

Liberty

May 2005

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Rattlesnakes,
Tacos &
Tetracycline

One Nation, Under Whose God?

by Norman Ball

Punch Drunk Oscar

by Jo Ann Skousen

Marxism of the Right?

by John Coleman

The Man Who Made America

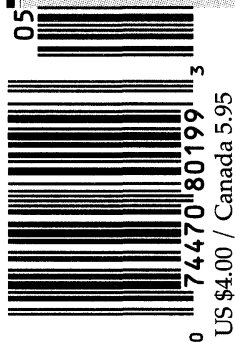
by Timothy Sandefur

Good Riddance to Willy Loman

by Travis Stewart

Also: *Spencer MacCallum* visits a utopia that migrated from upstate New York to Haiti before disappearing, *Tamara Wilhite* explores two scary futures, *Stephen Cox* reads the tombstones at Spoon River. . . plus other articles, reviews & humor.

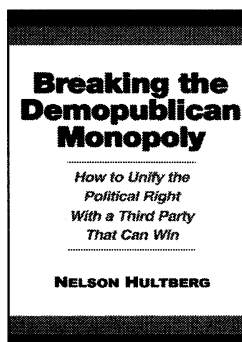
"What light is to the eyes, what love is to the heart — liberty is to the soul of man." — *Ingesoll*



Breaking the Demopublican Monopoly!

How to Unify the Political Right with a Third Party that Can Win

by Nelson Hultberg (with a special Appendix by Dr. Antal Fekete) Softcover, 94 pgs., \$11.95



All libertarians realize that America is a one-party state. The Democratic and Republican parties are nothing but two divisions of the Central Leviathan Party. No matter who wins, we always get more spending, more taxes, more inflation, more wars, and LESS FREEDOM.

What libertarians don't realize, however, is how to effectively challenge this travesty. Freedom is one of the greatest ideas in history. Yet here in the land of its origin, libertarians can convince very few that it is worth restoring. They get left out in the cold every election year like mongrel dogs that stink up the house. Only a smattering of faithful choir members ever trundle to the polls to patronize their efforts. Why? This book answers this mystifying question and challenges the conventional logic about third parties.

It is a fallacy to say that third parties in America cannot work!

All third parties like the Libertarians and Reformers that have sprung up in the past century have been built upon two major strategic flaws that automatically doom them to failure. But correct these two fundamental errors, and a genuine challenge to the Demopublicans can be launched.

Breaking the Demopublican Monopoly shows how to avoid these two errors, and with its uniquely designed "Two Pillars Strategy," attract millions of voters to the cause of freedom and Constitutional government.

The next 10-15 years are going to be a tumultuous, watershed era of history. From this tumult, a radical realignment of our political system is almost a certainty. To meet this challenge, AFR is bringing into being a grand coalition of libertarians, conservatives, constitutionalists, independents, reformers, etc. to form a true **Party of Freedom**.

Many are too young to remember, but Barry Goldwater got 28% of the vote in 1964 with a radical platform of reduced government. This book explains how to do so again with its "Two Pillars Strategy," which will propel a Freedom Party into the national spotlight and the televised debates in a dramatic way.

Neither Republicans nor Democrats will ever move toward LESS government unless they are confronted with a credible third party competitor that poses a threat to their rule. But in order to succeed, such a competitor will have to start "thinking outside the box." It will have to correct the two strategic flaws that all third parties make. The means to accomplish this are laid out simply and clearly in *Breaking the Demopublican Monopoly*.

About the Authors

Nelson Hultberg is a freelance writer in Dallas, Texas and the Executive Director of Americans for a Free Republic. His articles have appeared in publications such as *The Dallas Morning News*, *Insight*, *The Freeman*, *Liberty*, *The Social Critic*, and on Internet sites such as Gold-Eagle, FinancialSenseOnline, etc. He is the author of *Why We Must Abolish the Income Tax and the IRS*.

Dr. Antal E. Fekete is a Hungarian born economist who taught in Canada for many years and also worked in the Washington office of Congressman W.E. Dannemeyer on monetary and fiscal reform. Presently Professor Emeritus, Memorial University of Newfoundland, he is the author of numerous scholarly articles that have appeared on many Internet sites and also the widely read *Monetary Economics 101* course.

What They're Saying about this Book

"Mr. Hultberg pulls us out of the economic dream-world in which so many Americans live today." – **Dr. John Hospers**, Professor Emeritus, University of Southern California

"Too many independents, conservatives, and libertarians live in an alternative universe, ignoring political realities. Hultberg, by contrast, realizes that we have to start where people are. His political realism is just what the doctor ordered."

– **Dr. John Attarian**, *Author of Social Security: False Consciousness and Crisis*

"Everyone who is seriously interested in knocking the two main parties from their pedestal and creating a constitutionally limited democratic republic should wish Nelson and his colleagues well in their endeavor." – **Jerome Tuccille**, *Author of 21 Books Including "It Usually Begins With Ayn Rand"*

"Bull's eye! Nelson Hultberg has hit the target dead on with his latest work. All those who love liberty and long for a true, limited government, as bequeathed to us by our Founding Fathers, must read this book." – **Dan Norcini**, *Market analyst, LeMetropoleCafe.com*

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Letters

Give 'Em What They Want

There might be a cure for Hollywood's anticapitalism syndrome, which Ted Roberts details so well (Reflections, April). Hollywood's income distribution is exactly what anti-capitalists abhor — roughly a sideways "L," with thousands of dirt-poor aspirants, and a few filthy-rich stars.

Bush, Hastert, and Frist should give them what they want — landmark "Entertainment Equity" legislation under which megastars like Alec Baldwin would receive reasonable salaries of (say) \$50,000, with the remainder being distributed to struggling, undiscovered actors and musicians. It would ruin the industry (and a major Democratic funding source), but the confused howls of the Streisands and Springsteens would provide entertainment enough for a lifetime.

Russell B. Garrard
Bellevue, Wash.

Skull and Blight

Developers routinely pay inflated prices to consolidate little parcels into big ones and still manage to make a profit ("They're Coming for Your Land," March). The added value is split between the developer and the landowner. Everyone is happy. In eminent domain, government is the developer; it allots the added value to itself and its well-connected friends. None of the increase in value goes to the original owner via "inflated" prices or even "fair market value," as determined by a public auction. What exactly is "just compensation": the market value of my little, rundown house in New London, or my fair share of the value of over 90 acres of redevelopment land suddenly open in the middle of town?

Maybe the solution is to make eminent domain a right any individual can invoke. Put all property on an equal footing and let everyone taste the pleasures of "highest and best use." What

might I bid for use of that Supreme Court parking space? How much is an admission to Yale worth? After all, if government contractor Yale can give an admission to a president's daughter, why not just sell it to the highest bidder instead and let New Haven pocket the proceeds? Calculate for a minute the value of a dozen admissions to Yale taken under eminent domain; a "fair market value" to Yale of \$40,000 (the usual sale price), but once the "value is enhanced by government action" each would sell for a million or so. And, after all, Yale is in a "blighted neighborhood" . . .

Dave Miller
Austin, Texas

Military Laboratory

I really enjoyed Bruce Ramsey's article, "Confessions of a Gun Grabber" (March), and I appreciated his efforts to deflate some of the sacred cows of both libertarian culture and gun culture. It will at least send a lot of people scrambling to check their sources.

He may be right that guns do not protect individuals or small groups from the state, but I would argue that armed individuals and groups do protect the people in general from the state. If it could be demonstrated that a few stubborn folks with guns could cause a lot of trouble to the U.S. military, despite the superior technology and numbers our government can bring to bear, then the government might think twice before using military force against its own citizens.

If only we had a laboratory, maybe a small country of 25 million or so, where we could see what the full force of the U.S. military could do against a few troublemakers with small arms and whatever they could scrape together. We could call them "insurgents" or "dead-enders," and maybe we could call the country Iraq.

Our experience in Iraq demonstrates

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that if the U.S. government were to take steps that incited just a small percentage of the "you'll get my gun when you pry it from my cold, dead hands" crowd, it would have quite a mess on its hands. Imagine the Iraqi insurgency in proportion to the 300 million strong population of the U.S., standing in opposition to the same U.S. military now fighting in Iraq, with that military demoralized by the prospect of shooting at fellow American citizens. I think that's enough to give any sane politician pause!

Bill Everman
Aston, Pa.

Not a License

In his "Conversion of a Gun Grabber" (March), Bruce Ramsey finally found a reason for having a gun in his house. But then he stated: "I now support the Second Amendment — because I support the First, the Fourth, and all the others in the Bill of Rights." He wrote that not so doing would "weaken the others."

That's reasonable crack-in-the-foundation thinking, but the Bill of Rights isn't the foundation. Its sole purpose is to prevent Congress from exercising any power over rights. The 2nd Amendment's "shall not be infringed" applies *only* to Congress. It's not a license "to keep and bear arms."

For example, if anyone carries a pistol into Massachusetts, he'll spend a year in their slammer for possession. Firearm rights are granted and defined by state constitutions and laws, and they're not all alike.

James Harrold Sr.
Springdale, Ark.

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.*

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Bronze Bullet

I have been a subscriber to Liberty for a long time, and I have been very impressed with your analysis and commentary on the LP's electoral performance over the years. I was the first Texas LP candidate certified to appear on the ballot statewide in Texas. I ran for railroad commissioner in 1980 and governor in 1982.

This letter is motivated by Bill Bradford's and Stephen Cox's articles in the February Liberty. I have sympathy for Cox's statement that he "would like to see the Libertarian Party sweep the country."

As a casual observer of Texas LP electoral results over the past two decades, I have noticed that two political offices seem to attract more votes than other offices regardless of how many candidates are in the race. These two offices are treasurer (state, county, or city) and sheriff (usually a county office).

I believe there is a reason for this that should be important to the LP. By running high profile races for these offices, the LP can appeal to two distinct constituencies.

The office of treasurer usually involves a campaign almost totally devoid of intellectual content. By posturing as the "taxpayer's friend" and an additional watchdog to prevent raids on the treasury by the major parties in power, LP candidates can develop a "niche" constituency.

The office of sheriff allows LP candidates to publicize their stance on the drug war, privacy issues, and police brutality. This also attracts a minority segment neglected by major party candidates.

I am not predicting that this is a "silver bullet" to bring the LP electoral success. However, if this anecdotal evidence has some statistical basis in reality, it could be a productive LP electoral strategy until some more effective strategy is discovered and articulated.

David Hutzelman
Houston, Texas

They Both Begin With Z, Anyway

When I read "Three Cheers for the Iraq Elections" (Reflections, April), I was extremely surprised to see Zambia mentioned in the same sentence with several countries known for their

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repressive regimes. Did the author mean Zimbabwe?

I spent three weeks in Zambia last fall and came away with the notion that Zambia was a good place. It was very poor, but entrepreneurial. People worked. People were universally friendly. The airports all had posters encouraging trade (and racial harmony). It just didn't seem like a place that should be grouped with Libya. Whenever we talked about politics, the locals expressed sadness that their neighbors had such a wrong-headed leader (Mugabe).

Also on that trip, I spent a day in Zimbabwe (Victoria Falls). The difference was palpable.

Joseph Bacanskas
Seattle, Wash.

The editor responds: Bacanskas is correct; I did indeed mean Zimbabwe. Thank you for the correction.

Economics is Our Daddy

Michael Acree ("Who's Your Daddy?", April) overlooks the fact that the left-liberals' moral commitment to redistributionist policies is based on the assumption that they work. So, if we've permitted that assumption, our problem has not been too much but too little of the logic that would show otherwise: that the policies don't work, and are, in fact, immoral by the redistributionists' own standards.

Granted, people have an irrational attachment to rational error, but reason overcame the errors of left-liberalism 150 years ago, when the new science of economics and the logic of liberty overcame irrationality and changed the world.

In light of the success of reason in the past, why just give up on it now, rather than working a little harder at educating the Left? If Acree thinks that we have gone as far as we could with it, he just doesn't know economic logic.

D.G. Lesvic
Pacoima, Calif.

