

# Liberty

January 2003

\$4.00

GOP:  
Put Up  
or Shut Up

## Iraq: Wrong Place, Wrong Time, Wrong War

*by Gene Healy*

## Fraud in the Forest

*by Randal O'Toole*

## My Schizophrenia

*by Elizabeth A. Richter*

## The Drug Club

*by Kirby Wright*

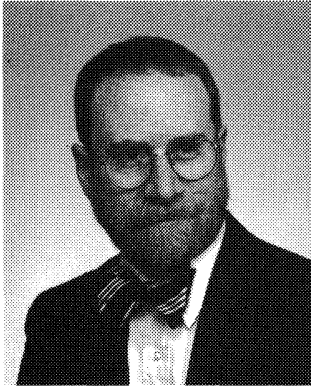
## The Truth About Vietnam, at Last

*by Bruce Ramsey*

Also: *Chuck Muth* accuses Libertarians of electing Democrats, *Timothy Sandefur* judges the Supreme Court, *Mark Skousen* visits the head of an evil conspiracy to rule the world . . . plus other articles, reviews & humor.

*"More Liberty begets desire of more."—John Dryden*





# Bush, Rumsfeld, and Orwell

## by Sheldon Richman

It has long been clear that most of what government leaders say and do makes no sense unless you understand that they think we are idiots, uninformed, or both.

Could there be better evidence than recent remarks by President Bush and Secretary of Defense Donald Rumsfeld?

Let's start with the much-admired Secretary Rumsfeld. He was asked whether a U.S. attack on Iraq would provoke terrorism against Americans. With his strong, set jaw, steely eyes, and slight, arrogant smile, he said something very close to this: We were attacked on 9/11 when we weren't at war with Iraq.

One problem: Since 1991 there has not been a time when the U.S. government was not at war with Iraq.

John Laughland of the London *Spectator* reports from Baghdad that U.S. and British forces have flown 4,000 bombing missions in northern and southern Iraq since 1998. (That's after "dropping ... the equivalent of six or seven Hiroshimas-worth of ordnance" during the open war.) The official position is that these sorties enforce the "no-fly" zones, that is, the parts of Iraq that the United States, without anyone's authorization, says the Iraqi government may not patrol from the sky. Are these surgical missions to strike military installations? That's what the U.S. government says. In a fascinating piece of Orwell-speak, the government refers to the "provocative use" of Iraqi anti-aircraft weapons. If the United States flies offensive warplanes over Iraq, that's not provocative. But if Iraq activates defensive anti-aircraft weapons, that is provocative.

Mr. Bush seems to be using as his text George Orwell's *Nineteen Eighty-Four*. This book is revered

for many reasons. But an underappreciated virtue of the novel is that it illustrates how foreign policy is effectively used to manipulate the domestic population. Readers recall how in that society, allies became enemies, and enemies allies, overnight, with nary a reference to their former status. Sound familiar? H.L. Mencken, the keen observer of the political scene, understood the game: "The whole aim of practical politics is to keep the populace alarmed (and hence clamorous to be led to safety) by menacing it with an endless series of hobgoblins, all of them imaginary."

Mr. Bush is beginning to master the lingo. When he was asked whether Congress would approve his request for a resolution authorizing force, he said, "If you want to keep the peace, you've got to have the authorization to use force." He's more wordy than the ubiquitous slogan in Orwell's dystopia: "War is Peace."

If this sounds cynical, be reminded that the draft

resolution Mr. Bush sent to Congress was not just about Iraq. It was a blank check to let him use force broadly. Here's the relevant passage: "to use all means that he determines to be appropriate, including force, in order to enforce ... United Nations Security Council resolutions ... defend the national security interests of the United States against the threat posed by Iraq, and restore international peace and security to the region."

Restore international peace and security to the region? Could the language be broader? This authorization would be Napoleonic in its dimensions.

It's not what the Constitution's Framers had in mind when they gave Congress the power to declare war.

*Sheldon Richman is senior fellow at The Future of Freedom Foundation ([www.fff.org](http://www.fff.org)) in Fairfax, Va., author of *Tethered Citizens: Time to Repeal the Welfare State*, and editor of *Ideas on Liberty* magazine.*

### THE FUTURE OF FREEDOM FOUNDATION

11350 Random Hills Road, Suite 800  
Fairfax, VA 22030  
Phone: (703) 934-6101 • Fax: (703) 352-8678  
Email: [fff@fff.org](mailto:fff@fff.org)  
Website: [www.fff.org](http://www.fff.org)



## We Don't Compromise.

### Visit our website: [www.fff.org](http://www.fff.org)

- ◆ More than 1,600 essays!
- ◆ Short Audio Commentaries
- ◆ Video Lectures
- ◆ Free Email Update!

and

### Order:

**One-year (12 months)  
subscription  
to *Freedom Daily*  
(FFF's monthly journal  
of libertarian essays)  
at \$18**

# Liberty

R.W. Bradford  
*editor & publisher*

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

Brian Bartels  
David Boaz  
Alan Bock

Douglas Casey  
Eric D. Dixon

Brian Doherty  
David Friedman  
J. Orlin Grabbe

Bettina Bien Greaves

Leon T. Hadar  
Gene Healy

Robert Higgs  
Bill Kauffman

Dave Kopel  
Bart Kosko

Richard Kostelanetz

Loren E. Lomasky  
Sarah McCarthy

Wendy McElroy  
William E. Merritt

Robert H. Nelson  
Randal O'Toole

Ross Overbeek  
Durk Pearson

Dyanne Petersen  
Bruce Ramsey

Jeff Riggenbach  
Scott J. Reid

Sheldon Richman  
Timothy Sandefur

Sandy Shaw  
Mark Skousen

Tim Slagle

Fred L. Smith, Jr.  
Martin M. Solomon

Clark Stooksbury  
Thomas S. Szasz

Martin Morse Wooster

Leland B. Yeager  
*contributing editors*

Elizabeth Merritt  
*managing editor*

Kathleen Bradford  
*assistant editor*

John Bergstrom  
Keith Knight

S.H. Chambers  
Rex F. May

*cartoonists/illustrators*

Jon Kalb  
*computer consultant*

Jim Switz  
*associate publisher*

James Barnett  
*editorial intern*

# Inside Liberty

January 2003  
Volume 17, Number 1

**4 Letters** Our readers share their thoughts on the War Between the States, the Muppets, Johnny Jihad, rock 'n' roll, the Twilight Zone, and destesticled bicyclists.

**5 Reflections** We read Santa's diary, order pot with extra biscuits, examine JFK's drug use, calculate the CPI (Chicken Price Index), celebrate apathy, get nasty with the Democrats, and start our own gun buy-back program.

## Features

**17 Freedom at the Ballot Box** This year, the voters voted, the Republicans won, and freedom lost. *R. W. Bradford* looks at the election and its consequences.

**23 The Republican Killers** Being a perennial spoiler is not something to be proud of, says *Chuck Muth*.

**25 Iraq: the Wrong Place, the Wrong Time, the Wrong War** Invading and occupying Iraq will likely undermine American national security, perhaps catastrophically so, warns *Gene Healy*.

**31 Fraud in the Forest** If fraud is committed deep in the National Forest, and no taxpayer is there to discover it, does it make any difference? It does to *Randal O'Toole*.

**33 Liberty and the Taxonomy of Felis Catus** Newborn kittens are not just cute, observes *Nelson Hultberg*. They can teach us a lot about liberty and servitude.

**35 Learning From the Brain** The Founding Fathers reconvene in the State House (now air-conditioned) with their sleeves rolled up, ready to go to work. *Dan Hurwitz* gives an account.

**39 My Schizophrenia** Some schizophrenics can free their own minds. *Elizabeth A. Richter* did.

**41 The Drug Club** *Kirby Wright* describes how coming of age in Hawaii leaves fond memories of innocence, discovery — and the drug culture.

## Reviews

**45 A Rich Life** *Mark Skousen* looks at the life of David Rockefeller, and wonders: is this the man who is said to run a conspiracy to rule the world?

**47 Judging the Court** *Timothy Sandefur* examines the record of the Supreme Court.

**50 The Truth About Vietnam, at Last** A quarter century ago, Daniel Ellsberg blew the whistle on the Vietnam War. Today, as *Bruce Ramsey* discovers, Ellsberg is showing us just how things went wrong in Nam.

**52 Celebrity Intellectuals** *Richard Kostelanetz* surveys the lay of the intellectual landscape.



**51 Notes on Contributors** The brain trust.

**54 Terra Incognita** Read it and weep.

# How to Subscribe to

## Liberty

**Liberty takes individual freedom seriously . . . and the status quo with more than one grain of salt!**

Every issue of *Liberty* brings you news you can't miss, opinions you won't find anywhere else, and the best libertarian writing in the world.

*You won't want to miss a single issue!*

### Act Today!

*Liberty* offers you the best in individualist thinking and writing. So don't hesitate. You have nothing to lose, and the fruits of *Liberty* to gain!

Use the coupon below or call:

**1-800-854-6991**

Please enter my subscription to *Liberty* immediately!

12 issues (One Full Year) \$29.50

24 issues (Two Full Years) \$56.00

Add \$5 per year for foreign subscriptions.

name

address

city state zip

I enclose my check (payable to Liberty)

Charge my  VISA  MasterCard

signature

account # expires

Send to: Liberty, Dept. L,  
P.O. Box 1181, Port Townsend, WA 98368

## Letters

### Secession and Consent

At common law, your prior consent can bind you to perform a contract. Your consent cannot be presumed; it must be explicit. No other person can consent for you, not even a "Founding Father." Yet Timothy Sandefur ("Why Secession Was Wrong," December) tells us that because it was ratified years ago by "We the People," the Constitution is the supreme law of the land, binding on all.

At common law the Constitution, as a contract, is void. The Constitution is binding, not because of your consent, which was never given, or by any other provision at common law, but because the action taken by your forefathers created irreversibly an entity possessed of physical force sufficient to compel your performance.

Jack Dennon  
Warrenton, Ore.

### Rights, Secession, and Exemptions

I loved Timothy Sandefur's argument that Virginia could not secede because its conditional ratification of the Constitution, reserving the "right" to secede, was unacceptable. That is true. If its ratification was unacceptable, it was never part of the Union in the first place.

However, this overlooks the problem of Texas. Texas could have only entered the Union if the United States government first recognized its "right" to secede from Mexico. We can parse "Who da people? We da people" forever, but Texans can always argue that they entered with the real and quite reasonable understanding that the United States recognized a "right" of secession, and that it was the Union, not the Confederacy, that was adding new terms to the contract after it was signed.

Far too many of us seem to be confusing objective morality (right and

wrong are the same for everybody) with subjective, political, morality (right and wrong are determined by whether I'm doing it to you, or you're doing it to me).

This works both ways, though. Both Robert E. Lee and Jefferson Davis served in the Mexican-American War, which was nothing more or less than a land grab. While the Confederacy can argue that the Union had recognized its "right" to secede, the Union can argue that both the civil and military leaders in the Confederacy had recognized its "right" to invade its neighbors and annex their territory.

In actual fact, though, no state can have the right to secede, because governments don't have rights. They have powers, and so far no state has had sufficient power to secede.

Paul Kelly  
Boulder, Colo.

### Anarchy, State, and Slavery

As an anarchist, I take the position that only individuals can have rights, because only individuals can act. Neither the states nor the federal government has any rights at all, so the states had no right to secede and the feds had no right to keep them in the Union.

Timothy Sandefur thinks like the lawyer he is — he searches the politicians' laws for a loophole or an interpretation that supports his position. I say, "To hell with Constitutions and laws made by men, regardless of what they say!" Rights do not appear or disappear because politicians say, "It's the law."

Libertarians want a less powerful government and even Sandefur should concede that Lincoln increased the power of the state. But his position seems to be that freeing the slaves trumps everything else — they get more freedom, we get less, but their

*continued on page 24*

*Liberty* (ISSN 0894-1408) is a libertarian and classical liberal review of thought, culture and politics, published monthly by the Liberty Foundation, 1018 Water Street, Suite 201, Port Townsend, WA 98368. Periodicals Postage Paid at Port Townsend, WA 98368, and at additional mailing offices.

POSTMASTER: Send address changes to Liberty, P.O. Box 1181, Port Townsend, WA 98368.

Subscriptions are \$29.50 for twelve issues. Foreign subscriptions are \$34.50 for twelve issues. Manuscripts are welcome, but will be returned only if accompanied by a self-addressed, stamped envelope (SASE). A writer's guide is available: send a request and an SASE.

Opinions expressed in *Liberty* are those of the authors and not necessarily those of the Liberty Foundation. Copyright © 2002 Liberty Foundation. All rights reserved.



# Reflections

**Blame Russia first** — So I guess we're supposed to accept the view that Chechen terrorists took 700 hostages in Moscow because of their hatred of Russia's freedom and prosperity, its traditions of free elections and freedom of religion, and its modernity — not its policy in Chechnya?

— Jim Cox

**A modest proposal** — Everyone knows that in everything from package delivery to education to health care, the private sector beats the government hands down. With that in mind I would like to suggest that some freedom-loving group run a private gun buy-back program.

Advertise, set up a booth, and whenever anyone brings in a gun, offer him the same absurdly low price that all the state-run gun buy-back programs do; say, 20 dollars. At the end of day, perhaps several hundred dollars will be paid out. Sure, some rusted pieces of junk that no one would want will be purchased. But what about that antique revolver with the pearl handle grips brought in by the unknowing granddaughter who hates guns? Twenty bucks! What about the AR-15 brought in by the recently widowed gun phobe? Twenty bucks! The group can then either keep the decent weapons for their members or auction them off at fair-market value to raise even more money than they paid out.

And everyone involved should get a Federal Firearms License. That way, when the police show up at the booth to try and shut it down, the freedom lovers can whip out the licenses and offer the police 20 bucks for the guns on their hips.

— Chris Henderson

**Kentucky Baked Chicken** — A customer at a Kentucky Fried Chicken in Mill Valley, Calif., opened his box of chicken and discovered two bags of marijuana instead. Apparently he had accidentally used the code word ("extra biscuits, please") that the server used to recognize his *other* customers. The server has now been arrested — evidently, the Colonel did not mean for his herbs and spices to be quite *that* special.

— Timothy Sandefur

**Proof of a beneficent God** — Richard Reid tried to sneak a bomb on an airplane in his shoes. Now every day thousands of Americans are forced to remove their shoes during the ritual Kabuki dance of random searching we blithely accept as a condition of flying during the War on Terror. We should be grateful to Reid that he did not try to hide his bomb in his underwear.

— Ross Levatter

**Spring buzzards** — If you think the idea of term limits has no merit, consider this: on Dec. 5, Strom Thurmond turned 100, just prior to his retirement from the Senate and at least ten years after losing coherence. He was first elected Senator in 1954. Fritz Hollings (he did the voice

of Foghorn Leghorn, didn't he?), the "junior" senator from South Carolina, turned 80 years old Jan. 1, 2002 and was first elected in 1966. As the new year dawns, the average age of sitting South Carolinian Senators is 90 and they've been planted in their jobs for an average of 41 years.

I suppose Robert C. Byrd (KKK-W.Va.) isn't too worried about being forced to retire; at 85, the rheumy-eyed, pork-barrelling, old windbag is just a kid.

— Jim Switz

**Profiles in Deceit** — Nearly four decades after the death of John F. Kennedy, the men appointed to protect his reputation finally allowed a scholar limited access to his medical records. It turns out that JFK was a lot sicker than anyone imagined, though biographers had imagined a lot, and he was under the influence of a wide variety of drugs most of the time he was president. The medicines, we now learn, included "corticosteroids for his adrenal insufficiency; procaine shots and ultrasound treatments and hot packs for his back; Lomotil, Metamucil, paregoric, phenobarbital, testosterone, and trasantine to control his diarrhea, abdominal discomfort, and weight loss; penicillin and other antibiotics

---

*For most of his life, Kennedy was racked with pain. Several times he was at death's door. Throughout all this, however, he and his staff systematically concealed and lied about his medical problems.*

---

for his urinary-tract infections and an abscess; and Tuinal to help him sleep." One might have thought he could put himself to sleep just by counting his medications, but apparently he couldn't.

For most of his life, Kennedy was racked with pain. Several times he was at death's door. Throughout all this, however, he and his staff systematically concealed and lied about his medical problems, fearing that if voters knew, they'd not be likely to give him as much power as he craved.

The carefully chosen historian, Robert Dallek, was allowed only to read Kennedy's medical records and take notes under the supervision of Kennedy staff. And Dallek proved to be a good choice for the keepers of the Kennedy Myth. In the December issue of the *Atlantic Monthly*, Dallek prefaces a summary of what he learned from the files by pointing out that past presidents had also failed to disclose life-threatening illnesses to the public, and suggesting that Richard Nixon had ordered burglaries of Kennedy's medical records during the 1960 campaign. The implication, of

course, is that this justifies the elaborate lies of Kennedy and his tenders.

The three sketchily told 19th-century cases of presidential secrecy are instructive, if only for their lack of relevance to the Kennedy mythos. The first case is William Henry Harrison, whom Dallek identifies as “the first Chief Executive to hide his frailties.” Harrison, a former frontier soldier, died of pneumonia after only a month in office. All the accounts I’ve read say that he came down with the disease after refusing hat and coat while riding a white stallion

---

*Kennedy’s entire life — together with his afterlife as a historical figure — has been the product of conscious myth-making.*

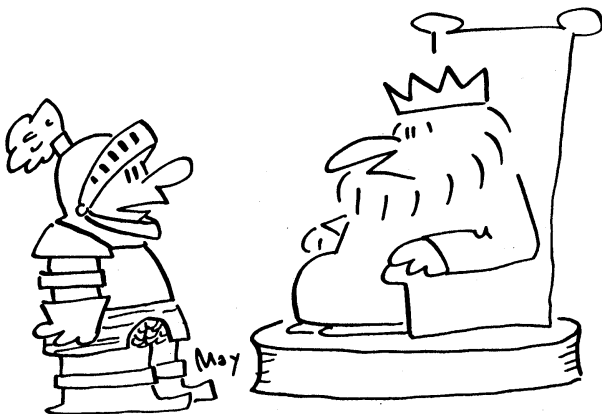
---

to his inauguration and delivering the longest inaugural address in all presidential history, despite a cold rain descending on his aged body. Some concealment, eh?

The next president to “hide his condition” was Zachary Taylor, whose “handlers,” Dallek tells us, “refused to acknowledge that cholera had put the President’s life in jeopardy” until he was nearing death. Shocking, isn’t it? Imagine what would have happened if Taylor had commanded an arsenal of atomic bombs!

The third case cited by Dallek is that of Grover Cleveland. During Cleveland’s second term, the nation faced a financial crisis, thanks to imprudent inflationary measures enacted while Republicans controlled both the White House and the Congress (Cleveland was a Democrat), which enabled profiteers to loot the public treasury by the simple means of presenting silver to the treasury, then demanding “Treasury Notes” in exchange, and then redeeming these notes in gold at another treasury office, then selling the gold, buying more silver, and repeating the process. Cleveland’s vice president, Adlai E. Stevenson (the grandfather of the 1950s Democratic presidential nominee) was an inflationist and supported the idiotic legislation.

That was the situation when Cleveland learned that a sore in his mouth was cancerous. It was evident that if the



“The peasants weren’t grumbling after all, Sire — it was just their stomachs growling”

public got wind of his illness, it would be difficult if not impossible to deal with the problem. So Cleveland kept the cancer secret, endured extremely painful surgery in the privacy of a yacht at sea, and maintaining his authoritative position as an active president, successfully lobbied Congress to repeal the ruinous legislation. Cleveland recovered from his illness, and lived another quarter century.

What’s interesting about these cases is that in each of them the president was afflicted while in office. The Constitution did not then provide any way for the president to turn over responsibilities to the vice president without actually dying. Keeping news of presidential afflictions private arguably prevented worse crises. In Cleveland’s case, concealment was an act of actual heroism.

Kennedy’s actions were vastly different: he had been seriously ill for decades before he even sought the presidency, very often suffering from severe pain and taking many different medications, including anti-psychosis drugs that could easily affect his judgment. One must question the judgment of a historian who could picture Kennedy’s actions as at all similar to those of Harrison, Taylor, and Cleveland.

But it gets worse. Dallek’s suggestion that Nixon hired thieves to obtain Kennedy’s medical records is offered without a scintilla of evidence. Dallek reports that in 1960 the office of two of Kennedy’s many physicians were ransacked by thieves who were never apprehended or identified. From this, he surmises that the first burglary was a failed attempt to find records of Kennedy’s health, and that when the thieves failed at that, they committed the second burglary.

After reporting the extent of JFK’s health problems and the huge amount and variety of drugs he was taking, Dallek is careful to conclude that there is no evidence that the pain, drugs, or brushes with death ever affected Kennedy’s judgment or leadership. Oh, Kennedy “was not without failings” — invading Cuba and moving too slowly on civil rights — but “they were not the result of any physical or emotional impairment.”

It’s a sorry spectacle all the way around, but I don’t see why any of this should surprise anyone. Kennedy’s entire life — together with his afterlife as a historical figure — has been the product of conscious myth-making. His father was a Hollywood producer enamored with the value of public relations and convinced that it was possible to portray anyone — whether a movie star, a movie producer, or a politician — in any way one wanted, if one was only willing to pay for the right public relations experts. Every element of JFK’s public image was assiduously created and maintained by a staff of hired experts; best-selling books were written and credited to Kennedy; his views on most public issues were hidden from the public, as were his remarkably extensive sexual escapades. Portraying him as a healthy vigorous man in the prime of his life, when he was actually an extremely sick man, barely able to live anything resembling a normal life, and getting the medical treatment typical of a man in his eighties.

Dallek’s account of JFK’s health includes one episode that is particularly revealing about JFK’s character and the character of his father, whose ambition drove his pursuit of

power. By 1954, after Kennedy had won a Senate seat and had started on his way to the White House, his "back pain had become unbearable." He was using crutches almost all the time, and could hardly walk from his office to the Senate floor. His physicians proposed a rather avant-garde surgery, telling him that he might otherwise lose the ability to walk, but that given his other diseases, the surgery could easily prove fatal.

His father urged him not to have the surgery, "reminding him of FDR's extraordinary achievements despite confinement to a wheelchair." For once, JFK defied his father. According to his mother, "Jack was determined to have the operation. He told his father he would rather be dead than spend the rest of his life hobbling on crutches and paralyzed by pain."

Apparently, then, only his father exceeded JFK in lust for power.

— R. W. Bradford

### *He would have wanted it this way*

— The funeral service for Sen. Paul Wellstone commanded thousands of Democratic activists and faithful from throughout Minnesota and beyond. Many Republican commentators found it shocking that the services turned into a thinly disguised political rally for his not-then-yet-announced replacement, former Sen. Fritz Mondale.

Yet is it fair to blame the Democrats? Really, what else could have been expected? Democrats are today primarily composed of people who see society as nothing but politics, who see the world through politics-colored glasses. You cannot expect to gather thousands of such people together and not have a political rally. It is their *raison d'être*.

At the service, some Wellstone epigrams were read aloud. One in particular caught my ear: "Politics is the process by which people's lives are improved." I'm assuming Wellstone's friends went out of their way to choose his most sagacious insights for the crowd. It made me think, which is sadder: the life of someone cut down unexpectedly in his prime at age 58; or the fact that a person can teach political science at the university level, spend twelve years as a senator in D.C., and still possess such a sophomoric understand-

ing of political power.

— Ross Levatter

**Christmas: American style** — Christmas is truly an American holiday. Santa Claus is based on European legends, but the man we recognize is based on Coca-Cola ads. Rudolph was a marketing scheme created by a copywriter over at Montgomery Ward. I seem to think "The Night Before Christmas" was written as a holiday promotion, too. There might be a few European carols still on the holiday playlist, but they've been pushed to the bottom by the likes of Bing Crosby, Nat King Cole, and Burl Ives. Dickensian story themes have been replaced by Jimmy

Stewart, Dr. Seuss, and Charles Schultz. Kids today are more familiar with the Daisy Red Ryder BB gun than with Tiny Tim.

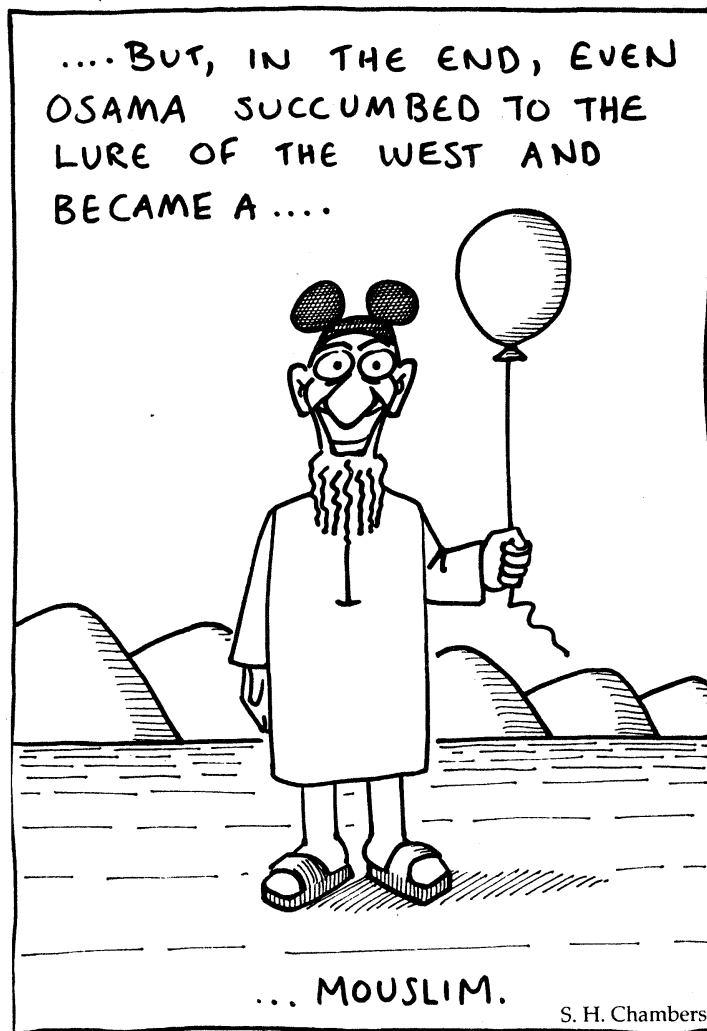
Before Edison there was simply no way to light the holidays the way we do now. It astounds me to think that some people used to put lit candles on a Christmas tree. I bet that tradition was started by the building trades. In Europe, they don't put out as many Christmas lights because there's always a war breaking out every 30 years or so, and they don't want to give the bombers anything to focus on. They also don't want to waste the precious electricity they need to power their radios and run the air raid sirens.

European countries also have high tariffs, and can't afford all the cheap Chinese Christmas decorations that we cherish over here. Thanks to 75 years of Communist rule in China, you now can get a string of 50 lights for under four bucks. It takes a good hour to find the bad bulb and

untangle a string from last year; which means you're working for less than minimum wage if you're not just throwing them away.

We might envy our cousins in Europe for their one month holiday every summer when all businesses shut down, but if you think about it, this country shuts down for almost a month and a half. From Thanksgiving to New Year's Day, America goes through six weeks of overeating, parties, and shopping. It's kind of like a capitalist Mardi Gras before January brings the resolutions and Visa bills, and we all swear, "never again."

— Tim Slagle



## Why you can't take politics seriously . . .

— Proposition 302, which passed easily on Arizona's ballot in November, will increase the cigarette tax by 60 cents per pack, as well as the taxes on other tobacco products. Some attribute the ballot's success to Cathy Danielson, 40, of Lake Havasu City, who had her larynx removed because of smoking-related cancer and appeared in commercials in support of the proposal. Danielson said she was thrilled the measure passed. "I started smoking at 13," she said, "and smoked up to the doors of the hospital."

So Danielson, who was not deterred from smoking by laryngeal cancer, believes raising the price of a pack of cigar-

ettes by 60% will convince others to stop smoking — and the majority of Arizona voters go along with this logic.

