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& His
Bandits

May 2007

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From the Editor

The other day, the leading personalities of the condo complex in which I live decreed that the outer doors of the building would be "rekeyed." They gave us lesser mortals short notice, leaving most details of the transaction obscure — details such as when, exactly, we would get our new keys. At times like that, you suddenly realize how much you depend on certain things that you normally take for granted, such as your ability to open your own front door.

If you don't have a *way* to get in, you can't get in. You can't sleep in your bed. You can't read your books. You can't enjoy your music. You can't eat your food. And you can't entertain your friends.

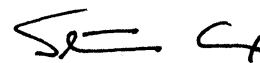
Looking at the little, strangely shaped brass object in my hand, it occurred to me that *Liberty* is like a key. It lets you into a world that you otherwise wouldn't be able to enjoy. It may not be a world of wealth and power, but it is a world of books and

ideas, a world of thinking men and women. For believers in human freedom, it is also home.

When I looked at the key, I appreciated for the first time its odd, serrated edge. Somehow, only an irregular outline will work. It's the stamp of individuality: only *this* key will fit *that* lock. In the same way, *Liberty's* contents have an edge to them — a curious, irregular edge. If anyone thinks that *Liberty* should be smooth and regular, I'm sorry: that key won't open the door.

But if you have the right key, and you struggle with it a bit, you will find that it fits the lock of this world's important issues. It's a match for what it's addressed to. Open the door, and come inside.

For Liberty,



Stephen Cox

Letters

Hearing Aid

The suggestion by Stephen Cox in the March Word Watch that the "mighty king" in the last stanza of "Do You Hear What I Hear" is a reference to King Herod is unfortunately careless of him. The sequence of speakers in the song are the night wind, a little lamb, a shepherd boy, and a mighty king, to whom it is said "Let us bring him silver and gold." Obviously these are references to the infant narratives in Luke and Matthew and the mighty king is one of the wise men, or kings of the East in Matthew's account.

Sam Treynor
Kingwood, Texas

Cox responds: I appreciate Mr. Treynor's suggestion, but I don't hear what he hears. The king in the song is said to be in his "palace warm," not tramping

the road to Bethlehem. The wise men in the gospel of Matthew, the only one that mentions them, bring gifts of gold, frankincense, and myrrh, not silver. And although later legend makes them "kings," in the Bible they are only "wise men." Of course, the more inane a song is, the more interpretations may seem plausible.

Down by the River

Doug Casey wrote in his article "The Empty Breadbasket" (March): "Despite the good things that Europeans brought to Africa (actually, there are only two: capital and technology), the way they did it, colonialism, set the continent back massively."

I'm afraid Casey misses the mark. While African colonialism may have set the stage for corrupt government,

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.

The editorial offices can be reached at (360) 379-0242. Please do not call with proposals for articles. Rather, request our writer's guide, which includes manuscript submission guidelines, by sending a SASE to Writer's Guide, Liberty, P.O. Box 1181, Port Townsend, WA 98368. It is also available at our website, libertyunbound.com. For information about advertising with *Liberty* or about reprints, email patrick@libertyunbound.com or call (206) 367-0454.

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he doesn't understand the real reason the continent struggles with economic development: African rivers. Navigable river systems are crucial for any economic system and the Africa doesn't have them. Fall lines, weeds, and the seasonal nature of the rivers in Africa hinder the traditional cheap transportation of cargo. Until this is remedied, Africa will continue to suffer underdevelopment despite her massive resources.

Jim Bedenbaugh
Broken Arrow, Okla.

The Extent of the World

I have been a Liberty subscriber for many years. More than that, Liberty had become the only publication, save for a single financial journal, whose existence I deemed valuable enough to support with a paid subscription. Now, having read Bruce Ramsey's article, "Our Allies, the Conservatives" (December 2006), it is time we part company.

Tree diameter? Bicycle helmets? Broadcast licensing? Health care? Is this the extent of this man's world? The Republican and Democratic parties have invaded a sanction-ravaged country, enabled the slaughter of more than half a million innocent people, pissed away a century's worth of U.S. prestige, and are trashing the armed forces. Republicans and Democrats have locked up so many U.S. citizens that we now lead the world in incarceration rates. Their ongoing debasement of our once-mighty currency is epic in proportion; horrific in its implications. Their bipartisan commission has produced a report on the events of Sept. 11, 2001 that is beyond belief. And these observations are just a few highlights, if you will.

For Ramsey to recommend the Republican platform as worthy of any patriot's vote is simply delusional. My strategy for electoral success, one that has nothing to do with party purity and everything to do with integrity, is

to never vote for a Republican or a Democrat, no matter the office, no matter the candidate. Give these politicians scorn, derision, and in some cases prison, but definitely not votes.

True, mine is a very small church, but one at which I will always worship. I have no tolerance for murder, mayhem, and tyranny, nor those, like Liberty, who give it voice.

John Noto
New Bern, N.C.

Still Going Strong

A statement in the recent issue discussing the passing of Milton Friedman ("The Rational, The Relentless," February) suggested that with Friedman gone, all the great libertarian figures of the 20th century had left the scene. And it is true that Friedman's death followed those of Mises, Rand, Rothbard, and Hayek, who with Friedman make up the "Big 5" of Brian Doherty's excellent recent history "Radicals for Capitalism" discussing the 20th-century libertarian movement.

But I beg to differ. Thomas S. Szasz still lives at 87. He is as prolific in his field as Friedman was in his, and at the beginning of their respective careers he fought against as great a tide as Friedman, staking out claims about the nature of mental illness that "everyone" knew were wrong, just as "everyone" knew that Friedman was wrong and Keynes was right on the workings of a modern economy. That economics came to understand Friedman was right while psychiatry continues to ignore the trenchant arguments made by Szasz proves only that economists are more amenable to rational argument, and have less to lose (financially and existentially) than psychiatrists, not that Friedman is a more accomplished theoretician and rhetorician than Szasz. People who have read his works know that it is nigh impossible to be a better rhetorician than Szasz.

Both were bold, brave, and brilliant libertarians. It is our loss that Friedman is no longer with us, and our good fortune that Szasz not only is, but continues to produce books and articles at a pace not expected of one half his age. And while he is still with us, not all of the great 20th-century libertarians have yet passed from the scene.

Ross Levatter
Phoenix, Ariz.

Letters to the editor

Liberty invites readers to comment on articles that have appeared in our pages. We reserve the right to edit for length and clarity. All letters are assumed to be intended for publication unless otherwise stated. Succinct letters are preferred. Please include your address and phone number so that we can verify your identity. Send email to letters@libertyunbound.com. Or mail to: Liberty Letters, P.O. Box 85812, Seattle, WA 98145.

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Reflections

Tender loving care — On March 5, it was announced that Vice President Cheney has blood clots in his left leg. With any luck, a major political figure such as Cheney will be sent for treatment to Walter Reed Medical Center, the premier government facility in the D.C. area. There he can receive the treatment he so richly deserves.

— Ross Levatter

Buen provecho — “Have a nice day” is the verbal equivalent of a smiley face. In the course of a normal day, we must hear it more than a dozen times from the countless clerks, checkout personnel, receptionists, Wal-Mart greeters, business attendants, and various other people with whom we deal on a daily basis.

For a little novelty, I’ve taken to responding with “Make lots of money.” I feel it is particularly apt, on libertarian grounds. And it wishes good fortune on the recipient.

I’m amazed at the responses. Most people chuckle — or at least smile — at the unexpected quip. But it’s the follow-up response that always gives me pause for reflection. A few folks, mostly entrepreneurs, take the exhortation for what it is; a sincere wish for the person to prosper. However, most people respond wryly that *they* don’t make the money, *the employer* does.

There is, however, a surprising consistency in the reaction of Hispanics — whether recent arrivals or long-time residents — of whom there are many in my home state of Arizona. Invariably, they break into a big grin and thank me profusely for the good wishes. Maybe open immigration isn’t such a bad idea.

— Robert H. Miller

March of Dollars — When I received an honest to goodness U.S. “legal tender” paper dollar as a giveaway in a request for a donation from a tax-exempt organization, I said to myself, “We must really be approaching ‘runaway inflation!’” I had received nickels and pennies before in such requests, along with calendars, notepads, greeting cards, and address labels. But never a whole dollar. However, maybe the U.S. dollar hasn’t yet lost *all* its value. When I showed the mail-

ing to a friend and commented about how low the U.S. dollar had sunk, he asked, “How do I get on that mailing list?”

— Bettina Bien Greaves

Nick Dick’s tricks — The U.S. government, in tandem with its “surge” policy in Iraq, has been ratcheting up the psychological pressure on Iran. First, a carrier battle group was dispatched to the Persian Gulf, where it will join another already in place. Next, U.S. forces seized some Iranian operatives in Iraq. Then the Bush administration made the claim that Iranian ordnance, including sophisticated bomb-making materials, is being supplied to anti-U.S. forces in Iraq.

A media storm was created by the Bush administration’s charge that Iran’s elite Qods force, at the behest of high Iranian government officials, is shipping weapons into Iraq for the purpose of killing Americans. The American media, burned once by the weapons of mass destruction fiasco at the outset of the Iraq war, have been wary of the administration’s assertions. (The exception to this is Fox News, which receives every administration utterance as a revealed truth.) As usual, the media have it wrong.

Whether the Bush administration can produce proof is irrelevant. There can be absolutely no doubt that Iran is seeking to make the American occupation of Iraq more difficult. Such a policy would naturally include supplying weapons to at least some of the groups that are fighting the U.S. Moreover, the Iranians have every reason to do this. The U.S., which has shown an implacable hostility toward Iran, has intervened without international sanction in Iraq, Iran’s next door neighbor. Looking at the situation from the Iranians’ point of view, how could they sit by and do nothing?

The Left fears that war is coming. But the Left, like the media, is mistaken (no surprise there). The U.S. doesn’t have the ground forces available to wage war on Iran. And even the Bush administration is not going to bomb Iran back to the Stone Age, killing tens of thousands of civilians in the process.



SHCHAMBERS

What then to do? I suggest taking a page out of Dick Nixon's book. In 1971–72, the Red Chinese were supplying North Vietnam with weapons that were being used to kill American troops in South Vietnam. Didn't stop Nixon from going to Peking, did it? Nixon's move was the right one, strategically, given the realities of the time. In the situation we face today the correct move would be to improve relations with Iran, the key nation in the Middle East. Whoever holds that key will be in a position to dominate events in the region. Better us than Putin's Russia or the Red Chinese.

Sad to say, it doesn't look like we're moving in that direction. As I write this, a multi-nation summit on Iraq is about to convene in Baghdad. Both the U.S. and Iran have accepted the Iraqi government's invitation to attend. Unfortunately, the U.S. ambassador to Iraq, Zalmay Khalilzad, has said that there are no plans for a face-to-face meeting with the Iranians.

Having seen more than enough of Dick Nixon over the years, I have no desire to conjure up his ghost. But even Nixon's ghost possesses more foreign-policy substance than the people who are making U.S. policy today. — Jon Harrison

From the cradle to the plane — Two recent AP stories speak to the demographic dilemma that Germany currently faces. The first story was about a growing problem for the German economy: more and more highly skilled workers are leaving, and fewer immigrants are arriving.

We're talking primo workers, such as doctors, nurses, engineers, and technicians, most of them young. The German welfare state — the ur-welfare state, as it were — with its high taxes, stifling regulation, and attendant high unemployment and lack of economic mobility, drove almost 150,000 Germans to emigrate in 2005, making that the first year since the '60s when emigration exceeded immigration.

There are credible fears of a "brain drain." Germany now suffers from a shortage of engineers and doctors, while also suffering from an official unemployment rate of 10.5% (and an actual rate that is higher still, because unemployed people are often parked in schools). Twelve thousand doctors work abroad, and so many academics have emigrated that a network of German universities and technical schools now has programs in the U.S. to keep émigrés informed of job openings in Germany, to get them back if possible. Considering, in addition, all the businessmen who have fled, it's obvious that the German state has a problem on its hands.

The second story pointed to another problem. It was about a German woman who was stressed on New Year's Eve, because it looked as if her baby would be born before midnight. The government's new program to pay people to have children started with the new year, so if her child came before 12 a.m., she and her hubby would miss out on a \$13,200 bonus from the government.

Yes, Germany has joined the club of European nations that pay women to bear children. Other nations include Estonia, France, Hungary, Italy, the Netherlands, Russia, Serbia, Spain, and Sweden. Under the German program, a parent who stops work to raise a newborn receives two-thirds of his or her income (up to \$2,375 per month). Low-wage workers can claim 100% of their income. The compensation is for a full year, with two more months tacked on if the parents take turns staying home.

Germany is in the welfare-state demographic pickle. Its high taxes and lousy business climate drive people, especially productive and entrepreneurial people, out of the country. It has to pay couples to reproduce, and the payments are bound to push taxes even higher. The root problem is the welfare state, which destroys incentives to have children (who needs kids, when Big Bismarckian Mama will take care of you in your declining years?) and forces productive people to flee the ever-increasing costs.

— Gary Jason

Losing wager — H. David Meyers, 62, is a skilled classical oboist, having performed in Carnegie Hall at 15 and recorded last year, with the St. Petersburg Philharmonic, a Beethoven concerto whose score had been lost for almost 200 years.

But classical music provides only a few practitioners with a decent fulltime income. Meyers had a sideline. Between 2001 and 2004, according to court papers, Mr. Meyers operated a business called Sports International that solicited and helped place thousands of bets on sporting events. It was apparently fairly sophisticated: working with his brother-in-law, Meyers gave prospective bettors passwords and access to a toll-free phone line that connected them to a betting parlor in the Dominican Republic.

Meyers copped a plea — to spare his family, he says — but he told a reporter that he still doesn't think he did anything illegal. He was sentenced to a year and a day in federal prison.

Whether he did anything illegal or not, he didn't do anything genuinely wrong. People bet on sporting events all the time. Some of them may become seriously addicted to gambling and wreck their lives, but not all of them do, certainly. Governors of states place friendly wagers on the outcome of the Super Bowl and other events. States sponsor and run lotteries.

Making such activities illegal pays premiums to those most skilled at concealment and sometimes (if deemed necessary) violence. Gambling would do considerably less social harm if it were all out in the open. Illegality favors gambling interests that are protected by the state from competition, which may be the real reason for making some kinds of gambling illegal.

So here's a talented musician still in what is his prime, for classical musicians — with his life ruined. He's been forced to sell his house, with the government taking whatever profit ensues, because he did what the best businessmen do — provide a service that people want and are willing to pay for.

— Alan Bock

Santorum's new digs — "I'm sorry, I didn't think I was going to talk about 'man-on-dog' with a United States Senator — it's sort of freaking me out." That reaction came from an Associated Press reporter during a 2003 interview with Sen. Rick Santorum, right after Santorum explained that he didn't have any problem with people's orientations, just so long as they didn't act on them, say with a goat or a laid-back Shar-Pei.

With a knack for freaking out an ever-growing multitude of people over the ensuing three years, Santorum stumbled into the November 2006 election, according to the polling firm Rasmussen Reports, as the nation's "most vulnerable incum-

bent." Ranking dead last in voter approval in the Senate at the time of the election, Santorum's drubbing at the polls by Bob Casey, 59% to 41%, was statistically the biggest win by a Democratic Senate candidate in Pennsylvania history.

In his new job, Mr. Santorum is an employee of the Ethics and Public Policy Center, a Washington-based thinktank. "Our mission is to explore how the Judeo-Christian tradition applies to public policy," explains the center's president, M. Edward Whelan. More specifically, Santorum will create and run EPPC's new "America's Enemies" program. "It's a stark name," says Santorum, "but we wanted to be candid about the fact that America really does have enemies and to point out that the nature of these enemies is much more complex than what people realize."

Note that we're dumb — again. Just as we were moral pygmies when it came to understanding the gathering man-on-dog storm, now we're foreign policy pygmies when it comes to recognizing that America "really does have enemies" and that "the nature of these enemies is much more complex" than we dumbos realize. "I was left after the election with a very clear sense of two things," explains Santorum. "Number one, the more I looked into the threat that confronts us, the more concerned I was about the gravity of that threat. And, number two, the more convinced I was that the American people didn't understand it."

The ex-senator is "convinced," in short, that we just don't get it, don't see the "gravity" of things, don't "understand it" — just as too many of us didn't understand his make 'em suffer prescription for helping the poor. "Making people struggle a little bit," he maintained, "is not necessarily the worst thing." We were also too dumb to "understand it" when Santorum suggested that our time alone wasn't exactly none of the government's business. Asserting that "the right to privacy doesn't exist, in my opinion, in the United States Constitution," Santorum blamed the Supreme Court for our overly libertarian notions about individual freedom and privacy: "It all comes from, I would argue, this right that was created, created in *Griswold* — *Griswold* is the contraception case — and abortion."

Griswold is the 1965 case in which the Supreme Court ruled that the Constitution protected a right to privacy. The case involved an 1879 Connecticut statute that outlawed the use of "any drug, medicinal article or instrument for the purpose of preventing conception." Start by giving married couples the right to use contraceptives, and the next thing you know it'll be man-on-dog, a full-blown barnyard free-for-all. "What I'd like to do," explained Santorum, "is have these kinds of incredibly important moral issues be decided by the American public, not by nine unelected, unaccountable judges."

Mob rule? No Constitution? No birth control if the majority of Americans become Quiverfulls? The Quiverfull movement draws its inspiration from Psalm 127: "Like arrows in the hands of a warrior are sons born in one's youth. Blessed is the man whose quiver is full of them." In any case, John J. Miller, National Review's national political correspondent, reports on how Santorum views his new "America's Enemies" job: "One of his focal points will be religious liberty and how people of faith might confront radical Islam."

On the liberty part, Mr. Santorum might want to begin by studying what the Founding Fathers had to say — for starters,

this thought from Thomas Jefferson: "Reading, reflection and time have convinced me that the interests of society require the observation of those moral precepts only in which all reli-

Just as we were moral pygmies when it came to understanding the gathering man-on-dog storm, now we're foreign policy pygmies when it comes to recognizing that America "really does have enemies."

gions agree." Or this, also from Jefferson: "I would rather be exposed to the inconveniences attending too much liberty than to those attending too small a degree of it."

— Ralph Reiland

The ruling class — Environmental guru Al Gore was criticized recently for being escorted around the security line to catch an American Airlines flight out of Nashville. Questions were raised about why he thought he had the right to avoid the security check, since those of us who have been flying commercial since 9/11 know that security is thorough and inflexible. Al Gore's behavior made him look like he hadn't flown on a commercial plane in over five years.

He probably hasn't. Somebody like Al Gore has the money and influence to charter private jets whenever he needs to get somewhere, despite the huge contribution such extravagance purportedly makes to global warming. Why would he start changing his travel plans now?

Well, shortly before this incident occurred, his electric bill was published, and it was discovered that his mansion in Tennessee uses more electricity in a month than most American homes use in an entire year. It seemed hypocritical for someone who tells Americans that we all need to conserve energy, so his advisers probably told him to start acting more like a conservationist. But the torture of an airport security check, which the rest of us have grown accustomed to, was apparently unbearable to someone like Al Gore, who is more comfortable when surrounded by the finer things in life.

Try as they may, politicians cannot hide their preference for special treatment. Even a guy as conspicuously egalitarian as Al Gore occasionally reveals his disdain for being treated like a commoner. That's the main reason why the communist goals of the last century were never realized: when the leaders talked about a classless society, they were talking about everyone else.

— Tim Slagle

Nukes, tacos, and tariffs — Mexico's poor are being hit hard by a 14% increase in the price of tortillas, the main staple of their diet. Poor people throughout the world are victims of a steep rise in the price of corn. The reason is the spike in demand by American ethanol plants.

Ethanol is touted by environmentalist and agribusiness

lobbies as a cure for oil shortages, and for global warming, which is presumably caused by the burning of fossil fuels. The irony exists on several levels.

First, ethanol is a lousy alternative to fossil fuels, if your concern is global warming and oil shortages, because the burning of ethanol produces greenhouse gases (carbon dioxide and water vapor), and the production of ethanol requires large inputs of energy that now come primarily from coal plants — plants that produce copious amounts of greenhouse gases and such nasty pollutants as sulfur and radioactive isotopes.

Second, if you want ethanol, it is far more efficient to get it from sugar cane than from corn. Corn has much less sugar content than sugar cane (hence the name, “sugar cane”). But American corn and sugar cane growers have made it impossible, by means of a welter of tariffs, to import either sugar cane

or ethanol from countries such as Brazil, where it is plentiful.

Third, the leftist elites who form the true believers of the High Church of Environmentalism are the very ones who profess profound concern for the poor, yet who couldn’t care less what effect their environmentalism (not to mention farm subsidies, to which they do not object) may have on third-world people.

How about addressing global warming (and oil shortages) the rational and *compassionate* way, by building nuclear power plants as quickly as possible? We would then need less fossil fuel and ethanol. Oh, and cut a free-trade bill with Brazil, so that any ethanol we do need could be obtained more cheaply, helping both the Brazilian people and the American taxpayers. That way, corn could actually be used to feed people.

— Gary Jason

Jury stultification — The week the Scooter Libby

Word Watch

by Stephen Cox

“Stix Nix Hix Pix.” That’s the headline that James Cagney reads in *Variety*, then tries to explain to some young people who don’t read anything. You can see it all in Cagney’s song and dance movie “Yankee Doodle Dandy” (1942). The headline means: “People in small towns and rural areas (the sticks) don’t like (nix) movies (pictures, pix) about them (hicks).” Stix Nix Hix Pix.

Of all the movies that have ever been produced, I suppose that “Yankee Doodle Dandy” has the strangest narrative method. It purports to be a story told by George M. Cohan, Broadway composer, to Franklin Delano Roosevelt, president of the United States, in his office in the White House. You can’t say that about “War and Peace.” “Yankee Doodle Dandy” has some of the best dancing, and the most embarrassing dialogue, ever put on celluloid. But that’s not what I want to talk about. I want to talk about a headline that recently appeared in the San Diego Union Tribune. The headline said, “Freeze May Harvest Record Loss.”

That means, I suppose: “Cold Weather May Result in Record Loss of Crops.” But try to picture what the headline actually says. First, picture a Freeze. He’s a tall, blue-skinned gentleman, with icicles dangling from his chin. Now picture him harvesting something — picking avocados, digging potatoes, bringing in the sheaves. Only this time, he’s harvesting a “Loss.” Picture that. Just try.

What does Mr. Freeze do with this Loss? Does he cut it, delve it, thresh it, can it, ship it? Does he get the best price he can for it at a roadside stand? Does he eat it himself, when the customers don’t come? But remember, this is a *record* loss, so he should be able to get top dollar for whatever he *harvests* of his crop.

Well. The sad fact is that our overzealous headline writer just wanted to say that frost is bad for certain fruits and grains.

The linguistic disaster that befell the Freeze story wasn’t nearly as bad as the wreck that occurred on December 6, when Yahoo! News, always a fount of unconscious humor, ran a headline that said: “Autopsy Expected in Father’s Autopsy.” An autopsy within an autopsy:

that should keep the deconstructionists busy. And even that isn’t as bad as the kind of thing one sees in sports reporting.

I am not a football fan, but I am an alumnus of the University of Michigan, so I was interested to read the online NCAA Football report on the demise of Michigan’s famous former football coach, Glenn Edward (“Bo”) Schembechler. According to this account, the coach “collapsed at a TV studio, where he was taping a show about Saturday’s game, and . . . his death was confirmed after being brought to a hospital.”

Schembechler’s death must have been in really rough shape if it couldn’t survive the trip to the emergency room. In olden days, of course, deaths didn’t need to be brought to a place like that. They could happen right at home, or in the privacy of a television studio. Maybe the old ways were better, after all. Or maybe the wolverine state, *l’état des wolverines*, the goddess of the inland sea, is to be congratulated for discovering how to make death itself conform to a bureaucratic ritual. It is not allowed to happen outside a Medicare-approved hospital.

A lot of things that happen now didn’t happen in the past. Consider, for example, a Reuters report on the Skakel murder case. Michael Skakel, as you may or — silly, irresponsible you! — may not recall, is the “Kennedy relative” who in 2002 was convicted of murdering a 15-year-old neighbor girl, back in 1975. It took that long to convict him, because his family was rich and, as I’ve said, related to the Kennedys. Now some of the Kennedys want to spring him, in fulfillment of his boast that he could get away with murder “because I’m a Kennedy.”

Skakel is a vile, fat, ridiculous blob of protoplasm, and much the same can be said of his supporters. However that may be, Reuters now reports that Skakel is poised to appeal to the Supreme Court (what celebrated murderer doesn’t?). But Reuters couldn’t stop at that. It had to tack this on: “The case added to the aura of tragedy haunting America’s most celebrated political family some four decades after

verdict was announced, I was a member of a jury pool. It wasn't my first stint on jury duty, and it probably won't be my last. I declare during *voir dire* that I won't convict anyone for anything I consider a victimless crime, nor in certain other cases, and I have yet to be put on a jury. But they keep summoning me.

A court official explained to us on the morning of the first day the things we needed to know in order to "do our honored duty." (I swear, she called it that.) The official finished her little speech and invited questions. A juror asked whether, if seated on a trial, we were allowed to take notes — since already in our first ten minutes we'd been told both that note-taking was encouraged and prohibited. The answer was, "That's up to the judge in each case."

I thought of a little book I once saw, called "How Many Three Cent Stamps in a Dozen?" It contains simple logic puzzles

such as the one in the title. Feeble minds might puzzle over it for a long time; an able thinker, undistracted by the number "three" in the title, quickly answers "twelve."

The woman asking about taking notes was stuck on the "three." So were most of her fellow jurors. Here we were, a body of people who deliberate in secret, who have the ultimate power to decide guilt or lack thereof, being given instructions on how to rubber-stamp the wishes of lawyers and a judge — right down to proper note-taking procedure. The last time someone tried to teach me when and how to take notes was in primary school, for God's sake.

I imagine the deliberations in the Libby trial were much the same: a roomful of people stuck on the "three," asking the judge a question here about the circumstances under which they ought to find Libby guilty, a question there about what evidence they were "allowed" to consider. Right after the

the assassinations of its most famous scions, John and Robert."

You said a mouthful, Chewie. Everybody's heart will be thrilled by the unusual selection of the noun "scions." Congratulations. That's a *strange* word that *very few people* understand. Impressive.

But where should I start on the rest of this? I'll start with the small stuff: that strange little expression "some." Why is it there? What does "some" add to "four decades after"? Nothing; it's simply a cheap trick, intended to make the mundane appear dramatic. One can use it in any sentence: "On July 26, 1950, some four years and 21 days after being born, George W. Bush was involved in an inconclusive quarrel with his alphabet blocks — some 26 of them."