The Nader-Pulling Cover-Up

David Brin (Reflections, April) complains that "If the LP had pulled a Nader in just one state, the salvation and gratitude of the Union might have been overwhelming. But no, men like Browne cannot even see how we let the country down." In 2000, Browne's 16,415 votes in Florida vastly exceeded

Bush's 537 vote margin. Bush would probably have avoided the hand recounts were Browne not on the ballot.

Browne's 2,058 votes in New Mexico in 2000 were over five times Gore's margin of victory (366 votes). At least since the New Deal, supporters of limited government have been a mostly Republican constituency, so Browne probably would have been credited with having "pulled a Nader" in New Mexico if reporters were not afraid of losing access to politicians and other sources who have a vested interest in big government and would therefore be reluctant to spend time on journalists who cover candidates with an ideology of limited government. Government bureaucracies, another important source for reporters, would mostly have less power and less funding if Libertarians were elected on a large scale, so their spokesmen don't take kindly to reporters who draw attention to libertarian ideas. Unlike Libertarians, but much like Democrats, Republicans, government bureaucracies, and most

interest groups, Nader is trying to enlarge the government and, as an added bonus, he's on the Left.

R.W. Bradford ("Lies, Damned Lies, and Election Analysis," January) points out that votes for Badnarik were negatively correlated with the number of third-party candidates on the ballot. This suggests that third-party candidates attract voters who wouldn't have voted Democratic or Republican anyway, casting doubt on Nader's ability to hurt Democrats. However, given the disparity between media coverage of Democrats and Republicans and coverage of third-party candidates, it would stand to reason that someone who votes for Nader or a Libertarian is likely to be well informed about only one or a few third-party candidates. Because of the wasted vote myth, to vote for Browne, such a voter would have to have approved of Browne a lot more than he approved of Bush or Gore.

Joshua Dunn
Buret, Va.

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Reflections

The perfect storm — Computer models predicted a huge snowstorm for Washington D.C., and the whole town shut down for a day. Bureaucrats all got to stay home, as every government office was closed. Yet in the end, the storm brought less than five inches of snow.

This makes me wonder how accurate climatological computer models are — especially the ones that have been churning out global warming alarmism for the past 20 years. There are those in the environmental community who are willing to shut down the entire economy to deal with a problem that may be no more real than the Great D.C. Blizzard of 2005. — Tim Slagle

Roadtrip of a thousand crimes

— A couple of Brits, Richard Smith and Luke Bateman, plan to spend eight weeks and 18,000 miles traveling around the United States breaking as many absurd laws as they can. They plan to ride a bicycle in a pool in California, go whaling in Utah(!), sleep in a cheese factory in South Dakota, walk on their hands while crossing a street in Hartford, Conn., and engage in dozens of other activities some all-wise legislative body has decided at one time or another to outlaw. They hope to get a book deal to cover expenses. It's probably too much to hope they serve as a reminder that passing a law is not always the wisest course when an annoying or faddish practice haunts a community for a while.

— Alan W. Bock

Backdoor flat tax — As a patron of Cato and many other libertarian outfits, I never thought I would say this, but I think doing anything to Social Security might be a mistake. Why? Well, first off, you have to decouple the name of the program from its real nature. It is just a tax. Sure, the politicians can have some geek claim there is a "Trust Fund," but we all know that is bullshit. I once had a vehement argument with my high school teacher about Social Security being a tax. I shut him up with the retort "Try not paying it and see what happens."

It is a tax, and it all goes into one big giant general fund so George W. can kill Iraqi babies and hassle Mexican

immigrants and put all our black youth in prison. Of course it also funds the Social Security payouts and Medicare and welfare and other things that by some stretch of the imagination might be socially beneficial. So what is the Social Security "contribution" at its core? It's a flat tax. And a very nice one, because once you earn about 90 grand they figure you have paid for more than your share of government service, so you don't owe any more Social Security tax. So by privatizing some or all of it, we only put more burden on our insane progressive income tax, which kills savings,

destroys small businesses, and generally screws the one segment of society that creates wealth. I propose not only do we not privatize Social Security, but we increase the Social Security tax to 10% (with the matching 10% from the employer) and then eliminate the income tax and all tariffs. Our growth rate would rival China's, and the great mass of people that benefit from government entitlements would actually have to pay for them.

— Paul Rako

Meet the new boss — It is hardly encouraging that in his first policy speech since taking office, Attorney General Alberto Gonzales said renewal of controversial provisions of the Patriot Act is a key to defeating terrorism, and promised to step up federal obscenity prosecutions. These are not the actions of an official whose primary allegiance is to the U.S. Constitution — as distinguished from allegiance to the institutional interests of a depart-

ment that, like any bureaucracy, seeks always to expand and extend its power.

In a speech at a Washington conference sponsored by Stanford's Hoover Institution, Gonzales confirmed early impressions that his policies are likely to be virtually indistinguishable from those of his predecessor, John Ashcroft. Because Gonzales is less, well, colorful than Ashcroft, they could arouse less opposition. However, they deserve critical scrutiny.

Gonzales said the Patriot Act "has helped prevent additional terrorist attacks," urged Congress to streamline the system for deporting illegal immigrants, called for an end



to the impasse over federal judicial nominees, vowed to step up federal obscenity prosecutions, announced the creation of federal task forces to fight violent crime, and advised states to adopt model legislation to curtail "human trafficking," by which he means the illegal smuggling of aliens for purposes of prostitution.

That's an ambitious agenda at a time when federal law enforcement, for any number of reasons, should be focused much more narrowly. The Justice Department's record on terrorism cases is spotty at best. It has had to abandon several cases announced with great fanfare. Government spokesmen like to claim they've done a lot behind the scenes, in situations they can't publicize, to thwart possible terrorist attacks. Possible, but color me skeptical.

As Timothy Lynch, legal analyst at the Cato Institute, told me, "If there really are al Qaeda cells in the United States, as numerous officials have told us, and untold hours of untranslated intercepts at the FBI, it makes no sense to have any federal prosecutors or investigators working on obscenity cases."

Even aside from free speech considerations, it is doubtful whether the national government has the constitutional authority to prosecute obscenity cases. In our federal system most crimes are handled at the state and local levels. Members of Congress and federal officials like to grandstand on crime issues by federalizing various crimes, but in most cases getting the feds involved does little or nothing to make citizens safer.

— Alan W. Bock

Terrorism: soon to be illegal — A March 10 dispatch from Reuters gives Kofi Annan's take on how to respond to terrorism. Says Annan: "The world must quickly take concerted action against terrorism and deny extremists the chance to carry out a nuclear attack."

How does he propose to implement this truly innovative idea? "The time has come to complete a comprehensive convention outlawing terrorism," he boldly declares.

Wow! Why didn't anyone think of this before? The UN will say you're not allowed to be a terrorist anymore, and then planes will stop flying into buildings, and there won't be any more anthrax in the mail, and nobody will ever have

to worry about getting nuked or poisoned or blown to smithereens. It'll make static cling and ATM fees disappear, too.

— Patrick Quealy

Celebrating Rand in the Death Star — I confess that the Ayn Rand Centenary event, held by the Objectivist Center at the Library of Congress on Feb. 2, isn't the sort of event I normally attend. Like many libertarians I know, I believe that Ayn Rand had many good ideas and some bad ones. I enjoyed "Atlas Shrugged" and "The Fountainhead" and think that "We the Living" has dated badly. I'm not as familiar with Rand's nonfiction as I should be.

Still, a centennial doesn't happen every day, and as a mushy-wushy anti-sectarian fusionist, I've always believed that any friend of liberty is a friend of mine. So I went to the Library of Congress to check things out.

The event was held in the "Members' Room" of the library, which is one of those grand secret Washington rooms you rarely get to see. The room was built at the turn of the century, and has somewhat ornate oak paneling with gold tint. There are two mosaics on each side, constructed by an artist named Frederick Dielman, that celebrate law and reason. It is a room that Rand would have liked (particularly the gold-tinted ceiling).

I missed the early panel, and walked in to see a typical dark-suited Washington crowd. The crowd was so formally dressed that I wasn't sure if I was attending Rand's birthday party or her wake.

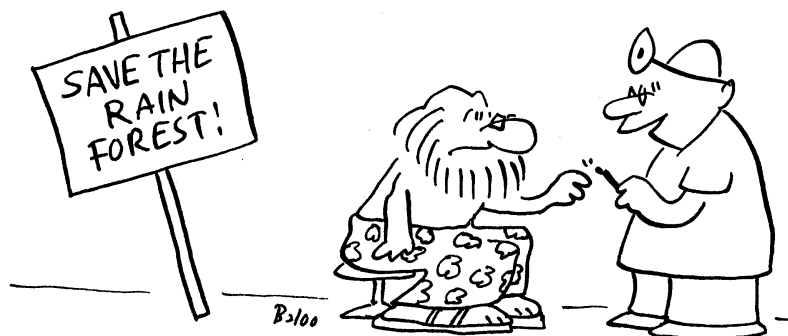
I first heard a woman named Madeleine Cosman, who talked about how she was building a house and she demanded excellence, and she only hired the best contractors and her house had to be just the way she wanted it. I gathered that this woman was some sort of hero to Objectivists: she was full of energy, but I didn't know what motivated her. Cosman didn't just speak her lines, she declaimed them like she was Sarah Bernhardt.

The follow-up panel was much more conventional. Howard Dickman of the National Endowment of the Humanities talked about the importance of accurate business history. Cato's Ed Crane and the Competitive Enterprise Institute's Fred Smith both stressed the importance of think tanks in promoting liberty.

I spent some time talking to attendees about Rand. Most of them treated Rand like she was your favorite grandmother — you know, the one who gave you a lot of really good ideas and set you on the right path in life. Many of the people I talked to had favorite memories of hearing Rand in the 1970s or at her last appearance in 1981.

The people I talked to seemed like sensible people who had become stronger and more self-reliant as a result of reading Ayn Rand. I didn't come across any insufferable egotists.

I know enough about Objectivism to know that the Objectivist Center and the Ayn Rand Institute are deadly rivals. So it wasn't any sur-



"Don't feel bad — All tree huggers get a splinter now and then."

prise to hear rumors that the Ayn Rand Institute was denouncing the Objectivist Center's conference. Check out the institute's message boards, the rumor went. There you'll find that the Objectivist Center is being denounced for holding an Ayn Rand event in a government building! And inviting . . . politicians!

Afterwards, I duly surfed to the Ayn Rand Institute website. But I didn't want to register for their message boards, so I don't know if these rumors are true.

What I did find was that the Ayn Rand Institute centenary conference was far more elaborate. They had a multi-day symposium featuring all sorts of Objectivist eminences, of whom I only recognized Leonard Peikoff and Michael Berliner. Then they had a grand banquet. The conference cost \$275, and the banquet was an additional \$285. By contrast, the Objectivist Center's event was free. (Yes, I honored Ayn Rand with a free lunch.)

I can't imagine that the Ayn Rand Institute had as much fun as we did celebrating the life of a great American.

And I bet our birthday cake was better too.

— Martin Morse Wooster

The right to be kept silent — A U.S. group wants the United States to shut down al-Manar television — a Middle Eastern station linked to Hezbollah — because of its alleged ties to terrorists. The group's name? The Foundation for the Defense of Democracies. Somehow it seems counterintuitive that the best way to defend democracies is to limit freedom of speech.

— Alan W. Bock

Green behind the gills — In recent months environmentalists have been forced to look inward, thanks to an article, "The Death of Environmentalism," written by two "progressive" (their term) strategists and supported by the Nathan Cummings Foundation, a funder of environmental organizations. In this essay, which has been widely distributed, Michael Shellenberger and Ted Nordhaus contend that the environmental movement is out of touch with average people and too concerned with narrow policy issues. As a result, it is ill-equipped to address the "greatest calamity in modern history": global warming. One sign of this failure is that the movement has not been able to rouse concern about global warming among the broader public. (When the authors talk about being "out of touch," by the way, they focus on the movement's failure to engage United Auto Workers and other labor groups.)

