense to obtain and use the drugs in the first place?

In a cost/benefit analysis of legalizing any risky good

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whatsoever, the analysis will almost certainly seem to justify forbidding people to use the good so long as one resolutely ignores the benefits people get from such use. The entire exercise as conducted by Walters and his ilk is utterly imbecilic.

— Robert Higgs

**Crouching Tiger, Hidden Boycott** — The National Council of Women's Organizations is urging a boycott of The Masters Tournament sponsors to protest the Augusta National Golf Club's "men only" policy. The boycotters asked Tiger Woods to sign up, but he refused, remarking that he wouldn't be opposed to the private club's restrictions, even if they were split along racial lines.

But there is a real reason why an athletic organization might want to discriminate against women. Men and women have different styles of play, which can make it difficult for them to share the same course. Women tend to play more slowly, and use different tee locations.

Meanwhile, I wonder whether the National Council of Women's Organizations would support ending the ban on men in the LPGA. — Tim Slagle

## The Strip smokes

— This November, Nevadans will have the chance to vote for the largest decommissioning since the War on Drugs began.

A ballot initiative sponsored by Nevadans for Responsible Law Enforcement amends the relevant portion of Nevada's constitution to legalize use and possession by adults over 21 of up to three ounces of marijuana. Driving while high, sale to minors, smoking in public or in casinos, and sale in a prison or school would remain illegal.

The initiative also provides for regulation of marijuana with taxes and licensing similar to those for tobacco. Advertising for marijuana would be banned from TV, radio, newspapers, magazines, and billboards. A First Amendment debate over that clause won't be relevant for a while, however.

The initiative will be effective Jan. 1, 2005, if it passes in the 2002 and 2004 general elections. This is possible, given that Nevada's medical marijuana initiative passed in 1998 and 2000, in the latter year with 65% of the vote. But even then it is unlikely that many people will apply for a license to sell marijuana for the simple reason that federal authorities would arrest them. For the same reason that medical marijuana initiatives are meaningless if they use the word "prescribe" but effective if they use the word "recommend," sale would still be a de facto crime.

President Bush declared during his campaign that his belief in states' rights trumped his opposition to medical

marijuana — as the then-governor put it, in his inimitable way, "I believe each state can choose that decision as they so choose." But his attorney general evidently does not share that view, given the raft of prominent federal busts in California for marijuana crimes that are perfectly legal under Proposition 215, which legalized medical marijuana use in 1996. (One of these busts — a buyers' club in West Hollywood — was in October 2001, when, one would think, federal law enforcement had more pressing work to do than yanking joints from the hands of sick people.)

Still, the initiative could mean that local and state cops in Nevada no longer go after small-time users — and, perhaps even more significantly, open a debate and force politicians to assess how far they are from their constituents. It could usher in a political sea change if Nevadans, and Americans in general, begin to wonder why the feds, who have no interest in the Sagebrush State's brothels and casinos, are so upset about a few ounces of weed — and why those elected to represent them don't seem to wonder the same thing.

— John Tabin

## Who put the kink in the hose?

— Twice in June, firefighters in Washington, D.C., have had to use a neighbor's garden hose to fight fires because their own equipment didn't work. In a time when President Bush wants Homeland Security elevated to a cabinet-level office, the comical Three-Stooges image of firemen wrestling a garden hose in

this federally managed city should remind us of the dangers inherent in ceding emergency services to a massive central bureaucracy.

—Tim Slagle

**Paying for corporate fraud** — All told, we're down about \$5.6 trillion in market capital that's vanished from the American economy since March 2000. Measured against peak values, what's gone is more than 75% of the Nasdaq and about 40% of the Standard & Poor's 500. On average, that works out to roughly \$60,000 per U.S. household.

Speaking before Congress, Federal Reserve Chairman Alan Greenspan pointed to a corporate way of life corrupted by "infectious greed," a culture of cooked books and insider dealing that's caused a breakdown in confidence among investors and hefty drops in the market.

Coming on top of sharp cuts in investment spending, a recession, lagging profitability and the terrorist attacks of Sept. 11, Greenspan warned that recent revelations of tricky corporate accounting and fake profit reports are extraordinarily threatening to an economy that depends on straight shooting when it comes to the numbers. Simply stated, inves-

A FEDERAL PARK RANGER BURNS A LETTER FROM HER EX-HUSBAND. SEVENTY THOUSAND ACRES GO UP IN FLAMES.

REASON I WILL NEVER VOTE FOR A WOMAN PRESIDENT #1521



tors who can't trust earnings reports will be reluctant to buy stocks.

"Poorly structured" stock options have "perversely created incentives to inflate reported earnings in order to keep stock prices high and rising," explained Greenspan, undermining the proper alignment of "the long-term interests of stockholders and managers."

With options, an executive is given the opportunity of buying shares of his company's stock at some time in the future. If the stock price goes up, he buys at the previously fixed lower price, often with a company loan, and automatically pockets a profit. If the stock falls, he doesn't buy. It's no-risk capitalism. Heads I win, tails you lose.

In theory, options are meant to motivate executives to improved levels of performance, with the benefits flowing across the board to customers, employees, and shareholders. Instead, we're seeing "pump-and-dump" schemes where stock prices are artificially pumped up by exaggerating sales and hiding costs, followed by option purchases and then a dumping of the overvalued stocks before the prices collapse.

"The entire system caused the people who run companies to focus on the short term: get the stock price up, cash in the options, make your quick bucks and make your numbers, instead of building fundamental values," says Securities and Exchange Commission Chairman Harvey L. Pitt. "People think that folks can rob the public and get away with it."

Greenspan's warning: "Our market system depends critically on trust."

As it now stands, Americans trust Catholic priests twice as much as they trust stockbrokers and CEOs of large corporations, according to a new CNN/USA Today/Gallup poll. Some 45% of Americans say that priests can be trusted, while 48% say you can't be too careful in dealing with them. In contrast, only 23% of Americans say they trust CEOs and stockbrokers.

Ranking at the top in the Gallup survey are "teachers," "people who run small businesses," "middle class people," "military officers," and "police officers," with 84, 75, 75, 73 and 71% of Americans, respectively, saying those groups can be trusted. None of those groups, of course, are in the driver's seat when it comes to calling the shots at places like Enron, Global Crossing, and WorldCom.

And so, with \$5.6 trillion down the drain and the most trusted folks in the country off on the sidelines, it's the politicians — with a trust ranking of only 26% in the Gallup survey — who've stepped up to the plate to establish a system of honest accounting and clean things up in corporate America. Given the record of Congress, that's not unlike putting mass murderers in charge of rehabilitating shoplifters.

"The level of creative accounting, deception and lies in Congress make the actions of Enron and WorldCom seem like child's play," asserts George Mason University economist Walter Williams.

Sen. John McCain (R-Ariz.) doesn't disagree, saying that politicians are playing a weak hand when it comes to lecturing anyone about straight-forward accounting: "Too often, we have cooked the books, exploited off-balance sheet accounting, fudged budget numbers and failed to disclose fully the nation's assets and liabilities."

With Social Security, for instance, there's not a dime in

the "trust" fund, nothing in the "lock box." The politicians have simply spent the "surplus" on other things, guaranteeing an increasingly bad deal as the number of workers per retiree declines. The National Taxpayers Union projects the outcome: "While a worker born in 1915 who retired at 65 in 1980 collected \$71,390 more than he paid into Social Security, a worker born in 1975 can expect to collect \$93,486 less than he contributed."

Writes *Detroit News* columnist Thomas J. Bray: "If you thought WorldCom accounting was outrageous, you have to

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*Politicians are calling for 20-year jail terms for executives found guilty of cooking the books, i.e., twelve and 15 more years behind bars than the average time served, respectively, by America's convicted murderers and rapists.*

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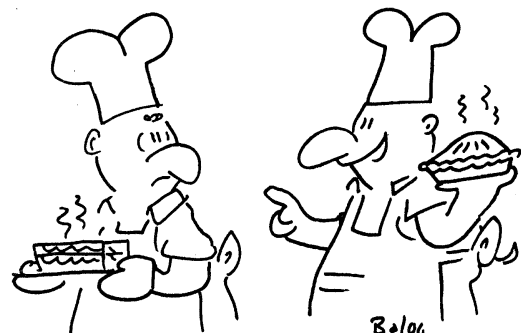
be panic-stricken by the way the federal government accounts for your 'guaranteed' benefits under Social Security. When it comes to cooking the books, the feds are gourmets."

The latest word from Capitol Hill has politicians calling for 20-year jail terms for executives found guilty of cooking the books, i.e., twelve and 15 more years behind bars than the average time served, respectively, by America's convicted murderers and rapists. Applying this new crackdown on phony accounting to themselves, not many members of Congress would find themselves out of jail before 2022.

— Ralph R. Reiland

**Voucher logic** — It's always painful to witness the performance of someone who's not even half as clever as he imagines. After the High Court's pro-voucher decision, the Rev. Barry Lynn went on show after show suggesting (with what he no doubt thought was the greatest of wit) that perhaps the next step was to hand out police vouchers to people. Heck, if we can separate one function from the state (well, sort of), then why not separate all functions from the state?

This is a remarkable argument coming from the executive director of Americans United for Separation of Church and State. Its *locus classicus* is Edmund Burke's *A Vindication of Natural Society*, which said that if we separate the church from the state, we might as well separate the state from the state. This premise was drawn out so consistently and so rig-



"Hold still, Vince — there's a fly on your forehead."

ously that the book was actually taken seriously by Murray Rothbard, who hailed it as the first presentation of free-market anarchism — all of which serves as yet another demonstration that one man's *reductio ad absurdum* is another man's logical conclusion. — Barry Loberfeld

**A race worth watching** — What Libertarian Party candidate will garner the most votes for a major partisan office this year? My guess is that it will be Bumper Hornberger, who is challenging GOP incumbent John Warner for one of Virginia's seats in the U.S. Senate.

There are two reasons that I think Hornberger will do quite well.

First, he's a very attractive and energetic candidate. Anyone who's heard him speak knows that he's a spell-binder, of the Baptist preacher sort. It isn't exactly my cup of tea, but it strikes a resonant chord with a lot of people. He doesn't have much money, but the kind of campaign he's running shouldn't need much money. He's campaigning mostly among the underclass, attending African-American street fairs and gun rights rallies, seeking the votes of people about as far from the elite as you can get. And he's campaigning full-time, visiting cities and towns from one end of the commonwealth to the other, driving his own car, staying in budget motels to keep expenses down. He's meeting a lot of people and finding support — and volunteers — in the process. This kind of campaign doesn't cost a great deal of money.

Second, the Democrats figure they have no chance to unseat Warner and have decided not even to field a candidate. That leaves Hornberger as the logical choice for disaffected Virginians. And a lot of Virginians have a lot of reasons to be disaffected with John Warner, who even after a long Senate career remains best known as one of Liz Taylor's ex-husbands. Among the disaffected are Democrats, African-Americans, and conservative Republicans. Warner is pretty much a typical liberal Republican, whose support of gun control has subverted his base among GOP conservatives.

Hornberger is a Libertarian Party candidate, but he won't be identified with the LP on the ballot. The longtime LP acti-

vist was denied his party's nomination, reportedly after the intervention of Jim Lark, a fellow Virginian LPer who was the party's national chair until the party's convention just past. When I asked Lark to explain why he had opposed Hornberger's nomination, he explained that Hornberger "does not have the integrity that befits a candidate of the Libertarian Party of Virginia," a charge he backed up with a 13,889 word email message, and indicating that there was vastly more evidence of Hornberger's transgressions but that he lacked the time to detail them all. The gist of his argument, as nearly as I can fathom, is that Hornberger had made

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*For far too long, libertarians have focused their energy on the elite, with little to show for it. This is not surprising, since the elite is the primary beneficiary of the modern corporate state, and the underclass its biggest victims.*

---

mistakes in his criticisms of certain LP officials, including Lark, and had either not apologized for them, or had apologized insufficiently. Lark warned Hornberger that if he sought the party's nomination, Lark would vigorously campaign for None of the Above. Others in the Virginia party thought a Senate campaign would be a waste of resources.

I was a bit surprised that Lark would be so concerned about ethics, considering that he refused to help censure Harry Browne for Browne's concealing the fact that he had hired the party's top employee to secretly work on behalf of the Browne campaign to secure the LP's 1996 presidential nomination, in complete contravention of the LP's rules. But I think what's really happening here is that Lark is very angry with Hornberger, who, in his zeal to reform the LP has sometimes jumped to incorrect conclusions — in much the same way that Hornberger is very angry at Lark, who in his zeal to help the LP has made some poor judgment calls and jumped to some incorrect conclusions about Hornberger. I think both Hornberger and Lark are well-meaning people who sometimes have shown bad judgment, but both worthy and effective advocates of liberty. I wish they'd concentrate their energy on spreading libertarian ideas among non-libertarians rather than in attacking and trying to thwart each other.

Right now, Hornberger is doing just that. When it became plain to Hornberger that he would not get the party's nomination, he decided to run as an independent, a fact that might just help him get more votes. Far more Americans consider themselves to be independents than Libertarians. Hornberger believes he could actually win the election, something I think very unlikely. He would like to raise

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#### Correction

Thanks to an editing error compounded by a proofreading glitch, "Reforming Asset Forfeiture" (August) reported that the "Colorado Criminal Justice Reform Coalition . . . opposed the reform." In fact, as reported in detail elsewhere in the article, CCJRC was a major force in getting the reform enacted. Our apologies to the author and to any readers who may have been misled.

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enough funds to run some radio and television advertising, and I hope he manages to do so. And I think that he will.

I feel strongly enough about the prospects of Hornberger's campaign that I've sent him a contribution. I'd do the same for Lark if he were mounting such a campaign.

The way I look at it, my contribution to Hornberger can help him win an impressive number of votes. And I am delighted to help a libertarian carry his message into America's underclass. For far too long, libertarians have focused their energy on the elite, with relatively little to show for it. This is not altogether surprising, since the elite is the primary beneficiary of the modern corporate state, and

the underclass its biggest victims.

— R. W. Bradford

**The Turkish experience** — Americans justifiably view President Wilson's role in negotiating the Treaty of Versailles as one of the most disastrous failures of American diplomacy.

But let's not forget the great success achieved by his successor, President Harding, in a different peace treaty following World War I. In 1923, the Allies signed the Treaty of Lausanne, establishing peace with Turkey. The treaty was an adjustment of the more punitive Treaty of Sevres, which had been signed in 1920, but which was not recognized by Kemal Atatürk's government.

The Lausanne Treaty set the modern boundaries of Turkey, and guaranteed that Turkey would respect the rights of non-Muslim minorities. The treaty recognized Turkish sovereignty over parts of Kurdistan and Armenia, and the Allies abandoned claims to a sphere of influence in Turkey. The Allies also abandoned their 19th-century "capitulation" rights to exercise extraterritorial jurisdiction over their nationals within Turkey. By treating Turkey fairly, the Lausanne Treaty helped bring Turkey into the modern community of nations. While German blandishments had induced the Ottoman Empire to enter World War I against the Allies, Lausanne's fairness helped Turkey resist pressure to join with Germany during World War II.

Although modern Turkey is not a perfect democracy, it's the world's best example of a democratic Muslim nation; and since Lausanne, Turkey has treated its minorities much better than have the Arab dictatorships. Not surprisingly, the Lausanne Treaty is a continuing source of resentment for bin Laden and other Islamonazis.

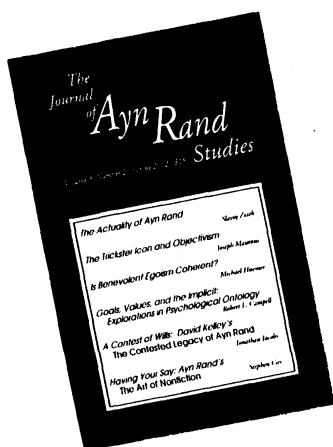
Given Turkey's continuing progress towards freedom and democracy — and the continuing regression of Arab dictatorships toward barbarism — perhaps it is time to consider whether a Turkish protectorate should be re-established over terrorist Syria and its colony in Lebanon. Surely the Turks would rule those unhappy nations with more decency than does the hereditary tyrant Bashar Al-Assad, and certainly Turkey would reverse Assad's program of using those nations as staging grounds for terrorist.

— Dave Kopel

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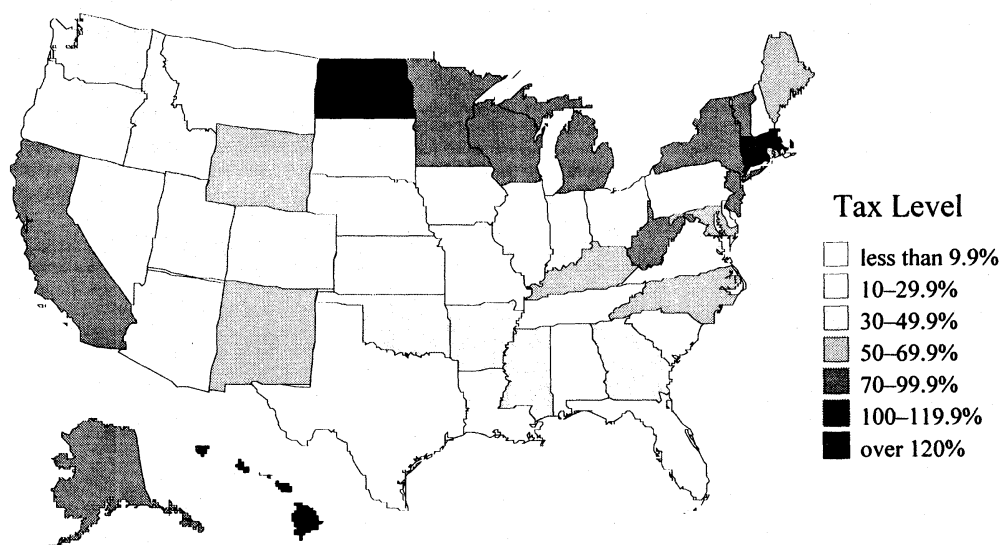
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# The Geography of Taxes

by R. W. Bradford



## Where Taxes Rise the Fastest

Increase in state and local taxes per capita,  
adjusted for inflation, 1992-2000

state	increase	rank	state	increase	rank	state	increase	rank
Alabama	15.9%	46	Louisiana	16.8%	45	Ohio	38.9%	33
Alaska	81.6%	11	Maine	67.3%	15	Oklahoma	35.8%	35
Arizona	25.8%	41	Maryland	56.5%	17	Oregon	38.8%	34
Arkansas	45.7%	27	Mass.	103.9%	6	Penna.	46.7%	25
California	98.0%	7	Michigan	83.5%	10	R. Island	55.6%	19
Colorado	31.0%	39	Minnesota	117.0%	5	S. Carolina	27.2%	40
Conn.	139.0%	1	Miss.	32.6%	37	S. Dakota	-1.6%	50
Delaware	117.6%	4	Missouri	22.7%	44	Tennessee	8.8%	48
Florida	24.0%	43	Montana	25.1%	42	Texas	5.1%	49
Georgia	31.8%	38	N. Carolina	51.0%	21	Utah	42.2%	30
Hawaii	120.5%	3	N. Dakota	121.4%	2	Vermont	93.5%	8
Idaho	46.6%	26	Nebraska	39.6%	32	Virginia	42.9%	29
Illinois	47.0%	24	Nevada	47.8%	23	W. Va.	70.4%	14
Indiana	33.1%	36	N. Hampshire	9.9%	47	Wash.	48.3%	22
Iowa	42.1%	31	N. Jersey	72.7%	13	Wisconsin	88.8%	9
Kansas	44.9%	28	N. Mexico	64.4%	16	Wyoming	56.3%	18
Kentucky	52.5%	20	N. York	76.2%	12			

John Q. Nutmeg is a resident of Bridgeport, Conn. He is married, has two children, owns his home, and earns \$75,000 per year as a freelance computer programmer. Last year, he paid \$16,910 in direct taxes to his state and local governments.

He likes living in Bridgeport. But he wonders: Isn't there a place I can live where taxes aren't so high?

Mr. Nutmeg's problem is a very easy one to solve. Connecticut has the highest taxes in the nation. He could save on taxes simply by moving just about anywhere else. If he moved to New York City, he'd save a whopping \$7,749 per year, paying just \$9,161 in state and local taxes. If he doesn't mind a little cold weather, he could move to Anchorage and almost double his savings: he'd pay only \$2,543 per year. If he doesn't care for cold winters, he could move to Las Vegas, where he'd pay \$3,315, or to Jacksonville, where he'd pay \$3,726.

In fact, every American who doesn't live in Wyoming or Alaska — and only one American in 251 has that pleasure — can lower his taxes simply by moving to another state. Wyoming and Alaska are two of seven states with no income tax, and their other personal taxes are all quite low. The result is that personal taxes in Wyoming and Alaska are lower than any other state. The savings can be considerable. For most people, the tax bite in Alaska or Wyoming is less than half what it is in their own state and locality:

Income	Wyoming	Alaska	U.S.
\$ 25,000	\$1,142	\$ 931	\$ 2,007
50,000	1,563	1,665	4,019
75,000	2,485	2,543	6,584
100,000	3,307	3,167	8,983
150,000	4,632	4,397	13,718

Where are taxes lowest?

It is plain that Wyoming and Alaska have the lowest combined state and local income, sales, property, and automobile taxes, and by a rather substantial margin. But the question of where taxes are lowest is a bit more complex. One thing is certain: Wyoming is not the lowest tax state.

Each of the 50 states has its own unique tax ecology. Wyoming, Alaska, Washington, Nevada, and Florida all have low personal taxes. This is not to say, however, that they have low taxes. These states rely on indirect taxes or "exported" taxes, i.e. taxes that generally do not fall directly on individual local residents. When computing personal taxes, other taxes — whether on business activity, hobbies, liquor, tobacco, natural resources, tourism, or anything else — are ignored on the theory that many residents do not pay them.

The actual figures for direct taxes paid by a family of four at five different levels of income, in all 50 states and the District of Columbia are detailed on pages 22–26

First, a brief explanation about the figures. Income tax figures assume that both spouses work, with one making more than the other, and that an increasing portion of total income is coming from interest and capital gains as incomes rise. Property tax is based on the actual local tax rate; for families with \$50,000 or \$75,000 annual income, housing values are calculated by dividing the median value of homes in each market by the median family income in each, and then multi-

plying that ratio by family income. For families with an annual income of \$25,000 the same method is used except the final price is increased by 5%; for families with \$100,000 income, it is decreased by 5%; and for \$150,000 it is decreased by 10%. Sales taxes come from the Bureau of Labor Statistics consumer expenditure survey for each market. Automobile taxes include gasoline taxes, excise taxes, motor vehicle registration fees, and property taxes on cars, and make assumptions about the size, power, and age of each family's motor vehicles, based on their income levels.

What's missing from this picture, of course, is indirect taxes, of which there is a very great variety. For most individuals, the most important indirect taxes are what are generally called "sin" taxes, that is, taxes on products or activities that are widely believed to be sinful. Sin taxes are easy to sell to voters, on the ground that they will discourage normal people from odious behavior. All states impose substantial excise taxes on tobacco and alcoholic beverages, and some impose taxes on soft drinks, on grounds that using these products is sinful and ought to be discouraged. These taxes are not included in this analysis because consumption of these goods varies considerably from one individual and one family to another.

### Are Taxes Rising?

For most Americans, there is good news and bad news regarding state and local taxes.

Here's the good news. In most states, direct personal taxes are falling. In 1990, a family of four living in Portland, Ore., and earning \$50,000, paid \$7,310 in direct personal taxes. In 2000, that same family paid only \$3,987. In 37 states, direct personal taxes declined.

Now here's the bad news. In every state but one, total taxes per capita increased. In Oregon, where direct personal taxes declined almost 40%, total state and local taxes increased a whopping 39% per capita. Between 1992 and 2000, state taxes per capita, after correcting for inflation, increased in every state except South Dakota. The average increase was 18.3%.

The disparity between the general decline in direct taxes and the broad increase in total taxes is easy enough to explain. People don't like paying taxes, and personal taxes — that is, taxes paid directly by individual taxpayers — are the most visible taxes to most people. So legislators (and voters using referenda and initiatives) like to reduce them. But people do like the benefits that governments bestow on them, and these benefits cost money. So legislators resort to indirect taxes — mostly on businesses — to pay for increased spending. So indirect taxes increase, while personal taxes fall.