Truly voting is a magnificent opportunity to satisfy the universal desire to wield power irresponsibly.

— Ross Levatter

**Two cheers for apathy** — This is not an argument [cries of "Thank God!"]; it's an observation. America is on the brink of war, but it is as calm and relaxed as anyone can remember it being. There is nothing like the expectation, or the anger, that was aroused by the lead up to the last Gulf War. At that time, people — not just politicians — could be found on every hand, angrily debating motive, cause, strat-

**An entry in Santa's diary** — Whatta year it's been. It seems like I no sooner finished making my '01 deliveries when it's time to make up my list for '02.

Lemme tell you I've had some rough rides this decade. You think Christmas Eve '94 over Sarajevo was a candy-cane sleigh ride? It brought back to mind the perilous days of World War II. You shoulda been with me over London — Christmas Eve '41.

Yeah, like I say, this year has been a mess. I shoulda known I was in trouble when Mrs. Claus got a job offer from the FedEx folks — VP of Polar Operations, they offered her. And to sweeten the kitty, they threw in Northwest Canadian Operations, too. Guess what they were after? Not her nimble mind, but the packaging, distributing, and networking secrets of our operation. We've been in business almost 200 years, you know. And I figured out that hub secret in the late 1890s. You think it's easy to deliver a billion gifts in one night? Then eat a billion cookies, and drink a billion egg nogs without crashing into a roof top?

Sure, they made a mouth-watering offer to Mrs. Claus. Pay and fringes that made me and my non-profit operation look like small potatoes. But Mama turned them down. After all, she'd signed a non-disclosure and non-competitive agreement with me a hundred years ago. I'd have taken them to court faster than they could get a package from Memphis to New York. And can you picture a judge or jury finding *against* Santa Claus? Ho, ho, ho. That ended that.

But Mama wasn't the only trouble. Those animal-activist people came up in April. Worried about the reindeer, you know. Were the pens big enough? Were they getting a balanced diet? Stuff like that. The work load worried them, too. I mean there's a billion Christian kids in the world and there's only a 4–5 hour delivery window on Christmas Eve. By what "cruel and oppressive" technique did we drive those gentle reindeer — none of whom had work permits? They didn't seem concerned about a pudgy senior citizen who lowered himself down a billion chimneys in the same time period. I tried to explain that there was a miraculous side to the business involving a special holiday time warp decreed by the boss. Kinda like the way he bends time in space. But I'm not sure they understood. "See ya in court," was their final statement.

"Merry Christmas," I shouted back. I just can't believe Donner and Blitzen would testify against me.

No sooner had I waved goodbye to my litigious visitors when the FDA, OSHA, and FAA folks showed up. All carrying briefcases bulging with enough regulations to choke a paper shredder — but not one copy of Dicken's *Christmas Carol*. They had blizzards of questions. What was the age of the reindeer fleet? Were there any illegal immigrants among the elves? If a kid ate a leg off one of my dolls, would she suffer from indigestion? There was also a lady from the Justice Department with a cherry-red nose who was worried about tasteless jokes about Rudolph's cherry-red nose.

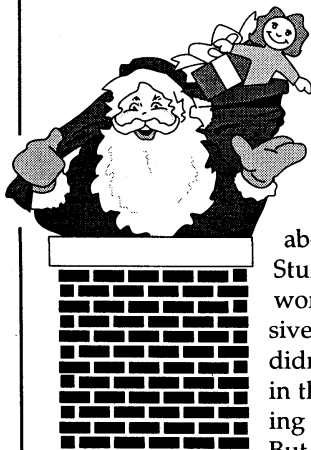
But the climax to their investigation came when they asked to see our payroll records. "Well, there're no payroll records," I explained, "because nobody gets paid."

The Department of Labor guy made a spastic motion like Blitzen had jabbed him in his hindquarters. "That's against the law," he said. "You're the worst violator on record of minimum wage legislation!" Then they all started jabbering about non-profit corporations, Chapter S partnerships, and Small Disadvantaged Business (the elves, you know). "We'll see you in court," they chorused as they filed into their government 747.

"Ho, ho, ho," I shouted.

Me and Mama went back to the workshop. After all, I'm only a simple manufacturer and distributor of toys. And I don't have a legal staff. Maybe next year we'll skip the whole delivery thing and attend one of those government seminars where they teach you compliance techniques.

— Ted Roberts





“Give Me **Liberty**  
or Give Me Death.”  
—Patrick Henry, 1776

When it came to Christmas presents, old Pat sure was an extremist! But even so, he had a pretty good idea. This year, give your friends and family the gift of the world’s leading individualist thought — and help spread the seed of *Liberty*!

Why not give a special friend the sheer pleasure of individualist thinking and living . . . the state of the art in libertarian analysis . . . the free-wheeling writing of today’s leading libertarians . . . the joy of pulling the rug out from under the illiberal establishment.

These are a few of the little pleasures we provide in each issue. Wouldn’t it be fun to share them with a friend?

*Liberty* is the leading forum for writers like David Friedman, David Boaz, Thomas Szasz, David Brin, Wendy McElroy, Dave Kopel, Jane Shaw, Ron Paul, Bart Kosko, R.W. Bradford, Doug Casey, Mark Skousen . . . The most exciting libertarian writers providing a feast of good reading!

You pay us a compliment when you give the gift of *Liberty*. Send us your gift list today, and we’ll send your greeting with every issue! We’ll also send a handsome gift card in your name to each recipient.

This is the ideal gift . . . it is so easy, and so inexpensive:

**Special Holiday Offer!**

To encourage you to give the gift of *Liberty*, we offer gift subscriptions at a special rate: twelve issues for over 40% off the newsstand price!

- First Gift (or your renewal) . . . \$29.50
- Second Gift . . . . . \$27.50
- Each Additional Gift . . . . . \$26.50

**Act Today!** These special rates are available only through Feb. 15, 2003. And remember, your own subscription or renewal qualifies as one of the subscriptions.

Use the handy coupon below, or call this number with your gift and credit card instructions:

**1-800-854-6991**

What could be easier — or better!

**Yes!** Pat Henry was right! Please send *Liberty* to my gift list as directed below. Enclosed you will find my check (or money order) for the full amount.

First Gift  Renewal

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_ Zip \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_ Zip \_\_\_\_\_

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_ Zip \_\_\_\_\_



egy, and risk. Friendships were broken; business plans were altered. There is nothing like that now.

Of the people who are intellectually awake (and they are all that matters in this context), perhaps ten percent are violently repelled by the prospect of war; a scattered few of these protest in public. Another ten percent, perhaps, are eagerly awaiting the great moment when America finally starts cleaning house in Mesopotamia. The remainder, frankly, do not seem to care.

Why? Here are some contributing causes:

Awareness that America easily won its last Gulf War.

Anger over Sept. 11, tempered by skepticism about whether the Iraqis had anything much to do with it.

Boredom. Saddam Hussein is one of the world's most boring people.

Contempt for foreign, especially Islamic, technology, tempered by fear that the dictator of Iraq might actually have some devastating weapon at his command.

*I suppose it would be better if the public avidly sought the truth and was eager to follow wherever it led, yet the absence of hysteria is not greatly to be regretted. I'll take "apathy" as a second choice, at least.*

A not-contemptible degree of awareness of the risks of war, tempered by a not-contemptible degree of awareness of the dangers of letting yet another jerk get an atom bomb.

Disappointment with America's failure, so far, to crush the terrorist insects absolutely, coupled with the realization that it may be impossible for America to do that.

If this is what's going on in the popular mind, then the nation's famous "apathy" may not be the deplorable thing that both the warmongers and the peacefreaks believe it to be. I suppose it would be better if the public avidly sought the truth and was eager to follow wherever it led, yet the absence of hysteria is not greatly to be regretted. I'll take

"apathy" as a second choice, at least. But I'm sorry; I seem to have strayed into the argument zone. Oops! You have to admit, however, that I haven't posed as a military expert.

— Stephen Cox

**Honk if you love the New Paradigm** — I live in a town a little left of McGovern. Residents plaster their cars with anti-war bumper stickers — which I don't mind — and anti-business stickers, which I do mind. But some of the *other* stickers are just down right aimless.

One sticker proudly proclaims, "Raise Consciousness Now!" How simple. It's as if consciousness could be raised on command. Always with these stickers, it's an informal command too. An anonymous third person is demanding that you change your behavior, thoughts, and emotions. The term "consciousness raising" is in the dictionary, as a noun, and it means, "the process of learning to recognize one's own needs, goals, and problems or those of a group to which one or someone belongs." But the sticker refers to no object or goal. Are they referring to the poor and indigent? The Iraqi people? Golf caddies? Typical of a left-wing slogan, it ends with "Now!" Should I raise my consciousness now while I'm on the road and neglect the mere mundaneness of traffic signals?

I'm still trying to figure out whether the car's other bumper sticker, "We Need a New Paradigm!" applies to the real world or to the driver's consciousness. And what does it mean, anyway? I think it's safe to say that when Thomas Kuhn spoke of "paradigm shifts" in scientific discoveries, he didn't think it would turn into the political cliché of disaffected leftists who want to will their vision of government onto society.

I suspect the extreme leftists could be a potent force in politics today, if they would just refine their message and refrain from ten-dollar words. The left wins when it appeals to the emotions of Joe Bagadonuts and doesn't confuse him with in-group, leftist jargon.

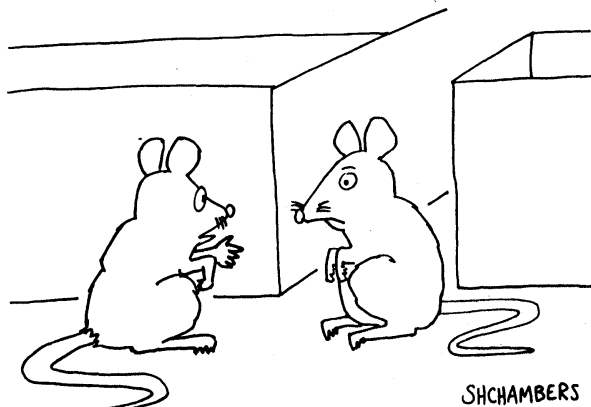
— James Barnett

**The prices of civilizations** — Editor Bill Bradford may be the expert of comparing state taxes (see the September issue of *Liberty*), but he can't hold a candle to PriceWaterhouseCoopers when it comes to comparing international taxes. Every year, PWC sends me two thick guidebooks on individual and corporate tax rates in 125 countries. Not your typical bedtime reading, but I'm always amazed at the wide differences in tax policies between nations. For example, did you know that:

- 55 countries (44% of those surveyed) have no capital gains tax, including the Bahamas, Bermuda, Cambodia, Greece, Hong Kong, Kuwait, Mexico, New Zealand, Peru, Switzerland, and Vietnam. (Unfortunately, Germany just abolished its exemption.)

- European countries have payroll taxes reaching nearly 50% of income (and that's not counting income taxes); for example, the employee's share of social security taxes in Belgium is 13% and the employer's share is 34%, for a combined social security tax of 47%!! Austria's combined SS contribution is 39.3% (SS combines unemployment, sickness, accident, and pension categories). And we thought 15% was outrageous here in the good ol' USA.

## RAT RACISM



"I've been in at least 20 experiments and I've never met a black rat. Never!"

• Europe also has a nasty habit of imposing a wealth tax (Sweden, Finland, France), even Swiss cantons have a wealth tax (whatever happened to Swiss secrecy laws?).

• Some anomalies: Polish gamblers can live tax free on money won in legally registered casinos and lotteries; Greece sticks a stamp tax of 0.6% on gross salary; Germany and Finland still impose a “church tax” on members of officially recognized churches.

• Hong Kong is still one of my favorite tax jurisdictions: maximum income tax is 17%; no withholding on wages and salaries; no taxes on capital gains, dividends, and interest. However, the Chinese overlords did impose a 10% “Mandatory Provident Fund” (social security) tax, equally divided between employer and employee, in late 2000. Dirty commies.

— Mark Skousen

**Word watch** — Even cliches die. At least some of them do. And (to cite a cliche that’s been around since Homer) it’s interesting to see which ones bite the dust. Unless I miss my guess, however, there’s some bad news coming from Clicheville. Among the cliches that seem to be buying the farm (that one’s pretty recent, and I have no idea where it came from: do you?) are expressions that reflect an understanding of individual preference and market exchange, while cliches that represent human behavior in simpler, less economically cogent ways appear to be doing pretty well.

In my extreme youth, the expression “each to his own” or “to each his own” was heard very frequently — so frequently that you sometimes wanted to scream when you heard it. The thing descended from longer, ickier expressions, such as the cliched witticism of the 18th century, “Each to his own taste, as the man said when he kissed the cow.” It could appear in startlingly illogical contexts, such as the ineffably silly theme song of the ‘50s situation comedy *I Married Joan*: “To each his own! / Can’t deny / That’s why I / Married Joan!” Nevertheless, it conveyed a truth. Preferences are fully individual and not to be quarreled with, even when someone’s preference is for a cow named Joan.

One almost never hears that expression now. The cliche (if you want to dignify it with that august title) that currently greets any evidence of eccentric choice and preference is “Whatever!”, which, when translated, means, “I see that you’re an individual — so what? I don’t give a damn. Get away from me.” Not exactly an affirmation of individualism.

Here is another cliche one rarely hears anymore: “You pays your money, and you takes your choice” — as accurate a representation of individualist and free market principles as I can think of. What one does hear, ad nauseam, is a cliched approval of people who “pay their dues.” Former Vice President Mondale, we were told in November, deserved nomination and election to the Senate because “he paid his dues”; he’d spent a lifetime sacrificing his intellect, if any, to the needs of the Democratic Party. But notice what’s going on in the “dues paying” cliche. It represents life, not as a process of free exchange — choosing, paying, and receiving the article you rightly or wrongly chose — but as a process of submitting to the rules of club membership.

People pay whatever they’re told to pay, and that makes them good. Well, good enough, maybe. Eventually, they may get something back.

I’m sorry, folks. I’d rather hang out with the illiterates that pays their money and takes their choice than stand in line for favors with the former VP.

Of course, there are some very bad choosers in the marketplace of life. How shall we portray these people? One way is to remark that “there’s one born every minute” — which means that we’ll never run out of suckers. And you don’t even have to include the word “sucker”; everybody gets the point. Or did get the point. The young adults whom I meet have never heard that “there’s one born every minute,” and they almost never understand the phrase.

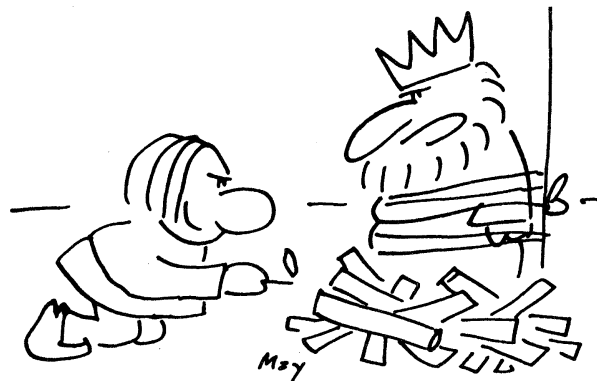
They do understand a certain old cliché whose use has increased steadily over the past 30 years, until it is now virtually omnipresent: the cliché about the guy who bought the Brooklyn Bridge. Note the difference between the two clichés. The “Brooklyn Bridge” cliché focuses on one person

---

*Former Vice President Mondale, we were told in November, deserved nomination and election to the Senate because “he paid his dues”; he’d spent a lifetime sacrificing his intellect, if any, to the needs of the Democratic Party.*

---

who does a stupid thing, and the stupid thing is his attempt to purchase a structure that is publicly owned and therefore not for sale. “There’s one born every minute” presents no such bias against privatization, and no implication that stupidity is rare among the populace. It suggests that stupidity is everywhere, in both public and private life; it suggests that even you might be stupid. The only person immune from the implied critique is the speaker, because he is the one who knows how stupid other people are, and rejoices in — indeed *banks on* — the fact, perceiving its potential benefits to his revenue stream. The “Brooklyn Bridge” cliché is democratic, conformist, deadening. “There’s one born every minute” is meritocratic, individualist, joyous, enlivening. That is why, I suppose, you seldom hear it.



“I demand a recount!”

One last example. For many years, I've been using an old and formerly very common response to differences of opinion and the conflicts they incite. "That's what makes horse races," I say, and it usually ends the argument. Now, however, the expression has that effect only because everything has to stop while it's being explained. *No one* understands it the first time around. And this is not an expression, mind you, like "have your cake and eat it too," which was born with a severe verbal handicap. "Have your cake and eat it too" is not amusing; it's just a strange little puzzle: what the hell does "have" mean in this context? Who "has" a cake? "That's what makes horse races" is different. There's no puzzle about the words; instead, there is a chain of easy reasonings, ending in a mild flash of fun. You disagree with someone; there's a difference of individual judgments, the significance of which you summarize by observing that such differences are "what makes," what is necessary to, "horse races." Your opponent then has the opportunity to think, "How is that true? Oh, I see! There wouldn't be any horse races if nobody bet on them; and nobody would bet on them if everybody agreed on the likely outcome. Differences of individual judgment are therefore necessary to horse races, and by extension, to every other kind of fun." At this point, your opponent, beaming with satisfaction at his own intelligence, becomes your friend.

It's a great cliché, but I'm afraid that most people are no longer up to figuring it out. I leave you to guess why this should be true. Here are the possibilities. Put a check next to any explanation you agree with.

A. People are losing their appreciation for individual differences.

B. People are losing their ability to get through more than one step of a logical process.

C. Horse races no longer happen. — Stephen Cox

**What's wrong with capitalism** — Like any other system of human relationships, capitalism is imperfect. Its flaws stem from human nature ("bad apples") and from people trying, often by trial and error, to pursue sometimes conflicting goals. So we come across the principal/agent problem — say, the cashier who treats us rudely because the store owner is not there to monitor her. Time lags trip us up, too. The insurance industry takes time to restore predictable prices in the wake of Sept. 11; with technology changing rapidly, all of us struggle with incompati-



"Yes, but United Nations Resolution 242 was never intended to apply to *marriage*."

ble computer systems; and many feel restaurants are too slow to offer non-smoking sections.

There's the simple problem of differences in taste. Sleazy ads on radio talk shows annoy me (but then the shows are "free"), while other people hate the tacky kitsch of towns that spring up outside national parks, catering to tourists. Finally, government intervention launches new problems that many people ignorantly blame on capitalism.

I've had other complaints. For example, I was shocked by day-labor companies in Boston that picked up skid-row workers each morning, returned them in the evening, paying them wages that were then used to buy alcohol. Today, I recognize that this exchange offered each side about the best it could get, given what it was looking for and willing to buy.

Government programs replaced such exchanges and in doing so created welfare recipients and street beggars.

All that said, I do have a gripe. Why are there such low minimum payments on credit cards? By requiring people to pay a minuscule portion of their debt, companies deliberately tempt people to overextend themselves and build up heavy interest payments. This policy (from top management — it's not a principal/agent problem) seems outside the spirit of Adam Smith's view that self-interest leads to general benefits. An echo of that example is found in my ATM machine: when I enter a deposit in my checking account, my receipt tells me not just what my new total is but how much I have available to spend — at high interest rates. But when I put money in my savings account, which has no "checking-plus" feature, I am told that I do not have access to all my money — they want to make sure I can cover it all.

Well, that's it. To me, that's what is wrong with capitalism. Yes, it's a short list. — Jane Shaw

**Duopoly, now and forever** — With the latest revelations that the Libertarian Party is now deep in the red, perhaps it's time libertarians join the Republican Party. Sure Republicans aren't perfect. They're militaristic and socially stifling, but they are the closest vessel to power liberty lovers can get — especially now, after the GOP's electoral success. And if you don't like the Republicans, then maybe form something akin to the Republican Liberty Caucus within the Democratic Party. The point is, there is nothing wrong with joining the two parties with the intent to advocate liberty. I think James Weinstein — giving advice to the Greens — sums up the perfect point about the modern party system:

... as quasi-state institutions they are no longer political parties in the European parliamentary sense. The Republican and Democratic parties are legally regulated structures with fixed times and places where anyone can register. Open to all, they have no ideological requirements for membership. To become a Republican or Democrat, you just register as such. In fact, these are not really parties at all, but coalitions of more or less compatible social forces in which various groups contest for influence under a common banner.

It used to be that political parties were stagnant. Political innovation came from stealing or merging ideas from challenging third parties, like the Populists. Thanks to the turn-of-the-century election reforms towards direct primary laws,

however, the two parties have been reduced to Thomas Nast cartoons.

— James Barnett

**The “N” factor** — There are many possible explanations for the Democrats’ defeat in the November election. President Bush’s party benefited from Sept. 11. The Democrats fielded a number of unattractive candidates. The Democrats waffled on their “message” until there wasn’t any message left.

There’s something true, in varying degrees, about all those explanations. But there’s another one that nobody in the media has identified, or will identify, and it may be as important as any of the rest. It’s this: the Democrats were perceived as nasty, nasty people.

Nasty. Personally unpleasant. Mean. Arrogant. Creepy. That’s the “N” factor, and it will continue to dog the Democrats until they get rid of all the unpleasant, mean, arrogant, creepy people who came into party leadership during the era of Mr. and Mrs. Clinton. Maybe it will dog

*The Democrats have been the de facto rulers of this country since 1933. Hence their nastiness when opponents crop up.*

them beyond that point: Al Gore, the Clintons’ principal rival, has been a nasty little man throughout his political career.

The national Democratic Party is currently being run by Clintonistas like Democratic National Chairman Terry McAuliffe, who entertained America on the morning after the election with a ranting speech in which he demanded that the Republicans be gracious in defeat. In what universe has the loser ever attempted to reingratiate himself with the populace by making such a demand? It didn’t help that the speech was delivered in the most ungracious words possible, with taunting references to President Bush’s obligation to put up or shut up, now that he’d won — or that even as McAuliffe spoke, reporters on every news channel were informing the nation that the president had commanded all Republican minions not to celebrate or gloat or even privately sneer about the election results.

It was national Democratic leaders like McAuliffe, it is rumored, who advised Minnesota Democrats that it would be to their political advantage to turn the funeral of the posthumously beloved Sen. Wellstone into a Castro-length televised political rally, and to prohibit the vice president from attending this orgy, on the pretense of not wishing the privacy of friends and families to be mussed and pawed by Secret Service men. Meanwhile, just to make the snub more obvious, the clever decision-makers warmly invited former President Clinton and his Secret Service cohort. This weird electoral tactic was considered a guaranteed winner by Democratic leaders and their media clones, right up to the moment when the hastily nominated Democratic replacement candidate confessed his ignominious electoral defeat — defeat by the “N” factor in which his party had so recently been glorying.

Of course, the “N” factor had been prominent way before the Wellstone “funeral.” It showed in the staunch refusal of many Democratic leaders to admit that President Bush was a “legitimate” president; in the Democratic leadership’s public gloating over the ripeness of his brother for defeat in his bid for re-election as governor of Florida; in the illegal replacement of the New Jersey Democratic senatorial candidate with a candidate considered more likely to win, a self-righteous old windbag whose principal claims to fame were snotty remarks about his opponents and his success in prohibiting anyone under 21 from having a legal beer; in the declaration of Sen. Carnahan of Missouri that because the President had failed to do away with Osama bin Laden, he was now going after her; and in those strange reports that always issue, like frogs from the mouth of the False Prophet in the book of Revelation, out of Democratic Party spokesmen as an election nears — reports of shadowy “committees” dedicated to harassing minority voters at the polls, reports of leaflets tacked up in black neighborhoods, urging people not to vote or to vote on some *other* day, leaflets of which the source can somehow never be identified . . . Can anyone but a television interviewer fail to entertain the speculation that such patently ridiculous attempts to depress the minority vote are manufactured by the Democrats themselves?

While this stuff was going on, the Democratic senatorial candidate in South Carolina was attacking Republican hero Rudy Giuliani, remarking that “His wife kicked him out and he moved in with two gay men and a Shih Tzu,” and asking the vital question, “Is that South Carolina values?” Nasty? You might say so. Giuliani appropriately wondered what would have happened if the Republicans said such things about the Democrats. “I do think there’s a double standard,” the former mayor opined. Right, Rudy; indeed there is.

Double standards result from arrogance and entitlement. When entitled people are challenged, they very often turn very nasty. The Democrats have been the de facto rulers of this country since 1933. Hence their nastiness when oppo-

## Learn at Liberty!

Are you interested in working as a journalist?

*Liberty* offers full-time, paid internships at all times of the year. Interns at *Liberty* work closely with the editors. Responsibilities generally include fact-checking, researching, circulation, and advertising work.

*Liberty* interns have gone on to become editors at *Liberty*, *Reason*, and *Regulation*, authors of articles in major magazines and newspapers, researchers at important think tanks, and to win major fellowships and scholarships.

For information, write: R.W. Bradford, Editor, *Liberty*

P.O. Box 1181, Port Townsend, WA 98368

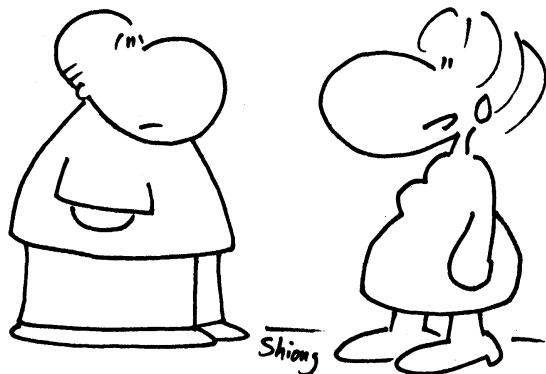
email: [rwb@cablespeed.com](mailto:rwb@cablespeed.com)

nents crop up. But the nastiness of the post-Clinton party sets entirely new standards.

Let's call them the Minnesota standards. Few people who are at all interested in politics will ever forget the spectacle of jolly "Fritz" Mondale, the people's friend, laughing it up with his buddy Bill ("Good Times") Clinton at the funeral of the man whom Mondale was about to replace on the Democratic ticket. Few people will forget the television interview in which the governor of Minnesota angrily explained why he stomped out of the funeral in protest against its tastelessness and nastiness. Few people will forget friendly "Fritz" Mondale, the elder statesman, using his campaign to prolong the spirit of the funeral — delaying debate on the pretense that he wanted to get to know the people of his own dear state and, when he finally debated, accusing his liberal Republican opponent of being a sold-out slave to his party's Satanic "right wing." There was real hatred in Mondale's tone — and arrogance, and entitlement, and, as it turned out, stupidity, too. Because he lost.

It must be said that Mondale was comparatively gracious in defeat. Compared, that is, to Chairman McAuliffe, or to that other Democratic Party senior statesman, lovable old Bill Moyers, who two days later told his audience on PBS that the Republican victory was a triumph of the "right wing" and that the Republicans would now proceed with their plans to give "corporations a free hand to eviscerate the environment." Of course, Moyers has credibility. After all, he is where he is today because he was once press secretary to Lyndon Baines Johnson.

Now, Lyndon Baines Johnson was one of the nastiest guys who ever corrupted the American political system. And the people got rid of him, when they would have stuck with Kennedy, had he lived — Vietnam or no Vietnam. The next Democratic president, Jimmy Carter, was a very nasty man, and I have no doubt that when he ran around the country calling Ronald Reagan a racist, he contributed significantly to his defeat by Reagan. Few people believe that the next in this strange line of Democratic Presidents, William Jefferson Blythe Clinton, would have won reelection if he had been able to stand for a third term. It was simple good judgment, on Al Gore's part, not to invoke the spectre of the lying, cheating, finger-pointing Clinton during his own campaign for the presidency. Clinton had become too obviously nasty for any but the truly brain-dead to



"You're a nice guy, Lou, but the fact that our ex-spouses are married to each other isn't much to build a relationship on."

admire. As long as President Bush continues to present a vivid contrast between the nasty Democrats and the nice (if somewhat slow and dumb) Republicans, he will have a tremendous edge on his opponents.