The essay elicited a spirited rebuttal by the voluble Carl Pope, executive director of the Sierra Club. Pope argued that environmentalism is a "broad, diverse and robust movement." He acknowledges the movement's setbacks, such as Bush's election, and concedes that the movement hasn't ignited public concern about global warming. But he doesn't go along with the Shellenberger-Nordhaus thesis that the failure on global warming stems from any failure in the environmental movement — he places a lot of blame on the "carbon lobby."

Shellenberger and Nordhaus have hit a nerve by distinguishing the "old guard" from younger environmental activists. Grist, an online environmental magazine, solicited

comments from four "emerging" environmental leaders and found that they tend to go along with the Shellenberger-Nordhaus suggestion that their elders have too narrow a focus. Thompson Smith, until recently director of the Flathead (Montana) Resource Organization and now a director of tribal history for Indian tribes in the Flathead Valley, said politely that "too many of us fail to build into our work and our organizations a consciousness that the roots of our ecological crisis and the roots of our social inequities and injustices are deeply intertwined." While taking note of the past successes of the "big greens," he considers the movement different now — it involves "the bigger issues that now threaten the entire globe, such as global warming, mass extinctions, the collapse of ocean fisheries, soil loss, and freshwater scarcity."

The "old guard" has been addressing these issues for decades (with varying degrees of wisdom). But it seems as though the new generation (at least as defined by Grist) is trying to outdo its predecessors by reframing and expanding environmental issues, stretching the movement into a collection of "isms." In other words, these future leaders have an even grander and more ambitious vision than the old guard, if that is possible. As political scientist Charles Rubin has said, environmentalism these days could just as easily be called "everythingism." At least three out of the four "emerging" leaders responding to Grist would seem to like that.

My initial response is that the United States is better off with the "old guard." Although Carl Pope's antagonism towards normal activities (such as burning fossil fuels) drives me to distraction, at least he recognizes that environmental issues are problems that have solutions. The

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younger leaders don't seem to want solutions; they want causes. If that's the case, we had all better hunker down.

— Jane S. Shaw

Ask a simple question . . . — It's a pretty simple question: Given the choice, would you rather put 4% of your income into a private retirement account, or give it to the government? When posed that question, most Americans would have no problem answering in favor of their own accounts. Yet in an AP poll, 55% of Americans opposed private accounts, while only 39% supported them. (I don't care to discuss the morality of being forced to make that decision in the first place — it's a milder version of the "your money or your life" drill.)

I can't understand why people oppose the idea. The rationale I've seen most often is that there would be a danger of some people losing their money by investing in fraudulent stocks. Despite the Enron fiasco, there is no corporation more fraudulent, corrupt, or inept than the Social Security Administration. They have lost every single dime they ever collected.

The other concern is that a percentage of individuals who lost their money would have to go onto welfare. Even if that figure were substantial (which I doubt) it is still a better percentage than what we have now, when every single retired American receives public aid.

—Tim Slagle

Chaotic good, ordered evil — Democratic national chairman Howard Dean, getting a bit carried away at a fundraiser in Kansas, declared, "This is a struggle of good and evil. And we're the good." And all this time we thought the Republicans were the Stupid Party.

— Alan W. Bock

Let a thousand gods bloom — Go ahead, display the Ten Commandments in courtrooms in Alabama and elsewhere. For that matter, display the original, longer, director's-cut Forty-Seven Commandments. Add Buddhist maxims and Hindu homilies and the Taoist paradoxes of Chuang-Tzu. As an atheist, I don't have a problem with symbolically buttering up a divinity or two in public places, but the more the merrier. The appointment of one God to run the universe, which up till then had been more plausi-

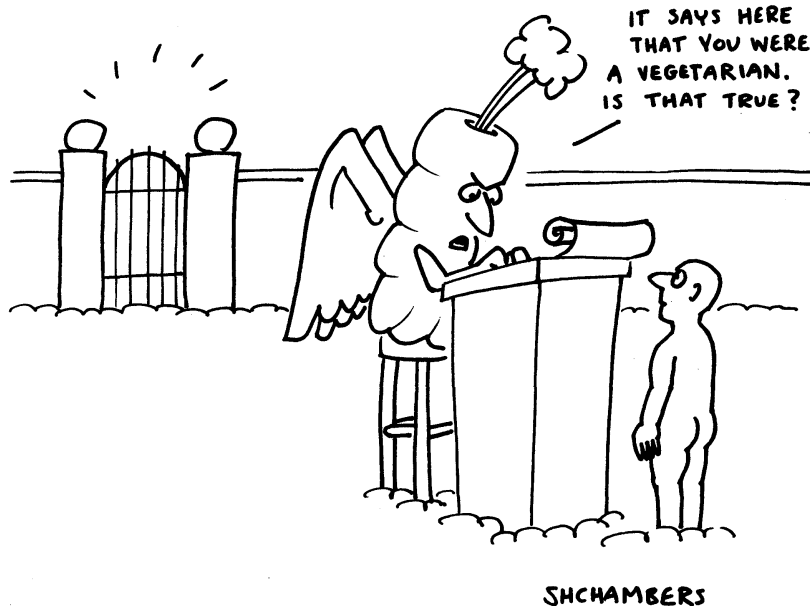
bly managed by a large, inefficient, quarrelsome, picturesque committee of gods, was a mistake originally accomplished by the ancient Israelites (after an earlier, failed attempt by an Egyptian pharaoh) and then extended and compounded by Christians and Muslims with more universal ambitions. It inexorably led to fanatical exclusiveness and purism, arbitrary, ironclad, hellfire-enforced prohibitions and asceticisms, morbid guilt-complexes, heresy-annihilating persecutions and massacres, crusades, and jihads, all virtually unknown among the relatively easygoing and tolerant ancient pagan polytheists that monotheism ruthlessly stamped out. Fundamentalism, the latest of the

deranged and deformed monotheistic offspring to arrive, seems likely to blow up half the world given a chance.

Man, the superstitious animal, is probably always going to worship someone or something. The 20th century and its retinue of feverish tyrant-cults like Stalinism and Maoism and Hitlerism, complete with sacred texts, hairsplitting doctrinal disputes, synchronized mass groveling, and embalmed Marxist apostles kept under

glass like the pungent relics of saints, taught us that much. So I wouldn't recommend trying to sponge all religion off the restroom walls of the public realm in the manner of the ACLU. Instead, a little editing. We could revise our coin and currency mottos to read "In (Your God Here) We Trust" or "In Some God or Other You Trust, Unless Of Course You Don't." And we might as well allow manger scenes in public corners in late December, the solstice-timed spot of the Roman Festival of the Unconquered Sun which the Christians usurped long ago for their mythical birthday celebration and its light-versus-darkness imagery, but with the motley crowd of shepherds and wise men bringing their gifts and awed expressions to a whole maternity ward of divine or prophetic infants, plus maybe Athena springing fully formed, and fully foxy, from the head of Zeus.

Some token public polytheism makes perfect sense in a society where shopping around has become our only universal ritual, where "please listen carefully to the following menu" is the one disembodied revelation from on high everyone receives, where "choice" and "selection" and "variety of options" are sacred everywhere, whether you're strolling through supermarkets and malls, channel-surfing, web-surfing, porn-surfing, partner-seeking, succumbing to cell-



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phone plans or vacation packages, contemplating plane fares or medical treatments, gambling on edible restaurant or takeout menu odds — everywhere, in fact, except our democratic voting booths, where extensive choice and real variety are frowned upon and effectively suppressed. Sport, the most public and conspicuous example of mass fervor and pious ritual (and pious fraud) we have in contemporary American culture, is polytheistic, with everyone zealously entreating and beseeching his own team and its steroid-enhanced household divinities. And then there's our smoggy century-old Mt. Olympus, Hollywood, and its radiant pantheon of blowsy goddesses and substance-abusing gods. We already live in a society where the principle of polytheism is firmly established, and all that's left is to extend it to religion. So we can start with public space. Mercury and assorted classically draped Liberty goddesses once graced our coins and stamps. Let's bring them back, and then welcome the whole riotous assembly of Jehovahs, Allahs, Holy Ghosts, Thors, Baals, Jesuses, Krishnas, Great Spirits, Virgin Marys, and Venuses into courthouses and parks and police stations and parking garages with statues, tablets, totems, icons, roadside shrines, and grottoes where passers-by are free to ignore them or to honor them by throwing praise or coins or custard pies in their direction — whatever they prefer.

— Eric Kenning

Puttin' off the ritz — I am one of the minority of college-educated Americans whose jobs do not oblige them to wear a suit, sports jacket, or tie. That was not always the case. Twice in the past I was elected to offices in my university that required me to attend the meetings of its Powers and Dominions. Knowing my preference for blue jeans, a friend drew me aside after the first election and said, "Congratulations. Just remember that nobody will take you seriously unless you wear a suit and tie." I knew he was right, and I took his advice. But I no longer have that kind

of job.

Not needing to spend an extra half hour dressing in the morning leaves me free to speculate about why tens of millions of Americans are still oppressed by the suit and tie. One might have thought that the 1960s would have ended that custom, as they ended the Obligatory Hat. (Look at any pre-1960 picture of gangsters, prisoners on their way to jail, young guys on a bender, or ditch-diggers headed for their jobs, and you are likely to see the Suit and the Hat on all of them.) But that didn't happen. The '60s wiped out pipes, horn-rimmed glasses, standard haircuts, and a reverence for law and order, but not the suit and tie. And now that businesswomen are dressing like businessmen, there are approximately twice as many people encased in uniforms.

Yes, I know, some people look good in a suit and tie. Those are the people who also look good in prison jumpsuits. Anything can be turned into a fashion statement, because the libido can attach itself to anything. But the idea that every year millions of otherwise intelligent people are forced to spend hundreds of dollars apiece buying trousers that constantly need to be cleaned and pressed, coats that are out of place in any known climate, shirts that choke them and make them sweat, and ties that — well, for heaven's sake, what would a Martian say about that tie you're wearing? How would you explain it to him, anyway?

And these are the clothes you must wear to be taken seriously?

It's true that priests in some churches wear garments modeled on those of late Roman antiquity, thereby expressing a reverence for tradition. Of course, the priest's clothing is seldom so ridiculous — or, I believe, so uncomfortable — as that of the modern businessperson. But the real issue is, What tradition is respected by the suit and tie? The tradition of 19th-century military officers? Because that's where the suit and tie came from, isn't it? And as for the idea that I

News You May Have Missed

Inflation Hits Movies Hard

NEW YORK — Creeping ticket-price inflation continues to plague moviegoers, and New York City retains the dubious honor of featuring the most overpriced movies in the country.

Most Manhattan theaters now charge \$10.50 to see the latest badly written, badly acted, formulaic concoction of drug-addled, adolescent-minded film-school dropouts, and hapless audiences are subjected to a relentless 20-minute barrage of overamplified, machine-gun-paced commercials and previews before the incoherent, misbegotten movie even starts, making Talleyrand's observation "Life would be tolerable if it weren't for its amuse-

ments" practically a proverbial expression in the Big Apple, also known for loud, tuneless, tasteless, endless Broadway musicals that cost about \$100 a ticket.

But it isn't just ticket prices that are going way up. Owing to inflation, studio publicists have announced, Clint Eastwood's boxing drama "Million Dollar Baby," which on Feb. 27 won the Oscar for Best Picture, will henceforth be marketed as "One Million, Three Hundred Sixty-Two Thousand, Eight Hundred Seventeen Dollar Baby." Eastwood's 1964 spaghetti western "A Fistful of Dollars" is being re-released as "A Lapful of Dollars."

And a remake of the 1954 classic "Three Coins in a Fountain," due out in early summer, has been retitled "Twenty-Seven Coins and a Bus Token Plus Some Pocket Lint in a Fountain."

Hollywood sources say grotesquely out-of-control inflation can be expected to continue indefinitely in the movie business, "and that means," as one insider put it, "the prices of tickets and popcorn and sodas, not just the egos and percentage demands of stars and producers and directors and agents and screenwriters and the valet parking guy at Spago."

— Eric Kenning

need to be impressed by tradition when I confront the teller in my local bank . . . well, tell that one to the Martians.