Even "four decades" is a cheap trick. Its purpose is to make the irrelevant seem meaningful. You can use this one, too, in any sentence: "On February 17, 2007, 400,000,000 decades after the creation of the earth, 14 decades after the American Civil War, and three decades after the death of Franklin Roosevelt, Stephen Cox attended a screening of the silent film 'Ben-Hur' at Symphony Hall in San Diego." (It's true; I did.)

To answer your objection: yes, there are some cases in which time references of this kind aren't a cheap trick — but even with them, you need to watch your step and count your change. "On February 17, 2007, 82 years after the movie was produced, Stephen Cox attended a screening of the silent film 'Ben-Hur'" does indicate that *someone* is still interested in silent movies, despite the passage of time and the alteration of technology, but it doesn't prove that the whole wide world is interested, which is usually the implication of the "some X decades after" device. In the Skakel report, "four decades after" is supposed to suggest that the Kennedy family has been continuously haunted by an "aura of tragedy." And what if it has? Does "four decades" of "aura" make the Skakel case any more significant, or Michael Skakel any more innocent?

I suppose that "most celebrated" is accurate enough. The Kennedys are "celebrated," all right — although the word implies that they are not just universally known but universally liked, which is very far from the truth. Certainly, "celebrated" has no logical relationship to a news report about Skakel's appeal, although it does show you something about Reuters' view of its customers. Reuters evidently regards the audience of its news as a mob of nitwits who need to be told that the Kennedys have been "celebrated" — as if nobody had ever heard of Kennedys before.

But now we come to the heart of the matter, the "aura of tragedy"

that is said to be "haunting" the doomed and blighted family. Even New Age types may find it hard to picture anyone being *haunted* by an *aura*. I can picture myself being haunted by my uncle Gerald, but being chased around the house by one of those "auras" or "energy fields" that are allegedly revealed by Kirlian photography . . . no, that's a little harder to visualize. So what is "aura" doing in that sentence?

"Aura" is the warning on the Q-Tip box. Every box of Q-Tip Cotton Swabs provides a warning: "Do not insert swab into ear canal." But of course, that's why people buy Q-Tips in the first place — so they can stick them up their ear canal. In case you stick one up too far, however, and succeed in injuring yourself, the Q-Tip people can always say, "We warned you; that's not what Q-Tips are for." In the same way, "aura" lets truth and falsehood exist together: "We're warning you; it's only an aura. Now go ahead and stick it up your brain."

The sentence in question presents the Kennedys as a "tragic" family — tragic like King Lear, tragic like Antigone, tragic like Anna Nicole Smith, tragic like any other hero who gains sympathy through suffering, with the implication that the suffering is largely undeserved. Throw "tragedy" into a sentence, glamorize it with "celebrated," spook it up with "haunted," and you're doing your part at maintaining the myth of the Kennedys' political godhood.

But suppose somebody wonders why you're being so summary about "four decades" of history? After all, a lot went on during that 40 years. Two Kennedys were assassinated — but not because they were good or bad. They were killed because their celebrity attracted the attention of crackpots with guns. Period. Then there were other events — many events — like the drowning at Chappaquiddick, which may have been tragic but in which the tragic figure was by no means a Kennedy.

So "tragedy" is a falsehood. All right, then: talk about an *aura* of tragedy. That will *warn* the audience. Keep sticking our product up your ear, but don't blame us for any damage. Oh, the Kennedys weren't really tragic? They weren't really *haunted*? They were just a buncha gumps like the resta us? OK; I guess you're right; it's their *aura* that's so misleading. But the manufacturer is not to blame.

All right; I hear you. Does this stuff deserve the attention that I've paid it here?

Yes, it does — until we get to the place where Stix really does Nix Hix Pix.

trial, a juror was already calling for Libby to be pardoned, in a tragic but common case of believing the lie that a juror's duty is not to judge the law and the facts, but simply to solve a logic puzzle according to the judge's instructions. — Patrick Quealy

At arm's length — Whatever you think of the outcome of the Scooter Libby trial — he does seem to have lied but I think bringing the case was an abuse of prosecutorial discretion, since special prosecutor Patrick Fitzgerald knew early on that Richard Armitage was the leaker — it will certainly make a difference in the way business is done in Washington.

Howard Kurtz of the Washington Post covered some of the bases in a story in which he quoted Jim Warren, a Chicago Tribune managing editor: "There is an all-too-unsettling nexus between the political and media elite. This was a nice little window into the mutual obsession with one another. There's the infatuation with power which we all have and which was vividly underscored, especially those of us at elite institutions."

In the future, at least for a while, promises of confidentiality by journalists are likely to be greeted with a bit more wariness by officials. Perhaps requests for anonymity by these people will be greeted with more wariness by journalists. The cozy relationships won't be quite so cozy.

On balance this might not be bad. I recognize that cultivating and using anonymous sources can sometimes be the best or even the only way for journalists to do what should be their real job: informing the public about what the government is doing with their money and their trust. But there's way too much anonymous sourcing in Washington reporting, and most of it has little or nothing to do with rooting out the truth. It has more to do with being used by an official to launch a trial balloon, dish an opponent, or score a point in intrabureaucracy power struggles.

The public could do with a lot less of this.

As the latest scandal fades, of course, those all-too-cozy relationships will reassert themselves. But even a short period in which officials and reporters are a bit more wary of one another can't be all bad.

— Alan Bock

She's got game — On Feb. 28, a woman called in to Rush Limbaugh's radio talk show and raised sarcastic concern about presidential candidate Hillary Rodham Clinton's memory. "How," she said, "can we risk a president with so much memory loss?", referring to notorious episodes during the Clinton presidency when Ms. Clinton "forgot" the location of FBI files and legal records she had been asked to produce.

Rush responded directly. "That's not memory loss. She was lying!"

Well, if that's true (and, of course, it is true), seems to me she's demonstrated she has what it takes to be president.

— Ross Levatter

Big ball ban — "The truck ornament industry is not amused," reports the Washington Post (Feb. 23). The reason for their dearth of frivolity? A bill in the Maryland Assembly that would ban oversized plastic testicles from the undercarriages of vehicles statewide. David Ham, the founder of Your Nutz, a company that offers for sale "more than 200 kinds of fake testicles," certainly isn't laughing. "It's not a perverted sexual thing at all," he says. "It's a sense of humor."

But the sponsor of the bill, Delegate LeRoy E. Myers,

Jr., disagrees, calling the ornaments vulgar and immoral, a "pretty serious problem" meriting some sort of punitive action. For what it's worth, I agree with Delegate Myers. Any person crass enough to attach a giant scrotum to his vehicle deserves some sort of punishment. Only problem is, I can't think of anything more fitting than to require such a person to *keep* the balls on his bumper, to make sure the rest of the world knows what a tremendous goober he is. — Andrew Ferguson

Bug out — Recent headlines featured another instance of the endless stream of stories about outbreaks of food poisoning. This one was about the recall of a run of Peter Pan peanut butter — an American icon! — after several hundred customers came down with salmonella poisoning. It came hard on the heels of headlines about *E. coli* outbreaks at Taco Bell restaurants. Food-borne illness (caused by bacteria and parasites) is a continuing problem. Each year, of the millions who probably suffer from it, 350,000 wind up in the hospital, and 5,000 in the morgue.

Most of these illnesses and deaths are preventable by food irradiation. If you nuke meat, poultry, fruits, and veggies with a mild dose of gamma radiation, you kill most of the bugs. Irradiation is recommended by the American Medical Association, the Centers for Disease Control, the Food and Drug Administration, and the World Health Association. Michael Osterholm of the Center for Infectious Disease Research at the University of Minnesota estimates that we could prevent nearly a million cases of food poisoning, and hundreds of deaths could be avoided, by nuking just half the food supply. And a recent USDA research study points out that the dose of radiation needed to kill 99.999% of *E. coli* on fresh cut fruits and veggies can be well tolerated by those products.

This seems only logical. Clearly, the use of fire to cook food (and kill a huge percentage of the bugs within it) goes back to prehistory, and has been crucial to man's survival. After Lister, the use of disinfectant to control infection became as common in food processing plants as in hospitals. Since Pasteur, we have routinely heated milk and other liquids to kill bugs. We use microwave ovens to cook food, which irradiate food with, well, microwaves — which are, like gamma rays, a form of electromagnetic radiation. Why not take the next step and use gamma rays?

The problem is that passionate opposition comes from the organic food activists, environmentalist organizations, and soi-disant consumer advocacy groups such as Public Citizen. They fight relentlessly against food irradiation, using both propaganda and political pressure. They are often the same people who criticize the pasteurization of milk, preferring raw milk, with its extra microbes. They fear that irradiating food will make it taste bad, deprive it of nutritional value, or, even worse, make it carcinogenic.

There is scant evidence for any of this. Yes, if you over-irradiate food, it will be literally burnt, and it will taste lousy and lose its nutritional value. But that is no different from what happens with any other form of cooking. Put a nice plump burrito in the microwave for three hours instead of three minutes, and the result will be an inedible burrito. Put a lovely stuffed chicken in the oven to roast for two days instead of two hours, and the result will be a piece of charcoal. The amount and dura-

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tion of heat that produces the safest meals without loss of taste or nutritional value is easily discoverable by empirical tests.

Because of steady political pressure, however, only about 1% of our meat and produce is irradiated. The FDA has dragged its feet, considering irradiation some kind of food additive. They allow irradiation of meat, but with a warning label about possible risks! No such label is required for untreated meat that is laden with microbes — natch. Honestly, if Public Citizen, food activists, and the FDA had been around in Pasteur's time, we wouldn't have pasteurization today. In fact, if these folk had been around when the first hominid tamed fire, we wouldn't have fire.

The free market is the solution. Require food outlets and restaurants to state whether they irradiate foods, and if so, which ones; but also require them to report all incidents of food poisoning, and to state which came from irradiated and which came from non-irradiated food. The public will then be able to decide for itself whether irradiated food tastes worse than or has a safety record no better than non-irradiated food. I suspect that the next time a major store or restaurant chain has to deal with the results of an *E. coli* outbreak, you will see the public switch to irradiated food at the speed of gamma rays.

— Gary Jason

Learning the trade

— If you need yet another reason for the United States to get out of Iraq as quickly as possible, the Washington Post recently wrote about how two dozen men from the city of Tetouan in Morocco have traveled to Iraq to participate with al Qaeda in insurgent or terrorist activities against American and Iraqi government forces. At least two suicide bombers have been identified through DNA evidence as being from Morocco. Moroccan authorities say "they have identified more than 50 volunteers who have gone to Iraq since 2003, and many more are believed to have made the journey undetected."

Not only are these young Moroccans creating trouble in Iraq, they are gaining valuable experience in guerrilla warfare and other terrorist-related activities. Some will probably be killed, or will kill themselves, in Iraq, but not all of them. They may return to their home countries, or they may go elsewhere after spending time in Iraq. Whatever they do they will have been "blooded" and will have gained experience that will make them more effective terrorists in the future.

Most observers know by now that it is a fantasy to think

that luring terrorists from around the world to Iraq so we can kill them all is a side benefit of the war in Iraq (as some administration apologists used to contend not so long ago). Instead, as happened in Afghanistan when the Soviets occupied it, when the U.S. subsidized the insurgents and supplied them weapons, we may be helping to give birth to an even larger terrorist movement, by providing a place for would-be terrorists from around the world to gain experience and skills.

— Alan Bock

Chief Illiniwek, R.I.P. — The NCAA's war against Indian mascots (see my "Back to the Reservation," October 2005) has claimed its first high-profile victim. Since 1926, Chief Illiniwek has entertained University of Illinois students during football and basketball games, but the last home game

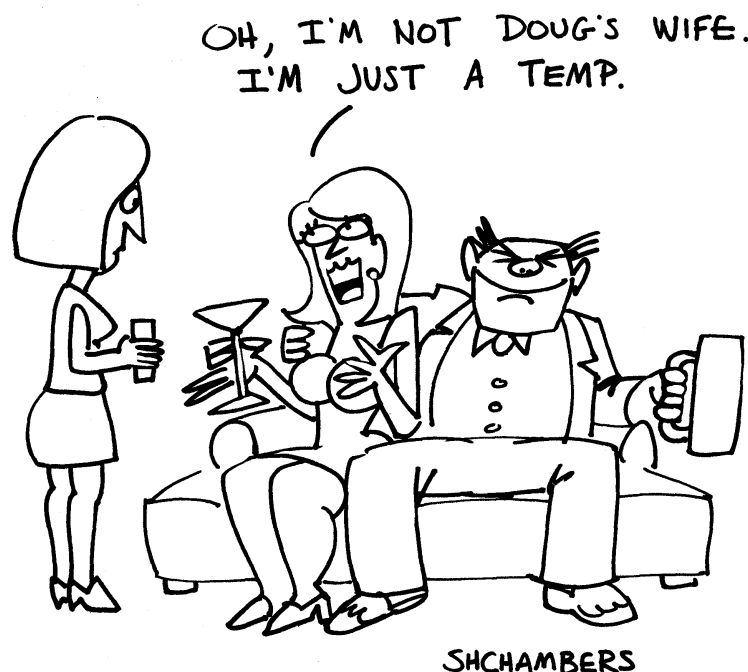
of the season marked the end of his ride. The students, traditionally clad in orange T-shirts, switched to black for the occasion.

In the normal course of events, I wouldn't be too worried about the loss of a costumed mascot. Honestly, I wouldn't shed a tear if all costumed mascots were to disappear for good tomorrow; ever since as an elementary-schooler I was carried around by my ankles by the Southern Mississippi Golden Eagle, I've felt that sports could do just fine without the mascots. As long as the cheerleaders are kept around, for all I care Chief Illiniwek can take

off his facepaint and fake buckskin and go back to being a dorky student again.

But the mascots are only the most visible targets of the campaign to preserve American Indian culture by purging America of the most visible evidence that the Indians were there. John McKinn, assistant director of academic programming (and doesn't that sound Orwellian?) for the school's Native American studies department, wants Illinois to drop the "Illini" name altogether — and, going by the "action plan" that the NCAA adopted to combat the Indian-mascot menace, the university should be required to.

However, under the compromise the university worked out, the name "Illini" can still be used, not because it refers to the mighty confederation of tribes that once controlled a vast swath of the Mississippi Valley, but rather because it is short for "Illinois." And "Fighting Illini" is kosher because it refers to the team's competitive (and, one assumes, abbreviated) spirit. That's right: the name couldn't be used as long as it referred to Indians. But now that it's an abbreviation of the



Up From Bureaucracy — Despite intense opposition and organized resistance from teachers' unions and other education lobbies, the school choice movement continues to move ahead. Vouchers have just scored a huge victory, this time in Utah. But it took persistence.

A couple of years ago, Utah's state legislature managed to pass a voucher law, but the then-governor vetoed it. The voters proceeded to kick that governor out and elect a new one committed to free choice in education. Recently, the Utah legislature passed a new voucher bill. And *this* time the governor (Jon Huntsman) signed it.

Even better, the Utah voucher program is a far more comprehensive plan than any this country has seen before. Under Utah's program, vouchers will be made available to *every one* of the half-million public school students in Utah. The amount of the voucher is tied to the income level of the parents, but even wealthy parents will be able to get \$500 per child, while poor parents will get \$3,000.

This program is a move in the right direction. Voucher programs have been enacted in a number of other places in the U.S. (such as Florida, Ohio, Wisconsin, and the District of Columbia), but these earlier programs have all been limited in terms of the students served: either they are restricted to special-ed students, or poor students, or students in a particular district or city. Utah's is open to all.

This voucher program is not perfect. First, it is not *pro rata*; that is, the students are not getting a full and equal share of what the state spends per capita on public school students. Second, the funds for the vouchers do not come out of the public schools' budgets. A failing public school that loses a student continues to receive that student's funding for five years. This mitigates one of the main reasons why vouchers work — the threat to failing public schools that if they don't reform, they will lose their customer base.

Random-assignment studies of existing voucher programs in the U.S. consistently show that vouchers improve education across the board. They don't just help students who use the vouchers to go to a private school and finally get a decent education; they also help students who remain in public school, because they force schools to provide a better service (to avoid losing more students). Other countries that have implemented vouchers (such as Denmark, New Zealand, and Sweden) likewise report improvement both among students who use the vouchers to attend new private schools and among students who remain in public schools.

Unfortunately, just as experience shows that vouchers work, it also shows that after a governor signs a bill into law, the teachers' unions will swing into legal attack mode. They will launch endless legal challenges, trying to stop the law from taking effect.

These unions are the epitome of monopoly privilege rent-seekers, groups that use government power to force consumers to use their services. But they are engaging in an especially despicable form of rent-seeking. If corn farmers force tariffs on corn, and I wind up having to pay more for corn, I'm just out money. But if the teach-

ers' union forces my child to remain in a horrible school, it ruins my child's life.

It looks as if South Carolina will be the next battleground. There, legislation is in the works that will offer up to \$4,500 a year to poor kids, and \$1,000 to middle-class kids, to enable them to escape failing schools. These vouchers will be offered to something like 200,000 poor children.

The tide of educational liberation is swelling, and all the stolen millions of dollars that the teachers' unions throw against it (money confiscated from their members in violation of their rights), all the reactionary legal attacks they make against it, will only delay the inevitable. Sooner or later, students who deserve a chance at a quality education will be freed from the bondage of unconscionably wretched public schools. — Gary Jason

With a bang, not a whimper — Early in his first term, President Bush proposed vouchers as part of his No Child Left Behind Act. In exchange for dramatically increased federal spending on K-12 education, the act originally proposed rigorous testing and offered vouchers to students whose schools consistently failed the benchmarks. But to get support from teachers' union flunky Sen. Ted Kennedy, support that was needed to get the bill through a Democrat-controlled Congress, Bush caved on the vouchers. What emerged was the worst of all possible worlds: jacked up funding and watered down testing, and no free choice in education.

Now the act is up for renewal, and Bush has reinserted the voucher proposal. The Democrats have indicated that they will fight. I hope Bush will reflect on three things:

First, he should remember the treatment he has had at the hands of Kennedy. Despite early concessions and kind treatment, Kennedy has been an implacable foe, undermining the president in every way he can. He views Bush with all the fondness with which Ahab viewed the white whale. There is no point in appeasing this man.

Second, vouchers are now favored by a majority of voters, so if Bush fights, he will have public support. The voucher bill was just passed in Utah, and in South Carolina, Gov. Mark Sanford seems favorably disposed toward voucher legislation being prepared there. South Carolina increased funding for schools by nearly 150% over the past 20 years, only to see the state remain at the bottom of the rankings (50th out of 50 on SAT scores, only 25% of eighth-graders able to read at grade level, and so on). The people have had enough.

Finally, Bush's presidency is coming to an end. No more elections lie ahead, just retirement at the ranch. Bush will now be judged by history. So why not fight, fight like hell for what is clearly the right thing to do? Let the public see, once again, how the "liberal" hacks in Congress continue their child abuse at the behest of the teachers' unions. Hit the road; articulate the case for vouchers in every major city. Identify the teachers' unions by name as opponents of school freedom. Expose them as the rent-seeking bastards they really are. Do not go gentle — kick some ass on the way out. — Gary Jason

name of the state — a state named for the very same Indians — it's peachy keen.

With that principle in mind, I have some advice for those Illinois students who want their chief back: send him out in the same get-up as always, but this time call him Chief Illino. Explain that "Illino" is merely an abbreviation of the state name, and "Chief" a simple reference to his ceremonial leadership of those who think that Illinois is a swell place to be. And that should do it: the chief can dance, the students can cheer, the bureaucrats can be content that Indian culture isn't being portrayed on their watch.

The only one who won't be happy is John McKinn — but when's the last time his ilk was happy, anyway?

— Andrew Ferguson

Walter Reed for everyone? — The juxtaposition on the March 7th editorial page of The New York Times must be commented on. Immediately adjacent to a host of letters to the editor calling for universal government-provided health care — letters for the most part from special-interest rent-seekers like doctors hoping to gain income from universal coverage and presidents of lobbying groups ideologically committed to universal health care — you have an editorial deploring the problems at Walter Reed Medical Center.

Walter Reed is a premier example of the reality of government-provided health care made universally available, in this case to those who have served in this country's military. The willing suspension of disbelief among those longing for "free" health care provided and paid for by the government is mind-boggling. Free health care is available for veterans throughout the country and has been for decades. Few of them are surprised by the scandal at Walter Reed. There is a reason that most veterans don't take advantage of "free" health care if they have recourse to any alternative, even if it means paying out of pocket.

What's more, there is every reason to believe universal health care would provide services worse than those found in the VA system. After all, subsidies from taxpayers open up to the veterans additional resources, squandered and inefficiently used as they are. A universal system that attempts to subsidize everyone by taxing everyone brings no net money into the system at all.

Might I suggest a simple "test case" for those so desirous of universal health care? Let's hold off forcibly imposing this on the American public until we've seen reforms instituted in the relatively small VA system such that a) all veterans find it worthwhile to use that system for their medical needs and b) it is shown that all that can be achieved at a price taxpayers find acceptable. If that can't be accomplished, it is foolish beyond belief to think universal health care is practical and economically feasible.

— Ross Levatter

Taxes and death — In the March Liberty, this reflector told you ("Greener Mountain State") about some Vermont officials who are in favor of decriminalizing or even legalizing the possession and use of illegal drugs. A new chapter has been added to that story — one that I find quite disheartening.

Thomas Lauzon, the mayor of Barre, Vt., recently told the Barre Times Argus newspaper that he believes marijuana ought to be legalized. OK — so far, so good. But his honor

the mayor then went on to say that traffickers in heroin and crack cocaine should be given the death penalty. The Times Argus quoted him as saying, "People who are dealing crack and dealing heroin have zero social value and should be put to death."

Well, Lauzon may be right that dealers of hard drugs have zero social value. But does it therefore follow that they should be killed? Just how does the state determine "social value?" If drug dealers possess no social value, then what about tobacco executives? Surely these do more harm, in terms of numbers, than traffickers in heroin and cocaine. So, shall we kill them, too? While we're at it, perhaps we should consider the destruction of those who peddle trans-fats. That's where Lauzon's logic leads us. His rhetoric is dangerously close to that of the late, unlamented Josef Goebbels — he who spoke of "social parasites" and "useless eaters."

Whether the state ought to have the right to kill anyone, no matter what that person has done, is very much open to question. In my view the state should not have the right to kill anyone other than those found guilty of premeditated murder. (To which I might possibly add those found guilty of treason, at least in wartime.)

Drug traffickers don't force themselves upon their customers, any more than do the purveyors of cigarettes, or booze, or fatty foods. Once and for all, the state needs to get out of the business of protecting us from, in effect, ourselves. Certainly it ought not to be killing people, even drug dealers, for the "common good."

Beware the state, my friends. First they come for your money. Then they come for your life.

— Jon Harrison

What's good for the Juice — On Feb. 22, AOL News ran a story about a recent court decision about O. J. Simpson. The court determined that any future royalties due Simpson for prior movie or TV work will go directly to the family of murder victim Ron Goldman.

The final paragraph in the article: "The 'If I Did It' project, in which Simpson was to explain how he might have committed the killings, was abandoned amid public outrage. Simpson, who maintains his innocence, has said he took part in the project to secure his children's financial future and that his advance for the project has already been spent."

Simpson's son Justin is 18 years old. His daughter Sydney is 21. The project under discussion would have reached fruition in November 2006, just 3 months prior to this news report. The rumored amount of the advance was several million dollars.

On reading this, should we congratulate Mr. Simpson on the amazing rapidity with which he has managed to "secure his children's financial future" or should we count this as one further piece of evidence that reporters routinely "report" claims with credulity?

— Ross Levatter

Never assume malice . . . — According to news reports, Bush administration officials are saying that it looks as if the U.S. blundered badly, back in 2002, when it firmly believed some apparently shaky intelligence about North Korea pursuing an alternative route to nuclear-weapons-capable fuel, i.e., enriched uranium. Now they're saying that the reports, centered on aluminum tubes (shades of Iraq) and

a centrifuge acquired from Pakistani personal proliferator A.Q. Khan, were only of medium reliability and may have been misinterpreted. The confrontational U.S. reaction to the information may have triggered the accelerated North Korean quest for some kind of weapons it could test and thereby display.

What's significant here is that Bush administration officials are feeding this kind of information to the media. Does this kind of second-guessing about past decisions come from administration dissidents, or is it now the official administration policy?

The episode illustrates that being eager to confront overseas regimes is an ideological position rather than a geopolitical necessity. Neocons are generally eager to detect slights and betrayals on the part of hostile regimes, slights and betrayals that demand instant and usually violent confrontation. The only way a regime maintains respect and leadership, too many Americans believe, is to kick a little foreign tail or lob a few bombs whenever the opportunity presents itself.

In foreign relations it may not be unwise to make sure that other countries know you have a big stick. But there are usually a dozen ways besides wielding the stick to handle a crisis or potential crisis. Sometimes if you do nothing the problem goes away; the sheer incompetence of nation-states is an often-underestimated factor in geopolitics. Miscalculations are common. The Soviet empire fell more because of its own weight than because of any shrewd strategic moves by the West.

— Alan Bock

What things may come —

What is going to happen in Iraq and with the economy? The latter is perhaps an easier call than the former, but the economy will be influenced by events in Iraq.

At this point, it appears likely that the "surge," notwithstanding the unfavorable press it has received, is working. Ultimately, it is up to the people of Iraq whether they will be able to create a semi-

democratic country. The Kurds and most of the Shiites seem on board. It's really up to the Sunnis.

My guess, notwithstanding the ancient enmity between Shiites and Sunnis, is that Iraq's Sunnis will participate in a semi-democratic state. That may be wishful thinking. It is certainly hopeful. But it is possible.

In this case, the world will become a much more peaceful place. North Korea may be moving in the right direction. There is the hope — though, again, many and perhaps most would call it wishful thinking — that peaceful evolution in Iran is possible, particularly if Iraq moves to a successful resolution. The year 2007 will be a crucial one for the future of the Middle East.

While economic growth for the past couple of quarters has not averaged more than 2 to 2.5% on an annual basis, it is hard to see this as necessarily indicative of an economic downturn. There was a time, in the not too distant past, when 2 to 2.5% annual growth was considered quite good. It is a measure of the turbocharged nature of the economy that, after being

News You May Have Missed

D'Souza Issues Fatwa

PALO ALTO, Calif. — After Dinesh D'Souza's new book "The Enemy At Home" blamed the "moral degeneracy" promoted by liberals and Hollywood for instigating Muslim terrorism and urged his fellow American conservatives to join with conservative Muslims in combating it, it was only a matter of time, experts on Islam and leading psychiatrists concluded, before he followed it up by issuing a fatwa. But they were shocked by the ambitious, unprecedented scope of the fatwa, technically a ruling under Islamic law, when D'Souza announced it near his home in California this week while wearing an improvised white turban that had "Property of the Aladdin Hotel Las Vegas" written on it.