But can the Democrats get rid of their nastiness? Like it or not, George Bush's leadership was validated by the public in the election of 2002. As I write, however, the Clintonistas are maintaining their hold on the Democratic Party. McAuliffe still has his job, and, according to Deborah Orin, writing in the *New York Post*, internal critics of his performance still insist on anonymity. She suggests that Clinton's hold on the party may even be strengthened in the near future. Al Gore has started blabbering again about how he actually won the election of 2000, and soon-to-be-former Senate majority leader Daschle has started whining about how Bush still hasn't caught Osama bin Laden — as if Daschle or any of the other Democrats had put forth any idea of his own about how to do that. There seems to be a psychological problem here.

And there's a practical problem. The Democrats can't get rid of their nastiness until they stop seeing it as the last, best way to energize their base. The fact that their base was not particularly energized during the very nasty 2002 election may possibly lead to a change of heart — or at least of mask. But what else have the Democrats got to offer? It must occur, even to them, that the answer to that question is, "Very little, and even less than the Republicans."

— Stephen Cox

**Exploring the hermeneutics of contemporary pasquinadism** — I have long suspected that the hard sciences are going the same way as "softer" pursuits, like sociology: namely, they have become too political and unscientific to be taken seriously. A howling hoax just played on the so-called respectable physics community — read: academically sanctioned or tax-funded community (either description will do) — argues my point. And it has the added benefit of slamming what passes for academia in these softer sciences.

The hoax against the physics community is apparently in retaliation for an earlier embarrassment inflicted on the social sciences by a physicist.

In spring 1996, the academic journal *Social Text* published an article by Alan Sokal, a professor of physics at New York University, titled "Transgressing the Boundaries: Toward a Transformative Hermeneutics of Quantum Gravity." The journal, which is committed to radical politics and controversial views, is a renowned influence within the "cultural studies" community. In lay terms, the gist of Sokal's article was to argue that the traditional concept of gravity was a fiction created by capitalism that would be swept away by a postmodern (socialist/feminist) theory of quantum gravity.

On the same day that the article appeared in print, Sokal confessed to the academic trade publication *Lingua Franca* that his piece was a spoof and the "august" editorial board of *Social Text* just couldn't tell the difference.

Sokal meant to highlight the absurdities that pass for research in the social science now that they have become dominated by postmoderns and relativists.



Now two French semiologists — the science of reading signs — who published at least five pieces in respected, mainstream physics journals have declared those essays to be parodies consisting entirely of Cuisinarted string-theory buzz phrases. Even worse, the two brothers Igor and Grichka Bogdanov earned graduate-level physics degrees from le Universite de Bourgogne by defending two equally bogus dissertations.

In this mud-slinging war between the hard and soft sciences, both realms are deserving targets of ridicule. Perhaps the mutual discrediting will lead academics to wonder whether state-funded, state-regulated research and pursuit-of-truth is disastrous in *any* field of knowledge? What are the odds?

Now the Bogdanov Brothers are claiming that their papers are serious, and the accusations of a "hoax" constitutes the hoax itself. Meanwhile, the prestigious journal *Classical and Quantum Gravity* has decided to cease using the two referees who accepted one of the Bogdanov papers for publication. I would agree with a friend's comment, "Knowledge is expanding faster than the quality control," but I am not sure that it is knowledge that is expanding.

— Wendy McElroy

**The CPI (Chicken Price Index)** — Well, Alan Greenspan didn't do it again. Our Fed chairman, whose roar rattles the marketplace like the Wizard of Oz terrifies Dorothy, did nothing this summer. We had awaited his ministrations like the vulgarati awaited the debut of the *Anna Nicole Smith Show*. Vulgarati and investors were both disappointed. And that's okay.

I just wish that Mr. Greenspan paid as much attention to the price of chicken leg quarters as he does to all those economic indices like JOLT (jobs), VIX (volatility), and CPI (inflation, sort of). I wish he would sit down to a plate of these cluckers instead of bending over funny numbers all day.

After all, our Fed chairman like the so-called Wizard of Oz is only a 163-pound central banker. No match for the 500-pound gorilla who rules the Marketplace of Money. The Friday before Chairman G's at-bat, the gorilla playfully slapped down the ten-year treasury note by 14 basis points — a significant event in the eyes of interest-rate obsessants. The stock market yawned. So why were investors all bubbly over the possibility of a puny one-quarter-

point cut in the rate? It's the religion of economics; the numbers game. The chairman and his fellow seers divine the health of the economy and its prognosis with a hatful of funny numbers.

Personally, when it comes to numbers, I prefer the price of leg quarters. So simple and verifiable. By leg quarters I mean those chicken parts — drumstick and thigh — that typically come in ten-pound bags. When the sign above the counter says 39¢ a pound, as it often does, there can be no misinterpretation of the price of chicken unless the scale is rigged, which is not near as common as the inflation of Merck's co-pay revenue or the hot-air ballooning of Enron profits or the hiding of WorldCom's capital expenses. The

*Proof that truth is more fascinating than myth!*

Signed by the Author!

The *Titanic* disaster is usually blamed on the arrogance of capitalism and modern technology.

Stephen Cox, *Liberty* Senior Editor, cuts through the myth and gets to the real story — the drama of individuals coping with the risks of human life.

*The Titanic Story* is superbly documented and illustrated and contains a guide to other *Titanic* books.

"Written with elegance and grace, *The Titanic Story* demonstrates why Cox is perhaps the finest libertarian writer we have today. *The Titanic Story* is more than a genuine pleasure to read: it delightfully demythologizes the disaster, proving that the truth about the *Titanic* is more fascinating than the myth."

— R. W. Bradford

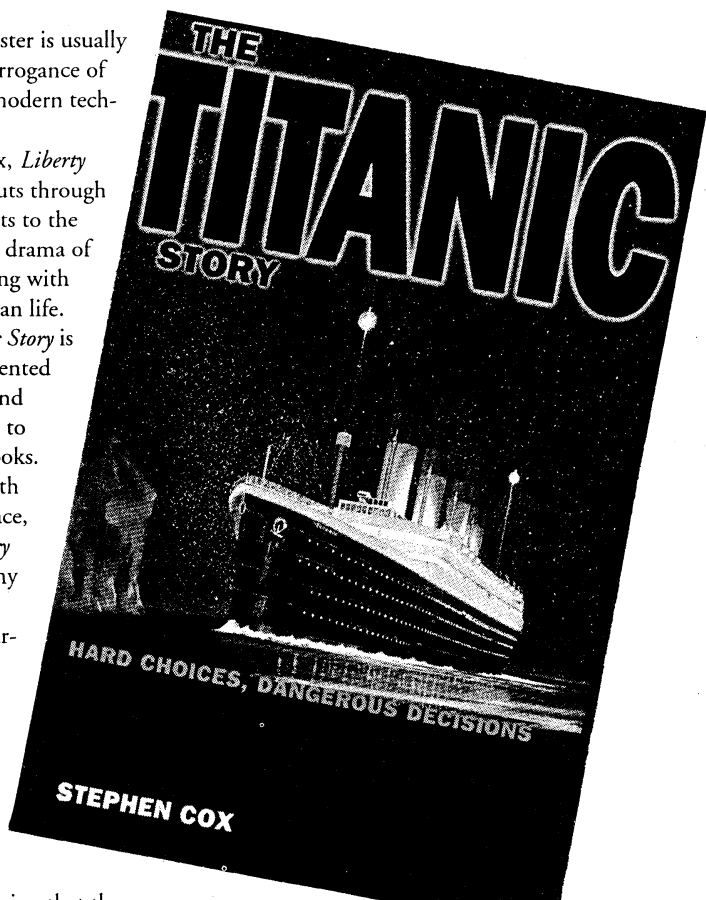
**Huge Savings!**

Publisher's price: \$16.95

Liberty Book Club Price: \$9.95

Return the coupon at right or call toll-free:

1-800-854-6991



**Yes!** Please send me *The Titanic Story* for \$9.95. My check or money order is enclosed.

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY/STATE/ZIP \_\_\_\_\_

Liberty Book Club, PO Box 1181  
Port Townsend, WA 98368

price of chicken leg quarters answers that age-old question first posed by Adam when he was expelled from the Garden to the land of toil: how long do I have to work for a decent meal?

Now let's historically digress. For ten years the astute observer of clucker quarters has noticed that their bargain price usually hovers around 39 cents. That's the typical, full-colored grocery-ad price. Imagine! Roughly five minutes of minimum-wage labor gets you a pound! A generous helping of chicken. That's a banner economic headline. Bargain hunters like me load up our cart. Sometimes, leg quarters go for 29 cents a pound. Consider; you do not have to slaughter the chicken. You don't even have to dismember, pluck, and clean it. Or pull out those sharp pin feathers. Two dollars and 90 cents gets you a 10-pound bagful. Ten pounds of poultry protein for a half hour of the lowest paid labor. If you're a Wall Street analyst, those ten chicken dinners might cost you two blinks of your eye over the WCOM P&L sheet.

But wait. Don't gorge on 29-cents-a-pound cluckers because maybe once a year the grocery ads shriek — "*nineteen cents a pound. This is not a misprint.*" That price is literally cheaper than the fertilizer that comes out of a cow.

At this price you should disregard Purina Cat Chow and the scrapings off your plate. Feed cluckers to your cat.

At this price you should burn them in the fireplace instead of wood and enjoy the warmth as well as that delightful smell of roasted chicken.

At this price some scientific wizard is going to design a six cylinder automobile engine fueled by guess what?

Nineteen cents for 16 ounces of nourishing protein! You're young, untrained, maybe even dumb. You stock the shelves at a convenience store, you sweep floors, you babysit, but you can bring home a meal for about a minute of work! Only in America!

So, don't worry about capitalism. Forget about crooked bookkeepers who play hide-and-seek with expenses and cook books instead of battered chicken parts. All is well because the system still churns out cheap chicken dinners for us tired, poor, and huddled masses — just like the Lady in the harbor promised.

— Ted Roberts

***Libertarians and crime*** — Libertarians too often oppose what government does, simply because it is government that is doing it. It is one thing to resist governmental encroachment into areas where government has no business going, but another thing entirely to resist govern-



"I was out late last night — how about some easy listening?"

ment when it is acting in those areas legitimate to its purposes.

The Founders were well aware of the dangers posed by government, but they regarded the absence of government a greater danger still. Thomas Paine saw government as necessary to "restrain our vices." James Madison wrote: "If men were angels, no government would be necessary." The Founders accepted what we libertarians often fail to acknowledge: that crime is a greater threat to our lives, our liberty, and our property than is government. In the Preamble to the Constitution, the Framers specifically charge government with the duty to "secure the Blessings of Liberty to ourselves and our Posterity." The Founding Fathers believed that liberty could not prevail in the absence of government.

As Ayn Rand wrote: "there is really only one proper function [of government] the protection of individual rights. Since rights can be violated only by physical force, and by certain derivatives of physical force, the proper function of government is to protect men from those who initiate the use of physical force: from those who are criminals."

It is time for all libertarians to accept that law enforcement is a necessity; time to accept that it is law enforcement that protects us "from those who initiate the use of force, from criminals"; and — secures "the blessings of liberty."

Fear of crime in America is palpable. Americans live in barricaded homes: bars, gratings, locks, and double locks are standard (or, in the countryside, dogs and shotguns). If we venture out, fear accompanies us, and many have not done so during evening or night hours in decades. We relocate from large cities to small cities, and to smaller cities still, but find no escape from crime and the fear of it. We Americans live in a society that has produced the highest material standard of living in history, yet find little joy in it. Crime has destroyed our happiness, polluted our lives.

The Libertarian Party cannot succeed while remaining silent on the issue of crime. It makes much of its advocacy of the repeal of drug laws, but this is a timid and piecemeal advocacy. The larger question is: is it ready to advocate tough, no-nonsense enforcement of laws against crimes against life, liberty, or property? Or will it continue to marginalize itself by ignoring this whole issue? Libertarians can effectively invalidate thousands of laws, including the drug laws, simply by altering the law enforcement agenda. But they do not even try. We are too bent on opposition, too stuck at negative. Freedom through crime suppression offers the Libertarian Party the breakthrough issue it needs to enter the American consciousness.

— Frank Ricciardone

***Yellows and reds in the Golden State*** — I've been doing some research on the history of California's constitution, and it has been an eye-opening experience indeed. If you thought that nobody really talks like the villains in *Atlas Shrugged*, take a look at the *Debates and Proceedings of the California Constitutional Convention, 1878-1879*. The convention was called as a result of the electoral victory of the Workingmen's Party, a national socialist party founded by Karl Marx himself in 1864. The Workingmen

*continued on page 53*

# Freedom at the Ballot Box

*by R. W. Bradford*

The voters voted, the Republicans won, and freedom lost.

Every election has good news, at least every election does for libertarians like me. At the very least, every election involves the defeat of several loathsome politicians who have used the power of their offices to undermine liberty.

In this election, for example, former vice president Walter Mondale, long an advocate of high taxes and expanded state powers, was defeated in a bid for the U.S. Senate. And, if *Newsweek's* Margaret Carlson is to be believed, virtually every candidate whom Bill Clinton tried to help was defeated. But every election also has its bad news. In this one, voters in New York re-elected Republican governor George Pataki, perhaps setting the stage for the pompous fraud — elected as a fiscal conservative, but a profligate spender in office — to seek the presidency. And marijuana legalization efforts were defeated everywhere they were on the ballot, except in the District of Columbia.

I might be happier with the election results, however, if I could enter fully into the spirit of “libertarians like me.” Since we reject huge portions of both parties’ agendas, the defeat of virtually anyone or anything proposed by a major party can seem like a victory for us. But we live in a real world, and knee-jerk reactions like that don’t tell us much about the real world in which one party or candidate may be worse for liberty than the others. The question remains: did liberty advance in the November election, or not?

The answer is complicated. In a general way, Republicans won. For the first time since 1955, the GOP controls the presidency and both houses of Congress.\* Out of all the years between 1931 and 2002, Republicans controlled both houses of Congress for only ten, and in eight of those they had to deal with a Democrat in the White House. In

---

\*I know, briefly in 2001 they did, until Jeffords became an “Independent.”

---

theory, not having Congress and the White House under the same party’s control should make it harder for government to do much mischief. If Congress is controlled by one party and the presidency by another, the president should be more likely to veto legislation than he would if the same party controlled everything. And if the two houses of Congress are divided, so much the better. That’s the theory. The reality is that a power split between parties has generally yielded little better results than one party controlling the whole shebang, at least in recent years.

Since 1981, the only time the same party controlled the presidency and both houses of Congress was in 1993–95, under Bill Clinton. The Democrats introduced a lot of really awful legislation but got practically none enacted. Voters were so dismayed by the Democrat program that they turned control of both the Senate and the House over to Republicans, who had not controlled the House for 40 years. During that time of split power, the two parties usually compromised by each letting the other enact and implement part of its agenda. The GOP got more defense spending and the Democrats got more welfare spending, and both got all the pork barrel spending they wanted.

When one party controlled everything, as was the case in 36 of the 50 years prior to 1980, it did little to implement the other party’s agenda, and pork barrel spending in districts held by the opposite party was, shall we say, limited. To be fair, in all but two of those 36 years, it was the Democrats who controlled the government. And for most of those

years, the Democrats were busy implementing radical agendas — the New Deal and the Great Society — that vastly stimulated the growth of government. But the period of Democrat control in the 1970s was not a period of uncontrolled government growth: it saw substantially lower defense spending, and the dismantling of various New Deal economic regulations.

Well, where do we stand today?

### The Republican Prospect

For the past 25 years, Republicans have been more or less committed, in rhetoric at least, to a more constrained government. When they've held the presidency, they've blamed the huge growth of government on the Democrats who controlled Congress. When they've controlled

---

*In theory, not having Congress and the White House under the same party's control should make it harder for government to do much mischief. The reality is quite different.*

---

Congress, they've blamed the continued growth of government on the Democratic president. Now the GOP controls it all. They no longer have any excuse for the growth of government and erosion of liberty. It's time for them to put up or shut up. Or it would be a time if politics took place in what we normally view as the real world, a world in which bullshit is not a major currency.

But while it may be possible for Republicans to continue fooling some of their supporters, people who actually pay attention to politics will not be victimized by their attempts to obscure the slippage between rhetoric and policy. Either the Republicans will actually implement some constraints on government or it will become apparent to anyone with the slightest critical capacity that they are unwilling to do so. That's a good thing — but not a very good thing.

The GOP victory was primarily the result of its ability to

### Back to the Drawing Board

In Massachusetts, Libertarians were looking for a major showing in the race for governor.

Libertarians had a well-known candidate in the person of Carla Howell, who had gotten eleven percent of the vote against Ted Kennedy in the last election, thanks in part to the GOP's nominating a candidate so lame that the party actually repudiated him.

And the Howell campaign had an original and plausible strategy. Knowing that it would be difficult to raise funds and issues on Howell's behalf because of the heat generated by the major party candidates in this race, Howell's campaign manager came up with a novel strategy: Howell would head an effort to abolish the state's income tax and gain publicity from appearing as its spokesperson both in news coverage and advertising.

It sounded like a plausible strategy. But it was a colossal failure: Howell took barely one percent of the vote. — R. W. Bradford

exploit war hysteria. It was the terrorist attack on Sept. 11 that made Bush popular, and it was his War on Terror that carried the GOP to victory. And war hysteria is seldom conducive to liberty: witness the very sorry showing of the marijuana legalization ballot measures in this election. Just about the only ballot measures whose results were unambiguously libertarian were measures to limit or reduce taxes. Of course, these are almost always popular: voters almost always want lower taxes. The problem is that voters also want higher spending, and are quite happy to evade the fact that every dollar the government spends is one that it has already taken in taxes, directly from citizens or by the indirect method of inflation.

What about the policies the GOP supports? On election eve, *The Wall Street Journal* predicted that, "If Republicans control House and Senate," we should expect:

- parts of President Bush's tax cuts made permanent;
- drive for "tax reform";
- defense spending growth; and
- drug-industry-friendly Medicare prescription benefit advances.

Certainly the GOP's call for making Bush's tax cuts permanent is a good thing, but the rest of the changes the *Journal* predicts are of mixed value at best. "Tax reform" almost always means tinkering with the tax code to reward your supporters and punish your opponents, thereby expediting future fundraising. Increased defense spending has to mean either higher taxes or more inflation. As for medical care: what Americans need is for the government to get out of the act entirely. It astonishes me that Republicans can call for less regulation of every other industry while supporting increased federal involvement in medicine. Is it any wonder that the one segment of our economy that the government controls is the one where costs are skyrocketing?

### The Democratic Prospect

Yes, the Republicans are preferable in some ways to the Democrats. Certainly the Republicans' tax program is preferable to the Democrats' proposals to make the

system more "equitable" by means of "tax cuts" — for "workers" and other methods of redistributing wealth (i.e., taking it from people who produce it and giving it to others). One may also wonder at the Democrats' call for a crack-down on corporate excess. Already, the crimes of Enron, Arthur Andersen, and WorldCom are punishable by long prison terms — under current law, the white collar criminals of these firms may very well spend more time in the gray-bar hotel than most murderers and rapists.

It doesn't take a genius to know that the reason why the crooks at Enron and WorldCom got away with their crimes as long as they did was that so many people were drunk with profits from the obviously inflated stock market that they abandoned common sense. It should have been obvious to anyone who looked at the stock market boom of the past decade that a

good deal of fraud was involved in it, but stockholders didn't want to meddle with the goose that laid the golden eggs. Hey, their retirement fund was worth millions already, and if things continued to go as well as they were going, they'd soon all be billionaires.

Nearly a decade ago, I observed that the Democrats, who then held the presidency and both houses of Congress, were on the verge of a long-term, possibly permanent decline. People were losing their faith in the magical welfare state, and the Democratic Party was becoming an obsolete coalition of interest groups with little in common except lust for power and its perks. In the course of predicting that Bill Clinton would be the last Democrat elected president for at least half a century and that the GOP would win the 1994 elections, I pointed out that the Democratic Party's decline would accelerate, because its first casualties would be congresspersons from marginal districts, who tended for that reason to be moderate. The radical leftists would then be in charge, and they would further alienate voters.

We are beginning to see this happen. After the election, House Democratic leader Dick Gephardt resigned and Democrats chose Nancy Pelosi to replace him. Gephardt was, as Democrats go, a moderate, representing a middle-income St. Louis district that includes a substantial number of rural and suburban residents where Clinton barely managed to capture a majority of the vote in 1996, after carrying just 44% in 1992. Pelosi, by contrast, represents a tiny, high-income, 100% urban San Francisco district that Clinton carried with 76% of the vote in 1992 and 81% in 1996. She was hand-selected for her position by her predecessor, radical-leftist ward-healer Congressman Phil Burton.

The process of Democratic self-marginalization which began a decade ago continues.

### The Libertarian Prospect

For libertarians, the most important races in this election were in Texas and Washington. In Texas, libertarian Congressman Ron Paul won re-election easily, garnering over two-thirds of the vote. In Washington, Jim Johnson, a libertarian seeking a seat on the non-partisan Supreme Court, lost by a hair. Johnson, who was supported by the GOP and has a

strong record on tax limits, property rights, and individual rights, was opposed by a staffer of the state's Democratic attorney general and was victimized by a series of vicious attack ads during the week before the election. He managed to carry 30 of the state's 39 counties, but votes from the big cities, and rural concentrations of wealthy retirees defeated him.

But when most people think about libertarians in politics, they're thinking about "big L" libertarians; that is, libertarians who are active in the Libertarian Party. The Libertarian Party and its campaigns got a lot more publicity this year than in most off-year elections. LP campaigns and candidates made the national news five times before the election:

- The National LP spent \$35,000 to oppose Republican Congressman Bob Barr in the GOP primary, purchasing

## Meanwhile, at Party Headquarters . . .

For the past several years, the national Libertarian Party has focused the party's slim resources on activities other than winning elections. In this election year, for example, the national party spent \$54,600 on political campaigns, less than three percent of its budget. And about 65% of the funds it spent on campaigns was used to purchase a handful of advertisements opposing Republican Bob Barr in the GOP primary in Georgia. (LP national political director Ron Crickenberger took credit for helping to defeat Barr, though this seems extremely unlikely: Barr lost by more than a 2 to 1 margin and the LP's ad budget was tiny in comparison to the millions spent by the candidates and their partisans.)

Rather than winning elections, or even doing well in them, the national party has spent its efforts on items that it can use to help it raise funds: publicity stunts like the attack ads against Barr and recruiting large numbers of candidates for elections for which there is no hope of victory by any definition. This year, the party made a huge deal of the fact that it had 219 candidates for the House of Representatives, more than any other fringe party has ever had, and beefed up its list of "victories" by recruiting candidates to run for extremely low-level non-partisan offices which would otherwise go uncontested.

This is not really surprising: the national LP is run by staffers whose interests do not necessarily involve winning elections or affecting policy. They need a constant flow of cash to pay their salaries, to give them "performance" bonuses, and to pay for their perks of office. Until recently, the party's National Committee has provided no effective oversight.

The new National Committee and the national chair elected at the convention in July seem to be trying to get the staff under control. It's a big job, and all men of goodwill wish them well. Unfortunately, the chair and the committee seem disinclined to level with the general membership, if the way the party reported the resignation of National Director Steve Dasbach is any indication. After forcing Dasbach to resign, the National Committee allowed the *LP News* to bury the story on page three and omit any mention of the reasons for Dasbach's leaving, not even mentioning that Dasbach was told to "pack his bags." I suspect the leadership is reluctant to inform the membership of the extent of the problems for fear that it would hurt fundraising. Others have suggested a simpler explanation: *LP News* is still edited by Bill Winter, a part of the entrenched bureaucracy, who cannot be fired because the party owes him so much money for unused vacation and sick leave, thanks to Winter's negotiating an extraordinarily generous contract with Dasbach, without the knowledge or approval of the national chair or the National Committee.

— R. W. Bradford



## Stalking Horse for the GOP?

If DNC chairman Terry McAuliffe starts donating to the Libertarian Party, and raising money for LP campaigns, perhaps we should not be surprised. After all, Libertarian Party candidates arguably did more damage to the prospects for fiscal restraint, economic freedom, and educational choice than the Democrats did in November.

Some clues to the current state of the LP:

1) Libertarians have come to be perceived as some sort of junior Republicans. Most of the recognition the LP got during the 2002 campaign was for how many votes they might take from Republicans.

2) Most LP candidates do not run campaigns meant to appeal to the political left. This only hardens the impression that the LP runs to the right most of the time.

3) LP HQ seems incapable of choosing its fights wisely. It attempts to paste an LP name into every possible race, regardless of the candidate's qualifications, resources, or even his agreement with libertarian thinking.

4) Republican challenger John Thune lost by 527 votes in his race for the U.S. Senate in South Dakota, where the LP candidate dropped out and endorsed Thune, but did so too late to get his name off the ballot. Arguably, the 3,071 votes the LP candidate got helped re-elect Democrat Tim Johnson, a clone of South Dakota's senior U.S. Senator, Tom Daschle.

After the votes were counted in Arizona, the LP's candidate for governor (and former candidate for the LP presidential nomination) Barry Hess, asked if he could give his 1.7% of the votes to the Republican, who needed less than that to eke out a victory.

In Alabama, the LP candidate for secretary of education got 30,000 votes, far more than the number by which the liberal Democrat who heads the state teacher's union won.

If the LP wants a reputation as the spoilers in certain races, then it had darn well better be perceived as a party which is always consistent about trying to defeat the candidate who is less supportive of the Libertarian Party platform.

At the moment, LP HQ seems both irrelevant and unrelated to the (relative) success of some LP candidates. Too often, it seems to work against achieving success, with so-called "emergency" fundraising appeals less than 90 days before the November elections for candidates who are so far out of the realm of contention that HQ has to pay their filing fees. Nothing in the experience of the past several months suggests that the LP is about to achieve a significant resurgence of growth in either membership or contributions. At the moment, with membership down roughly 30% from just three years ago — the prospect of an LP presidential campaign in 2004 seems a bit ludicrous. — Ken Sturzenacker

attack ads on local television and cable. The ads hit hard at Barr's support of the War on Drugs. Although the ads played virtually no role in the outcome of the heavily financed battle between two incumbents — which Barr lost to another incumbent (also, notably, a drug warrior) by a huge margin — they nevertheless attracted some press coverage, if only for the novelty a fringe party buying ads designed to affect a major party primary election. The nearly universal opinion of political analysts is that the ads had no impact. Given the fact that both candidates support the drug

---

*The GOP controls it all. They no longer have any excuse for the growth of government and erosion of liberty. It's time for them to put up or shut up.*

---

war, it's hard to think of a worse investment of Libertarian Party funds than a violent attack on *one* of them.

- California LP gubernatorial candidate Gary Copeland got a lot of publicity by spitting on Brian Whitman, a talk-show host who had cut off Copeland's microphone and denounced Copeland as a "lunatic."

- The Montana LP candidate for the U.S. Senate got extensive coverage for his revelation that his skin had permanently turned blue because he had for several years drunk a solution of colloidal silver, hoping to ward off diseases and to prepare himself for shortages of antibiotics at Y2K.

- The North Carolina LP got publicity when James Carville got a copy of its "Ladies of Liberty" pinup calendar and invited one of its models, a candidate for the state legislature, to appear on CNN's *Crossfire*. There, Carville slobbered over the candidate, and Tucker Carlson was shocked.

- The LP candidate for governor of Wisconsin got publicity for, of all things, running an excellent campaign and raising a lot of important issues. He was featured in favorable articles in the *New York Times* and the *Washington Post*, places where libertarians seldom get good press.

The Libertarian Party fielded a record 219 candidates for the U.S. House, 23 candidates for the senate and 21 candidates for governor. As usual, all of them lost. The highest vote percentage attained by any candidate in these elections was that of congressional candidate Robert Murphy, who got 24.4% of the vote in Oklahoma's 3rd district. The formula for getting this impressive vote? Murphy was on the ballot as an "Independent," not as a Libertarian. He faced only one major party opponent. And, according to his campaign website, he did not campaign "because he is a primary caregiver for a dear friend who is suffering from bone cancer."