So why is this abuse continuing? I don't know. I suspect it's the influence of Satan. Clearly, we feel guilty about the custom — why else would businesses have weekly "dress

down" days? But those occasions are just the exceptions that enforce the rule.

You would expect libertarians to work to end this massive offense to individuality. No, it's not a political issue — but it is a moral one. Yet as I write these words, the newslet-

Word Watch

by Stephen Cox

"Oh my God!" my friend exclaimed. "I've got to write this down!"

That's a comment I seldom hear from people who mooch around my office, waiting for me to get ready to do the things I rashly promised to do with them, and beguiling their wasted moments by peering through my (badly organized) books. The book that he'd encountered — jammed between "Paradise Lost" and an Esperanto grammar — was "The Life of Mary Baker G. Eddy" (1909), by Willa Cather. Cather wrote the biography of the redoubtable founder of Christian Science on commission for McClure's magazine; then she (Cather, not Mrs. Eddy) went off to become a great novelist. Her treatment of the subject was so pungent that Christian Scientists suppressed the book for several generations after its appearance, buying up copies, preventing reviews, acquiring republication rights, and keeping library copies out of circulation.

But my friend wasn't entranced by the mysteries of Mrs. Eddy's movement. What struck his imagination, when he opened the book, was one of Mrs. Eddy's amazing remarks: "When I vociferate so loudly, why do you not respond with greater alacrity?"

Why indeed? It's a question that authority figures must always be itching to ask their laggard followers — a natural question, if you will. For the monumental pomposity, however, we must thank the unique genius of Mrs. Eddy. It certainly makes her more interesting than her religious system would otherwise do. My friend grabbed some paper and recorded her saying; then, still shaking with laughter, started reading the rest of the book, which is full of stuff like that. He went through it like a shot.

The subject of this column is: They Know Not What They Say; Or, Making a Fool of Yourself With Words. People being people, you can never run out of material that comes under that heading. Most of it, unfortunately, is dull, mighty dull, excruciatingly dull. But some of it is as memorable as great literature.

James Boswell's immortal "Life" of Samuel Johnson includes a landmark literary hatchet job, a purportedly objective characterization of Boswell's fellow writer Oliver Goldsmith. One of the damaging anecdotes is an account of Goldsmith, the crazed egotist, attending a puppet show: "When those who sat next him observed with what dexterity a puppet was made to toss a pike, he could not bear that it should have such praise, and exclaimed with some warmth, 'Pshaw! I can do

it better myself.'"

At a farther, subliterate extreme of verbal folly, we have the first President Bush, describing Ann Richards, a Democratic governor of Texas who never tired of ridiculing the Bush family. To appreciate this anecdote, you need to know that like many other women in Texas, Gov. Richards sported a beehive hairdo. Inspired, for some reason, to start listing all the people who didn't like him, Bush at last came to Richards. "Then there's the lady," he said, using his hands to make the outline of an enormous head of hair, "the lady with the—." And that was it. There wasn't any more. He'd used all the words he had. But the audience got the point. Using just a few words to, uh, *frame* his observation, the president had then revealed and expertly illustrated, with *no additional words at all*, the folly of both Gov. Richards and himself. At that moment, truly, less was more. It was his finest literary effort, miles ahead of the runner-up, his famous call for the elimination of "drug pingpins." That was good, but the only person it made ridiculous was himself. The pingpins escaped.

You may be thinking, Why give anybody credit for this kind of thing? Good question. The answer is, It's delightful, and somebody *did* it. So why not give him credit?

I'm sure you won't deny credit to the Rev. William Archibald Spooner (1844–1930). It was he who unwillingly gave his name to the ridiculous transpositions of letters known as "Spoonerisms." Of the many Spoonerisms attributed to him, the two I like most are these: "I see before me tons of soil" (used in greeting farm folk; he meant "sons of toil"); and "The Lord is a shoving leopard." Strangely, both remarks were true, as spoken.

Did Nietzsche say, "The thought of suicide has comforted us on many a dark night"? I think he did. But on dark nights I am comforted by the memory of an RV emporium somewhere south of Los Angeles. Its name was "Home of Pacific Mobile World." Let's see . . . A home of a world, a world in motion, a world somehow related to the Pacific Ocean. . . . Picture that. Just try.

Idiocy. But true idiocy — like the madman in G.K. Chesterton's aphorism — often has nothing left but its logic. Someone named Gerhard Kocher, whose words of wisdom are frequently quoted on the Internet, is credited with saying, "War is the mother of invention. But who is the father?" You see what I mean by "logic." Granted that there's a mother, there has to be a father. That follows, doesn't it? Well, doesn't it?

ter of a prominent libertarian organization is open on the desk before me, and its every picture is filled with men and women dressed in what is euphemistically known as "business attire." It's a wonderful organization; I respect it deeply; I know and love many of the people in those pic-

The same person is credited with a pristinely empty variation on President Kennedy's inaugural address: "Do not ask what the government can do for you. Ask why it doesn't." No, *you* ask. I'm afraid to.

We've now arrived at that strange, twilight world, the world of words that surrounds and transcends the world of logic. In this weird, superlinguistic realm, to posit the absence of a "what" is automatically to demand a "why." Far be it from me to condemn such eerie verbal procedures, or the swamp of ambiguous "thought" in which they are spawned. For one thing, I enjoy them. For another, I wouldn't want to get on the wrong side of that world-famous authority on everything, Theodor Adorno, who decreed that "intolerance of ambiguity is the mark of an authoritarian personality." Thank you for putting that so intolerantly and unambiguously, Professor Adorno. Thank you for vociferating so loudly.

But here I must make a reluctant transition from the ridiculous to the sublime. A great English poet, in his first great work, argued that you can't always write by the rules:

Pegasus, a nearer way to take,
May boldly deviate from the common track;
From vulgar bounds with brave disorder part,
And snatch a grace beyond the reach of art,
Which without passing through the judgment, gains
The heart, and all its end at once attains.

Graceful or not, the examples of brave disorder that I've cited in this column have certainly gained my heart. Alexander Pope, author of the preceding lines, also observed that "there's a happiness as well as care." It is true that none of my quoted passages has the total absence of care suggested by the slogan I used to see scrawled on the edges of schoolbooks: "In Case of Fire, Throw This In." But a number of them come close, and they contribute almost as greatly to the happiness of the world. All you really have to worry about is the possibility that somebody's ludicrous self-revelation may actually be taken seriously. Then books may actually get burned.

Karl Marx is the great example of this phenomenon. As you know, he began his most famous work by alleging that "A spectre is haunting Europe — the spectre of communism." Sure, sure. Anything you say, Karl. It's a safe bet that when he wrote those words no sane person in Europe was even the least bit preoccupied by the threat of "communism" as Marx understood it. But, well, give it 70 years; maybe somebody will take this nonsense seriously. And somebody did.

People took "Mein Kampf" seriously, too; and the sayings of Chairman Mao. But this shows how superior the comic spirit is to the political spirit, the enjoyment of unconscious comedy to the insistence on taking solemn vociferations solemnly. Sometime in the 1970s, a libertarian group passed out buttons saying, "Sing and Dance the New Deal Away." Now, that's the kind of vociferation that the masses should heed.

tures. If I were invited to one of their soirees, I would conform to their customs. But surely, this cannot be good for America.
— Stephen Cox

Redistribution by treaty — A great many nations have signed the Kyoto Accords. The U.S. is among the very few holdouts, and there are signs of weakening. They shouldn't weaken. Kyoto is probably the single worst sci-fraud in the history of politics — which is saying a great deal, I know. But consider: the few scientists who have done their homework and made the calculations have concluded that the maximum possible benefit from Kyoto given full compliance by all would be a reduction in northern hemisphere average temperature of 0.27°F, and most estimates are lower. This is a figure well below the level of discernibility, given the innumerable causes of temperature variation in this world. Moreover, the very existence of global warming is disputed, and the effect of increased carbon dioxide in the atmosphere has been tremendously good for plants — including agricultural plants, enabling hundreds of millions to eat better. That means that the benefits of signing Kyoto are zero — even if we were to discount the latter factor, which we certainly should not.

And the costs? Again, figures vary, but only a very few try to argue that it will actually pay. The more realistic commentators put the figure at anything up to \$6 trillion all around. Canada, which signed the Accords as a matter of knee-jerk compulsion, is already trying to wiggle out of what looks to be initial costs in the billions. And nobody thinks that compliance will be 100% anyway: indeed, it seems fairly clear that the main reason why players like the Russians signed is because of the formula that lets them get financial payments from the "good guys." So there you have it: a treaty that is very expensive, and guaranteed to do nothing towards its sole stated purpose.

Politics doesn't get any better than this!

— Jan Narveson

"Cheap Shots: How Authors Choose to Fail or Succeed" — Every review I've read of Jared Diamond's "Collapse: How Societies Choose to Fail or Succeed" quotes three hypotheses that Diamond offers about the thinking of the "Easter Islander who chopped down the last palm tree" on Easter Island, thereby destroying the means of survival of that isolated island's entire population.

Here's how Diamond put his hypotheses at a recent lecture delivered in San Diego: "What do you think the Easter Islander, who chopped down the last palm tree, said as he was chopping down that last tree? I've wondered if he said, 'Never fear, technology will solve our problems, we'll find a substitute for wood.' Or perhaps he said, 'Your environmental models are untested; we need more research, action would be premature, you are fear-mongers.' Or perhaps he said, 'This is my tree and this is my land, I'll do with it what I please, I'm here to maximize a profit, get the big government of the chiefs off my back.'"

The answers to Diamond's questions are obvious to anyone even remotely familiar with prehistoric Polynesian

society.

Did the killer of the last tree say, "Never fear, technology will solve our problems, we'll find a substitute for wood"? Well, obviously he did not. The Polynesians were extremely primitive technologically. They lived basic, stone-age lives. There is not a scintilla of evidence that they made any effort to produce new technologies, let alone that the tree-fellers speculated about the potential impact of such things. Diamond, a scholar on the subject, surely knows this.

Did the tree-extinator say, "Your environmental models are untested; we need more research, action would be premature, you are fear-mongers"? No, they didn't say that either. Again, prehistoric Polynesia was a primitive place, and there is no evidence that its members engaged in any scientific research, let alone environmental modelling. Diamond surely knows this as well.

Did the tree-assassin say, as Diamond surmises, "This is my tree and this is my land, I'll do with it what I please, I'm here to maximize a profit, get the big government of the chiefs off my back"? Land tenure in prehistoric Polynesian society was simple: the paramount chief owned all the land, and subordinated the rights of some of it to sub-chiefs. Ordinary people, the kind of people who would be doing the actual work of felling trees, were more or less chattel slaves; certainly none owned any land. The concept of private property was as unknown to the Polynesians as Einstein's theory of relativity. Again, as a scholar on the subject, Diamond surely know all this.

So why does he offer these hypotheses?

The answer, I am afraid, is that he wants to denigrate people who disagree with him about environmental policy. Are there scientists who are not convinced by models that predict catastrophic environmental degradation? They are no more credible than a stone-age worker who ruins his entire society. Are there people who think that technology can help replace dwindling resources? They are the same as primitive people who ignorantly sentence themselves, their friends, and family to death. Are there ignoramuses who believe that private property ought to be respected, perhaps on the ground that owning something makes people want to protect it? They are no different from a brute who takes a stone axe to the tree of life.

Diamond is an intelligent man, and many of his arguments are challenging and thought-provoking. By taking

such patently idiotic cheap shots at those with whom he disagrees, he discredits himself before all thoughtful human beings and risks the credibility of everything he writes and says.

— R.W. Bradford

Federal Censorship Commission — The House of Representatives recently went grandstanding again, passing a bill that would increase the fines the Federal Communications Commission can levy on broadcasters and entertainers who participate in what the government deems indecent acts. It would force regulators to consider revoking the license of a station or network that commits three such infractions in eight years.

If Congress respected the U.S. Constitution or the precepts underlying a free society, it would have moved in the opposite direction.