As Sen. Russell Long, who spent 16 years as chairman of the Senate Finance Committee, liked to say, "Tax reform means: Don't tax you. Don't tax me. Tax the fellow behind the tree." People with the least influence pay the most taxes. In the extreme case, this means that states and local governments tax people who live elsewhere and thus have no say whatsoever in electing their taxers. Examples of what government officials call "exporting" taxes abound and are growing rapidly: dozens of American cities and states tax car

*continued on page 27*



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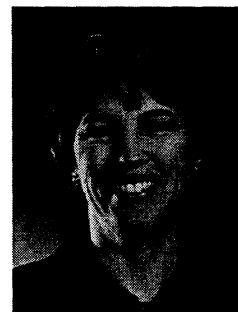
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"Massachusetts raises taxes" is  
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"Massachusetts Ends the Income  
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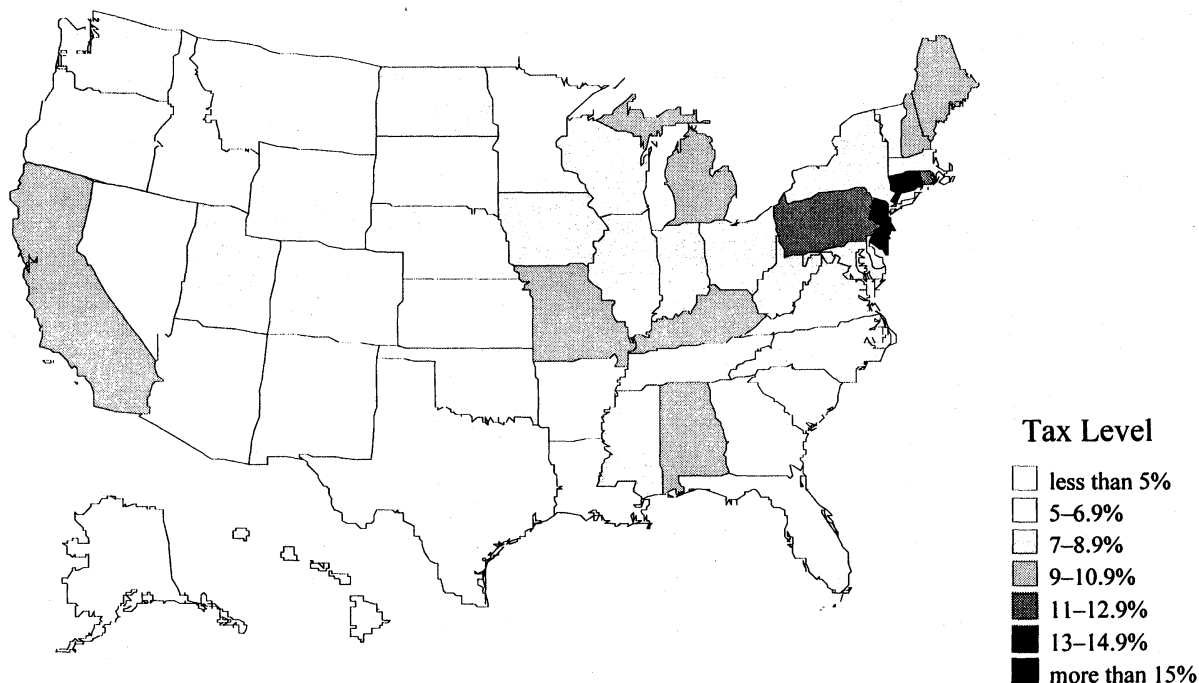
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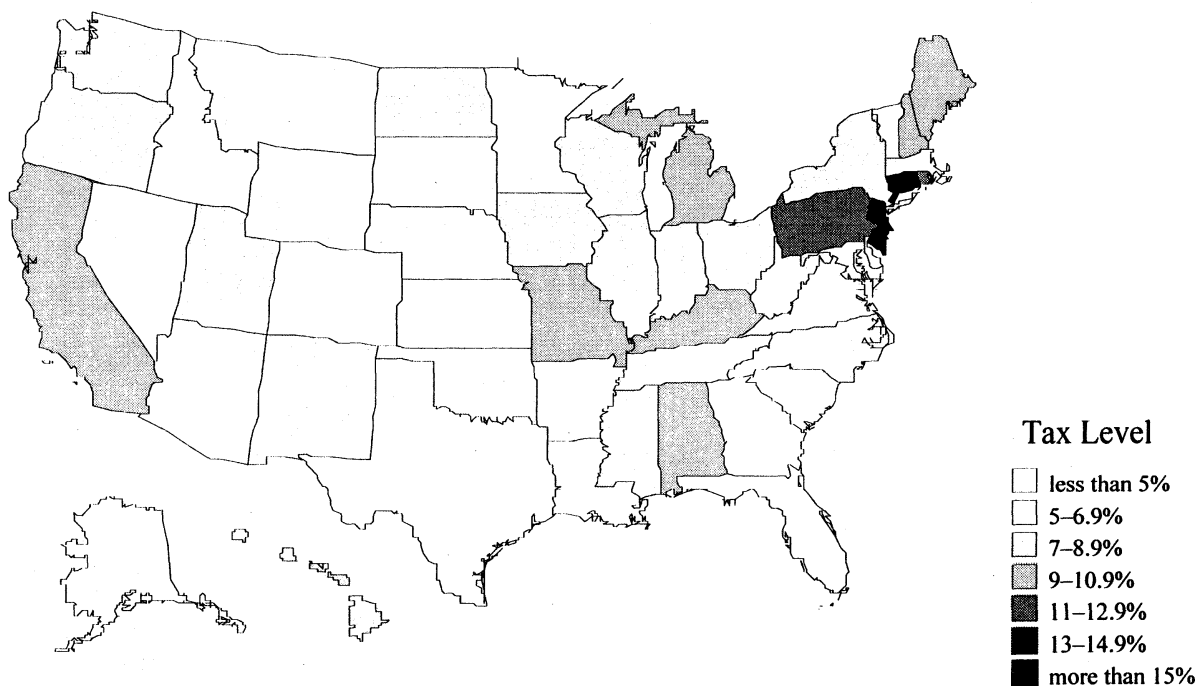
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## State and Local Personal Tax Burden: Family of Four with \$25,000 Income, 2000



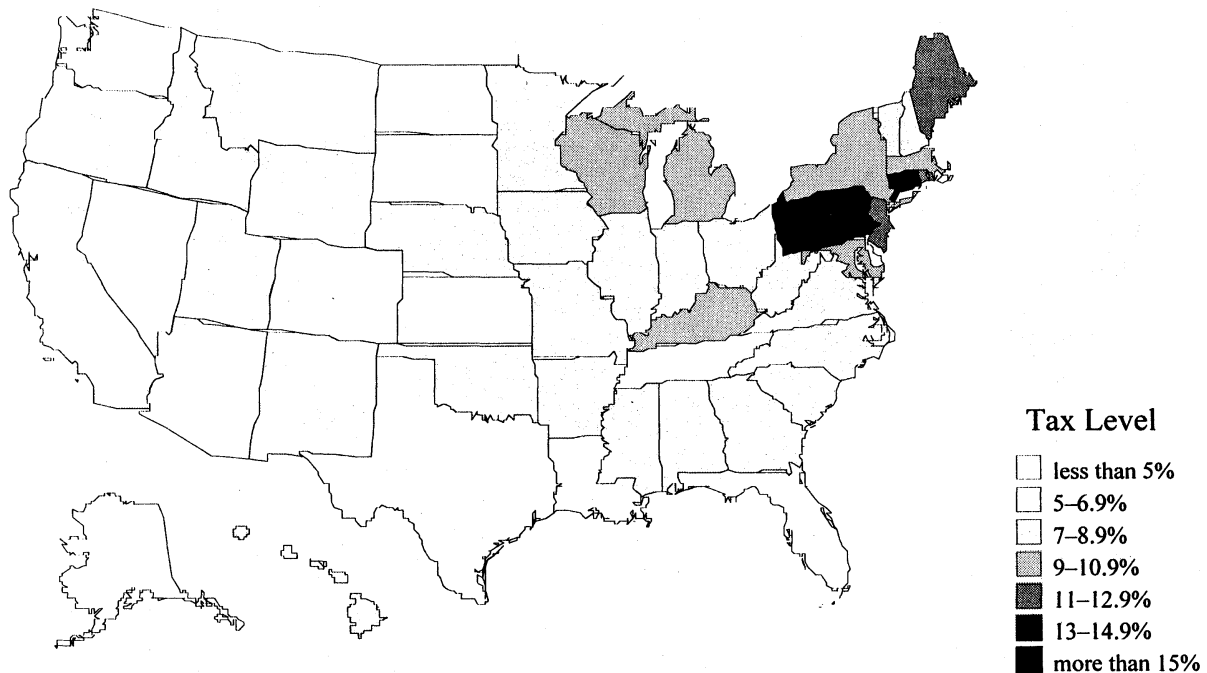
state	income	property	sales	auto	total	percent	rank	state	income	property	sales	auto	total	percent	rank
Alabama	1112	290	912	198	2512	10.5%	6	Montana	430	658	0	243	1331	5.3%	47
Alaska	0	809	0	122	931	3.7%	51	N. Carolina	468	562	700	237	1967	7.9%	27
Arizona	198	241	902	137	1478	5.9%	42	N. Dakota	136	996	632	200	1964	7.9%	28
Arkansas	479	585	835	228	2127	8.5%	16	Nebraska	212	729	692	31	1664	6.7%	38
California	0	1309	704	275	2288	9.2%	11	Nevada	0	607	616	299	1522	6.1%	40
Colorado	0	415	634	208	1257	5.0%	49	N. H.	0	2210	0	152	2362	9.5%	8
Conn.	0	4385	544	492	5421	21.8%	1	N. Jersey	223	2543	626	139	3531	14.2%	2
D.C.	932	344	658	213	2147	8.6%	15	N. Mexico	110	706	928	135	1879	7.5%	29
Delaware	439	759	0	164	1362	5.5%	44	N. York	329	754	864	67	2014	8.1%	25
Florida	0	482	581	199	1262	5.1%	48	Ohio	780	674	556	179	2189	8.8%	14
Georgia	415	241	828	194	1678	6.7%	37	Oklahoma	637	399	984	186	2206	8.8%	12
Hawaii	823	500	613	270	2206	8.8%	13	Oregon	896	690	0	184	1770	7.1%	33
Idaho	110	431	572	226	1339	5.4%	46	Penna.	1129	1157	535	199	3020	12.8%	3
Illinois	409	728	745	228	2110	8.4%	18	R. Island	0	1888	566	359	2813	11.2%	4
Indiana	711	655	531	106	2003	8.0%	26	S. Carolina	148	552	538	368	1606	6.4%	39
Iowa	586	761	569	185	2101	8.4%	19	S. Dakota	0	701	876	143	1720	6.9%	34
Kansas	102	270	698	286	1356	5.4%	45	Tennessee	0	651	1033	147	1831	7.3%	31
Kentucky	1331	550	537	232	2650	10.0%	5	Texas	0	625	897	185	1707	6.8%	35
Louisiana	385	0	892	156	1433	5.7%	43	Utah	438	430	967	258	2093	8.4%	21
Maine	60	1811	437	194	2502	10.1%	7	Vermont	0	1079	464	162	1705	6.8%	36
Maryland	0	1048	561	182	1791	7.2%	32	Virginia	580	649	547	273	2049	8.2%	23
Mass.	510	1005	324	202	2041	8.2%	24	W. Va.	582	460	737	278	2057	8.2%	22
Michigan	1139	445	557	190	2331	9.3%	9	Wash.	0	990	952	172	2114	8.5%	17
Minnesota	0	650	629	232	1511	6.0%	41	Wisconsin	204	1122	563	210	2099	8.4%	20
Miss.	162	504	771	413	1850	7.4%	30	Wyoming	0	368	653	121	1142	4.6%	50
Missouri	565	644	805	313	2327	9.3%	10								

## State and Local Personal Tax Burden: Family of Four with \$50,000 Income, 2000



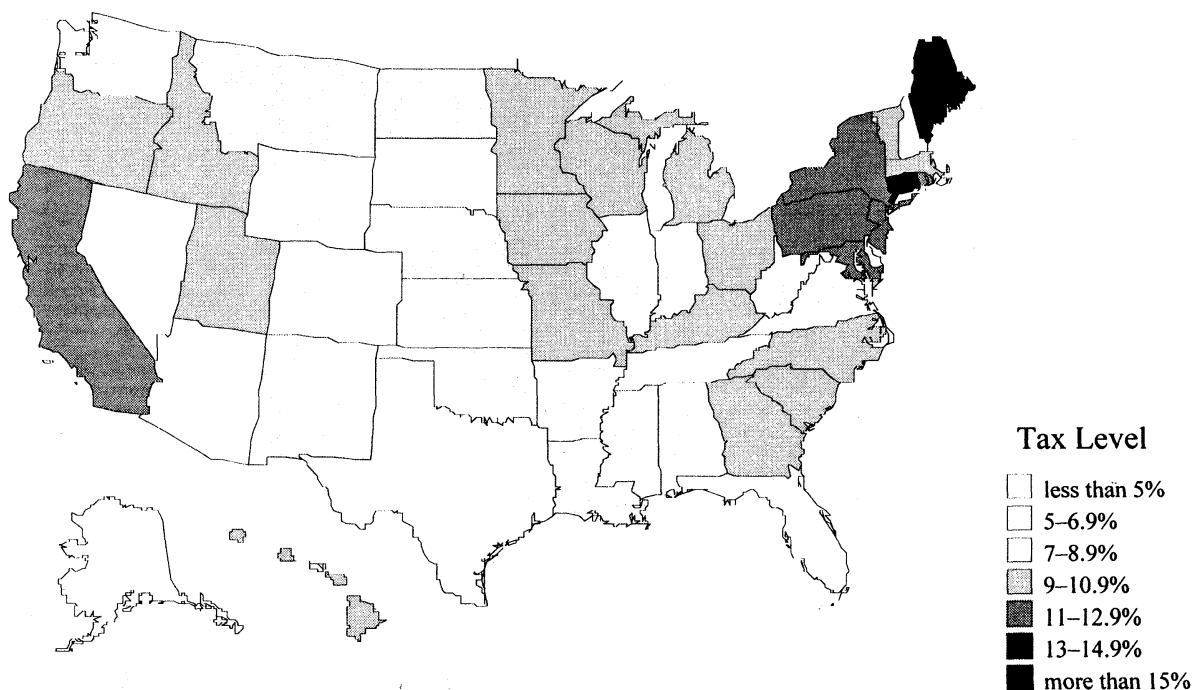
state	income	property	sales	auto	total	percent	rank	state	income	property	sales	auto	total	percent	rank
Alabama	2298	578	970	247	4093	8.2%	22	Montana	1715	1254	0	300	3269	6.5%	39
Alaska	0	1541	0	124	1665	3.3%	50	N. Carolina	1990	1071	762	302	4125	8.3%	21
Arizona	901	535	972	186	2594	5.2%	44	N. Dakota	644	1897	695	206	3442	6.9%	38
Arkansas	1648	1114	871	295	3928	7.9%	28	Nebraska	1277	1388	795	84	3544	7.1%	36
California	432	2562	817	364	4175	8.4%	20	Nevada	0	1156	697	347	2200	4.4%	49
Colorado	850	790	758	235	2633	5.3%	43	N. H.	0	4210	0	181	4391	8.8%	13
Conn.	316	8352	695	691	10054	20.1%	1	N. Jersey	619	4844	691	142	6296	12.6%	3
D.C.	2427	915	775	218	4335	8.7%	16	N. Mexico	1167	1344	950	153	3614	7.2%	34
Delaware	1856	1445	0	170	3471	6.9%	37	N. York	2712	1507	949	75	5243	10.5%	7
Florida	0	1379	697	206	2282	4.6%	48	Ohio	2201	1284	642	185	4312	8.6%	17
Georgia	1585	1094	890	278	3847	7.7%	30	Oklahoma	1881	856	1013	191	3941	7.9%	27
Hawaii	2320	1084	657	279	4340	8.7%	15	Oregon	2482	1314	0	191	3987	8.0%	25
Idaho	1909	820	632	233	3594	7.2%	35	Penna.	3648	2205	654	206	6713	13.4%	2
Illinois	1172	1766	844	235	4017	8.0%	23	R. Island	1097	3596	681	547	5921	11.8%	4
Indiana	1711	1276	579	110	3676	7.4%	32	S. Carolina	1755	1070	593	537	3955	7.9%	26
Iowa	1904	1642	655	251	4452	8.9%	12	S. Dakota	0	1335	941	147	2423	4.9%	47
Kansas	1327	744	750	371	3192	6.4%	40	Tennessee	0	1240	1124	152	2516	5.0%	46
Kentucky	3184	1048	606	315	5153	10.3%	8	Texas	0	1388	1006	190	2584	5.2%	45
Louisiana	1225	740	1008	163	3136	6.3%	41	Utah	2122	818	1046	294	4280	8.6%	18
Maine	1443	3450	512	218	5623	11.3%	5	Vermont	1079	2112	557	167	3915	7.8%	29
Maryland	2423	1997	744	188	5352	10.7%	6	Virginia	1789	1235	613	351	3988	8.0%	24
Mass.	2028	1914	408	219	4569	9.1%	11	W. Va.	1697	876	817	361	3751	7.5%	31
Michigan	2902	847	627	211	4587	9.2%	10	Wash.	0	1885	1069	178	3132	6.3%	42
Minnesota	1774	1427	750	265	4216	8.4%	19	Wisconsin	1840	2199	639	217	4895	9.8%	9
Miss.	1088	1177	796	600	3661	7.3%	33	Wyoming	0	702	697	164	1563	3.1%	51
Missouri	1783	1227	899	434	4343	8.7%	14								

# State and Local Personal Tax Burden: Family of Four with \$75,000 Income, 2000



state	income	property	sales	auto	total	percent	rank	state	income	property	sales	auto	total	percent	rank
Alabama	3458	880	1444	407	6189	8.3%	33	Montana	3482	1881	0	567	5930	7.9%	36
Alaska	0	2311	0	232	2543	3.4%	50	N. Carolina	3544	1606	1143	488	6781	9.0%	21
Arizona	1574	1000	1458	405	4437	5.9%	44	N. Dakota	1204	2846	1042	329	5421	7.2%	41
Arkansas	3035	1671	1307	478	6491	8.7%	28	Nebraska	2701	2082	1175	126	6084	8.1%	35
California	1843	3880	1228	592	7543	10.1%	10	Nevada	0	1734	1045	536	3315	4.4%	49
Colorado	1746	1184	1136	544	4610	6.2%	43	N. H.	0	6316	0	369	6685	8.9%	22
Conn.	2267	12529	1010	1104	16910	22.6%	1	N. Jersey	1092	7265	1036	263	9656	12.9%	3
D.C.	4418	1517	1158	363	7456	9.9%	11	N. Mexico	2470	2016	1424	258	6168	8.2%	34
Delaware	3302	2167	0	293	5762	7.7%	37	N. York	5303	2301	1424	133	9161	12.2%	6
Florida	0	2322	1046	358	3726	5.0%	47	Ohio	3781	1926	964	325	6996	9.3%	17
Georgia	2815	1992	1334	445	6586	8.8%	25	Oklahoma	3293	1337	1520	357	6507	8.7%	26
Hawaii	3965	1698	986	492	7141	9.5%	16	Oregon	4315	1972	0	328	6615	8.8%	24
Idaho	3697	1573	947	415	6632	8.8%	23	Penna.	5312	3307	982	359	9960	13.3%	2
Illinois	1867	2858	1240	420	6385	8.5%	30	R. Island	1959	5394	1021	823	9197	12.3%	5
Indiana	2708	1930	869	189	5696	7.6%	38	S. Carolina	3246	1854	889	848	6837	9.1%	19
Iowa	3477	2568	983	351	7379	9.8%	12	S. Dakota	0	2002	1412	258	3672	4.9%	48
Kansas	2713	1243	1125	606	5687	7.6%	39	Tennessee	0	1860	1686	264	3810	5.1%	46
Kentucky	4978	1572	909	506	7965	10.6%	8	Texas	0	2192	1508	340	4040	5.4%	45
Louisiana	1985	1748	1512	360	5605	7.5%	40	Utah	3547	1227	1472	549	6795	9.1%	20
Maine	3174	5174	769	500	9617	12.8%	4	Vermont	1970	3396	835	295	6496	8.7%	27
Maryland	4021	2995	1116	329	8461	11.3%	7	Virginia	3040	1853	919	579	6391	8.5%	29
Mass.	3316	2871	627	485	7299	9.7%	13	W. Va.	3232	1313	1225	589	6359	8.5%	31
Michigan	4664	1270	940	389	7263	9.7%	15	Wash.	0	2828	1600	309	4737	6.3%	42
Minnesota	3209	2448	1125	491	7273	9.7%	14	Wisconsin	3275	3333	959	381	7948	10.6%	9
Miss.	2180	1885	1194	949	6208	8.3%	32	Wyoming	0	1052	1046	387	2485	3.3%	51
Missouri	2992	1841	1349	670	6852	9.1%	18								

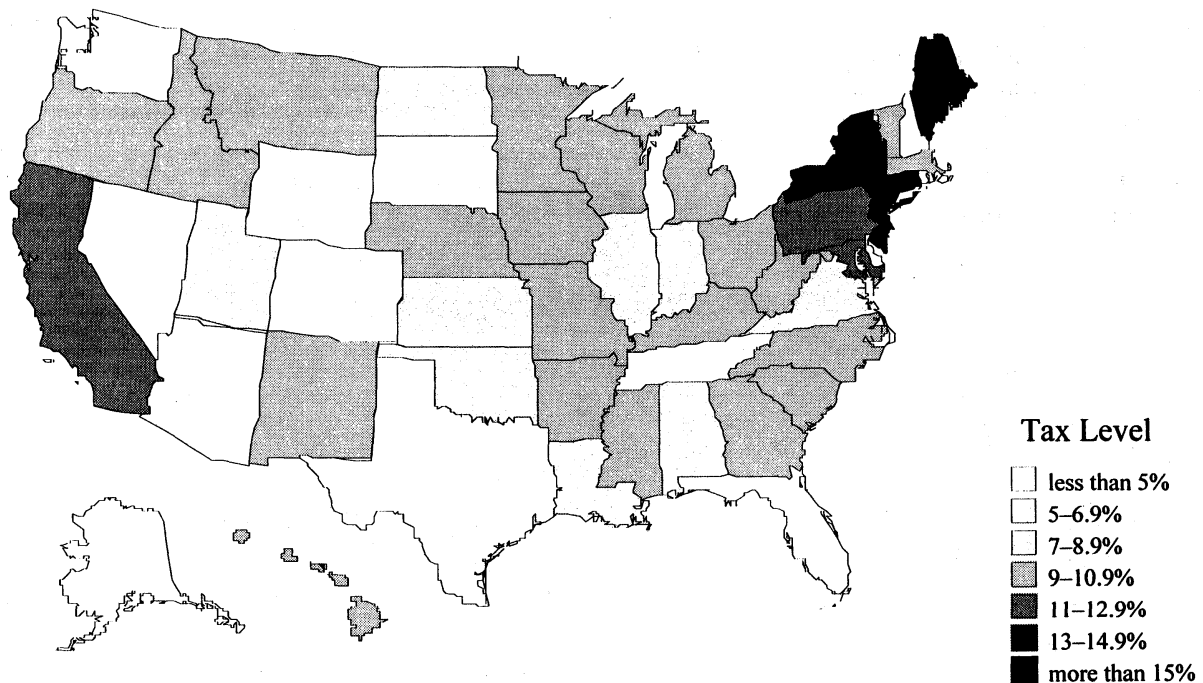
# State and Local Personal Tax Burden: Family of Four with \$100,000 Income, 2000



state	income	property	sales	auto	total	percent	rank	state	income	property	sales	auto	total	percent	rank
Alabama	4538	1122	1925	531	8116	8.1%	36	Montana	5545	2382	0	751	8678	8.7%	31
Alaska	0	2928	0	239	3167	3.2%	51	N. Carolina	5362	2035	1524	654	9575	9.6%	19
Arizona	2338	1466	1945	581	6330	6.3%	43	N. Dakota	2024	3605	1390	367	7386	7.4%	41
Arkansas	4491	2116	1743	636	8986	9.0%	26	Nebraska	4173	2637	1555	270	8635	8.7%	33
California	3730	4935	1640	818	11123	11.1%	8	Nevada	0	2196	1394	627	4217	4.2%	49
Colorado	2661	1500	1515	739	6415	6.4%	42	N. H.	0	8000	0	469	8469	8.5%	34
Conn.	3616	15869	1352	1605	22442	22.4%	1	N. Jersey	1881	9203	1369	271	12724	12.7%	6
D.C.	6538	1998	1544	380	10460	10.5%	11	N. Mexico	4005	2553	1899	285	8742	8.7%	29
Delaware	4808	2745	0	321	7874	7.9%	38	N. York	7943	2936	1899	142	12920	12.9%	4
Florida	0	3077	1395	380	4852	4.9%	47	Ohio	5626	2439	1285	344	9694	9.7%	17
Georgia	4057	2710	1779	654	9200	9.2%	23	Oklahoma	4716	1632	2027	381	8756	8.8%	28
Hawaii	5686	2190	1314	519	9709	9.7%	16	Oregon	6156	2498	0	350	9004	9.0%	25
Idaho	5442	2229	1263	436	9370	9.4%	21	Penna.	7067	4189	1309	380	12945	13.0%	3
Illinois	2573	3732	1657	440	8402	8.4%	35	R. Island	3351	6833	1362	1290	12836	12.8%	5
Indiana	3713	2453	1159	202	7527	7.5%	40	S. Carolina	4723	2482	1185	1271	9661	9.7%	18
Iowa	5229	3309	1311	438	10287	10.3%	12	S. Dakota	0	2536	1882	273	4691	4.7%	48
Kansas	4137	1642	1500	824	8103	8.1%	37	Tennessee	30	2356	2247	281	4914	4.9%	46
Kentucky	6827	1991	1212	716	10746	10.8%	9	Texas	0	2835	2011	356	5202	5.2%	45
Louisiana	2675	2554	2016	413	7658	7.7%	39	Utah	4914	1555	1986	599	9054	9.1%	24
Maine	4976	6554	1025	661	13216	13.2%	2	Vermont	3305	4631	1113	311	9360	9.4%	22
Maryland	5634	3794	1488	348	11264	11.3%	7	Virginia	4312	2347	1225	777	8661	8.7%	32
Mass.	4707	3637	849	587	9780	9.8%	14	W. Va.	4857	1664	1634	798	8953	9.0%	27
Michigan	6427	1609	1253	439	9728	9.7%	15	Wash.	0	3582	2137	328	6047	6.1%	44
Minnesota	4699	3265	1500	646	10110	10.1%	13	Wisconsin	4787	4240	1279	403	10709	10.7%	10
Miss.	3269	2452	1592	1420	8733	8.7%	30	Wyoming	0	1333	1395	573	3301	3.3%	50
Missouri	4274	2332	1799	973	9378	9.4%	20								