Of those Libertarian candidates who faced opponents from both major parties, the best performance by a wide margin was that of Ed Thompson, who got 10.5% of the vote for governor in Wisconsin. In addition to facing opposition from both major parties, Thompson also faced another

fringe party candidate. As a rule, a second fringe party candidate cuts the LP vote about in half. Another problem was that Thompson appeared with the Libertarian Party label; Libertarians who run as independents (such as Robert Murphy) usually do about twice as well as those who run with the LP label. These two factors are often overlooked by people who analyze LP returns, but Thompson would almost certainly have done better still if he had, for instance, shed the LP name.

In this election, the LP ran 137 candidates on the LP ticket against opponents from both major parties but without other fringe party opposition. Those LP candidates received, on average, 2.73% of the vote. Fifty LP candidates faced opposition from both major parties and from one or more other third party candidates. These LP candidates, on average, received just 1.34% of the vote. This strongly suggests that more than half the votes that LP candidates receive come from people who are more interested in voting against both major party candidates than in supporting a Libertarian candidate.

The tendency holds when the LP candidate faces just one major party: in these races, LP candidates averaged 11.71% of the vote when they were the only third party candidates on the ballot; when there was another third party candidate, the LP candidates averaged just 6.67%. Libertarians running as independents did much better than libertarians running as Libertarians. There were 24 LP candidates who ran as "Independents"; they received an average of 4.19% of the vote. There were 195 candidates who ran with the "Libertarian" label; they received an average of 3.30%. But the effect of running as an Independent instead of a Libertarian is probably substantially greater than these figures indicate, since the "Independent" libertarians all ran in areas where Libertarians traditionally do badly: all were in New Jersey or in states that were part of the old Confederacy.

The LP ran a total of 21 candidates for the Senate. Those facing opposition from both major parties got an average of

1.5% of the vote; those with only one major party opponent got an average of 13.9% of the vote. The LP ran a total of 23 gubernatorial candidates, all of whom faced opposition from both major parties. Aside from Thompson in Wisconsin, the best performance was that of Tom Cox, who attained 4.6% of the vote in Oregon. The average vote that LP gubernatorial candidates received was 1.9%; with Thompson excluded, it was 1.5% — virtually the same share of votes that Libertarians got in races for the Senate against two-party opposition. In sum, Thompson's campaign stood head and shoulders above all other LP campaigns, despite the fact that it got precious little help from the national party and was dreadfully underfunded.

The LP ran thousands of other candidates for offices, but won a grand total of three partisan elections. Two of the victors were longtime Republican incumbents who had switched parties in San Miguel County, Colo. (population 6,971): Bob Dempsey, coroner, and Bill Masters, sheriff, who has earned considerable attention by calling for drug legalization. Masters had no opposition; Dempsey defeated a for-

---

*More than half the votes that LP candidates receive come from people who are more interested in voting against both major party candidates than in supporting a Libertarian candidate.*

---

mer staffer. The only other partisan LP candidate to win an election was Edward A. Dilts, elected without opposition to the Advisory Board of Needham Township (population 4,682), Johnson County, Ind. (*LP News* erroneously reported that Dilts had been elected to the Township Board.) LP members won elections to 25 non-partisan positions in local government. These offices included the boards of three community services districts, two health care districts, two recreation and parks districts, three school districts, a harbor district, two sanitary districts, and a fire district. In addition, LP members won two races for city council, one for justice of the peace, and one for soil and water conservation supervisor. Party candidates captured six local advisory board seats without opposition and without their names appearing on the ballot. In all, there was one partisan victory in a contested election, two partisan victories in uncontested elections, 25 victories in local non-partisan races, and six "victories" in uncontested races that were not voted on by the public.

To outside observers, this list of victories seemed pretty paltry for a party that has spent 30 years and millions of dollars. Indeed, the party showed considerably less success than it did 20 years ago, when it elected three members to state legislatures. The day after the election, *LP News* reported that the party's "members were buoyed by a flurry of local wins." The discussion among LP activists on the Internet, however, has been decidedly unbuoyant, and the *News* did not report how it discovered that members were

### ***Not Quite Totally Nationalized* —**

The gleeful post-election summary judgment of the political pundits that elections have in effect been "nationalized," is essentially correct; the wave of the future seems to be driving us toward bigger government, more centralization, and more government spending. George W. Bush's pre-election blitz on behalf of Republicans simply accelerated this trend. The Republican position (i.e., the Bush position) on practically all the issues in contention calls for more power to the executive. The defeat of Democrats by Republicans in the 2002 election, therefore, gives little reason for free-market libertarians to rejoice — except as it shows that there is still a chance to try to change the climate of opinion; the politicians can't yet impose their will by fiat in this country, but must try to persuade a majority of the voters.

— Bettina Bien Greaves

"buoyed" by the election. The party's national political director, Ron Crickenberger, said that the party "moved forward this year, albeit slowly. . . . In one sense we did better than the Democrats. They have fewer elected officials coming out of the election — we will have a few more." Of course, in another sense, it might possibly be said, the Democrats did better: they won tens of thousands of contested partisan elections, many of them to important posi-

---

*The LP ran thousands of candidates for offices, but won only one contested partisan election: a longtime Republican incumbent who had switched party affiliation in San Miguel County, Colo. (population 6,971) was re-elected coroner.*

---

tions, while the LP won a race for coroner in a rural county in Colorado.

Besides gaining national attention five times prior to the election, LP campaigns made the national news twice afterward.

- LP campaigns were widely blamed for costing Republicans several close elections, most notably the Senate

seat in South Dakota, where Libertarian Kurt Evans got 3,071 votes in an election that Democrat incumbent Tim Johnson won by just 527 votes. If the GOP candidate John Thune had taken just 1,800 of those 3,071 votes, or 58.6%, Thune would have won. And since Libertarian views are generally closer to those of Republicans than Democrats, if Evans hadn't been on the ballot, it's likely that more than 58.6% of those who voted for him would have voted for the Democrat incumbent. (This is a superficially sound argument, but it doesn't hold up to scrutiny. See "LP: Killer of Republicans?" below)

- The second national news story was a clearly unfortunate one. Two weeks after the election, neighbors of Idaho's LP gubernatorial candidate Daniel Adams called the police to report hearing gunshots. Police discovered that Adams was wanted for a probation violation in Ada City, and went to the scene. When they arrived, they found Adams confrontational and suspected he intended to "commit suicide by cop," i.e., attack the police in the hope of being shot. "We won't play that game," Captain Leroy Cordes of the Payette County sheriff's office told me. Police used a non-lethal Taser in an attempt to subdue Adams, Cordes said, and he lunged at them with a saber. He was subdued and arrested for battery. Suddenly the Blue Man and the Spitter didn't seem like the LP's saddest candidates after all. □

*Note: All figures cited are from the most complete returns available at the time of publication.*

## No Libertarian Spoilers This Year

One of the most common "insights" that pundits have offered about the election is that LP campaigns cost the GOP several important contests. Articles and op-eds making this argument have appeared everywhere from the *New York Times* to *The Weekly Standard*, and even appear in this issue of *Liberty*.

The most widely cited race in which the LP allegedly cost the GOP an important election was the contest for the senate seat in South Dakota, where Libertarian Kurt Evans got 3,071 votes in an election that Democrat incumbent Tim Johnson won by just 527 votes. If 1,800, or 58.6%, of those votes went to GOP candidate John Thune, leaving just 1,271 for the Democrat, Thune would have won. And since Libertarian views are generally closer to those of Republicans than Democrats, if Evans hadn't been on the ballot, it's likely that more than 58.6% of those who voted for him would have voted for the Democrat incumbent.

This argument sounds plausible, but it has some serious flaws. For one thing, there is considerable evidence that about half the vote that LP candidates get in three-way races comes from people who for one reason or another are inclined to vote against both major party candidates. There is no evidence that these people favor the Libertarian political program or that they would be more

inclined to vote for a Republican than for a Democrat or (likeliest of all) for no candidate at all. There is substantial evidence that about half the voters who choose the LP nominees wouldn't vote at all if the LP candidate were not on the ballot, leaving only half the votes up for grabs by the major parties.

But this was not a typical election. Evans had withdrawn from the race and endorsed Thune, thereby encouraging voters who were ideologically motivated to switch their votes in the same way. These voters, obviously are not part of the 3,071 votes for the LP candidate, leaving a higher proportion of anti-major party voters among those who ultimately voted for Thune.

If Evans' withdrawal took a quarter of his supporters to the GOP and half his original voters were anti-major party, that would leave just 1,152 votes up for grabs. Of these, Thune would have had to win 840, or 73%. This is a very high percentage; past experience indicates that Republicans get about 66% of votes that would otherwise go to the LP if voters are denied an opportunity to vote Libertarian.

Applying this same analytic method to the other seven races in which the LP candidate's vote total exceeded the margin of victory, reveals that the LP didn't affect the outcome of a single race.

— R.W. Bradford

# The Republican Killers

*by Chuck Muth*

Being a perennial spoiler is not something to be proud of or to aspire to.

The answer to “bad” Republicans is to replace them with better Republicans — not with Democrats who are far worse. Such common sense political wisdom, however, appears to be completely lost on the Libertarian Party, which seems to subscribe to a political strategy equivalent to burning the village down in order to save it.

Republican John Thune lost his bid to knock off incumbent Sen. Tim Johnson in South Dakota by a lousy 524 votes. A stinkin', lousy 524 votes.

Thune had racked up a respectable lifetime rating of 83 from the American Conservative Union, while Johnson earned a pathetic 21, so South Dakota voters had a clear choice between a government-loving incumbent liberal and a fairly consistent limited-government conservative.

Yet knowing that this was likely to be a neck-and-neck race from the beginning — and that control of the Senate may well have hinged on this one race — the Libertarian Party put up Kurt Evans as a spoiler candidate. To Evans' credit, he dropped out of the race and endorsed Thune about a month before the election, but not soon enough to have his name removed from the ballot.

On election day, he garnered 3,071 votes — more than enough to have changed the outcome of this race and given the limited government cause an additional voice in the Senate.

It defies common sense for the Libertarian Party to have gotten into this race at all. Evans never had a prayer of winning; the only *possible* impact he could have was to serve as a “spoiler” who would throw the race to Johnson. Which is exactly what happened.

I do give Evans credit for seeing the light — even if too

---

late. Who I can't excuse are the 3,071 supposedly limited-government numskulls who voted for a candidate who had dropped out of the race, thereby giving another six-year term to a guy who stands against just about everything they stand for.

Libertarian Party supporters have a point when they observe that many Republicans are far from being champions of limited government. But while they excel at diagnosing the disease, they are remarkably deficient in providing a cure.

Witness a column written by the LP's last presidential candidate, Harry Browne, in which he lamented that, “The winning incumbents have never bothered to introduce a single bill to reduce government in any significant way, while they have been reliable supporters of all sorts of new big-government schemes.”

Okay, let's stipulate that this is true; you'd be hard-pressed to get much of an argument over it from me. But it is also true that not a single Libertarian Party member of Congress has ever introduced a single bill to reduce government in any significant way.

And why not?

Because not a single Libertarian Party candidate has ever been elected to Congress.

It's easy to sit in the stands and criticize the players. It's easy to take strong, no-compromise positions when you know you'll never win an election and actually have to govern.

The simple fact is, if you want to change public policy, you have to change public officials. In that regard, the Libertarian Party has been a dismal failure — unless, of

---

*It defies common sense for the Libertarian Party to have gotten into the South Dakota senate race at all. Its candidate never had a prayer of winning and the only possible impact he could have was to serve as a "spoiler" who would throw the race to Johnson. Which is exactly what happened.*

---

course, you consider it a success to throw a few close elections from a decent-but-not-perfect Republican to a far worse Democrat.

Until the LP takes seriously its responsibility to get candidates elected instead of just heckling from the sidelines, I can't take it seriously as a credible political party, no matter how sympathetic I am to its ideology. Being nothing more than a perennial spoiler is not something to be proud of nor to aspire to.

Liberty-minded people who want to change public policy need to join with conservatives in the GOP. Period. The

key isn't just to get more Republicans elected, but better ones, like Texas Republican Ron Paul.

Libertarians can help do that by abandoning their third-party "movement" and helping to elect more limited-government candidates in the GOP's primaries. And having more libertarians under the party's "big tent" would help enormously to buck up the spines of the conservative jellyfish already there.

A far better use of the time, talent, and treasure invested in the LP would be to establish a grassroots organization to put libertarian issues into play on Capitol Hill and around the country by lobbying and campaigning for ballot initiatives.

One need only to look at Massachusetts this year to see the potential of such an approach. Libertarian Carla Howell's ballot initiative to repeal the state's income tax received the support of 45% of the electorate. Yet Carla Howell, the gubernatorial candidate, received a puny one percent of the vote total.

Clearly, the problem wasn't the message, it was the messenger.

The LP has shot itself in the foot year after year by running candidates who weren't serious, or were, often, outright kooks. And it sure doesn't help to have earned the reputation of inevitable losers. People still root for the Cubs, but no one seriously expects them to win the World Series. It's even worse for the LP.

It's time for rational libertarians to abandon the rookies and amateurs in the LP and come play in the big leagues with the big boys.

We're leaving the light on for you. □

---

## Letters, from page 4

---

freedom is more important than ours.

Not only that, but Sandefur seems to reject any means of abolishing slavery except war — paying off the slave owners would not have been acceptable to him because that would imply that his hero, Lincoln, was a war-mongering tyrant.

And what price would Sandefur have been willing to pay for the immediate abolition of slavery? Apparently, the 600,000 deaths and countless rights violations of the Civil War were not too high a price for him. Would any price have been too high? I doubt it.

Richard D. Fuerle  
Grand Island, N.Y.

### Not Funny!

I was really offended by Tim Slagle's "Tour de Snail" in the November Reflections. I note that Slagle is a comedian. I suggest he find another line of work, because this piece was not funny; ignorant, insensitive,

and way wide of its intended mark, but not funny. He describes Armstrong as "the detestled winner of a French bicycle race."

Armstrong survived a very virulent form of cancer after chemotherapy and surgery to remove one of his testicles and part of his brain (the cancer had also spread to his lungs), then went on to win the Tour de France four times, an event that is generally recognized as the world's most difficult test of human endurance (yes, including the Ironman). I would like to think that the *Liberty* editors would be a bit more discerning in what they publish. Other than being truly offensive, how does such drivel promote liberty?

Jerome Reid  
San Diego, Calif.

### In Defense of Elmo the Muppet and Rock 'n' Roll

Are you planning to officially change the name of this magazine to

"Curmudgeon Monthly"? In the August Reflections, you let Gene Healy level a gratuitous curse against Elmo the Muppet, one of America's most beloved media figures. For the November issue, you tracked down Frank Ricciardone, the last living rock 'n' roll basher, and gave him half a page for "Postmodern Hootenanny," a mean-spirited rant against the three generations of Americans who grew up with rock music. I thought it was a transcript of my mother denouncing Elvis 45 years ago.

Cole Porter and Bing Crosby were fine artists, but if Ricciardone thinks the rock era has produced no one of their stature, he simply hasn't been paying attention. Looking for lyrics of substance? Check out David Bowie. Beautiful melodies? Bryan Ferry. Expressive vocals? Joan Osborne. All of

*continued on page 44*



# Iraq:

## The Wrong Place, the Wrong Time, the Wrong War

by Gene Healy

Invading and occupying Iraq will likely undermine American national security, perhaps catastrophically so.

War with Iraq appears to be all but a foregone conclusion. President Bush reads the Republican takeover of the Senate as a vindication of his regime-change policy; the UN Security Council will no longer stand in his way, and any intransigence the weapons inspectors encounter upon their return to Iraq may provide the administration with the *casus belli* it seeks. Indeed, as this issue goes to press, laser-guided bombs may already be falling on Baghdad, clearing the way for ground troops.

Nonetheless, it's worth examining how we got here, not only because the administration's case for war is so weak, but because many in our "movement," for lack of a better term, have signed on.

The administration has framed its case for war in terms of American national security. That's the case I'll address. I won't argue with their assessment that Hussein is an evil and murderous tyrant; clearly he is. I won't argue that venal or frivolous motives lie behind the administration's push for war — such as a desire to control Iraqi oil fields or a personal vendetta on the part of President Bush. I don't think such motivations are what drive the administration. Finally, I won't even spill much ink on the moral case against war in Iraq, even though I think that case is quite strong. Simply put, it's wrong for us to kill (at a minimum) hundreds of innocent Iraqi civilians based on an entirely speculative possibility of future harm. But as it happens, the pragmatic case against invasion is strong enough to suffice by itself. Iraq does not represent a threat to American national security. In fact, invading and occupying Iraq will likely undermine American national security, perhaps catastrophically so.

The administration argues that Saddam Hussein may not be deterrable. But it has provided no reason to believe that

---

deterrence — which sufficed to contain nuclear-armed Mao and Stalin, the gold and silver medallists in the 20th-century's genocidal Olympics — will not work. And it ignores the fact that Hussein has demonstrably and repeatedly been deterred from using weapons of mass destruction against enemies capable, like the U.S., of massive retaliation. The administration argues that Hussein has links to al Qaeda and may have had a hand in Sept. 11. But its evidence on those counts amounts to a plea of "trust us." Finally, the administration argues that forcible regime-change can lead to a free, prosperous, and democratic Iraq, which will serve as a beacon to surrounding nations. But it ignores the much greater risk that an invasion will increase the risk of terrorist attacks in both the short term by making Hussein undeterrable and the long term by leading to a newly empowered al Qaeda.

### A Demonstrably Deterrable Dictator

In "Tales of the Tyrant," in May's *Atlantic Monthly*, Mark Bowden, the investigative reporter who wrote *Black Hawk Down*, profiles Hussein's rise to power and bloody reign. Anyone who doubts Hussein's brutality should read the piece. In it, Bowden recounts Hussein's fascination with Josef Stalin. He writes of a meeting in 1979 between Saddam and the Kurdish politician Mahmoud Othman:

It was an early-morning meeting, and Saddam received

Othman in a small office in one of his palaces. It looked to Othman as if Saddam had slept in the office the night before. There was a small cot in the corner, and the President received him wearing a bathrobe.

Next to the bed, Othman recalled, were "over twelve pairs of expensive shoes. And the rest of the office was nothing but a small library of books about one man, Stalin. One could say he went to bed with the Russian dictator."

But like his hero Stalin, Hussein is a survivor. As Bowden notes, Hussein "never sleeps in his palaces. He moves from secret bed to secret bed. Sleep and a fixed routine are among the few luxuries denied him. It is too dangerous to be predictable." He employs body doubles. In fact, so concerned is Hussein with his own safety, that he's adopted a modern-day equivalent of royal food-tasters. Hussein

---

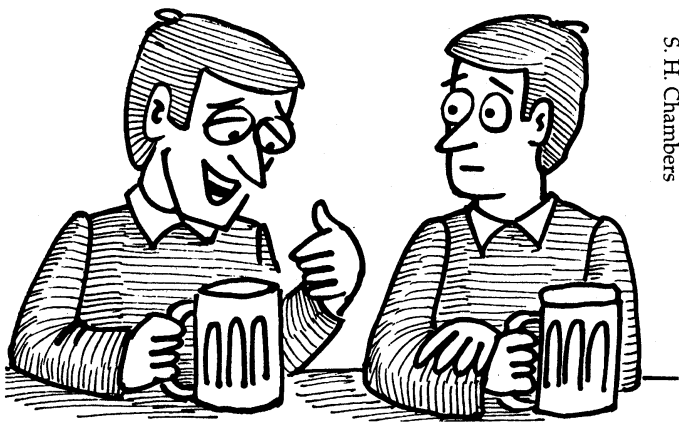
*Refusal to take administration officials at their word when they allege that Iraq had a role in Sept. 11 or that the regime harbors al Qaeda isn't paranoia: it's hard-headed realism, borne of experience.*

---

imports all his food, and has the shipments "sent first to his nuclear scientists, who x-ray them and test them for radiation and poison. The food is then prepared for him by European-trained chefs, who work under the supervision of al Himaya, Saddam's personal bodyguards." It's hard to imagine that someone so intensely focused on self-preservation would take action that's clearly suicidal, such as attacking America with chemical or biological weapons.

It's fairly certain that Hussein retains some chemical munitions, some biological agents, and that he's made efforts to develop nuclear weapons. It's also true that he's used chemical weapons in the past, both against the Iranian army and Kurdish civilians. But one thing he has never done is use those weapons against any enemy capable of massive retaliation.

This is well-covered ground, but again, Hussein had chemical weapons during the Gulf War. However, in



S. H. Chambers

"There's nothing like an ice-cold beer to take your mind off the evil-doers."

response to a thinly veiled American threat of nuclear retaliation, he chose not to use them. None of the 42 scuds launched at Israel were tipped with chemical weapons. He didn't even use them against American forces driving him out of Kuwait, and possibly marching on to Baghdad: none of the 40-some scuds shot at allied forces during the war had chemical payloads.

Those who favor preventive war are not moved by this argument. A scud delivery comes with a return address, they argue; delivery by terrorist intermediaries may not. But if Hussein ever considered this strategy, the evidence suggests that deterrence worked here as well. Hussein first got nerve gas over 20 years ago. His hatred of Israel predates his hatred of the U.S. (Israel launched a preventive airstrike on the Osirik nuclear reactor in 1981, after all). Hussein has had longstanding links with anti-Israel terror groups like the Palestine Liberation Front and the Popular Front for the Liberation of Palestine. Thus, he has long had the means, the motive, and the requisite links with people who would carry out a sneak chemical attack on Israel. If using terrorists to deliver weapons of mass destruction (WMDs) is such a foolproof scheme, then why hasn't Hussein tried at least once over the years to use them against (militarily dominant and nuclear armed) Israel? Hint: the answer's in the parentheses.

Proponents of preventive war argue that weapons of mass destruction change the deterrence equation fundamentally. Why that should be so, given that neither such weapons nor terrorist groups are new developments, isn't obvious. First, as I argue below, it's not entirely clear that chemical and most biological weapons make the grade as "weapons of mass destruction." Second, common sense and CIA intelligence assessments argue that a war undertaken to eliminate the Hussein regime is likely to increase our exposure to attack with chemical and biological weapons by leaving Hussein with nothing left to lose.

Surely, though, nuclear weapons qualify as WMD. Regime-change proponents argue that, even if there's no evidence that Hussein plans to attack us, we should hit him now, before he's capable of nuking an American city. As President Bush put it, "we cannot wait for the final proof — the smoking gun — that could come in the form of a mushroom cloud." But the issue of nuclear weapons deserves a more sober assessment than it's currently getting. As Brookings Institution defense policy analyst Michael O'Hanlon has noted:

Saddam probably could not hurt the United States directly with a bomb even if he had one. Even if he overcomes his most serious obstacle by obtaining fissile material on the black market, he would probably be able to build only a few nuclear weapons, and they would be big. That would make it hard to transport such weapons to give to terrorists or his own foreign-based operatives for use against a U.S. city. He might be able to sneak a bomb into Kuwait or another neighboring state with a low-flying aircraft, but the plane might well also get shot down. He probably does not have a missile big enough to carry what would be a fairly primitive and thus large nuclear warhead.

Thus, even if, contrary to everything we know about his

behavior, Hussein were to develop a death wish, it would be quite difficult for him to strike an American city with nuclear weapons. Of course, a nuclear-armed Hussein would limit our freedom of action in the Middle East, making a war for regime-change far riskier. But that's not an argument that Hussein represents a threat to American security, and, as the administration surely recognizes, it's not as compelling a talking point as the horrifying if implausible spectre of a nuclear Sept. 11.

### The Missing Link

Hussein's pursuit of chemical, biological, and nuclear weapons isn't the only justification administration officials have offered for war. They've also intermittently relied on the argument that the Iraqis have ties to al Qaeda, and may even have helped plan Sept. 11.

Such cooperation isn't impossible, but it would be surprising. Bin Laden and Hussein are natural enemies. Bin Laden believes that even the decrepit theocracies of Saudi Arabia and Egypt are godless, Western regimes. Hussein took power as a member of the Baathist pan-Arab socialist movement. Sad to say, he's what passes for a secular ruler in the Middle East.

When CNN purchased a cache of al Qaeda training tapes last August, they were surprised that the collection included a documentary — not meant for public consumption — that was highly critical of Saddam Hussein. But that came as no surprise to those like terrorism expert Peter Bergen who have studied al Qaeda for years and are familiar with bin

---

*Common sense and CIA intelligence assessments argue that a war undertaken to eliminate the Hussein regime is likely to increase our exposure to attack with chemical and biological weapons by leaving Hussein with nothing left to lose.*

---

Laden's distaste for the Iraqi regime, which does not govern according to sharia and in which women are allowed to drive and (gasp!) bare their heads.

None of that proves that tactical cooperation between Hussein and al Qaeda hasn't happened. After all, Hussein has cooperated with Islamic radicals seeking to destabilize the autonomous Kurdish sector in Northern Iraq. But the evidence that he's cooperated with al Qaeda is vanishingly thin.

The key piece of evidence for the Hussein-al Qaeda connection is a meeting that allegedly took place in Prague in April 2001 between hijacker Mohammed Atta and Ahmed al-Ani, an official with the Iraqi embassy who was later expelled on suspicion of espionage. Czech Prime Minister Milos Zeman and President Vaclav Havel have both asserted that the meeting took place. However, the CIA, the FBI, and the chief of Czech foreign intelligence have all cast doubt on the story. U.S. intelligence officials — despite an

exhaustive investigation and evident pressure from the administration to say otherwise — have said they can't establish that Atta was in Prague in April 2001. At a press conference last April, Columnist Robert Novak asked Rumsfeld point-blank whether Atta met with al-Ani; Rumsfeld: "I don't know whether he did or didn't."

Clearly, if Rumsfeld doesn't know whether the meeting happened, it can't serve as a justification for war. Neither can Rumsfeld's repeated — and unsubstantiated — charges that Hussein is "harboring" al Qaeda operatives.

### Skepticism in Defense of Liberty Is No Vice

War skeptics tend to feel uneasy when Secretary Rumsfeld asserts without offering evidence that Iraq is "harboring" al Qaeda, or when the Turkish government

---

*Hussein took power as a member of the Baathist pan-Arab socialist movement. Sad to say, he's what passes for a secular ruler in the Middle East.*

---

reported in September that it had intercepted a shipment of 33 pounds of weapons-grade uranium en route to parts unknown (it turned out to be five ounces of harmless, non-radioactive powder). The administration has its sights set on regime change, and one fears that one *casus belli* is as good as another in its view. Other commentators have invoked the sinking of the battleship *Maine* in Havana Harbor, and the Gulf of Tonkin incident to remind us that when it wants to go to war, the executive branch tends not to be scrupulous with the facts. But we don't need to go that far back if we're looking for cause for concern. Gulf War I had its own set of war-justifying myths, propagated by some of the same people who now urge us to launch Gulf War II.

In the run-up to Gulf War I, Dick Cheney's Pentagon warned that a quarter of a million Iraqi troops and 1,500 tanks were massed at the Saudi border, ready to invade. As the *Christian Science Monitor* noted this September, contemporaneous commercial satellite photos of the region show nothing but desert in the areas that the Iraqi buildup was supposedly taking place.

The Bush I administration also took advantage of Kuwaiti propaganda about Kuwaiti babies being ripped from incubators by Iraqi soldiers. In the fall of 1990 a 15-year-old girl known only as "Nayirah" testified before Congress about this alleged atrocity. It emerged some time later that "Nayirah" was the daughter of the Kuwaiti ambassador to Washington, and had not been anywhere near the hospital where these events supposedly took place. Instead, she'd been coached by a D.C. PR firm that had a \$10 million contract with the Kuwaiti government to push public opinion toward war. The incubator story was referred to repeatedly during congressional debates of authorization for the war. The truth emerged only after the lie had served its purposes.