The bill as passed increases the maximum fine for broadcasters from \$32,500 to \$500,000 per violation, and for entertainers from \$11,000 to \$500,000, and allows the FCC to issue a fine against an individual without first issuing a warning.

The flurry of fines that followed last year's Super Bowl might even violate the FCC's guidelines. The FCC says material is indecent if it "depicts or describes sexual or excretory activities or organs in an offensive manner as measured by contemporary community standards." The most notable punitive actions have been directed at sex-obsessed radio man Howard Stern. Yet Stern is near the top of the ratings in almost every market. That suggests that far from offending "contemporary community standards," he reflects them.

Fining Howard Stern or the radio stations that broadcast his program amounts to deploring contemporary community standards. There's nothing wrong with that; I do it all the time. But that doesn't and shouldn't give me the power to punish those who prefer triviality to seriousness, or statism to liberty.

There's a more serious issue. The First Amendment says "Congress shall make no law" restricting freedom of the press. The broadcast media, for better or worse — and unfortunately it's worse more often than better — are the press with technology unavailable in 1789. The notion that the airwaves belong to "the public" rather than Mother Nature and are therefore rightly controlled by the federal government is a fiction, convenient for power grabbers but false. The idea that the government can not only censor but license broadcasters should be repugnant to those who cherish the Constitution.

Unfortunately, based on the record, it seems few such people serve in Congress.

— Alan W. Bock

Missiles over Manitoba — Condi Rice has announced the delay of a planned trip to Canada. The official reason given was "scheduling conflicts"; unofficially (and through sources that leak like sieves), Bush is pissed off because Canada refuses to go along with his beloved missile shield defense program that involved — and, by logical necessity, must involve — an American presence in Canadian air space. As the title of an Associated Press arti-



"It wasn't the divorce that traumatized me — it was when Dad had Mom beheaded."

cle declares, "Rice delays Canada trip as relations turn chilly." Up here, the relations have turned hot.

Some background may be helpful. The Canadian public is overwhelmingly critical of the war in Iraq and of the Bush administration in general. Bush's missile defense shield program was particularly unpopular, largely because Canadians did not believe assurances that it would never be used offensively and they did believe it was being rammed through the Canadian Parliament by Bush and by Prime Minister Martin, aka Bush's poodle. Martin encountered such staunch political pressure, including rebellion from the backbenchers in his own Liberal Party, that he prudently condemned the program, thus ensuring its demise in Parliament.

But the issue will not die. Paul Cellucci — who may be the stupidest U.S. ambassador on the surface of the earth — was the one who got Martin into hot water in the first place. Months ago, Cellucci stated, and to the press no less, "We've been told that [the missile defense shield program] will be dealt with over the next couple of months," clearly implying that the United States had struck a deal with Martin. Cellucci even provided a timeline. Canada would join the U.S. ballistic-missile

defense system for North America by the end of March. That made Canada seem like a satellite state of the U.S. Of course, that classification may be justified, but Canadians don't like to be reminded of it in such a heavy-handed manner. We like to be bought dinner and flowers before we get screwed.

Then, after Martin's announcement, Cellucci did it again! In response to being turned down, he stated that Washington would simply deploy its anti-missile system over Canadian airspace anyway, and seemed puzzled that Canada would "in effect, give up its sovereignty." To quote Cellucci directly: "We will deploy. We will defend North America. We simply cannot understand why Canada would in effect give up its sovereignty — its seat at the table — to decide what to do about a missile that might be coming towards Canada. I personally don't think it's in Canada's sovereign interest to be outside of the room when a decision is made about a missile that might be incoming towards Canada."

As one Canadian editorialist stated, "No doubt the Soviets felt similar puzzlement as they rolled into Czechoslovakia in 1968." What's with these crazy Czechs? Don't they get it? All they have to do is cooperate with Moscow and they can retain their "sovereignty."

The Bush administration has asked Martin to reconsider, saying that Bush would probably bring up the matter with Martin when the two of them meet with Mexican President Vicente Fox in March to discuss the future of NAFTA. But Cellucci's comments — again made to the

press — mean that such a reversal of policy on Martin's part is politically impossible. That would be seen as ceding to the United States precisely what Cellucci highlighted: Canadian sovereignty. No backroom deal is now possible, and Cellucci is being identified in press stories as the "outgoing Ambassador to Canada." My personal opinion: Cellucci — idiot that he undoubtedly is — was probably just spouting the straight Bush line on Canadian compliance and is now being scapegoated. I conclude this because Cellucci made so many similar statements without (apparently) being sanctioned or reined in by the Bush administration that I think he was always intended to play "bad

cop." He is a shrill shill serving as a distraction while Bush applies more covert pressure. But, like so many of Bush's dealings with us ignorant and ultimately unimportant foreigners, the effort at diplomacy achieved the opposite of what was intended.

Martin is taking the only stance a prime minister leading a minority government can take: namely, the United States must get permission before firing on any incoming missiles over Canada. He stated last Friday, "This is our airspace, we're a sovereign nation and you don't intrude on a sovereign nation's airspace without seeking permission." On the other hand, Martin also acknowledged that Americans would ultimately determine whether to shoot down an incoming missile. "I don't think that anybody else expected that there would be any other finger on the button other than an American," he said. Exactly how he reconciles those two statements will be fascinating to see.

— Wendy McElroy

The fix of champions — As an abstemious sort



who drinks little coffee and less alcohol, smokes nothing, and takes only Celebrex and Lipitor daily, I feel queasy about athletes taking "performance enhancing" drugs; but as a libertarian, I can't object to anyone desiring to improve himself of his own initiative. What makes steroids different from Wheaties?

I hear that steroids can be debilitating with respect to other important human functions, such as sexual interest; but one truth of pharmacology is that improvement in some realm of human functioning is likely to have negative effects upon another realm. The question for the drug user is whether the trade-off, as we say, is acceptable. For steroid-using athletes, apparently it is.

Don't forget that competitive athletics can themselves be debilitating, not only to those who succumb early to career-ending injuries but to those who don't, often irreparably injured by the effects of their careers. (This likewise happens to professional art dancers, whom I've personally known better.) As most athletes want to improve signifi-

cantly, the use of any available leverage is scarcely objectionable, as long as they don't complain later in their lives about any deleterious effects. I find unacceptable the argument that the use of such drugs gives certain athletes an unfair advantage, because one secret of success in any sport is striving for some trick unavailable to others. All of the steroid-using stars were pretty good athletes to begin with.

To understand this issue better, consider a couple of parallel situations. Let's say it became known that Warren Buffett, by common consent a great investor, used steroids, and thus observers thought that his use of the drug accounted for his superior investment performance. Would the state then want to ban steroids within the investment community? Probably not, as we would credit Buffett with exploiting whatever he could to enhance his intelligence. If observers discovered that a majority of physicists at Los Alamos during World War II smoked marijuana, which thus contributed to America's building an atomic bomb before the Germans or Japanese, would this information

News You May Have Missed

New Avian Virus Poses Threat of Posing No Threat

ATLANTA — Epidemiologists at the National Centers for Disease Control are tracking another powerful new avian virus that they believe could be transmitted from birds into human populations throughout the world, and perhaps already has been, though evidently to a negligible extent so far. The virus is believed to be carried by fowls like bluebirds and skylarks associated with happiness in popular songs. Once transferred by still undetermined means to human victims, it apparently makes them feel good. Other symptoms may include the sudden onset of kindness, generosity, and a sense of humor.

Among those sounding the alarm for immediate federal action to combat the potential epidemic are psychotherapists, pharmaceutical firms selling addictive prescription antidepressants and sedatives, tabloid newspaper publishers, doomsday environmentalists, portentous academic cultural-studies theorists, Pentagon neo-cons, and others whose incomes could be slashed if the rage-dispersing, gloom-dispelling virus remains unchecked. At a news

conference in Washington, the Trial Lawyers Association threatened a multibillion-dollar class-action lawsuit on behalf of all lawyers everywhere that would claim massive liability for negligence against people who neglect to sue other people as a result of not feeling like it, a condition some medical experts believe could rapidly follow infection by the so-called "Avian Euphoria Virus."

Economists have predicted a stock market freefall and rapid economic collapse if consumers suddenly become so happy with their lives that they no longer feel compelled to go out shopping for essentially unnecessary electronic gadgets, armored vehicles, lotions, potions, sneakers, and beverages that promise to dramatically transform them. Meanwhile, Oprah Winfrey, Jerry Springer, Maury Povich, Dr. Phil McGraw, Judge Judy, and other daytime TV personnel were said to be wailing and gnashing their teeth at the thought that vital reserves of screaming overweight trailer-park residents and lachrymose moms and sullen self-destructive teenagers, once

assumed to be inexhaustible national resources, may suddenly vanish overnight.

On a brighter note, a prominent theologian, Dr. Pangloss Spiegelwelt, one of the most eloquent advocates of the idea of "Intelligent Design" as an alternative to the random processes of the Darwinian theory of evolution, publicly welcomed the news of the virus. He pointed out that since human beings occupy one tiny, precarious, vulnerable speck of a planet in one marginal solar system in one galaxy out of billions in a universe that is, as far as it can be known, mostly cold, dark, empty, and utterly inimical to human life, and since that planet, much of it itself dangerous or uninhabitable, is infested with countless communicable viruses and other germs ranging from instantly lethal to slowly lethal to crippling to temporarily incapacitating, the fact that this one virus seems to do no harm at all and may actually be kind of nice to catch proves beyond a doubt that a Supreme Intelligence designed the universe and everything in it with humanity's best interests in mind. — Eric Kenning

persuade politicians, not to mention parents, to deny marijuana to budding physicists?

Sometimes, of course, professional intelligence about chemical enhancements can be wrong. Many younger jazzmen believed during the 1950s that Charlie Parker's superior musical intelligence derived from his use of heroin. Trying heroin themselves, often to the point of addiction, they discovered that Parker's genius thrived in spite of his addiction, rather than because of it, and many of his epigones died sooner than they might have otherwise. Might the same truth ultimately be discovered about baseballers' consumption of steroids?

— Richard Kostelanetz

The felon vote — There is an undeniable stench of partisan gamesmanship in the call by New York Sen. Hillary Clinton and other Democrats to make Election Day a federal holiday to encourage more people to vote, and to allow ex-felons to vote. A higher percentage of registered Republicans than Democrats tends to vote, and these proposals are clearly calculated to get more Democratic voters to the polls.

While the first idea is rather flaky, however, the second has some merit. The question is whether it should be handled at the national level or by the states.

The theory is that somebody who has committed a crime and served a sentence has "paid his debt to society," and is therefore eligible to be reinstated into full citizenship. Yet several states — Florida, Iowa, Kansas, Mississippi, Nebraska, and Virginia — permanently disenfranchise anybody convicted of any felony. Others make it so difficult to regain voting privileges that it almost amounts to permanent disenfranchisement.

This barring of about 4.7 million people from the polls has become a problem in the wake of get-tough legislation passed in the 1980s, especially with regard to drug offenses, that made some of what had been misdemeanors into felonies. It affects blacks especially, since blacks — although they use illicit drugs at about the same rate as other ethnic groups — make up 38% of those arrested for drug offenses.

About 13% of black men are permanently unable to vote because of a felony conviction. The right to vote may not be quite so sacred as some, who have a religious devotion to democracy and see voting as its central sacrament, would have it. But depriving people of the privilege doesn't do much to give them a sense of having a stake in the system.

— Alan W. Bock

Every day a holiday — My response to Hillary Clinton's call to make election day a federal holiday is a bit different from Alan Bock's. The only people who are guaranteed a day off on designated federal holidays are federal employees — to be sure, a largely Democratic group, if we are to judge from their union's political activities — so this would have the effect of paying federal employees for not working. I think this idea has considerable merit. I propose to take this one step further: why not declare every day a federal holiday? Federal employees would do nothing at all except cash their paychecks (presumably delivered to them by FedEx, since all postal employees would be on holiday).

There would be no one to snoop into our personal lives, impose and collect taxes on us, regulate our businesses, or do any of the other mischief that federal government employees engage in on a daily basis. Not a bad idea, in my book.