# State and Local Personal Tax Burden: Family of Four with \$150,000 Income, 2000



state	income	property	sales	auto	total	percent	rank	state	income	property	sales	auto	total	percent	rank
Alabama	6681	1634	2888	695	11898	7.9%	38	Montana	9966	3385	0	943	14294	9.5%	24
Alaska	0	4161	0	236	4397	2.9%	51	N. Carolina	8618	2892	2430	873	14813	9.9%	18
Arizona	3978	2794	2917	729	10418	7.0%	42	N. Dakota	3672	5122	2163	359	11316	7.5%	40
Arkansas	7527	3007	2614	833	13981	9.3%	27	Nebraska	7469	3747	2315	558	14089	9.4%	25
California	7653	7044	2470	1137	18304	12.2%	7	Nevada	0	3121	2091	751	5963	4.0%	49
Colorado	4145	2132	2273	936	9486	6.3%	43	N. H.	10	11368	0	602	11980	8.0%	37
Conn.	6150	22551	2146	2337	33184	22.1%	1	N. Jersey	4573	13078	2038	267	19956	13.3%	4
D.C.	10722	2960	2315	380	16377	10.9%	9	N. Mexico	7268	3629	2849	279	14025	9.4%	26
Delaware	7958	3901	0	304	12163	8.1%	36	N. York	13387	4205	2896	139	20627	13.8%	2
Florida	0	4587	2092	370	7049	4.7%	46	Ohio	9569	3466	1945	335	15315	10.2%	14
Georgia	6517	4147	2669	966	14299	9.5%	23	Oklahoma	7524	2491	3006	365	13386	8.9%	31
Hawaii	9287	3174	1972	506	14939	10.0%	16	Oregon	9782	3549	0	340	13671	9.1%	29
Idaho	8908	3541	1895	426	14770	9.9%	19	Penna.	10601	5952	1902	370	18825	12.6%	6
Illinois	3986	5480	2481	431	12378	8.3%	35	R. Island	6152	9709	2043	1964	19868	13.3%	5
Indiana	5761	3499	1738	196	11194	7.5%	41	S. Carolina	7731	3738	1721	1899	15089	10.1%	15
Iowa	8209	4792	1966	580	15547	10.4%	13	S. Dakota	0	3604	2732	266	6602	4.4%	48
Kansas	6974	2441	2250	1133	12798	8.5%	34	Tennessee	150	3348	3188	273	6959	4.6%	47
Kentucky	10520	2830	1818	1015	16183	10.8%	10	Texas	0	4120	2837	349	7306	4.9%	45
Louisiana	4319	4167	2675	514	11675	7.8%	39	Utah	7579	2209	2659	5601	13007	8.7%	32
Maine	8559	9314	1537	853	20263	13.5%	3	Vermont	5995	6580	1499	304	14378	9.6%	22
Maryland	8818	5391	2232	339	16780	11.2%	8	Virginia	6831	3336	1732	1054	12953	8.6%	33
Mass.	7561	5168	1352	746	14827	9.9%	17	W. Va.	8105	2364	2401	1087	13957	9.3%	28
Michigan	9952	2287	1959	505	14703	9.8%	21	Wash.	0	5090	3301	319	8710	5.8%	44
Minnesota	7965	4899	2188	859	15911	10.6%	12	Wisconsin	7730	6054	1924	393	16101	10.7%	11
Miss.	5432	3585	2388	2118	13523	9.0%	30	Wyoming	0	1894	1965	773	4632	3.1%	50
Missouri	7225	3313	2797	1394	14729	9.8%	20								

from page 20

rentals and motel rooms on the theory that residents of other cities and states are more likely to rent a car or motel room than local residents. This principle underlies the tax system of entire states. Let's take another look at the three states with the lowest direct personal taxes:

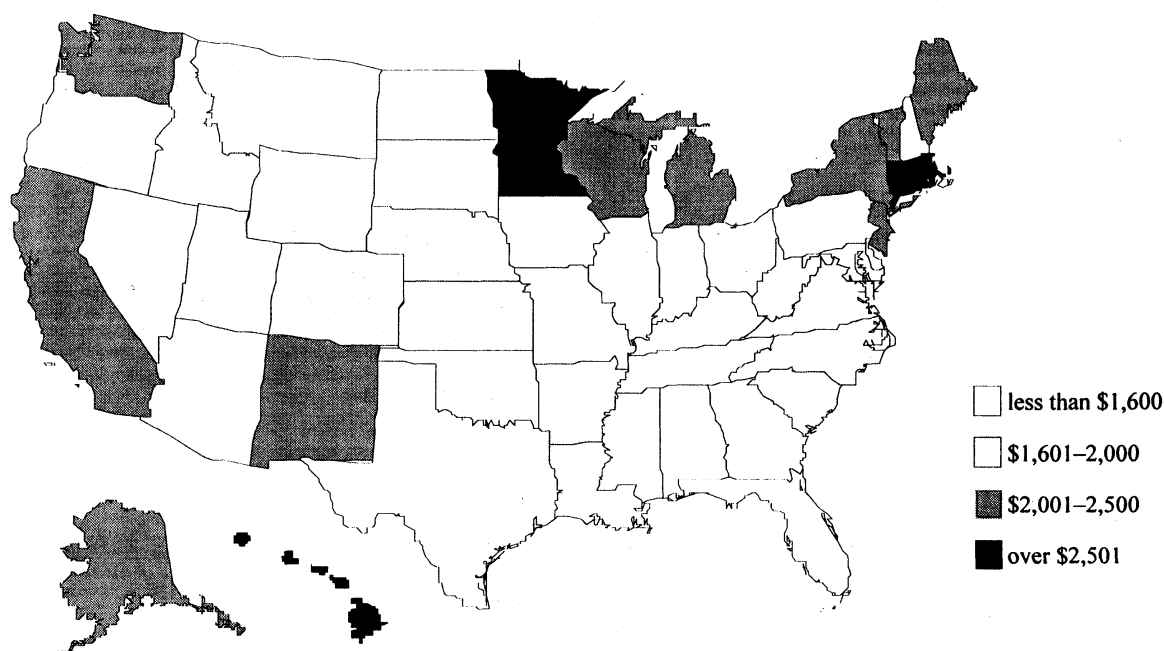
State	Direct Personal Taxes	Taxes per Capita	Taxes as % of GPI
Alaska	3.22%	\$2,263	12.20%
Wyoming	3.24%	1,948	12.40%
Nevada	4.28%	1,842	15.10%
U.S. average	8.64%	1,920	12.13%

These three states extract the smallest amount of *direct*

taxes from their citizens, with each averaging less than half the national average. Yet the *total* amounts of tax dollars per person that two of the "low" tax states extract are bigger than average, one of them substantially so. And all three take a bigger than average chunk of the total personal income of their residents.

What do the three states in common? Excellent ways to export taxes. Alaska and Wyoming have substantial taxes on mineral extraction, and Nevada gets much of its revenue from legalized gambling, an activity conducted mostly by tourists. Hawaii carries tax exportation to tourists to an extreme: it charges an excise tax of eleven percent on virtually all temporary lodging (college dormitory rooms, which

## State Taxes Per Capita, 2000



state	taxes	rank	state	taxes	rank	state	taxes	rank
Alabama	1448	47	Louisiana	1457	46	Ohio	1733	35
Alaska	2270	11	Maine	2087	15	Oklahoma	1696	36
Arizona	1579	42	Maryland	1955	17	Oregon	1738	34
Arkansas	1822	28	Mass.	2544	6	Penna.	1829	26
California	2474	7	Michigan	2290	10	R. Island	1829	19
Colorado	1645	40	Minnesota	2711	5	S. Carolina	1591	41
Conn.	2987	2	Miss.	1656	38	S. Dakota	1228	51
Delaware	2721	4	Missouri	1532	45	Tennessee	1360	49
Florida	1553	44	Montana	1564	43	Texas	1315	50
Georgia	1650	39	N. Carolina	1890	21	Utah	1782	31
Hawaii	2752	3	N. Dakota	1826	27	Vermont	2416	8
Idaho	1837	24	Nebraska	1742	33	Virginia	1787	30
Illinois	1835	25	Nevada	1860	22	W. Va.	1849	23
Indiana	1662	37	N. Hampshire	1372	48	Wash.	2132	14
Iowa	1772	32	N. Jersey	2157	13	Wisconsin	2357	9
Kansas	1810	29	N. Mexico	2058	16	Wyoming	1952	18
Kentucky	1904	20	N. York	2199	12			

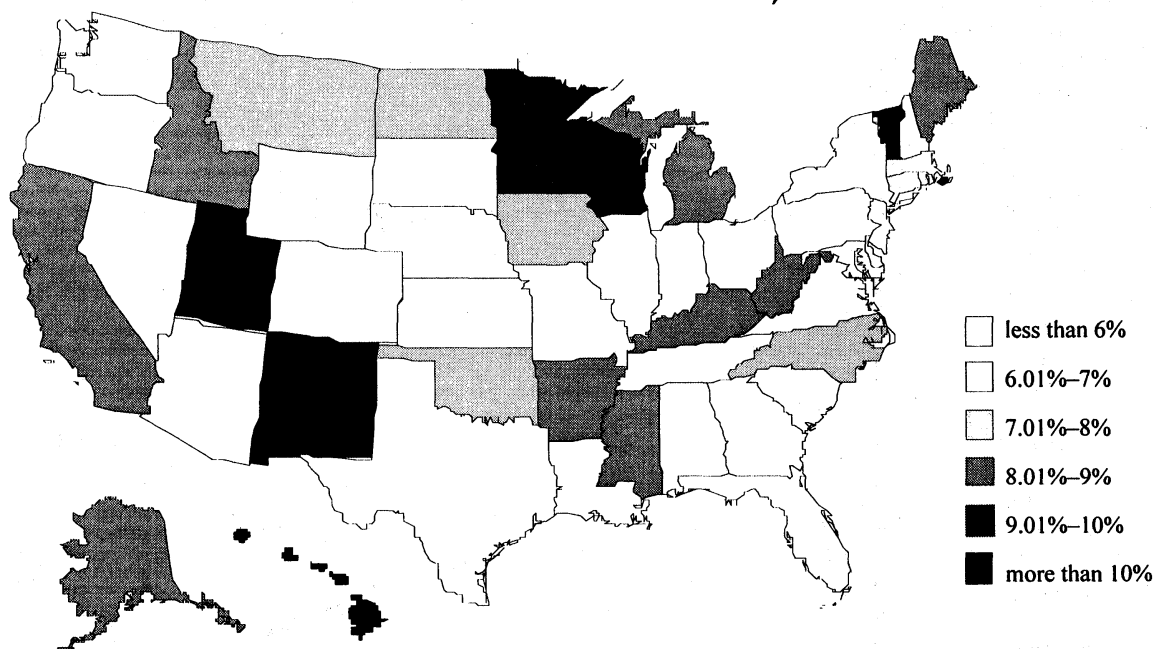
are filled mostly by students from within Hawaii, are exempt) and a tax of \$2 per day, on top of the usual sales tax, on the tens of thousands of rental cars on the islands. It also charges higher property tax rates on condominiums that are owned by out-of-staters than on those occupied by state residents.

Of course, taxes on tourists and on the extraction of natural resources do not really "export" taxes. By taking eleven percent of the gross revenue on the rental of accommodations, Hawaii isn't really costing tourists more: it is reducing the net income (and therefore the value) of rental property. Similarly, by charging coal miners an exorbitant fee to

extract coal from their property in Wyoming, the state isn't forcing residents of other states to pay more for coal; it is simply reducing the profitability of coal mining and the value of property that has coal. The ultimate effect of these taxes is not to export taxes, it is to confiscate the property of a relatively small number of people.

We've had a lot of tax reform in the last decade, and it's taken a lot of different forms. But the bottom line is this: indirect taxes have increased substantially while direct taxes have declined in three-quarters of the states. State taxes, corrected for inflation, and normalized for population, increased in 49 of the 50 states.

## State Taxes as a Percentage of Gross Personal Income, 2000



state	taxes	rank	state	taxes	rank	state	taxes	rank
Alabama	6.41%	39	Louisiana	6.52%	36	Ohio	6.44%	38
Alaska	8.04%	16	Maine	8.63%	9	Oklahoma	7.59%	22
Arizona	6.73%	31	Maryland	6.17%	43	Oregon	6.55%	32
Arkansas	8.58%	10	Massachusetts	7.36%	23	Pennsylvania	6.55%	35
California	8.45%	11	Michigan	8.21%	15	Rhode Island	6.99%	27
Colorado	5.53%	47	Minnesota	9.07%	6	South Carolina	6.97%	28
Connecticut	7.89%	19	Mississippi	8.23%	14	South Dakota	5.05%	50
Delaware	9.19%	5	Missouri	5.94%	45	Tennessee	5.52%	48
Florida	5.91%	46	Montana	7.26%	24	Texas	5.09%	49
Georgia	6.35%	40	North Carolina	7.65%	20	Utah	8.02%	17
Hawaii	10.21%	2	North Dakota	7.94%	18	Vermont	9.57%	4
Idaho	8.32%	13	Nebraska	6.61%	34	Virginia	6.18%	42
Illinois	6.03%	44	Nevada	6.62%	33	West Virginia	7.18%	8
Indiana	6.50%	37	New Hampshire	4.54%	51	Washington	8.83%	25
Iowa	7.06%	26	New Jersey	6.27%	41	Wisconsin	8.85%	7
Kansas	6.83%	29	New Mexico	9.85%	3	Wyoming	7.61%	21
Kentucky	8.36%	12	New York	6.77%	30			

## Where Taxes Are Lowest

As we've already established, people pay the lowest amount of direct personal taxes in Alaska and Wyoming, with Nevada, Florida, South Dakota, Tennessee, Texas, Arizona, Colorado, and Washington filling out the top ten.

But we've also seen that this fails to consider many of the taxes that people finally have to pay. While direct personal taxes are actually declining, these other taxes are growing rapidly.

Let's look at other approaches to answer this question.

**Total tax receipts:** In 2000, South Dakota collected a total of \$927 million in taxes, less than any other state. But South Dakota has only about 750,000 people, fewer than many cities in other states. It has the fourth lowest population of all the states. Its low tax take is partly the result of its lack of people, which plainly has nothing to do with the overall level of taxes.

**Taxes per capita:** South Dakota has the lowest taxes on this basis also, collecting just \$1,226 for each resident in 2000. Looking at per capita taxes makes better sense than ignoring indirect taxes (and awarding the low tax crown jointly to Wyoming and Alaska), or ignoring the population and prosperity of a state. But this method has its own problem, a fact that becomes clear

when you look at the other states with low per capita taxes. People in states that are poor simply cannot afford to pay as much in taxes as people in more prosperous states.

**Taxes as a portion of personal income:** This takes into account the relative prosperity of each state's residents, as well as (indirectly) the population of the state, thereby eliminating the inherent advantage of small states and poor states. Here the champion is New Hampshire, with South Dakota and Texas as runners up.

But there is a problem with this method as well. New Hampshire has the lowest taxes as a percentage of total personal income mostly because it has relatively low taxes and relatively high income. If government is spending money to fulfill the needs of its people, you'd think that the more prosperous a state is, the lower its taxes would be. After all, there are presumably a lot more people who need help paying for medical care in a relatively poor state like South Dakota than in a wealthy state like New Hampshire. The same is true about other needs. Yet New Hampshire spends far more per capita than South Dakota.

The problem with this thinking is that it assumes that

governments spend money on legitimate needs.

H.L. Mencken defined a platitude as a proposition that (a) everyone agrees is true, and (b) is not true. If ever there was a platitude, it is the notion that government spends money on legitimate needs.

If you have any doubt, consider the fact that personal income in every state increased substantially in the 1990s. People's need for assistance falls when their own income rises. Yet government spending increased in every state.

Rising incomes have been accompanied by rising government expenditures through all of America's history, and so far as I can figure, in the history of every democratic society in which income was rising. Government spending in the 19th century, when the U.S. was far less prosperous than it is today, was much less than it is today even after normalizing against population and correcting for inflation. A few years ago, I did a search for specimens of democratic governments whose size and power could plausibly be argued to have declined. I could find only two: the Republic of Texas in the mid-1840s and New Zealand in the late 1970s. In both cases, the reduction in state power was the product of virtual bankruptcy. In every case where people in a democratic society grow richer, taxes and state power rise, despite the fact that,

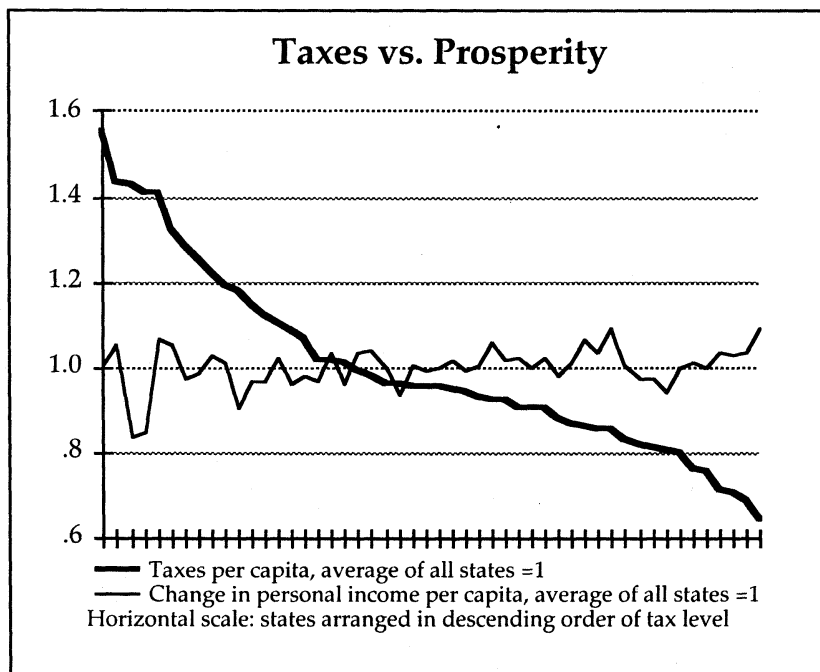
in general, government expenditures are a detriment to economic growth.

Why this perverse relationship between private making and state spending? The simple fact is that government is for most people a luxury good. When you can afford more, you buy more. Times are good, so why not raise taxes? That will buy all sorts of things: environmental amenities, fancier public buildings, even nicer pensions for your parents, so you won't have to worry about taking care of them in their nonage. And government spending

buys something else that many people find to be very important: relief from guilt. "Why should I feel bad about the poor or sick? I pay my taxes like a good citizen, and the government takes care of the problem." Whether the funds expended achieve their desired effect is seldom explored. After all, carefully examining the consequences of a program runs the risk of discovering that it failed to achieve its desired effect, and that it instead caused all sorts of undesired effects — which undermines the relief from guilt.

## And the Winner Is . . .

So where are taxes lowest? The last time I did this survey, I concluded that New Hampshire was the champ. But its



total taxes per capita increased by 55% between 1992 and 2000, leaving three states lower. And its increasing direct tax take removed it from the lower 50% of the states. Given the fact that South Dakota has the lowest total taxes per capita, it ranks second in gross taxes as a percentage of gross personal income, and is the only state that actually reduced taxes during the 1990s, I think South Dakota wins the low tax crown. Congratulations!

## Taxes and Growth

But now let's consider a more general issue. What is the relationship between taxes and growth? In theory, one might expect a strong inverse correlation between taxes and prosperity — that is, the higher the taxes, the lower the rate of economic growth. To check this out, I did a statistical analysis between economic growth and three other factors.

*Direct taxes and growth:* I checked for a correlation between the level of direct personal taxes, using the average tax rate for families of four earning \$50,000 and \$75,000, and economic growth as measured by change in gross personal income per capita. There was no significant statistical correlation between these two factors.

*Tax levels and growth:* I checked for a correlation between tax levels, as indicated by total taxes as a percentage of gross personal income, and growth, as measured by change in gross personal income per capita. There was no significant correlation between these two factors.

*Average tax per capita and economic growth:* I checked for a correlation between total state taxes per capita and growth as measured by change in gross personal income per capita. There was an inverse correlation of .32, meaning that lower taxes per capita account for 32% of the increase in gross personal income. (See graph 1.)

This correlation surprised me. While I expected that a lower tax bite would mean higher growth, I was surprised to see such a strong correlation, because state taxes make up a much smaller portion of a person's tax burden than federal taxes. This suggests that prosperity is much more sensitive to taxes than I had imagined.

## Taxes and Population Growth

Is there a relationship between taxes and population growth? In theory, it seems that there would be. After all, people can move from a high tax jurisdiction to a low tax jurisdiction, and some people will be inclined to do so. Of course, you usually cannot move if you have a job in a particular location without losing your job. This constraint affects

a great many people. But there is one very large exception: retired people. In addition, people in certain professions (e.g., writers, consultants, computer programmers) can telecommute.

To check this issue out, I did a statistical analysis of the relationship between population growth and three other factors.

*Average tax per capita and economic growth:* I checked for a correlation between total state taxes per capita and population growth. There was no correlation. This is not surprising, because people care about what taxes they themselves pay, not about the average taxes paid by all residents of a state.

*Tax levels and population growth:* I checked for a correlation between tax levels, as indicated by total taxes as a percentage of gross personal income, and population growth. There was no correlation. Again, no surprise: people care much more about what taxes they pay than about the average tax level paid by everyone.

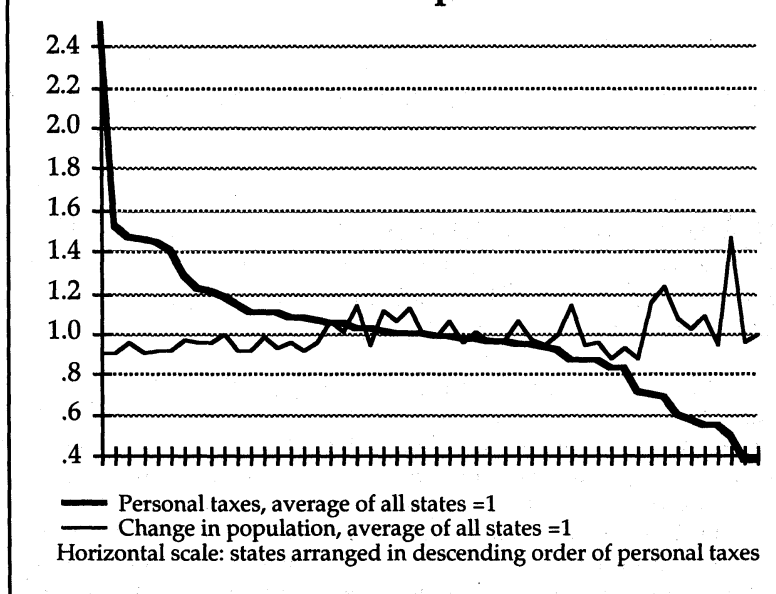
*Direct taxes and population growth:* I checked for a correlation between the level of direct personal taxes, using the average tax rate for families of four earning \$50,000 and \$75,000, and population growth as measured by change in gross personal income per capita. There was a strong correlation of .40 — meaning that tax considerations account for 40% of population growth. (See graph 2.)

I expected a relatively high correlation, but again I was surprised that it turned out to be this high. After all, population growth

depends on a number of factors other than migration: the age of the existing population (small children and old people do not have babies), the cultural values of the population (some subcultures are inclined to have more children than others), and the level of prosperity (richer people generally have fewer children), to name a few.

The correlations that I examined have interesting policy implications. People who oppose population growth should support higher personal taxes; people who oppose economic growth should support higher taxes of all kinds. Perhaps the politicians in Ecotopia will pick up on this. Right now, they seem to miss it. Oregon, the most Ecotopian of all states, is pursuing exactly the wrong policy. Its recent cuts in direct personal taxes will no doubt stimulate population growth. Of course, Oregon's cuts in direct taxes have been done by voters at the ballot box, not its policy elite or politicians. Its policy elite and politicians have increased indirect taxes enough to stifle economic growth. So the net effect is a larger but poorer population. □

### Personal Taxes vs. Population Growth





# Free Therapy Today, Regrets Tomorrow

by Dolores Puterbaugh

You should think twice before using your health insurance to pay for counseling.

Millions of prescriptions are written annually for Prozac, Paxil, Zoloft, and other "antidepressant" drugs. How many people who receive these prescriptions understand that, forever after, they will have to mark "yes" on every licensing form, job and volunteer application, medical history form, and lease application that asks whether they have ever been treated for a mental illness?

Groups with an interest in expanding the number of people diagnosed with mental disorders are constantly reinventing and redefining the parameters of mental illness. The bible of mental health managed care, the *Diagnostic and Statistical Manual of Mental Disorders* grows ever thicker. It now comprises hundreds of checklists which define, subjectively, the diagnostic criteria of so-called mental disorders.

The inclination to use health insurance to pay for counseling and psychotherapy services has led most mental health professionals to play the diagnosis game. I frequently get calls for premarital counseling services. Thus far, wanting to marry is not considered symptomatic of a mental illness (although radical feminism may influence the American Psychiatric Association, the arbiter of mental diagnoses, to change this) and thus no therapist can bill an insurance company for premarital counseling. If the couple does not want to pay out-of-pocket (Why spend money to prepare for a lifetime commitment? After all, there's the champagne fountain and commemorative gifts to be purchased.) they will seek a therapist who will agree to see them together but bill one or the other's insurance company for individual counseling. This means giving a mental illness diagnosis to appease the insurance company and forever labeling the customer as a mentally ill patient. Chances are, this process has not been explained to the client, but the client is happy to pay only a modest co-payment rather than the whole fee. Similarly, family counseling is billed by picking one member to be the diagnosed patient — the one with the "problem." A family may seek counseling for

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a very good reason — for example, in a blended family with three of his, three of hers, one of theirs, all ages under 13, with two boys the same age and two girls with the same name — where talking through adjustments makes perfect sense. But insurance companies are paying for a "medical" service and that means one person must be identified as a patient.