Refusal to take administration officials at their word when they allege that Iraq had a role in Sept. 11 or that the

regime harbors al Qaeda isn't paranoia: it's hard-headed realism, borne of experience. When you're listening to our leaders make their case for war, remember that — despite what they told you in civics class — the citizen's first duty is skepticism.

### Worst-Case Scenario

It's also incumbent on the informed citizen to assess carefully the risks attendant to the proposed war. The ground war phase of Gulf War I lasted less than a week. But this time around, if they fight, the Iraqis are not going to get caught in suicidal set-piece battles. It's more likely that the Republican Guard will remain holed up in Baghdad, fighting a house-to-house war of attrition in which Iraqi civilians serve as human shields.

If that happens, there will be substantial civilian casualties. The Israeli Defense Forces took a lot of criticism for their tactics — bulldozing buildings that had not been evacuated, using Palestinians as human shields — last spring in the West Bank town of Jenin. (It soon emerged that reports of a "massacre" had been greatly exaggerated.) But should it come to close-quarters urban combat, it's safe to expect American tactics to be more brutal than those employed by the IDF. Unlike the Israelis, we're not willing to accept heavy battlefield casualties. Rather than fight house-to-house — and take the losses that would entail — we'll likely blow up whole city blocks. And the Qatar-based Arab news channel Al Jazeera will have reporters on the ground to film it. Sure, we'll win, but there will be significant costs: hundreds of American casualties and thousands of dead Iraqi civilians. In the process of winning the war, we'll provide al Qaeda with propaganda footage sufficient to recruit the next generation of jihadis.

Add to this the possibility that Hussein again launches scuds at Israel, this time tipped with chemical warheads. In Gulf War I, the threat of massive retaliation deterred Hussein from using his chemical arsenal. But, to state the obvious, it's hard to deter someone who knows you're coming to kill him. As soon as the scuds are in the air, an Israeli reprisal is a given: Ariel Sharon is on record that Israel will respond if attacked. Bin Laden's depiction of American intervention in the Middle East as a "crusader alliance" between the United States and Israel will gain further credibility for the Muslim "man in the street."

There's little question that Israeli reprisals would weaken King Abdullah's government in Jordan, a moderate regime that has made peace with Israel. Abdullah presides uneasily over a population that is 50% Palestinian, and is said to be terrified by the impact Gulf War II could have on Jordan. But more disturbing still is the impact these events could have on the Musharraf regime in nuclear-armed Pakistan. A protracted war that includes Israeli participation would strengthen the hand of the pro-Taliban Islamists in the Interservice Intelligence agency, thus greatly exacerbating the WMD problem. Given that Islamic parties recently won 59 of the 342 seats in Pakistan's parliament, a fundamentalist takeover is a real possibility.

In the process, the Bush administration will also make a self-fulfilling prophecy out of its nightmare scenario in

which Hussein passes off chemical and biological weapons to terrorists. With his death warrant signed, sealed, and in the process of delivery, Hussein will have no reason not to pass off substantial chunks of the Iraqi biochemical arsenal to Islamic radicals. In fact, this is exactly what the president's own CIA director has concluded. In a letter read before a joint hearing of the House and Senate intelligence committees in early October, CIA director George Tenet noted that "Baghdad for now appears to be drawing a line short of conducting terrorist attacks with conventional or chemical or biological weapons." However, Tenet went on to say that should Hussein conclude that a U.S. attack on Iraq could not be deterred, "he probably would become much less constrained in adopting terrorist action."

Terrorist action with conventional weapons is disruptive enough. Consider the case of John Muhammed and John Lee Malvo, the Washington D.C.-area snipers. Despite hav-

---

*In the process of winning the war, we'll provide al Qaeda with propaganda footage sufficient to recruit the next generation of jihadis.*

---

ing little or no formal training in long-range shooting, this none-too-bright pair repeatedly shut down the D.C. Beltway and terrorized greater Washington for close to a month. What could a couple of dozen well-trained agents achieve with similar tactics?

Terrorist action with chemical or biological weapons could be more disruptive still. War on Iraq substantially increases the likelihood of that scenario. Indeed, another CIA report given to the senators in the run-up to the congressional vote on use of force stated that Hussein might "decide that the extreme step of assisting Islamist terrorists in conducting a WMD attack against the United States would be his last chance to exact vengeance by taking a large number of victims with him." It's not clear that such a strategy would succeed; even under ideal battlefield conditions, chemical and biological weapons have never been as devastating as those wielding them have hoped (See Gregg Easterbrook's article, "The Meaninglessness of 'WMD,'" in Oct. 7's *The New Republic* for more information). But certain agents, such as smallpox, are more threatening than others. The CIA's Weapons Intelligence, Nonproliferation and Arms Control Center (WINPAC) has concluded with "high confidence" that Iraq retains stockpiles of smallpox. It may well be that modern public health facilities, coupled with military quarantines and forced vaccinations, could keep death tolls below Sept. 11 levels. But that's an experiment I'd rather not undertake.

You know we've reached an odd pass in political discourse when a humor magazine best sums up the administration's rationale for a preventive attack: in its "man on the street" interviews, the Sept. 25 edition of *The Onion* quotes "John Englund, Software Developer," who says, "It's clear to me that nothing short of war will stop Iraq from using its weapons."

## Best-Case Scenario

I don't think the worst-case scenario is the most likely. That doesn't mean it should be discounted entirely. The worst case — Hussein passing off chemical and biological weapons to terrorists, a generation of new al Qaeda recruits, as well as loose nukes in Pakistan — is sufficiently awful to caution against another invasion of Iraq, if we can possibly avoid it. Since the downside scenario I've described is substantially more likely than Hussein's attacking the United States if left unmolested in Baghdad, that alone should be dispositive, in my view.

But the worst-case scenario may never happen. Perhaps Hussein will not be able to pass off WMD to terrorists, and perhaps his regime will collapse rather quickly instead of mounting protracted resistance to a U.S.-led invasion. We should keep in mind that there were quite a few self-styled experts who waxed apocalyptic in 1991 about "the fourth largest army in the world" and "the elite Republican Guard." If professional pundits were capable of humility, they'd have been humbled after the war turned out to be the biggest turkey-shoot in American military history.

This time around, the war may go just as easily as it did in 1991. I've got no special insight into the psychology of Iraqi Republican Guard soldiers, but I wouldn't be a bit surprised if they'd rather switch than fight. Where's the percentage in fighting a losing battle against the most powerful military in human history? I wouldn't stake my life on an easy victory, but I would put a substantial amount of money on it.

In the best-case scenario, Hussein doesn't pass WMD off to terrorists and he never gets to launch the scuds. Shortly after the air war begins, he's deposed by a Republican Guard coup. We take Baghdad without a single U.S. battlefield casualty. Triumphalism is in the air, and the chorus of self-congratulatory I-told-you-so's rings out in op-ed pages and TV talk shows across the land.

But our troubles are just beginning.

## Welcome to the Occupation

At this point, we've conquered Iraq. Now what do we do with it? One plan being floated, according to the *New York Times*, uses the postwar occupation of Japan as a model. In this version of the MacArthur Regency, Iraq will be governed by an American military commander such as General Tommy R. Franks, commander of United States forces in the Persian Gulf.

The MacArthur Regency worked in Japan because the U.S. occupiers entered a country sick to death of war, with a tradition of deference to authority (encouraged by the Emperor's call to cooperate with U.S. authorities) and a monocultural middle class that could form the basis of a democracy. As historian John Dower puts it, "the ideals of peace and democracy took root in Japan — not as a borrowed ideology of imposed vision, but as a lived experience and a seized opportunity. It was an extraordinary, and extraordinarily fluid moment — never seen before in history and, as it turned out, never to be repeated." That process is particularly unlikely to be repeated in Iraq, a fissiparous amalgam of Sunnis, separatist Shi'ites, and Kurds. Keeping

the country together will require a strong hand and threatens to make U.S. servicemen walking targets for discontented radicals.

Former Secretary of State Henry Kissinger — no dove, he — noted that he was "viscerally opposed to a prolonged occupation of a Muslim country at the heart of the Muslim world by Western nations who proclaim the right to re-educate that country." As well he should be. Such a policy would be the most generous gift imaginable to the al Qaeda recruitment drive. It makes bin Laden's ravings about a

---

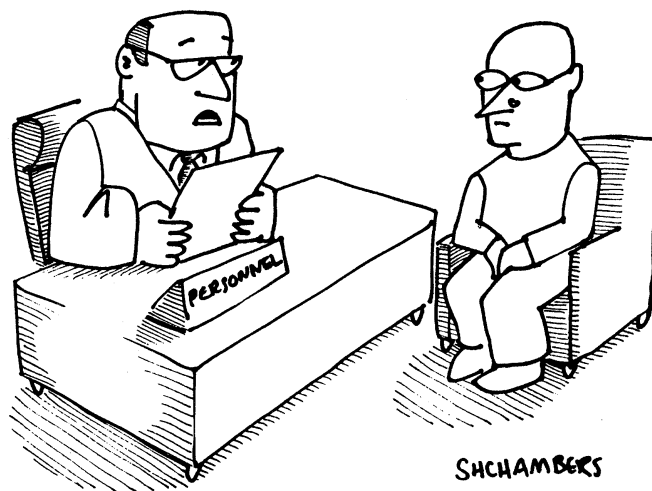
*When CNN purchased a cache of al Qaeda training tapes last August, they were surprised that the collection included a documentary that was highly critical of Saddam Hussein.*

---

Crusader-Zionist alliance to de-Islamicize the Middle East look half-plausible to the angry young men of that hate-filled, backward region.

Indeed, it's hard to think of a foreign policy initiative that could do more to empower al Qaeda than invasion, occupation, and reconstruction of Iraq. To see why this is so, it's necessary to examine what motivates bin Laden's murderous band. Some commentators on the right have offered a theory of "why they fight" that amounts to "they hate us just because we're beautiful." The cover of the first post-Sept. 11 edition of *National Review* declared that al Qaeda attacked us "because we are rich, and powerful, and good." On July 4, 2002, libertarian Brink Lindsey, on his popular weblog [brinklindsey.com](http://brinklindsey.com), titled an entry "Why They Hate Us," and quoted the Declaration of Independence: "We hold these truths to be self-evident: that all men are created equal."

Those who have made a career of studying al Qaeda do not agree that the primary motivation behind the bin Ladenists' anti-American jihad is hatred of the West's political and cultural freedom. Peter Bergen, bin Laden's biographer, and one of the few Westerners to have interviewed



"I see that under 'hobbies' you've indicated 'watching television.' Could you be more specific?"

him, writes in his book *Holy War, Inc.* that:

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 homosexuals. . . .

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.

A few obligatory caveats: first, examining al Qaeda's accusations against the United States does not in any way imply endorsement of those alleged grievances. A particularly ugly feature of the year-long debate over prosecution of the war on terror has been a readiness on the part of anti-terror hawks to fling the charge of "blame-America-first"

*The goals of early American foreign policy were expressed succinctly in the Gadsden Flag: "Don't tread on me." The Bush Doctrine might fairly be formulated as "You may perhaps be thinking somewhere down the road about treading on me, and you're also treading on your own people, so I'll tread on you."*

when one proposes to scrutinize al Qaeda's motivations. That charge reflects a hostility to debate and a fundamental lack of seriousness. We are at war with al Qaeda, and in war it is necessary to understand the enemy, as any military strategist from Sun Tzu onward could tell you.

Second, acknowledging that al Qaeda is in the main motivated by hostility to American foreign policy doesn't require one to deny that radical Islamists also resent America's prosperity and freedom. It's doubtless true that most bin Laden acolytes and sympathizers conceive of themselves as members of a once-proud civilization now characterized by backwardness and incompetence. No small part of their rage is fueled by envy. But it's also true that very few fanatics are willing to strap on a suicide belt simply to protest American prosperity. When al Qaeda leaders speak to the Muslim "street" in an attempt to garner new recruits, they focus on American foreign policy because they believe that the "street" resents American foreign policy. And they're right, as the most comprehensive recent public opinion research in the Muslim world indicates. A Zogby poll released in April 2002 surveyed respondents from ten Islamic nations on their attitudes toward American culture, capitalism, and foreign policy. The results show broad appreciation for America's economic system and culture. But when asked whether they approve of U.S. government policy toward the Palestinians, just one percent of Kuwaitis,

two percent of Lebanese, three percent of Egyptians and Iranians, five percent of Saudis and Indonesians, and nine percent of Pakistanis say yes. "It's not our values, it's not our democracy, it's not our freedom . . . it's the policy they don't like," said James Zogby.

Finally, to acknowledge that al Qaeda is motivated by hostility to American intervention in the Middle East is not to argue that we have but to pull our troops out of Saudi Arabia, end aid to Israel, and stop the Iraqi embargo, and al Qaeda will lay down its arms. It's reasonable to surmise that many of those already committed to the struggle will remain committed to the struggle, and will not quit if the U.S. disengages from the Middle East. Similarly, reasonable people can disagree about how much freedom of action we have to disentangle ourselves from the Middle Eastern tar baby in the foreseeable future.

What's utterly unreasonable is to assume, as the administration and its fellow travelers seem to, that the number of recruits to al Qaeda's murderous jihad is relatively fixed, and will not increase dramatically if the U.S. begins a policy of conquering and occupying Middle Eastern Muslim countries with the avowed purpose of making them secular and free.

### **"A Doctrine of Armed Evangelism"**

But that is the policy we've embarked upon. Key administration officials, such as Deputy Defense Secretary Paul Wolfowitz, top Pentagon consultant Richard Perle and perhaps Vice President Cheney view regime change in Iraq as a stepping stone to regional transformation. As the *New York Times Magazine* noted in a recent profile of the influential deputy defense secretary:

The striking thing about Wolfowitz is an optimism about America's ability to build a better world. He has an almost missionary sense of America's role. In the current case, that means a vision of an Iraq not merely purged of cataclysmic weaponry, not merely a threat disarmed, but an Iraq that becomes a democratic cornerstone of an altogether new Middle East.

It's odd to find this sort of vision appealing to folks on the political Right. Why would the sort of people who think government is too ham-handed even to promote modest social engineering goals like safe-sex among teenagers, think we can promote a revolution in Islamic theology via AC-130 gunship or create a bourgeois society where no preconditions for it exist?

But clearly something broader than a pedestrian concern for American national security is at work here. Neoconservative Michael Kelly identified it when he described the Bush policy as "a doctrine of armed evangelism" in the service of freedom. Kelly writes:

Unlike the European powers, America has never sought to own the world. In its peculiarly American fashion, it has sought to make the world behave better — indeed be better. In modern times, this evangelism has focused not on the need for "Christianizing" and civilizing the heathen populations (President McKinley's justification for taking the Philippines), but on the defense of what President Kennedy called "the freedom of men."

*continued on page 32*

# Fraud in the Forest

*by Randal O'Toole*

If fraud is committed deep in the National Forest, and no taxpayer is there to discover it, does it make any difference?

Waste, fraud, and abuse of accounting standards are in the news — and not just at Enron and WorldCom.

For decades, the Forest Service claimed to be one of the few federal agencies that earned a profit. But its calculations of profit depended on the same accounting tricks practiced by Enron and WorldCom.

Like Enron, the Forest Service inflated its revenues by counting as receipts the cost of national forest roads built by timber purchasers. The U.S. Treasury never saw a dime of this “revenue,” but it appeared in Forest Service reports to Congress every year.

Counting roads as in-kind revenue might be okay if they also showed up on the cost side of the ledger. But the Forest Service argued that roads were a capital investment, so it didn't have to count them as operational costs.

While standard accounting practice would amortize capital costs over a few years or a few decades, the Forest Service argued that many road costs didn't have to be counted at all because the roads would last forever. In effect, the agency amortized these costs over eternity — something even WorldCom didn't dare to do.

Now that national forests sell only about 18% as much timber each year as they did before 1990, the Forest Service has declared many of these “eternal” roads to be surplus and is removing them as fast as it can — at taxpayer expense, of course.

Correcting for this and similar accounting tricks reveals that the Forest Service did earn a profit — in 1969 and a few years in the early 1950s. Otherwise, taxpayers heavily subsidized the national forests.

The Corps of Engineers and Bureau of Reclamation have

---

long used such deceptive accounting to justify their dam projects. More recently, America's urban transit authorities routinely confuse capital costs and operating costs.

Because most federal transit subsidies are for capital projects, many transit agencies push to build capital-intensive modes such as light rail. Outside of Manhattan, buses almost always work as well as rail at a tiny fraction of the cost. Yet transit officials in Portland, Salt Lake City, Denver, and many other cities are building rail empires by claiming, “federal dollars are free.”

To further cloud the issue, transit agencies count a significant share of rail operating costs as capital costs. Railroad beds, tracks, and other infrastructure must be rebuilt every few years. The agency that runs the Washington, D.C., subway system, which cost \$9.7 billion to build, says it needs \$10 billion to purchase new railcars, replace escalators, and otherwise keep the system in shape over the next few years. Counting such routine costs as capital costs allows transit agencies to claim that rail costs less to operate than buses. This helps gull local taxpayers, who must subsidize most of the operating costs, into supporting rail construction.

There are two differences between government and corporate accounting abuses. First, when corporations cook the books, the main people who are hurt are its stockholders



# About Your Subscription

**Q: When does my subscription expire?**

**A:** Please look to the right of your name on your mailing label. There you will find (unless you are getting a renewal notice) the number of issues left in your subscription, followed by the word "left," as in "3 LEFT."

**Q: I've moved. Where do I send my change of address information?**

**A:** Liberty, P.O. Box 1181, Port Townsend, WA 98368. Please include your previous address (it's best to send us your label from your magazine) and telephone number. Allow us six weeks to receive and process your address notification.

**Q: I'm receiving duplicate copies; what should I do?**

**A:** Take a look at both mailing labels, clip 'em out and send 'em to us. We'll make sure that you receive all the issues you've paid for.

**Q: I think you've charged my credit card incorrectly; what can I do?**

**A:** Call us at 800-854-6991 (during normal business hours on the West Coast) or email us at

[circulation@libertysoft.com](mailto:circulation@libertysoft.com)

We'll take down your information and then try to solve your problem as soon as possible.

**Q: Can I change my address on your toll-free number, too?**

**A:** No. We must get your address corrections in writing, either by U.S. mail or by email.

**Q: Can I communicate with your fulfillment department by email?**

**A:** Yes; send your communications and queries to us at

[circulation@libertysoft.com](mailto:circulation@libertysoft.com)

We'll try to get back to you as soon as possible.

The editorial offices can be reached at 360-379-0242.

Our sales and subscription fulfillment office can be reached at 800-854-6991 (foreign callers call 360-379-8421).

and bondholders. When government agencies lie, every taxpayer must contribute to the loss.

Second, corporate shenanigans are self-correcting: companies must eventually admit their losses or go bankrupt. But congressional appropriators reward gov-

---

*The Forest Service even argued that many road costs didn't have to be counted at all because the roads would last forever. The agency amortized these costs over eternity — something even WorldCom didn't dare to do.*

---

ernment bureaucracies for wasting money by throwing good money after bad year after year, decade after decade. Although Forest Service timber sales have fallen more than 80% since 1990, Congress actually gave the Forest Service more money for timber sales this year than in 1990.

Certainly, accounting standards need improvement, and the private sector is already moving in that direction. Arthur Andersen is practically out of business, and companies on various stock exchanges are all hastily reviewing their books to ensure they aren't guilty of Enron- or WorldCom-like practices. Meanwhile, hardly anyone looks at the books of government agencies.

The Forest Service and transit agencies maintain their credibility because special interest groups, such as timber purchasers and rail construction firms, lobby Congress to look the other way. Attempts by Congress to set corporate accounting standards give interest groups new opportunities to lobby for special loopholes for their deceptive plans. When caught, they just say, "We only did what the federal government told us to do."

Before trying to dictate accounting standards to the private sector, Congress should get its own house in order. If it can't, it has no business telling others how to run their businesses. □

---

## Iraq, from page 30

---

This vision appears increasingly central to the way the Bush administration views its war aims. I fear it also appeals, consciously or unconsciously, to many libertarians who support the war. And in some ways that's understandable. Human rights are universal. Why then should they be denied anyone because of an accident of birth? Who didn't thrill to the sight of merchants offering VCRs for sale in Kabul, or women uncovering their faces in public for the first time in years?

But libertarianism is more than just a dedication to "the freedom of men." It entails a particular theory of the state. It recognizes that government is, at best, a necessary evil; as Washington put it, "like fire, [government] is a dangerous servant and a fearsome master." Recognizing this, we entrust to it only limited goals: securing the liberty of Americans from enemies foreign and domestic. Armed evangelism goes far beyond the limited, constitutional goal of securing "the common Defense" of the United States. In this theory, the state has gone from a necessary evil with a limited task, to a necessary good with considerably broader aims.

The modest, liberty-securing goals of early American foreign policy were expressed succinctly in the Gadsden Flag: "Don't tread on me." The Bush Doctrine goes far beyond those modest goals. In its narrowest formulation it reads: "don't get strong enough to be able to tread on me." But it might fairly be formulated as "You may perhaps be thinking somewhere down the road about treading on me, and you're also treading on your own people, so I'll tread on you."

Will this new formulation make us safer or freer? I fear we're about to find out. □

---

# Liberty and the Taxonomy of Felis Catus

by Nelson Hultberg

Newborn kittens are not just cute. They can teach us a lot about liberty and servitude.

It was a chilly winter day, and one of our family cats had just given birth in the basement of our house. Mom hustled my two brothers and me downstairs to view these newborns after their arrival, and I have always been glad that she did. I learned about one of the great truths of existence, and I don't mean the birth process. What I learned took place in the days and weeks after the kittens were born.

There were six kittens born that snowy afternoon, and within a matter of days, two were crawling their way out to the sides of their box and actually attempting to climb over the edge. Right from the start they were amazingly curious and assertive, willing to tackle life and to fend off whatever was in their way. Another two of the kittens were mildly curious and went about investigating the center of the box, but never attempted to scale the sides. The last two kittens hung back and remained under their mother's stomach all the time, never venturing out even to the center of the box, let alone to the world beyond. They remained close to their mother's womb for weeks, tremulous and content only to be taken care of.

I didn't realize it at the time, but these two kittens provided me my first lesson about the welfare state. Most welfare-seekers want to return to the security of their mothers' wombs by erecting a massive Nanny State bureaucracy to care for them. What else could possibly motivate someone to pay taxes amounting to 40% of his income and then wish to promote *more government programs*? There are plenty of these people around; they vote for political humbugs like George McGovern, Bill Clinton, and Albert Gore. (Conservatives have their own humbugs, but that's another story.)

Of course, not all those who favor the welfare state are psychologically seeking the security of the womb. Some are just misguided idealists unable to work their way out of the

---

collectivist brainwash they received in college.

Which of these statist archetypes — the misguided idealist or the womb seeker — is more predominant is impossible to say, but whenever you're dealing with statist mentalities, there's an easy way to find out with which you're involved.

Ask the welfare statist to read something critical of his views. How he responds is a clue to his nature. The misguided idealist will almost always take a stab at reading what you offer. The womb seeker will almost always find a way to avoid reading what you offer.

The misguided idealist is basically in search of the truth, and can often be reached. The womb seeker, however, is fleeing from the truth. He seeks only support for his previous convictions and shuns any literature that might upset his beliefs. He's not really interested in what is the best kind of society. What drives him is a pervasive dread of a society in which he will have to stand on his own. He hates the society that, early in life, he began to sense was never going to reward his meager talents with the riches and status he sees others achieving. What drives him is an animosity toward those he subconsciously deems as superior and a desire to level down the dynamic achievers he sees around him so that he will not have to get up every morning and be reminded of his comparative lack of success in life's endeavors.

Even though capitalism gives him a standard of living unparalleled in history, and one that he could never attain in

a collectivist society, he concentrates *only on the disparity between himself and the more dynamic achievers he sees around him*. He tells himself that the confiscation of wealth he votes for is to bring up poor people, not to bring down rich people.

The womb seeker never bothers to try to understand about how capital accumulation can only take place in a capitalist society and that the more freedom people have, the more capital they can accumulate, and therefore the *more prosperous* their society will be. He never bothers to try to understand how integral the free, creative minds of entre-

---

*There were six kittens born that snowy afternoon, and within a matter of days, two were crawling their way out to the sides of their box and actually attempting to climb over the edge.*

---

preneurs are to the growth of productivity, and thus of *prosperity*, for himself and his fellow citizens. Ignorant of these vital economic truths, he becomes easy prey for the demagogues of the left who cater to his hatreds and his envy. His reason becomes corrupted, and he readily accepts the politics of enslavement. He votes for more and more progressive tax rates, more and more oppressive regulations of the dynamic achievers around him. After all, it is the dynamic entrepreneurs who are allegedly responsible for all the misery and strife and poverty in the world. Confiscating their wealth is not theft; it is the right thing to do.

Karl Marx laid down a very heavy piece of propaganda with his labor theory of value, his theory that profit is theft of the workers' contribution. But anyone past the age of 35 who has participated in any form of business endeavor can see through this malarkey. It doesn't take a genius to see that brawn goes nowhere in a business until those with brains come up with the innovations that attract customers and the methodologies that ease labor. That three generations of intellectuals have bought into Marx's preposterous theory is testament to the fact that those who live in ivory towers know nothing about the real world of business. One wonders how many of such intellectuals themselves are womb seekers instead of misguided idealists.

Ever since I was able to think in an adult manner, it has amazed me — this susceptibility of so many men and women to the preposterous theories of the left and thus their willingness to readily offer up their money to political humbugs who advocate their enslavement through more and more centralized government. *Why would anyone willingly vote away anything as precious as their freedom, their rights, and their earnings?*

Ayn Rand, of course, identified the most powerful motivation behind people's willingness to be enslaved when she showed that the undergirding morality of altruism drives people out of guilt to sacrifice themselves to the collective and its government henchmen. But there are other motives also, and one of them is certainly the desire of the weak personality for a *life of security at any cost*. As Mises shows so

tellingly in *The Anti-Capitalistic Mentality*, he who loathes the free society loathes its constant reminder of his inability to rise on his own merits. The massive welfare state thus becomes his protection both economically and psychologically.

This is why the authoritarian state appeals to so many. It offers those lacking in "inner resolve" the political equivalent of a mother's womb in which to avoid the rigors and harsh realizations that come with freedom.

The tragedy is that the welfare-state womb sacrifices the creative and daring to the dull and craven. This is the legacy of collectivist liberalism that has come down to us from Woodrow Wilson, Franklin Roosevelt, Lyndon Johnson, and William Jefferson Clinton. Those who are by nature climbers over the edge must now fight to keep the craven and dull from overwhelming them.

After many decades of wrangling with those on the political left, I have concluded that it is a waste of time to try and reach the womb-seeker type of statist. It's not that they can't understand the truth. It's that accepting the truth requires one to possess an *innate inner resolve* toward reality that they were not given at birth.

Our statist elite has risen to power over the past 100 years by enlisting wave after wave of intelligent and idealistic, but naive, students to go out and proselytize throughout their lives for more government programs, more regulation of businesses, more confiscatory taxation of productive men and women. A subtle, socialistic serfdom has been sold to

---

*The last two kittens hung back and remained under their mother's stomach all the time, never venturing out even to the center of the box, let alone to the world beyond.*

---

them under the guise of an ideal society in which there will be no more poverty, misery, anxiety, and inequality. To sell this mess of pottage, reason, history, and the economic facts of reality are thrown down the memory hole.

The total state is not here yet, but it's on its way. When it arrives, it will be, as Tocqueville warned, "unlike anything that ever before existed in the world." It will be a dreadfully benevolent power that "compresses, enervates, extinguishes, and stupefies a people" until they are "reduced to nothing better than a flock of timid and industrious animals, of which the government is the shepherd." Imagine a Swedish-style social welfare state (with 75% tax rates) mixed in with global corporatism in the manner of the original movie *Rollerball* that has to contend with desolate outback sectors of the world like we saw in *Mad Max*.

Such a future is coming to us because we have allowed our once limited republic to become an unlimited democracy, which has allowed the seekers of a false ideal to form a

*continued on page 40*

# Learning From the Brain

*by Dan Hurwitz*

The Founding Fathers reconvene in the State House (now air-conditioned) with their sleeves rolled up, ready to go to work.