D'Souza's book has a long list of journalists, writers, and Hollywood celebrities, including Maureen Dowd, Toni Morrison, Norman Mailer, Barbra Streisand, Susan Sarandon, Cameron Diaz, and Martin Sheen, who are, he believes, responsible for provoking militant Muslims into jihad when they'd much rather be playing golf (many Middle Eastern

militants have taken up the game after discovering they were in a very large sand trap).

But D'Souza's fatwa features a much longer list of jihad instigators and calls for their beheading or even more severe punishment, such as forcing them to buy and read every one of his books. Among those on the list are Katie Couric, John Madden, Judge Judy, Santa Claus, Zsa Zsa Gabor, the Weather Channel, the Tooth Fairy, the Ohio State marching band, gay sheep, Hollywood penguins, ham sandwiches, men who play the accordion, women who dance the rumba, and a dog belonging to D'Souza's neighbor that won't stop barking.

The fatwa left scholars of religion reeling until it was explained to them that D'Souza considers reeling immoral and they would have to confine themselves to staggering. As Professor Hackfield Flogmore of the Iowa Institute of Middle Western Middle Eastern Studies put it as he gamely tried to stagger on, "It is extremely rare for someone who is not a mufti, or trained scholar of the Koran, to issue a fatwa, but re-

ally unheard of for someone who is not a Muslim to do so. This is going to result in a lot of muffed miftis . . . I mean, miffed muftis." (D'Souza has said, somewhat confusingly, that while his personal religion isn't Islam, it is, on the other hand, Isn'tlam.)

Yet the reaction to both D'Souza's new book and his unorthodox fatwa was surprisingly favorable among jihadist Muslims themselves. Baksheesh al-Rabid, an angry militant who had just qualified for a mortgage on an attractive three-bedroom cave overlooking Rising Gorge, a rugged valley in the remote, lawless border region of East Wherzastan, said that without Hollywood celebrities he couldn't get out of bed in the morning, let alone put in a full eight-hour day of uncontrollable rage.

Meanwhile, D'Souza's hoped-for convergence between American right-wingers and fundamentalist Islam seemed to be taking off as Ann Coulter was given the only compliments she has ever gotten about her good taste after appearing in a full-length burqa.

— Eric Kenning

slammed by a genuine decline in real estate prices in many parts of the nation, the economy continues to show such growth. Employment is buoyant.

The price of oil has stabilized and may fall. Absent a major international event, further major price increases in the immediate future, much beyond about \$70 per barrel, seem unlikely. Lower energy prices will decrease the rate of inflation and provide a boost to the economy. For domestic political reasons, the east Asians, especially the Chinese, continue to be interested in lending to us. The boom should continue.

My guess is that economic growth will pick up somewhat in the second half of the year, provided that there is no new international event and things in Iraq go tolerably, which would mean a continuation of the status quo. But America's time in Iraq is drawing to a close. It is now up to the people of Iraq to determine whether they wish to return to the sort of society they had before the United States and Great Britain invaded in 2003, or to move forward as a leader among the Arab countries in a different and better direction.

— Lanny Ebenstein

A face smashing into a boot, forever—

Not long ago, the police raided a rave party in the city of Pune in India. Some people were consuming drugs. The police arrested everyone — about 280 people — and humiliated them in front of the TV cameras. The police confiscated not only drugs, but also cellphones, money, and, if I could see the TV recording properly, even condoms. All arrested were forcibly blood-tested and most were kept in prison for three days. Everyone will be required to report to the police every two weeks, as long as the case is not closed. In India, this can take years, if not decades.

It is obscene to arrest people for consuming drugs, but I am sure that many of the arrested did not take any. I wonder why Indians, even the educated ones, do not rebel when such police action is clearly against the established law. At least they could have refused to eat and drink. Nevertheless, in my opinion, their cooperation with the authorities is not the worst part. The youths accept their guilt and cover their faces. Society in general approves of what the police have done.

Society believes that the police act as a deterrent.

During my university days, two decades back, whenever a resident student did something wrong elsewhere, the police would simply walk into our residence hall, arrest people at random, and keep them at the police station overnight, in filthy conditions, without any warrant. In those days life was simpler and people did not have as much money. We never had anything like a rave party. Today India is developing economically, and the winds of sexual liberation are blowing, at least in the cities, as I recently witnessed during a visit to India. But has this brought the concept of liberty, and love for the rule of law?

For a change, during my recent visit to India, I did not feel my usual frustration with how things happen there — as very soon I will take an oath of allegiance to “Her Majesty Queen Elizabeth the Second, Queen of Canada, Her Heirs and Successors,” and become a Canadian citizen. I will exchange my “iron collar” for a much softer “leather” one. My friends ask me if my oath won’t be a politically sacrilegious act. In fact, I will take my oath wearing a suit.

— Jayant Bhandari

Environmental advances — PERC (The Property and Environment Research Center) is celebrating the 15th anniversary of the publication of “Free Market Environmentalism” by Terry Anderson and Don Leal, in the March PERC Report. The development of free market approaches to the environment, of course, goes back further than this landmark publication, probably to 1974, when John Baden and Richard Stroup, in the *Journal of Law and Economics*, analyzed Milton Friedman’s proposal that the U.S. Forest Service sell off its commercial timberlands.

In the 33 years since then, scholars at PERC and elsewhere have developed and refined a way of thinking about environmental issues that emphasizes freedom and personal responsibility. It stresses the stewardship stemming from property rights, the role of the entrepreneur in moving environmental protection forward, and the confounding power of government and special interests, all set against the background of classical (or, properly, neoclassical) economic principles.

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I was struck with how complete and full-bodied free market environmentalism has become as I reviewed student essays submitted to a contest sponsored by the Association of Private Enterprise Education. Students could choose from three topics: "What Causes Prosperity?"; "What Is the Role of Ethical Behavior in a Free Market?"; "Can Free Markets Protect the Environment?" The largest group this year chose the environmental topic but, more important, they did better because their essays had a coherence that was lacking in many of the other essays.

Certainly they were influenced by the background reading we provided, but even those who brought in other readings got the basics — especially the centrality of property rights and the perverse incentives often provided by government protection.

There is less consensus — in the student essays or elsewhere, as far as I can tell, on the causes of prosperity, even though economic freedom, property rights protection, and trade figured in most of the essays and are increasingly recognized as critical to prosperity. Even less consensus — none, I would say — emerges from the knotty issues surrounding the role of morality and markets.

For many, the basic questions remain unanswered. Few can answer the most fundamental question: does the market demand and enforce morality, or is morality outside the market, something that must infuse it if it is to succeed? Similarly, the debate over corporate social responsibility, kicked off by an essay by Milton Friedman at about the same time as free market environmentalism began, has never been resolved.

I believe that there are consistent answers to these questions, but so far no one has put them together. We can chalk up success in understanding the environment, but in other areas there's a long way to go. — Jane Shaw

Lamar Muse, R.I.P. — Perhaps no man was more responsible for the success of airline deregulation than Marion Lamar Muse. An executive with several airlines, his most significant job began in 1971 when he was hired as the first CEO of Southwest Airlines. The idea for that new airline had been conceived by Rollin King and Herb Kelleher in 1967 but it was continuously held up in litigation by established carriers like Braniff (based in Dallas, out of business in 1982) and Texas International (based in Houston, bought Continental and took the name). The "business harassment" is similar to that faced by Virgin America today. (Go to letvafly.com for details of their fight for recognition.) Muse's first task was to keep the bills paid until the airline finally took off on June 18, 1971. They would fly in the triangle made by the cities of Dallas, San Antonio, and Houston.

As an intrastate carrier, Southwest didn't have to deal with the Civil Aeronautics Board, a federal agency established in the days of the New Deal. It only answered to the Texas Aeronautics Commission. Pacific Southwest in California, which had been operating as an in-state carrier since 1949, served as the inspiration for the new Dallas-based carrier.

In 1972, Muse made perhaps his most significant decision as CEO. Still losing money and with bills to pay, he decided to sell one of Southwest's four Boeing 737s. But with one less plane, Southwest maintained the same schedule. Muse challenged his employees to turn the planes around (completely

unload and reload) in ten minutes. The challenge was met, and Southwest started to make a profit. Today, Southwest still turns its planes faster than any other airline in the business.

Southwest's first profitable year was 1973, and they have made a profit every year since. Southwest has never laid off an employee. And since the stock went public, it has even outperformed Wal-Mart. Like PSA, Southwest's influence on travel in Texas was quick. By 1974, the number of passengers flying on the Southwest routes had more than doubled. Southwest was persuading people to fly who had never flown before, taking travelers out of their cars and expanding into more Texas markets throughout the '70s.

In 1976, Muse appeared before a committee of Congress-critters and federal airline bureaucrats. Muse recalled the meeting in his memoir, "Southwest Passage." When asked the difference between the Civil Aeronautics Board and the Texas Aeronautics Commission, he answered simply: "Well, sir, the major difference is that the TAC figures that we know more about running an airline than they do, and they let us do it." Two years later, much of the CAB's meddling was abolished.

Muse lost a power struggle and left his position that year, too. In 1980, he founded an airline called Muse Air, which was the first non-smoking airline. The airline was never particularly successful, and Muse sold out to his old employer in 1985.

Muse never lost his spunk, however. After the World Trade Center's destruction, he sent this fax to Southwest Chairman of the Board Herb Kelleher: "Here's what I would do right now if I was in your shoes. First, I would install a temporary fix on the cockpit door so that it could not be opened. Second, I would install as permanent equipment in the cockpit two .38 caliber revolvers loaded with bullets that would not penetrate the fuselage. Third, I would install stun guns as permanent equipment in each galley. Fourth, I would tell the FAA to go f—— themselves, and, finally, I would advertise the hell out of it, and just dare terrorists to try something. I guarantee you, passengers will swarm to your flights." Unfortunately, nobody in the industry followed his advice.

Thanks largely to the model put in place by Muse, Southwest is America's No. 1 carrier for domestic flights. Southwest's success has inspired other airlines around the world, such as Virgin Blue in Australia, Westjet in Canada, and JetBlue in the United States.

With the recent news of JetBlue and American Airlines passengers sitting in planes on runways for hours, there has been some call for a "passenger bill of rights." The news and difficulties could very well put JetBlue out of business, as many passengers said they would never fly with them again. This "bill of rights" will only make flying more expensive and make entry into the business even harder, as if it isn't hard enough already. And if flying is too expensive or too cumbersome, people won't fly at all. Muse understood this.

Muse was a capitalist in an industry rife with crony capitalists and corporate-welfare statists. He was an honest man in an industry full of corruption and fraud. He died of lung cancer in Dallas on Feb. 7 at the age of 86. He outlived his former nemesis Braniff International Airways by 25 years. The next time you fly and see how cheap it is, say thank you to Lamar Muse. — Chris Baker

The Next President of the United States

by Bruce Ramsey

Looking at the presidential candidates, it is tempting to say that Americans deserve better. But really, they don't.

As I write, it is 20 months before the election of 2008. Already a gabble arises. Would-be Roosevelts are "announcing" campaigns that have been underway for months. The contest is wide open, meaning that the current miscreants can't run or, in Vice President Cheney's case, won't dare to run. And that leaves three serious candidates in each serious party.

The Republican Party has, in addition, a libertarian candidate: Rep. Ron Paul of Texas. We like Ron Paul, but about the best he could do is be noticed for one idea. George Will did a column about him, which amounts to serious notice, and one of the writers at LewRockwell.com thought it was an attack on the idea of limited government, which it wasn't; but then it is difficult to satisfy some folks.

As part of being a limited-government candidate, Paul is against the Iraqi investment, but the Republicans already have a renegade on that issue, Sen. Chuck Hagel of Nebraska, over whom the mainstream media have lately fawned. "Hagel is hot," gushed James Pinkerton of Newsday on Jan. 30. But Hagel is not hot among Republicans, where he polls at 1%, and already the heat begins to diminish. Alas, Hagel is a no-hoper.

The Democrats also have their no-hopers, including Rep. Dennis Kucinich, the perennial Ohio leftist who wants the federal goliath to disgorge its billions (well, *our* billions) into government medical insurance instead of war. There is New

Mexico Gov. Bill Richardson, a believer in the usefulness of diplomats, having been Clinton's ambassador to the United Nations (and also secretary of energy). He is an actual moderate, who says he supports gun rights and is open to middle-class tax cuts. Still, he's a no-hoper. Another was Tom Vilsack, former governor of Iowa, who would end the war, declare a global war on poverty, and make the American economic engine run on fuel from plants. But Vilsack bailed out at the end of February, having realized what everyone else already knew.

Some of these candidates are fun to gnaw on, and some (not including Dr. Paul) may be considered for the vice-presidency, but at the moment there stand only six contenders: Giuliani, McCain, Romney, Clinton, Obama, and Edwards.

Let's begin with the Democrats. As the party of obligatory diversity, they offer a white woman, a black man and, for the party's Left, a white man.

In the lead is New York Sen. Hillary Clinton, who is not from New York and who now downplays the name Clinton, running as "Hillary." Back in the '90s, Hillary was known for being to the left of her triangulating husband and for advocating a system of state-managed medical insurance. The trian-

My biggest complaint about Bush is that he started a war. Giuliani might start another.

gulation worked better than the socialism, and she has learned it well. As a senator from New York, which was Ground Zero for al Qaeda's attack, Clinton moved rightward and voted in October 2002 to give Bush the authority to invade Iraq at his discretion.

At the moment Hillary is opposing Bush's decision to send 22,000 more soldiers to Iraq, and is also opposing all proposals for Congress to cut off money for the war. How does she justify staying in a losing war but not trying harder to win it? By staying on message. The issue is *Bush*. The war is the fault of *Bush*! When asked — repeatedly — whether she was wrong to have voted for the war in 2002, she has declined to spatter the image in the mirror. It's not her fault. She allows that if she *had* known what she does today, she would have voted No — which is no answer. That 21 other Democratic senators *did* vote No is not mentioned. None of them is running for president. That Bush is not running either is a fact of which one has to remind oneself when listening to Hillary Clinton.

On the domestic side, she says that the middle class is America's "greatest social achievement," and that it was created by the Great Society and the New Deal. (I guess there wasn't a middle class in the 1920s, and the middle-class neighborhood I live in, built between 1910 and 1930, does not exist, although there appear to be neighborhoods like it all over the country.) She says that abortion should be legal but rare, meaning legal, and that NAFTA was a bad bargain, meaning, I guess, no more trade treaties. In 2005 she was one of the sponsors of a just-for-looks constitutional amendment to allow Congress to criminalize the burning of the flag. And she says . . . but why bother? It is all a calculation. As Gerard Baker of the London Times has written, Clinton's trademark is "the sheer ruthless, unapologetic, unashamable way in which she has pursued this ambition [to be president] and confirmed that there is literally nothing she will not do, say, think or feel, to achieve it."

And she is the frontrunner in the Democratic Party.

In gorgeous second is Barack Hussein Obama, the senator from Illinois. With a name that rhymes with Osama, you might think people would be making fun of him, but not at all. He is the candidate of charisma, and at 45, of youth. He has marketed himself on Oprah, on the cover of Time, and in Men's Vogue. He says, "I want to transform this country." Into what, he does not say.

His badge is his race. Racially he is half African, mean-

ing that in white America he is black and in black America he is questionable, because African is not African-American. Obama had a white mother and was not raised in black culture, whereas Hillary is married to Bill, and Bill fancied himself "the first black president." Barack was raised as Barry, and went to private schools in Hawaii and Indonesia. He began using his African first name as an adult. He does not seem to be an "angry black," which is an asset, because an Al Sharpton could not be a viable candidate in America. He is, as the Guardian called him, "The black candidate who makes white voters feel at ease."

More than that: he is the black candidate who makes white voters feel redeemed. Wrote Washington Post columnist Clarence Page: "A lot of Americans hope he can rescue us from doubts about our country's ability to be fair." And besides, a lot of people find him sexy.

What does he believe? Kay Hymowitz of the Manhattan Institute's City Journal finds Obama "touting old-fashioned self-reliance and ingenuity, with nary a hint of racial resentment." But a writer for Rolling Stone notes that Obama attends an African-American church whose minister, Jeremiah Wright, believes that America is a deeply racist society. The Rolling Stone correspondent wrestled with Obama's book, "The Audacity of Hope," and writes, "The surprising thing — for such a measured politician — is the depth of radical feeling that seeps through, the amount of Jeremiah Wright that's packed in there."

I'm still thinking: "transform this country" into what? What does this *measured politician* believe?

Well, some things. He believes in ending the war. He was not in the Senate for the October 2002 vote, but *would have* voted No. He is also for humanitarian intervention abroad. He recalls being on an airdrop of food to a starving village in Ethiopia and says, "By investing now, we avoid an Iraq or an Afghanistan later."

Investing. A Democrat word.

Obama believes in government. "In Africa," he told Rolling Stone, "you often see that the difference between a village where everybody eats and a village where people starve

When listening to Hillary Clinton, you have to remind yourself that Bush isn't running for reelection.

is government. One has a functioning government, and the other does not. Which is why it bothers me when I hear Grover Norquist or someone say that government is the enemy."

Hind teat among Democrats is Sen. John Edwards, the party's vice-presidential nominee of 2004, who ran on the theme of the "two Americas." He knows both of them, having famously grown up in two rooms but now able to knock around in a country estate the size of a small airport, with seven bathrooms, a basketball court, a squash court, and a

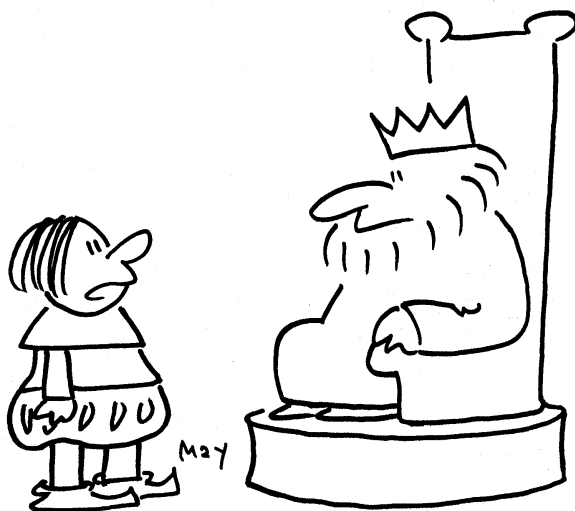
four-story tower, all paid for by his winnings from suing rich corporations.

Edwards is the "wing" candidate, the leftmost of the three center-left D's. He is wooing the unions. He is for making us all buy health insurance whether we want it or not and for raising taxes on the successful to pay for the doctor bills of the other people. He is against the war. In October 2002 he voted to give Bush the power to invade Iraq, but unlike Sen. Clinton he has said he was sorry. Well, he is behind, and hind teat calls for gumption.

Thus the Democrats. With Hillary Clinton you get the prospect of President Bush followed by President Clinton followed by President Bush followed by President Clinton — a succession of dynasties lasting more than a quarter of a century. With Obama you get a Statement. With Edwards you get — but you're not going to get Edwards. Maybe you'll get Al Gore. But if he's to run, he'd better jump in soon. The clock's a-ticking.

On the Republican side the problem is Bush and his war, which 60% of the electorate have decided was a bad idea, but which is still supported by most Republicans. They are in a pickle. They want to win, but they can't repudiate Bush, who, if he could run again, would lose.

The longest-running Republican is Arizona Sen. John McCain, who in 2000 wooed the press by doubting Bush's proposed tax cuts for the "rich" and by worrying about the wealth "gap." McCain also won the fawning of the press by championing a campaign-finance law that restricts freedom of the press, and by attacking the Christian Right as "agents of intolerance." But McCain, another calculating fellow, has remade himself. Now he says the problem is not taxes but spending, and he meets with opponents of gay marriage and calls for the overturning of *Roe v. Wade*. Predictably, his favorite-Republican status with the national media has expired. He is the new Bob Dole.



"What you have to do, Your Majesty, is get the people to perceive you as an outsider."

In some respects he has not changed. He always did think it was a swell idea to invade Iraq, and always was for using more troops. He supports Bush's "surge," and probably would follow it with a bigger surge of his own. More importantly, he supports the idea that the domination of Iraq is part of a wider "war on terror" that pits the good West against the evil Muslims.

At least he's a hound dog on spending. In the Senate he has loudly barked at it, opposing such pork barreling as the Boeing 767 tanker contract, and as president he might well veto a lot of it. That would be a welcome change from the spendthrift Bush.

As a former prisoner of war in the "Hanoi Hilton," McCain is also a candidate with a compelling personal story — a much more compelling story than Obama's if anyone were comparing, which they are not. But McCain's is an old story, and McCain is an old guy. He will be older on inauguration day — 72 — than Reagan was. And that was *too* old.

The young Republican in the race — 59 but looks much younger — is Mitt Romney. Like John Edwards, he has the placid good looks of a soap-opera star, and like Hillary, he is a political chameleon. In 2002 he won the governor's office in the nation's most left-leaning state, Massachusetts, by running as a RINO. (That's "Republican In Name Only.") Romney's biggest achievement in office is signing a law making everyone in Massachusetts buy health insurance, whether they want it or not. But in November 2003, when the Supreme Judicial Court of Massachusetts recognized homosexual marriage, this pro-gay-rights man turned a corner. He was also a Mormon, and the court ruling was too much. Since then he has recut himself on abortion and recoiled his mind on guns — and decided to run for president as a right-winger. In his official announcement, he said:

I love America and I believe in the people of America. I believe in God, and I believe that every person in this great country and every person on this great planet is a child of God. I believe that we're all sisters and brothers. I believe that the family is the foundation of America and that it needs to be protected and strengthened. I believe in the sanctity of human life. I believe that people and their elected representatives should make the laws, not unelected judges. I believe that we're overtaxed and government is overfed. Washington is spending too much money! I believe that homeland security begins with securing our borders, and I believe that our best days are before us, because I believe in America.

The Mormon Romney appeared with his wife — his first and only wife — and their platoon of kids, reminding Republicans that McCain (an Episcopalian) has been married twice and Giuliani (a Catholic) had made lifetime vows three times. Giuliani had also carried on with No. 3 while still married to No. 2. But in the polls he is still No. 1.

Giuliani, then. He's a candidate who supported New York City's gun-control laws when he was mayor there, and is for gay unions and keeping abortion legal. So far, he has managed to appeal to Republicans without changing these stands, with the help of the Federalism Card. For example, he's for gun control in *New York City*. "You might have different laws in other places," he says. Federalism.

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Global Warming, Global Stifling

by Gary Jason

The planet has a problem caused by too much hot air.

The debate about global warming has reached a crescendo, and has acquired a deeply unsettling tone. We are witnessing a veritable rush to judgment — a rush that has now been accelerated by a United Nations report that accepts and supports the global warming theory. If there was ever a time for skepticism, it is now. The time has come for people who have reasonable doubts to speak up and offer the reasons for their doubts.

In this article I will try to clarify what parts of global warming science give cause for doubt. I will also state the features of the global warming debate that are troublesome to me — and should be troublesome to you.

I'll start by making some distinctions. The first distinction is between the narrow theory of anthropic global warming (hereafter, the "Narrow Theory") and the grand metanarrative of global warming (hereafter, the "Grand Theory").

The Narrow Theory lies *exclusively* in the domain of climate science, and holds simply that:

1. The earth's climate is warming significantly.
2. This warming is exacerbated by the generation of CO₂ and other anthropogenic greenhouse gases.
3. This warming threatens to induce widescale ecological changes.

The Grand Theory — as presented on television and in several recent movies — is vastly more than a theory of cli-

mate science. It is a multiple-domain metanarrative or integrated worldview, including both moral assumptions and policy prescriptions. In essence, it posits twelve theses:

1. The world is warming dramatically.
2. This warming is unlike any other warming or cooling in the history of the planet.
3. The warming is caused primarily by humans' burning of fossil fuels.
4. If we keep burning fossil fuels at the present rate, warming will accelerate and increase without end.
5. The result of warming will be a huge increase in the number of ecological and meteorological disasters, which will be of biblical proportions.
6. These disasters will not be counterbalanced by any favorable effects of warming.

7. Both warming and disaster will occur with such rapidity that mankind will be unable to adjust.
8. The process can be reversed or controlled by drastically curtailing the use of fossil fuels.
9. The *only* way to do this is by drastically curtailing the use of fossil fuels.
10. The best plan is to slash the use of fossil fuels in the United States and other countries of the developed world, while leaving the less-developed world (including Brazil, China, and India) alone.
11. Use of fossil fuel can best be curtailed by the exploitation of wind and solar power, and by massive "conservation."
12. Whatever this will cost, directly and indirectly (and estimates range from trillions of dollars to nothing at all), will be less than the costs of the damage wrought by continued warming.

This Grand Theory is a wide ranging worldview, of which the Narrow Theory is but a minor part. It includes theses that are well beyond the domain of climate science, including theses derived, at least ostensibly, from history, geology, economics, agricultural science, power-plant engineering, and geopolitics, then given a moral cast, i.e., imbued with moral judgments.

For example, Theses 6, 10, 11, and 12 are all either completely or in great part *economic* claims, having little if anything to do with climate science. To cite a specific example, Thesis 10 is a claim that can only be proven by looking at detailed, empirically based projections of emissions figures from industries in developed countries compared to those in the third world, and factoring in projections of efficiency and productivity. Another example: Thesis 11 is a sweeping claim about the economics of power generation, and can only be proven by looking at the economics of all known methods of generating power, including every feasible alteration in those technologies.

Most of the theses in the Grand Theory are packed with morally charged concepts. If an epidemiologist says, "The chance of bird flu becoming epidemic is growing significantly," she is making a narrowly scientific statement. If she

It requires an almost paranoid cast of mind to believe that those who don't accept a far-reaching theory of global warming must be motivated by malevolence, and not by a sincere desire for a better world.

says, "Bird flu is about to explode catastrophically! We have to stop it now!", she is going beyond science to make a moral and a policy judgment. That isn't a problem if the economics and morality are obvious — if, say, the cost of inoculation is

trivial compared to the costs associated with a disease that has a mortality rate of nearly 50%. But when the economics is complex (with costs and benefits hard to measure, the range of options large, and the chances and scale of an anticipated

When the economics is complex or when the moral case is unclear, value-laden language is dangerous.

event hard to estimate), or when the moral case is unclear (say, when the moral values being balanced are incommensurable with one another), such value-laden language is dangerous.