The common practice in my profession of diagnosing clients to save them a few dollars is simply unethical. Clients usually have no inkling that there can be many long-term and serious ramifications of this decision to save literally a few dollars. In a divorce or lawsuit, will your previous treatment for "mental illness" be used against you? It has affected the outcome of custody and divorce litigation; it can keep you from a hunting license and may create fences between you and other goals seemingly unrelated to your short-term counseling long ago. How often have you read the account of some incident in the newspaper listing a subject's previous treatment for depression with medication as a salient fact?

The number of Americans, now estimated as one in five, diagnosed with a mental illness is to a great extent a result of this disease-izing of life. Getting through adolescence, adjusting to an empty nest, grieving a loved one, negotiating the ups and downs of marriage — these are not mental disorders. These are facts of life. By dishonorably folding these figures into the number of persons with real, persistent emotional troubles, the pharmaceutical and psychiatric industries inflate their importance while realistic and appropriate services are often unavailable for both the severely troubled and the get-

ting-through-life clients.

In linking psychotherapy and counseling services to a mandatory diagnosis of mental illness, the leaders of the mental health professions have effectively stigmatized services which for years have facilitated insight and personal growth

*It has affected the outcome of custody and divorce litigation; it can keep you from a hunting license and may create fences between you and other goals seemingly unrelated to your short-term counseling long ago.*

for countless persons. People are increasingly resistant to counseling because they perceive it to mean one is "mentally ill," which, indeed, it does, on paper, if one uses a health insurance program or community mental health center.

Seeking counseling does not constitute proof of mental illness. Responsible therapists, for example, routinely consult with other therapists, for professional advice as well as assistance in keeping our emotions from coloring our efforts to be

helpful to clients. Is this is a mental disorder, or responsible professionalism?

Psychotherapy can be a godsend to persons struggling with life problems: overcoming abuse, bereavement, breaking bad habits. But the mandates of diagnosis are stern; bereavement, for example, may last only two months before the wise men and women of the American Psychiatric Association determine it is no longer grief but "a major depressive disorder," a mental illness. This says more about the emotional state of the deciding board members than it does about a husband of many years who has lost a beloved wife.

If a person pays a health insurance premium so that his or her money can be pooled with the funds of thousands of others to pay for services, those services should be rendered accurately, rather than manipulated based on the ethics of the particular professional.

If the current debate on parity in mental health services can include honest public dialogue about the widespread misuse of diagnostic categories as well as the benefits of psychotherapy and caring support in times of emotional pain, it would be a useful process. But it does not. Instead, the medical, pharmaceutical, and insurance industries continue to misrepresent the reality of mental health services to the public. □

## Letters, from page 8

garded freedom of choice and freedom of thought because they wanted freedom from problems. People who make bad choices or have bad thoughts must be stopped before they cause societal harm; that is the essence of "forward-thinking" government. What the Nazis demonstrated is the ultimate end of "progressive" politics. In the name of a better future, what you get is a more controlled future and less ability to distinguish right from wrong. Will you do some measurably good things along the way? Of course, but that does not forgive the far greater evils you will perpetrate. Slovenko believes that we can have the good without the evil, that we can impose solutions upon the "problems" of others without losing sight of what is or is not a problem. He thinks that you can ignore individual rights, the very foundation of a just and moral society, in those cases where it is absolutely necessary, without necessarily causing a fundamental breakdown of justice and morality. His shortsighted perspective is tragic but hardly unique. Don't you think that is what the Nazis thought? Not to mention the Italian Fascists, the Soviets Socialists, the Chinese Communists, the Cubans, the North Koreans, the Cambodians, the ad nauseam?

How many would-be do-gooders does history need to show you before

you get a clue?

James K. Lambert  
Hopkins, Minn.

## How Ralph Slovenko Reads

A paraphrase from C. S. Lewis's *Screwtape Letters* where Screwtape advises Wormwood to activate that most useful skill of "horror and neglect of the obvious" should sum up my take on Slovenko's pathetic criticism of Thomas Szasz:

You should practice reading the writings of Thomas Szasz for an hour and not understanding anything you have read that anyone whose mind isn't clouded with a competing agenda would understand instantly.

Martin D. Kessler  
Lynn, Mass.

## State Psychiatry

Neither Thomas Szasz nor Ralph Slovenko discuss the real problem in psychiatry — medical licensing laws. Licensed physicians work for the state. If they don't please the authorities, they lose their licenses. Add the prescribing laws and the psychiatrist also becomes the gatekeeper for medicines. This was not always the case. Prior to 1910 there were few licensing laws, and America was a far healthier country in relation to other nations of the world.

Lawrence D. Wilson  
Prescott, Ariz.

## More Trouble With Slovenko

Ralph Slovenko makes serial fallacious arguments, all of which have been addressed implicitly or explicitly within the myriad of works by Thomas Szasz.

Among these arguments are the following elemental errors:

1. He mistakes reliability for validity. Slovenko approves of psychiatric diagnosis which means, he says, that "the diagnosed person was mentally ill, and ill in a way that different psychiatrists could reliably recognize." When such agreement is accomplished, it merely means that psychiatric practice is sufficiently routinized to the point that behavioral syndromes lead to a consensual conclusion. This is irrelevant to the crucial criterion of validity, which means a concept measures what it claims to measure.

If all psychiatrists agree that speaking a "word salad" corroborates a diagnosis of "schizophrenia," that makes the diagnosis reliable. But it doesn't make it valid.

2. Slovenko argues that when an individual has a salutary reaction to an alleged therapy, it proves that there must have been a disease entity causing the initial behavior. The fact that a chemical agent or talk therapy has a desired effect on an individual does not *ipso facto* prove a disease is being

*continued on page 34*

# The Many Faces of Mr. Hiss

*by Ron Capshaw*

Alger Hiss had everything going for him: wealthy parents, powerful friends, an Ivy League education . . . So why did he become a spy for the most murderous dictator in history?

The reasonably certain authenticity of the Venona telegrams has provided historians with the opportunity to move beyond the tired old debates about Woodstock typewriters in the Hiss case and simply ask: why did Hiss steal American secrets and pass them on to Stalin's intelligence service?

Hiss sympathizer Kurt Vonnegut has criticized detractors for hammering Hiss' personality into the mould of one-dimensional Stalinism, but the more thoughtful of these critics are frankly baffled by Hiss. Reviewing Hiss' post-prison book, Sidney Hook wrote that "one misses the passionate protest and burning sense of outrage usually found in the writings of those who consider themselves unjustly accused." Richard Crossman complained, "there is not one paragraph or a line about the man Alger Hiss or his wife Priscilla." Even his supporter Dean Acheson pronounced Hiss an enigma.

But beneath the passionless facade, there was a personality. To those in his party cell, Hiss was a rather "romantic" communist. This description may explain Hiss' purported "exhilaration" at going to prison. Here was an opportunity, after years of hiding his ideology behind government service, to make a sacrifice. But the self-sacrificer was also a sacrificer of others (a noted Stalinist characteristic) — his colleagues, his friends, even his son — by allowing them to go out on a limb for him that he knew one day would break.

Hook's observance of a passionless Hiss may lead us to another area of Hiss' personality — one that is free of guilt. Hiss himself provided hints of such: "I can't understand people who tell me they are ashamed of something. I have done nothing of which I am ashamed." Hiss even admired the Mafiosi he did time with, pronouncing them "healthy" because they had no sense of guilt. Isaac Deutscher described

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the ex-communist, "He is haunted by a vague sense that he has betrayed either his former ideals or the ideals of bourgeois society."

But Hiss, as far as we know, never did express guilt over his communist espionage. And as for bourgeois ideals, he had no ethical problem with wrapping himself in the New Deal flag.

How could Hiss perform his two roles without snapping under the pressure? Other spies from the same period confessed to the overwhelming pressure of their double lives. Klaus Fuchs has written of a successful way of coping with this double life by establishing a trip wire that until crossed, could allow him to relax:

I could be free and easy and happy with other people without fear of disclosing myself because I knew that the other compartment would step in if I approached the danger point.

This may have been the *modus operandi* of Hiss. Hiram Haydn, an editor at Random House, describes an odd interview with Alger Hiss. Haydn describes how mask succeeded mask and role succeeded role throughout the interview. At first, Hiss was quiet and dignified, then aggressive and authoritarian, and then "he seemed abruptly defensive. There was fear and suspicion in his expression and he answered me in guarded monosyllables."

Still, the double burden of government work and espionage

age activity in the 1930s that became, after 1949, a triple burden with the addition of the victimized New Dealer role, had to have caused some form of pressure. But all of those who came into contact with Hiss remarked on Hiss' supreme confidence. Nathan Weyl, a fellow Soviet spy, remarked that Hiss was "always sure of himself." His government colleague, Jerome Frank, wrote that Hiss was "eminently well-balanced." This self-confidence, combined with his reported "deep commitment" to communism, may have given him the strength to juggle roles.

A compartmentalizer who knows no guilt — that may be a working description of the Hiss personality. By day, he

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*To those in his party cell, Hiss was a rather "romantic" communist. This description may explain Hiss' purported "exhilaration" at going to prison.*

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works in New Deal Washington; by night, he is leaking documents to communist agents. At Yalta, he arrives with the American delegation; later, he is decorated by the Soviets for secret services rendered. Mask upon mask, layer upon layer.

Added to this portrait though is a playful, mocking Hiss, a catch-me-if-you-can personality. Again, Haydn proves instructive:

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### Letters, from page 32

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relieved. No doubt providing a sensuous, beautiful woman to an upset spurned male would in some cases relieve his anxiety; this does not make such provision an authentic therapy.

3. Using the pathological criterion of demonstrable lesion as disease, Szasz has repeatedly over time emphasized that if schizophrenia could validly be attributed to a brain lesion — as Parkinsonism can be — then it would be an authentic illness. His argument is that schizophrenia would then be a neurological illness, not a psychiatric disorder; moreover, he submits that in psychiatry the term schizophrenia is used inconsistently.

4. In depicting the role of psychiatrists in the criminal justice system Slovenko argues that it is the court which rules, not the psychiatrist. This is a profoundly disingenuous argument, for it merely asserts without proof a hierarchically inferior role of the psychiatrist. One could easily argue that it is repeatedly psychiatric expertise to which courts typically turn to make final dispositions in the "law-psychiatry intermix." And, speaking of which, Slovenko unquestioningly parrots the new received wisdom that "Not Guilty by Reason of Insanity" (NGRI) represents the "rare" case, ignoring the deep involvement that psychiatry wields in the criminal justice system in alternative sentencing, mitigation of sentences, plea bargains, and the like. Moreover, the percentage of successful NGRI cases, generally accepted to be a quarter of one percent, masquerades the fact that over the years this misleading statistic translates into thousands of cases.

Richard E. Vatz  
Towson, Md.

He became gaminlike, elusive, answering my questions with the manner of a shrewd, precocious boy who was playing games and admiring his skill at them.

There appears time and again a Hiss who drops clues to his opponents during the verbal sparring. The House Committee on Un-American Activities was privy to this game, if not fully aware of it, when Hiss implied in his testimony that the 1930s were a much better era for relations between communists and liberals, the party line at the time of his questioning.

The clue-dropper appears in his autobiographical reminiscence of Stalin at Yalta, the same Yalta where he was decorated by the Soviets. In "Stalin, the Enigmatic Host at Yalta," Hiss follows the trajectory of his bizarre session with Haydn. He begins with a mask of anti-communism (Stalin is a ruthless dictator who butchered his people) followed by a bold gesture, a peek behind the mask (Stalin is considerate and intelligent — the Stalin portrayed in the Hollywood film *Mission to Moscow*); more importantly, he is a populist who waits patiently in line behind his staff to go to the bathroom while the aristocratic Churchill retires to his privy in his suite. Finally, a retreat back to safety, the trip wire alerting him: Stalin is brutal.

But this portrait still does not supply us with why Hiss did it. Was it the ultimate game for him? The ultimate gamble? Or was he a deeply committed partisan as Whittaker Chambers has argued? Until documented admissions from Hiss' papers become available, the jury, unlike the one in 1949, is still out. □

### Bradford's Bias

In the August 2002 *Liberty*, R. W. Bradford said that the Libertarian Party has run in eight presidential elections. This is true. He also said the party did better in its first four presidential elections than it did in the more recent four. This is false.

Carrying the party's presidential showing out to three places past the decimal, the results have been:

1972	.005%	1980	1.065%
1976	.212%	1984	.246%

Average for the first four presidential elections: .382%.

Then:

1988	.472%	1996	.504%
1992	.279%	2000	.365%

Average for the four recent presidential elections: .405%.

If Bradford wanted to be accurate, he would have said, the Libertarian Party had lost its second four presidential elections by about the same margin that it had lost its first four. But Bradford has an emotional bias against the Libertarian Party, and the joy he takes in belittling it overcomes his joy in being strictly truthful.

Richard Winger  
San Francisco, Calif.

*Bradford responds:* I have enormous respect for Richard Winger, whose data-gathering is a huge help to those who analyze the performance of all third parties and who shares a

*continued on page 52*

# Practical Idealism

*by Wendy McElroy*

You'd better be careful about what your ideals are. They determine the world you live in.

Many factors have contributed to the recent economic collapse in Russia, but one of the most prominent is the lack of institutions that constitute the "rule of law." Russia simply does not have in place the basic social structures — such as a predictable and accessible court system — upon which the daily functioning of the market depends. As the totalitarian structures were swept away or rendered ineffectual, free market ones did not arise to fill the vacuum. For example, there was virtually no means by which to register land titles or to enforce business contracts. In *Socialism*, Ludwig von Mises observed that "it is no accident that it is precisely in the defense of property that Law reveals most clearly its character of peacemaker." Without a tradition of common law to draw on and hindered by a lumbering government, law cannot function as a peacemaker.

The laws and customs of a society are embodied by its institutions, like the family, the court system, and the church. Institutions evolve over a long period of time to reflect the history and dynamics of a culture. For example, the institution of common law, though hardly perfect, has the charm of having evolved on a grassroots level to meet the real, perceived needs of people. Similarly, the institutions of money and the market arose naturally to satisfy human needs and they continue to adapt in response to changes in those needs.

But to say that society's institutions arise naturally is not to say human beings do not play an active role in shaping them. Trial by a jury of one's peers, for example, was a procedure consciously conceived of in order to maximize the justice of verdicts. At some point, specific individuals decided to employ this procedure, which then weathered the test of time well enough to become a cornerstone of Western jurisprudence.

Politics is the institution with which contemporary libertarians seem most preoccupied. Libertarians often observe that the political system "institutionalizes corruption"; that is, that current political structures and procedures inherently

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tend toward bad results, such as the redistribution of wealth or the personal corruption of those who are elected. In a sense, this is an optimistic view of things. If institutions can be sculpted so that they result in corruption, then they can be designed in order to minimize it. They can be designed with a tendency toward freedom rather than tyranny. The Founding Fathers attempted to embed "proper" tendencies within government institutions when they constructed a system of checks and balances in order to curb the centralization of power.

The specific structures and procedures of any institution will largely determine the results it produces. Although the institutions advocated by libertarians may seem minimal — socialist Ferdinand Lassalle ridiculed it as "a night watchman state" — it is crucial that they embody free market ideals rather than statist ones, because the structure will determine the result. For example, the procedures must respect the consent of each human being rather than impose majority rule (democracy) upon unconsenting individuals.

The question becomes: how can institutions be designed so as to tend toward realizing libertarian ideals? Answering this question requires a bit of backtracking as the concepts of "ideals" and "idealism" have come under vigorous attack within the movement, and they require a defense of their own before proceeding.

## **Libertarians as Inescapable Idealists**

Anyone who advocates a society or a social condition that is remarkably different than what exists is an "idealist," that is, a person who favors things as they might or should be

rather than as they are. Being a libertarian means advocating a society based on individual rights rather than on collective social control. It means arguing for a social structure that is markedly different than the current one. Thus, libertarians are idealists, whether they like it or not. Part of trying to alter the basic rules of society is to have a vision of the proper rules and proper structures that it should have, but does not.

There are two distinct forms of idealism, both of which are practical and useful. The first is almost a psychological position. I am an anarchist, but I never expect to see a perfectly voluntary society — that is, one without crime and violence — just as I never expect to be in perfect health. Yet I advocate society by contract just as I take vitamins every day, because I want to get as close as possible to both ideals. The only way I can approximate this ideal is to hold it firmly in front of me as a standard against which to measure the world. In this sense, an ideal is like true north on a compass, and it serves a valuable function whether or not true north (the ideal) can be reached. This is the form of ideal embodied in the wording “things as they . . . should be.”

The second form is more practical. Ayn Rand was fond of claiming there was no contradiction between the ideal and the practical. If an ideal is being used as blueprint on which to construct reality, e.g. the ideal of privatizing roads, then Rand is undoubtedly correct. If the blueprint is inherently flawed and cannot be translated into reality however you alter surrounding circumstances, then it is flawed and should be abandoned as a blueprint. This is form of ideal embodied in the wording “things as they . . . might be.”

Both forms of idealism are valuable in designing institutions that will act as vehicles for individual rights, rather than as barriers to them. Consider the court system. Some legal theorists, such as Randy Barnett, have argued that only civil courts should exist in a libertarian society because all that can properly be redressed or restituted are crimes against property rights, including property in one's own person. When held up to be measured against the true north ideal of liber-

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*I am an anarchist, but I never expect to see a perfectly voluntary society just as I never expect to be in perfect health. Yet I advocate society by contract just as I take vitamins every day, because I want to get as close as possible to both ideals.*

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tarianism — namely, the primacy of individual rights — the court system suggested by Barnett fares well. Having ascertained this, it is appropriate to move onto the next and more difficult stage of idealism: how can the ideal be best translated into a practical reality? The answer is far from clear. Would a purely civil court system use the traditional civil standard of a “preponderance of the evidence” or the traditional criminal one of “beyond a reasonable doubt”? Would there be a presumption of innocence? These procedural matters would evolve over time as people struggle to construct an institution that expressed and furthered the ideal of individual rights. It would evolve naturally in the presence of

competing solutions to the problem.

Consider another institution: tariffs. Some libertarians have argued that revenues acquired through custom duties could serve as a substitute for those raised through taxation. When held up to be measured against the true north of libertarianism — again, the primacy of individual rights — there can be no justification whatsoever for the institution of tariffs. Such duties clearly interfere with the individual's right to trade freely. Neither the institution's goal nor its design — its internal structures and procedures — can be used to further

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*Although I might well excoriate someone who stole \$10 from the purse of a friend, I willingly shake the hand of a professor who fought for a position in which he receives hundreds of thousands of dollars of stolen tax money.*

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individual rights, only to violate them. The institution of tariffs cannot be reformed or harnessed for libertarian good. It is a step in the wrong direction, and libertarianism should only consider how it can be eliminated as swiftly as possible.

### Institutional Analysis

Socialist historians and political thinkers have developed a sophisticated institutional analysis of society. Libertarians might do well to do the same, and not merely because there is a vacuum of theory to be filled. In the absence of sound institutional analysis, libertarians have adopted attitudes and positions that act as barriers to their ideals being realized.

One example is the cavalier attitude with which most libertarians view their relationship to institutions. Almost all of us behave differently toward institutions than we do toward individuals. Libertarian professors at state universities pocket tax money, while insisting “taxation is theft.” Libertarian candidates accept matching funds because buying more publicity advances the cause of liberty. These are voluntary actions, which are different from those taken under duress, such as paying taxes.

The usual criticism of those who voluntarily accept tax funds — when any criticism is voiced at all — is that the recipients are not really libertarians. The usual defense is that implementing principles is a complicated matter. What does this discussion have to say about the libertarian view of institutions? Even those of us with poor enough manners to raise questions about tax-supported professors regularly number “the accused” among our closest friends and sometimes even accept them as intellectual mentors. I certainly do. Like most other libertarians, I tend to apply a different standard of ethics to dealing with other individuals than to dealing with institutions. Although I might well excoriate someone who stole \$10 from the purse of a friend, I willingly shake the hand of a professor who fought for a position in which he receives hundreds of thousands of dollars of stolen tax money.

Several factors may account for the different standards of ethics. Perhaps institutions are seen as cold and corrupt. Perhaps so many steps exist between the theft of money

*continued on page 52*



# Crossroads in Indianapolis

*by James Barnett*

Libertarian Party members came to their convention to deal with some serious problems. When push came to shove, well . . .

This year's Libertarian Party Convention was held in Indianapolis, Ind., "The Crossroads of America." The party itself was at a crossroads, having to deal with four different crises. Its most immediately pressing problem is its financial crisis: the party has been hemorrhaging cash for nearly two years, mostly because its membership is declining, though its members are also donating less than in the past. The second problem the LP needed to solve is how to stop the decline in membership. Its third crisis is its failure to win elections: after three decades, running thousands of candidates and spending millions of dollars, the LP has failed to win any significant partisan election. And its fourth crisis is how to deal with the problem that its standard-bearer in the past two presidential elections conspired with other party leaders to violate fundamental party principals by secretly hiring the party's top official to help him capture the party's nomination and then laundering funds to compensate him.

These were the problems the party faced as delegates arrived in Indianapolis. But people don't necessarily go to conventions only to deal with serious problems. They also go to conventions to have fun. As I drove to Indianapolis, I wondered: how will the assembled members face these issues?

I arrived in town the night before the convention sign-up. Tired from a long drive, I verified that indeed I had found the right hotel, the right convention center, and, for that matter, the right city. Then I headed off to find my hotel room and get some sleep.

I was up bright and early the next morning and set out to find the media room. I could not find it, but I did manage instead to find the operations center, where I ran into Bill Winter, the LP communications director. He told me that

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*Liberty* would be denied press access for its "consistently biased coverage" of the Browne campaign and the Libertarian Party. He wouldn't even give me a brochure listing the events. If I wanted to cover the convention, he said, I could join the LP and buy a conventioneer's package at a cost of several hundred dollars. I called *Liberty's* editor, Bill Bradford, with this strange news, but it was still early on the West Coast, and Bradford hadn't yet made it to the office, so I left a message.

While waiting for him to call me back, I came across one of the candidates for LNC chair, Eli Israel, who was holding court with supporters and campaign workers at the hotel's in-house Starbucks. I asked him and his supporters why he was right for the job. One supporter said, "Israel frames his words only in positives." Israel himself boasted of the impressive membership growth record of the Massachusetts LP under his chairmanship; it now has over 700 active members. He supported the re-election efforts of Ken Bisson, the current vice chair, praising his "focus and commitment." "You want him a heartbeat away from the chairmanship because he's accomplished," Israel joked. "I want him a heartbeat away because he's a physician."

Israel's opponents for national chair were former Texas state chair Geoffrey Neale and George Phillies, a physics professor at Worcester Polytechnic Institute, also in

Massachusetts. Israel had been the most vehement apologist for Browne, former national chair David Bergland, national director Perry Willis, and the others who had defrauded the party. Phillies was a longtime critic of the Browne people and an advocate of a more decentralized party. Neale was a newcomer on the national party scene, but he was also generally perceived as being critical of the Browne people. Most observers believed that no candidate could win on the first ballot, after which either Phillies or Neale would drop out, and the race would come down to Browne candidate Israel and an anti-Browne candidate, either Phillies or Neale.

I then attended the business meeting held by the party's National Committee. Treasurer Daryl Martin started off his remarks with "I told you so," alluding to the \$1.3 million deficit that the party incurred last year. Revenue had fallen, he

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*Party founder David Nolan gloomily predicted the party's demise.*

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said, because of the recession and the Sept. 11 attacks. "I think Sept. 11 was definitely to blame for that month," he said. "Revenue for that month was only \$98,000. You have to go back to 1996 to get a month's revenue less than that."

A controversy briefly flared when committee member Joe Dehn brought up the matter of *LP News'* allowing certain advertisers — including Eli Israel — to delay payments for months at a time. This raised suspicions of favoritism by staff for certain candidates for party office. Dealing with the issue was delayed until further information could be gathered.

After the business meeting, I sat in on a luncheon for the Libertarian Victory School, where the topic of conversation was the party's platform. The Platform Committee proposed creating an "executive summary." This was to be the party platform, shortened and broken down by issue. The committee hoped that by distributing the planks piecemeal, candidates and local parties could explain the party's positions while driving away as few potential voters as possible. They also hoped that, unlike the complete platform, someone might actually read them.

Finally, the convention itself began. Conventioneers funneled into the hall to get their credentials and complimentary CSPAN bags. One attendee carried around a svelte guitar and strummed it for small audiences in the hall. Geoff Neale walked down the registration line shaking hands and passing out chocolate coins, urging passersby to vote for him. An Ed Thompson supporter asked Neale his opinion of Jesse Ventura. Neale said he didn't approve of going the celebrity route. He didn't think they were reliable, citing Howard Stern's bid for governor, which ended very quickly when Stern refused to disclose his personal finances, leaving the party with no candidate.

Bradford got back to me, and was as puzzled by Winter's strange decision to ban *Liberty* as I was. He told me he'd see what he could find out and call me back as soon as he did.

As registration continued, I spoke with George Phillies in his hospitality suite. Phillies spoke of the role of the national party, which he thought should bring "inspiration and support to Libertarians across America." But, he added, "we

can't tell Libertarians what to do, and we shouldn't if we could." He said that, unlike the other candidates for the national chair, he thought it was silly to run the LNC like a business since the Libertarian Party is a voluntary organization.

Phillies pressed for closer ties to sympathetic groups like the Pink Pistols and the Liberty Belles. When asked about the LP's declining membership, he thought the national office's aggressive fundraising might be a factor. Phillies was outspoken, intelligent, and filled with ideas about the party's organizational philosophy. "The Libertarian Party was not created to bury our members in fundraising letters," he said. "Building the party by recruiting members is like making the sun rise by finding a rooster and pinching it in the backside until it crows! It won't work!" It was strange to watch a professor spit out polished sound bites.