The great majority of Americans are convinced, understandably enough, that ours is the best form of government in the world. At the same time, most of us know that our society is burdened by a number of failings that this same government, for all its merits, seems powerless to correct. Year after year goes by without significant improvement in our educational system, with no lessening of the traffic congestion on our roadways, with no letup in governmental waste and extravagance, with no better control of the budgetary process, with no solution to the inevitable shortfall in Social Security funding, and with no meaningful remediation in drug use despite billions spent on the effort. Worse, there is a growing apprehension that these and other chronic problems may be beyond our ability to solve because of systemic obstacles to change that have accumulated in recent years both within government itself and its special interest environs. Washington is losing its ability to evolve and no one seems able to do anything about it.

What does any self-respecting institution do when faced with serious problems that in-house people have been unable to resolve? It hires the most competent outside consultants that can be found. So, as a thought experiment, allow me to enlist the services of a crack team of experts with a proven track record in the field of political theory. Let me reconvene the Constitutional Convention of 1787 in today's Philadelphia and ask our Founding Fathers to apply their legendary intellects to our current political dilemmas.

We may be uncertain about where the conferees' deliberations would lead, but we can safely identify their starting point: an unqualified belief in the "will of the people" as the one and only proper engine of governmental evolution. After all, we can hear them explain, who knows better the changing needs of society than the individuals that comprise it? And who better, then, to guide government in meeting those needs than those selfsame individuals acting in concert. To our Founding Fathers, the "will of the people" was more than a slogan; it was the foundation upon which they framed the Constitution and it would seem inconceivable that they would venture upon any less solid footing today.

It is safe to assume our Founding Fathers would conclude that the governmental problems that have arisen over the intervening centuries are not the product of their conviction that government should be a product of the "will of the people," but rather by its misapplication. Back in 1787 they took for granted that a legislative assembly was the only conceivable mechanism for translating the people's will into law. Obviously, they could not then have foreseen the industrial and technological revolutions that lay ahead. Awakened in today's world, they soon discover that today's legislative process bears little resemblance to the one they had fashioned. Now elected representatives respond to different motivations than those involved simply in satisfying the needs of their constituents. By the time *vox populi* has worked its way through Congress, it is hardly recognizable. Partisanship, cloakroom trade-offs, personal ambition, addiction to earmarked expenditures, racial-religious-ethnic sensitivities, and a host of other extraneous influences take their toll. The result is Congress at best provides a crude, parochial representation of the will of the people and often operates as though it didn't even exist. The beautiful flower our Founding Fathers lovingly transplanted from ancient Athens has turned into a thicket of kudzu.

Lesser men would be daunted by these revelations, but the Founding Fathers are strengthened in their resolve to set things aright. We can picture them gathering in the now air-conditioned State House with their sleeves rolled up; ready to go to work.

### Nature Lends a Helping Hand

Our Founding Fathers are distressed by the deterioration that has occurred in the political arena over the last two centuries, but are exhilarated by the advances that have taken place in the scientific realm. It is only natural for them to inquire whether modern science might offer some new approach to the organization of government. Their admiration of nature as a talented gadgeteer is nothing compared to the awe in which they hold her skill as a wondrously accomplished systems designer. The evidence is all about them. Nature has proven her ability to organize living things of

---

*You don't need a microscope to figure out that the human brain and the U.S. government are very different things.*

---

every size and description — ant colonies, flocks of geese, herds of elephants, and the like — not to mention her success in harmonizing the forces governing quarks and quasars and everything in between. Are our Founding Fathers not justified in thinking that somewhere in nature's vast repository of accomplishments is stashed away a piece of sociobiological engineering reasonably analogous to that of harmonizing the needs of human beings with their government? And would they not hasten to rummage through nature's catalogue of systems in order to find that piece? And in doing so, would they not spot there on page 12,591 (or thereabouts)

exactly what they were looking for?

So it is that our Founding Fathers discover the four-color diagram of the human brain. It is accompanied by a caption reading, "a device for (a) actuating human thought and employing it to direct the complex operations of a corporate entity, and (b) a state-of-the-art mechanism for coordinating the performance of all the parts of the human body so as to best ensure their common, long-term survivability."

Facing the diagram is a page of descriptive text that is copied and handed out to each of the conferees.

### Off the Record Speculations

Having tracked down this useful intelligence, our weary Founding Fathers, now at the end of a long, difficult day, must be forgiven for adjourning their meeting and sauntering over to the nearby City Tavern for a bit of well-deserved relaxation.

I am not so presumptuous as to identify what final decisions our Founding Fathers arrive at when they meet on the following day to begin their deliberations. But no such effrontery would be involved in eavesdropping on the casual exchange between two of these gentlemen as they, between puffs of pipe smoke and drafts of beer, ponder the uses that could be made of the day's findings.

"Well, the search is finally over. The human brain is a fascinating contraption, isn't it?"

"Fascinating, certainly. Whether it can do us any good is another story. I'm afraid many of our colleagues will find it too complicated to be of much use. In any case, the analogy is strained. You don't need a microscope to figure out that the human brain and the U.S. government are very different things."

"Yes, yes. All true. On the other hand, when all is said and done, the human brain is the only model in the natural world that comes close to what we need. Nature has spent millions of years perfecting a physiology suitable for governing us as individuals. Why shouldn't we at least consider extrapolating some of her techniques and using them to govern groups of individuals? It's worth thinking about, I tell you."

"Ah. That raises another question. Thinking with what? We can hardly expect our own brains to be impartial."

"They will be if we drink enough."

"Point well taken. All right. If nothing else, it should be interesting to see where the brain-government road leads."

"It was for me."

"You've already given it some thought, then. Good. I brought along a copy of that handout on the brain. Let me read the first paragraph to get us started."

The salient feature of the human brain is its very existence. Nature not only found it useful to concentrate this species' mental activity in a single organ, she took strenuous measures to increase its utility by expanding its information-gathering and processing powers.

"To me that's saying human society can no more get along without government than a human body can do without its brain. If we buy that argument, the model discredits anarchy and, on the face of it, seems to promote bigger government. But the human brain weighs only three pounds and

operates on about 18% of the body's blood flow. Compare that with the 30%+ of the gross national product that's eaten up by taxes to support the gargantuan federal government our descendants have cooked up. Besides, if you ask me, the brain is doing ten times as much work for the money."

"Agreed. I'll go on then with the second paragraph."

Also significant is that, for all its remarkable intellectual ability, the brain is totally devoid of physical ability. However tempted nature may have been to graft a muscular appendage upon the male brain for the purpose of tipping hats, no such organ ever evolved. Nor, in the case of females, did one appear for the purpose of fluffing hair. Instead nature has endowed the brain with all the prowess of a bowl of Jell-O.

"What that says to me is that government ought to be confined to the management of information and decision-making. Period."

"So you're saying the model rules out all government-operated facilities. Mail delivery, education, transportation, police and fire protection, and all the rest."

"Exactly."

"That puts the privatization debate to rest, at any rate. This next paragraph talks about the brain's configuration. Probably not important to us. Should I just skip it?"

"No, please. Read on."

The human brain is not a homogeneous mass of gray cells; it contains specialized areas reserved for different functions. Emotional response stems from one area, sensory information is handled in another, and so on. The most significant demarcation of sites, from the standpoint of a possible brain-government analogy, is that between the brain's autonomic functions and its voluntary tasks. The regulation of body temperature, heart rate, blood chemistry, and a host of other routine regulatory assignments are performed in the lower brain areas. Reasoning and invention occur in the upper brain remote from the more primitive sites.

"I'd say it's of great importance. What it means to me is that instead of thinking of government as one big blob as we do now, we should think of systematizing its operations — feathering them out and studying them individually. For starters we ought to split what we now call 'government' in half."

"How do you mean?"

"Setting aside the judiciary, which is essential no matter what, the bulk of what we think of as governmental activity involves the legislative and executive branches. But because they've operated in such close proximity — physically and legally — that they've become inextricably tangled. Nature wouldn't tolerate that kind of messiness for a minute."

"So the brain-government would require their separation?"

"Right. Given different names. Different faces. Different towns, if need be. Most important of all, there needs to be a clear distinction between their functions."

"Start with the executive branch."

"What had been the executive branch. Now let's call it the 'adminent.' It would be responsible for running the show on a day-to-day basis within existing laws and regulations. The regulation of traffic flow, utilities, sanitation, law enforcement, policing the environment, protection of individual rights, and that sort of thing would be within its baili-

wick."

"A bureaucracy, in other words."

"Not the kind you probably have in mind with layer upon layer of divisions, huge staffs, and huger budgets. I'm talking about a number of small, sharply focused agencies that would monitor each of the areas needing supervision in much the same way specialized sites in the lower brain perform a multitude of automatic tasks. Remember, these agencies would have no operative capacity. They probably shouldn't even have the authority to contract out. That would be handled by a separate purchasing department."

"A number of agencies, you say. How big a number?"

"Off the top of my head, I would guess 40 or so."

"All reporting to the president? That wouldn't work."

"No it wouldn't. That's one of the reasons I'd eliminate the presidency altogether. The brain doesn't seem to need a

---

*The legislative and executive branches have operated in such close proximity — physically and legally — that they've become inextricably tangled. Nature wouldn't tolerate that kind of messiness for a minute.*

---

master control so I would think the adminent could get along very nicely without one. That would leave each agency free to operate independently."

"Then who would keep them under control?"

"The public. I picture each agency being run by a popularly elected minister who would be judged on the basis of his agency's performance index."

"Forty positions to be filled each election? What a campaign brouhaha that would create."

"Not if the electorate were arbitrarily divided into 40 equal-sized blocks each dedicated to only one agency and voting for only one minister, people whose last initial was 'N' might control one block, for example. Nothing says every voter has to connect with every candidate to have an effective democracy. Every brain cell doesn't connect with every other. I'd rather see one million people vote intelligently than 40 million vote stupidly."

"I couldn't argue with that. But without a top administration who would allocate funding among the agencies?"

"Under normal circumstances, the available resources would be divided equally among them on the grounds that every agency was equally vital to the whole. Naturally, situations could arise that would encourage cooperating agencies to exchange resources, but I would imagine that any such coalitions would be temporary. In case of severe crises, in which voluntary cooperation might well break down, built-in mechanisms would be activated to redistribute funds on the basis of index ratings. I could imagine a severe drought producing a spike in, let's say, the agricultural agency's index which would, in turn, trigger an automatic increase in its funding and a corresponding reduction in all the rest. Pretty much the way the brain reapportions blood flow

when necessary."

"I was at a symphony concert the other night when the conductor, on a lark, left the podium in the middle of a piece. I must say the orchestra continued to play very satisfactorily thereafter. Whether a president could leave the stage as imperturbably, I'm not so sure. But let's assume for the moment that the admnent you're talking about could maintain the status quo. What about the second half of this brain-inspired system of yours? That's the hard part, isn't it? Dealing with the legislative process."

"Right. How to provide the means for society to evolve without getting bogged down? It's the same problem we've been wrestling with from the beginning, but now we can go back to the brain-government model for answers. And what do the upper spheres tell us about fashioning a coherent policy from all those noisy brain cells?"

"I don't know but I have a hunch there goes Congress."

"Right again. Don't you see the similarity between the will of the neurons and the will of the people?"

"Not as clearly as you, apparently. Do you think we could really get by without any sort of legislative assembly?"

"The brain does."

"The brain does a lot of things we can't do. What would you replace it with?"

"Let's call it the 'freedomt.' I like to emphasize its voluntarist nature."

"Naming it isn't the problem. Structuring it is the problem."

"I'm getting to that. Think about it. A free, bottom-up

*The human brain weighs only three pounds and operates on about 18% of the body's blood flow. Compare that with the 30%+ of the gross national product that's eaten up by taxes to support a gargantuan federal government.*

economy is superior to a command, top-down one, right? As Hayek explained, no group of experts could possibly have the knowledge to make intelligent economic decisions governing billions of transactions under every circumstance imaginable."

"No question."

"Then, for the same reason, why wouldn't a free, bottom-up polity be superior to a command, top-down one? What I'm saying is why not let the people themselves express the will of the people? If some group — some non-profit, some union, some corporation, some special interest, what have you — wants a law, let them have it."

"And that would go for admnent agencies, too?"

"Why not? Ideas from all over the place bubbling up to the surface. Legislation without legislature."

"We don't need slogans. We need a system. It sounds to me as though you'd be inviting pandemonium."

"Not necessarily. Obviously there would need to be some sort of validation authority to expose raw proposals to a

series of objective criteria: consistency with existing law, conformance with a bill of rights, respect for private property and the free market, safety to the environment, etc. Plus some financial safeguards, surely. And we'd want an appeals tribunal before which counterarguments could be aired. Naturally, the group that introduced a proposal would have to pay all the costs related to its investigation. I don't think we'd need much more than that."

"So once the proposals have been blessed by the validation authority and slipped through your other filters, they'd become law? Just like that?"

"With the exception of those that affect the general public in some significant way and should therefore be subject to direct vote. Over time I would expect there would be fewer of such sweeping measures and more of the kind focused on narrower interests."

"What would stop some of these proposals from being selfishly motivated?"

"Nothing, I hope. I assume greed would enter the picture in every case. Just as it does in commercial transactions. Hopefully the welfare of the community as a whole would notch up one group at a time by one law at a time. Two invisible hands are better than one, they say."

"Possibly, but I still think that a lot of bum legislation would make it through the process. Everybody feels sure 'there ought to be a law' regarding his pet project. With your scheme every nut in the country could go ahead and actually create one."

"Again, I would hope so. It's not my scheme, by the way. It's nature's. How many experiments do you think she performs before she finds an innovation worth keeping? What we'd need, obviously, is a way of weeding out our mistakes as effectively as she weeds out hers. And the way we could do it is require that every law has to be accompanied by a quantitative feedback mechanism that spelled out in advance what the law meant to accomplish and a methodology for measuring its efficacy. If the law proved successful in terms of its original mission, then it would be automatically extended. If unsuccessful, it would automatically self-destruct."

"Let me get this straight. Here's your freedomt in action — proposals flying all over the place, lobbyists putting pressure on the validation people, arguments over which proposals had to be put to a vote, scads of economists preparing feedback mechanisms."

"No question about it. There'd be plenty of activity, but not as far as the lobbyists are concerned. The brain is wrapped in a membrane that protects it from extraneous elements. I would think that we'd want to do that with the new governmental entities as well — that is, require that the flow of information be restricted to established, open channels. No back-door stuff. No outside noise."

"All right. Lobbyists aside. It still seems to me that your freedomt could create a bigger mess than we've got now."

"As time went on only the fittest laws would survive and balance prevail. That should quiet things down a great deal."

"If you say so. Here's the last paragraph of the handout."

The brain's compartmentalization does not mean its various components operate in isolation. On the contrary, each of its

*continued on page 40*



# My Schizophrenia

by Elizabeth A. Richter

Some schizophrenics can free their own minds. This one did.

I just went to see the movie *Minority Report* a few weeks ago. As I watched Tom Cruise zoom and slug his way out of the traps closing in upon him, I felt strangely unnerved and anxious, yet also exhilarated. "I'm innocent," he declares when "Pre-Cogs" accuse him of a future murder. "You have a choice," chants Agatha the "Pre-Cog" hostage as Tom Cruise lifts his gun-laden hand towards his possible victim. "You have a choice." These words reverberate in my mind, as I recall similar words I once heard directed toward me.

Twenty-four years ago, I was hospitalized for two years at McLean hospital in Belmont, Mass., diagnosed with schizophrenia, often considered a chronic, incurable disease of the mind. One day I was sitting at the center of the ward right next to the nurses' station. Sean K, a mental health worker, sat across from me on a folding chair. He was a big guy with wiry, black hair, a red, acned face, a paunch that hung over his belt, and large feet in heavy leather sandals. We were talking about Donna, who was in the quiet room communing with her voices, and about Gerry, who had been transferred to East House, not because he'd been violent, but because his refusal to take his medication made staff afraid that he might be. As we spoke, Sean clutched a clipboard to his knee with one big hand and stroked his chin with the other. It was midday, a busy time on the Hall, and every once in a while our vision of each other was obscured by patients and staff walking by. "Well," he said, "Do you know what makes you different than most of the other patients here?"

"What?" I asked curiously.

"You don't like it. You don't enjoy it," he said.

"What do you mean?" I asked, not sure of what he was talking about.

---

"Psychosis," he said. "You don't like it and you don't enjoy it. The others do. That is what makes you different than most of the other patients here."

According to popular culture, schizophrenia is a brain disease that is often acquired through heredity. It is characterized by persistent delusions and hallucinations that are largely suppressed only by the use of powerful anti-psychotic medications. This past year I watched a program on schizophrenia produced by *Nightline* and the prime image I recall from this program is one of a psychiatrist walking down the streets of a city, eyes straight ahead, intoning the words "Take the medication" while a homeless man with mental illness clutched at his sleeve. So, is the schizophrenia I was diagnosed with chronic? Can it only be controlled by the use of powerful anti-psychotic drugs, or is there another way, the way of choice, as Sean implied to me years ago as we sat together in mid-hall?

Apparently, of those diagnosed with schizophrenia, approximately 25% recover spontaneously and without treatment. One very publicized case of this kind of recovery is that of John Nash, whose story is told in the movie *A Beautiful Mind*. He didn't take medication. His recovery was the result of choice. "I became disillusioned with my illusions," he said in one interview. One of the most touching scenes in the movie takes place when Nash bids them fare-

well. A similar scene takes place at the end of the thinly disguised autobiographical account of schizophrenia found in *I Never Promised You a Rose Garden*, when the protagonist Deborah turns her back on her illusions. "I am going to embrace the real world," she says to her illusions, "fully and completely. Goodbye. Goodbye."

Somehow, while watching *Minority Report* we knew that by affirming the capacity to choose, the Pre-Cog Agatha was affirming the fundamental nobility of the human soul. She knew that, as human beings, we are not mechanical drones caught helplessly in the twin fists of heredity and biochemistry. So much that we do in life has to do with attitude, expectations, and, ultimately, choice. Sean's words that day at McLean echoed in my mind and eventually transformed the sequence of my choices so that today no one would consider me to be a person with schizophrenia. Could it be that different words, damning words, caught other patients on the hall with the same diagnosis that I had, in a trap they

could not escape?

There are no easy answers to the problem of schizophrenia, and I am the last person to want to add more burdens to the shoulders of people who suffer with it. I have often used medication temporarily when I thought it was necessary. However, I would say that 25% of people with schizophrenia, or even more, can find their way to full recovery by exercising their capacity to choose.

I am aware that within the field of mental health, there are those who would like to suppress this information and shut down the survivor movements that insist upon letting us know about it. But just because a fact makes you uncomfortable, requires you to work harder, or to seek more complex solutions to problems, doesn't make it untrue. The right to choose defines us as human beings.

People with schizophrenia should be allowed to exercise the right to choose, because contrary to what some people would have us believe, they are as human as anyone else. □

---

### Kittens, from page 34

union with the seekers of their mother's womb in order for them both to implement their pathological yearnings. United, they outnumber those of us who are strong-willed enough to live on the strengths of our own merits and perceptive enough not to buy into the bunkum of a heaven on earth through wealth redistribution.

Where is this to end? It does not look too favorable for the intrepid souls. The tremulous of life and the misguided idealists are making it more and more difficult in America to climb over the edge of the statist box and escape to a free world of accomplishment. The motives of enslavement con-

sume more and more of our people with each passing decade. The womb of security that lures the craven and the lies that deceive the naive drag us all into bondage.

The kittens that clung so close to their mother never knew how much they were missing by refusing to explore their world. But what can you tell someone who doesn't want to know? The craven are blissfully content with their ward's life and the naive are dutifully obsessed with chasing their illusory heaven on earth, but those of us who see life as an exhilarating crucible to relish in an independent way feel only despair with the death of freedom that must come. □

---

### Founding Fathers, from page 38

100 billion or so neurons connects with as many as ten thousand of its colleagues. Coursing through this vast, unimaginably intricate network are interoperable waves, triggered at the rate of 40 times a second, that allow data to be shared, associations arrived at, lessons learned, experience tapped, and decisions made, all without the intercession of any sort of master control. By activating some sites and deactivating others, each brain wave creates a fleeting image of reality from which it determines its next course of action so setting off another cycle of trial, error, and readjustment.

"What does that tell you?"

"It tells me that the argument you brushed off at the beginning may be the really critical one. The brain isn't simply complicated, it's infernally complicated. Unfathomable. I don't care how intriguing it is as a model, if we can't replicate its activities, what's the use?"

"But we can. Admittedly in a crude way, but it would be a start. Do you realize that more than half of the U.S. population — some 143 million Americans — are connected to the Internet? And at the rate it's growing — something like 20% a year — it won't be long before practically everyone's online. The network's not only increasing in size, it's growing in power. Baud rates are going up; more services and functionality are being added. On top of all that, the net-

work's likely to become more distributive. Networks within networks with each node sharing processing and storage facilities with perhaps hundreds of others in the same group. With all that in place, self-organization shouldn't be too far behind."

"So you're saying the Internet could mimic the brain's information system?"

"Obviously not. However it does give us, for the first time in human history, the opportunity to enjoy the benefits of decentralization while, at the same time, maintaining social cohesion. Up until now, the focus has been on the Internet's commercial applications. I believe its impact on politics will be far more revolutionary. Wrap the Internet around the admiment and freedoment, connect the wires, keep everything transparent, and we'd have whatever was needed to build a genuinely workable system. The mess in Washington would finally be cleaned up. That's my view, at any rate. How does it look from your point of view?"

"From where I sit I see, one, my glass is empty; two, my pipe's out; three, the tavern's closing down; and four, if my brain falls any deeper into self-analysis, its going to need therapy. Time to turn in, my friend."

"Not an easy job being a Founding Father is it?"

"Never was. See you in the morning." □

# The Drug Club

*by Kirby Wright*

Coming of  
age in  
Hawaii  
leaves fond  
memories of  
innocence,  
discovery —  
and the drug  
culture.

During my senior year at Punahou School in Honolulu, my extracurriculars included accompanying my friend, Steve Johnson, on his drug deals. We'd go off campus and hang out outside the Lutheran Church — that's where Steve sold his magic mushrooms, Maui Wowie, Bangkok hash, and hash oil. The hash was being smuggled into Hawaii in hollowed-out boards and Steve knew the smuggler's brother, so he got a good deal. He'd carry his drugs and paraphernalia, including a scale he'd ripped off from chemistry lab, in his mother's old cosmetic case. Steve's blond hair was a beacon to students searching for mind-altering substances. Everyone from the brains to the jocks would show up on the church lawn and even ROTC cadets marched across the street. Drugs had a way of bringing people together.

Steve and I had become friends after his chemistry textbook was stolen and I let him borrow mine on weekends. He'd been a brain until his father died flying helicopter missions into Cambodia. He'd always thought of his father as a hero and, with him gone, he quit ROTC and got into drugs. Steve claimed the combination of hash and blotter acid damaged his eyesight and forced him to wear glasses. He couldn't wear contacts because his corneas were warped. He said drugs were destroying his sense of sight but they made up for it by stimulating his mind. Because most of the money he made supported his consumption of hash oil, he quit buying new clothes and ate only two scoops of rice and gravy for lunch. He started shopping at Big 88 army surplus in the low-rent district of Kapahulu. He was the first to wear camouflage pants to school and he started a craze that swept through campus. Dean McQueen said it was a slam against the military. Miss Takata, my English teacher, made a camouflage skirt. It didn't take long for Sears and Liberty House to catch on and create entire camouflage sections. When I told Steve he should get a percentage, he said he'd gladly sell his rights for a quart of hash oil.



The closest I'd come to getting high was raising Kona Gold in plastic buckets out in the backyard. I'd planted seeds Steve gave me in the high potency mix my father used for his hydrangeas; it didn't take long for them to germinate. Because the breadfruit and lauhala trees shaded the low areas, I put

the buckets on the shake roof to catch more sun. They were a foot tall in a month and my father never noticed. After I bragged about my green thumb to Steve, he drove me home one day in his Dodge Dart and asked to see the plants. We snuck in through the back gate and I took six buckets off the roof. Steve examined each plant as if he were a doctor making a house call — he sniffed shoots, squeezed stalks, and cut leaves with a Swiss Army knife attached to his key chain. I could see my mother through the screen door preparing dinner; she was wearing a pink dress and a blond

---

*Steve scheduled his drug deals when church wasn't in session. He didn't like the idea of priests lecturing and people praying while he was making illegal transactions less than 50 feet away.*

---

wig. She reminded me of a fat Mrs. Brady. Steve showed me how to increase bud production by pinching the shoots. I was getting nervous because it was almost *pau hana* time and my *hapa haole* father would be pulling into the driveway. He was a lawyer and was usually in a bad mood the second he got home from work.

"This'll help production," Steve said as he pinched.

"I can do that later," I replied.

"This your first crop ever?"

"Yeah."

"They're your *keikis*."

My mother walked out to the lanai carrying a ceramic bowl full of hamburger, bread crumbs, sour cream, and raw eggs. She was making meat loaf from a recipe she'd found in the *Boston Globe*.

"The secret is the sour cream," she announced.

"Oh, goody," I said, "now we can all get constipated."

"You used to be a nice boy," she whispered.

To my mother, anything that came out of the *Globe* was like the Word of God because she'd been born and raised in Brookline. "Hello, Steve," she said as she kneaded the ingredients with one hand. Her fingers were covered with sour cream and bits of raw hamburger.

Steve continued pinching. "Hello, Mrs. Gill."

"Would you boys like a nice cold drink?"

"I'll swig a beer," Steve said.

"How about some guava juice?"

"Beer's got more vitamins."

My mother walked out to the lawn. "My," she said, "what beautiful plants. Is that really marijuana?"

Steve pulled a joint from the pocket of his Aloha shirt. "Wanna puff?"

"Oh, no," my mother said, shaking her head. "I don't want to take a bad trip."

"That's only from LSD," I said.

"Are you boys taking LSD?"

"Only when I surf," Steve replied.

My mother massaged the sour cream into the hambur-

ger. "Better put those plants back before you-know-who gets home."



My plants were three feet tall in no time. The females were sending out glistening white hairs and the tips of some of the hairs were turning red. The plants had a wild sweet smell. Two were males and I was tempted to pull them up by the roots; they could fertilize the females and turn the buds to seed but I didn't have the heart to destroy them. Instead, I clipped off the pollen pods that hung like ornaments off the stalks.

Akino, our cleaning lady, was sweeping the lanai while I filled an old water pitcher at an outdoor faucet. When I'd tried swallowing my tongue as a convulsing baby, she held a spoon over my tongue. She'd saved my life. Akino had been a picture bride who'd come to the islands to marry the Japanese man who paid for her passage from Osaka. Now she was a grandmother. She was upset that her granddaughter was dating a Chinese boy. She considered the Chinese a dirty, inferior race. She rested the broom against the trunk of the breadfruit tree and looked up on the roof. "What kine plants dat?" she asked.

I unscrewed the cap on a bottle of Orchid Bloom and poured some into the pitcher. "Poinsettias."

"I nevah see poinsettia li' dat."

I pulled a chair over, stood on it, and watered the plants. "They're a special breed," I said, "from Kona."

"Da big island?"

"Yeah."

Akino grabbed the broom and continued sweeping. "Ya get da green t'umb," she told me, "jus' like yoah faddah."



Before I'd made a dime, my big brother Ben demanded 25% of my profits as hush money. I offered ten percent. He

---

*He couldn't wear contacts because his corneas were warped. He said drugs were destroying his sense of sight but they made up for it by stimulating his mind.*

---

refused and threatened to tell. I countered by saying I'd blab about his escapades at the Punahou Carnival, such as peeing on a vampire in the Haunted House and shooting a girl in the eye with a dart. He began torturing me with stories of HPD helicopters flying by with infrared sensors. He said the fuzz could spot *pakalolo* on rooftops.