Mike Hulme, director of the Tyndall Centre for Climate Change, an eminent specialist who is favorable to the Narrow Theory, made this point well in a recent interview with the BBC. He said, "Why is it not just campaigners, but politicians and scientists, too, who are openly confusing the language of fear, terror, and disaster with the careful hedging which surrounds science's predictions? . . . To state that climate change will be 'catastrophic' hides a cascade of value-laden assumptions which do not emerge from empirical or theoretical science."

The second distinction I want to make is between *general agreement*, at least among the scientists in a given field, and a *complete convergence* of opinion. When the majority of scientists agree that a theory in their domain is true, there is general agreement. But *general* agreement means that a significant minority of scientists still dissents. When a theory has survived repeated tests (i.e., has predicted with great accuracy phenomena that are then confirmed empirically) and has been tremendously fruitful in guiding research, then virtually all scientists active in its domain agree, and there is complete convergence. Ask physicists whether quantum theory is true, and 99.99% will say it is. You would see the same virtual unanimity if you asked biologists whether all life on this planet evolved from one original form.

There is general agreement about the Narrow Theory — though there are varying degrees of this agreement, depending on the particular thesis being considered. The summary of the UN study just released (the Fourth Intergovernmental Panel on Climate Change or "IPCC") reports that its panel is over 90% certain that the "observed increase in globally averaged temperatures since the mid-20th century is . . . due to the observed increase in anthropogenic greenhouse gas concentrations." This means that a significant minority of the relevant scientists continues to doubt part or all of the Narrow Theory — perhaps a larger minority than is apparent, since the summary is often more "confident" than the actual study, and even more since the report's contributors were selected by politicians whose desire for scientific objectivity may not have been paramount. And although the highest percentage agrees that temperatures have risen (Thesis 1), there are prominent dissenters. Atmospheric physicist S. Fred Singer ques-

tions Thesis 1. So do eminent climatologist Timothy Ball, and Neil Frank, former director of the National Hurricane Center. Climatologist William Gray of Colorado State University actually predicts global cooling — which, remember, was the dominant climatological prediction of the 1970s.

Fewer scientists agree that the rise was caused by human activity (Thesis 2), or that the potential ecological damage will include such threats as increased storm activity (often cited by supporters of Thesis 3). Much of the disagreement about Thesis 2 surrounds the question of whether the global warming posited by Thesis 1 is *primarily* or only *partially* caused by human fossil-fuel use. After all, methane is a greenhouse gas, and is emitted by cattle in large quantities, so it is caused by man, but not by the burning of fossil fuel. Then again, volcanoes and other *natural* processes create copious amounts of CO₂.

Some scientists, such as Dr. Willie Soon of the Harvard-Smithsonian Center for Astrophysics, believe that the rise is caused by a rise in solar radiation, a cyclical pattern that they see going far back in geologic history. This explanation has the advantage of providing a reason for periods of global warming (and cooling) before human existence. Other climatologists point out that the geological record shows that some past rises in CO₂ were *preceded* by temperature rises, and thus could not have been causes of those temperature increases. There must have been a different cause (such as increased solar radiation). Another recent theory is that temperature fluctuations may be caused by increased cloud formation resulting from increased cosmic radiation. And prominent Narrow Theory critic Richard Lindzen (a meteorologist at MIT) disputes whether rising temperatures will increase storm activity.

I am not a climate scientist. I do not know if complete convergence among climate scientists will ever occur, or if it does, whether it will be convergence on all three theses, or fewer. But I don't have to be a climate scientist to see that there is at present nothing approaching complete convergence on the Narrow Theory.

Turn to the Grand Theory, and things get very curious. While there seems to be a preponderance (though nowhere near a complete convergence) of opinion on the Narrow Theory, there isn't even anything approaching a consensus on the Grand Theory. For instance, an NREP (National Registry of Environmental Professionals) survey of licensed environmental specialists shows that only 66% consider the rate of global warming a serious problem facing the planet (with roughly the same percentage believing that the U.S. should do more to address the issue), and that only 39% consider regulation of carbon emissions as the most important tool in addressing global warming.

Nevertheless, it appears that many climatologists give evidence for the Narrow Theory — usually by showing that the carbon dioxide building up in the atmosphere has a human stamp — but then essentially assume that all the other theses of the Grand Theory follow automatically.

This doesn't surprise me, because, again, most of the other theses of the Grand Theory are economic or even moral, hence *not in the climatologists' domain of expertise*. Such things frequently happen with multi-domain metanarratives. Because the experts in one field (say, atmospheric physics) don't know much about another field (say, agricultural economics), they

can't agree or disagree with the experts in that field in any meaningful way. This is why these metanarratives are more often put forward by advocacy groups than by groups of scientists reasoning *as* scientists.

It is easy to see why certain advocacy groups oppose the Grand Theory. Most obviously, opposition is clearly in the self-interest of the fossil fuel industries. But who pushes the theory?

Five kinds of people reflexively support it:

The first, and some of the most exuberant, are people with a religious faith that dovetails with the Theory. I have in mind the pagan, neo-Romantic Greens who worship Mother Earth, and believe that She is being ravished by Corrupt Mankind. These folks have been around since at least Rousseau. They are especially common among baby boomers, many of whom were hippies before being compelled by economic reality to acquire a job, and are still in touch with their tree-hugging inner selves. The idea of sinful industrial man being punished for the offense of developing the planet for such filthy purposes as survival excites these folks more than all the Viagra in Vegas. Their political force is a phalanx of well-funded environmental organizations: Greenpeace, the National Resources Defense Council, the Sierra Club, etc.

The second sort of people who reflexively support the Grand Theory are the open anticapitalists (socialists, Marxists, anarchists, and assorted other aging revolutionaries *manqués*, pining for the Great Communist Heaven that has heretofore eluded them). They hate capitalism generally, but American industry in particular. American prosperity sticks in their craw. It shows what free enterprise can do. These people love the Kyoto Accord *precisely because* it proposes to channel industry into China and Brazil, while throwing massive numbers of Americans out of work. If implemented, it would allow them to exclaim, "Can't you see, worker? Can't you see how the evil *multinational* corporations deliberately send your jobs abroad?" And, as believers in equalizing world incomes, they would have the pleasure of equalizing America downward.

The third group advocating the Grand Theory consists of global redistributionist, Wilsonian liberals and one-world

MICRO-MINICARS



"It gets great mileage — you just have to watch out for tumbleweeds."

bureaucrats. These people also want to end global income inequality, even if ending it comes at the price of ending global prosperity. It galls them to see America so rich and third-world countries so poor, although they are congenitally

Ask physicists whether quantum theory is true, and virtually all of them will say it is. You would see the same virtual unanimity if you asked biologists whether all life on this planet evolved from one original form.

unable to see that the blame lies with the bad governments that have afflicted the third world. To admit that would be to "blame the victim."

The fourth group enamored of the Grand Theory is that of the modern statist liberals. Modern liberals love the extensive control of the economy that taxation and regulation bring them. The pork that statist liberals derive from the Grand Theory is not trivial. The yearly spending on "alternative energy" alone is \$14 billion, and statist politicians get to hand it out. More, vastly more, can be expected from fuller applications of the Theory.

The fifth group of reflexive advocates is, of course, the individuals and corporations who stand to gain financially from extensive regulation of the energy industries. Groups 4 and 5 often work together. For example, prominent advocates of the "cap and trade" proposal (a proposal to set emission targets, and allow those companies who beat the targets to sell their "savings credits" to companies which fail to meet their targets) are the large brokerage firms Morgan Stanley and Goldman Sachs, who are happy to testify in favor of the Grand Theory in hearings run by Democratic power players such as Nancy Pelosi and Barbara Boxer. Probably the main player here is USCAP — the U.S. Climate Action Partnership, which includes energy companies, brokerage firms, and manufacturers, as well as some big environmentalist organizations (Natural Resources Defense Council, Environmental Defense, and the Pew Center on Global Climate Change). All this is classic rent-seeking.

Add to group five the usual gathering of weasels, to wit, parasitic trial lawyers who will rip off uncountable billions by suing productive enterprises because of CO₂ emissions. Naturally, California has jumped into the lead here. State Attorney General Jerry Brown (yes, Governor Moonbeam, *redivivus*) is aggressively pursuing a federal lawsuit directed at the major auto makers, seeking billions of dollars in compensation because cars allegedly constitute a "nuisance" by contributing to global warming. You might well ask why Moonbeam didn't start by suing the utilities firms (which, after all, use fossil fuels to run their power plants). But no: California suffered power shortages a few years back, and the

voters tossed out a recently reelected governor because they held him to blame. The attorney general knows this. Also, he has a long-standing hatred of private cars; during his own eight years as governor, he notoriously refused to build any freeways. State by state, industry by industry, such junk lawsuits will proliferate.

Need I demonstrate that the groups I've mentioned are incredibly influential in American society? The influence of all the alternative thinktanks and independent scholars is laughably weak in comparison. Nevertheless, these five groups have shown few scruples about attempting to stifle independent criticism of the Grand Theory — an activity that inspires little confidence in rational arguments for the Theory itself.

My own doubts about global warming are yet to be stifled. Concerning the Narrow Theory, I'm willing to agree with the majority of experts, because I am not an expert — though I still wonder why, if the evidence is so overwhelming, complete convergence has not been achieved. But it is with Theses 4 through 12 of the Grand Theory (which go beyond the Narrow Theory) that I have real concern.

The questions about these theses virtually ask themselves:

Regarding Thesis 4: How do we know that the rising temperature won't cap at (say) five degrees higher than it is today?

Regarding Thesis 5: How do we know that storms and species extinctions will dwarf those that have occurred before? There have always been hurricanes, snowstorms, droughts, and species extinctions. Something like 98% of all species that ever existed became extinct before hominids dragged their sorry asses across the planet.

Regarding Thesis 6: This is hardly self-evident. How do we know that there won't be massive benefits from global warming, such as vast stretches of the planet now too cold to inhabit or cultivate becoming habitable and cultivable? A thousand years ago, during a warming period, the Vikings started farms on Greenland. And it certainly seems that humans have an easier time dealing with warm temperatures than cold. During the Medieval Warming, population grew. When the Warming ended (around 1300), Europe was slammed by crop failures and plagues.

Regarding Thesis 7: How do we know that the prognosticated climatological disaster will be more than we can handle? If, for example, the ocean rises a bit every year for some period, people will have time to relocate — perhaps to areas that were previously uninhabitable because they were too cold or dry. And notice something that is routinely downplayed in the media: the recent IPCC report revised *significantly downward* the estimated rise in the sea level during this century, from a prior estimate of 36" down to 7"-24." This is a far cry from the 20-foot (240") rise that former Vice President Gore mentions in his Oscar-winning movie, "An Inconvenient Truth." Seven inches would still be inconvenient, if true, but certainly not calamitous.

Regarding Thesis 8: This deserves some rumination. Where have the Grand Theorists shown that the build-up of greenhouse gases is close to irreversible, that we have not already passed the "tipping point?" Gore repeated the claim that we have ten years left to Do Something, but how does anyone *know* that? Is there any reason ever given to believe that Gore's

call to arms is different from any other politician saying, "The situation with X is dire, and you must give me power now in order to save the world as we know it"?

Regarding Thesis 9, which holds that we can save ourselves only by a rapid choking off of fossil fuels: what if we could stop global warming by (as I heard one physicist suggest) spreading a bunch of nanoparticles into the atmosphere to deflect sunlight, or deploying a huge screen in space to block it, or (as I heard a biologist suggest) spreading "fertilizer" in the ocean to increase plankton that would gobble up the CO₂, or just planting a bunch more trees? Then we could burn even more fossil fuel and not worry. Shouldn't all these other would-be remedies be shown not to work before we turn to the one that also might not work but will definitely cause the most economic pain? (Of course, it is just this pain that is so devoutly sought by the neo-Romantics.)

Regarding Thesis 10: This is the Kyoto treaty in a nutshell. Of course, the treaty — which Gore negotiated — was never ratified. In fact, the Senate voted against by a 97 to 0 margin before Clinton dared to send it over, because it would have the obvious consequence of forcing American industry to move its operations to other countries, resulting in a wipe-out of American jobs. The Kyoto nonsense appears especially nonsensical when one remembers that (according to the International Energy Association) about 75% of the projected increase in CO₂ emissions over the next 25 years will come from developing countries, with 40% coming from China alone. The IEA projects that China will overtake the U.S. in greenhouse gas emissions *within two years*.

Regarding Thesis 11: Readers of this journal already know that I have major problems with this idea (see my Liberty article "Nukes and NIMBY," January 2007). Let's grant for the sake of argument that the other theses of the Grand Theory are true. Still, if we are going to slash the use of fossil fuel, why shouldn't we turn to the only other known *practical* method of generating power — nuclear energy — instead of turning to costly solar power, inherently limited and ugly wind power, or economically catastrophic conservation? Just start building nukes, as fast as reasonably possible, on military bases if

Climatologist William Gray of Colorado State University actually predicts global cooling — which, remember, was the dominant climatological prediction of the 1970s.

you're worried about security, until (like the French) we generate our electric power mainly in that way. As we bring down the price of electricity, electric cars may even begin to look attractive.

The need to turn to nuclear power is becoming clear. In a recent column, economist Robert Samuelson (Orange County

Register, Feb. 20, 2007) called for a focus on nuclear power. China is building 40 more nuclear power plants over the next 15 years, and India is likewise dramatically expanding its nuclear power program. Why not the U.S.? As I noted earlier in these pages, moving toward nuclear power will have the added benefit of ending our dependence on unstable and

Methane is a greenhouse gas, and is emitted by cattle in large quantities, so it is caused by man, but not by the burning of fossil fuel.

tyrannical states that hate us enormously. We can stop handing the tyrants and religious bigots \$800 million a day with which to fund their jihad against us.

The Greens in general, and Gore in particular, will never explore this angle, for obvious reasons. The environmentalists killed nuclear power back in the '70s, and Gore was in on the 1994 termination of the Integral Fast Reactor program, which had developed an ultra-safe reactor that would have virtually eliminated the problem of nuclear waste through skillful reprocessing. The Greens don't want to admit a possibility that is fraught with irony: the possibility that they may be a big part of the very problem that exercises them so fervently.

Finally, regarding Thesis 12: Where is the *massive* economic literature that proves it? I mean, if global warming were a net economic plus — because, for instance, the amount of land made newly cultivable was more productive than the land lost to flooding — we ought to welcome it, and maybe even hasten it, say, by burning huge piles of coal to create more greenhouse gases.

Come at Thesis 12 again, but talk lives instead of dollars, and it looks even more dubious. Where are the detailed epidemiological studies that show that we will save lives if we shift money away from health care, education, and so on, and put it into reducing the use of fossil fuels? What if dramatically increasing the fuel economy requirements of cars results in everyone driving tiny cars, and we wind up saving 200 lives a year by preventing increased storm activity — at a cost of 2,000 extra auto deaths a year? What if we save 2,000 people a year from dying from greater heat waves, but at a cost of 20,000 lives lost in colder winters?

So much for my own doubts regarding the Grand Theory. I'm concerned about the theory itself, but I'm also alarmed by the way the debate about the theory is proceeding. There are two particularly striking phenomena that trouble me, and I think they are connected.

First, I see an ongoing attempt, by the groups that are predisposed to favor the Grand Theory, to equate it with the Narrow Theory in public discourse. To put this bluntly: they are trying to piggyback the Grand Theory on the Narrow one, despite the fact that the Grand Theory, being grand, requires much more work by economists, agricultural experts, clima-

tologists, historians, geographers, geologists, power-plant engineers, philosophers, and other analysts before its various parts can be deemed reliable. The recent release of the IPCC summary created a chorus of people chanting, "The science is solid!", without (as Lindzen so nicely put it) saying *which* science. They hoped that the public would buy the Grand Theory without realizing that it goes way beyond anything mentioned in the IPCC report.

More troubling still are the concerted efforts now being made to achieve complete convergence by means of political and economic force and mass-oriented propaganda. I call this "Global Stifling," the oppression of the critics of global warming. A common warning sign of pseudoscience is the use of political or emotional coercion, instead of the force of evidence, to silence opponents of a pet theory.

Consider an example I have briefly discussed before ("Shut up, they reasoned," Reflections, February 2007): certain members of Congress have threatened oil companies who fund researchers skeptical of global warming with reprisal, imagining that they are similar to tobacco companies that dared to deny that cigarettes are addictive. These solons are trying to cow the oil execs into stopping their funding of research that is critical of global-warming theories. The tactic seems to be working; ExxonMobil has thrown in the towel. This threat to research and criticism is outrageous enough on its face, but it's even worse when you think about the whole funding picture. The amount of money that ExxonMobil has given to global-warming critics is a measly \$19 million over the past decade. It pales in comparison to the enormous funding that has gone and continues to go to researchers around the world who are investigating global warming (or claim to be investigating it, because scientists often "write grants" in such a way as to hook basically irrelevant work to some popular cause): \$80 billion spent by the U.S., EU, and UN. We can be certain that virtually all this money has gone to scholars who favor some version of the orthodox theory of the moment. The money spent on privately funded research on global warming is similarly lopsided: the Competitive Enterprise Institute, a thinktank which

tive American Enterprise Institute venting their anger about the AEI apparently commissioning scientists to research the IPCC report, and mentioning the fact that Exxon (think of that!) has donated money to the AEI in the past. Of course,

What if we save 2,000 people a year from dying from greater heat waves, but at a cost of 20,000 lives lost in colder winters?

liberal thinktanks commission research all the time. The senators have no problem with that; their goal is simply to silence all critics of the received view, anointed by modern liberals — by assuming guilt by association.

There are numerous other examples of Global Stifling. The most recent illustration was the demand by Heidi Cullen of the Weather Channel, that arbiter of scientific discourse, that the American Meteorological Society strip scientific certification from any broadcast meteorologist who expresses skepticism about the Grand Theory. Decertification would, of course, destroy the reputation and livelihood of any such person. This is vile stuff. On one of her shows, Cullen featured a global-warming advocate who has called for holding Nuremberg trials for scientists who criticize the theory. Yet when she debated the vastly more accomplished Richard Lindzen on the Larry King Show, she was not, to put it charitably, able to defend her pet theory.

Consider another case of Global Stifling. George Taylor, the state climatologist of Oregon, doesn't believe that human activity is what is causing global warming. Liberal Gov. Ted Kulonoski has responded by trying to strip Taylor of his title, because his statements interfere with the state's goal of reducing greenhouse gases.

Now consider Dr. David Legates, Delaware's state climatologist. He was so brazen as to file a "friend of the court" brief that said, "It is simply impossible to conclude that the net effect of greenhouse gases endangers human health and welfare." Naturally, he has been viciously attacked by environmentalists, one of whom called him "a favorite scientist of the global warming denial machine." That's openmindedness for you.

Dr. Timothy Ball experienced the same targeted attacks when he dissented from orthodoxy. Environmentalists labeled him a tool of the oil companies. Recently, he said, "What I have experienced in my personal life during the last few years makes me understand why most people choose not to speak out: job security and fear of reprisals. Even in [the] university, where free speech and challenge to prevailing wisdoms are supposedly encouraged, academics remain silent."

Then there is Al Gore, truly the pluperfect prig, riding high on Hollywood's admiration for his global-warming documentary. But he won't debate his all-important ideas.

The U.S. Climate Action Partnership includes energy companies, brokerage firms, and manufacturers, as well as some big environmentalist organizations. This is classic rent-seeking.

has been critical of the Grand Theory, has a minuscule budget of \$3.6 million, while the National Resources Defense Council and the Sierra Club Foundation have budgets of \$57 million and \$91 million, respectively.

Recently, liberal Senators Bernie Sanders, Patrick Leahy, Dianne Feinstein, and John Kerry sent a letter to the conserva-

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Smokey and His Bandits

by Randal O'Toole

If at first you don't succeed, spend, spend again.

Suppose a major government agency announced that it had totally screwed up its job for nearly a hundred years, and that the only way to fix the problem would be to give the agency a bigger budget and more freedom to operate without public oversight. Would you tell your representatives in Congress to:

1. Give the agency everything it wants; or
2. Be skeptical about the agency's claims?

The Forest Service confronted Congress with this situation a few years ago. Since you are reading this here, you will not be surprised to learn that Congress eagerly picked door number 1. The surprising thing is that some ostensibly free-market groups also endorsed this option.

In the late 1990s, the Forest Service was in trouble. For the previous 40 years, timber sales had been the main source of its funding, both because Congress liked the pork barrel that timber cutting produced and because Congress allowed the agency to keep an unlimited share of timber receipts to spend on a wide variety of highly discretionary activities. Appropriations for timber and retained receipts together provided around 40% of the funds used to manage the 192 million acre National Forest System.

Between 1990 and 2000, however, national forest timber sales declined by 85%. This was partly because of pressure from environmental groups but also partly because many within the agency believed it had been overcutting the forests. The reduction both reduced the revenues that the Forest Service could retain and made Congress unhappy about funding national forest programs.

Some people outside the Forest Service wondered whether this once-popular agency would fade into insignificance or be merged into another bureau. Inside the agency, various divisions competed to replace timber as the organization's dominant activity. Wildlife managers argued that public concerns about endangered species demanded that national forests focus on "ecosystem management," but this did not provide enough pork to please Congress. Recreation staff knew that recreation fees could easily replace timber revenues, but many of the same environmentalists who opposed below-cost timber sales and below-cost grazing also opposed market-based recreation fees.

In 2000, another division — the fire staff, one of the most independent parts of the agency — succeeded in replacing timber and restoring agency budgets. It did so by making the curious argument that its own mismanagement of the national forests for nearly a century had totally devastated the forests and threatened nearby landowners. The only way to relieve the threat, it argued, was to reward the division's mistakes with billions of dollars of additional funding.

The issue was fire, and the Forest Service's claim was that Smokey Bear had done his job too well. By keeping fire out of the forests for some 90 years, the story went, previous Forest Service managers had allowed dangerous levels of fuels to

Fire is now a bigger share of the Forest Service's budget than timber ever was.

accumulate in the woods. If ignited, these fuels would burn as catastrophic fires and not only harm watersheds, soils, wildlife, and timber in the national forests, but also threaten adjacent lands.

When a forest fire destroyed a billion dollars worth of homes in Los Alamos, N.M., in 2000, Congress suddenly got religion and gave the Forest Service a whopping 38% increase in its budget. In 2002, Arizona, Colorado, and Oregon each experienced the largest forest fires in their respective recorded histories. The Forest Service blamed some of the fires of that year on environmentalists who had delayed timber sales and other activities that, the Service claimed, would have reduced forest fuels.

At President Bush's behest, and with the support of a Texas A&M forestry professor named Tom Bonnicksen, Congress quickly passed the Healthy Forests Restoration Act of 2003, which authorized more spending on treating fuels (either by cutting and removing them or by burning them) and exempted such fuel treatments from environmental challenges. Since then, the Forest Service has nearly tripled the amount of timber it sells each year and spent hundreds of millions of dollars on fuel treatments. Fire is now a bigger share of the Forest Service's budget than timber ever was.

But Congress should have picked door number 2: in most federal forests, there never was a serious fuels crisis. The large fires in recent years were caused mainly by drought and by new firefighting tactics that allow more acres to burn in order to reduce the risks to firefighters. Even where there has been an accumulation of fuels, the cost-effective response would usually be to encourage (and in some cases provide financial support for) nearby homeowners to fireproof their structures and landscapes.

Forest ecologists and other researchers knew these facts in 2002. But any who attempted to present them were drowned out by the campaign orchestrated by the Forest Service and groups that expected to profit from subsidized timber sales and other costly projects supposedly aimed at forest restoration. Since passage of the Healthy Forests Restoration Act, even more research has been published discrediting the Forest Service's position, and a growing number of fire ecologists are speaking out against the law.

This is far from the first time that a budget-driven Forest Service has lied to the public about fire. Created in 1905 when 135 million acres of federal forest reserves were transferred from the Department of the Interior to the Department of

Agriculture, the Forest Service is one of the legacies of the Progressive Era, when benevolent experts were expected to manage the nation's resources in the public interest.

In 1908 Congress took the unusual step of giving the Forest Service a blank check for putting out forest fires. In case of emergency, forest managers could spend whatever it took to put the fires out, and Congress would reimburse the agency at the end of the year. When the Forest Service spent an amount almost equal to its entire annual budget attempting to suppress Montana and Idaho fires in 1910, Congress dutifully covered the costs.

Fire control "helped to bring political power to the Forest Service," says fire historian Stephen Pyne.¹ "As that power grew, the Service found itself subtly corrupted in spirit and imagination."² In fact, the corruption wasn't very subtle.

When Congress passed this law, most Americans lived in rural areas. For millennia, ruralites had used fire as a tool to control weeds and other pests and to favor the plants and animals they found most useful. But the leaders of the young Forest Service were urbanites who, as they believed, based their policies on "science," not folk tales. Urban residents typically view fire as a horror, and in 1908 Forest Service officials could not understand any policy except complete fire suppression.

Reality quickly forced forest managers to change many of their initial mistaken policies. But an unlimited fund for fire suppression combined with limited funds for prescribed burning encouraged them to maintain harmful fire-control policies for decades.

In the same year in which Congress created the blank-check fund, Yale University forestry Professor H.H. Chapman published research showing that frequent, light fires were essential for the health and propagation of long-leaf pines, one of the most valuable timbers in the South. But if fuels were allowed to accumulate for eight years or more, fires would burn so hot that they would kill the valuable trees.³

The Forest Service opposed such light burning or prescribed fire. In 1924, Congress gave the Forest Service the authority to distribute federal money to state and local fire protection districts to encourage them to prevent and fight rural wildfires. The Forest Service refused to give money to districts that allowed people to do light burning, and it spitefully reported such burning as uncontrolled wildfires.

When the Service's own researchers reached conclusions that supported burning, it suppressed the results.⁴ It also used its muscle to prevent other federal agencies from publishing reports favoring fire.⁵

Inevitably, southern landowners who followed the advice of the Forest Service suffered catastrophic fires in the early 1940s. The agency's leadership reluctantly responded by finally approving the use of prescribed fire in the South. Yet astonishingly, the agency refused to make public its reversal or to publicly advocate prescribed burning in private forests.⁶ As a result, more than a decade would pass before all southern forests were included in fire protection districts. In the meantime the agency continued to record light burnings in unprotected areas as wildfires.

On its own lands, meanwhile, national forest managers initially regarded use of the blank check as a sign of failure.

But in the long run, says Pyne, “of course, the money was irresistible.”⁷ In 1935, the chief of the Forest Service directed that all fires be suppressed by 10 a.m. on the day after they were detected.⁸ Historians treat the 10 a.m. rule as evidence of the Forest Service’s obsession with suppression at all costs. But its real significance was that any fire not suppressed by 10 a.m. automatically became an emergency. All funds spent after that hour were covered by the blank-check fund.