That evening Bradford called me on my cell phone. He told me that he had spoken with party director Steve Dasbach, who had assured him that he and party chair Jim Lark would talk to Winter and get him to give me press credentials. Later in the day he told me that I would be given a press pass, though it would omit any mention of *Liberty*. Tomorrow morning, I could finally begin to cover this convention in a more conventional fashion.

In a chipper mood, I attended the opening ball. Someone said, "There are underage children at the bar, so this must be a Libertarian convention."

I returned to the media center in the morning and found Bill Winter, who told me that Lark had asked him to give me a press pass, but he had refused. This left me little alternative but to buy basic membership into the Libertarian Party if I wanted to cover the convention, which I reluctantly did.

The floor was half empty when I arrived. There were 307

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*As mayor of Tomah, Wisc., Ed Thompson eliminated nine of the 24 city committees, knocked \$5 million off the city's debt, and held the line on taxes.*

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delegates registered that morning. Several states had no delegates at all. As the convention progressed, delegates decorated their signs with state emblems. Indiana added a basketball to its sign, Washington added a Grande Starbucks cup.

In his opening remarks national director Steve Dasbach used hellfire words about the importance of this conference and to announce the lineup of speakers to the convention. This was in stark contrast to the Dasbach I would see running around putting out fires behind the scenes.

During a break I headed back over to the hotel and caught Neale enjoying a cigar at the bar. I asked the Tim Robbins look-alike what he would do first as LNC chair. "Ask for bio information on LNC members and print up business cards for the members." He praised himself for raising membership in Texas at a much lower cost than Israel had done in Massachusetts. He said he truly felt sorry for slinging mud in the chair's race, but cautioned that negative campaigning is the normal state of affairs in any election. On

that remorseful note, I headed back to the convention for the bylaws debate.

The LP convention was in the shadow of a convention of the Church of God in Christ, a Pentecostal church that has grown from 3 million members in 1973 to an estimated 8 million in 1997 and has branches in 52 countries including Italy, Australia, and Japan. Its mostly black delegates were quite a contrast to the mostly white LPers. The Libertarians had to navigate a bazaar of fine church clothing and Holy Bible products to get to the convention floor. One delegate remarked that it was a "cultural shock" walking by the church folk. No one at the LP convention made any effort to set up a booth and sell the ideas of liberty to the COGIC attendees.

Not much was going on, so I sat in on a meeting of supporters of Julian Hecklen, "the most dangerous man in America." Hecklen bragged that he was the number-one most arrested criminal in America for his symbolic acts of defiance, including routinely smoking joints on the Penn State campus. I didn't get to learn much more about him because the meeting quickly devolved into a debate amongst audience members about libertarian purity.

After the Liberty Pledge reception that evening, the delegates crowded together to listen to the chair candidates debate. The first to speak was Geoff Neale. His demeanor was rather theatrical, with his comments broken up by long pauses, which I am pretty sure he thought were dramatic. His campaign goal was to use the national organization to promote good candidates. From there, according to him, membership would grow. He emphasized frugality, and criticized Massachusetts' modest membership growth and high expenses under Eli Israel's chairmanship.

Israel was next. He was a master of audience participation, asking members to clap and stand frequently. When he wanted an applause line, he would back away from the microphone and stare off into space. He received several chuckles for his use of the term "classic libertarians" to refer to the older members. (Carol Moore, a longtime activist who was running for party secretary, somehow found a "Classical Libertarian" button, which she wore for the rest of the convention.) He stressed growth, growth, and more growth. He had stats on how much growth the party needed, though he didn't seem to have a plan to get it.

Last up was Phillies, who repeated everything he'd said to me on Wednesday, including his "crowing rooster" metaphor. Half of his speech was one long tangent on libertarian philosophy, complete with the term, "city on a hill." It was creepy to listen to him plug his political strategy book and talk over applause.

I don't think the debate changed too many opinions.

While this was going on, the Fourth of July fireworks began outside. Alas, the delegates missed the fiery celebration of America's independence.

In the morning session on Friday, the conventioners debated minor language changes in the party platform, and voted on every plank. Only the abortion plank was close. Another controversy arose over the Platform Committee's motion to change the immigration plank to say, in part, that " . . . in the interest of national security, we recognize the need for respectful screening at U.S. borders for the purpose

of denying entry to dangerously criminal or medically contagious persons, to protect the rights and lives of U.S. citizens. We call for the amnesty for all persons who have entered the country illegally and are not proven threats to anyone's health, safety, or rights." This didn't satisfy party purists. A minority report on the new language in the plank pointed out the inconsistency of empowering the government to screen immigrants yet in another place calling for the abolition of the INS. The report went on to say that the new plank "retreats" from the old plank by allowing the government to define the terms "criminal" and "medically contagious," asking whether someone with herpes, or who has committed a drug offense or a "thought crime," could be barred from entering the U.S.

In light of Sept. 11, the party no longer advocates the "abolition of the secret police, such as the Central Intelligence Agency." It now calls for security agencies to be "transparent." The plank still urges the immediate withdrawal of troops from Saudi Arabia and the repeal of the Uniformed Code of Military Justice.

I walked over to the exhibitors. The usuals were there:

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*Israel had stats on how much growth the party needed, though he didn't seem to have a plan to get it.*

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the Advocates for Self-Government, NORML, Mary Ruwart. I spoke with Bill Masters, the libertarian sheriff from Colorado. He pretty much confirmed what I had heard on the streets of Indianapolis, "I'm hesitant about legalization, but I think the drug war is a waste."

I didn't make the full round of hospitality suites this time so I missed Geoff Neale's Statue of Liberty costume. I did attend the Ed Thompson suite. It was filled with college students from all the big Wisconsin schools, one of whom I had seen riding his electronic skateboard around the halls.

Thompson had given a fiery speech earlier in the day, getting standing ovations from the floor. If there were a candidate that everyone seemed to like, it was Thompson, who, as mayor of Tomah, Wisc., had eliminated nine of the 24 city committees, knocked \$5 million off the city's debt, and held the line on taxes.

Thompson received seven percent in a Public Opinions Strategies survey of 500 registered Wisconsin voters. The poll was published in the *Milwaukee Journal Sentinel* and listed about 21% of the voters as undecided. These numbers are roughly equal to those taken about the same time before Jesse Ventura's successful 1998 gubernatorial run. When I asked Thompson whether it was possible for him to "convert" his brother Tommy to libertarianism, he said, "No. He'll never change. He was a very popular governor of Wisconsin. I asked if he wanted to be lieutenant governor and he turned me down flat." He said that his brother might even be sent by Bush to campaign for Ed's Republican rival, Gov. Scott McCallum. "He's got a boss, and he complies," he said. It wasn't that there is a feud between Tommy and him, he said, it was just politics.

"You've been criticized in the media for your awkward-

ness," I said. "Yeah, they're trying to make me out like a dummy, and I'm very intelligent. I've got an excellent head on my shoulders and a high IQ," he said. "I didn't finish college, but that doesn't make me ignorant. I am awkward, at first. I'm a laborer. I worked behind a bar. I welded cars. I plowed snow. I was not a state representative out around the state giving speeches. I've got heart, and people know where I stand."

I asked of his thoughts about Ventura. "It was an inspiration to meet him," he said. "He broke the mold as a third-party candidate." His campaign strategy, he said, "is to win. I don't have any money. I've spent \$250,000, and I've borrowed \$200,000 from the bank myself and put it into the campaign."

Finally, the party would elect a new chair. Eli Israel's nomination was first Saturday, and he was nominated by Harry Browne. Browne was there as a delegate from Massachusetts; his own state's party did not elect him as a delegate. Israel had been Browne's strongest defender against the charges brought against him in the National Committee, and now Browne enthusiastically endorsed Israel. It was reminiscent of his enthusiastic nomination of his friend David Bergland for national chair in 1998.

The crowd stood and cheered for Browne, but it was not a repeat of his 1998 nominating speech for Bergland, which most observers believed turned the tide in Bergland's favor. More than a few delegates sat on their hands, and after his speech, fliers were distributed calling for "Anybody But Eli," and accusing Israel of packing the Massachusetts delegation with local supporters of him, Browne, and Bisson.

Neale topped the balloting with 261 votes; Israel came in second with 178, and Phillies third with 123. Phillies withdrew from the race. Israel quickly figured that the end was near: it was obvious that nearly all Phillies' supporters would vote for Neale on the next ballot, giving him a com-

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*Neale's demeanor was rather theatrical, with his comments broken up by long pauses, which I am pretty sure he thought were dramatic.*

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fortable majority, and withdrew from the race. Phillies supporters quickly moved to have Phillies be reintroduced to the ballot, but their attempt failed.

With only one remaining candidate, it looked like the election was over. But party rules require a majority and specify that None of the Above (NOTA) is always a nominee in any election, so another ballot was taken. But Neale heartily beat NOTA.

In his acceptance speech Neale looked like he was about to cry, but didn't. He called for an end to party bickering and for a new consensus. "It's time build. It's time heal. Please join me," he said.

Later that night the conventioners were awakened by a false fire alarm. Libertarians and church members alike stood on the far street in their jammies waiting for the fire marshal to allow them back in. As I was walking back into the hotel I saw several delegates questioning Lark over party matters —

at 3:00 in the morning!

I decided to stick around for the post-convention meeting of the National Committee on Sunday. Neale immediately kept one campaign promise: he asked members for their résumés and bios.

Joe Dehn again raised the matter of the *LP News'* extending credit to some party members but not to others. In a rather tense standoff between Dehn and treasurer Daryl Martin (who had been re-elected without opposition), Martin said that he would have to travel to the party's office in Washington to sort out the matter. Dehn questioned why the matter could not be settled right then, suggesting that the LP accounts are in disarray. The matter was again tabled.

The convention costs were then discussed. New members of the committee could not understand why the hotel costs were so high and why the attendance rate was so low. Don Gorman proposed that the party consider replacing Steve

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*Browne was there as a delegate from Massachusetts; his own state's party did not elect him as a delegate.*

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Dasbach, who had negotiated the hotel contract and guaranteed a much larger attendance. The LNC went into executive session, and no decision was made.

During the closed session, I spoke with Gary Copeland, Libertarian gubernatorial candidate for California. He was pleased that the party had a new chair and a new LNC. With the election of the new members who favored reform, some badly needed changes might be made. "The Browne people are obviously gone. Browne even said his own epithet in his speech. 'How is this going to continue on?' He knows this is the end of the Browne situation," he said.

David Nolan had given an address the night before the LNC chair vote. In it, he made a gloomy prediction of the party's demise. If the party does not double in membership every two years for ten years, he said, then the party will fold. The only way the party could double is by making a major impact in the 2004 election.

That's why the party activists came to Indianapolis. They had to deal with specific problems and get back on the road to growth. Whether the delegates made the changes needed remains to be seen. But it seemed to me that not enough was done, and that most delegates were relying on blind faith that somehow membership will pick up and revenues will increase.

The election of Geoff Neale and the defeat of Israel indicates that the party is no longer dominated by the allies of Harry Browne, who have pretty much run things for the past several years. But it is easy to read too much into Neale's election. The other three officers were re-elected, including one closely allied with Browne, and delegates returned eight of the 14 non-officer members of the LNC.

Meanwhile, in spite of the "Anybody But Eli" campaign, Geoff Neale told *Liberty* that he saw no "message of dissatisfaction." He added, in the rather pompous style that politicians affect, "I would hope that I was seen as a choice due to

positive factors rather than an alternative to undesirable factors . . . I am most pleased with the caliber and qualifications that the membership has chosen to send to the National Committee, and count myself lucky to have their skills and wisdom to guide me over the next two years."

The only really bright spot, for most delegates, is Ed

Thompson's campaign in Wisconsin. Some attendees were even preparing to fly to Wisconsin to help out his campaign weeks before the election.

Hope springs eternal, it would seem, in the breasts of Libertarians. □

# Fear of the Press

by R. W. Bradford

Real political parties don't fear an independent, critical press.

The Republican Party has never denied *Liberty* press credentials for its conventions. Nor did the World Trade Organization, when we sought to cover its meeting in Seattle in 1999. Nor has any other organization that we've asked . . . not until July 3, 2002, when the Libertarian Party denied our reporter credentials to cover the party's national convention.

Shortly after James Barnett agreed to write a story about the LP convention for *Liberty*, I emailed the LP national director Steve Dasbach to request press credentials for him, or to advise me to whom such a request should be sent. Dasbach didn't get back to me, but I wasn't particularly concerned: I know how busy the party's staffers are as conventions approach, and the LP had more or less routinely granted press credentials to reporters from *Liberty* at every national convention since 1987.

So I was a bit surprised to get a call from Barnett on the day the convention started telling me that Bill Winter, editor of *LP News*, had refused to give press credentials to anyone directly affiliated with this magazine, because coverage of the party in *Liberty* has been biased. I didn't have Winter's phone number, but I had the number for Steve Dasbach's cell phone, so I called him. Dasbach said he'd look into it, and get back to me. Later that evening he said that he and national chair Lark would talk to Winter and assured me that Barnett would be granted credentials.

The next day I got another call from Barnett. Winter had stood firm and refused credentials, and Dasbach and Lark would not overrule him. Barnett and I discussed different ways he might still attempt to cover the story. Barnett eventually joined the LP and attended the business sessions and filed a story.

This is a very amusing development.

The LP for years has complained that the press won't take the party seriously, offering it scant coverage when it

covers it at all, and treating it, at best, as a sideshow to the American political circus. There has only been one publication outside the confines of the party itself that takes the LP seriously. And that publication is *Liberty*.

Since our inception in 1987, *Liberty* has sent reporters to every LP national convention, and very often more than one reporter. I myself was among those covering the 1987, 1989, 1991, and 2000 conventions; senior editor Steve Cox also reported from the 1987, 1989, and 2000 conventions. Contributing editors Mike Holmes, Brian Doherty, and Leon Hadar attended the 1987, 1996, and 1998 conventions on our behalf, as have other *Liberty* reporters and staff.

We've opened our pages to several national chairmen, the party's executive director, and numerous other party leaders and activists. We've also published writing of LP presidential candidates John Hospers, Harry Browne and Ron Paul (Hospers has for many years been a senior editor of *Liberty*, as was Browne for a while).

Our editorial policy has remained the same: we take the party seriously enough that we publish intelligent commentary on the party and report independently on its activities. From time to time, some of those writing in our pages have been critical of some within the party, including some at its highest levels. But we've always kept our pages open to responses and other perspectives; Dasbach's article in *Liberty's* February 2001 issue, for example, was directly solicited by us.

At the same time, what is the rest of the media doing? Normally, the press in the convention city sends a reporter who files a story, treating the LP convention more or less the way they report on other elements of the political fringe. A few major publications will occasionally do a feature on the party, again treating the party as a sideshow, eccentric, or a band of weird idealists. Occasionally, these stories are even positive, especially when they are written by a reporter who happens to be libertarian. Other than that, coverage of the LP is pretty much limited to its own publications, or small circulation publications by activists.

For years, many of the majority of libertarians who are not involved in the LP have argued that the LP is ineffective and a waste of energy, coming preciously close to sharing the major media's view of the LP as an amusing sideshow. Now the LP has banned the only publication that doesn't share this view.

Which makes you wonder: maybe those libertarians and the major media are right. Perhaps the LP has marginalized itself to the point that it is simply irrelevant. Certainly there

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*There has only been one publication outside the confines of the party itself that takes the LP seriously. And that publication is Liberty.*

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are a lot of reasons to believe this. While the LP got off to a fast start in the 1970s, culminating in the election of a handful of state legislators and winning nearly a million votes for its presidential candidate in 1980, its electoral appeal has declined ever since, with candidates seldom getting more than a percent or two in contested races for partisan office, despite spending huge amounts of money and energy, and running many times more candidates for office than any other third party.

The party's leadership has shown questionable judgment. The party's membership has been declining for nearly three years now, and its revenue has fallen sharply for the past two years. This was quite predictable, and one would think the party's leadership would plan for such a possibility. But it didn't. The sad result is that the party is financially shaky. It even managed to lose a reported \$30,000 on the convention

just past, thanks to its overestimating the number of people who would attend by a huge margin. Normally conventions are a source of substantial profit.

Cynics among the party's critics suggest that the party's staff has become a self-perpetuating elite, more concerned with their own positions and salaries than with the health of the party. The more optimistic of its critics see the staff as well-intentioned incompetents.

Most of these problems the party brought upon itself. Bad management, wasting resources, raising money for one purpose but spending it on another, paying its professional staff substantial salaries despite the absence of any measurable success — these are all things that could have been prevented by competent leadership. In effect, the Libertarian Party has marginalized itself.

And by banning *Liberty's* reporter from its convention, it only marginalizes itself further.

It is also amusing that Winter based his ban on the claim that "*Liberty's* coverage of the LP and the Browne campaign is biased."

On the surface, one might think that the LP's leaders would be pleased that *Liberty* takes the party's activities so seriously, and that *Liberty's* editor (me) has endorsed in its pages every LP presidential nominee since *Liberty* began publishing. You'd think they'd not be upset with the article that Steve Cox wrote about the 2000 convention or the coverage that I wrote about the 1996 convention either — Harry Browne personally complimented me on it. Nor was Winter unhappy about the article we published that was written by his boss, Steve Dasbach.

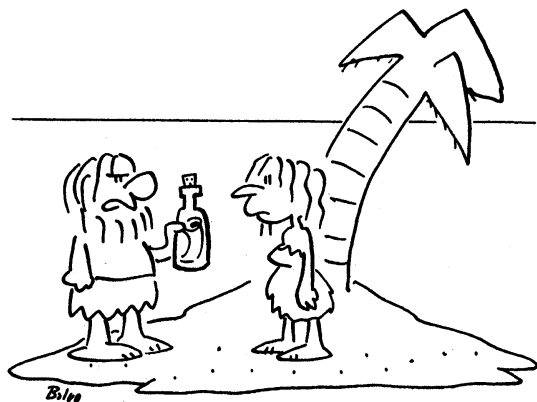
No, he's talking about two or three subjects:

1) The reports that our editorial team made in 2000 about charges against the LP and its 1996 presidential campaign

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*It's not clear whether Winter and national director Dasbach, who refused to overrule Winter's petulant decision, want to operate without substantial press reportage and without independent criticism or whether they think they can intimidate those who write for Liberty.*

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"Can you believe this? — the bottle was returned for three cents additional postage!"

made by longtime party activist Jacob Hornberger. We concluded that Hornberger's charges could not be completely substantiated by the evidence then available; but our investigation revealed that the Browne campaign had raised funds under false pretenses and substantially misrepresented how it spent the money, over 40% of which was paid to staff, and virtually none of which was spent on advertising. We also examined public information about the party's "Project Archimedes" membership drive, and found evidence that it was systematically misrepresented to the membership and used fraudulently to raise funds.

2) The analysis of the 2000 election results, which put a less-positive spin on the party's showing than the party's staffers put on it in the party's publications.



3) *Liberty's* breaking and reporting the discovery that Browne had secretly hired the party's national director to work on his behalf prior to the 1996 nomination, and paid him with laundered money, and at least some of the subsequent commentary that we published on the subject.

It's not clear whether Winter and national director

Dasbach, who refused to overrule Winter's petulant decision, want to operate in the dark, without substantial press reportage and without independent criticism, or whether they think they can intimidate those who write for *Liberty*.

But one thing is clear: this is another sad episode in the Libertarian Party's self-marginalization. □

# Memos to Libertarian MIAs

*by Ken Sturzenacker*

A lot of Libertarians chose not to attend the LP convention. An LP veteran brings them — and an LPer, MIA for 20 years, who did appear in Indianapolis — up to speed.

If people are known by the company they keep, the growing number of people no longer willing to be seen in public with the Libertarian Party are, at the very least, indicative of a severe public relations problem.

Membership in the national LP has dropped nearly 25% since Nov. 30, 1999.

Attendance — paying attendance, that is — at the LP's recent national convention in Indianapolis was down from both the 2000 presidential year in Anaheim, Calif., and the 1998 event in Washington, D.C.

How far down? Rooms at the LP's headquarters hotel, the downtown Marriott, were available on Priceline.com for \$57.

To a few of those former LP activists who chose not to attend this year, short notes from the road are in order:

To: Don Ernsberger  
Founding Member of the LP  
Pennsylvania

Dear Don,

Before you left the LP at the end of the '96 campaign, you had spent months commuting to D.C. in preparation for the '96 presidential nominating convention. During your visits to LP HQ at the Watergate, you'd seen boxes of Harry Browne for President campaign literature; you'd known that during the early months of the Browne campaign its delivery address was the private mail facility across the courtyard from the LP's offices at the Watergate.

Given the number of months you saw open boxes of Browne campaign literature at LP HQ prior to the '96 conven-

tion, you were convinced there was no way Steve Dasbach, then the LP national chairman, could not have known that the Browne campaign was being aided from inside HQ.

Nothing's changed. Dasbach says he is the one who decided to invite Browne and his 1996 campaign co-chairman, David Bergland, to speak in Indianapolis. Dasbach was an enabler for Perry Willis throughout Browne's campaign; apparently, he has not changed a bit.

When the reporter for *Liberty* magazine introduced himself to Browne in the convention hall Saturday, Browne refused to talk to him.

To: Bill Bradford  
Editor and Publisher, *Liberty*  
Washington

Dear Bill,

You already know Browne was not the only one to stiff your reporter, James Barnett. In his petty, two-year-old snit, LP communications director Bill Winter refused to grant Barnett press credentials. Winter pretended not to know, or care, that Barnett was on his way across country to *Liberty's* offices in Port Townsend, Wash. for an internship, or that he had not yet met you in person. As far as Winter was concerned, Barnett was persona non grata simply because

"Liberty has written negative stories" about the LP.

Most delegates don't know that Barnett had to join one of the state parties, Virginia, just to get access to the floor. As a result of Winter's temper tantrum (before leaving the direct employ of the LP for a freelance contract as editor of *LP News*), Barnett was denied access to the many speakers outside the convention hall who may have made interesting copy, some of it perhaps positive enough to satisfy even the persnickety Bill Winter.

To: Gene Cisewski  
Former LP National Director  
Wisconsin

Dear Gene,

Do you still have audiotapes of the 1998 convention? If you want to know what Harry Browne said in his speech nominating Elias Israel of Massachusetts for national chair, listen to Browne nominating David Bergland four years ago. "Double the membership in two years, double it again, and double it again..."

We all know how well that worked. At the end of May 2002, LP national membership was 470 less than it was at the end of May 1998. At least this time, fewer than 180 delegates bought the fantasy.

Oh, yeah, judging by the receptions they got, looks like Ed Thompson, LP candidate for governor in your state, may do substantially better than the LP candidate for governor in Eli Israel's home state.

To: Jacob Hornberger  
Keynote Speaker, 1996 LP Presidential Nominating Convention, 2002 U.S. Senate Candidate  
Virginia

Dear Bumper,

Judging from the "What's New" section of hornberger2002.com, your campaign website, you earned far more value from campaigning for the U.S. Senate in Virginia than you would have gotten with a long weekend in Indianapolis.

Who knows? Maybe LP national chairman Jim Lark would have refused to give you credentials as a delegate. After all, his voice was the loudest, insisting you not run as a Libertarian.

Knowing you, you would have found a huge audience anyway. Some 16,000 people attending the conference of the Church of God in Christ — a virtually all African-American denomination — were between the LP's convention hotel

and the LP's meeting hall. For years, you've been preaching outreach to minorities, and your Op-Ed program at the Future of Freedom Foundation has demonstrated growing acceptance within both the black and Hispanic communities.

Half of the 16,000 were registered delegates, the other half families, from babes in arms to teenagers. How many pulpits and congregations they represent is anybody's guess, but a thousand might be a fair starting point. They were there to hone their outreach skills; many LP delegates seemed most interested in the quibbles over the bylaws and platform.

The marketing geniuses at LP HQ did not prepare any material for this group. Nothing on the War on Drugs, which puts such a large percentage of African-Americans in jail. Nothing on Social Security, even though African-Americans have a shorter life expectancy than whites. Nothing advocating choice in education, even though government schools in inner cities across the nation — filled mostly with African-Americans and Hispanics — are among the worst in the world. Nothing at all. From the perspective of the LP HQ staff, the party had nothing to say, no tool for outreach, to 16,000 middle-class black Americans of faith.

You know Betsy Summers, Pennsylvania's highest ranking Libertarian officeholder? She spent a lot of time in conversation with ministry conference exhibitors, and bought 1,000 copies of the "World's Smallest Political Quiz" to distribute back in Wilkes-Barre and the rest of Luzerne County.

To: John Famularo  
Former LP National Secretary, 1993–1996  
Pennsylvania

Dear John,

Perry Willis, Jack Dean, and Sharon Ayres weren't there either. In one of several "P.S.s" in his June 1997 fundraising letter, Willis claimed that he had "only" been able to contribute \$300 to the LP and the Browne campaign during 1996.

Since then, of course, the LNC has learned that Steve Dasbach, then the LP national chairman, had secretly granted Willis a contract with a couple of nifty incentives based on membership and fundraising — without consulting the LNC first. And you've disclosed that Willis was paid under the table for work for Browne's campaign in violation of his contract as an employee of the LNC.

1996 was the year many of us gave the \$2,000 legal maximum to Browne, plus the \$1,000 max to vice presidential candidate Jo Jorgenson, and paid our own way to the convention — plus whatever contributions we made to other candidates. By comparison, Perry was Scrooge.

To: Ed Crane  
President, Cato Institute  
LP National Director, 1973–1977  
Washington, D.C.

Dear Ed,

What were you thinking, really, sitting there at the head table during the banquet Saturday night waiting to accept the LP's Champion of Liberty award?