"They're getting your cell ready," Ben said, "at Oahu State Prison."

"You're lying about those sensors."

"Jailbird."

Then Steve showed me an article about drug busts in *High Times*. The sensors really did exist. "Airborne narcs," Steve warned. Whenever I heard a chopper, I'd run out, pull the plants off the roof, and hide them in my room. Lawnmowers, chainsaws, and motorcycles started sounding

like helicopters. Ben said Five-0 was closing in and that I'd have a Samoan boyfriend in prison. The plants started dropping leaves. Bud production waned.

After weeks of paranoia, I called Steve and he took the plants away.



Steve scheduled his drug deals when church wasn't in session. He didn't like the idea of priests lecturing and people praying while he was making illegal transactions less than 50 feet away. There was a small cemetery under a giant coconut tree and Steve said one of the ghosts might haunt him the rest of his life if he sold drugs during service. We got there early one day and waited for the noon Mass to end. Steve held gram and half-gram weights and he kept rolling them around in his hand like they were marbles. He reminded me of the captain in *The Caine Mutiny*. The service ended and a Chinese woman picked her way past us with a cane. Steve flipped open his cosmetic case. He plucked out a scalpel and a sharpening stone. He wiped the blade off on his camouflage pants and started rubbing the blade against the stone. A breeze came up and the fronds on the coconut tree rustled. Steve turned the blade over and sharpened the other side. He tested its edge by pressing it against his thumb and shaving off a piece of skin. Then he pulled out a block of dark brown hash. It had a pungent odor.

"Smells like *kukae*," I said.

"It's not *kukae*." He began slicing off squares from the block.

I looked across School St. and saw a student advisor on loan from Stanford making his way past the hedges of night-blooming cereus. His name was Hoagie Peabody. He waited for traffic to ease. A car stopped and he jogged across the street.

"Narc," I said.

Steve looked up from his work. "Client."

"Come on," I said, "he's McQueen's fink."

"Hoagie boy's my two o'clock."

Hoagie jumped over the curb like it was a hurdle and jogged toward us. "That looks good enough to eat," he said and squatted down across from Steve.

"The usual?" Steve asked.

"Double," Hoagie replied. His hair was dark brown and he had sideburns like the singer Tom Jones. A red pencil was tucked behind his ear. He wore long sleeves, pleated slacks, and zoris. Rumor had it Hoagie had nailed three cheerleaders in one month and was working on the chicks in the Pep Club. Most of the girls and even some of the women teachers swooned whenever he walked by. I considered Hoagie a poacher. His age and maturity gave him an unfair advantage. I knew the only reason he'd picked Punahou was because of our girls. He'd dated Dawn Yamashita his first week on campus and I heard Dawn crying her eyes out during a movie Dean McQueen made all the seniors watch. In the movie, this girl is tempted to make love to a jerk and there are all these corny allusions to sex, like a jackhammer busting through asphalt and a pile driver pounding a pile through the ground. The guys started giggling and Dawn ran sobbing out of McNeil Auditorium.

Ben had told me Hoagie would start out by advising a girl and then invite her over to his place to see his Stanford yearbook; it wouldn't be long before he had her on his water bed.

"How's the sex life, Hoagie?" Steve asked.

Hoagie frowned. "These Punahou chicks make you work."

"I thought you scored Eva?"

"Skin-on-skin," he said. He rolled over on his belly and started doing push-ups on the lawn. The red pencil didn't fall out as he went up and down. It was like the pencil was glued to his head. "It's tough getting the juice," he admitted.

"What about Stanford?" I asked.

"What about it?"

"Don't you get any juice there?"

"Gallons," Hoagie said. He quit doing push-ups and rolled over next to us. He stared up at the sky. "Who you guys dating?"

I shook my head. "No one."

Steve pulled the scale out of his cosmetic bag. He started humming to the tune of "Born to Be Wild" and set up the scale on a flat patch of grass. He placed lead weights on one

---

*My mother walked out to the lawn. "My," she said, "what beautiful plants. Is that really marijuana?" Steve pulled a joint from the pocket of his Aloha shirt. "Wanna puff?" My mother massaged the sour cream into the hamburger. "Better put those plants back before your dad gets home."*

---

side and a hunk of hash on the other. "There's this babe at Kalani," Steve told Hoagie when he finished the song.

"With all this choice meat running around at Punahou?"

"I've been to Hotel St.," I said.

Hoagie smiled. "Smart man." He slid the pencil out from behind his ear and used it to dig dirt out from beneath his big toenail.

"Hey, Hoagie," I said, "does Stanford take C+ students?"

Hoagie started in on the other big toe. "Are you Punahou's starting quarterback?"

"Once I tried out for the track team."

"Tried out?" he asked. "Didn't you make it?"

"No."

Hoagie shook his head. "Are you student body president?"

"I hate politics."

Hoagie slid the pencil back behind his ear and watched Steve try to balance the hash against two grams of lead weights. The scale tipped in favor of the hash and Steve shaved off a sliver with his scalpel.

"How 'bout clubs?" Hoagie asked me. "Organizations?"

"All Jeff does is watch me deal," Steve said.

"The Drug Club," Hoagie said. "Got any Hawaiian

blood?"

"One-sixteenth."

"That's not enough."

The scale balanced. Steve plucked the hash off the scale and wrapped it in foil. "Jeff's a minor minority," he said.

"Will any college take me?" I asked.

Hoagie locked his hands together over his head and stretched. "There is one," he said, "but that's only 'cause they score out-of-state tuition."

"Which one?"

"If I get a treat," Hoagie said, "I'll tell."

"No treats," Steve said, "store policy."

"Remember those plants I gave you?" I reminded him.

"Pakalolo plants?" Hoagie asked.

Steve grimaced. He started rooting through the vials and baggies in his cosmetic case. He pulled out a baggie and examined its contents. "I'll throw in a 'shroom."

Hoagie looked up at the steeple. "Two 'shrooms."

Steve nodded. "That's still 40."

"Sure they're magic?" Hoagie asked as he reached for his wallet.

"Picked 'em myself in Mokuleia."

"They'll give you visions," I promised.

Steve put the square of hash and the mushrooms in a plastic baggie while Hoagie counted out \$40 in tens and fives and stacked the bills on one side of the scale. Steve grabbed the money and slipped the scale back in the case. "Thanks for shopping at Steve's," he said and shut the lid.

Hoagie slipped the baggie into his shirt pocket and stood up. "Gotta *hele*," he said. "Eva's waiting at the snack shop."

"What about that college?" I asked him.

"What college?"

"The one you said might take me."

"Try the University of Colorado," he said, "at Boulder."

"Mahalo," I replied. "Hey, Hoagie, do they do drugs at Stanford?"

"Everyone I know drops acid before their morning classes."

"Righteous," said Steve.

Hoagie patted the baggie through his shirt pocket and looked down at me suspiciously. "Hey, man," he said, "are you a narc or something?"

"No."

Steve was still sitting across from me when he pulled out a vial of hash oil and began heating the bottom of the vial with a lit match. The oil began to smoke and he sucked the smoke into his lungs through a glass straw. "Want?" he asked, offering me the vial.

I shook my head. I watched Hoagie cross School St. against heavy traffic and disappear behind the wall of night-blooming cereus surrounding the campus. There was something about him that made me think he would lead a life impervious to injury no matter how close he came to danger. Hoagie was the kind of guy who knew the way to act and the things to say to get what he wanted.

I hated him for what he had done to Dawn. □

## Letters, from page 24

that in a single performer? Paula Cole.

As for the audience activity at rock concerts, why shouldn't music arouse as much passion as soccer? If Ricciardone thinks most of the people in the world sit quietly through an evening's entertainment and applaud politely at the end, he has obviously never even been inside his local Chinese cinema.

You've managed to piss me off by printing these diatribes that have nothing to do with the libertarian philosophy. Imagine how somebody one third my age would react. It's hard to believe that this is a magazine I used to leave in airport terminals and doctors' waiting rooms.

Gene Fellner

Chevy Chase, Md.

### The Twilight of Liberty

Libertarianism is a fringe movement and Timothy Sandefur proves why in his "Economics of the Twilight Zone" (Reflections, November), in which he lambasts Rod Serling for "economic ignorance." He misses the point of the story: Serling was com-

plaining about the dehumanization of modern society, that man had replaced a spiritual god with an electronic one.

Therein lies libertarianism's main problem: it seems to care more about money than about human beings. Sandefur writes that those like Mr. Whipple "waste their new spare time getting drunk." Is Mr. Whipple supposed to enjoy being homeless? I suppose so since the company is making more profits. This way of thinking — that people are only as good as their usefulness — has a name: totalitarianism. And true freedom lovers hate that to their dying breath.

Jordan Simmons

Laurinburg, N.C.

### The Citizenship of Johnny Jihad

In "The Case of Johnny Jihad" (October), George McCarter correctly points out, though not in so many words, that Walker Lindh was essentially convicted of the crime of United States citizenship. Or more precisely, the crime of committing proscribed acts while retaining the status of United States citizen. While this raises interest-

ing questions regarding the demarcation of citizenship and the distinction between citizen and subject, an important tangential concern has received scant attention. The "crime" for which Lindh was convicted was enacted by presidential edict. This means that it is not duly enacted law. Even a broad reading of the constitutional powers of the executive does not include the legislative function of defining criminal activity. Constitutional Separation of Powers is dead, and beside it lays the rotting corpse of Federalism.

Samuel Lovely

La Verne, Calif.

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

Mail to: Liberty Letters, P.O. Box 1181, Port Townsend, WA 98368. Or email to: [letterstocditor@libertysoft.com](mailto:letterstocditor@libertysoft.com).

# Reviews

*Memoirs*, by David Rockefeller. Random House, 2002, 517 pages.

## A Rich Life

Mark Skousen

For years an internationally powerful organization has been meeting behind closed doors. Neither the public nor the press are invited, the meetings are by invitation only, members are not allowed to report to the press, and are discouraged from publishing their remarks. This private club of several hundred individuals from around the world includes extremely wealthy business leaders, heads of state, presidents of highly influential think tanks, and Nobel Prize winners. They make no bones about their agenda — to create a “one world” policy matching their own. And, according to recent meetings, many of the participants think they are winning.

Who is this worldwide covert power structure? The Trilateral Commission? The Council on Foreign Relations? The Bilderbergers? The Illuminati?

No, it's the Mont Pelerin Society, the international organization of freedom fighters created in 1947 by Friedrich Hayek, Ludwig von Mises, and Milton Friedman.

Not many conspiracy theorists consider the Mont Pelerin Society an international secret society with sinister motives, but if you think about it, the

MPS isn't much different than the CFR. Both meet in private in hopes of changing the world. Whether they have succeeded or not is another question.

And that brings me to David Rockefeller, considered by some as “conspirator in chief,” whose newly released *Memoirs* is surprisingly candid and engulfing. It's all here — family feuds, liaisons with Communists, making and losing millions of grandfather's fortune, World War II, OPEC. You feel like you've relived the world history of the 20th century after reading Rockefeller's 517-page odyssey.

As a young conservative, I grew up fearing nuclear war, communism, and the giant one-world conspiracy of the Rockefellers, the Rothchilds, and other private banking dynasties. In the early 1970s I read paperbacks like *None Dare Call It Conspiracy* by Gary Allen and Larry Abraham and *The Naked Capitalist* written by my uncle, W. Cleon Skousen. Men like the Rockefellers were not only the most powerful men in the world, I was told, but downright evil, working behind the scenes to create the world's central banks, manipulate the rise and fall of governments, and institute a one-world socialist state.

I have a great deal of respect for these conservative writers, especially

my uncle. I have no doubt that giant underworld conspiracies do exist — the Communist Party certainly was one — but I do not think that the Rockefellers, or any other group, can control the world. The countervailing forces are simply too massive for any one group to achieve monopolistic control for very long.

In the mid-1990s, working on an article for *Forbes*, I interviewed David Rockefeller in his offices on the famed 56th floor of Rockefeller Center. Boy, was I disappointed. He shocked me with the statement, “I am an Austrian economist!” It's true, in a way. In *Memoirs*, he describes how he learned economics at Harvard from the great Austrian *enfant terrible* Joseph Schumpeter who taught him to reject Keynes; then enrolled in the London School of Economics and sat at the feet of Friedrich Hayek and Lionel Robbins, who taught him to reject Harold Laski, “the pied piper of the left”; and finally, wrote his Ph.D. dissertation at that famous bastion of free-market economics, the University of Chicago (founded by his grandfather). Hayek helped Rockefeller choose his dissertation topic on economic waste; his dissertation committee included Frank Knight and Jacob Viner.

Yet it would be a grave distortion to suggest that this academic pedigree makes Rockefeller some kind of libertarian. His generation of Rockefellers has been enthusiastic supporters of big government and of a large “safety net” welfare state. David waxes eloquently about his brother's four-year term as governor of New York and creation of a “model of progressive state government.” He liked Alger Hiss and, when rumors were flying of Hiss's being a Soviet agent, David was the only board member of the Carnegie Endowment to vote against firing him as president. He describes Yasser Arafat as “a small, canny, and charm-



ing man," not as a terrorist. He withdrew from the "ultraconservative" Pesenti Group because he "was not personally convinced that the Red Menace was quite as menacing" as other members believed it to be. He was an early advocate of trade with the enemy, the Soviet Union. He and other members of the Trilateral Commission traveled to Havana in 2001 and spent all night meeting with Fidel Castro. He admits that his rebellious daughter Abby is a Marxist and an "ardent admirer" of Castro.

---

*Not many conspiracy theorists consider the Mont Pelerin Society an international secret society with sinister motives, but if you think about it, the MPS isn't much different than the Council on Foreign Relations.*

---

David's mother commissioned a Mexican painter, Diego Rivera, to create a mural for the entrance lobby of the RCA Building, a mural with an unmistakable Marxist theme of class struggle and capitalist oppression, and a portrait of Lenin. (The mural was so controversial that the Rockefellers had it destroyed; Rivera produced a second copy, which now hangs in the Palacio de Bellas Artes in Mexico City)\*.

Yet Rockefeller's one-worldism was doomed to fail from the beginning. As he himself points out, members of the Council on Foreign Relations and the Trilateral Commission engaged in too much infighting (over Vietnam, the Middle East, economic policy, etc.) to dominate the G7 governments. George Gilder, who grew up with the Rockefellers, made this clear to me. David Rockefeller, like many business-

---

\* But it would be a mistake to think that the Rockefellers have supported only leftists: the Laura Spellman Rockefeller Foundation funded Ludwig von Mises in the early 1940s and the publication of both *Bureaucracy and Omnipotent Government*.

men, is more a "pragmatic" middle-of-the-roader than a die-hard ideologue of any sort. Rockefeller plays both sides with equal acumen. On the positive side, Rockefeller lobbied hard for the Kennedy tax cuts in 1962, and later worked to convince the Kennedy administration that the Alliance for Progress should emphasize "private enterprise and investment" in Latin America, rather than simply support socialistic dictators because they opposed communism. "We urged governments throughout the hemisphere to remove foreign exchange controls, tame inflation and budgetary deficits, and remove the network of other controls which restricts enterprise and sustain local, high-cost monopolies," he writes. His tutor Hayek would be pleased. Rockefeller denounced the Marxist president of Chile, Salvador Allende, and applauded the "pro-market" reforms of his successor General Pinochet ("despite my own abhorrence of the excesses committed"). When chairman of the Council of the Americas, Rockefeller issued a report supporting "lowering trade barriers, opening investment to foreigners, privatizing state-run and controlled enterprises, and stimulating entrepreneurial activity." Milton Friedman couldn't have said it better. "No one should feel guilty about making money, nor about taking prudent risks." Ayn Rand didn't say that, David Rockefeller did.

There's much to applaud in the youngest grandchild of John D. He ably defends his grandfather's drive to make a "cheaper, better, and more reliable supply of petroleum," his deep religious faith, and his philanthropic projects such as the University of Chicago and the Rockefeller Institute for Medical Research. David R. could have lived the life of Riley. Instead he enlisted in World War II as an intelligence officer in Europe. He was not a gifted student, but after the war decided to earn a Ph.D. in economics at the University of Chicago. He could have chosen a career in government, or philanthropy, like his brothers, but decided to work in private business. (He turned down Nixon's offer to be secretary of the treasury.) He could have gone to work in a chauffeured

limousine, but took the Lexington Avenue subway for his first twelve years at Chase Manhattan Bank. He regrets traveling too much (he's visited 103 nations) and not spending enough time with his wife and six children.

As a financial advisor and money manager, I have to admire Rockefeller's risk-management skills. He took chances investing in super-markets in Latin America, lending money to Argentina, and helping build the Embarcadero Center in San Francisco and the Twin Towers in New York. Some paid off, some didn't.

In short, Rockefeller is a very complex man, a pro-market businessman, a big-government Republican. You won't find any mention in his *Memoirs* of the Cato Institute, the Manhattan Institute, or the Mont Pelerin Society.

If Rockefeller was as powerful as his right-wing detractors say he is, why do Bill Gates and Warren Buffett lead the world's biggest money makers, rather than David Rockefeller, who barely makes the Billionaires Club in the *Forbes* 400 Richest People in America list? If the Rockefellers can manipulate governments and banks at

---

*If Rockefeller can manipulate the world from the 56th floor of the GE Building, why couldn't he prevent the terrorist demolition of the Twin Towers, known informally in the city as "Nelson" and "David"?*

---

will, why did Rockefeller's dad, John D. Jr., lose \$110 million building the Rockefeller Center during the Great Depression? If the Rockefellers can easily avoid taxes through "secret" trusts, why was David Rockefeller complaining about 90% tax rates in the late 1940s? His father's trust paid him \$1 million a year, but he was left with only \$150,000 to live on.

More to the point, if Rockefeller and his secret cabal can manipulate the world from the 56th floor of the GE Building, why couldn't they pre-

vent the terrorist demolition of the Twin Towers, known informally in the city as "Nelson" and "David"? Rockefeller's dream of a New World Order was blown to smithereens on Sept. 11, 2001. The lesson is as clear as the Aldrich nose on David's face: nei-

ther the Council on Foreign Relations nor the Trilateralists can control radical Islam, nor the radical militants in this country and around the world. And that's the real conspiracy, far scarier than any secret combination of wealthy businessmen. □

---

*Cato Supreme Court Review 2001–2002*, edited by James L. Swanson. Cato Institute, 2002, 269 pages.

---

# Judging the Court

---

Timothy Sandefur

---

This is the first of a to-be-yearly roundup of Supreme Court decisions by the most important libertarian lawyers in the country — which is to say, the most important lawyers in the country. Richard Epstein, Clint Bolick, Roger Pilon, and others have written case notes on the more important of last year's decisions, as well as a closing section briefly describing the cases scheduled for this year's term. The *Review* does an important job well, and is very timely, too. Epstein's article on *Tahoe-Sierra Preservation Council v. Tahoe Regional Planning Agency* is the first on that case, and is particularly interesting for another reason: writing for the majority, Justice Stevens had singled out Epstein's brief (written with the Institute for Justice) and essentially wrote his opinion as a reply to Epstein. Thus the *Review* gives Epstein the last word.

*Tahoe-Sierra* involved a series of prohibitions on all construction in the Lake Tahoe area. These "temporary moratoria" began in 1981, and remain

in place. The plaintiffs argued that this 21-year ban took their property for public use, and thus they were entitled to just compensation. Nevertheless, by shifting the focus of his opinion to address only a part of the ban, Stevens was able to argue that it did not rise to the level of a taking under the Fifth Amendment, since, you know, the ban might be lifted . . . some day.

More important to Stevens, though, was the danger that the principle of compensation presents to the administrative state. Requiring government to pay for what it took from the Tahoe landowners would mean it should pay for other:

normal delays in obtaining building permits, changes in zoning ordinances, variances, and the like, as well as to orders temporarily prohibiting access to crime scenes, businesses that violate health codes, fire-damaged buildings, or other areas that we cannot now foresee. Such a rule would undoubtedly require changes in numerous practices that have long been considered permissible exercises of the police power . . . [and] would render routine govern-

ment processes prohibitively expensive or encourage hasty decision-making.

Thus is an argument refuted by the frightening nature of its conclusion.

This paragraph, though, shows that *Tahoe-Sierra* is really a thin cover for the gaping wound in American constitutionalism: the fact that the Court has looked the other way and allowed the legislative and executive branches to construct a massive governmental edifice totally alien to the Constitution on which it allegedly rests. In theory, there is a distinction between an exercise of the government's police powers and an exercise of government's authority to take property for public use. The former never requires just compensation (the police don't have to pay a robber when they take away his gun) and the latter always does. But today, government exceeds its constitutional limitations so regularly that the line dividing the police power from the power to regulate, or to provide public goods, has been blurred. The distinction was gradually abandoned beginning in the 19th century, and came to crisis proportions during the Progressive Era, when the administrative state was born. The progressivist John Dewey denounced "the notion that there are two different 'spheres' of action and of rightful claims: that of political society and that of the individual, and that in the interest of the latter the former must be as contracted as possible." As political scientist Robert Horwitz points out, this means that "the standard [for determining the nature and extent of the state] must be the empirical determination of which consequences of private activity are sufficiently 'serious' or 'irretrievable' to warrant political intervention." In practice this means government gains "complete responsibility for determining the limits of [its own] political power."

The corrosion of the boundary between public and private life meant that government could simply regulate anything. What remained of the difference between public use and private use? Or between private property and public property? Such distinctions retreated down a theoretical hall of

# Classified Ads

## Business

**Life, Liberty and Property** — That was the credo of the age of reason and the American Revolution. Show your support for liberty and wear this beautifully inscribed pewter BADGE OF FREEDOM depicting an American revolutionary soldier. [www.badge-of-freedom.com](http://www.badge-of-freedom.com)

**AYN RAND'S NEW YORK** — Five 2 1/2 hour walking tours of Manhattan, focusing on where Rand lived, buildings connected with *The Fountainhead* and *Atlas Shrugged*, and sites relating Rand to Broadway, movies and publishing. See our website: "centurywalking-tours.com" for our 2003 schedule. Email Fred Cookinham at [fcookinham@juno.com](mailto:fcookinham@juno.com) or call 718-397-9019. Also, "Revolutionary Manhattan": four tours of little-known Revolutionary War sites.

## Health

Trouble eating 5-9 servings of fruits and vegetables daily? [www.lucysim.com](http://www.lucysim.com).

## Employment

**Editorial Position Available** — *Liberty* seeks to fill a full-time editorial position. Excellent editorial skills required, including manuscript evaluation, working with authors, copyediting and proofreading. The successful candidate will be well-organized, accustomed to meeting publication deadlines, and able to flourish in a non-hierarchical work environment. Experience with desktop and web publishing a plus. Salary commensurate with experience and ability. Send résumé and salary requirements to R.W. Bradford, *Liberty*, P.O. Box 1181, Port Townsend, WA 98368 or email [rwb@cablespeed.com](mailto:rwb@cablespeed.com).

*Liberty* magazine offers full-time, paid internships at all times of the year. We seek intelligent, highly motivated individuals who want to learn more about writing and editing. Responsibilities are flexible according to demonstrated abilities and interests. For more information, write: R.W. Bradford, Editor, *Liberty*, P.O. Box 1181, Port Townsend, WA 98368.

## Literature

Fellow Libertarian sell books, music, and movies at: <http://www.amazon.com/seller/todigy@forpresident.com>.

Classified Advertising is available for 50¢ per word, ten words minimum. Email addresses, telephone numbers, and URLs are charged as 7 cents PER CHARACTER. Ask us for requirements on adding your logo to your ad. 10% discount for six or more insertions. Payment must accompany order (check or money order only). Please suggest classification. Deadline for next issue: Dec. 8, 2002.

**Allow the Free Market to Work!** Land Speculation causes economic and environmental problems. Read the Geogist Solution in a Synopsis of Progress and Poverty on Common Ground USA's web site, [www.progress.org/cg](http://www.progress.org/cg). For a free brochure write: CGUSA, PO Box 57, Evanston, IL 60204 and mention *Liberty*.

**The Titanic Story** by Stephen Cox. Truth is more fascinating than myth. This readable and entertaining new book cuts through the myth of the "arrogance" of capitalism and modern technology and gets to the real story — the drama of individuals coping with the risks of human life. Send \$9.95 to Liberty Book Club at P.O. Box 1181, Port Townsend, WA 98368.

**Ayn Rand and Her Movement** — an interview with Barbara Branden. Ayn Rand's close friend discusses the inner circle of the Objectivist movement. Learn what it was like to be a companion of the woman who thought of herself as "the world's greatest political philosopher." Send \$4 to Liberty Publishing, P.O. Box 1181, Port Townsend, WA 98368.

**The Sociology of the Ayn Rand Cult** by Murray N. Rothbard. Published in 1987, this essay is one of the most important scholarly works on Ayn Rand's inner circle. Rothbard was there, and what he offers is an unflinching, critical look at a cult that "promoted slavish dependence on the guru in the name of independence." Send \$4 to Liberty Publishing, P.O. Box 1181, Port Townsend, WA 98368.

## Personals

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

## Websites

The slaughter and slavery of the weak and helpless is incompatible with liberty. Support compassion over cruelty — check out [www.liberty4all.org](http://www.liberty4all.org).

When you work, you create. When you win, you just take from the loser. [www.paulstudier.com/win](http://www.paulstudier.com/win)

mirrors until the New Deal, when the Court virtually abdicated its duty to prevent government from overreaching. When, in *Wickard v. Fillburn*, the Court held that Congress' power to regulate "commerce between the several states" meant it could prevent citizens from growing wheat in their own gardens for personal use, the idea of a Constitution creating a barrier between citizens and the state became almost a cruel joke.

Yet the Fifth Amendment remains, just as it was written in 1789. And fidelity to its takings clause is, as Epstein writes, "a large job, because it requires an assessment of the legitimate purposes for government action [i.e., the limits of the police power], and some assessment of whether the means chosen are reasonably related to those purposes." The Court has pushed away that responsibility so fervently as to convince itself that pushing it away is its responsibility. And still the Fifth Amendment remains.

Horwitz notes that progressivism cannot solve the problem of the tyranny of the majority, since it depends on "empirical determinations" of when regulation serves the public welfare. Thus the progressives placed "almost full dependence" on "an educated, public-spirited, and active citizenry." Today's defenders of the regulatory welfare state thus criticize Epstein for his "conceptual" — that is, *principled* — approach to determining where the police power's boundaries lie, and demand instead a "pragmatic" approach. But, writes Epstein, "such epithets as 'pragmatic' and 'conceptual' ring hollow without any explanation of how that 'pragmatic' system works." The Court has developed so-called balancing tests to determine when regulation serves the public welfare, but these tests — which, coincidentally enough, tend to come down in favor of government far more often than not — barely disguise the fact that they facilitate a welfare state that is spinning out of control. Simply put, government cannot afford to pay for all that it takes from us, and Justice Stevens knows it. Finding a graceful way out of that quagmire is as messy as finding "peace with dignity" in Vietnam.

Another way the Rehnquist Court seeks escape is through Eleventh Amendment sovereign immunity. This concept, which even its defenders admit lacks the slightest shred of textual support in the Constitution, prevents Congress from allowing citizens to sue a state without the state's permission. At first it applied only to suits in federal court. Then it was extended to state courts. Last term, in *FMC v. South Carolina State Ports Authority*, the Court extended it to administrative agencies as well. The Eleventh Amendment — which reads in its entirety, "The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state" — now prevents the federal government from subjecting states to suits in administrative agencies. In theory, such immunity limits Congress' authority to force states into compliance with federal regulatory schemes; Congress has

---

*The Court has developed so-called balancing tests to determine when regulation serves the public welfare, but these tests — which, coincidentally enough, tend to come down in favor of government — barely disguise the fact that they facilitate a welfare state that is spinning out of control*

---

written many checks on the state's account, and allowed citizens to cash them in court. Robert Levy, whose article reviews *FMC*, writes that "the reach of federal power is reduced when states are immunized from litigation brought by private citizens suing under federal statutes." But, he notes, protecting the state from suits by citizens is also a dangerous — and philosophically unwarrantable — practice.