The 1935 directive also allowed local forest managers to declare an emergency in the event of drought or other conditions that would make fires more likely. This allowed managers to cash the blank check for emergency *presuppression*, i.e., fire crews, training, and equipment, even before any fires were detected.

At the time, some Forest Service officials pointed out that many federal forests had low resource values, and the cost of suppressing fires might often be far greater than the value of the resources protected. But as one Forest Service official observed, “As long as the money is plentiful, it is not necessary to worry about values.”⁹

From then on, the blank check wasn’t evidence of failure; it was a routine part of federal forest management. Forest managers soon learned to use the fund to augment their budgets. “The secret to creative financing,” Pyne writes, “is to transfer as many costs as possible from the budgeted account to the non-budgeted, ‘emergency’ accounts.”¹⁰ The blank check often paid for capital equipment that would be around long after any emergency had passed. Forest Service offices hired more staff than their budgets allowed, knowing they could make up the gap by paying some staff out of emergency funds for a few weeks or months of the year.

“Emergency funding for firefighting lacks the rigor, discipline, and incentives for more efficient decision making,” admitted a Forest Service report many years later. “The Forest Service manages emergency firefighting funds as if they are unbudgeted, unlimited, unallocated, and without benchmarks on acceptable spending levels.”¹¹ As a firefighter once told me, “The Forest Service fights fires by dumping money on them.”

Although Forest Service leaders unenthusiastically approved light burning in 1943, the Smokey Bear campaign that began the next year allowed little room for prescribed fires. Smokey Bear posters typically showed Bambi and his friends fleeing holocausts that turned their homes into unin-

in still other areas. Such fires created an ideal habitat for deer and many other species of wildlife.

After World War II, the Forest Service began using surplus military aircraft and the newly invented helicopter for rapid delivery of water, retardant, and firefighters to remote

One Forest Service official observed, “As long as the money is plentiful, it is not necessary to worry about values.”

fires. Aerial support greatly increased the effectiveness of fire suppression efforts, and there was a decline in the number of acres burned.

The 1970s were the wettest, coolest decade of the 20th century, at least in the United States. Few acres burned, yet Forest Service fire suppression costs continued to rise. In 1975, the Office of Management and Budget began “to wonder what kind of return we were getting for our money.”¹² Under pressure, the Forest Service ended the 10 a.m. policy and endorsed prescribed burning in the West in 1977.

In 1978, in what appeared to be the most dramatic change in fire policy in 70 years, Congress repealed the blank-check law. In its place, Congress gave the Forest Service a fixed budget for suppression, usually \$125 million a year. If costs in one year exceeded that amount, the Forest Service was expected to pay for them out of its revolving reforestation fund — which typically had hundreds of millions of dollars at any given time — and then reimburse the reforestation fund in later years when costs were lower than \$125 million.

The Forest Service responded by subtly altering fire suppression strategies. Instead of trying to minimize the number of acres burned at any cost, Forest Service fire managers focused suppression strategies on containment within natural boundaries. This burned more acres but reduced costs and increased firefighter safety. Some forests experimented with letting fires burn — mainly in wilderness areas — but the Forest Service continued aggressive suppression of more than 99% of all fires. Actual suppression costs declined from \$125 million per year in the mid-1970s to \$61 million per year in 1977–84.

The system broke down in 1987 and 1988, when suppression costs totaled \$722 million, or \$422 million more than Congress had given the Forest Service in those two years. After paying the difference out of the reforestation fund, the Forest Service pleaded with Congress to reimburse the fund so the agency would not run out of money for reforestation. In 1990, Congress caved in and provided a supplemental appropriation to cover these costs. It also created a special contingency fund that the Forest Service could access, with presidential approval, for emergency fire suppression.

This reopened the floodgates of spending on fire suppression. Although the blank-check law was no longer on the books, forest managers had faith that no president would

When the Forest Service’s own researchers reached conclusions that supported controlled burning, it suppressed the results.

habitable wastelands. While Smokey affirmed urbanites’ horror of fires, the reality was far different: most wildfires created a patchy landscape, killing all trees in a few areas, hardly touching other patches, and thinning the weak trees

ever deny them contingency funds when someone's home was in danger of being burned.

In 1994, a Colorado fire burned 14 firefighters to death. The Forest Service responded by changing its firefighting tactics. Rather than putting people right on the fire line, the agency now tries to keep them well away. Instead of directly fighting the fires, they use backfires to burn all the fuels between themselves and the natural fires. One result has been that fires become much bigger, with 30% or more of their area being burned by the backfires, not by the natural fires.

In 2000, the Park Service lit a prescribed fire in New Mexico's Bandelier National Monument that escaped into the Santa Fe National Forest. The Forest Service responded by lighting a backfire, which stopped the prescribed fire; but the backfire then escaped and burned 400 homes in Los Alamos. Bandelier's superintendent lost his job, yet Congress increased the Forest Service's budget.

To ensure that this increase would be permanent, the agency issued a series of papers claiming that hundreds of millions of acres were at risk of catastrophic fire. With support from such groups as the California Forest Foundation — a thinly veiled front group for Sierra Pacific and other companies that buy below-cost timber from the Forest Service¹³ — Texas A&M forest scientist Tom Bonnicksen testified before Congress and wrote op-eds for hundreds of newspapers claiming that "monster fires" would ravage the forests unless the Forest Service treated fuels.¹⁴ Bonnicksen was lionized by the Forest Service, and his arguments persuaded some free-market groups, particularly the National Center for Public Policy Research (on whose advisory board he served), to support the proposed healthy forests legislation.

The Forest Service's case for spending hundreds of millions of dollars per year on forest restoration rested on three legs. First, the agency argued that the growing number of homes in and near federal forests required restoration of those forests to protect the homes from fire. Second, the agency claimed that decades of fire suppression had made hundreds of millions of acres dangerously flammable. Finally, it claimed that this flammability had caused the recent large fires.

The scientific case for all three arguments was weak. Forest Service fire scientist Jack Cohen examined the Los Alamos and other fires to see why some homes burned and

As a firefighter once told me, "The Forest Service fights fires by dumping money on them."

others did not. He discovered that homes were vulnerable to wildfire only if they had flammable roofs or if they were closely surrounded by brush, woodpiles, or other flammable materials.

Homes will ignite only if burning embers land on flamma-

ble roofs or if the walls are exposed to intense heat. Replacing flammable roofs with metal or other nonflammable materials will solve the first problem. Reducing or eliminating nearby burnables, such as woodpiles or vegetation, solves the second

Smokey Bear posters typically showed Bambi and his friends fleeing holocausts that turned their homes into uninhabitable wastelands.

problem. Cohen calculates that even the hottest wildfires cannot ignite structure walls if the fires are farther than 40 meters (130 feet) from the walls. A nonflammable roof, together with a yard consisting of a regularly mowed lawn with a few isolated trees, is sufficient to keep structures safe.

This means that hazard reduction efforts should focus on structures, not on the wildlands located near those structures. "Wildland fuel reduction for reducing home losses may be inefficient and ineffective," says Cohen; "inefficient because wildland fuel reduction for several hundred meters or more around homes is greater than necessary for reducing ignition from flames; ineffective because it does not sufficiently reduce firebrand ignitions."¹⁵ A report published by the Forest Service's Rocky Mountain Research Station found only about 2 million acres — out of hundreds of millions of acres in the West — lying near homes and other structures that needed immediate treatment. And three-fourths of those acres were on private land.¹⁶

Some argue that fire protection is needed to protect more resources than just homes. But that may not be true. Most national forest lands have negligible timber values. Studies show that recreationists have little objection to fires, especially if they are natural. Fires are actually good for many species of wildlife. The main potential damage is to water quality and fish, but even that damage may be less than the damage that arises from building roads, logging, and performing other activities required to treat fuels.

Exhibit A in the Forest Service's claim that hundreds of millions of acres of land needed fuel treatments was a series of photographs taken of a ponderosa pine stand in Montana's Bitterroot National Forest. A 1909 photo shows an open, parklike stand that supposedly represented natural conditions. Later photos show the forest invaded by small trees and shrubs that look very fire-prone. Finally, a 1997 photo after a fuel treatment (actually a timber sale) shows the forest restored to 1909 conditions.

The first problem with these photos is that the supposedly natural 1909 photo clearly shows stumps. As Montana environmentalist Keith Hammer uncovered, this picture was actually taken after a timber sale. He found a photo taken before the timber sale that shows a dense forest of trees underlain by waist-high grass and shrubs. The Forest Service had excluded this from the photo series it showed to Congress.¹⁷

The second problem is that western forests differ from southern ones. Some 85% of southern forests naturally experience fires every two to five years and, like the forests investigated by Professor Chapman in 1908, become very fire prone if fire is excluded for just a few years. Most western forests are not like that. Many go centuries between fires. Excluding fires from these forests for a few decades would not increase their vulnerability to fire one bit.

In the West, ponderosa pine forests most closely resemble those in the South, so it is no surprise that the Forest Service used them in nearly all its examples of the need for fuel treatments. But lodgepole pine, high-elevation spruce-fir, and coastal Douglas-fir forests are among the many forests that are not made more fire-prone by fire exclusion. Efforts to treat fuels in some of these forests, say Colorado university scientists, are "unlikely to be effective and may produce collateral damage in some places."¹⁸

Not even all the ponderosa pine forests need fuel treatment. A report published by the Forest Service's Rocky Mountain Research Station found that fire exclusion had significantly altered only about 41% of ponderosa pine forests, partly because Forest Service fire suppression efforts were simply not very effective prior to the use of postwar aerial technology. At most, the report indicated, about 24 million acres of federal forests in the West were at serious risk of fire as a result of previous management.¹⁹

William Baker, an ecologist with the University of Wyoming, has challenged even that number. His research found that many ponderosa pine forests were not naturally subject to frequent light fires, but had fires only every 50 to 100 years. An ecosystem that normally burns every 75 years or so is not likely to have a lot of fuel accumulation after a few decades of fire suppression. Baker concluded that thinning to reduce fire risk "does not have a sound scientific basis" unless managers know for certain that natural fire histories were more frequent.²⁰

Before Congress passed the Healthy Forests Restoration Act, I believed the claim that built-up fuels had led to larger fires. But I decided to prove it by comparing Forest Service fire data going back to 1931 with Weather Bureau information on drought. To my surprise, most of the variation in acres burned could be explained by drought. To the extent that drought did not explain this variation, it was because, if drought were the sole factor, the number of acres burned in recent years should have been even greater than it actually was. When I published these findings in 2002,²¹ Bonnicksen and other proponents of the healthy-forests bill treated me as a heretic and a kook.

In August 2006, however, Science magazine published an article by California and Arizona scientists who reached the same conclusion that I had: climate (i.e., drought), not past land management, was responsible for recent severe fire seasons. Using data going back to the 1970s (which, remember, were unusually wet and cool), the paper suggested that global warming may have caused the changes.²² But if the authors had looked back a few more decades, they would have seen similar cycles of drought (and severe fire seasons) in the early 1950s, 1930s, and 1910s.

In September 2006, the USDA's inspector general issued

a report about the Forest Service's healthy-forests program, charging that the agency does "not ensure that the highest priority fuels reduction projects are being implemented."²³ There is a good reason for this: all national forests are feeling pinched budgets because of reduced timber sales. And rather than spending money on high-priority projects, the Forest Service has spread it around to nearly all the national forests. California's Six Rivers National Forest, for example, has very little land that has fuel problems due to fire suppression. Yet 45% of its budget now comes from fire — excluding any actual suppression costs.²⁴

Together, these findings leave the healthy-forests program without a leg to stand on. To underscore these results, a number of scientists and other experts have openly criticized the credentials, expertise, and theories of Tom Bonnicksen, the academic community's loudest proponent of fuel treatments.

First, the superintendent of Sequoia National Park, Russel Wilson, felt compelled to respond when Bonnicksen claimed to have special expertise about California's sequoia forests because he had once done research in them. "Bonnicksen spent only two summers, nearly 30 years ago, collecting data in sequoia forests," wrote Wilson. "His ideas, though once in vogue, have been superseded by a more comprehensive and sophisticated picture of forest structure and fire ecology."²⁵

Richard Halsey, the director of the California Chaparral Field Institute, similarly responded when Bonnicksen claimed special expertise about southern California's chaparral forests because Bonnicksen's Ph.D. thesis was about those forests. The thesis, Halsey said, was about the economics, not the ecology, of chaparral. "Dr. Bonnicksen's career has focused on social policy," wrote Halsey, "not conducting scientific field research projects designed to understand natural ecosystems."²⁶

Most recently, several professors of ecology from Duke University and the University of California have written an open letter to the media challenging Bonnicksen's seemingly endless stream of op-eds. Bonnicksen's ecological research was decades old and obsolete, they said, adding that today "there is no serious scientific support for Dr. Bonnicksen's ideas of forest management." Newspapers that publish

The Healthy Forests Restoration Act was a sham whose main purpose was to allow the Forest Service to augment its budget.

Bonnicksen's op-eds, said the professors, should label them "for the political views that they are and not present [them] as serious science."²⁷

Bonnicksen responded by finding other professors to support him. But the professors who supported him were mostly social scientists who lacked the credentials to evaluate his ecological claims. Some people criticized the ecologists, not-

ing that “professors used to shrink from even the appearance of trying to muzzle colleagues who hold unpopular opinions.”²⁸ But scientists also used to shrink from participating in political battles by writing numerous op-eds and testifying before Congress about issues that are not in their areas of expertise.

The Healthy Forests Restoration Act was a sham whose main purpose was to allow the Forest Service to augment its

budget and distribute public money and resources to various interest groups. The Forest Service lied when it promoted the act, just as it had lied about its fire programs throughout much of the 20th century. This example of bureaucratic conduct should, of course, make people wary of federal wildfire programs. It should also make them hesitant to accept other claims that some crisis requires giving government agencies more money and power. □

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Global Warming, Global Stifling, *from page 26*

He recently chickened out of an interview he had agreed to do with Bjørn Lomborg, maverick Green and author of “*The Skeptical Environmentalist*,” and Flemming Rose, a journalist with Denmark’s largest newspaper. (Lomborg, by the way, views the IPCC report as a good thing, but views Gore as a “scaremonger.”)

Gore’s unwillingness to debate is an impressive contrast to his willingness to propagandize; he prefers to stifle debate, calling skeptics of the Grand Theory “Global Warming Deniers,” as if they were akin to Holocaust deniers (a charge recently repeated by liberal columnist Ellen Goodman). This attempt by Gore and other Grand Theory aficionados to make skepticism about global warming the moral equivalent of Holocaust denial is obscene. It trivializes the moral depravity of the Nazi death camps, a depth of evil that the human race should never forget, even though many people try to do precisely that — witness the president of Iran’s international conference on the nonexistence

of the Holocaust. It requires an almost paranoid cast of mind to believe that those of us who fail to accept the entirety of the Grand Theory can’t be motivated by a sincere desire for a better world, but must instead be driven by malevolence of the most vicious sort.

This paranoid suspicion of the motives of all opponents is an essential trait of the Left generally: its moral self-righteousness is so towering that it views anyone harboring opposing views as necessarily malign. And right now various powerful groups who share in that moralistic righteousness are using the Narrow Theory, upon which there is general agreement but nowhere near complete convergence among the relevant scientists, to institutionalize their Grand Theory. They are trying to force convergence by political power and popular propaganda. It is a “rush to judgment” — to use an old leftist phrase — at the point, not of a bayonet, but of a computerized notice: “Dear Professor X: Your grant/tenure has been denied . . .” □

To My Fellow Christians

by Laurence M. Vance

Some Christians think disobeying the state is itself a crime. They have made the state into a god. They have violated the First Commandment.

Dear Friends,

We Christians are law and order types. We can generally be counted on to obey the laws of the land — federal, state, and local. And that's good. We are also a moral people. We don't generally frequent crackhouses, bathhouses, or whorehouses. And that's also a good thing.

These things are especially true of Christians who consider themselves to be conservatives, evangelicals, fundamentalists, independents, Bible-believers, or Bible-literalists. Since I fit into this general category, I write on this subject with some authority.

I would like to propose what is a radical proposition to most conservative Christians: there should be no laws against victimless crimes. None. Zero. That proposition may not sound too radical to most readers of this publication, but it would get me censured in some religious circles. And if there are laws against victimless crimes, Christians should not be supporters of them.

What kinds of victimless crimes am I referring to? There should be no laws against drug possession, drug use, drug importation, or drug sales. In fact, there should not be any such thing as an illegal substance. There should be no blue laws, no usury laws, no seatbelt laws, and no motorcycle helmet laws — including those ridiculous bicycle helmet laws. There should be no laws against price gouging, drunk driving, pornography, or gambling. Since there is no reason for me to shy away from the hard cases, I would even go so far as to say that no consensual acts between two indi-

viduals should be illegal. That would include escort services, lap dancing, peep shows, topless or nude dancing, and prostitution. Sodomy laws would fit in this category, and so would that great crime against humanity — ticket scalping.

I am not suggesting for a minute that all or any victimless crimes or consensual acts are necessarily good things. Many of them are always bad — like smoking crack cocaine. Some of them might be bad some of the time, but not all the time — like the difference between smoking pot to get high and smoking pot to relieve the pain of glaucoma. Others are always good things — like a willing seller and a willing buyer exchanging a concert ticket for cash. And I am not suggesting that the participants in a victimless crime or a consensual act are not harming anyone. The participants might in fact be hurting or severely injuring each other or themselves. But as long as they are not harming or violating the rights of non-participants, what they do should not be a crime. What they do may be stupid, but stupidity should not be criminalized. If doing stupid things were a criminal offense, then most government officials would be in jail.

In any event, there are three reasons why Christians should oppose victimless crime legislation. First, not all crimes are sins, and not all sins are crimes. Second, contrary to popular belief, there is no support in the New Testament for the idea that Christians should seek legislation that would criminalize victimless behavior. Third, Christians are making a grave mistake by looking to the state to enforce their morality.

Crimes and Sin

We know that murder, robbery, and rape are both crimes and sins, but everything the state or the authorities brand a crime is not necessarily a sin. This has been true in all ages.

In the Old Testament, the Hebrew midwives were commanded by the state to kill any newborn sons (Exodus 1:16). But because “the midwives feared God,” they “did not as the king of Egypt commanded them, but saved the men children alive” (Exodus 1:17). In the book of Daniel, we read that King Nebuchadnezzar “made an image of gold” and decreed that when the music started, everyone was to “fall down and worship the golden image that Nebuchadnezzar the king ha[d] set up.” Three Hebrew children defied the king and refused to worship the golden image, for which they were

There is no support in the New Testament for the idea that Christians should seek legislation that would criminalize victimless behavior.

cast into a burning fiery furnace (Daniel 3). Daniel himself got into trouble with King Darius when the king decreed that “whosoever shall ask a petition of any God or man for thirty days,” except from the king, “shall be cast into the den of lions.” Daniel, the Bible tells us, did not submit to the

state, but rather “prayed, and gave thanks before his God, as he did aforetime” (Daniel 6).

In the New Testament, the apostles Peter and John were imprisoned by the authorities for preaching and then brought before them and commanded “not to speak at all

Daniel, the Bible tells us, did not submit to the state, but rather “prayed, and gave thanks before his God.”

nor teach in the name of Jesus.” But instead of being in subjection, they replied: “Whether it be right in the sight of God to hearken unto you more than unto God, judge ye. For we cannot but speak the things which we have seen and heard” (Acts 4). After this incident, some apostles were again brought before the authorities and asked: “Did not we straitly command you that ye should not teach in this name? And, behold, ye have filled Jerusalem with your doctrine, and intend to bring this man’s blood upon us.” It was then that the apostles uttered the immortal line: “We ought to obey God rather than men” (Acts 5).

No Christian could read these accounts and say with a straight face that everything the state labels a crime is a sin. The Bible is very clear about what sin is. Sin is “whatsoever is not of faith” (Romans 14:23). Sin is transgressing the divine law (1 John 3:14). Sin is knowing to do good and doing it not (James 4:17). But if not all crimes are sins, then why are some Christians often so quick to nod in agreement when it comes to the enforcement of victimless crime laws? And why would Christians even think about wanting something to be made a crime that was not a sin? The only explanation is that some Christians think that disobeying the state is itself a crime. They have made the state into a god. They have violated the First Commandment.

The other side of this coin is the statement: not all sins are crimes. If they were, then everyone would be in trouble, Christians included, for the Bible says that “there is not a just man upon earth, that doeth good, and sinneth not” (Ecclesiastes 7:20). Saying that not all sins are crimes is just a Christian way of rephrasing the classical liberal political philosopher Lysander Spooner:

Vices are those acts by which a man harms himself or his property.

Crimes are those acts by which one man harms the person or property of another.

Vices are simply the errors which a man makes in his search after his own happiness. Unlike crimes, they imply no malice toward others, and no interference with their persons or property. (“Vices Are Not Crimes,” 1875)

No Christian would be in favor of criminalizing all sins. Not when the Bible says: “The thought of foolishness is sin” (Proverbs 24:9). Why, then, are some Christians so quick to applaud making some sins criminal just because the state

happens to select them and not others? Spooner's wisdom is apropos here:

It is a maxim of the law that there can be no crime without a criminal intent; that is, without the intent to invade the person or property of another. But no one ever practises a vice with any such criminal intent. He practises his vice for his own happiness solely, and not from any malice toward others. . . .

Crimes are few, and easily distinguished from all other acts; and mankind are generally agreed as to what acts are crimes. Whereas vices are innumerable; and no two persons are agreed, except in comparatively few cases, as to what are vices. ("Vices Are Not Crimes")

But how many conservative, evangelical, or fundamentalist Christians have ever read or even heard of Lysander Spooner? Or Benjamin Tucker, Albert J. Nock, H.L. Mencken, Garet Garrett, or Murray Rothbard?

Victimless Crime Legislation

The Christian's ultimate rule of faith is the New Testament. There is no support in the New Testament for the idea that Christians should seek legislation that would criminalize victimless acts — whether they are sins or not. Specific sins are mentioned that are in fact crimes, such as murder (Romans 1:29), stealing (Ephesians 4:28), rioting (Romans 13:13), and extortion (1 Corinthians 6:10). But what we mainly see in the New Testament are admonitions about how Christians should behave:

Recompense to no man evil for evil. Provide things honest in the sight of all men. (Romans 12:17)

As we have therefore opportunity, let us do good unto all men. (Galatians 6:10)

Let no corrupt communication proceed out of your mouth. (Ephesians 4:29)

Abstain from all appearance of evil. (1 Thessalonians 5:22)

Then there are the lists of vices to avoid. But there are no indications anywhere in the New Testament that Christians should seek or support making these things crimes.

Where did the Apostle Paul, in his travels throughout the Roman Empire, ever express support for any type of legislation? When did he ever tell people who were not Christians how they should live their lives? Paul was himself a victim of a victimless crime law. He was beaten and imprisoned for teaching "customs, which are not lawful for us to receive, neither to observe, being Romans" (Acts 16:21). He was almost killed for teaching "all men every where against the people, the law, and this place" (Acts 21:28). I suspect that many Christians would support legislation against victimless crimes only as long as it stopped short of their particular vice.

It is not the purpose of Christianity to change society as a whole outwardly; it is the purpose of Christianity to change men as individuals inwardly. The Christian is in the world but not of the world. He is to "have no fellowship with the unfruitful works of darkness, but rather reprove them" (Ephesians 5:11), not legislate against them. The Christian is to "live peaceably with all men" (Romans 12:18). Christians are to pray for those in authority that they (the Christians) "may lead a quiet and peaceable life" (1 Timothy 2:2). The

attitude of the Christian should be to mind his "own business" (1 Thessalonians 4:11) and not be "a busybody in other men's matters" (1 Timothy 4:15).

The Mistake of Looking to the State

Christians are making a grave mistake by looking to the state to legislate morality. The state is no friend of religion, and especially not of Christianity. Why do so many Christians defend, support, and make excuses for the state, its politicians, its legislation, and its wars? Why would Christians even think of looking to the state to enforce their moral code? The actions of the state are the greatest examples of immoral behavior that one could possibly think of. The state exists only by stealing and killing, and then lying about it. It is not the purpose of Christianity to use force or the threat of force to keep people from sinning. Christians who are quick to criticize Islamic countries for prescribing and proscribing all manner of behavior are very inconsistent when they support the same thing here. A Christian theocracy is just as unscriptural as an Islamic theocracy.

I believe that Christians have for the most part failed to fulfill their calling. Instead of making converts and instructing them in the biblical precepts of Christian living, they turn to the state to criminalize what they consider immoral. Instead of changing people's minds about what is and what is not acceptable in society, they seek to use the state to change people's behavior. Instead of greeting with a healthy dose of skepticism the state's latest pronouncement about what substance needs to be banned, regulated, or taxed, they wholeheartedly embrace it. Instead of being an example to the world, they want to use the state to make the world conform to their example. Instead of educating themselves and other Christians about what is appropriate behavior, they rely on the state to make that determination. Instead of looking internally for funding, they look to the state to fund their faith-based initiatives. Instead of minding their own business, they mind everyone else's.

William Anderson has summed it up nicely: "Most con-



"Oh, good — no term limits!"

servative Christians abhor libertarianism because they see it as promoting a permissive lifestyle, from abortion to taking drugs. Yet, what they fail to understand is that the restrictive, prohibition-oriented state that they are trying to create (and also preserve) is much more likely to take away all liberties than a state that gives people permission to live as they wish" ("Libertarianism and Religious Freedom," 2003).*

Cases in Point

Since we do in fact have an abundance of victimless crimes in this country, the question to be asked is simply this: what should the response of Christianity be to such things? Should Christians support seatbelt laws? What about helmet laws that govern not only the riders of motorcycles but also the riders of bicycles? Should Christians be in favor of laws that impose penalties for usury, price gouging, and ticket scalping? What about laws that prohibit gambling, drugs, and prostitution? Should church-going Christians support blue laws that regulate the sale of certain items on Sundays?

Seatbelt and helmet laws are predicated on the idea that we need the state to protect us from doing something stupid. Is it a good idea to wear a seatbelt? Probably. Is it a good idea for kids to be securely fastened into a car? Most definitely. Is it foolish to ride a motorcycle without a helmet? I think so. But it is families and friends who should be the ones persuading people to buckle up or wear a helmet, not the state.

But they won't do it, some say, and therefore the state has to do it. This supposes, however, that the state cares more about an individual than do his family and friends — a very dubious proposition. It would be compatible with Christianity to uphold the ideas of individual responsibility and parental responsibility.