You remember the banquet in 1979? Far more people attended after the LP had nominated Ed Clark as our presidential candidate, out of a membership base perhaps 40% of



"I hereby sentence you to school for twelve years."

what it is today.

But the contrast between the LP and Cato could hardly have been more stark: a couple of hundred folks at \$100 a ticket at the LP dinner, versus a couple of thousand at \$250 a pop at both your 20th and 25th anniversary events.

Cato doesn't finish its events in the hole either, does it? Of course, Cato doesn't refuse to give press credentials, ignore potentially receptive audiences, or shun one of its most effective, persuasive spokespeople. □

# Convention Diary

*by Carol Moore*

Down in the trenches, the action — and confusion — is hot and heavy.

As a 23-year member of the Libertarian Party, I always tell people you can have a lot more fun with it if you don't take it too seriously. Unfortunately, I don't always take my own advice.

So at the 2002 National Convention I once again found myself deeply involved in trying to influence the decisions of both the delegates and of the Libertarian National Committee through two groups I helped initiate — Libertarians for Peace and Pro-Choice Libertarians — and through running for secretary against longtime LNC honcho Steve Givot.

I won a few battles and lost a few — and have more entertaining stories about the struggles between those motivated by principles and those motivated by prestige, perks, paychecks, promotions, and all the other trappings of political power. Jefferson said that revolutions have to be fought at least every 20 years. In the Libertarian Party, we have to fight them at every convention.

## Wednesday, July 3

The pre-convention Libertarian National Committee meeting, with chair Jim Lark presiding, began with the treasurer's report. In the spring of 2001, Daryl Martin took over for LNC treasurer Mark Tuniewicz, who quit without explanation, prompting speculation that he was disgusted with the staff's financial shenanigans. At the pre-convention meeting of the Libertarian National Committee, Martin argued that the LNC had to change its culture of budgeting and use more project accounting to avoid continuing budget shortfalls, something I remember being discussed at the December 2001 LNC meeting — and how many times before that? Martin blamed the drop in membership on the recession, the Sept. 11 attacks, members' refocusing on local activism, and the disappointments from the 2000 elections. He didn't mention that by losses in membership caused by the "Sept. 11 attacks," he meant all the people who bailed once they realized the party meant it when it said it was non-interventionist. And he didn't mention all the Republicans brought in by Project Archimedes who left when George

Bush was elected. Nor did he mention those disgusted by presidential candidate Harry Browne's involvement with former LP director Perry Willis' improper work for his campaign — not to mention those disgusted because Browne was investigated at all. (Many Browne fans hope that once any FEC-related statute of limitations has passed, Browne will apologize publicly to LP members for this failure of judgment.)

Given the headquarters' profligacy (\$100,000 a year office space, comfortable salaries for longtime bureaucrats, the ability to fork out tens of thousands of dollars to help LNC or staff cronies in need), some members still worry about the future of the national Libertarian Party. Will those used to prestigious offices and good salaries be willing to downplay principles to keep membership steady and the money flowing in? Are they doing so already?



The Party's new director of marketing, Mark Schreiber, has 25 years of experience; reportedly, his work for Chi Chi's restaurant is one of his biggest successes. He said that he sees "potential problems" in developing the LP as a "brand," namely, the Statue of Liberty logo, the name of the party ("Liberty Party" might be better), the slogan "the Party of Principles," and strategies like Politically Homeless Booths. "Replacing these would just make my job a lot easier."

At the state chair's breakfast the next day, Mark began the same spiel by telling the sad story of how when he was running for Indiana lieutenant governor he did a long interview with a reporter. The final story focused on the Libertarian Party's support of child pornography, which is

how the reporter interpreted the LP national platform. I got disgusted and walked out.

It seems to me that implementing his proposals would probably mean that a few LNC members and staffers would shape a new LP image — and then expect us all to kowtow to it. But the LP is not an owner-controlled business that can shape and control a narrow image; it is an organic political body that must allow different state parties and individual candidates to craft the image that best suits them and their constituents.

Eric Caron, the new director of development, reported that he had raised his whole salary for the year in his first month on the job. Caron, who formerly worked for The Heartland Institute and a D.C. membership association, is

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*Many Browne fans hope that once any FEC-related statute of limitations has passed, Browne will apologize publicly to LP members.*

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calling up dozens of major donors who haven't been called in years by anyone who knows how to get money out of them. And he is going out and meeting with libertarian think-tank types and libertarian-oriented special interest groups.

I've asked him what he would do if some major donors offered to contribute only if the LP softened its message on some issue. He assured me he'd make it clear the LP would not sell out its principles — and try to get their money anyway. His biggest problem is an incredibly clunky database and accounting system. He is looking forward to using the popular development and fund-raising software Raiser's Edge, which the staff is currently exploring on a trial basis. The treasurer is leery of the Raiser's Edge program and warns ominously that it will cost at least \$80,000.



LNC member Joe Dehn brought up that he hadn't received the report on who owed the LP money for more than 60 days. He requested the report at the March meeting and operations director Nick Dunbar implied he would get one out. Another LNC member tried to pooh-poo the problem but Dehn demanded a response. This had been an issue during the 2000 campaign when Harry Browne had been allowed to pay for *LP News* advertisements at his leisure.

Nick confirmed that the only real debts were those due *LP News*, and that only Bill Winter knew the answer. Winter was standing in the back of the room, but no one asked him to report. I sensed a heavy blanket of fear and intimidation hanging over the whole discussion.

Treasurer Daryl Martin said he did not ask for regular reports on this and assumed there were not many *LP News* accounts receivable overdue. Steve Givot huffed that he was against the idea of individual LNC members asking for the report because that's an Executive Committee job. Joe Dehn moved that there should be a regular report of all accounts receivables over 60 days. This passed.



Every year the LP hands out the Sam Adams Award for

Outstanding Party Activist, the Thomas Paine Award for Outstanding Party Communicator, and the Thomas Jefferson Lifetime Achievement Award. In the past nominations were requested well in advance through *LP News*. This time there was only a rather late email from LP HQ.

Massachusetts gubernatorial candidate Carla Howell immediately sent out repeated requests for supporters to nominate her, her partner and fundraiser Michael Cloud, and Harry Browne for the awards. Even though Browne and Cloud had each won one previously. Not surprisingly, the three of them got eight to ten times as many nominations as the next highest scoring candidates. Given the skewed results of the nominating process, the LNC decided to remove the awards from the convention's agenda.



Steve Givot, who has been trying to gut the platform for years, fantasized out loud at the December LNC meeting about the delegates suspending the rules to vote on a brand-new platform — one he obviously hoped to have a hand in writing. This idea met opposition. However, the LNC can issue a new party program at any time and had not done so in eight or nine years. So Givot satisfied himself with rewriting the program.

The program that he and the staff came up with was reviewed by the Advertising and Publications Review Committee and other LP members. They variously thought it was too neo-conservative, too negative, or that it did not talk about LP successes or libertarian solutions. (It's worth noting that, while the foreign policy section mentions bringing troops home, it mentions nothing about ending foreign aid and alliances.) These advisors cleaned up some of the more dubious language.

The staff published the LP Program as a glossy pocket-sized booklet given to delegates. One of the rumors circulat-

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*The party's new director of marketing sees "potential problems" in the party's logo, name, slogan, and strategies. "Replacing these would just make my job a lot easier."*

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ing at the convention, and relayed to me by an allegedly "in the know" person, was that it cost \$20,000 to print the booklet for convention delegates. This seems unlikely — \$20 a copy would be a little extravagant even for the national office.

The LNC voted to accept the program, though it authorized that changes be made before it is finalized.

## Thursday, July 4

Knowing that communications director Bill Winter had given notice that he was quitting his job and that the hunt for a replacement was about to begin did not lessen my annoyance at the small number of press people I saw registering. The LP press strategy seems to be sending out press releases, some of them silly, to try to get staffers on usually obscure radio stations. When one mentions they could hold press conferences to pump up press excitement for some libertar-

ian initiative, they just whine that no one comes to their press conferences. Did it even occur to them to even try to hold a convention press conference with, say, Texas Rep. Ron Paul, New Mexico Gov. Gary Johnson and Wisconsin gubernatorial candidate Ed Thompson?

Anyway, it was not surprising that only a few members of the press showed, in addition to the obligatory C-Span cameraman, there were an Associated Press photographer, a Reuters reporter, and an *Indianapolis Star* reporter.

I had a skirmish with Bill Winter, asserting that I managed to get lots of publicity as an amateur working the Waco issue. He said: "Oh, but that was a single issue." I replied: "And what is the Libertarian Party — a representative of a couple of hundred single issues!"

The AP photographer did ask for my name after taking photos of me with my peace flag in the background. And one of my two nominators for secretary got his photo on the front page of the *Indianapolis Star* because he was wearing an amusing hat. Visuals work, folks.

After the convention press secretary George Getz reported that this convention got the best coverage he had seen since his first convention in 1996. He cited its being the first convention that earned coverage by every network affiliate, which was probably more a result of the party holding the convention in a small city. It's a lot easier to get television coverage in Indianapolis than in Washington, D.C. or Los Angeles. The convention also got the usual — or maybe a bit less than usual — coverage by C-Span and lined up the usual interviews on talk radio.

I believe the press coverage was more a matter of the LP's curiosity value and the press's sense of obligatory fairness than of the national party's news value. One of my campaign slogans was: "Issues build movements. Parties and candidates who work issues and make a difference generate real news that excites the public's imagination." If we can't hire libertarians who know how to do that, we should at least hire a few quasi-libertarians who can teach them.

Bill Winter refused to give press credentials to James Barnett, whose report is on page 37, presumably because *Liberty* has published some unfavorable articles about the Harry Browne campaign. Oops! No critics wanted here. Barnett had to join the Virginia party just to get access to the floor.

I also heard plenty of complaints that another opportunity for outreach was completely overlooked. A convention of 8,000 delegates involved in the auxiliary ministries (outreach) of the Church of God in Christ were meeting — and engaging in fervent capitalist activity through dozens of vendors. However, there was no outreach material to pass out to them — and even if material had been brought, I doubt the old and tired "new party" leaflet would have roused much interest.



Sarah Lawrence was scheduled for a 9:30 a.m. Friday talk titled, "Is That a Burqua on the Bedroom Floor?" Today, she and a woman friend decided to see how Libertarians would react to a burqua-wearing woman.

Upon entering the convention area they were immediately pounced upon by an LP staffer who was not impressed by "VIP" badges. Because of an alleged terrorist threat at the

nearby RCA dome the security guard then asserted that if the burquas were being not worn for religious purposes, Sarah and her friend were to leave. Security escorted the women to the women's room to take off the burquas and then to the escalators and asked them to leave. The next day the LP staffer informed them she had had to report the incident to the FBI. After the story spread among delegates, LP executive director Steve Dasbach apologized to Ms. Lawrence.

Libertarians really should not let themselves be used like this by the security state.



LNC member Joe Dehn reported that there were 307 delegates at the beginning of the convention. Late in the afternoon, he reported that the figure was up to 373. The official convention business opened with a motion to amend the bylaws to explicitly allow the seating of delegates whose names had not been submitted prior to the opening of the convention, but only if approved by a 7/8 vote of the convention. This technical correction was interpreted by many

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*Geoff Neale was stiff in his introductory remarks, but effective in emphasizing setting goals, efficient planning to reach those goals.*

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to be part of plot by national chair candidate Eli Israel to pack the delegations.

A rumor was circulating that Israel had dozens of Indiana LP members ready to pack various state delegations. Already about 15 Indiana LP members had been placed in Massachusetts to vote for Israel, the Massachusetts party chair, and a candidate for national chair who was allied with Indiana vice chair Ken Bisson.

After much contentious debate, the proposal passed by a narrow margin, but only after delegates demanded new additions be listed by whether or not the person was an LP member from his own state or another state.



At each convention the delegates vote on whether to "retain" each plank of the Platform. Abortion prohibitionists were ecstatic to note that the Women's Rights plank passed by only 53%. However, at least one Platform Committee member, helped by several friends, encouraged delegates to vote "none of the above" on the whole platform as a way of showing support for the Platform Committee's proposal to rewrite the platform. Considering that 73% was the highest percentage garnered by any plank, it is likely that this effort cut down the Women's Rights plank's vote total by at least ten points.



Treasurer Daryl Martin's report to delegates was heavy on text and contained no supporting charts, graphs or lists of financial statistics. From the floor, Aaron Starr, chair of the California party and a professional CPA, made a number of criticisms of the report from a financial-accountability standpoint. Some on the National Committee argued that sophisti-

cated financial management is more important than good old-fashioned accounting practices meant to capture errors and fraud. I myself don't know much about accounting, but I do know how to spell "Enron" and "WorldCom."

Harry Browne debated Bill Winter about the party's response to Sept. 11. Winter took the position of the LNC hawk faction and staff members who are afraid of more member dropouts: the U.S. should engage in a "measured military response," though after first jumping through a number of Constitutional hoops — ones the staff usually forgets to mention in its press releases. Browne made the case for peace. Winter's contention that Americans are just not willing to listen to arguments that U.S. interventionism led to the attacks sounded like one more excuse for the fact that the LP press office can't — or won't — write press releases or stage press events on foreign policy that garner any press attention.

Browne, who may have rubbed the truth in a little too hard in the first few weeks after Sept. 11, is on solid ground today when he says libertarians must stand up for principle on this unpopular issue, just like they do on other unpopular

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*George Phillies surprised everyone by being positively inspiring on issues and strategy, insisting that the party is not a membership club and that membership will grow as the LP wins more elections.*

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issues like Social Security and drugs. It's just one more libertarian cross to bear. Browne argued that support for the war is a mile wide and an inch deep. Standing by libertarian principles means standing up against the War on Terrorism and U.S. interventionism.

Winter jabbed at Browne's argument that government doesn't work when it comes to defense. He accused Browne of making a "futilitarian" argument and implied that Browne took a weak, pacifist position that doesn't work. "Just ask the Taliban!" crowed Winter.

Browne replied that one can't trust that the government is really motivated to defend Americans. He used the examples of Wilson's sending boats to be torpedoed by Germans and Roosevelt's provoking Japan into attacking Pearl Harbor, used as excuses to enter World Wars I and II, respectively. Browne wondered whether Sept. 11 merely gave Bush more of an excuse than he needed for the war he wanted to fight anyway. Libertarians' goal must be preventing the next attack, not avenging the last one. And he will not stop saying that in every forum he can.

Browne and Winter agreed that those who committed the Sept. 11 attacks should be brought to justice, but Browne thought that the U.S. government is incapable of Winter's "measured military response." Browne said, "Giving money and guns to government is like giving whiskey and car keys to teenage boys," and once you've done so, it's a little late to say, "I didn't mean for those innocent people to be killed."

Audience members had some interesting comments. One elderly fellow remembered his frustration as he watched

Roosevelt manipulate the U.S. into World War II and then demanded "unconditional surrender" from Germany, something bound to lead to the deaths of millions more people, as it indeed did. In contrast, Sarah Lawrence (of burqua fame), an Englishwoman, said she was grateful for America's help in winning WW II.

Toni Nathan said we should work harder to support repeal of the Logan Act so Americans can help other countries defend themselves and that the U.S. government only should speak out about injustices in the world — including the ones the U.S. has caused.

James Madison, of Veterans Teaching Peace in Schools and Libertarians for Peace, said he found it is very easy to get people to understand about non-interventionism. He hands out fact sheets and asks them "How would you feel if in another country was occupying or attacking us?" He lets them know that this doesn't justify terrorist attacks, but finds that most people understand his point.

One last speaker challenged the notion that either American or Afghan citizens were truly innocent. "We all allow our governments to do these things and therefore we are part of the problem."



Thursday evening about 200 libertarians packed a hotel ballroom to hear the candidates debate. Vice chair candidate, incumbent Ken Bisson, was dry in reciting his past contributions. Opponent Steve Boone stated he was running on the principle that someone should oppose the incumbent.

Current secretary Steve Givot boasted about his long, detailed minutes and his promotion and facilitation of the Strategic Plan. As his opponent, I got up and promoted "short minutes, out on time so the members will know what national is up to" — to a big applause — and hiring media staffers who know how to work the issues. "As an amateur working the Waco issue, I ended up on *Nightline* — why can't the LP staff get someone on *Nightline*?" More big applause. If the vote had been held then, I might have won. Unopposed current treasurer Daryl Martin reiterated his slogan: "Martin for Trea\$urer. The Only Choice."



Former Texas chair and LNC member Geoff Neale was stiff in his introductory remarks, but effective in emphasizing setting goals, efficient planning to reach those goals, and giving activists "chain saws instead of hatchets" to crank out the work. He noted that Texas spent \$34 per year to deliver member services but Massachusetts, home of opponent Eli Israel, spent \$135 a year.

Israel repeated his mantra that the party was too small and had to grow — the same old schtick members had been hearing from his advisor Michael Cloud for years. Israel's promise to double the party every two years got embarrassingly little applause.

Later, when specially asked, he only mentioned using direct mail, \$10 first year memberships, and "finding other means" to enlarge the party. Israel got his biggest applause when he did his rather amusing Kennedy impression at the end. From what I saw, Eli was his own worst enemy when it came to losing votes, as much as his detractors might like to take credit for his eventual loss. (I heard a number of delegates complain about his supporters persistent efforts to

sway them.)

George Phillies surprised everyone by being positively inspiring on issues, strategy, and presentation as he insisted that the party is not a membership club and that membership will grow as the LP wins more elections. He got lots of enthusiastic applause — including for his rabid criticism of U.S. military intervention. On that score, Elias Israel — who had been criticized for characterizing Libertarian Middle East non-intervention proposals as “anti-Jewish” — finally outlined his position on foreign policy: the military’s role was to protect America and nothing else; he favored punishment of the guilty and protection of the innocent. Geoff Neale was more forthcoming, stating that the United States should not “take our neighbor’s lawn mower or throw our trash in his yard.” He noted that even wars declared constitutionally by Congress could be bad wars and criticized the U.S. war in Afghanistan as the wrong way to apprehend the perpetrators.

### Friday, July 5

Steve Trinward of Tennessee moved from the floor that the convention give its awards to three recently deceased activists: The Sam Adams Award for Outstanding Party Activist to former Tennessee chair Richard Pearl; the Thomas Paine Award for Outstanding Party Communicator to long-

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*The security guard then demanded that if the burquas were being not worn for religious purposes, Sarah and her friend were to leave.*

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time activist Bruce Baechler; and the Thomas Jefferson Lifetime Achievement Award to New York City activist and police officer John Perry, who died at the World Trade Center disaster on Sept. 11.

Despite the massive applause from the floor, two delegates from the Massachusetts delegation immediately moved that the convention vote between these three nominees and the three individuals who had received the most nominations for those positions, without mentioning that they were Carla Howell, Michael Cloud, and Harry Browne. Delegates quickly voted this motion down and voted to give the awards to the “fallen heroes.” One person told me he saw most of the Massachusetts delegation walk out after losing the vote.



Friday’s registration count started at 456, including some new, convention-approved delegates. It rose to 536 by the afternoon as more delegates arrived in town.

I had sat through much of the July 2 and 3 Platform Committee debate. The committee’s main concern was gaining the power to write an executive summary of the Platform consisting of one sentence for each plank, and the right to develop a proposal for a revised Platform to the official 2004 platform committee. Both Platform Committee proposals passed easily Friday morning.

Despite all the committee’s work to pass a number of spe-

cific recommendations onto the floor, delegates had three hours or less of the allotted four hours to consider proposals. Only five proposals were considered and four approved — two of them factual updates. Shot down was a proposal to oppose the “death penalty qualification” for jurors. Passed, after some debate, was an addition to the election laws plank mentioning alternatives like proportional voting systems with multi-member districts and instant runoff voting (IRV) for single winner elections.

Another proposal concerned replacement of the first paragraph of the Internal Securities and Civil Liberties plank which read: “We call for abolition of secret police, such as

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*Eli Israel’s promise to double the party every two years got embarrassingly little applause.*

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the Central Intelligence Agency. We support Congressional investigation of criminal activities of the CIA and FBI and of wrongdoing by other governmental agencies.”

Replacing it was an ominous first sentence: “The defense of the country requires that we have adequate intelligence to detect and to counter threats to domestic security.” Following was some confusing language about under what conditions the CIA and NSA become rogue agencies fit for abolition. Several members suggested deleting the language. Then a delegate got up, announced he was a former member of the CIA, and said the LP just looked naive calling for the abolition of the CIA under any circumstances. These two arguments swayed delegates to delete all language referring to abolition or oversight of these agencies. Also added was opposition to any Department Of Homeland Defense, the PATRIOT Act and other counterterrorism infringements of civil liberties.

Maryland delegates, including Platform Committee member Dean Ahmad, were incensed over the removal of reference to the abolition of the CIA and NSA and twice managed to bring discussion of new wording to the floor. Both times their proposals were shot down. Meanwhile, I kept grouching: what about abolishing the Waco killers — the FBI? Like many “hard core” libertarians, I think the party still should call for abolishing all three agencies.

### Saturday, July 6

The morning registration count was 615; a figure of 624 was reported in the afternoon — the high point of the convention. The day started with Michael Cloud’s standard speech, which sounded to me rather canned and heartless — in fact, rather like the one Carla Howell gave. Motivational speaker and talk show host Reginald Jones, on the other hand, was heartfelt and exciting and got lots of applause when he kidded the audience about running for president in 2004. The LP sure could use an African-American candidate for a change.

Someone put out an anonymous quarter-page sheet complaining about Israel’s attempt to pack the delegations and urging people to vote for “Anybody but Eli.” A button to that effect also circulated.

An active Massachusetts county chair, Rich Watras, quit



his position in disgust over what he considered to be fraudulent attempts at packing and his frustration over the LPMA's refusal to give him the list of LP members in his district for organizing purposes — or even to mail members and inform them of contact information for their local county chair. Just one more example of the wisdom of the LP delegates in rejecting Eli Israel for chair.

After almost a year of fear and loathing among opponents of Israel, the chair's race was anti-climactic. Harry Browne nominated Eli Israel with promises of growth, growth, and more growth. His speech was met with tepid

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*My 1998 image as "Carol who wrote that great book on Waco" had transmuted into "Carol, that troublemaking peacenik."*

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applause. Chris Azzaro of the Liberty Victory Fund seconded the nomination and got a more enthusiastic reception. Evidently feeling he needed to bolster his failing campaign, Eli seconded his own nomination, but the delegate response again was tepid, except for the obvious centers of enthusiasm in Israel's Massachusetts, Schmerl's Arizona, and the conservative states of Indiana, Illinois, and Ohio.

Nominators for both of the other chair candidates received more enthusiastic applause, and from a larger variety of delegations. Mary Ruwart, Lorenzo Gatzenaga, and Fred Collins nominated Geoff Neale. And Richard Freedman, Melinda Pillsbury Foster, and Dean Ahmad nominated George Phillies.

The first round of voting was Neale 261, Israel 178, Phillies 123. Since Phillies would be dropped from the next round, it was assumed that most of Israel-critic Phillies' votes would go to Neale. Israel didn't have much choice but to do what he did: make a graceful concession speech. (One person overheard Michael Cloud urging him to concede.) Though not too many people bought Israel's claim he did so in the name of "party unity," we were all grateful he saved us another round of voting.



Ken Bisson, longtime apologist for a variety of dubious LNC doings, beat Maryland activist Steve Boone by only 22 votes — 260 to 238, with six delegates casting their votes for sentimental favorite "None of the Above." If Boone had worked the floor harder he could have beaten Bisson.

My race for secretary was less successful than in 1998, when Steve Givot beat me by only 27 votes. In the past four years, Steve had tamed his obnoxious image (as his nominator Don Gorman pointed out) and facilitated the Strategic Plan. Meanwhile, my 1998 image as "Carol who wrote that great book on Waco" had transmuted into "Carol, that troublemaking peacenik." So Givot beat me handily 348 to 147.

With no opponent, treasurer Daryl Martin was voted into office by acclamation — denying me a chance to "write in" George Phillies. However, I'll keep encouraging Daryl to develop a Phillies-like ability to focus in on questionable LNC and staff financial dealings and accountings.

These re-elected officers — and a number of returned LNC members — have been part of many of the LNC's prob-

lems of the last few years. We shall see if new chair Geoff Neale and a couple of the more energetic new LNC members can help steer the party in a more successful and principled direction.

A root canal the week before the convention helped dissipate my play money, so I couldn't afford to attend the \$100-a-plate banquet. But I could lurk in the reception area before the banquet. Considering I had been handing out the Libertarians for Peace leaflet, which included incriminating quotations from both of the banquet's main speakers, Cato president Ed Crane and talk show host Neal Boortz, I figured I might as well ask them about those quotations.

Crane was in a jolly mood and sporting his 20-year-old "Smash the Crane Machine" button. He even gave me a kiss. (We remember each other when we were young, slim, and gorgeous.) However, as I began to discuss various Cato publications that strayed from non-interventionist foreign policy, I could see his eyes glazing over and his thinking "Oh, no, not this nitpicking again." So I left him alone to enjoy the rest of his evening.

Boortz was more garrulous. When I asked him about a quotation on his website that seemed to support invading Iraq, he replied: "I don't think we should invade, I think we should just nuke them!" After laughing heartily, he assured me at length that he really was for a non-interventionist foreign policy and I left 90% convinced.

## Sunday, July 7

National Committee elections began the day. Delegates elected the pragmatic Bette Rose Ryan with 316 votes, followed by the forceful Mike Dixon with 277, the radical Lee Wright with 265, the popular Don Gorman with 259, and the political animal Austin Hough with 257. Four out of the five were not at-large incumbents. Later revelations of elected regional representatives showed that many of the same representatives were returning but there were a host of new alternates.