Sovereign immunity has no place in a government based on equality

and consent; it belongs to a political theory which views justice as the will of the sovereign. Governments based, like ours, on compact, are limited in the same way individuals are: they have no authority to do to us what we cannot ourselves do to each other. This is precisely why government must pay when it takes our property. As Locke explained, "the legislative is not, nor can possibly be, absolutely arbitrary over the lives and fortunes of the people. For it being but the joint power of every member of the society given up to [the] legislator, it can be no more than those persons had in a state of nature. Nobody can transfer to another more power than he has in himself, and nobody has an absolute arbitrary power to take away the life or property of another." Likewise, a government of the people can have no right to exempt itself from law. In a sense, then, Levy gets it backwards when he writes that ours is "a federal government of delegated, enumerated, and, therefore, limited powers." Actually, it is because free government can *only* have limited powers that they are enumerated, and thereby delegated. And it is for the same reason that it should not be able to take our property — or do anything else to us — without answering to the law.

Sovereign immunity is another cover for the elephant in the room: the federal government has long since burst through the Constitution's restraints. Yet the Court is unwilling to address that, as Levy notes. "The growth of the administrative state was an 'unforeseen phenomenon' because it was patently unconstitutional." But even though Justice Thomas admitted that the administrative agency "lacks any textual basis in the Constitution," he ignored the implications of that fact.

The administrative state's annihilation of the distinction between public and private leads to another perverse result: liberals, once reliable defenders of free speech, are now turning their backs on that heritage. James Swanson puts it starkly in his article on *Republican Party of Minnesota v. White*: "The Court was one vote away from ruling that a candidate in a democratic election may not discuss disputed

issues with the public. Even more troubling than the fact of the narrow majority is the content and tone of the dissent [which] simply ignores the Court's vast literature on the vital importance of political speech in American life." Justice Stevens even wrote that he would allow the state to prohibit judicial candidates from saying *anything* that "emphasizes the candidate's personal predilections rather than his qualifications for judicial office." In other words, even honest political opinions are too much of a bias. *White* is a dry run for the approaching case against "campaign finance reform," which regulates political speech to an unprecedented

---

*If no property is too private to be regulated, then no opinion is too private to be silenced.*

---

degree, but the fact that liberals are willing to tolerate extreme controls on speech by candidates should really come as no surprise. In a society where everything is regulated, jobbery and political favoritism are inescapable, even when the regulator himself is basically honest. Defenders of the administrative state place "almost full dependence" on "an educated, public-spirited, and active citizenry," but as government planning repeatedly fails (as it must) to achieve perfect efficiency, its designers become convinced that there must be something wrong with it — why, human error! — and so the regulators themselves must be regulated. The perfect bureaucracy requires the perfect bureaucrats: unimpeachable, perfectly objective, incapable of being bribed, incapable even of honest political views which might tip the scales. If no property is too private to be regulated, then no opinion is too private to be silenced.

The *Review* makes a handful of oversights, but they are more evocative than frustrating. Jonathan Turley's article on *Watchtower v. Village of Stratton* raises the interesting question of why the Court has so studiously avoided addressing the right to anonymous speech. Turley rightly points out

that the Founders frequently wrote anonymously — including *The Federalist Papers*, which were written under the pseudonym “Publius.” But Turley doesn’t mention that the Supreme Court *itself* often writes anonymously: tough cases, like *Bush v. Gore*, are often issued as “*per curiam*” opinions, to disguise the author, or present a unified front. Thus the Court itself finds value in a form of speech which it still resists acknowledging is protected by the First Amendment.

Another oversight comes in Clint Bolick’s article on the school-voucher case, *Zelman v. Simmons-Harris*. Bolick fails to address the one legitimate argument raised by Justice Souter’s dissent: that the Cleveland scholarship program leads to government interference with religion. As Souter noted, participating schools in Cleveland were prohibited from giving “admission preferences to children who are members of the patron faith,” and were even told what they could teach children: “a separate condition,” wrote Souter, “that ‘the school not teach hatred of any person or group on the basis of . . . religion,’ could be understood (or subsequently broadened) to prohibit religions from teaching traditionally legitimate articles of faith as to the error, sinfulness, or ignorance of others, if they want government money for their schools. For perspective on this foot-in-the-door of religious regulation, it is well to remember that the money has barely begun to flow.” The irony of a liberal like Souter worrying about government overregulation should not lead us to overlook the fact that this is a real problem — certainly more substantial than the dissenters’ ludicrous conjuring of the specter of religious warfare. In the balance, Souter’s concern is outweighed by the benefits of school choice, but it is an argument worth addressing.

Some parts of the *Review* will be difficult for non-lawyers; others are written clearly enough for laymen to understand just how precarious their freedom is. For the past several decades, that hasn’t mattered much to lawyers. In fact, Alexis de Tocqueville wrote that “although [lawyers] value liberty, they generally rate legality as far more precious; they are less afraid

of tyranny than of arbitrariness, and provided it is the lawgiver himself who is responsible for taking away men’s independence, they are more or

less content.” But there is a growing number of lawyers who do care about freedom, and the *Review* will be an invaluable tool in their efforts. □

---

*Secrets: A Memoir of Vietnam and the Pentagon Papers*, by Daniel Ellsberg. Viking, 2002, 498 pages.

---

## The Truth, at Last, About Vietnam

---

Bruce Ramsey

---

In August 1964 there is news of a North Vietnamese attack on U.S. warships in the Gulf of Tonkin. Then a second attack. President Johnson gets on television and speaks to the American people. He brings foreboding of war. He has “unequivocal” evidence, he says, that North Vietnamese PT boats have made two “unprovoked” attacks on U.S. Navy ships “on routine patrol in international waters.”

Daniel Ellsberg, an analyst for the Department of Defense, knew better: the ships had not been on a routine patrol. They had not been only in international waters. The skipper had reported a second attack, but said later that his only contact was by radar, and that he suspected that his men were shooting at a bogey.

None of which Johnson told the American people or Congress, when he asked for the authority to use military force “as the president determines” — and which Congress gave him, by a vote in the Senate of 88 to 2.

*Secrets* is the story of the Vietnam war as Ellsberg saw it and thought about it for seven years. It is a clear, logical, well-written book, and one of the best to come out of the war.

Ellsberg came to the conclusion

early on that Vietnam was a war of political allegiances in which the edge went not to the side with the greatest firepower, but to the side that cared most about winning. And that was not likely ever to be the South Vietnamese, or the Americans.

One highlight of this book is Daniel Ellsberg’s advice to Henry Kissinger on what it’s like to be cut in on official secrets. Ellsberg told him:

You will feel like a fool for having studied, written and talked about these subjects, criticized and analyzed decisions made by presidents for years without having known of the existence of this information . . .

That will last about two weeks. Then, after you’ve started reading all this daily intelligence input and become used to using what amounts to whole libraries of hidden information, you will forget there ever was a time when you didn’t have it, and you’ll be aware only of the fact that you have it now and most others don’t — and that all those other people are fools . . .

It will become very hard for you to learn from anybody who doesn’t have these clearances. Because you’ll be thinking as you listen to them: “What would this man be telling me if he knew what I know?” . . .

You will deal with a person who doesn’t have these clearances only

from a viewpoint of what you want him to believe and what impression you want him to go away with, since you'll have to lie carefully to him about what you know. In effect, you will have to manipulate him.

Kissinger listened to all this and said nothing. He had been named national security adviser to President Nixon, but Nixon had not taken office, so it was too early for him to evaluate the classified information about Vietnam. For Ellsberg, it was old stuff. He had been in the war bureaucracy

---

*What Ellsberg found in the Pentagon Papers was that presidents all the way back to Truman had had good advice. In particular, the risks were pointed out to Kennedy and Johnson, and they ignored the warnings.*

---

for years, with access to the secret dispatches, and had turned against the Southeast Asian war and wanted to stop it. And he was worried that the Nixon administration would repeat the mistakes of the previous administrations. The book presents a devastating portrait of Lyndon Johnson, who ran in 1964 as the peace candidate, accusing Barry Goldwater of being for war. Goldwater was, in fact, for cranking up the war — but so was Johnson. Not quite as much as Goldwater, but far more than he revealed to the electorate. As in 1940, the peace candidate got down to the serious business of escalation as soon as the election was over.

The theme of *Secrets* is that the fundamental problem with America's Vietnam policy was not bad advice to Johnson or Kennedy about sending in advisers and troops, or the failure to see a "quagmire." What Ellsberg found in the Pentagon Papers was that presidents all the way back to Truman had had good advice. In particular, the risks were pointed out to Kennedy and Johnson, and they ignored the warnings. Remembering the embarrassment over the Democrats' having

"lost" China, they did not want their name identified with any further loss. And so they were willing to gamble on poor odds, marketing their policy with lies.

As a Republican, Nixon had an opportunity to blame the war on the Democrats and pull out, and, as Ellsberg explains, the Democrats were mainly to blame. But instead Nixon decided he would extricate America "with honor" by substituting air power for troops, covering his political weaknesses with high explosives.

"The president was part of the problem," Ellsberg writes:

This was clearly a matter of his role, not of his personality or party. As I was beginning to see it, the con-

centration of power within the executive branch since World War II had focused nearly all responsibility for policy "failure" upon one man, the president. At the same time it gave him enormous capability to avert or postpone or conceal such personal failure by means of force and fraud. Confronted by resolute external resistance, as in Vietnam, that power could not fail to corrupt the human being who held it.

Ellsberg does not mention Franklin Roosevelt in this context, but that is what "since World War II" implies. This is the foreign policy of a monarchy, not a republic.

Ellsberg also develops some powerful thoughts in this book about

## Notes on Contributors

*Baloo* and *Shiong* are noms de plume of Rex F. May.

*James Barnett* is *Liberty's* editorial intern.

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

*Scott Chambers* is a cartoonist living in Arizona.

*Jim Cox* is associate professor of economics and political science at Georgia Perimeter College

*Stephen Cox* is a professor of literature at the University of California, San Diego and the author of *The Titanic Story*.

*Bettina Bien Greaves* is co-compiler of *Mises: An Annotated Bibliography*.

*Gene Healy* is a writer in Washington, D.C. and publisher of [www.genehealy.com](http://www.genehealy.com)

*Chris Henderson* is a writer living in Avon, Ind.

*Nelson Hultberg* is a freelance writer in Dallas, Texas.

*Dan Hurwitz* is a retired professional engineer living in Dallas, Texas.

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

*Ross Levatter* is a physician practicing in Green Bay, Wisc.

*Wendy McElroy* is editor of [ifeminists.com](http://ifeminists.com) and is the author of *The Reasonable Woman: A Guide to Intellectual Survival*.

*Chuck Muth* is head of the American Conservative Union.

*Randal O'Toole* is senior economist with the Thoreau Institute and author of *Reforming the Forest Service*.

*Bruce Ramsey* is a journalist in Seattle.

*Frank Ricciardone* is a retired NYPD sergeant living in San Diego, Calif.

*Elizabeth Richter* is a freelance writer in Canton, Conn.

*Ted Roberts* is a humorist living in Huntsville, Ala.

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

*Jane S. Shaw* is a senior associate of PERC — The Center for Free Market Environmentalism in Bozeman, Mont.

*Mark Skousen* is author of *The Making of Modern Economics*.

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

*Ken Sturzenacker* is a longtime libertarian activist and former television news producer.

*Jim Switz* is computer consultant for *Liberty*.

*Kirby Wright* is a recipient of the Academy of American Poets Award and the Browning Society Award for Dramatic Monologue.

responsibility. He quotes the story of an Army general who feels stabbed in the back by Johnson, and who gets in his car and drives to the White House to hand Johnson his resignation, but turns back at the gates; and how that general afterward was ashamed of his failure to act.

Ellsberg thinks of what he would say if his son were drafted. He writes:

I would tell my kids, I thought, that no one could make it all right for them to carry a gun or shoot anyone just by telling them they had to. That would have to be their choice, their entire responsibility. If I ever did it again — I would tell them, as I now told myself — it would be because I chose to do it . . . I would also examine very critically my own reasoning for it . . . Responsibility for killing or being ready to kill was not something you could delegate to someone else, even a president.

In was in that frame of mind that Ellsberg decided to “cast my whole vote” against the war by leaking the Pentagon Papers, which detailed the lies of Kennedy and Johnson, and of

---

*Ellsberg came to the conclusion early on that the would not be the side with the greatest firepower, but to the side that cared most about winning — and that was not likely ever to be the South Vietnamese.*

---

Truman and Eisenhower before them. The last part of the book is about making that decision and carrying it out: how he came by the papers, how he smuggled them out, how he tried to leak them through Sen. William Fulbright, Sen. George McGovern, and others, and how he finally chose the *New York Times*; and how that led to federal injunctions, a Supreme Court ruling, and his own prosecution for leaking.

Disclosing papers to the public was not spying; it was leaking. This was the first time in American history, he says, that anyone was prosecuted for a leak, and it turned out that there

was no clear law against it.

The *New York Times* won its case at the Supreme Court. Ellsberg won his case when the judge dismissed it following the news that the Watergate burglars had ransacked the office of Ellsberg’s psychiatrist.

*Secrets* has some delicious tidbits. There is Henry Cabot Lodge, the U.S. ambassador to Vietnam, dismissing the idea of fair elections in Vietnam by saying that if he and Nixon had had a fair election in Illinois, they would be vice president and president, respectively, and not Lyndon Johnson, a man

who had “spent most of his life rigging elections.” There is Nixon, visiting Lodge in Vietnam, endorsing the idea of Vietnamese elections “as long as you win.” And there is McGovern, promising to break the story of the Pentagon Papers and welshing on the deal because he feared doing so would hurt his chances to become president.

Critics will say this is a self-serving book, and I suppose it is. So are a lot of good books. And this one tells a good story and fine illustration of the dangers of giving too much political power to one man. □

---

***Public Intellectuals*, by Richard A. Posner. Harvard University Press, 2002, 408 pages.**

---

# Celebrity Intellectuals

---

Richard Kostelanetz

---

While some are skeptical of writers who are awesomely prolific, I’m more inclined to observe this principle: the more a writer publishes, the more likely it is that some of his stuff might be very good. Richard Posner’s recent books illustrate this rule in subtle ways.

His *Public Intellectuals’* subtitle is “A Study of Decline,” which echoes Russell Jacoby’s thesis in *The Last Intellectuals* (1987). Where they differ is that Jacoby, coming from the political left, doesn’t discuss much about the putative successors to his earlier heroes; while Posner, clearly not a lefty, exposes the failures of many current intellectual celebrities while barely mentioning their predecessors. Reaching the same conclusion by different routes, Posner and Jacoby impli-

citly illustrate my thesis, made in reviewing Jacoby 15 years ago, about professional obstacles blocking the emergence of younger political intellectuals.

Being neither left nor right, I think that both are wrong. The great tradition of public intellectuals continues, though with people whom Jacoby and Posner do not mention and may not even know. Debunking academics is not enough, given the title of his book. Since Posner’s own affiliations are mostly nonacademic, can I be alone in questioning why didn’t he have more respect for his own cultural class? And, curiously, every name on Posner’s list of nonacademic intellectuals (page 29) was born before 1938. He has not yet done research on independent scholars younger than 64!

The most interesting section of *Public Intellectuals* records Posner’s sta-



tistical research with a long list of intellectuals, noting not only Internet hits but scholarly citations and mentions recorded by LexisNexis. While such statistics have their truth, they also depend upon taste on the names submitted. In this respect, I fault Posner for not including several public intellectuals who are major league to me, among them Peter F. Drucker and Thomas Merton, Murray Rothbard and Thomas Szasz.

Nonetheless, what is best in Posner's new book are passing remarks and individual critiques. Posner deals critically with Noam Chomsky, whom others rarely mention, perhaps because his words scarcely appear in the more prominent media. Nonetheless, his books are read, his name scores usually high on Google searches (and not only for his

pioneering conjectures in linguistics). In a recent poll of its readers, the magazine *Anarchy* judged him more influential than everyone else.

Like other prolific writers, Posner is predisposed to leave behind passing remarks that have slight relation to his principal argument. For example, buried beneath other concerns is this brilliant appreciation of the political implications of a Marx Brothers' classic film: "*A Night at the Opera* (1935) . . . confronts a WASP establishment of top-hatted officials, first-night opera goers, wealthy widows, grasping capitalists, the first-class passengers and captain of an ocean liner, and a supporting cast of thick-necked plainclothesmen and other capitalist lackeys with a trio of vulgar, lawless, destructive, ostentatiously non-WASP scalawags led by a Leon Trotsky look-

alike [Groucho]. Yet this disorderly trio (portrayed in a film as a loud-mouth, doubtless Jewish schemer, a thickly accented lower-class Italian, and a simple-minded clownish mute of indefinite foreign origin) not only runs circles around the establishment but also vindicates artistic values and unites the romantic leads. Yet not even in 1935 were the Marx brothers perceived as a threat to capitalism and decency." As a great fan of *A Night at the Opera*, with a taste for anarchist art, I wish I'd written these and remain pleased to quote them. If you write a lot, the greater the likelihood that some of it might be really good. A Richard Posner book filled with criticism as strong as this, about anything, I would gladly recommend from beginning to end. □

## Reflections, from page 16

founded by Karl Marx himself in 1864. The Workingmen ran on a platform of gaining government control over corporations and excluding Chinese immigration. Hostility to the Chinese was particularly rampant in California, but was shared in Washington, D.C., where the federal government prohibited Chinese immigrants from becoming citizens. The 1879 California Constitution punished with forfeiture any corporations that hired Chinese workers, and prohibited Chinese immigrants — or, in the code words they used, "those not capable of becoming citizens of the United States" — from owning any property in California. The convention reached perhaps its lowest point when debating a provision in the Bill of Rights. The following exchange occurred:

Mr. O'Donnell: I move to amend by inserting after the word "men," in the first line, the words "who are capable of becoming citizens of the United States."

Mr. McFarland: I second the amendment. [Laughter.]

The Chairman: The Secretary will read it as amended.

The Secretary read: "All men who are capable of becoming citizens of the United States, are by nature free and independent."

The motion failed, but it was hardly the most radical moment of the convention. One delegate, Charles Ringgold, frankly denounced the federal Constitution, calling instead for "a political structure that would be in accordance with the spirit of the age. . . . The Declaration of Independence is a political expression. The Constitution of the United States is a political abortion . . . violated in the interest of capital in every section and article. It has outlived its usefulness."

Some members were even more candid:

What right have they to so much land? The gentleman from Tehama says he bought it. What difference does that make? What business has he to get that many acres of land? What does it matter how a man got it? . . . I would like to have some

of this land myself. [Laughter.] I see that other men have been smarter than I have, and they have got more than I have; there are lots of men worse off than I am. I would like to know what business a man has to have more than six hundred and forty acres of land? If a man cannot live on that, he ought to die. [Laughter.] We don't want a man to have a right to buy this land. It don't matter about buying it. That don't make any difference. If they had a legal right, what difference does that make? We are strong, and we have a right to say what they shall do with it. We want to say that we have a right to go and take it. All this section says is, that we must pay the assessed value. . . . I do not understand at all, sir, how we can be consistent, when we are striking at these other monopolies, as we call them, when we are taking away their property, when we are regulating the use of it, unless we do it to this greatest of all monopolies — the monopoly of the earth itself, which God Almighty gave to us as a home for all men.

The *Debates* are out of print, and are a rare book. The debates at the 1849 convention, on the other hand, are available online, even though California doesn't use that constitution anymore. No wonder — the 1879 convention is truly embarrassing. The roots of California are bright red.

— Timothy Sandefur



"No, I don't think this could be the beginning of a beautiful friendship!"

### *Urumieh, Iran*

Dire warning from a distinguished messenger of Mohammed, quoted in the Iranian newspaper *Etemad*:

Conservative prayer leader Jojatoleslam Hasani has denounced the "moral depravity" of dog ownership and called on the judiciary to arrest all dogs and their owners: "I demand the judiciary arrest all dogs with long, medium or short legs together with their long-legged owners, otherwise I will arrest them myself."

### *Cincinnati, Ohio*

Perils of accepting government subsidies in the Buckeye State, reported in the *Cincinnati Enquirer*:

County commissioners unanimously agreed Wednesday to send the Bengals' stadium lease to the prosecutor's office for a legal opinion on whether the team has violated the agreement by failing to field a competitive team.

### *Pendleton, Ind.*

Evidence of the critical intelligence of fast food managers. From the *Indianapolis Star*:

A former Burger King worker filed a federal lawsuit against her employer Wednesday over a supervisor's strip search of her. According to the suit, the employee, then 15, was working part time at a Burger King in Pendleton on Dec. 17 when a caller claiming to be a policeman asked if there was a girl working the front counter. The caller told the supervisor he was investigating the alleged theft of a purse by an employee. Following instructions from the caller, the supervisor allegedly told the teen to remove all of her clothes. The supervisor was asked by the caller to describe the girl's hair color and length, as well as her tan lines.

### *North Dakota*

Dangers of sporting life in the Peace Garden State. Reported in the *Boston Globe*:

Michael Murray of Brooklyn Park, Minn. was shot by his dog while lining up a photograph of the pheasants he had shot. Sonny, his English setter pup, jumped on a 12-bore shotgun lying on the ground and it went off.

"At first I didn't know what happened," Murray said. "I got that blinding flash of pain and I sat down. Blood was pumping out of my ankle. Sonny just laid by my side. He knew something was bad."

### *New York*

Inspired legal argument, reported in the *New York Post*:

Vincent Siccardi, the lawyer representing a couple accused of taking part in three-way sex on a train, says his clients should be praised for taking the train instead of driving while drunk: "Here are two responsible people. They were at a party. They were drinking. It shows that they are responsible. If more people did that, we'd have fewer problems on the road."

### *Port Townsend, Wash.*

New professional service offered to residents of Ecotopia, from an advertising handbill:

Personal Assistant: Goddess of "Clutter Removal." The intention of services provided are dedicated to bringing more abundance, health, and prosperity into your sacred home space by clearing out old energies and creating new space for well-being.

### *Seattle*

Criminological note in the *Seattle Times*:

After five hours of attempted negotiations, SWAT-team maneuvers, and repeated barrages of tear gas, officers stormed a North Seattle home yesterday to discover they had spent the entire morning surrounding a dog.

### *Manatee County, Fla.*

Firm enforcement of gun laws in the Sunshine State, from the *Herald Tribune*:

Capt. Van Fussell, the district commander for the Florida Highway Patrol's Venice office shot himself in the foot with a handgun Monday morning while taking his biannual firearms qualification exam at the Manatee Technical Institute firing range. Fussell will be required to retake the exam.

### *Brighton, U.K.*

An advance in public safety, from *The Argus*:

College student Edwyna Dyer was questioned by police for two hours and her home was searched by firearms officers after a photo clerk turned her in for trying to develop pictures of her father standing behind fake guns.

Police destroyed the photos to prevent them from being circulated.

### *Sacramento*

Sporting note in the *Sacramento Bee*:

Four Sacramento State football players are to be disciplined for spraying themselves with non-stick cooking oil before a game against University of Montana.

### *Singapore*

Medical note reported by Reuters:

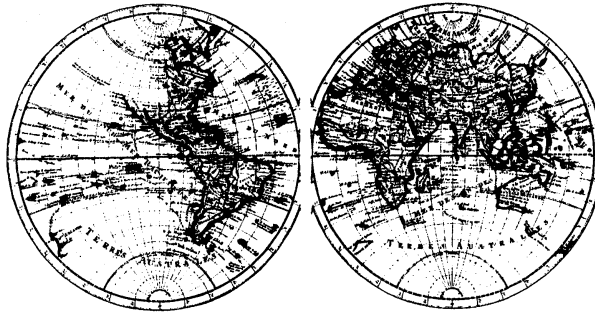
The United States and Singapore said Tuesday they had largely finalized a free trade agreement in which Singapore conceded to allow sugarless gum prescribed by doctors and dentists as having therapeutic benefits to be sold by pharmacists. If the deal goes through, Singaporeans will be legally able to chew gum for the first time in ten years.

### *California*

Gary Copeland, Libertarian Party candidate for governor of California, identifies himself. From the *Weekly Universe*:

"I am the tear on your cheek and a ray of sunlight on a winter's day. I am the river that flows from the mountain and the fire that lights the darkness. I am the point of a spear in heat of battle and the calm that stretches over the ocean. I am the death of a loved one and the seed of your child. I am Druid."

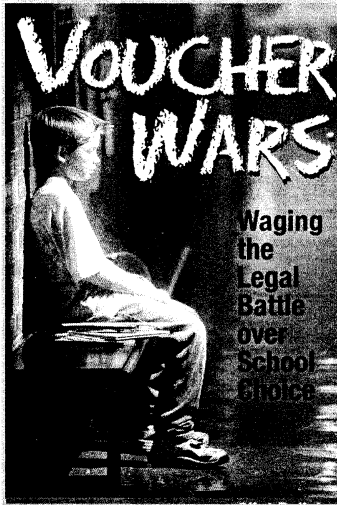
# *Terra Incognita*





NEW AND FORTHCOMING BOOKS

CIVIL SOCIETY • INDIVIDUAL LIBERTY • FREE MARKETS • LIMITED GOVERNMENT



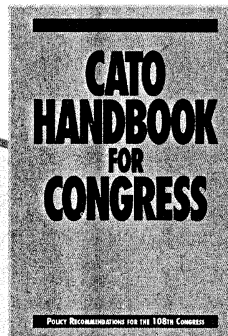
**Voucher Wars: Waging the Legal Battle over School Choice**

Clint Bolick

**T**he recent Supreme Court school voucher decision has brought the issue of educational freedom and quality to national attention. This book recounts the drama and the tactics of the 12-year battle for choice and, in the process, distills crucial lessons for future educational freedom battles. March 2003

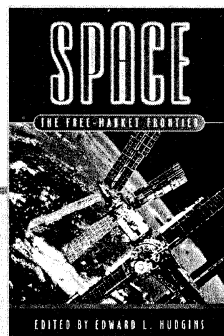
160 pp./Cloth \$20.00 ISBN 1-930865-37-6

Paper \$12.00 ISBN 10930865-38-4

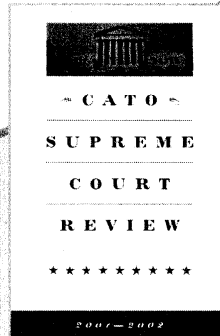


**W**ith federal spending out of control under a Republican Congress, the cuts in taxes and spending proposed in the *Cato Handbook for Congress* are needed now more than ever. It covers such hot topics as the federal budget, Social Security, Internet regulations, corporate governance, the war on drugs, and civil liberties, since 9/11.

700 pp./ \$25.00 paper  
ISBN 1-930865-39-2



**D**ennis Tito wasn't the only entrepreneur interested in exploring the final frontier. The issue is how to open space to private travel and other commercial ventures. Edited by Ed Hudgins, the book includes Buzz Aldrin on space tourism, Liam Sarsfield on NASA in the 21st century, and Wayne White on property rights in space. 250 pp./\$25.00 cloth  
ISBN 1-930865-19-8/\$15.00 paper ISBN 1-930865-18-X



**T**his new annual review from Cato analyzes the just-concluded Supreme Court term, looking at the most important and far-reaching cases of the year. Written from the classical Madisonian perspective, this review is a must for all who follow the Court and its decisions. 269 pp./Paper  
\$15.00 ISBN 1-930865-35-X



**T**his provocative work explores many of the revolutionary technological advances of the past century, especially those in agriculture such as the development of bioengineered foods and pesticides. It debunks the conventional wisdom that many of these advances are harmful to humanity. 261 pp./Paper \$12.95  
ISBN 1-930865-31-7



I am preserving the ancient tradition of African hairbraiding while creating jobs from coast to coast.

I believe liberty is best defended with vigilance and education.

I don't fear the government,  
because I beat the government.

*I am IJ.*

*Taalib-Din Abdul Uqdan and Pamela Ferrell  
Washington, DC*

[www.IJ.org](http://www.IJ.org)

*Institute for Justice  
Economic liberty litigation*