What about prices and interest rates that are too high? It might be immoral in some circumstances to charge above a certain price or a certain rate of interest, but it should certainly not be illegal. Economics knows nothing of a "just rate of interest" or a "just price"; these are the products of legislation. Christians who support usury laws and price gouging laws are violating the First Commandment by ascribing

Paul was himself a victim of a victimless crime law. He was beaten and imprisoned for teaching "customs, which are not lawful for us to receive, neither to observe, being Romans."

omniscience to the state. How else could the state determine what the maximum rate of interest should be and then apply that to every situation? How else could the state determine what the correct price of an item should be and then apply that to all circumstances? Christianity would take a common-

sense approach: if you don't want to borrow money at what you believe is a usurious rate of interest, then don't borrow the money; if you don't want to pay what you think is an inflated price for an item, then don't buy it.

But, some will say, don't we need the state to regulate interest rates to protect consumers? Well, how do you help customers by preventing a willing lender from doing business with a willing borrower? From an economic standpoint, we know that what is called price gouging is nothing more than charging what the market will bear. Price-gouging laws violate the property rights of resource owners, they hinder the price system's signaling ability, they contribute to the misallocation of resources, and they cause shortages.

As for ticket scalping, this has got to be one of the most ridiculous examples of a victimless act labeled as a crime. There is no precept of Christianity that frowns on a willing seller and a willing buyer exchanging tickets for cash, as long as they do not violate the rights of the owner of the ground on which they make their exchange. Ticket scalpers should actually be applauded for the valuable service they perform.

But what about gambling, drugs, and prostitution? Christians have historically shied away from games of chance. But is it any of our business if people want to throw their money away? And anyhow, it isn't gambling that the state is concerned about, it's gambling in which the state doesn't take a cut. Christians should not be deceived into thinking that the state is concerned about the immorality of gambling. If a Christian is concerned about gambling, then the answer is persuasion, not prosecution.

When it comes to the attitude of the typical Christian toward drugs, two things are taboo: taking drugs to get high, and not supporting the war on drugs. But do the two things have to go hand in hand? There is no precept or principle in Christianity that would lead me to want the government to arrest and jail an individual who liked to smoke, snort, or shoot up in the privacy of his home. Proof that many Christians are simply not thinking when it comes to drugs is the subject of alcohol. Aside from a small minority of Christians who long for the days of Prohibition, Christians don't generally support making *private* drunkenness a crime. But why is getting high on drugs treated differently from getting high on alcohol?

As would be expected, Christianity is strongly against prostitution, if for no other reason than because it is adultery or fornication. Unfortunately, too many Christians equate a refusal to make prostitution a crime with support for prostitution itself. But if adultery or fornication should not be crimes, then why should prostitution be one? What is the difference between paying \$50 directly for 15 minutes of a girl's time and paying \$50 for dinner and a movie in order to get 15 minutes of a girl's time? True, both activities are sinful in the eyes of God, but why is one illegal and the other not?

Blue laws — laws that forbid the sale of all or certain goods at most stores on Sunday — are some of the silliest victimless crime legislation. (And they're not just concerned with Sunday. In Massachusetts, all stores except convenience stores and gas stations have to remain closed on Thanksgiving, Christmas, and New Year's Day.) But

*<http://www.lewrockwell.com/anderson/anderson74.html>

Sundown

by Garin K. Hovannisian

*Sunrise was still a
long way off when
Petros Akopich
looked at his watch.
He wondered why he
even kept a watch.
He paced, as he
always did, barefoot
on the cold kitchen
tiles, until his feet
began to sweat.*

The teakettle blew only a soft whistle, but Akopich, who had been waiting nervously, noticed it. He peeled his socks from the kettle. The warm socks in the morning pleased Akopich. He looked out the apartment window. The City was disguised in snow. He liked it this way.

Akopich stared across the street at Matriarch's Pond, which in winter-time the Congress of the Street converts into a skating rink. Even with cancer in both eyes, he could spot Annushka, the baker's daughter, who had already begun her practice. Akopich followed her young, sovereign motions, which carved the figure "8" into the ice. Beyond the pond, Akopich studied the mazelike streets of the City, which looked still mysterious to him. He noticed the dome of the House of Parliament, the towering memorial to the Fathers of the Revolution, and the abandoned apartment buildings on the South Side, the untouched leftovers of the emerging metropolis.

Akopich's eyes directed him now to the River Zima. Though the state had attempted to crush similar superstitions, locals still believed that the water had a therapeutic, even resurrecting quality to it. On any given Sunday, one could observe half a dozen baptisms on the riverbanks. The Zima split the City in two and it descended from the horizon, which grew slowly brighter. The sun was relaunching its daily occupation of the City.

Akopich took his tea to the kitchen table and stood over his typewriter. He examined the words he had written the night before:

I shall be telling this with a sigh,
On a fated day, many autumns hence,

Two roads diverged in a wood and I —
I preferred not to die.*
And it didn't make a difference.

He did not know what exactly the young editor Ragulin would say. He might lecture Akopich on "offending bourgeois sensibilities." "If I needed third-rate satire, I would've asked Berlinski," he might say. But Akopich was old, nearing

*Annushka's mother ran through the crowd
and jumped into the water, which ruffled for a
moment, signaling its victory, then stood silent
again.*

70, and he had long passed his point of no return. His poetry was no longer an act of creative discovery, as it used to be when the poet was discovering himself. The poetry now *was* himself, chiseled from his bones. It was too late to recreate Akopich. He had already been created.

A blast sounded outside. Akopich walked back to the window. A patch of ice at the center of Matriarch's Pond had collapsed and a small crowd had gathered around. Annushka was missing. Akopich watched carefully as Annushka's mother ran through the crowd and jumped into the water. Her husband Nerses, running after her, stopped short of the trench. His hands clasped his neck as he lingered. The water ruffled for a moment, signaling its victory, then stood silent again. The baker Nerses looked at the crowd. They looked back stoically, but in their faces he discerned judgment. He closed his eyes and jumped in. He had not inhaled.

Akopich closed his eyes, but this only intensified the smell of burnt bread, which had risen from the basement of the building and seeped into his apartment on the 14th floor. He sneezed, his famous nose shuddering violently. Akopich usually felt delightfully alive when he sneezed — indeed, he had for three decades used sneezing powder regularly — but the sudden recoil of his muscles had not caused him pleasure this time. The morning had not been good to Akopich. It had been too eventful, he thought.

The Oriental sun cast its rays on the City as if to announce the coming of reality, like an old bailiff announcing the coming of the judge. Akopich quickly put on his overcoat, gathered his papers, and left the apartment.

At Matriarch's Pond, Sakharov, the neighborhood watchman, had announced that the bodies could not be recovered until spring, when the pond's ice ceiling would melt. Vera, the block's insufferable citizen,

protested: "Drain the pond!" Annushka's friends, who were too shaken and cold to cry, instead dipped tree branches into the icy water in the hope that she might clasp on. The coffin-maker Alex earlier had withdrawn from the scene and gone to his workshop across the street.

Akopich winced as he passed by. Vera followed him. "Did you see what happened, Petros?" she asked. "The baker's . . ." Akopich nodded vigorously, making a spectacle of his irritation. "Well, do you plan on writing about it, Citizen Akopich? Death's inevitable triumph over life? It should make for a good poem. Don't you think so? Or something about the dual character of water — the source and slayer both! Citizen Ak . . ."

But Akopich was already several strides ahead and soon, the pestilent whines of Vera in the past, he had reached the intersection of Firmament Street and Everlast Road.* Akopich did not smile — he rarely smiled — but it caused him fresh delight that at the confident junction of these particular streets stood School No. 114, an establishment that could nourish neither illusion, let alone rise from their junction. That is where Akopich had gone to school. The rightmost window of the second floor was still broken. Akopich had thrown a chair through it more than half a century before. It had landed on the dean's daughter.

Akopich continued walking. He enjoyed walking the two kilometers between the school and the central City. It was one of the few patches of forestry left. It was here, though under an ancient moon, that Akopich first really discovered his wife. It was here also that an upstart poet with the pseudonym L.B. Divan had sought inspiration for his first anthology, *Deicide Under a Tree*. Back then, the decision to write pseudonymously had squeezed from Akopich more sense and modesty than his youth would willingly offer. But the years — and Akopich's subsequent rise as a serious

*Akopich had wasted too many days at the
café, fashioning insults, debating the undying
questions of literature, and killing many gods
in an attempt to become one.*

poet — had redeemed the decision. How epic the concessions seemed at the time, thought Akopich. How epic they all seemed. What an awful thing, he thought, to be a serious poet.

By the time Akopich reached Monument Square, where new cafés and used bookstores huddled around a tall marble obelisk, his celebrity had withered. Mainly his own peers and the younger intelligentsia recognized him here. Akopich pretended that he enjoyed the anonymity or, rather, that he

*Akopich had written this line alternatively as "I preferred to die" but, lacking confidence in its effect on his audience, he kept the original version.

*The streets were initially named 26th Street and 91st Avenue, and this is what Akopich still called them. The City had renamed them upon the suggestion of an exploratory committee.

treated it with the same severe indifference as he treated the fame he held in his own neighborhood. But he couldn't endure the pretense this morning. He wanted to be recognized. He craved to be recognized. A strange mood of honesty had dawned upon the poet — what Akopich once indignantly defined as “a blind man who sees the truth but prefers the lie.”

Akopich looked at his watch, then at the promising sun, then at Comrade's Café at the foot of the Monument. Akopich had wasted too many days at the café, fashioning insults, debating the undying questions of literature, and killing many gods in an attempt to become one. He wished he hadn't. But it didn't matter. A new generation of futurist poets now inhabited the café. In the first issue of their pamphlet *Potential*, the group's “Declaration” announced “a movement that enshrines the hearts and minds of the future.” In a well-circulated interview, Akopich had responded that “their hearts and minds are in the future, which is why they are unable to make much use of either.” Their pride and his cynicism made a repair in relations impossible. Literary fashion made it undesirable.

Two blocks east of the Monument, Akopich approached the so-called Red Building. It was made of red brick and it had housed for six decades the offices of *The Weekly Gesture*, the City's oldest literary journal. It was, by all accounts, the finest and largest of its kind, though the journal's actual circulation was no more than 1,200. Akopich had been featured on its back page for 18 years and had worked under eleven editors. Akopich disliked his current editor. And he detested his dislike. This is part of the reason that today Akopich slipped his new poem into the mailbox of *The Gesture's* office, instead of delivering it to the editor himself.

It was exactly one kilometer from the Red Building to the bridge of the River Zima. Akopich measured the distance often. What concerned him now, though, was his strange recollection of Zeno's paradox. He did not know why he remembered it after all these years, but something must have suggested it to him. To get to the bridge, he thought, he had to reach the halfway point of the distance, then the halfway point of the halfway point, and so on *ad infinitum*. Either Akopich would never get there or the concept of infinity was ruined. Aristotle's refutation of the argument having escaped the poet, he had to satisfy himself with the fact that, while he was busy pondering metaphysics and science, he had indeed and suddenly found himself at the bridge in question. This refutation was not as eloquent as Aristotle's, Akopich thought, but it would have to do.

After the morning traffic subsided, there was little commotion on the bridge. Akopich took his usual spot at its edge and stared at the River roaring beneath. The “turbulent stream of detailed existence,” Schopenhauer might say. He stared at the horizon. Then he stared at the water again. Akopich found comfort in the contrast between the permanence of the skies and the constant movement of the green River. “In contrast,” he had once written of this scene, “dwells the secret of the universe.” Akopich was much too old, ironically, to believe in that now.

He suddenly remembered the incident at Matriarch's Pond and grew uneasy. It was impairing his focus. Akopich looked at his watch. The watch was also bothering him.

He took it off and threw it from the bridge. He followed its sharp, spinning movements as it diminished and splashed into the water, and disappeared forever. Akopich wondered why he had ever owned a watch. Then he wondered why he'd thrown it off. He was frightened.

For three decades, every day, Akopich had traversed the same strip of earth. In 30 years, the City had died and been reborn at least four times. In those years, the poet's height

He knew — all sane men knew — that their sun would set, but it didn't matter until it actually did.

had lost two inches, which had migrated to his waist. His parents had died, his brother, and his wife. But it was all nothing to Akopich. In fact, it may have made it easier for him. He had made his daily pilgrimage to the bridge even the day after the Revolution, when the provisional government had authorized celebrations of independence. Akopich rarely shivered, but he was shivering now. Today, Akopich thought it would be his last time at the bridge.

He defied himself in surrender. He pressed his knuckles against his nose. He shut his eyes. “Purge yourself of these dramas, Akopich,” the poet told himself, “The sole drama is in the distance. You have no will, Akopich. You have nothing to do. Time is slowing. Time is *stopping*.”

He opened his eyes and he looked at the horizon, then down to the River. He looked at the horizon again, then down to the River again. “Back into the routine, Akopich,” he told himself, “Slip back into the routine where you belong.” Akopich slipped back into his routine. Time does not exist without motion, so Akopich could not know how long he stood, alternating his gaze periodically between the two testaments, but looking more frequently at the sun that, having crawled up the sky, began coming lethargically down.

The progress of the sun was slow enough so that no one would notice. Akopich knew this and never noticed it. It was like living with someone who had decided to grow a beard. Nature times it so you don't recognize its course. Akopich knew — all sane men knew — that their sun would set, but it didn't matter until it actually did. In the meantime, Akopich had learned that he could be both totally conscious and content. He did not need to lie to himself. Without will, he had determined, there would be no suffering.

Curse the skies and the wind that brought to Akopich's nose the scent of fresh bread from a bakery! It dizzied and enraged the poet's senses. He lost his head for a moment, then regained it. But it wasn't the same head. Akopich began to see — Akopich actually noticed the sly, velvety movements of the sun. He could *see* it descending — and descending at full tilt — behind the towering apartments of the Eastern City. It was not there yet, but it would be. Akopich knew it would be. The mask of nature was being lowered

right before his eyes. He saw the sun falling and he felt helpless as he had never felt before. He cried and he knew he was over with.

Akopich thought of all the days he'd slowed, stretched, and ultimately left vacant. Akopich looked at the mountains. He'd never climbed them. He looked back toward the central City. He thought of all the women and the candy shops he hadn't visited. He looked at the River. He'd never swum in it. He thought of the poetry he had written. *Death, claim pride in my ruins, for you deserve it.* He cried for all the years he hadn't cried. He hated himself, but he *hated* himself, don't you see? Petros Akopich was alive. And he willed to live. Without will, he finally understood, there had been no happiness; only contentment.

Three decades of tears gushed down from Akopich's eyes, which began to burn. He could see everything clearly now. But it didn't matter. It doesn't matter, does it? Akopich asked the question out loud, but no one answered him. No one heard him.

No one was watching when Akopich looked at the dying sun as one breathes before jumping into the water.

Akopich was happy that no one was witnessing this. But it didn't matter, he told himself. Akopich climbed over the ledge and jumped from the bridge.

He remembered the epitaph he'd once made for himself — "Here lies a man who lived all the days of his life." He laughed in midair. No one knew. He hadn't written it down. Akopich didn't have time to make a will. He had not planned on dying this way. Ohh, the plans! But it didn't matter.

Now, as he approached the water, he had to prepare himself for his inevitable death. In the distance, he could see the abandoned buildings of the southern slums. He thought he saw the basin where the River would deliver his body. There would be sick and hungry dogs there and they would feed on him. Akopich liked the idea. As the rocks at the River's bottom crashed into his head, he allowed himself a smile. For the resurrected poet in Petros Akopich, this last thought somehow mattered.

The City was white and dark when Akopich confronted and welcomed it. □

To My Fellow Christians, *from page 36*

why should Christians who attend church on Sunday care whether people who don't attend church go shopping? I've noticed that Christians who have a problem with repealing a law that prevents beer from being sold on Sunday don't seem to mind restaurants being open so they have somewhere to eat after church.

Why?

There are five reasons why most Christians support victimless crime legislation.

The first can be seen in H.L. Mencken's famous definition of puritanism: "The haunting fear that someone, somewhere, may be happy" (*A Book of Burlesques*, 1916). Some Christians simply don't enjoy their Christianity as they should because they focus on the negative. They don't drink, dance, smoke, chew, or go with girls that do — and they live their lives in misery because of it. These people want to spread the misery, even if it means using the state to tell others how they should live.

The second reason appears in another passage from Mencken: "The urge to save humanity is almost always a false-face for the urge to rule it" (*"Minority Report,"* 1956). Some Christians want to save humanity from every vice so they can have an outwardly Christian society — but without the work of evangelism and discipleship.

The third reason is that most Christians lack a proper appreciation of the sanctity of private property. Although the Bible defends private property, they do not appreciate the possibility that what a man buys, sells, manufactures, drinks, smokes, or looks at on his own property may be his own business.

The fourth reason is that most Christians have too lofty a view of the state. They are too quick to rely on the state, trust the state, and believe the state. Sure, they may criticize the state because it permits abortion, but they generally

fail to discern the state's true nature, as Richard Ebeling has correctly described it: "There has been no greater threat to life, liberty, and property throughout the ages than government. Even the most violent and brutal private individuals have been able to inflict only a mere fraction of the harm and destruction that have been caused by the use of power by political authorities" (*The Freeman*, Jan.-Feb. 2005).

The fifth and final reason is just plain biblical ignorance. The spirit of New Testament Christianity can be seen in two statements by the great economist Ludwig von Mises:

A free man must be able to endure it when his fellow men act and live otherwise than he considers proper. He must free himself from the habit, just as soon as something does not please him, of calling for the police. (*"Liberalism,"* 1927)

He who wants to reform his countrymen must take recourse to persuasion. This alone is the democratic way of bringing about changes. If a man fails in his endeavors to convince other people of the soundness of his ideas, he should blame his own disabilities. He should not ask for a law, that is, for compulsion and coercion by the police. (*"Bureaucracy,"* 1945)

That is the spirit of New Testament Christianity. It is a sad day for Christianity when a nonreligious Jew like Mises has a better grasp on Christian principles than the average Christian in the pew.

Yours for better Christian thinking,

Laurence M. Vance
Laurence Vance

Reviews

"The Audacity of Hope: Thoughts on Reclaiming the American Dream," by Barack Obama. Crown, 2006, 384 pages.

The Vision of the Anointed

James Walsh

Barack Obama is a recently elected U.S. senator from Illinois, a liberal Democrat who has risen on a fast track through establishment party ranks. On paper, his career is nearly perfect for "progressive" appeal. Born in 1961, he fits squarely in the tail end of the Baby Boom. He's a graduate of Columbia University and Harvard Law School, where he edited the law review. Between college and law school, he worked "as a community organizer out of the Harlem campus of the City College of New York."

(I often wonder how so many young left-wing statists end up "working" as "community organizers." Who signs their paychecks? In Obama's case, it seems to have been CCNY, a public institution. Do New York taxpayers know that some of their money goes to hire "community organizers?" Shouldn't communities be able to organize themselves? Isn't self-sustaining organization one of the things that makes a group of people a community?)

After law school, Obama worked for the big law firm Sidley & Austin before joining a "small civil-rights practice" and being elected to the Illinois state legislature. He has written two successful, heavily autobiographical books — including the recent bestseller "The Audacity of Hope: Thoughts on Reclaiming the American Dream." In early February, Obama announced his candidacy for president of the United States.

Behind his rapid rise lurks the matter of his race. Sen. Obama's father was a Kenyan academic; his mother was a free spirit from Kansas by way of Hawaii. To put it more plainly, his father was black and his mother was white. By most standards — including, most importantly, his own — Obama is a "black" man. But his experience is more cosmopolitan than the traditional American black politician's. Neither of his parents had any direct experience in African-American culture or the civil rights movement. In fact, his father didn't live in the United States for very long; soon after Obama was born, his parents divorced and his father moved back to Kenya. During

his childhood, Obama spent some time in Indonesia after his mother married again, and then returned to Hawaii in his teenage years.

In his first book, Obama wrote of struggling with both his own sense of racial identity and his relationship to his largely absent father. Eventually, he was able to spend some time in Kenya and reestablish contact with his father (who remained, by Obama's account, a rather difficult fellow) and his father's extended family. He also came to terms with being a black man in America.

In his more recent book, those struggles are behind him. He focuses his attention on how his personal experiences inform his views on America. It is, much more than the first book, a campaign tool.

I've read "The Audacity of Hope"; I don't find Obama a compelling candidate for higher office. Behind his certain and self-admitted "talent for rhetoric," the senator is just one more self-satisfied statist hack who believes that he knows better than you do how you should live.

Others feel differently. Depending on which poll you read, Obama either

leads or comes in a close second among likely voters in the early Democrat primary states for the 2008 U.S. presidential campaign season.

Some grizzled political pundits predict that Obama's appeal will not last through the 2008 election cycle.

Behind his "talent for rhetoric," Obama is just one more self-satisfied statist hack who believes he knows better than you do how you should live.

He has peaked too early, and he will drop in the polls as the actual primaries approach and the competition heats up.

Maybe, maybe not. The man has a strong media presence. On television and in print, he comes across as thoughtful and forceful. He sounds moderate — acknowledging the validity of some of his opponents' perspectives while voting against them; he sounds rational, emphasizing common-sense wisdom in his analysis of major issues. He is also the fashionable choice among well-positioned political dilettantes such as the European currency trader George Soros and the easily lampooned Hollywood actor Matt Damon.

Most importantly, he gave a keynote speech at the 2004 Democratic National Convention that left most of the people in the hall wishing that he, not the feckless Sen. John Kerry, was the party's presidential nominee. And at that point Obama hadn't even been elected to the U.S. Senate; he was still just a state legislator.

Since "The Audacity of Hope" is clearly a campaign document, and since Obama has served in the Senate for only two years, it seems fair to judge the candidate by his book (perhaps more useful than judging a book by its cover). Like most books of its kind, "The Audacity of Hope" reads like a series of stump speeches sewn

together with personal anecdotes, observations, and descriptions of the corridors of power. This politician's stump speeches are of a better quality than most; his anecdotes and descriptions are well crafted — the book at least reads quickly.

But getting to the essence of what the candidate actually *believes* takes some work. Obama is deeply invested in seeming moderate and rational. He recounts stories of people literally telling him that he's moderate and rational. In his own analysis of current events, Obama often pulls the post-modern parlor trick of showing first that he understands an opposing view . . . and then either countering or simply rejecting it.

Parlor tricks aren't a strong foundation for political philosophy. By focusing on the tricks, Obama sometimes triangulates into ridiculous situations. Consider his discussion of the Central American Free Trade Agreement:

There were some problems with the agreement, but overall, CAFTA was probably a net plus for the U.S. economy. ("The Audacity of Hope," 172)

I ended up voting against CAFTA, which passed the Senate by a vote of 55 to 45. (176)

He voted against the best interests of the U.S. economy in order to "send a strong signal" to Big Labor that he was on its side — but at least his vote didn't matter! It's kind of an anti-Profile in Courage.

Occasionally, the senator's passions peek through the curtains of his rhetoric. But even his passions seem to conflict. In the second chapter, titled "Values," Obama serves up some meat-and-potatoes antibusiness populism for his left-wing base:

But the explosion of CEO pay has had little to do with improved performance. In fact, some of the country's most highly compensated CEOs over the past decade have presided over huge drops in earnings, losses in shareholder value, massive layoffs, and the underfunding of their workers' pension funds.

What accounts for the change in CEO pay is not any market imperative. It's cultural. At a time when average workers are experiencing little or no income growth, many of America's

CEOs have lost any sense of shame about grabbing whatever their pliant, handpicked corporate boards will allow. (62)

Clearly, shameless CEOs — he never names any — and their cronies are fat cats that Obama can't stand.

Then, on the facing page, he spins justification for the fat cats he likes (and whose money and political endorsements he accepts):

All the money in the world won't boost student achievement if parents make no effort to instill in their children the values of hard work and delayed gratification. But when we as a society pretend that poor children will fulfill their potential in dilapidated, unsafe schools with outdated equipment and teachers who aren't trained in the subjects they teach, we are perpetrating a lie on those children, and on ourselves. (63)

"Teachers who aren't trained in the subjects they teach" is right out of the teachers' union rhetorical phrasebook. It is a bureaucratic, obstructionist perspective about teaching that's designed to control the flow of dues-paying union members.

The difference between the shameless CEOs and the obstructionist teachers' unions is that the teachers' unions *always* manipulate public monies. (Some of the shameless CEOs do that, too — but most of their abuses are directed at private-sector investors or employees who willingly get involved with them.)

One of the reasons that Obama has risen so quickly on the national political scene is that his rise within the

It was often said of Bill Clinton that the man was blessed with weak opponents. Barack Obama seems to share that blessing.

Illinois Democratic Party was unlikely. When he started running for the U.S. Senate, he faced two seemingly strong

opponents for his party's nomination. One was the son of a long-time state party leader who had strong name recognition; the other was a self-made millionaire willing to spend a lot of his own money to reach office (and who had the backing of some powerful Democrats in Washington, D.C.).

Obama started with a few good contacts in the state capitol and the loyal support of the Illinois Federation of Teachers and a couple of far-left service employees unions. He'd been an effective agent for these unions in the Illinois legislature. That background says more about Obama's politics than his more recent, stumbling triangulation on Big Issues.

He was a long shot — but fortune broke his way. First, the incumbent senator (a Republican) decided not to seek reelection. Second, the self-made millionaire Obama faced in the Democratic primary had skeletons in his closet: "[H]is campaign imploded when allegations surfaced that he'd had some ugly run-ins with his ex-wife" (113). Third, in the general election, his original opponent withdrew after some awkward portions of his divorce file were made public.

It was often said of Bill Clinton that the man was blessed with weak opponents. Barack Obama seems to share that blessing. (Or maybe he has an opposition research staff that's really good at digging up divorce depositions.) In 2004, however, the Democratic Party powers saw Obama differently. He looked like an authentic, grass-roots winner from the Midwest. This would make him a good complement to the charisma-challenged presidential candidate.

Personal "authenticity" has become a core value of mainstream politics. And the search for personal authenticity has infected the American culture's daily discourse. Read the letters to the editor page of any major newspaper or magazine, or the comments posted to any news-related website; many begin with the words "As a _____, I believe . . ." Remember Oprah Winfrey's problems with the literary fraud James Frey, whose "authentic" tale of drug addiction and recovery turned out to be not so.

Obama may be the ultimate product

of this emphasis on personal authenticity. To race-obsessed statists, he has the ultimate authenticity: dark skin. To Bush-hating partisans on the political Left, he has the authenticity of not having voted for the Iraq war (as Hillary Clinton did). In this vein, Obama even writes about authenticity in his book: "Perhaps this explains why we long for that most elusive quality in our leaders — the quality of authenticity, of being who you say you are, of possessing a truthfulness that goes beyond words" (66).