—R. W. Bradford

Stay indefinitely in jail — A federal judge in South Carolina has told the government either to charge José Padilla with a crime or release him. Padilla is the terrorism suspect arrested at Chicago's O'Hare Airport on a flight from Pakistan two and a half years ago.

This should be a no-brainer. A key aspect of a free society — which all our leaders claim their efforts against terrorism are devoted to preserving — is that the government can't simply put people in prison without at least charging them with a crime. But, of course, the government has chosen to appeal, again, just to keep him imprisoned for as long as possible. That's despicable.

When Padilla was arrested, the government claimed it had evidence he was part of a plot to set off a radiological "dirty bomb" in the United States and had trained with al Qaeda in Afghanistan. Instead of charging him with a crime and convicting him, however, it declared him an "unlawful combatant," sent him to a military prison, and denied him access to an attorney.

He eventually got an attorney to represent him and his case went to the Supreme Court. The high court punted, saying he should have brought his suit in South Carolina rather than New York. However, when it decided the similar case of Yaser Hamdi, who was actually apprehended on a battlefield, it laid down a pretty good covering fire of rhetoric, about wartime not making the president or the executive branch an absolute ruler. If the Court sticks close to those principles, it should mean Padilla, who probably has a stronger case for release than Hamdi, will be released unless charges are brought.

But the government is using your money to keep him imprisoned for the longest possible time in a case it is virtually certain to lose. That's more like a government of intransigence and spite than a government of law. — Alan W. Bock

Psychological aid — Overheard in the halls at Mercy College on a cold, windy, snowy day: "I wish I



"They get along fine, as long as they avoid politics and religion."

weren't paying for my own tuition. I'd go home right now." Her companion: "I know. When I was in high school I could just go home and sleep when I got tired of school."

I turned around and gave the girls a smile. There's nothing like paying for it yourself to motivate a student to do well in college. When I taught at Rollins College, a white-bread, rich-kid school in Winter Park, Fla., my students had the attitude that Grandpa owed them a 4-year paid vacation, and they would go to class only if it didn't interfere with their social lives. Here at Mercy, a working class commuter school where most students have jobs and children in addition to their studies, most students manage to graduate in four years. They take their schooling seriously because they know it's their own money going down the drain if they blow it. My students here don't come with the same skills I found at Rollins; in fact, I spend a lot of time explaining verb-subject agreement. But they are a joy to work with because they are humble enough to be teachable and motivated enough to succeed.

— Jo Ann Skousen

Greasy palms —

It's just too delicious. Arizona Republican Sen. John McCain, media darling and co-author of the restrictive McCain-Feingold campaign finance "reform" law that was supposed to make political campaigns free of "dirty" money, seems to have been caught with his hand in a corporate cookie jar.

Seems Cablevision Systems Corp., the country's eighth-largest cable company, wants to change its pricing to an "a la carte" system, whereby customers could pick the channels they want one-by-one rather than taking the packages most cable systems offer.

Sen. McCain has arranged for Cablevision's CEO to testify before his Commerce Committee, written a letter of support to the Federal Communications Commission, and lobbied other cable companies to support the pricing system.

The complication? Cablevision has given \$200,000, in two separate donations notably close in time, to The Reform Institute, a tax-exempt group formed right after the

senator's unsuccessful 2000 presidential bid to support his lobbying activities. The group touts the senator's views, showcases him at public events, and pays \$110,000 a year to his chief political adviser, Rick Davis, who ran his 2000 campaign. The contributions and the McCain actions on behalf of Cablevision came within weeks of each other.

Sen. McCain says there's no problem, since the institute isn't a campaign committee or political action committee, and the donations are legal. But that's more than a little disingenuous, and not just because McCain has gotten so worked up over the activities of the "527" groups like MoveOn.org and the Swift Boat veterans, whose activities were also legal. The Reform Institute is essentially part of

Sen. McCain's political machine. The Cablevision donation shows that there is more than one way for corporate interests to reward politicians who carry water for them — just one reason McCain-Feingold is pernicious and ineffective.

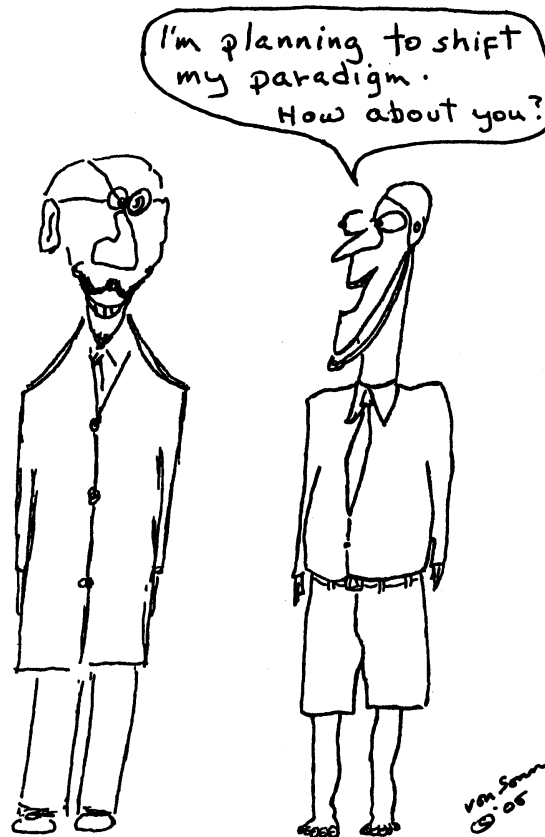
The real scandal here, however, has to do with the intrusive, unnecessary, and ultimately corrupting role of the federal government in regulating cable TV. In a sensible world, if Cablevision wanted to do a la carte pricing, it would just be able to try it and see how consumers respond, rather than having to ask permission from the FCC. The very fact that the federal government has that kind of power reduces the efficiency of

the marketplace and invites corrupt — or corrupt-appearing — political-economic transactions of the sort that make Sen. McCain look so hypocritical.

The real way to get dirty money out of politics is to reduce the power of the government to make or break the fortunes of companies in the marketplace. It's curiously appropriate that McCain — a member of the Keating Five, it's worth remembering — has provided the latest illustration of this adage.

— Alan W. Bock

Courtroom pajama party — A good friend once told me that he felt sorry for Elvis. At the time (it was the mid-'80s), Elvis' name was widely invoked in comedy clubs as an easy punch line to a fat joke. My friend believed



that the fame Elvis enjoyed eventually became a curse. Elvis was so famous that any public appearance he made would draw swarms of people, so he had to be locked away from the real world. His "people" controlled everything he saw or heard, and they were afraid to be honest with him, because that might mean banishment from the inner circle. So when Elvis first modeled that overly tight white jumpsuit with the open front, and that sequined cape, nobody had the nerve to tell him what a jackass he looked like. Instead, they told him he looked great, and "the King" wore the outfit onstage, guaranteeing stand-up comedians decades of easy laughs.

Back then, my friend also predicted that Michael Jackson would end up the same way. Neither of us imagined he'd be proven so right.

Right now Michael is on trial for his life. Although the crimes he's accused of are not capital offenses, I highly doubt that Michael could survive prison. It is difficult enough for a man with his mental faculties intact to be imprisoned for child molestation, since inmates have a very special initiation reserved for freshmen with that rap.

Unfortunately for Michael, he is already considered guilty by most of America (myself included). There's a chance that he is completely innocent, but he's not really convincing anybody. I think his best defense would be to come into the courtroom in a conservative suit and tie, and state in a normal, gravelly, 47-year-old voice, "By the way, Your Honor, that Peter Pan routine was just a big act, orchestrated to keep my name in the tabloids. Hey, that's show biz."

Instead, Michael Jackson showed up to court in his pajamas and spoke in a voice reminiscent of Mickey Mouse's. I am certain that within his weird mind that seemed like a good idea, something that would generate sympathy among the jurors. Unfortunately, the jury might get other ideas. You just can't show up in bedroom apparel to a trial where you've been accused of child molestation. It would be like William Kennedy Smith showing up at his rape trial wearing a velour bathrobe.

At what point are you so distant from reality that you are no longer aware of how people regard you? That's a fear that I've been living with for a number of years now. I look down, and realize that I am also still clad in pajamas, at 5:30 in the afternoon. I doubt I would go to court like this (although I have gone to the post office, and the McDonalds drive-thru). Perhaps a pair of trousers and a trip to the hardware store might do me some good. — Tim Slagle

Bracket busters — Around the time this issue hits the newsstand, a new men's college basketball champion will be crowned. That coronation will mark the close of the NCAA basketball tournament, and the end of a three-week period in which millions upon millions of Americans not only disregard a law, but do so without fear of having federal agents storm their offices, their lodges, or their bars — all by paying a few bucks towards a common pool and filling in a tournament "bracket," predicting which teams will win which games. I encourage you — even if you know nothing about college or basketball — to take part in one

next year. It's a cheap and easy way to celebrate one of the rare occasions when common sense trumps regulation: the feds will always be too busy with their own brackets to pay attention to yours.

Besides, you might win some money: tournament pools always seem to be won by someone who has no idea what she's doing.

— A.J. Ferguson

Hunter S. Thompson, RIP — One of my Aspen neighbors, Hunter S. Thompson, has opted out of his life via the barrel of a gun. While I didn't know the guy personally, I did bump into him now and again over the years, usually at the polo field, and always admired him for living life on his own terms (albeit terms that invariably included some form of excess).

Which makes the sanctimonious tittering of the media about the nature of his exit — proof, they cluck, of his failed life — all the more laughable. His desire to shuffle off this mortal coil when, where, and how he chose was entirely in character: growing old and dying forgotten in a nursing home would have been unimaginable. In any event, in addition to knowing how to party, Hunter knew how to string words together competently.

"America . . . just a nation of two hundred million used car salesmen with all the money we need to buy guns and no qualms about killing anybody else in the world who tries to make us uncomfortable."

"Call on God, but row away from the rocks."

"The music business is a cruel and shallow money trench, a long plastic hallway where thieves and pimps run free, and good men die like dogs. There's also a negative side."

"No man is so foolish but he may sometimes give another good counsel, and no man so wise that he may not easily err if he takes no other counsel than his own. He that is taught only by himself has a fool for a master."

So, why did he kill himself? I suspect he found that life goes on long after the thrill of living is gone, and I suspect he was tired of having once been Hunter S. Thompson, and no longer being able to hack it.

— Doug Casey

WE'RE A PERFECT MATCH.
I'M A CAT PERSON
AND HOWARD IS A
CAT.



SHCHAMBERS

Marxism of the Right?

by John Coleman

Libertarianism is not the “Marxism of the Right,” as a critic has recently charged. In fact, it’s not an ideology of any sort. Libertarians want people to run their own lives and society to run itself. By so limiting its scope, it makes itself compatible with many religions and philosophies.

Many on the Web have begun to refer to the string of Lebanese beauties gracing the covers of magazines and newspapers across the United States as “protest babes.” With a mix of determination, drop-dead good looks, hope, and excitement, these women (and their slightly less photogenic male counterparts) have come to represent what many are calling “the Arab Spring.”

They are blossoms in the desert of a despotic region. They are the forerunners of an Arab renaissance that will finally, hopefully, bring liberation to the peoples of our oldest civilizations. They are flowers of hope — fragile, rich, colorful, beautiful, diverse — asserting themselves amongst the weeds of fascism and coerced privilege. They provide irrefutable proof, as so many did at Tiananmen Square and in the events that preceded the fall of the Berlin Wall, that if there is one thing more powerful than a wall or a tank or a tyrant it is the sheer force of human liberty, creativity, passion, and love — the same force that, seeping through the cracks of the Gulag walls, once led Alexander Solzhenitsyn to proclaim boldly:

One word of truth shall outweigh the whole world.

The Iron Curtain subsequently collapsed under such a heavy truth — one, in fact, that had been captured two centuries earlier in a simple, universal, and revolutionary phrase: “All men are created equal and endowed by their Creator with certain inalienable rights...”