This year there actually was time for Judicial Committee elections. Seven nominees were approved by acclamation: Dean Ahmad, Greg Clark, Rock Howard, Tom Knapp, Richard Moroney, David Nolan, Nick Sarwark, Blay Tarnoff. Voting for these ended more than an hour before noon, leaving lots of times for debating resolutions.

Libertarians for Peace had announced for months that it would bring a short but strong non-intervention resolution to the floor. It had already garnered almost 350 libertarian signers to a similar petition online. The convention advertisements and booklet listed resolutions as the final agenda item. On Friday I noted that the staff had moved the resolutions to Saturday morning on the printed "Agenda as Adopted." Jim Lark confirmed to me that this was a mistake and "should be reprinted." I confirmed with secretary Steve Givot that he would type up our short Libertarians for Peace resolution so it would be displayed on the large screen at both ends of the hall.

However, as soon as Judicial Committee voting was finished, and before chair Jim Lark could more than mumble that resolutions was the next item on the agenda, two Maryland libertarians jumped up and made rapid-fire proposals, first to make a bylaws change to adjust the formula for delegate selection, and then to reinsert "abolish the CIA"

type language in the Internal Security platform plank. Both proposals were shot down immediately.

Thinking he was coming to the rescue of irritated delegates who just wanted to go home, North Carolina delegate (and new LNC alternate) Sean Haugh jumped up and called for adjournment. A few individuals started calling "Resolutions," even as a number of people seconded adjournment. Lark confirmed to the hall that movements to adjourn were not debatable. Delegates quickly voted to adjourn — missing an opportunity to debate whether members want to make peace and non-intervention a larger part of the national party's agenda. We peaceniks have to be more aggressive.



The traditional post-convention meeting was chaired by Geoff Neale. Twelve of 18 LNC members carried over from the previous term. The oldies obviously intended to carry on as if this was the previous LNC; there were but a few objections from new members.

Re-elected secretary Steve Givot explained his method of taking minutes for new LNC members: he likes to keep long minutes that reflect all points of views, even though it is difficult to do this. He promised to send them to LNC members about 30 days after the meeting and expects comments back by 30 days later; they are then put in draft form on the web page until they are approved at the next meeting. In practice this process often meant Givot did not get even a draft of the official minutes out to members before the next LNC meeting — one of the reasons I ran against him.

Mark Nelson requested shorter minutes sent out in a more timely manner so LNC members can review them. But Geoff Neale approved Givot's *modus operandi*. Michael Gilson proposed "flash minutes" of decisions with long ones to come later. Nelson formally moved that minutes be short and out quickly. Givot argued against this motion, claiming that even for a two-sentence proposal like Nelson has just made, Givot needs to check Joe Dehn's video recordings to make sure he's got the right wording! Nelson's proposal failed by approximately 10 to 6.

Don Gorman proposed that the Executive Committee be abolished. Steve Givot pointed out one would have to make such a proposal listing all alternate language in the LNC Policy Manual that now currently concerns the Executive Committee — and it may be irrelevant if the LNC adopts the controversial Carver Self-Governance Model (in which the board delineates guidelines under which staff can act at their discretion). Gorman did not get a second.

Geoff Neale recommended for Executive Committee the officers, as well as Mike Dixon and Mark Nelson. Joe Dehn and Mark Cenci also were proposed. All were elected. Only Neale and Cenci are new members. All LNC members are invited to participate in Executive Committee meetings but they usually are not given much notice and often choose not to participate anyway.

Lee Wright seemed the most skeptical and was most insistent new members be given sufficient time to review new material. Bette Rose Ryan, the only woman on the LNC, commented that the Strategic Plan has lots of fine long-term goals but what the LNC really needs is short-term planning to achieve specific policy goals. This excellent and sensible suggestion was ignored by the rest of the LNC.

Executive director Steve Dasbach reported that in year 2000, 1,000 people paid for convention packages. For 2002, the staff budgeted for 900 but it became clear that closer to 500 would end up paying. Nevertheless, Dasbach predicted the financial loss won't be much worse than in 2000 (\$30,000) because they cut expenses this time. He reported that the most common reason cited by non-attending delegates surveyed by LP staffers was the economy. He promised a rough report on income and expenditures in two weeks and a nearly final one in a month.

Steve Givot brought up the subject of the *LP News* accounts receivable. He noted that operations director Nick Dunbar generated reports that indicated that there were more aging accounts receivable than had been thought — some over four months old. However, he could not generate a final report because they needed to be "reconciled" with information in the D.C. office. Givot intoned: "We could be sued if we gave out the wrong information on accounts receivable." Obviously to quash any suspicions, Steve Dasbach jumped up and asserted that the "regular advertisers pay regularly."

After assuring the body this was not "personal," Don Gorman moved that the LNC open the position of executive director to other applicants. He moved that Dasbach may re-apply for the position and compete against other candidates.

Some LNC members demanded this be discussed in executive session (that is, that it kick the press and non-committee members out of the room). Though Don Gorman said that he wasn't going to bring up much more than already had been

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*Ed Crane was in a jolly mood, sporting his 20-year-old "Smash the Crane Machine" button. He even gave me a kiss. (We remember each other when we were young, slim, and gorgeous.)*

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brought up about Dasbach's alleged shortcomings, and that anyway, members have a right to hear it. The committee voted 10-4 to go into executive session.

After 40 minutes or so, members were allowed back in. Michael Gilson said, for the record, that in Florida there is a continual flow of résumés for all paid positions and it should be like that at national — asking for resumes should not need an executive session. Gorman agreed. Dixon announced that the sense of the executive session had been that while they weren't going to formally vote on accepting new résumés, they would allow the chair to do what he needs to do.

Chair Geoff Neale said he wanted a meeting as soon as possible to deal with budgeting issues, but August was too soon for several people. Neale suggested early September. Someone remarked that secretary Steve Givot will be out of the country in September, so the LNC would have to wait until his return. Neale remarked that LNC meetings cannot be scheduled at the secretary's convenience and a recording secretary can be appointed for that meeting if Givot cannot attend. A few members looked shocked at this comment because Steve Givot has acted as *de facto* chair so often and for so long. Long time LNC observers chuckled. The LNC soap opera continues . . .

## Letters, from page 34

passion for the LP with me. So it pains me to have to challenge his negative comments on my intellectual honesty.

Contrary to Winger's suspicion, I very much did want to be accurate, and contrary to his claim, I was absolutely accurate in what I did.

Here are the data:

Year	Nominee	States	Total Vote	LP Vote	Pct
1972	Hospers	2	2,424,731	2,648	.109%
1976	MacBride	31	51,699,843	170,968	.331%
1980	Clark	51	86,515,221	921,199	1.065%
1984	Bergland	42	72,596,706	228,705	.315%
1988	Paul	47	84,545,706	430,483	.509%
1992	Marrou	51	104,405,155	291,627	.279%
1996	Browne	51	96,456,345	485,798	.504%
2000	Browne	50	103,882,505	384,460	.370%

In the first four elections, the LP nominee got a total of 1,323,520 votes, of 213,236,501 total presidential ballots cast in the states on whose ballots the LP nominee appeared. That's an average of 0.62%.

In the next four elections, the LP nominee got a total of 1,592,368 votes, out of 389,289,711 votes cast in the states on whose ballots the LP nominee appeared. That's an average of 0.41%.

So the average LP presidential vote share fell from 0.62% to 0.41% between the two periods. That's a decline of more than a third.

I am pretty sure where Winger went wrong. When calculating the LP's share of the vote he included in the total, votes cast nationally, including states on whose ballots the LP nominee did not appear. The better showing his analysis shows in the more recent elections is a product of the LP nominee's being on the ballot in more states, not of his getting a bigger share of the ballots from citizens who had the opportunity to cast their votes for the LP nominee.

He makes a second mistake in simply averaging the annual vote shares. This treats every election's percentage as

equal, whether voters able to vote for the LP nominee were 2.4 million, as in 1972, or more than 100 million, as in 1992 and 2000. If baseball used this method of calculating lifetime batting averages, then the performance in which a player had only a few opportunities to hit, usually the first and last years of his career and years when he was injured, would carry far more weight than years when he played a great many games, usually his best years. The impact of this error, however, is much less than the impact of the first.

I suppose Winger might respond that citizens of states on whose ballots the LP nominee did not appear could have written his name in if they wished. This is true enough, but as a practical matter, virtually no Americans write in the names of presidential candidates. He might just as well have listed the average total votes the LP nominee received in each four year period, thereby skewing the results even more toward the proposition that the LP's performance is improving.

The indisputable fact is, however, that the LP's performance at the presidential level has declined.

I must confess to one of Winger's charges: I do have an emotional bias about the Libertarian Party. But my bias is for the LP, not against it. But I do not allow my bias to interfere with my analysis of the party's performance. I suspect Winger shares my bias. But I fear he may have allowed his emotional bias to skew his analysis.

### Check the Record

In your August issue, J. Bradley Jansen claims that among the members of Congress, Bob Barr (R-Ga.) is "second only to Ron Paul . . . as a supporter of the libertarian agenda." Yet according to the analysis of congressional voting records by David Boaz that appeared in your May 2000 issue, Barr voted pro-liberty only 58% of the time — barely above the 52% average for GOP congressmen. Further, Boaz's tabulation showed 27 Republicans with a rating of 75% or higher, so Barr isn't even close to being second. He may not be the devil incarnate, but he's certainly no libertarian!

David F. Nolan  
Mission Viejo, Calif.

## Idealism, from page 36

through taxation and the receipt of stolen money as salary that the harm appears remote. Or maybe the cultural respect granted to university professors might act as a buffer to criticism. Whatever the reason, it is clear that libertarians badly need to develop a thorough system of institutional analysis, especially since libertarian ideals will ultimately be expressed through, or defeated by, the institutions of society. The only way to clarify an individual's relationship to, and responsibility to institutions — and to shed defining light upon such paradoxes as anarchist professors who fight to be financed by state theft — is to seriously pursue a libertarian institutional analysis.

Anarchist writer and lecturer Ken Gregg once made a casual comment that I have pondered for years. He said, "If you ever did sweep away the State, another one would arise the next morning because there is a market demand for government." The institution known as "the State" exists because it offers services people desire, services they demand. Any ideology that seeks to dismantle the State should also plan on

replacing it. It is not enough to take over the existing institutions because most of them have been designed or have evolved to serve a purpose that is antagonistic to individual rights. It is not enough to sit by idly and let the market place take care of the problem. The idea of naturally evolving institutions never envisioned human idleness. Quite the contrary, institutions evolve in the presence of industry and ideas competing vigorously with each other.

If the heartbreak of Russia can teach a lesson to us libertarian idealists, I hope it is this: to facilitate the growth of healthy institutions, it is absolutely necessary to develop a system of institutional analysis that expresses libertarian ideals. It is necessary because institutions — healthy or not — will inevitably evolve to fill whatever vacuum exists. Every institution tends toward a certain result and expresses certain ideals, even if those ideals are nothing more than the personal enrichment or aggrandizement of the men whose hands are on the reins of power.

I want the ideal to be individual freedom. It is time — past time — to draw up blueprints for the social structures that will support its weight. □

# Reviews

*Minority Report*, directed by Steven Spielberg. 20th Century Fox, 2002, 145 min.

## A Glimpse Ahead?

Joe W. "Chip" Pitts III

A virtually all-seeing state, monitoring your location and actions on closed-circuit television, listening to your conversations and reading your email, entering your home without your knowledge to search for contraband — this is the world of the new Steven Spielberg blockbuster *Minority Report*.

The film takes its core idea and tone, but little more, from a Philip K. Dick short story in which three mentally stunted but psychically gifted mutant "Pre-Cogs" help prevent crime by predicting its future occurrence. In one of the movie's many richly imagined innovations, the Pre-Cogs are revered as quasi-divine (they live submerged in a womblike tank of amniotic fluid within a room called the "Temple"). Instead of Dick's punch cards, they project their neural output directly onto large screens. John Anderton's (Tom Cruise's) Pre-Crime unit then locks up perpetrators before they can actually commit crimes. Anderton thinks the system works perfectly — until he finds himself accused.

Despite the filmmakers' intent to create a world not too distant from our own, they could scarcely have predicted how resonant the film would be by the time it was released.

Pre-Crime's motto is "that which keeps us safe, keeps us free." The same slogan could work for John Ashcroft as he rounds up and indefinitely detains terrorist suspects on "national security" grounds. American citizen Abdullah al Muhajir (José Padilla) was detained merely because police suspected he might have been planning to build a radioactive "dirty bomb." The quest for security also manifests itself internationally in the latest incarnation of the "Bush Doctrine," threatening other nations with pre-emptive military strikes before they can threaten us with weapons of mass destruction.

These cases have in common a disregard for traditional evidentiary requirements; that is, without probable cause in the case of domestic criminal suspects or an actual breach of the peace in international affairs. The truth of actual fact is deemed less important than the putatively greater "truth" that a possible threat requires serious pre-emptive action, no matter

how remote it might be.

In *Minority Report*, those apprehended by Pre-Crime protest their innocence. But their protests have no effect. They *are* innocent, but that is not considered relevant. What matters is society's interest in eliminating crime. This classically utilitarian rationale — the greatest good for the greatest number — trumps individual rights in the movie because of the proven reliability of the Pre-Cogs' predictions. As Cruise's character says in the movie, "the fact that you prevent it from happening doesn't change the fact that it was going to happen." The Pre-Cogs have never been wrong in the unit's six years of testing.

Of course, our human judges — Bush and Ashcroft — are hardly as infallible as the mutant Pre-Cogs. The perfect Pre-Cog track record is perhaps the main fictional element in *Minority Report*. In real life, fallible humans weigh messy utilitarian considerations against rights-based considerations. This bomb may help end the war, but will it kill too many civilians? Since we're sure this suspect is a terrorist, shouldn't we keep him locked up even if we don't have enough evidence to prove it? Responsible decision-makers in modern societies strike the balance not on the basis of arbitrary whims, mere suspicions, superstition, or religion, but on the basis of demonstrable facts. Political theorists (ranging from Madison and Jefferson to Karl Popper) have thus stressed the need for open debate and institutional checks and balances to temper and correct imperfect human decisions.

The imperfect world continues to inspire more perfect unions, good and bad. At their worst, they resemble the dystopias of science fiction or real-world totalitarian experiments. Some utopias considered attractive to many, like Plato's Republic or Osama bin Laden's Greater Islam, have frighten-

ing similarities, including the forced subordination of "lower" castes to "higher," quasi-divine, elements. Plato's Republic, no less than al Qaeda's ideal, was a conservative throwback away from Athenian democracy and toward a Spartan tribal state in which a select few govern the masses through specially revealed secret knowledge. When an investigator refers to the growing "priestly" power of the Pre-Crime unit in *Minority Report*, a member heartily agrees that sometimes they act "more like clergy than cops." Despite the tension between this approach and American ideals and experience, such elitist inclinations also mark the current administration. Against these arrogant strivings for perfection, Popper's classic *The Open Society and Its Enemies* stands as both indictment and prescient warning.

The administration's theory, like that of the Pre-Crime unit and indeed the entire movie, is that we live in a Fallen World of lost innocence, and need purification. In a sense, all are guilty. Given the number of fundamentalist Christians currently in posi-

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*A state that monitors your location and actions on closed-circuit television, listens to your conversations, reads your email, and searches your home without your knowledge — this all-seeing state is the world of the Steven Spielberg blockbuster *Minority Report*.*

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tions of power, this pessimistic view of human nature as tainted by original sin inevitably expresses itself in policy.

The president's executive order of November last year sidestepped ordinary civilian courts and authorized indefinite detention and military tribunal trials for any non-citizen that the executive branch "has reason to believe" is a supporter of terrorists. The hastily enacted PATRIOT Act similarly authorizes indefinite detention and deportation on even broader

grounds, not merely of terrorism or association therewith, but any activity the attorney general has reason to believe endangers national security. The Guantanamo detainees are being held indefinitely despite the plain language of the 1949 Third Geneva Convention entitling them to a presumption of prisoner of war status and an individualized hearing in cases of doubt. The government justifies this

### *Minority Report*

20th Century Fox

Directed by Steven Spielberg

Screenplay by Scott Frank  
and Jon Cohen

From the story by Philip K. Dick

Starring:

John Anderton: Tom Cruise  
Danny Weaver: Colin Farrell  
Lomax Bruggess: Max von Sydow  
Agatha: Samantha Morton  
Lara Anderton: Kathryn Morris

by holding that they aren't soldiers from another party to the Convention, but unlawful combatants (i.e., al Qaeda terrorists), even though most were apparently members of the Taliban's army or associated militias who would fall within the scope of the Convention.

All these new laws and legal interpretations invert the usual presumption of innocence: no evidence of actual guilt or indeed of having done anything at all is required if the standard is unlimited executive discretion exercised for "protective" purposes. Like tribal shamans or judges, only the elite is allowed to see the facts underlying any suspicions. Anderton says in Dick's short story, "[even the Pre-Cogs] don't understand any of it, but we do." The movie's spreading atmosphere of paranoia and mistrust is reminiscent of modern-day America: only those possessing secret special knowledge are entitled to judge guilt or innocence. The contrast with democracy, which assumes that we are all able to judge matters affecting us, is apparent.

In many of these cases, the admin-

istration has been lax in requiring evidence in large part because the evidence often simply isn't there. Conspiracy laws can be used to convict those involved with overt acts of terrorism — they were used to convict Sheik Omar Abdel Raham in the first World Trade Center bombing. But Padilla hasn't even been charged with a crime. Justice William O. Douglas once noted, "[w]e in this country . . . early made the choice — that the dignity and privacy of the individual were worth more to society than an all-powerful police." The administration has made this once again an open question.

I just returned from a week in New York and a couple of weeks in Europe. I could not help but be struck by the extent of electronic surveillance in public places. In *Minority Report*, law enforcement can ask for a "full camera," or photographic record of all your activities. This is already possible for those in Times Square or London's Piccadilly Circus or Leicester Square. In London, ubiquitous signs remind you that your every action is being monitored by closed circuit television. A local newspaper reported over a million and a half cameras in operation. In Great Britain, at least, there was parliamentary debate before extending surveillance powers over telephone, email, Web surfing, and mobile phone location from police, security forces, and tax authorities to many additional government departments. No such genuine debate took place in this country before adopting the PATRIOT Act. Instead, businesses clamored over each other to provide stronger, more centralized biometric and other identification, database, and monitoring technologies. The trend toward decreased privacy will only continue.

As will the perennial search to use new technology to attain a risk-free, perfect society. And some of the new technology holds promise. Retinal scans, for example, seem to be a lot more reliable than facial recognition technology, less intrusive than full-body scans, and at least theoretically able to reduce racial profiling. Other emerging technologies, like genetic testing to predict future crimes, and

the prospect of brain implants, including memories, pose even more dangers than the technologies in *Minority Report*. But as we are reminded by the movie, any technology (and personal data obtained thereby) can be either used positively or abused. I don't mind the occasional purchase suggestion from Amazon.com, but I wouldn't like to live in the world of constant monitoring and unremitting personalized chatter envisioned by the filmmakers.

The movie plays repeatedly with the question of whether the knowledge gleaned from the Pre-Cogs really is perfect, since human interpretation of their insights could introduce possible flaws. The quest for perfect control and security is, alas, as futile as the quest for final victory in the war

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*While the film's complex texture and plot cannot be reduced to a few clear lessons, the film reminds us — while stimulating, entertaining, and disturbing us — of freedom's importance in an increasingly hostile environment.*

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against terrorism, as long as we are human. Indeed, attempts to remove all risk are not only futile, but usually counterproductive. The administration's classified reports already question whether the Afghan war has decreased the threat, or merely driven al Qaeda deeper undercover to become more dangerous.

Protecting society through preventive incapacitation (incarceration or, in the extreme, execution after proof) is one of the accepted rationales for criminal law, in addition to rehabilitation, punishment, and deterrence. But forgoing the proof requirement raises serious issues of constitutional compliance, basic fairness, and effectiveness. Trying to further extend the preventive and retributive logic to international relations, without the careful proof criminal law requires, undermines the framework of international law carefully cultivated over centuries.

Sanctioning a rule that we would be loath to have other states adopt violates the key principle of reciprocity and could create more rather than less instability and terrorism. Though this was not the meaning of the title "Minority Report," applying a rule to aliens and ethnic minorities that we wouldn't want applied to ourselves also violates the principle of reciprocity at the heart of not only legal but also all major ethical and religious systems.

One wonders whether the Pre-Cogs' predictions become self-fulfilling prophecies, as in the story of Oedipus meeting his fate because of the prophecy — whether there is a sort of Heisenberg principle at work here, by which our actions in seeking truth affect the truth we seek. After all, Anderton searches for his victim precisely because the Pre-Cogs say that he will murder him.

There seems to be a similar fatalism in the current administration's

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### Personals

SWM, 28, libertarian atheist ISO free-market F in D.C. [www.ben5.com](http://www.ben5.com).

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actions. Tragic ignorance seems to be propelling us toward an inexorable destiny of fighting the wrong enemy — states rather than terrorist individuals — creating more terrorists and enemy states in the process. By increasing pressures on these enemies for its own “pre-emptive” action, the administration mutates and multiplies the threats, rather than minimizing them.

And all the while we’re forgetting why we’re fighting in the first place: to preserve a culture of tolerance and free choice against the forces of prejudging, of prejudice, of notions such as “Pre-Crime.” Will we, as individu-

als and society, be able to exercise free will against this determinism?

Of course, *Minority Report* does not focus so closely on these issues. As with all good art, the drama arises from the tension within and between the artistic elements (especially, the movie’s characters, ideas, and auditory and visual music). But while the film’s complex texture and plot (crafted by screenwriters Scott Frank and Jon Cohen) cannot be reduced to a few simple and clear lessons, the film reminds us — while stimulating, entertaining, and disturbing us — of freedom’s importance in an increasingly hostile environment. □

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*The Sorrows of Carmencita: Argentina’s Crisis in a Historical Perspective*, by Mauricio Rojas, translated by Roger G. Tanner. Timbro, 2002, 146 pages.

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# Once a Great Nation

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Stephen Cox

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To most *norteamericanos* the phrase “South America” suggests, if it suggests anything, the outline map of a strange landform dangling inexplicably from the Isthmus of Panama, an appendage divided by strange, squiggly lines into things that must, logically, be countries (“So Paraguay and Uruguay *aren’t* the same?”), sprinkled here and there with tiny images of peoples and products: a man in a serape, a coffee cup, a llama. Stationed in the center of one of the map’s oleaginous political shapes is an icon of something vaguely resembling a cowboy, except that he’s wearing a funny kind of hat, which means he’s a . . . what do they call those guys? . . . A gaucho! That’s it. So this must be Argentina. One of those quaint little backward countries.

Well, not really.

Argentina is one of the most important and interesting countries on earth. It developed late as a political economy, even later than the United States, but it developed with extraordinary speed, thanks to a regime that was generally hospitable to free trade. In the late 19th and early 20th centuries, Argentina was a dynamic part of the world economy. After basic political stability was established around 1860, the nation experienced an average per capita economic growth rate of three percent. By the early 1900s, Americans and Europeans used the phrase “rich as an Argentine” to describe substantial wealth. By 1914, only Great Britain was more urbanized than Argentina; by 1929, only Great Britain had more cars per capita. In that year, Argentina led the world in exports of such things as frozen

meat and wheat. It was, according to Mauricio Rojas, one of “the world’s ten wealthiest nations in terms of per capita income. . . . The distance between Argentina and the rest of Latin America in terms of development and prosperity had grown conspicuously large” (44).

But this economic good conduct was not to last. During the world economic crisis of the 1930s, Argentina came to rely more and more on nationalist and protectionist policies. Then, at exactly the time when fascism was being defeated in Europe, Argentina enthroned the fascist dictator Juan Perón, whose goal was to redistribute income and make the nation economically independent of all those wicked foreigners — chiefly British and American — who would otherwise be most likely to invest in it. Unluckily, Perón (and his abominable wife, Evita) had a fair degree of success, in the short run. Large income transfers took place from one social class to another, enormous numbers of government jobs were created, and tariffs and other economic controls drove the price of foreign goods so high that Argentina began producing her own incredibly expensive manufactures. Meanwhile, markets dried up for the agricultural products that she had once lucratively exported. The political results fulfilled the melancholy prediction of F. A. Hayek in *The Road*





to *Serfdom*: state management of the economy turns political influence into the primary determinant of financial success, and the people who are best at exerting political influence transform themselves into the new ruling class ("the aristocracy of pull," in Ayn Rand's phrase). A progressive free enterprise economy turned into the political regime of *Atlas Shrugged*.

Perón was well on his way to ruining the country when the military expelled him. That was 1955. By then, however, as Rojas argues, Argentina's economic strategy was largely set; and Argentina continued on her way to complete ruination. The mechanism — you guessed it — was inflation. The government couldn't pay its bills, so it tried to inflate them away. The "rise in prices between 1976 and April 1991 was an incomprehensible 2.1 billion times" (89). During approximately the same period, per capita income sank by over 25%, and the poverty rate among Argentine households soared from five percent to 27%. Those were the days, as I remember, when the government-operated telephone system provided so few phones (and what is cheaper than a *phone*?) that householders waited till businesses closed for the weekend, then tapped into the temporarily unused lines so they could enjoy two days of phone service, anyway. The service was so bad for everyone that books were published about how to dial "the tricky 3-4 combination."

After Maggie Thatcher defeated Argentina in the Falkland Islands War (1982), the military regime was driven out. A civilian president, Raúl Alfonsín, was elected and eventually managed to pass on power to another elected president, Carlos Menem. Alfonsín's various attempts to reform the economy, some of them sensible, some of them not, faced the fanatic opposition of all those groups to which Peronist (and other populist) economic policies had given political power — those "strong organisations and interest groups which for decades had been fighting a devastating [economic] distribution struggle which they were in no way prepared to stop" (100). There were 13 general strikes

during Alfonsín's six years in power. Strike activity was led by Peronist public-employee unions — a fact that gives strong support to Rojas' idea that Argentine political life remained structurally Peronist. Alfonsín attempted to reduce the size of government, but (proponents of states' rights, please note the following) no sooner had he thrown people off the employment rolls of the general government than the provinces added them to their own employment rolls. By 1989, public employees in La Rioja province constituted "more than half the gainfully employed population." A correspondent from *The Economist* observed "schools with more teachers than students" (100–101).