And, predictably, he falls into the familiar trope about his own authenticity later: "As the child of a black man and a white woman, someone who was born in the racial melting pot of Hawaii . . ." (231). There are some questions about Obama's authenticity, though. His background and his résumé game some measures dear to his supporters: his skin is dark, but he's not a product of the culture that most Americans consider "black"; he didn't vote for the Iraq war because he wasn't in national office when the votes were cast. There's a bit of Chance the Gardener from "Being There" about Obama. He seems to be made up mostly of other people's projections.

Bill Clinton allowed his personal charisma to lead people to infer political beliefs that he didn't hold, or didn't hold faithfully. His political brilliance was in accepting with charm the projections people put on him. Barack Obama seems to have studied Bill Clinton's model — so it's somehow

fitting that he's competing against Clinton's wife for the Democratic presidential nomination.

There are some differences, though. Obama seems to have a more orderly personal life than Bill Clinton. That might mean that Obama holds some beliefs deeply enough to imply a consistent philosophy, but it's hard to tell from his chameleonic public persona.

Of course, "The Audacity of Hope" is 376 pages of his words. A reader should be able to come away with some idea of what the man himself stands for. For instance:

But the essential idea behind the Declaration — that we are born into this world free, all of us; that each of us arrives with a bundle of rights that can't be taken by any person or any state without just cause; that through our own agency we can, and must, make of our own lives what we will — is one that every American understands. (53)

Sounds good on the first reading. But it's exactly because that bundle of rights *can* be taken away from people that it must be protected vigorously. His bold statement about protecting essential liberties is reduced by the qualifier "without just cause." The important question, then, becomes what constitutes "just cause." Statists are masters of exploiting such questions while lawyers quibble over the details.

Implicit in its [the Constitution's] structure, in the very idea of ordered liberty, was a rejection of absolute truth . . . (93)

Calling All Economists!

In *Why Libertarians Should Call Themselves Socialists* (*Liberty*, Nov. 2006), David G. Danielson also suggests why they should not call themselves liberals.

"But, clearly, 'liberals' must be bold, innovative individuals, willing to entertain new ideas." And, just as clearly, libertarians are not such individuals.

Neither a gold coin prize nor wild horses could draw or drag them to the new idea here, that taking from the rich to give to the poor does not reduce but increases inequality. Despite its tremendous import, there is no place for it in libertarianism, not even to say what's wrong with it, no teachers who will teach, nor any demand that they do so, for they are not our servants but our masters.

Libertarianism is deracinated liberalism, economic freedom without the economics, with blind faith in authority, esoteric sideshows, and ethical wishful thinking in its place, a retreat from reason, and quasi-religious cult.

For *The Science and the Religion of Freedom*, and fundamental difference between liberalism and libertarianism, see *Intellectually Incorrect* at intinc.org.

Really? That sounds like an imprecise — or extremely mechanistic — statement. To start, all truth is absolute; the notion that a thing can be “partly” true is just a common colloquialism. Ordered liberty is a means to achieve truth, not a rejection of truth. Perhaps Obama means that the state has no claim to truth, but the rest of his beliefs don’t square with that. He generally seems to believe that the state does have a claim — perhaps the surest claim — to “absolute truth.”

The result has been the emergence of what some call a “winner-take-all” economy, in which a rising tide doesn’t necessarily lift all boats. (146)

Nor did American culture have much sympathy for workers left impoverished by capitalism’s periodic gales of “creative destruction” — the recipe for individual success was greater toil, not pampering from the state. What safety net did exist came from the uneven and meager resources of private charity. (154)

He’s begging the question: if the economy truly is “winner-take-all,” and the hand of charity “uneven and meager,” then of course only the state can provide. But note again that “talent for rhetoric,” as Obama exploits a common rhetorical device of stump speakers — delivering his adjectives in pairs. A few pages later, he writes of “chaotic and unforgiving capitalism.”

Other rhetoric isn’t so able: “Just about every scientist outside the White House believes climate change is real, is serious, and is accelerated by the continued release of carbon dioxide” (168). So do your part and stop breathing.

Obama may be impressed with his own rhetorical skills, but “just about every” is weak form — rhetoricians call it a *modified categorical*. It’s a contradiction in terms, fuzzy filler.

[R]egulation, if applied with flexibility and sensitivity to market forces, can actually spur private sector innovation and investment in the energy sector. (169)

Another bold statement reduced by modifiers. Regulation is inherently insensitive to market forces — in fact, it is designed to control or modify market impulses. Regulation applied with sensitivity to market forces would do nothing.

Obama’s most tortured pages are the ones that deal with issues of risk and security (personal, not national) in public policy. Like most statist, he has a weak understanding of risk theory:

But this compact also rested on an understanding that a system of sharing risks and rewards can actually improve the workings of the market. . . . That’s what Social Security, the centerpiece of New Deal legislation, has provided — a form of social insurance that protects us from risk. . . . The bigger the pool of insured, the more

risk is spread, the more coverage provided, and the lower the cost. Sometimes, though, we can’t buy insurance for certain risks on the marketplace — usually because companies find it unprofitable. Sometimes the insurance we get through our job isn’t enough, and we can’t afford to buy more on our own. Sometimes an unexpected tragedy strikes and it turns out we didn’t have enough insurance. For all these rea-

sons, we ask the government to step in and create an insurance pool for us — a pool that includes all of the American people. (177–78)

This passage makes Obama seem either ignorant or willfully misleading about risk allocation and insurance.

First, insurance doesn’t *protect* anyone from risk. It’s simply a tool for distributing losses so that no single loss concentrates on a single person or small group. The same risks exist — they always do — it’s just the fallout from those risks that’s managed.

Second, no insuring entity — including the state — can “step in” and create a risk pool *after* a loss (in his words, a “tragedy”) has occurred. The purpose of risk pools is to gather resources *before* a loss occurs, so that they can be allocated when one does.

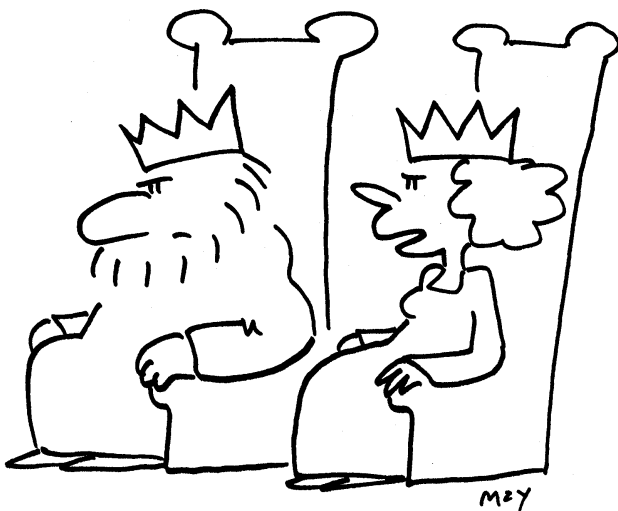
Third, like so many career politicians, Obama seems to be confusing the roles of *insurer* and *guarantor*. An insurer is simply a manager of other people’s assets, gathering them and allocating them in an actuarially sound manner, in exchange for a fee. A guarantor is someone or something that promises to pay expenses or debt.

Why is it that statist have such a hard time understanding risk? Do they believe in collective solutions because they don’t understand risk and rewards; or believe in collective solutions first, and then ignore risk management because its tenets are inconvenient truths?

His stumbling explanation of health care suffers from the same flawed perspective:

The market alone can’t solve our health-care woes — in part because the market has proven incapable of creating large enough insurance pools to keep costs to individuals affordable, in part because health care is not like other products or services (when your child gets sick, you don’t go shopping for the best bargain). (184)

Let’s take his first part first. Markets don’t create insurance pools — insurers do. And larger pools don’t necessarily make insurance more affordable. If the incidence rate for certain losses in a large pool is higher than the rate in a small pool, the large pool’s insurance costs will be higher than small pool’s. The keys here are the loss histories and



“Well, I never heard of any other king getting himself nicknamed ‘Bubba!’”

actuarial projections for each pool.

Size can make some administrative costs easier to carry (which is why statisticians always argue for bigger pools;

Shouldn't communities be able to organize themselves? Isn't that one of the things that makes a group of people a community?

they're administrators at heart) but it has nothing to do with incidence rates and loss histories.

Now, the second part. "You" may not shop for the best bargain when you choose health care providers. But you should.

Obama doesn't believe in privatization of Social Security pension benefits. Not much of a surprise there — just a lot more cant about the "winner-take-all" society.

In other words, the Ownership Society doesn't even try to spread the risks and rewards of the new economy among all Americans. Instead, it simply magnifies the uneven risks and rewards of today's winner-take-all economy. If you are healthy or wealthy or just plain lucky, then you will become more so. If you are poor or sick or catch a bad break, you will have nobody to look to for help. (180)

But his personal anecdotes prove there's another solution. Near the end of the book, he tells of courting his wife. Early in their relationship, he'd gone to her home and met her parents and siblings. He was impressed by the family's old-fashioned structure and closeness. Even though they weren't rich, the parents had sent all of their children to college and beyond. Only later did he learn that his girlfriend's father had been suffering from multiple sclerosis for some years. The man lived with the disease gracefully and, *with the support of his family*, led a full life.

The strongest proof of the limits of Obama's perspective comes in his dis-

cussion of productivity gains in business ventures.

Business groups may argue that a more unionized workforce will rob the U.S. economy of flexibility and its competitive edge. But it's precisely because of a more competitive global environment that we can expect unionized workers to want to cooperate with employers — as long as they are getting their fair share of higher productivity. (182)

Obama must never have started a business . . . and the reader begins to understand why he didn't make partner at Sidley & Austin. Higher productivity goes to the bottom line in any business venture. And owners — who have invested capital into the venture — are entitled to bottom-line profits. Unless unionized workers have invested capital in the venture, they are merely one expense item higher up on the P&L. Their "fair share" of increased profits is their *pro rata* portion of the shareholders' equity. If Obama believes that employees deserve equity ownership in a venture in addition to their wages, he doesn't understand the economic roles of employer and employee.

Obama effectively conveys common-sense wisdom on issues like foreign debt, campaign finance laws, and national security. He agonizes convincingly about moral questions like abortion and gay marriage. From his discussion of these topics in the abstract, he sounds like a moderate pragmatist.

But, often, when he moves from theoretical discussions to specific examples drawn from his time in the Illinois legislature or the U.S. Senate, he abandons his common-sense wisdom to take contradictory actions for partisan or downright stupid reasons. He squares this with another rhetorical trick: acknowledging the inconsistency. He admits the contradiction and moves on without further explanation.

But "The Audacity of Hope" wasn't written for libertarians or hard-eyed businessmen. It was written for the author's base of supporters in the left wing of the Democratic Party and swing voters who pay more attention to charisma and emotion than political philosophy. If Obama can combine these groups, he will go a long way

toward the White House: scant experience, question-begging, contradictions between word and deed, and all.

One last observation. Early in the book, Obama describes his first meeting with George W. Bush. After some standard pleasantries, Bush points out that both he and Obama have had to debate Alan Keyes — whom the president calls "a piece of work." Obama eagerly agrees.

Bush has many unappealing traits. One of the worst is his locker-room mentality about insulting or minimizing people he considers strange; it smacks of the football star (which W. himself was not) mocking the awkward geek.

In his anecdote, Obama joins in the towel-snapping — and takes several other personal swipes at Keyes throughout the book.

Alan Keyes is by no means a libertarian. From his public speeches, it's fair to conclude his view of America verges on the theocratic. He's a statist of a heavily religious bent. But he speaks his mind clearly and even forcefully; and his beliefs are no more ridiculous than Barack Obama's smug, liberal-establishment cant.

Obama's cool-kid dismissal of the geeky Alan Keyes hints at insecurity in the face of honest expression.

A "talent for rhetoric" can be a hollow thing. □

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"The Supreme Court Opinions of Clarence Thomas, 1991–2006: A Conservative's Perspective," by Henry Mark Holzer. McFarland, 2007, 232 pages.

The Constitution and Its Emanations

Stephen Cox

The title word "conservative" may create the wrong impression. At an earlier time in his career, Henry Mark Holzer was a member of the inner circle of Ayn Rand (1905–82), a writer who has exerted a major influence on libertarian thought. Holzer himself has been a courageous and determined advocate of individual liberties throughout his life as lawyer and professor of law. He leaves to the reader the task of deciding whether Justice Thomas is a libertarian or a conservative (160), but it is plain that he admires Thomas as a proponent of what I have no hesitation in calling a libertarian approach to constitutional law.

Nevertheless, I put "a" before "libertarian approach," in recognition that libertarians are not all of the same mind when it comes to the interpretation of law. In this respect, there are at least two types of libertarianism:

1. Result libertarianism. Result libertarians believe (or write as if they believed) that anything that advances the goal of individual freedom is meritorious. Thus, if the Supreme Court suddenly decided that Social Security is unconstitutional, not because there isn't any language in the Constitution that authorizes the creation of such a system (which there isn't), but because Social Security extends more benefits

to women than to men (which it does, because women live longer than men) and therefore violates the Constitution's "equal protection" clause — then, well, according to result libertarians, we should all throw a party. In this view, it makes no difference what legal sophistry one uses, so long as one gets a libertarian result.

2. Process libertarianism. Process libertarians believe (and *try* to live up to their belief) that the best protection for individual freedom is a framework of rational legal processes — sound laws, accurately expounded. They reject interpretive tampering with national and state constitutions. They assume that someone who does you good by illegitimate means will also do you bad, by the same means. Thus, while most libertarians probably support gay marriage, process libertarians were appalled by the initiative recently undertaken by the mayor of San Francisco, who stepped completely outside the constitutional framework by declaring, in effect, that a state law against gay marriage was invalid in San Francisco. Result libertarians applauded him.

My money is with the process libertarians. I believe that the practical losses one may suffer by being on their side are vastly outweighed by the practical gains. State constitutions are strong on certain individual liberties, and the federal Constitution is in most respects a model of libertarian thought. To inter-

pret these documents fairly, giving their words the sense that their authors intended, is good for the cause of liberty, in the short term, usually, and in the long term, almost always. Granted, the First Amendment's guarantee that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof" comes far short of erecting a "wall of separation" between church and state (Thomas Jefferson's phrase [1802], not in the Constitution). But I'm not much troubled by "In God We Trust" on our coins, or the eye of God on the Great Seal of the United States. If you are, I think you've got too much time on your hands.

But let's go beyond the issue of practical gains or losses. If you're worried about intellectual honesty, as Holzer is (8), you are much more likely to find it with the libertarianism of process than with the libertarianism of result. It is simply breathtaking, the degree to which presumed supporters of civil liberties have gone in amending the Constitution by judicial interpretation. I am, by profession, a literary historian and critic, and I know I would be laughed out of my profession if, when I interpreted texts, I took the kind of freedoms with fact and logic that judges, lawyers, and professors of law routinely take when they interpret the Constitution. To preserve some minimal reputation for honesty, I try to make my interpretations represent the meanings

Constitutions are written and ratified with the expectation that their meaning will not be changed except by regular and deliberate process of the body politic.

that are actually present in the texts I study. I realize that good authors often create intentional ambiguities, and bad authors often create unintentional ones, but I make every attempt to avoid

replacing even those ambiguities with the meanings that I myself would prefer to see.

Of course, no text interprets itself. Even apparently simple texts can pose interpretive challenges. In the Old Testament, I encounter the commandment, "Thou shalt not kill." The words are not as simple as they look. We know that the people to whom the commandment was given were, in the same set of documents, permitted or commanded to kill certain kinds of criminals and religious enemies. We can, therefore, quite properly conclude that the commandment means, "Thou shalt not murder" — i.e., thou shalt not kill a legally and religiously innocent human being. By interpreting the text in this way, we preserve its original meaning, as determined by our knowledge of its literary context. We interpret, but we do not invent.

Now suppose we go further. Suppose we assume that a text that is so important to so many people ought to be adapted to their changing needs and evolving perceptions of life. Or suppose we simply don't like the original meaning of the text. So we advance the thesis that there is a wider religious philosophy underlying "Thou shalt not kill," a philosophy based on the idea that laws are given by God for the benefit of the people, to *promote the general welfare*. This sounds plausible. And it is . . . plausible. Well, does capital punishment, or the slaying of one's religious enemies, really promote the general welfare? Perhaps not. And what benefit do people get from killing animals, even to eat their meat? Some experts now claim that a vegetarian diet is much healthier. So we announce, "Thou shalt not kill" means, "Thou shalt not kill any animals." And suppose we take the next step. Suppose we say that the biblical commandment, in which we have now discovered a prohibition against killing in general, plainly establishes a *right to life*; and if there is a right to life, then plainly it is a crime to take life. In short, "Thou shalt not kill" is a mandate for the police to arrest anyone who kills an insect.

If a literary interpreter or Bible scholar ever reasoned in this *plausible* way, even the vegetarian members of his profession would pronounce him mad. Yet this is the process of "inter-

pretation" that the Supreme Court has been applying to the Constitution during the past 70 years.

It must be admitted that by interpreting the Constitution in this manner, the court has sometimes done much good. In the famous case of *Griswold v. Connecticut* (1965), for example, it decided that states do not have the right to outlaw the use of contraceptive devices. The Connecticut law in question, which Holzer properly pronounces "outrageous," was a gross affront to individual liberties (7). But to decide that it was prohibited by the Constitution, Justice William O. Douglas had to discover in that document a "right to privacy," a right that he could locate only among the "penumbras, formed by emanations from [the] guarantees" of the Bill of Rights.

Shall we applaud this exercise in judicial spiritism? I think not. It was patently dishonest. Proceeding in the same way, the court might just as well have found that the emanations and penumbras of the commerce clause (another fecund source of diseased judicial interpretation) prohibit me from writing dirty verses in my diary. After all — to invoke two of the judiciary's favorite legal fictions — the diary *might at some time be carried into the stream of interstate commerce* and might then be found *offensive to community standards*.

The fact that none of this sounds surprising underscores an important fact: this is the kind of reasoning that

the Supreme Court actually uses, as it daily substitutes its own wisdom for the meanings originally inscribed in the Constitution and the laws. Often

We can rid ourselves of bad laws only by treating the Constitution as a butterfly that is constantly emerging from a cocoon.

its actions are immediately damaging to individual liberty; but every action that renders the Constitution malleable to imaginative reconstruction renders it less capable of defining and protecting liberty in the future.

The full theory of "authorial intent," or "original intent," or "originalism," as it has come to be called in American law, was developed by E.D. Hirsch, Jr., in two important, indeed fundamental, books: "Validity in Interpretation" (1967), and "The Aims of Interpretation" (1976). Hirsch is a literary critic and historian, primarily concerned with the interpretation of literary texts, not with the interpretation of the particular kind of text called a constitution — which brings up a question: does one really

Surveillance state — I

warmly recommend "The Lives of Others" (directed by Florian Henckel von Donnersmarck; Germany; Wiedemann and Berg Film Produktion, 2005, 137 minutes), a film dealing with East Germany before its collapse in 1989. Its plot involves the secret police (the "Stasi"), who spy on the lives of everyone suspected of being disloyal to the regime or the ideal of socialism. A Stasi operative (played by Ulrich Muehe, who won a Lola, the German equivalent of an Oscar, for his brilliant performance) detects a trace of independence and nonconformity in a leading playwright and his actress girlfriend. He begins round-the-clock

surveillance of their apartment, spying on every conversation and intimate moment; but his adversarial attitude softens when he discovers that his boss, who approved the surveillance, has sexual designs on the actress.

The film is exceptionally suspenseful and superbly acted; it earned eleven awards in Europe in 2006 and has now received the Academy Award for Best Foreign Language Film. Despite this welcome attention, there is no telling how long the film, which opened in February, will play in this country, or when it will be released on DVD — so see it soon if it appeals to you.

— Robert Hessen

need to use the same rules for every text? What about the popular claim that the Constitution is such a peculiar kind of text as to require interpretation by methods that would never be applied to others? One hears that the Constitution is "living" and "evolving," and that it *ought* to "evolve," so as to adapt itself to new "conditions." In other words, we can rid ourselves of bad laws only by treating the Constitution as a butterfly that is constantly emerging from a cocoon.

Of course (as both Holzer and Thomas explicitly recognize), there are a lot of bad laws. So why not get rid of them?

One answer is that there's no reason to think that nine presidential appointees sitting behind a bench in Washington, D.C., will succeed at the task of discriminating the bad from the good, especially when their qualifications for the job consist mainly of political appointment, an exuberant imagination, and a total lack of argumentative scruples.

Another answer is: go ahead; rewrite the Constitution from the judicial bench. But while you're doing it, ask yourself: what's the sense of calling it a constitution? Call it something else — call it an essay that is constantly being written, call it a proposal that is always being voted on, call it Super Bowl XLII, call it anything you like, other than a constitution, because the purpose of a constitution is to say how things should be and to keep them that way. Do you believe that anything called a "constitution" could possibly be ratified if its propo-

nents proclaimed, "This is a document that is going to keep changing in unpredictable ways, in a continual process of reinterpretation by people who have been educated to believe that it has no fixed and definite meaning"?

No one would answer yes to that question. Constitutions are written and ratified with the expectation that their meaning will not be changed except by regular and deliberate process of the body politic (as opposed to the internal debates of a politicized judiciary). It is because most of our fellow citizens still cherish that expectation that they are willing to respect decisions that honor the Bill of Rights, no matter how much they may dislike its particular applications. Constitutional guarantees may not extend as far as we might like, but they are no guarantees at all if we grant the idea that the Constitution can legitimately be treated as something that is always evolving new meanings, even if a particular new "meaning" momentarily expands the scope of individual freedom. And during the past seven decades, most of the Supreme Court's new "meanings" have contracted that scope, by licensing new assumptions of power by the federal government.

Enter Professor Holzer, who demonstrates that Justice Thomas is the Supreme Court's smartest and most consistent advocate of interpreting the Constitution according to its authors' original intent. In the process, Holzer illuminates many of the great controversies of constitutional law, providing a full, though not exhausting, account of Thomas' contributions to the "three pillars of American constitutionalism — separation of powers, federalism, and judicial review" (22). Holzer's conclusions, though concisely presented, are based on a complete survey of Thomas' judicial opinions (which are numerous enough to require 16 pages simply to list, in Holzer's helpful appendix).

Holzer is always clear and precise, both in his own analyses and in his criti-

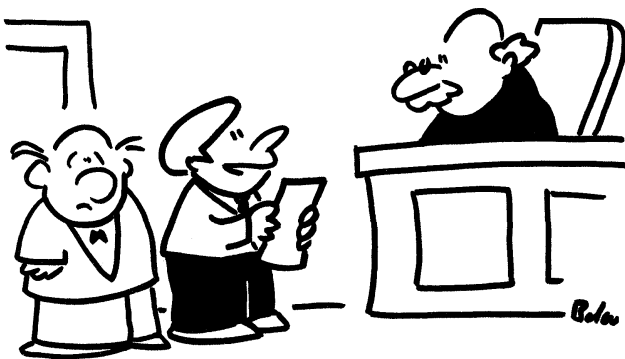
cism (favorable or unfavorable) of the analyses of others. He aptly describes "the decades-long metastasis of the 'Living Constitution's' malignant doctrines into most areas of American

Justice William O. Douglas could locate a "right to privacy" only among the "penumbras, formed by emanations from [the] guarantees" of the Bill of Rights.

constitutional and statutory law" and explores the various intellectually interesting ways in which Justice Thomas has "fought against this anti-constitutional disease" (8).

The appeal of Holzer's book extends much farther than the audience of Supreme Court watchers and conservatives still angry (and they ought to be) over the controversy that surrounded Thomas' appointment. The book amounts to a seminar on constitutional law, its history and practice, and on the processes and specialized language of the Supreme Court. Ideas and customs that are ordinarily explicated (badly) at the length of hundreds of pages are swiftly and memorably communicated here.

The literary, as well as the intellectual, value of this book is substantial. Holzer understands the uses of scorn. After quoting some of Justice William J. Brennan's pompous asseverations — "Our amended Constitution is the lodestar for our aspirations. Like every text worth reading, it is not crystalline. . . . Its majestic generalities and ennobling pronouncements are both luminous and obscure" — Holzer writes, "Not content to loose this blather, Brennan . . ." went on to loose some more, which Holzer then cites, to devastating effect (5). The key words are "loose," which is what you do with your bowels, and "blather," which is what most people are afraid to call the sage observations of elder statesmen. Holzer's not afraid.



"Misusing his tax cut, Your Honor."

Thomas, whom Holzer always knows how to quote for the greatest possible effect, turns out to be a good aphorist:

The outcome of constitutional cases ought to rest on firmer grounds than the personal preferences of judges. (75)

Government cannot make us equal; it can only recognize, respect, and protect us as equal before the law. (145)

Criticizing his colleagues for a decision giving the federal government virtually unlimited power to regulate commerce, Thomas writes, "Federal power expands, but never contracts, with each new locution. The majority is not interpreting the Commerce Clause, but rewriting it" (49).

Holzer's own aphorisms are also worth quoting. He knows what to do with a metaphor:

[Justice] Douglas prospected his way through the Constitution. Although what he found was fools' gold, it glittered enough to satisfy six of his colleagues. (7)

And Holzer knows how to state a plain truth:

The concept of a "Living Constitution" . . . means no Constitution at all. (6)

Holzer identifies the essential issue: do we have a constitution, or merely a set of judicial dogmas? I hope that the answer is, Yes, we still have a constitution. But if the answer is No to that, then Holzer's book may help us get it back. □

Of Spies and Ships and Queens

by Jo Ann Skousen

"The Queen," directed by Stephen Frears. Miramax, 2006, 103 minutes.

At first glance "The Queen" may seem more suited for a USA Network miniseries than a Hollywood premiere. Haven't we seen enough Diana lookalikes in the unending made-for-TV movies about the miserable life of England's favorite princess? How did "The Queen," about Diana's frumpy mother-in-law, end up with a nomination for Best Picture?

Don't be too quick to judge. What sets this film apart from the usual tabloid-style Di-fest is that it isn't about Diana at all. Screenwriter and Academy Award-nominee Peter Morgan stays

focused on Queen Elizabeth and her actions during the week between Diana's death and her funeral, when the queen refused to issue a statement of condolence or grief. Coincidentally this was also the week that Tony Blair (Michael Sheen) took office, and the film reveals much about the queen's relationship with her prime ministers as well. "I've done this ten times," she reminds the inexperienced Blair on their first official meeting. "My first was Winston Churchill." How's that for putting a new prime minister in his place?

The film provides a surprising look

at the queen's life away from the public. No wonder she and son Charles love Balmoral Castle so much — there, away from prying eyes, they can enjoy the normal, mundane activities we take for granted: hiking, talking with family, driving a car, being alone. Dressed like a model from an L.L. Bean catalog, she walks her Corgis, drives her own jeep, and carries her own potluck contribution to a family picnic (in a Tupperware container!), all without the accompaniment of bodyguards.