Robert Locke recently argued in “The American Conservative” that libertarianism is the Marxism of the Right. He is wrong. Libertarianism, broadly defined, is nothing like Marxism. It is an intellectual and political movement, an anti-ideology that, having vanquished the

two greatest ideological threats of the last century, is poised to affect political and philosophic movements across the spectrum of belief for centuries to come. And if the Arab spring is any indication, it is the intellectual and practical force that may finally drive democracy into the hearts of some of the most undemocratic nations on earth.

Locke’s fundamental flaw in attacking what he defined as libertarianism lay in his understanding of both Marxism and libertarianism. One is an ideology, the other an anti-ideology. The distinction can be seen in analyzing the definition of ideology laid out in Peter Lawler’s more thoughtful criticism of libertarianism and materialism, “Communism Today”: “The name rightly given to specifically modern lies is ideologies. An ideology is a form of popular science, and so not a form of real science. It is a comprehensive and easy to understand account of all that exists. Ideologies are dogmas that fill the vacuum created by the discrediting of religious dogma . . . [They] are never personal; we aren’t controlled by persons but forces — such as history or material forces or the economy or technology. . . [They] make us all seem more soulless and less truly free than we really are.”

By Lawler's account, Marxism is a pure ideology. Libertarianism is not. In "History of Political Philosophy," Joseph Cropsey notes that "Marxism presents itself as a comprehensive account of human life, and not only of human life but of nature as well." And it is this distinction that first separates the two.

Marxism sought to combine the political, the natural, the human, the cultural, and the economic in one unified theory, and claimed that utopian governance and the conquest of nature (the end of history) were both possibilities once a fundamental understanding of this unified theory guided political action. But in elevating the abstraction of an impossibly fluid rationalistic philosophy over the reality

Marxism is an ideology. Libertarianism is an anti-ideology.

of individual human life, he laid the foundation for the 20th century's greatest monstrosity: the communism of Stalin and Mao. Contradictions to the theory were not seen as disproof of Marx's formulation, they were seen as outliers to be slaughtered, obscured, and cleansed. Placing value only in the material progress of "mankind" and in the final liberation of human beings from the natural constraints of choice, Marxism became a real-world creed — a frightening manifestation of the republic of Plato — that was primarily dangerous because it transcended the abstract to become reality. Governments acted on these theories. People internalized them. And the world was transformed.

But Locke would have us believe that libertarianism is cut from the same cloth:

Free spirits, the ambitious, the ex-socialists, drug users, and sexual eccentrics often find an attractive political philosophy in libertarianism, the idea that individual freedom should be the sole role of *ethics and government* (emphasis mine). Libertarianism offers its believers a clear conscience to do things society presently restrains, like make more money, have more sex, or take more drugs. It promises a consistent formula for ethics, a rigorous framework for policy analysis, a foundation in American history, and the application of capitalist efficiencies to the whole or society. . . .

This is no surprise, as libertarianism is basically the Marxism of the Right. If Marxism is the delusion that one can run society purely on altruism and collectivism, then libertarianism is the mirror-image delusion that one can run it purely on selfishness and individualism.

To be fair to Mr. Locke, his analysis continues for several pages, but it is here, in his initial formulation of both Marxism and libertarianism, that it runs wildly astray.

First, I find it hard to believe that anyone who has read Marx would actually define Marxism as "the delusion that one can run society purely on altruism and collectivism"; but granting his case, I know of no one that would define libertarianism as the "delusion that one can run it purely on selfishness and individualism." At the very heart of libertarian belief is the idea that no one should run society, but

that societies work best when communities, families, businesses, and individuals are free to run themselves within the confines of civility, and without the threat of violence for purely intellectual differences. Ideologues run societies; libertarians, as Hayek would admonish, demote these ideologues, relying on the passions and dreams of individuals rather than on the intellectual permutations and perversities of a distinguished few. And it is revealing that Locke cannot remove himself from a construct in which intellectual movements must be pure, and must force their beliefs on others. This is certainly the definition of ideology, but it is the primary point at which libertarianism separates from ideology.

Marxists need a top-down implementation of Marxism, in the form of communism, because the entire system relies upon impersonal forces trumping individual preferences. Just like fascism, it demands rigorous adherence to rules for the execution of its societal plan.

Libertarianism and classical liberalism, on the other hand, demand nothing of the sort, and this is primarily because the foundation of libertarianism is not a holistic philosophy of mankind. Harkening back to Lawler's guidelines, it is not an "impersonal" system, but a hodgepodge, a political framework designed to safeguard the personal from the coercion of the few. Far from making each person feel "more soulless and less truly free than we really are," its essential dogmas — dignity, political autonomy, mutual respect — place liberty and humanity at the forefront of all human behavior, emphasizing the very basic fact that politics is not everything, and that a safe and civil society is merely a vehicle for deeper human development.

And while Locke would have us believe that libertarianism proposes a comprehensive program for government and ethics, nothing could be farther from the truth.

It is proper to note that libertarianism demands some level of political obeisance to individual preference; but it never proposes the kind of moral nihilism that Locke claims as its primary motive.

Again, if ideologies are holistic conceptions of humanity and nature, then libertarianism is the opposite. Recognizing the contradictions and individualistic longings within peo-

Libertarianism recognizes that real differences in morality do exist, and that they are vitally important. It emphasizes a system that respects these differences in the hope that conflicts may be resolved nonviolently.

ple, it attempts to create a political system in which one moral framework may win over another through persuasion rather than force. It recognizes that real differences in morality do exist, and that they are vitally important, to the point that they sometimes lead to violence and coercion; and it emphasizes a system that respects these differences

in the hope that conflicts may be resolved nonviolently.

It is a political philosophy designed to protect personal philosophies. If you want further proof of its decentralized and wholly unideological formulation, try to find two people who define their libertarianism in the same way. They don't exist, which is why Locke was forced to establish a perverse straw man as his libertarianism instead of the diverse mosaic of beliefs and actions that has for centuries comprised the philosophies of free markets and small government.

Libertarianism is not an ideology because libertarians are content to make government smaller piece by piece. Those who love liberty do not have to agree on every issue of government or morality. They do not need armies or prison camps to win the war of ideas — they just need a few courageous men and women to step to the forefront when real ideologies and ideologues threaten to undermine human dignity. Despite their personal beliefs and political preferences, they refuse the government the right to degrade their souls and their rights in order to shape culture, government, or society to their liking.

Locke must resort to fear-mongering — invoking “Free spirits, the ambitious, the ex-socialists, drug users, and sexual eccentrics” — because in the absence of such straw men his readers might see the real faces of libertarianism.

Not stereotypes, but people.

They might see Martin Luther King Jr. standing defiantly on the top step of the Lincoln Memorial and denying an ideology of racial hatred the right to crush his dream. They might see Patrick Henry, who coined the phrase “Give me liberty, or give me death!” planted in front of the House of Burgesses, shouting to his oppressors, “If this be treason . . . make the most of it!” They might see Gandhi passively enduring his own degradation or Christ professing, “Render unto Caesar what it Caesar's, and unto God what is God's” — because in a world destined to fall short of Utopia, He knew, as Solzhenitsyn did, that “one word of Truth might outweigh the whole world.”

And they might see the same ageless struggle in the flawless visage of a Lebanese “protest babe.” Because great

ideas are not confined to so-called “great men,” nor are they the product of universities or of political caucuses. They are the natural outgrowth of billions of human souls, young and old, thirsting for a birthright of freedom that has languished for centuries under those “who know better,” longing for that moment when real human potential can be realized and unleashed.

In his essay, “Liberalism in the New Millennium,” Mario Vargas Llosa wrote: “For liberals, the war for the progress of liberty in history is, above all else, an intellectual battle, a struggle of ideas. The Allies won the war against the Axis, but that military victory did little more than confirm the superiority of a vision of man and society that is broad, horizontal, pluralist, tolerant, and democratic

Locke must resort to fear-mongering — invoking “Free spirits, the ambitious, the ex-socialists, drug users, and sexual eccentrics” — because in the absence of such straw men his readers might see the real faces of libertarianism.

over a vision that was narrow-minded, truncated, racist, discriminatory, and vertical. The disintegration of the Soviet empire before the democratic West validated the arguments of Adam Smith, Alexis de Tocqueville, Karl Popper, and Isaiah Berlin concerning the open society and the free economy, and invalidated the fatal arrogance of ideologues like Karl Marx, V.I. Lenin, and Mao Zedong, who were convinced that they had unraveled the inflexible laws of history and interpreted them correctly with their proletarian dictatorships and economic centralism.”

Libertarianism, at base, is not an ideology. It is the enemy of ideology, but like Marxism it has the power to change the world on the basis of a few basic ideas, and if small battles against the drug war and sodomy laws accompany the larger war on autocracy and state oppression, let that be the case. The price of liberty, after all, is vigilance — even in the smallest and most controversial of things.

Locke makes a number of good points about the dangers of materialism and moral relativism, but he would do well to address these issues separately and realize the more diverse nature of “libertarianism” — not a school of thought or political party, but a broad-based and hopeful core of ideas. Perhaps then, in his concern for what he terms “the Marxism of the Right,” he would look around to see that the anti-ideology he describes was a social force of power, beauty, and strength long before Marx published his manifesto. It battled and outlasted his movement, and now, with its emphasis on the importance of human liberty regardless of race, culture, or creed, it is washing over yet another region in this — the slow awakening of a global spring. □



“C’m on, sir — You don’t want me sponging off the taxpayers, do you?”

Rattlesnakes, Tacos, and Tetracycline

by Robert H. Miller

Rocks, docs, and Mexican cops, with an arm swollen like a salami:
surviving a rattlesnake bite in Mexico is very different from surviving
one in the U.S.

“Ouch!”

I'd stuck my finger (or so I figured) into a little cactus hidden in the overhead crack. I instinctively retracted it, took a good look at it — only two dots of blood but no visible thorns — stuck the digit into my mouth, and sucked on it. The reaction, an involuntary evolutionary adaptation to disinfect wounds (saliva has anti-bacterial properties), this time had a conscious component. Unable to see the spines, I ran the tip of my tongue over the pulsating flesh to feel for the tiny offenders. I felt nothing, so I looked at it again and pulled up on a handhold to get a look at the culprit.

There was no cactus. Instead, not one foot from my nose, a cringing and diminutive, foot-long, gray rattlesnake — cute actually — hissed and rattled, warning me not to encroach again. My first thought was to snuff it, but I was in no position to do so. I was leading a difficult rock climb, 1,000 feet up a sheer, vertical limestone wall. At the time the snake struck, I was hanging on with one good handhold and two toeholds the size of the edge on a Susan B. Anthony coin. Instead, with a clarity I'd experienced only once before, when my life had also been threatened, I considered the situation. First, the snake. The intensity of a rattlesnake bite varies with age, species, and size of load (a function of how recently the snake had shot its wad into its previous victim). Such a little snake implied a youngster. Whew! Then I counted the rattles. Each rattle represents one year of age. This little bugger had six. I made a mental note

that perhaps things were a bit worse than they seemed. Next, I formulated a plan to evacuate and get help.

Not an easy task. First aid for rattlesnake bites specifies full body immobilization until help arrives, time being of the essence. But I still had 20 feet up to go — climbing over and past the snake — before reaching a secure anchor at the summit. My wife and climbing partner, Tina, was carefully belaying me 100 feet below. To get help I first had to finish the climb. Only then could we even begin to think of “evacuation.”

This wasn't Yosemite National Park with its fully staffed, government-funded, first-rate rescue team. We were climbing at El Potrero Chico, a giant limestone massif outside the little town of Hidalgo — and the headquarters of Cemex, Mexico's cement multinational, of which El Potrero is their mother lode source — about two hours from Monterrey, the capital of the state of Nuevo Leon, Mexico. No helicopters or expertly trained mountain rescue team here. Getting down and out was up to us.

Rock climbing is one (out of many) techniques employed in the sport of mountaineering to make headway over vertical ground. It has evolved into a sport of its own. The

nature and difficulty of the terrain is indicated by what started out as a fairly simple rating system. A rating of Class 1 is flat, improved trail. Two is ground that varies in gradient and can require bush bashing. Three is steep and very rough. For Class 4, add lots of vertical exposure and the occasional use of hands for balance and progress (the prudent will resort to a rope). Class 5 is vertical terrain that requires the constant use of arms, a rope for safety, and specialized gymnastic techniques for upward mobility.