The regime of Carlos Menem, Alfonsín's successor, began in deplora-

ble circumstances. Menem faced catastrophic hyperinflation, which was bad, and he had campaigned as an old-fashioned Peronista, which was worse. Here, anybody would say, was a stage set for fascism. But Menem betrayed Peronist principles, made peace both

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*In the early 1900s, Americans and Europeans used the phrase "rich as an Argentine" to describe substantial wealth.*

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with Britain and the United States, the chief target of Argentina's envy, and began a campaign of privatization and

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austerity. Free-market principles that had aided Argentina a century before now guided another Argentine government. Menem went so far as to make the Argentine currency fully convertible with the U.S. dollar — “a counterpart to the gold standard of the past” (119) — and to forbid the central bank from ever making loans to government. The result of Menem’s reforms (only a few of which I have listed) was an explosive growth of the national economy and of per capita income, which rose 40% in eight years.

Yet when the nation had recovered sufficiently to be able to look about her, evidence appeared on every side

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*Argentina’s progressive free enterprise economy turned into the political regime of Atlas Shrugged.*

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of the corruption of Menem’s faction. More ominous was a general reflocking of economic pigeons. For reasons that might be a little more clearly explained than Rojas explains them, Argentina kept borrowing a lot of money. (One of the reasons was the overvaluation of the Argentine currency, which created recessionary tendencies that were countered by borrowing money to pump up trade.) By the start of the new century, Menem was discredited and out of office — at least temporarily; even Perón came back — and the government was seizing the people’s wealth by forcibly converting bank balances in dollars into bank balances in pesos, at an imaginary rate of exchange. In the late 1990s, public spending and borrowing soared, with our old friends the provinces as principal culprits.

Then there was unemployment. Peronist policies had made it virtually impossible to be unemployed in Argentina. In 1978 unemployment stood at about two percent — a world-historical low. “Employed” did not, of course, mean quite the same as “working.” Argentine productivity was as astonishingly low as Argentine unemployment. When Menem started firing people and privatizing industry,

unemployment rose accordingly, with predictable costs to all those people who were no longer receiving pay for doing little or nothing. One thing that Menem did *not* get rid of was the Peronist social security and employee welfare system, which, according to our author, took “about 50 per cent of gross wages” (125). Nevertheless, social security and pensions were underfunded, last year, by a nearly incredible 40%. Ahem! I think we’ve found the culprit.

And here’s the moral: “Argentina has long been living beyond its means, and this has become part of both the popular and the political culture” (128). And what does living beyond one’s means really signify? In a private individual, it signifies a lack of responsibility for voluntarily assumed obligations, a contempt for the principles of cooperation with others and honesty with oneself, an inability to face reality and to do the hard things that need to be done in the present for the sake of happiness in the future. It signifies, in short, an abject moral and psychological failure. This is what Rojas sees throughout the past 70 years of the romance between Carmencita, the naive young woman by whom he typifies the Argentine republic, and the economic fallacies of the modern world. It’s terrible to see a person with so much charm end up this way.

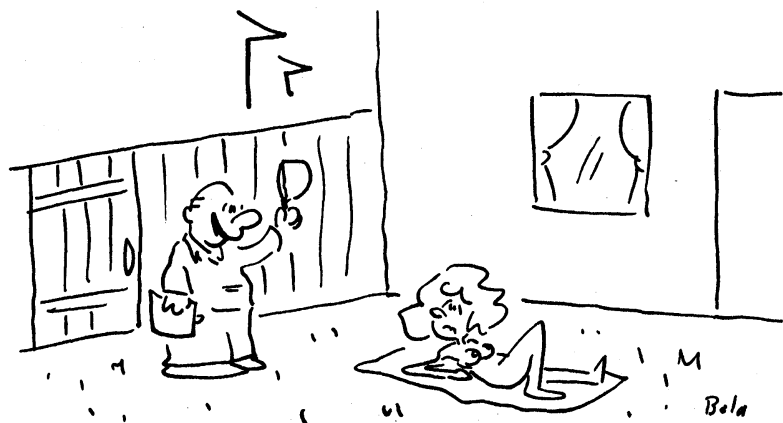
In December 2001 Carmencita suf-

fered one of the worst jiltings of her career. The state, which could no longer conceal its bankruptcy or explain its depredations on the populace, suffered total collapse. So far, the vital elements of Argentine society have failed to disentangle themselves from the rotting corpse. Rojas predicts that catastrophe will continue, until Carmencita comes to her senses.

“So sad . . .” he says at the end of it; and it’s a good thing to find an expert in economic history who has a heart. This one has a brain, too, because he can see that economic events are not wholly unrelated to moral ones. If Argentine political culture had possessed a sense of responsibility, if it had favored commerce and cooperation over redistribution and force, if it had balked at theft in the form of confiscation, theft in the form of inflation, theft in the form of protectionism and taxation and subsidy, then all would have been well. But it is not well.

*The Sorrows of Carmencita* is a beautifully produced, intelligently written book on an important subject. Faint praise? If you think so, then tell me how many books *you’ve* recently seen that have those qualifications.

Timbro, the publisher of *The Sorrows of Carmencita*, is a classical-liberal institution that ought to be better known by libertarians in the United States. I don’t think it’s out of place to give you the address of Timbro’s website. It’s [www.timbro.se](http://www.timbro.se). Check it out. □



“Good afternoon, Ma’am — I’m the meter reader and I think I love you.”

*Holy War, Inc.: Inside the Secret World of Osama bin Laden*, by Peter L. Bergen. Free Press, 2001, 304 pages.

# The Manufacture of Terror

Gene Healy

Peter L. Bergen is a terrorism expert who's studied Osama bin Laden for years and interviewed him in 1997. He started writing this book before the Sept. 11 attacks. He was so confident that the book would be a bestseller, whether he got it to press quickly or not, that he took the time to do a comprehensive and accessible account of what he calls the "multinational holding company" of terror that is al Qaeda.

In addition to the fact that *Holy War, Inc.* is highly readable, I liked it for two reasons: it confirmed what I've been telling people about U.S. foreign policy being a chief motivating factor behind Islamist terror (and it's always nice to have your prejudices confirmed), and it made me worry a lot less about al Qaeda's capabilities.

Bergen punctures the conceit — so popular among neoconservatives — that al Qaeda is after us because we're rich, capitalist, democratic, secular, fun-loving, and free:

In all the tens of thousands of words that bin Laden has uttered on the public record there are some significant omissions: he does not rail against the pernicious effects of Hollywood movies, or against Madonna's midriff, or against the pornography protected by the U.S. Constitution. Nor does he inveigh against the drug and alcohol culture of the West, or its tolerance for homo-

sexuals. . . .

Judging by his silence, bin Laden cares little about such cultural issues. What he condemns the United States for is simple: its policies in the Middle East. Those are, to recap briefly: the continued American military presence in Arabia, U.S. support for Israel, its continued campaign against Iraq, and its support for regimes such as Egypt and Saudi Arabia that bin Laden regards as apostates from Islam.

Bergen is no peacenik Blame-America Firster — he supports President Bush's proposed war on Iraq. So when he says that al Qaeda is motivated by American interventionism, he has no particular political ax to grind. He's just stating his informed opinion. The "they-hate-us-because-we're-beautiful" crowd over at *National Review* should take note.

*HW Inc.* made me worry less about al Qaeda's capabilities because it makes clear that their successes thus far have been largely a product of American complacency and unpreparedness.

Don't get me wrong: al Qaeda's patience and detailed planning of operations is impressive. But how do you get a speedboat full of explosives right up next to an American destroyer (the U.S.S. *Cole*)? How do you hijack a plane with a boxcutter? You do it by capitalizing on the fact that everyone that ought to be vigilant is asleep at the switch.

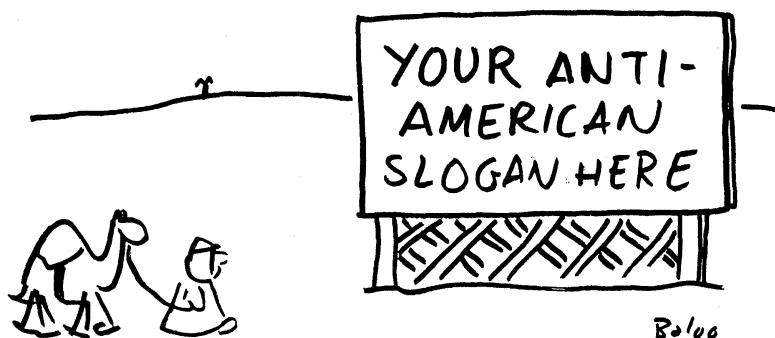
This is nowhere clearer than in Bergen's account of how Ali Mohamed, an Egyptian al Qaeda operative, became a U.S. Army Special Forces instructor in the late '80s. Like Zacarias Moussaoui and Mohammed Atta, Ali Mohamed was pretty vocal

*Bergen punctures the conceit — so popular among neo-conservatives — that al Qaeda is after us because we're rich, capitalist, democratic, secular, fun-loving, and free.*

about his beliefs. But nobody did much about it:

Four of Mohamed's superior officers say that he made no secret of his deeply felt Islamist beliefs and even claimed to have trained militants in Lebanon. But his opinions did not bother his supervisor. . . .

Lt. Col. Robert Anderson, Mohamed's overall boss, did find some of his beliefs disturbing. Anderson recalled being particularly struck by a conversation with Mohamed about the Egyptian president Anwar Sadat, who had been assassinated in 1981 for making a peace deal with Israel. "I told him I thought that Anwar Sadat was a true patriot for Egypt," Anderson said.



"With a very cold stare, he said to me, 'No, he had to go, he was a traitor.'" Indeed, Anderson says, Mohamed told him that he had belonged to the same army unit as Sadat's assassin.

Anderson filed two intelligence reports on Mohamed, but — surprise! — "no one ever followed up."

I keep reading about al Qaeda's sophisticated computer hacking abilities, and their attempts to develop weapons of mass destruction. But a lot of these folks don't sound all that bright. Take Mohamed Odeh, an al Qaeda operative who helped with the 1998 bombing of the U.S. embassy in Tanzania. Upon his arrival in Karachi's airport shortly after the bombing, Pakistani immigration officials took Odeh aside because his passport showed a man with a beard, but

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*Is al Qaeda a paper tiger? I wouldn't go that far. But I wonder if they're as dangerous as federal power-grabbers have led us to believe.*

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he had subsequently shaved his off so as to appear less religious. They asked Odeh, "are you a terrorist?" Instead of denying it, he stayed silent. When they pressed him about the bombing, he tried to persuade the immigration officials that it was "the right thing to do for Islam."

I know that al Qaeda's supposed to be working on an "Islamic bomb" to terrorize D.C. or New York (in fact, Bergen notes that al Qaeda's interest in weapons of mass destruction was sparked by repeated U.S. government warnings that such weapons could easily be produced by terrorist groups) but with brainpower like this at their disposal, let's just say I'm not going to put my house in D.C. up for sale anytime soon.

Is al Qaeda a paper tiger? I wouldn't go that far. But I wonder if they're as dangerous as federal power-grabbers have led us to believe. We've gone ten months without a major terror attack. And I'm sorry, but I find it hard to believe that that's because the FBI is on top of things. □

*Princess Navina Visits Voluntaria*, by James L. Payne. Lytton Publishing Co., 2002, 105 pages.

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# Utopia for Kids

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Joseph Bast

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Libertarians often lament the fact that our ideas are seldom seen in movies, books, songs, and other elements of popular culture. Our intellectual leaders tend to be economists, who are more often the butt of jokes than the objects of esteem by the rest of the world. One of our flagship publications is titled *Reason*, eloquent testimony to the persuasive arts we tend to ignore.

Into this gap comes Jim Payne, a respected political scientist who has written a series of children's books, now numbering four, the latest being *Princess Navina Visits Voluntaria*. I haven't read the first three but plan to do so soon. The fourth one is marvelous, so good that many of my nieces and nephews and brothers and sister, and even my parents, can expect to see it under the Christmas tree this December.

I rarely read fiction and I have no children, so why should you trust my reaction to this book? Maybe because I did read it and like it, even though I rarely read fiction and I have no children!

*Princess Navina* is easy to read, often humorous, quick-paced, and clever. Young and non-ideologically aware readers will enjoy the deftly sketched characters, scenes, and plot. It's fun to read out loud, the sign of good writing. The typesetting and illustrations make it appear to be a typical children's book.

But *Princess Navina* is not at all a typical children's book. Its protagonist (the princess) is on a quest to find the best form of government for her father's duchy of Pancratia. When she

arrives on the shore of Voluntaria, she soon learns that commonplace features of government do not exist here; indeed, the very word is missing from their vocabulary.

The rest of the book uses the princess's adventures in Voluntaria to explain why houses would be well maintained without zoning ordinances; roads, clean water, schools, and aid to the needy provided without taxes; and public safety ensured without regulations. It is a libertarian tour

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*It is a genuinely important contribution to efforts to get libertarian ideas into the popular culture, using the time-honored techniques of reaching children at an early age.*

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de force, complete with a small and heart-breaking story within a story that teaches us the difference between initiating force and using defensive force.

Payne appears to be a voluntarist, which means his libertarianism is a moral as well as political philosophy. Consequently, his libertarian utopia might seem strangely secular to those with religious convictions, too decentralized and pre-industrial for fans of technological change and globalism, and perhaps too pacifist for those who find justification for punishment outside the feelings of actual victims or (in cases of homicide) their survivors.

But, of course, that's the beauty of fiction. Payne is free to paint a picture of a different world as he imagines it would emerge in the absence of gov-

ernment power. He writes it to describe how he would like the world to be, not the most probabilistic scenario based on empirical research or deduction from first principles.

*Princess Navina* is a warm, bright, and enjoyable book. It is a genuinely important contribution to efforts to get libertarian ideas into the popular culture, using the time-honored techniques of reaching children at an early age and painting a utopia where ideals are not shadowed by details and compromises. It is the perfect gift for friends and relatives of all ages. Buy a dozen copies! Write about it!

This book could have more long-term impact than countless policy studies and scholarly books. □

## Dream On

Jane S. Shaw

Let me begin by saying that I don't much care for didactic fiction. As a child, I wouldn't have read *Gulliver's Travels* had I known it was social commentary; I never quite bought into *The Lion, The Witch, and the Wardrobe*; and I would have missed out on a wonderful chunk of childhood had I known my most admired author, L. Frank Baum, was making fun of governments.

That said, I agree with Joe Bast in part — there is much to be said for this book. Although I didn't perceive the plot to be as "deftly sketched" as Joe did, James Payne has come up with an easy-to-read illustration of libertarian tenets.

Set in a fairy-tale land with a quaint but vaguely European culture, the story shows how volunteers can achieve many more objectives than most people assume. Voluntaria has a garden association that ranks neighborhoods by amenities, property owner organizations that replace zoning, privately supplied parks, charitable committees, and voluntary anti-crime societies. The enforcement mechanisms of pride, shame, self-

interest, and reputation are all given their due.

These alternatives to government control are well grounded in theory. Neither is Payne dogmatic. For example, the townspeople weren't able to raise enough money voluntarily to save a bridge from collapsing. The bridge fell down.

Furthermore, in the tradition of Locke and Hobbes, Payne even hypothesizes how such a voluntary society might have come about. Disgusted with continuing wars, the early residents became pacifists. These pacifists kept being overcome by enemies, so eventually someone (Herbert Herbert) came up with the idea that people should resist aggression, just not start it.

Okay, now the hard part. The Catch-22. Have you ever heard libertarians say, "In a libertarian world, that wouldn't happen . . ." Or, "In a libertarian world, people wouldn't act that way . . ." ? In other words, they postulate that things would be completely different if the state were not in charge, and I often read them to mean that people would interact in a totally different way. This is the world that Payne visualizes as Voluntaria.

Granted, things would be different in such a world. But people would not be different — and because people would not be different, that world is unlikely to come about!

Payne insinuates not only that everything can be managed by private groups — which is conceivable if not likely — but that people will become more generous and cooperative. This changing attitude on the part of citizens is necessary in order to keep problems (and outliers) limited and manageable.

Payne supports this position with a number of statements. A citizen who remembers the collapse of Penny Bridge says optimistically, "Every failure in any public service teaches this same lesson, that society depends on generosity and cooperation, and that we must try harder in the future to overcome selfishness. In this way, healthy values are continually reinforced, and our culture grows more generous and more neighborly with each generation."

And elsewhere: "Over the years, people have gradually absorbed this message [that using force is wrong], and it has now become a basic part of our cultural heritage, so that even individuals who might be angry or deranged hesitate to resort to violence."

This almost sounds like Jean-Jacques Rousseau. Yet one thing we have learned in the past few thousand years (or at least those of us who share the "constrained" vision articulated by Thomas Sowell) is that human nature doesn't change much. Humans don't break out into generosity and love simply because the oppressive force of the state is lifted. By reducing the power of the state, we free up many talents and interests of individuals, but we don't change human nature.

Thus, a true Voluntaria would be troubled by free riders, people prone to use violence, and people trying to game the system. Voluntaria's Committee for Peace and Safety (COPS) only goes after aggressors; it

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*Granted, things would be different in a world like the one Payne visualizes. But people would not be different — and because people would not be different, that world is unlikely to come about.*

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does not initiate force. But what is to keep its members from initiating force? If they did, before long you would have conflict and ultimately a settlement on the basis of might, not voluntary choice.

I love freedom and seek to replace coercive relationships with voluntary ones. I know that voluntary — i.e., market — relationships are more cooperative and civil than political ones because they pose win-win situations rather than zero-sum relationships. Life gets better in countries dominated by markets rather than coercion. But just how far can you go with this idea? In my view, farther than we have come, but not as far as James Payne would like to take us. □

### *Abington, Mass.*

New tactic in the war against animal cruelty, reported by the *Boston Herald*:

The Animal Protection Institute is trying to keep the Clyde Beatty-Cole Bros. Circus from making its appearance in Abington by putting out the word that the show is canceled, when in fact, it is not.

### *Waterloo, Ont.*

Curious notion of justice in America's socially progressive neighbor, from the Ontario Record:

Six months after Brant Kardas was hit by a car and nearly killed, he received an invoice from the City of Waterloo for \$41.43 for contributing to the road being closed.

### *Hollywood*

Esthetic note, from *Evening Magazine*:

David Cassidy's latest project is a TV movie titled *The David Cassidy Story*.

### *Chandler, Ariz.*

An advance in ethnological studies in sagebrush country. Reported in *The Nation*:

Scores of U.S.-born Hispanics have sued the city of Chandler after they were arrested during a sweep of illegal immigrants. Police approached people on the street based on the "lack of personal hygiene" and "strong body odor common to illegal aliens" and asked to see ID and immigration papers.

### *Saudi Arabia*

A fruit in hand is better than three similes in the bush. Reported in *USA Today*:

Mike Craft, president of Lucent's Saudi branch, says it's not fair to compare Saudi women to South African blacks. "It's like grapefruits and oranges," he says. "Both are citrus fruits, but they are different in size and don't taste the same."

### *Rome*

A setback in reconnecting the governed to their government, from Reuters:

Professor Alfredo Fioritto, who heads a task force of legal experts and linguists, admitted that the Italian government's plan to simplify bureaucratic language is going to be tough.

"Simplifying language is very difficult. It means you have to know what you are talking about."

### *Franklin, Ohio*

Harmful consequences of drinking on the job, from *Dayton Daily News*:

Police caught the man suspected of stealing \$700 worth of electronic equipment from the First Church of the Nazarene by following a trail of empty Budweiser beer cans that led from the church parking lot to the man's home.

### *The High Seas*

Setback for apiculturalists, reported in the *Naples [Fla.] Daily News*:

The Afkhami family is suing Carnival Cruise Lines because Carnival evicted them from a cruise ship after employees discovered that the family was keeping 160 live bees in its cabin.

### *Bengal, India*

Advance in forensic medicine, from the *Silliguri Barta*:

Police arrested a man, named only Ishua, for extortion after he impersonated a eunuch. He had been blessing children and getting money from their parents in return.

K. Jayaraman, a police superintendent in Silliguri said: "We raided Ishua's house and found that he lived there with his wife and two sons. Later a medical investigation confirmed that he was a man — not a eunuch."

### *Minneapolis, Minn.*

Setback in the art of the singing cowboy, reported by the *Minneapolis Star Tribune*:

Sheriff's deputies held 72-year-old Fritz Herring in jail for nearly twelve hours and questioned him about his mental condition after he tried to deliver a singing telegram to an employee at the Hennepin County Government Center. Herring was dressed as a cowboy and deputies were troubled by the fake pistol at his hip.

### *Lancaster, Penn.*

Curious tactic in the war against child molestation, reported by the *Patriot News*:

Gordon Neal Diem told a Cumberland County jury yesterday that he conducted a sexually explicit three-month Internet conversation with a 17-year-old Carlisle girl only as part of his research into a subculture of people who sexually abuse children.

Asked about some photographs depicting child sex that police found at his home, Diem said one of them "helps motivate me to my altruism" of exposing child sexual slavery.

He said his hope is "that one day I would get an FBI agent who would finally respond to me or a newspaper reporter who would take this seriously so we could stop what these bastards are doing."

### *Great Britain*

A Seinfeldian lawsuit advances in the Mother Country, from *The Sun*:

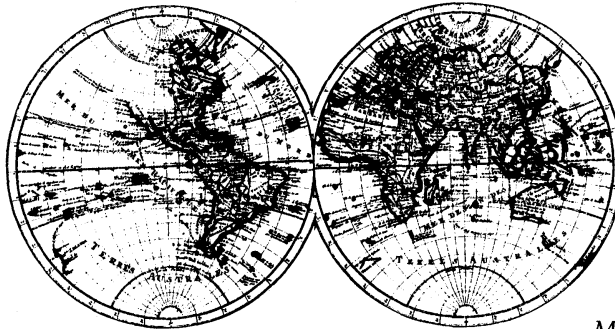
Nicholas Riddle, director of the firm that owns the copyright to John Cage's music, is suing The Planets over their new recording *A One Minute of Silence* because he says it too closely resembles Cage's 4'33".

### *Port Angeles, Wash.*

Advance in marketing science, from a photo caption in the *Peninsula Daily News*:

Garrett Lumens shows off a favorite dragon for sale at Raven's World on West First Street. The shop is a mainstream metaphysical animal awareness, nature spirituality, new age gift store . . . with something for everybody.

## *Terra Incognita*



Special thanks to Kathy Bradford, Russell Garrard, Barry Milliken, and Owen Hatteras for contributions to Terra Incognita.

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



# **LIBERTY FUND'S NEWEST PRIMARY-SOURCE COLLECTION**

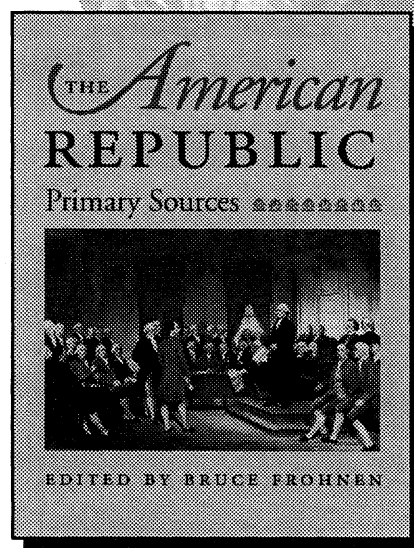
## ***The American Republic***

### ***Primary Sources***

**Edited by Bruce Frohnen**

Many reference works offer compilations of critical documents covering individual liberty, local autonomy, constitutional order, and other issues that helped to shape the American political tradition. Yet few of these works are available in a form suitable for classroom use, and traditional textbooks give short shrift to these important issues.

*The American Republic* overcomes that knowledge gap by providing, in a single volume, over eighty critical original documents revealing the character of American discourse on the nature and importance of local government, the purposes of federal union, and the role of religion and tradition in forming America's drive for liberty.



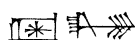
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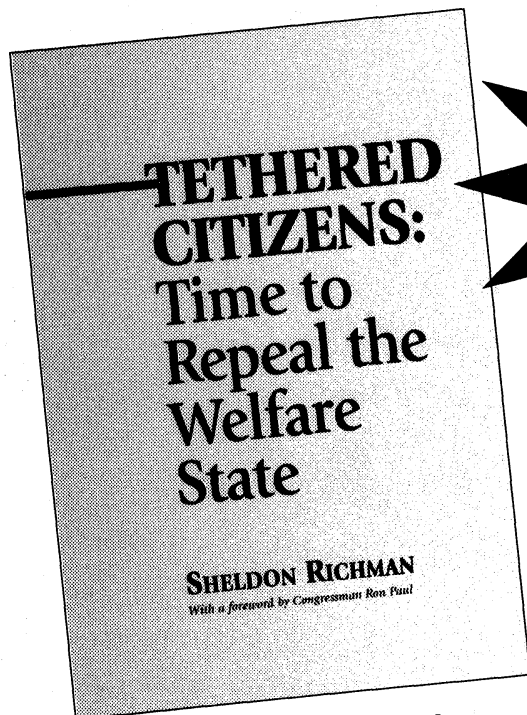
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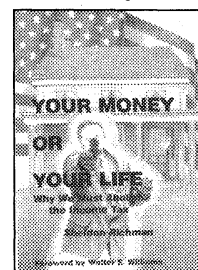


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