Much of the film's success has to be credited to Academy Award-winner Helen Mirren, one of the most talented and underrated actresses to come out of England (my apologies to Dame Judi). The beautiful and usually sexy Mirren captures the queen's dowdiness, right down to her tight-lipped jowls, her cankles, and her empty purse. (I assume it's empty. What would the queen of England need to carry?)

But Elizabeth is far from a caricature in this film. Mirren, who says she was never a fan of the monarchy before making this movie, brings an intimate understanding to this enigmatic figure. We see beyond the stoic monarch to the vulnerable woman underneath — and yes, she does have feelings after all.

Why was she so adamantly opposed to issuing a statement about Diana's death? Tony Blair nearly begged her to do so, in the national interest. As she explains it, the royal family has a certain duty to the public, and she has performed her duty unflinchingly her whole life. Then along comes the sparkling but empty-headed Diana, whom everyone loves and adores. They can't get enough of her.

In a way, it is an example of the Snow White syndrome: How does a mother feel, watching her own beauty and popularity fade in the sunlight of the lovely, more desirable, blossoming daughter? For Elizabeth, it has been with a stiff upper lip. Snow White may have eaten the apple, but the queen swallowed the bitter pill.

Queen Elizabeth is wealthy, respected, and powerful. But despite that wealth and power, she is trapped by the circumstance of her birth. Mirren portrays the aching sadness and loneliness of a woman whose life, even in childhood, has been one of duty and inevitability.

"Breach," directed by Billy Ray. Universal, 2007, 110 minutes.

In "Breach," FBI agent Robert Hanssen (Chris Cooper) is described as the worst traitor in American history. For nearly 25 years Hanssen quietly sold secrets to the Russians, including the names of at least 50 double agents who were spying for the United States. At least three of them were subsequently executed by the KGB. Eric O'Neill (Ryan Phillippe) was the young, ambitious rookie assigned to work as Hanssen's assistant, essentially to spy on the spy.

Why does someone become a spy? For the money? You can't spend it without giving yourself away. For the glory? If you do it well, no one will ever know. For a cause? This may be the only reason worth giving one's life for, but as super-spy James Bond admits in "Casino Royale," "When one's young, it seems very easy to distinguish between right and wrong; but as one gets older it becomes more difficult. . . . Patriotism comes along and makes it seem fairly all right, but this country-right-or-wrong business is getting a little out of date."

"Breach" attempts to explain why Hanssen did it. Overzealous Christianity gets its share of the blame, along with hints of an abusive father, sexual perversion, and an unappreciative agency. But as O'Neill eventually decides, motive doesn't really matter. "You are who you are. 'Why' doesn't mean a thing."

More difficult for O'Neill to deal with is the deception inherent in the sting business: a spy must befriend the

crisis of conscience as he befriends Hanssen than it is about Hanssen's treachery against the United States. Fifty-five years have passed since Ian Fleming penned the words quoted above, and today the "my country right or wrong" business is even more out of date.

For a spy thriller that takes place mostly in the office, "Breach" is surprisingly tense, especially when O'Neill is rushing to cover his tracks. Instead of guns, the opponents arm themselves with wits, nerve, and bravado. Ryan Phillippe's earnest young face belies the quick-witted deception his character demonstrates when he has to figure out how he would react if he were telling the truth.

Chris Cooper ("October Sky," "American Beauty," "Adaptation," "Syriana") is not unlike the character he plays in "Breach": brilliantly gifted but so subtle that he is often eclipsed by the overrated glory boys in the business — Tom Cruise, Matt Damon, Tom Hanks. When I mention Cooper's name, people usually respond, "Who?" But

he's one of my favorite actors, a master of controlled emotion and restrained performance. Cooper makes the spy's duplicity believable — a churchgoing family man who can snap at any moment.

By contrast, Laura Linney's performance is powerful, bold, and virtually genderless. As Kate Burroughs, the FBI's director of the investigation, Linney commands authority and attention, but as a person, not as a feminist. At one point she rises into the scene aboard an escalator, like a *deus ex machina* rising from the depths of the earth. Burroughs wants to stop the man who has endangered the lives of so many people, but what really makes her mad, she says, is "I've wasted my whole career because of him."

James Bond would probably have understood the motivations of all three characters. Speaking of his archenemy, he says, "I wouldn't hesitate to kill him — but out of personal revenge and not, I'm afraid, for some high moral reason or for the sake of my country." His liaison Mathis pragmatically agrees: "Surround yourself with human beings, dear James. They are much easier to fight for than principles."

"Amazing Grace," directed by Michael Apted. Samuel Goldwyn, 2007, 111 minutes.

"Amazing Grace" is an earnest film with an earnest message about an earnest young abolitionist, William Wilberforce (Ioan Gruffudd), who was the driving force behind the end of slavery in Britain. Appalled by the brutal conditions of slaves as they were transported across the Middle Passage from Sierra Leone to the colonies, Wilberforce spent 20 years relentlessly introducing bills calling for the end of the shipping portion of the slave trade. He finally succeeded in 1806, and the abolition of slavery itself followed in 1833, one month after Wilberforce died.

But despite Wilberforce's noble mission, this film falls flat. Too much of it is spent in exposition and dialogue, with little action beyond long walks in the garden. The fight for abolition was, in many respects, a war of words and ideas, but it was also fraught with

personal conflicts and harrowing stories. Nevertheless, screenwriter Steven Knight somehow had trouble finding a dramatic story with which to tell the tale.

Even more troubling is the lack of black characters in the film. Britain was home to many free blacks at the time, but the film includes only one black character, Olaudah Equiano (Yousou N'Dour), who is so marginalized that he is almost a token, waiting to be saved from his white oppressors by his white patrons. This is a shame, because Equiano was a fiery orator and an active participant in the abolitionist movement whose story could have added a great deal to the movie.

Equiano wrote the first published slave narrative ("The Life of Olaudah Equiano, or Gustavus the African"), a fascinating account of life aboard a ship. He sailed with an exploratory party to

James Bond said that "this country-right-or-wrong business is getting a little out of date." Fifty-five years later, it is even more out of date.

enemy in order to betray him, and he must deceive his family in order to protect it. The film is more about O'Neill's

the North Pole and fought in several battles. Eventually he bought his freedom by selling citrus fruits as he sailed from port to port. On the day that he bought his freedom, Equiano paid the captain, got his manumission papers stamped at the courthouse, and then went right back to work on the same ship, as a free man. The work itself was not objectionable, but the lack of freedom had been.

Surprisingly, Equiano argues in his narrative not for abolition of slavery, but for better treatment of the slaves, instructing slave owners that "by changing your conduct, and treating your slaves as men, every cause of fear would be banished. They would be faithful, honest, intelligent and vigorous; and peace, prosperity and happiness would attend you." It was only later, after he spent some time in England, that he became an active abolitionist.

Another character whose story is underutilized in the film is John Newton (Albert Finney), a former slave trader who wrote the hymn "Amazing Grace." The song is sung twice in the film, but Knight did not bother to create a story line that would have allowed the lyrics to be dramatically meaningful. Newton, who became an abolitionist after his conversion to Christianity, was haunted by the "20,000 ghosts" of slaves who suffered on his ship, and encouraged Wilberforce to stay in Parliament and fight for abolition. Finney plays Newton with empathy and integrity.

Though the music swells to tug at the emotions, the eventual vote ending the slave trade seems a hollow victory. While the shipping of slaves from Africa had been successfully abolished, slavery itself would continue in the colonies and in America for several years, and the effects of this cruel institution continue to this day. Wilberforce should be admired for his sincere dedication to the cause, but it is a film whose appeal does not cross color barriers. It must be somewhat galling to blacks that their oppressors and their liberators were of the same foreign color. As Equiano writes bitterly in his narrative, "No free negro's evidence will be admitted in their courts of justice."

But outside of Parliament, Equiano

spoke eloquently. Knowing that the pro-slavery faction feared how the economy would fare without slavery, he argued convincingly that abolition would not destroy the economy but enhance it:

If a system of commerce was established in Africa, the demand for manufactures will most rapidly augment, and the native inhabitants will insen-

sibly adopt the British fashions, manners, customs &c. In proportion to the civilization, so will be the consumption of British manufactures. . . . A commercial intercourse with Africa opens an inexhaustible source of wealth to the manufacturing interests of Great Britain.

To paraphrase a slogan from the '60s: Make money, not war. □

"Rumpole and the Reign of Terror," by John Mortimer. Viking, 2006, 184 pages.

The Wife and Crimes of Horace Rumpole

James E. Ferguson

An enjoyable amble through the halls of New Labour injustice, "Rumpole and the Reign of Terror" entertains while presenting the dilemma of a liberal democracy struggling with the proper societal response to the rank terror of 9/11 and the later London tube bombings. Mortimer, a fluid writer and former barrister, places his at times bewildered, always anachronistic, but ultimately triumphant Old Bailey hack (still going strong more than three decades after making his first appearance) into the depths of the new world order, where there are no trials but proceedings, no revelation of specifics but vague charges of violations, and no courts and juries but special commissions known by bureaucratic acronyms (here, SIAC).

In this strange new world, Horace

Rumpole seems to plead not only for his Pakistani doctor client, Mahmood Khan, accused of terrorism, but for the very concept of ordered liberty, when he intones: "Now you've convicted poor people, the homeless, those sleeping in doorways, you've convicted them without any sort of trial, fining them when they have no money, all on the say so of an overworked policeman. Add this to imprisonment without trial. Aren't you a lawless government?"

Even at home the center cannot hold as Hilda, known to Rumpole as "She Who Must Be Obeyed," seeks her own voice for the first time in this long series by writing her memoirs on her newly acquired computer secreted in their "box room," while carrying on a flirtation with Rumpole's judicial nemesis, the "Mad Bull," Justice Leonard Bullingham. The Home Secretary is charming the electorate while destroy-

ing the traditional bulwarks against despotism; the wife is philandering, or at least lunching at the Sheridan Club with the idea of divorce; and

even Rumpole's reliable clientele, the Timsons (a family of south London villains that have kept Rumpole equipped over the decades with the means to

acquire small cigars, after-work tipplings at Pommeroy's Wine Bar, and Hilda's household necessities such as Vim and Fairy Liquid), have refused to further patronize an attorney who represents a terrorist. Especially a terrorist married to the odd daughter of this otherwise honorable and larcenous clan.

By hook and especially crook our hero struggles to restore sanity to both his professional and domestic worlds. All the while, he is troubled by the thought that his Anglophile client with the remarkable house "on the better side of Kilburn" may actually be guilty of despicable acts against humanity. Nonetheless he is compelled to inveigh on, achieving one small victory after each great setback, culminating in an interesting if not somewhat Perry Masonish courtroom denouement.

This small novel is an enjoyable read with a dark undercurrent. Libertarians may rejoice that a classical liberal such as Mortimer has used his greatest comic creation to confront the very real dangers that neoliberal thinking and post-9/11 panic pose to liberty. At one point Mortimer has the Home Secretary saying what we fear such politicians actually think: "Things like jury trials and the presumption of innocence may have been very well in their day. But times change. History moves on. We need quicker and more reliable results."

To which we can do no better than Rumpole in retorting: "The terrorists would take away our right to juries and give us imprisonment without trial. 'You can have it,' says the government today. 'You can have Magna Carta, we've got no use for it. And while we're about it, we'll throw in the presumption of innocence and the Bill of Rights.'"

Fortunately, after this good tale well told, we can with Rumpole uncork a bottle of Chateau Thames Embankment, light up a little cigar, and enjoy the glow of victory and the electric fire in our flat at Froxbury Mansions, and especially the revived respect of She who witnessed it all and played an unwitting role in saving our liberties from the jaws of those who would seek to protect us. □

Notes on Contributors

Chris Baker is a computer networking professional and a certified practitioner of neuro-linguistic programming in Austin, Texas. He loves Southwest's open-seating policy.

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James Walsh is the author of *True Odds: How Risk Affects Your Everyday Life and Liberty in Troubled Times: A Libertarian Guide to Law, Politics and Society in a Terrorized World*.

The Next President, *from page 20*

Marriage and "civil unions" are also a state issue. Different laws for different folks. He's for keeping abortion legal, but he would be appointing more Supreme Court justices like Roberts, Alito, and Scalia, who might overturn *Roe*. But that would not make abortion illegal. It would make it a *state* issue. Federalism!

Giuliani supports school vouchers, which he didn't support when he was elected mayor of New York. He says he was converted by the frustration of dealing with the city's public schools: "The whole notion of choice is really about more freedom for people, rather than being subjugated by a government system that says you have no choice about the education of your child."

The conservative (and, to some extent, libertarian) case for Giuliani was made by Steven Malanga in *City Journal*. As mayor, Malanga says, Giuliani imposed a work requirement on welfare and cut the rolls by 600,000 people. He ended open enrollment at the City University of New York, an action followed by a 168-point gain in SAT scores by the class of incoming freshmen. He inherited a \$2.5 billion budget deficit and closed it with spending cuts. By modernizing the police department and paying attention to small crimes, he cut the murder rate by 67% — from 1,960 murders per year to 640 — and cut the number of car thefts by 78,000 per year. He cracked down on graffiti, turnstile jumping, public urination, and the squeegee men. After 9/11 he rejected a \$10 million check from a Saudi prince who wanted a tip of the hat to Muslim sensibilities, and, Malanga writes, "Giuliani was fearless in confronting racial extortionists like Sharpton."

Now wooing the Republicans, Giuliani says he is for a "strong foreign policy, smaller government, lower taxes." He says, "I lowered taxes in New York 23 times."

Giuliani's attraction is executive ability. He *did* things. He was successful. He confronted crises. He was a leader. Among all the candidates he's your man if what you want is

a president who wields power effectively.

There is value in having a president like that — and danger. There is an intolerance in this man. In 1999 he objected to a painting of the Virgin Mary spattered with elephant dung and tried to pull city funding of the show that exhibited it. We can get legal about this and say the issue was city funding, and libertarians would be against that. We can get cultural and say that an image of the Virgin Mary spattered with dung is a nasty attack on the Christian faith, and is bad art besides. I tend to think that way. But the vehemence of the whole episode also shows something about Rudy Giuliani.

A painting is not that important, but the statement about "strong foreign policy" is. It means a muscular foreign policy. The fact that Giuliani is supported by the Bush administration neocons tells something about him. My biggest complaint about Bush is that he started a war. Giuliani might start another.

All these candidates, then, ought to be unsatisfactory to a libertarian. Yet one may be better, given time and circumstance, than another. There is the question of war, which suggests a vote for a Democrat. And there is the question of the administrative nanny state, which suggests a vote for a Republican. In my home state, Washington, the legislature is nearly two to one Democrat, and is eagerly spending most of the windfall gains of an economic boom. Probably it will pass a bill that will make more than half the kids in the state eligible for Medicaid. Don't discount the arrogance of Democrats.

Looking at the presidential candidates, it is tempting to say that Americans deserve better. But really, I think, they don't. The candidates have squinted into the national mirror and tarted themselves up to be exactly what the people want them to be. If you don't like them that way, the problem is that you just aren't in the mainstream. □

Letters, *from page 4*

Top of the Pyramid

Gary Jason really hit the nail on the head with his reflection "The great heist" (March). A Ponzi scheme is indeed what Social Security has become. A Ponzi scheme, in case anyone reading these pages is unfamiliar with the term, is a bit of chicanery whereby, in Jason's words, "present investors make handsome payoffs in the hopes that they, too, will be taken care of." Inevitably at some point the till comes up empty, and the whole scheme collapses, leaving the "present investors" out of pocket.

Getting in early is how one profits from a Ponzi scheme. Consider the case of Ida May Fuller.

On Jan. 31, 1940, Ida May, a resi-

dent of Ludlow, Vt., received the first Social Security check issued by the United States government. She went on collecting checks for another 35 years, until she died at the ripe old age of 100. Before her retirement Ida May paid a total of \$24.75 in Social Security taxes. At the time of her death in 1975, she had collected \$22,888.92 in benefits. Not a bad return, even if the total payout seems puny in terms of today's monetary values.

The Baby Boomers, who never produced enough children (read: present investors) to keep this Ponzi scheme going, will nevertheless escape the dire consequences of an empty till. Their numbers, translated into votes, will work politically to keep the sys-

tem afloat, somehow. But those who follow the Boomers (the Gen Xers and their juniors, the so-called Millennials) will find themselves holding the short end of the Social Security stick.

Shouldn't we Boomers start voting for politicians who advocate true Social Security reform? Why make our kids and grandkids the losers in a Ponzi scheme that we will soon be profiting from?

Jon Harrison
Poultney, Vt.

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Philadelphia

Novel form of self-loathing, from the *Philadelphia Inquirer*:

The owners of national clothing retailer Motherhood Maternity have agreed to pay \$375,000 to resolve allegations that it discriminated against pregnant employees and job applicants.

The U.S. Equal Employment Opportunity Commission brought the suit against Mothers Work Inc. for allegedly refusing to hire pregnant women and ultimately firing an employee when she challenged the practice.

Beijing

Tough competition for the Freedom of Information Act, noted in *The Wall Street Journal*:

A regulation mandating greater transparency in China's government is moving forward in Beijing, but its contents are a secret. China's chief administrative body approved a draft of the Government Release of Information regulation in January. It remains unclear whether the new regulation would make it easier to get access to often-secret draft legislation, such as this one on information transparency.

Tempe, Ariz.

Cardiovascular note, from the *Los Angeles Times*:

The Heart Attack Grill — a theme restaurant whose specialties include the Quadruple Bypass Burger and Flatliner Fries, cooked in pure lard — is making health-care professionals' blood pressure rise, and not because of the menu.

It is because of the waitresses' naughty nurse uniforms.

"Nurses are the most sexually fantasized-about profession," said Sandy Summers, executive director of the Center for Nursing Advocacy. "We're asking people, if they're going to have these fantasies, please don't make it so public. Move these sexual fantasies to other professions."

Amanda Price, one of the few women customers at the restaurant, said the outfits did not offend her. "You don't hear nuns complaining about pregnant nun costumes, and that's more disgraceful than sexy nurses," she said.

Brussels, Belgium

New twist on the "Click It or Ticket" campaign, chronicled in *The Wall Street Journal*:

At a slaughterhouse in Brussels, Mohamed Mimoun took a number. He gasped: it was a two-hour wait to sacrifice his animal for Eid al-Adha, an important Islamic religious festival. "I should have done this at home like everyone else," he moaned. A 1988 Belgium law expressly forbids the ritual slaughter of animals at home.

On his way to the slaughterhouse, Mr. Mimoun was fined by a policewoman for transporting a live sheep in the closed trunk of his Toyota. By law, it should have been in the back seat.

"She told me I needed to have a seatbelt on the sheep," Mr. Mimoun said. The policewoman later said she was joking about the seatbelt.

Moscow, Idaho

Notice of health care reform posted in each patient's room in Gritman Hospital:

Windows have been privatized — No one can see in during daylight hours.

Ottawa

New frontier in the fight against climate change, as reported in the *Ottawa Citizen*:

A former Canadian defense minister says he believes advanced technology from extraterrestrial civilizations offers the best hope to "save our planet" from the perils of climate change.

Paul Hellyer is calling for a public disclosure of alien technology obtained during alleged UFO crashes — such as the mysterious 1947 incident in Roswell, New Mexico — because he believes alien species can provide humanity with a viable alternative to fossil fuels. "We need to persuade governments to come clean on what they know," he said. "Some of us suspect they know quite a lot, and it might be enough to save our planet if applied quickly enough."

Harare, Zimbabwe

Confronting one of Africa's gravest problems, in the *Harare Herald*:

Countries in the Southern African Development Community should mobilize resources for their national biosafety systems to enhance their capacity to test for the presence of genetically modified organisms in food, stock feed and seed, said Minister of Science and Technology Development Olivia Muchena.

She noted that Zimbabwe had made great strides in implementing "more robust systems of ensuring the scientifically sound, economically viable, environmentally friendly and socially acceptable application of biotechnology."

U.S.A.

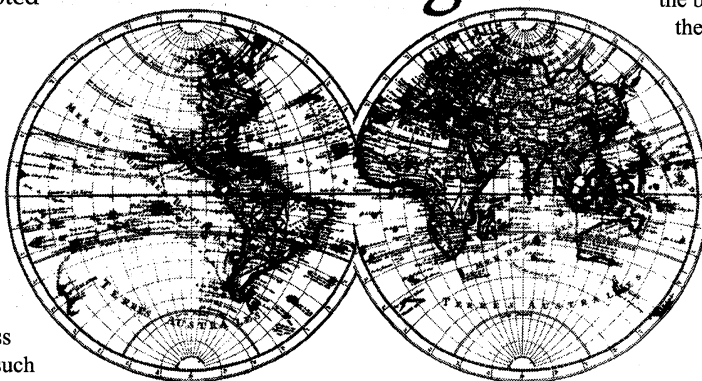
Vigilance against the threat of research, noted by *The New York Times*:

Academic researchers increasingly complain that Institutional Review Boards, instituted in the wake of the Tuskegee Syphilis Study, are interfering with research in subjects that pose virtually no danger.

Recently, a review board asked a linguist studying a preliterate tribe to "have the subjects read and sign a consent form," and a board forbade a white student studying ethnicity to interview African-American Ph.D. students "because it might be traumatic for them."

Bernard A. Schwetz, director of the federal Office for Human Research Protections, dismissed the notion that most nonmedical research carries few dangers. "Obviously the balance is very subtle," he said. "I think it's naive to say there isn't any risk."

Terra Incognita



Special thanks to Russell Garrard, Tom Isenberg, and Jim Ferguson for contributions to Terra Incognita.

(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)

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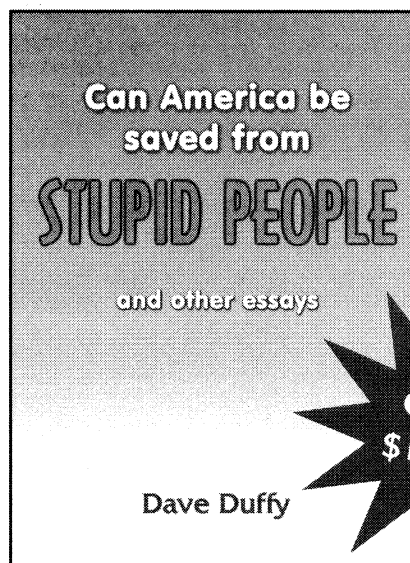
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"...As it has always done, somehow Government, like some monster from the past, has again outwitted the freedom-loving masses and has convinced them that they don't need protection from Government, but from everything else. And so the age-old beast our founding fathers had tamed is once more banging at our door." — page 145

"...Burglars, and all criminals whose deeds risk violence, destroy parts of society. They are like arsonists, setting little fires all over the place, burning down what the rest of us try to build up. We build hope for the future, and they burn it down." — page 233



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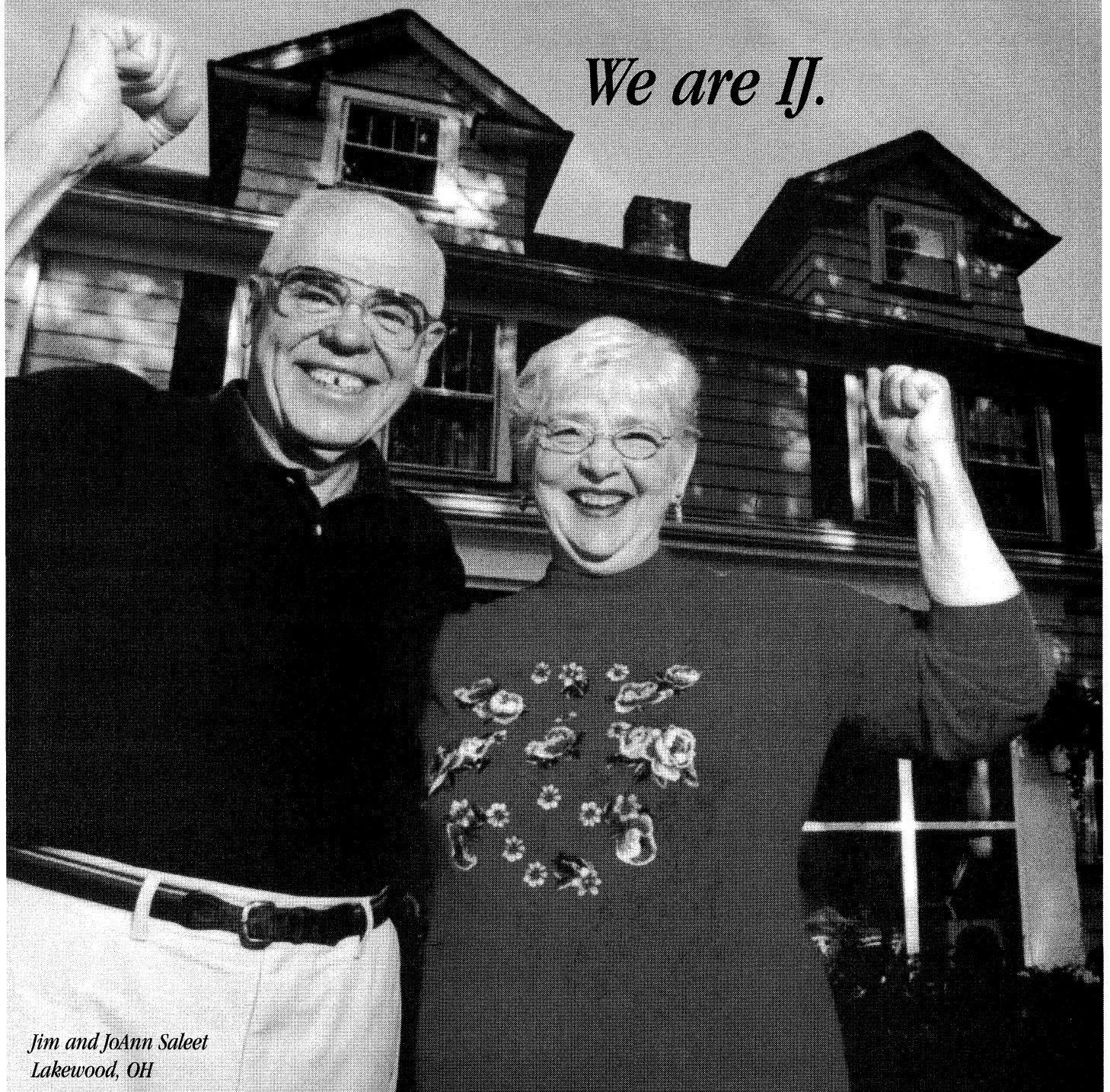
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