Class 5 is further subdivided by decimals to indicate the degree of difficulty. A rating of 5.0 is like climbing a 150-foot ladder at a normal angle. Tilt the ladder 45 degrees towards you, so that you're climbing more or less upside down, and the rating shoots up to 5.7. A 5.8 or 5.9 rating is

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akin to climbing on common interior door trim. When the system was devised — prone to lots of subjectivity — no one envisioned harder climbing. But by the 1970s, climbs much more difficult than 5.9 were being undertaken, and so the unmathematical 5.10 was born: territory akin to steep, textured drywall or requiring Terminator strength or a devious combination of the two. Still, climbing standards progressed. Thinking that the 5.10 grade just had to be the limit, when even harder climbs were crafted, mountaineers resorted to the Rube Goldbergian expediency of adding a letter rating — a, b, c, and d — to the existing numbers. Well, that didn't last. Today we have 5.11a, 5.11b, 5.11c, 5.11d; 5.12a through d; 5.13a through d; and 5.14a through d. And, as of this writing, we're at the threshold of 5.15 — akin to vertical, *untextured* sheetrock. My own limits — on a good day, properly psyched, beatific, and transcendent, and with the cosmos aligned *just so* — tops at 5.11a.



We'd gotten a pre-dawn start to tackle the climb. El Potrero Chico is like no other mountain or crag anywhere. It looks like a giant, Antonio Gaudi (or Tolkienesque, depend-



"It's our marriage counselor — he wants to know if he can sleep on our couch tonight."

ing on your cultural perspective) cathedral peppered with agaves and palm trees sprouting out of vertical surfaces. The spires and buttresses resemble a random grouping of Brobdingnagian stalactites. The limestone, gray and hard, lacks cracks but is replete with little solution pockets. The name means "the small corral," a reference to the little oval canyon that a stream has carved right through the middle of the formation. The base of the massif was dark and the air was damp, chilled by the Gulf of Mexico fog typical of the Sierra Maestra Oriental in February. If the fog cleared, the day would turn dripping hot. The climb had been dubbed, by the first ascensionists — for some unknown reason — Black Cat Bone. It was 9 pitches long (a "pitch" is a handy rope length, somewhere between 75 and 165 feet — the length of a conventional climbing rope) and 5.10d in difficulty. Tina and I tied in and sized each other up for the first lead.



The mechanics of climbing actually render the sport reasonably safe. First, the rope is unwound from its coil and stacked loosely on the ground so that it'll feed out without any snags: a "spaghetti" coil. Then, each climber ties in — via a harness (like a parachute harness) — to opposite ends of the rope: a "lead" end (also known as the "hot end") and a "belay" end. The belayer then also ties in to an anchor — any handy tree, rock, or object that will hold him secure come what may. The belayer then grabs a piece of the rope close to the leader and winds it around a belay device — his waist, a tree, or a specially designed piece of gear that can produce enough friction when pulled tight to hold a leader's fall. At this point, there is very little loose rope between the two climbers, and so the leader heads up, with the belayer feeding out rope as the leader progresses. Every few feet the leader inserts a piton (like a big nail with a clip-in ring), bolt, or mechanical device that jams into a crack or other natural feature of the rock and is thereby pretty secure. To each of these he clips a carabiner: an oval shaped metal ring with a pivoting snap gate that he clips the rope through. The carabiner allows the rope to run through unimpeded. If the leader falls from five feet above his last piece of protection, he'll fall a total of ten feet: the five feet above plus the same five feet of rope as it pendulums down (if his belayer is paying attention and catches him). A ten-foot fall caught by a rope with no give can cause serious injury. But climbing ropes are designed to stretch and thereby ease the fall — no big deal.

When the leader reaches a likely belay spot, he stops climbing, anchors in, and belays the second climber up to the top of the first pitch. Well rehearsed, military-type signals ease the process of communication even in the worst of conditions. However, the system is prone to misunderstanding. (At one point I heard Tina yell, "You dumb mule!" She'd actually said, "Don't pull!") Once the second climber arrives at the subsequent belay, roles are reversed and the process is repeated until the top of the climb is reached.

It fell to Tina to lead the sixth and hardest pitch (the hardest pitch determines a climb's rating). The heart of the matter was a shallow, featureless "open book" — two walls intersecting at 90 degrees — followed by a "blind roof,"

By the third rappel my left arm was fat and hard as a salami, unbendable at the elbow. By the fifth rappel, the salami turned green and purple and a strange sensation had reached my armpit.

actually a protruding 15-foot horizontal ceiling. Looking like a water strider, she shimmied up the open book using the opposing pressure of her hands and feet against the two angled walls. At the roof she became a spider. Upside down, grasping the rough edges of solution pockets with her hands and either hooking her toes against their lips or pressing the balls of her feet against their back surfaces, she scurried to the roof's lip as fast as she could. She then stopped cold. Craning her neck over the edge, she searched blindly for a "thank god" hand hold with one arm while holding on with the other. When she found one, she matched hands on it, released her feet and swung out over perdition. Quickly, she executed a pull-up and, when her chin passed her hands, brought a toe up to the same hold her hands were on, found purchase and stood up. Tina took no falls. When I seconded up to her, I took all the tension on the 9 mm rope she could exert. And so the climb progressed until my encounter with the little snake.

Via shouts — akin to communicating over a lousy radio with lots of static (the wind was blowing) — I told Tina what had happened. She took the news in stride. I finished climbing the last pitch and belayed her up to the summit. It was noon.

Getting down is straightforward, if there's a walk-down descent nearby. Not so straightforward if the mountain or crag is vertical all around: rappelling then becomes the only option. For a rappel, the climbers loop the rope around a secure anchor so the cord dangles from its center. They then descend the doubled rope by attaching themselves to it through any friction-inducing device — around their bodies or a rappel mechanism — and feeding the rope through in a controlled manner. When they reach the end of the doubled rope, one of the climbers pulls one of the ends down. As the rope feeds through the anchor point, the other end goes up. After the ascending end clears the anchor point, the rope free-falls down, vulnerable to snagging and catching on any protrusion. Once the line is safely retrieved, a subsequent rappel is threaded and the procedure is repeated until walkable ground is reached. Black Cat Bone had no walk-off descent, so we began the complex and time consuming nine rappels that would get us to the ground.

Contrary to popular depictions, rappelling is neither fun nor fast. Suspended from one anchor point, the rappeller slowly walks down backwards — so as not to shock load

the anchor — and exercises faith to swallow his fear. And it takes two hands: one on the rope below to control the rate of descent; one above for balance. I had Tina rig my rappel and kept the poisoned limb above my head. By the third rappel my left arm was fat and hard as a salami, unbendable at the elbow. I was unaware of any pain. By the fifth rappel, the salami turned green and purple and a strange sensation had reached my armpit. At the sixth rappel the rope snagged when we pulled it down. Improvising a belay with what extra rope we had, Tina climbed up and freed the line. With only three rappels left, I started thinking about what to do when we reached the ground. I was befuddled. Either the prospect was overwhelming or the poison had begun to affect my mind.

No one climbs "because it's there." We climb because we're never more alive than when we face death. Mind you, climbing is pretty safe and we are seldom anywhere near death. But it sure feels like it. Climbing integrates all the faculties: intellectual, physical, and emotional. The exact sequence (the harder the grade, the more complex the sequence) of upward moves, like a life-sized chess game, must be plotted and then executed gymnastically — with the dread of falling and splattering on the rocks below ever present. Success turns the fear into exhilaration, which in turn generates lust — the antithesis of death, as George Santayana so eloquently realized when he wrote, "Her lust was so intense; it was like she was trying to beat back death."

The nine rappels ate up two hours — about as good as it gets. At the base (before Tina was even down) I flagged down the first vehicle that came by. I was lucky. Sue, a climbing guide from the Shawangunk Ridge (a conglomerate formation in New York State where William Shockley, inventor of the transistor, pioneered many routes), stopped. Sue winters at the Potrero to hone her skills in the offseason.

Brandon had insurance and was admitted, stabilized, and put under observation — after all, what harm could such a little snake inflict?

I told her what had happened. She motioned me to jump in, turned the car around, and headed for Hidalgo. She reassured me that rattlesnake bites are seldom fatal except to the very young or the over-50. Her attitude was so positive I forgot I was 53 (I look 40). When I told her, she raised an eyebrow, barely skipped a beat, and stepped on the accelerator.

My mind was a maelstrom of questions. Was there a doctor in town? A hospital? (Hidalgo seemed too small for one.) Sue explained that Mexico is covered by government-run free clinics that cater to all needs, and that they are responsible and well-staffed. We headed for the Hidalgo Free Clinic. I was reassured but very skeptical. The real adventure was about to begin.

Midnight, mid-June, 2002. Brandon Kulszan, 19, and a group of friends were basking in the moonlight by the pool at a Scottsdale, Ariz. gated community when a 10–12 inch snake slithered poolside. One of them noticed the intruder and alerted the others. Brandon, familiar with snakes, identified it as a baby Western Diamondback — it barely had one single, soft rattle which it was shaking like a dog shitting apricot pits, to no effect. He reached down and picked up the interloper to dispose of it. But the snake was quick on the draw; it counter-attacked Brandon's index finger. Brandon was philosophical. He'd always wondered what it would be like to get bit by a rattler and was actually looking forward to the experience. After all, what harm could such a little fellow inflict? He threw the rattler over the fence and got a friend to drive him to the outskirts of Phoenix and the nearest emergency room.

Arizona's Emergency Medical Treatment and Labor Act (EMTALA) requires every hospital to accept every patient that walks through the door. They are triaged by a doctor or nurse and then asked about insurance or ability to pay. Brandon had insurance and was admitted, stabilized, and put under observation — after all, what harm could such a little fellow inflict? As Brandon's condition deteriorated, the hospital administered heroin derivatives and concluded he should be transferred to a specialist. Six hours after the bite he was transported — by ambulance — to Good Samaritan Hospital in downtown Phoenix. Arizona's Consolidated Omnibus Budget Reconciliation Act (COBRA) facilitates and mandates a doctor-to-doctor transfer, to a separate facility.



We pulled up to a nondescript, pastel yellow concrete building with a flat roof and an IMSSS (Instituto Mexicano del Seguro Social-Solidaridad) banner. The parking lot was empty. Inside there was standing room only: wall-to-wall worried women comforting crying, runny-nosed children and past-their-prime, overweight, mustachioed men in cowboy hats. I didn't look too closely. Sue ushered me over to the single, glass-protected, bankteller-style reception kiosk. When she uttered "snake bite" we were immediately directed to a room in the back. It was tiny — maybe 16' by

The doctor said it was imperative I get to a hospital in Monterrey, but didn't offer an ambulance or any such conveyance: I had to figure out what to do and get there on my own.

16' — but it bustled with activity, and was packed with beds, privacy curtains, patients, medical accouterments, a refrigerator, and a small nerve center from which a very professional yet disarming and reassuring middle-aged doctor instantly came forward to greet us and took charge.

When Sue's halting Spanish faltered, I took over — in spite of the fact that I was fading fast. I grew up in Cuba, and Spanish is my mother tongue. Sue slipped me two serious pain pills, "just in case," and took her leave. I asked her

to find Tina and bring her up to date. The doctor placed me in a bed, wrapped the arm in ice, and gave me her prognosis. She had no anti-venom; instead she proposed to stuff me with antibiotics and anti-inflammatories — intravenously. But she lacked one of the ingredients, so she enlisted someone to run down to a pharmacy and get them. In no time I was hooked up to two bottles and lay there, under observation, for about two hours.

During the lull, no paperwork was shoved in my face. Tina finally found me and was allowed to stay by my side. Meanwhile, I was getting more and more spacey, but I

As Brandon's condition deteriorated, the hospital administered heroin derivatives and concluded he should be transferred to a specialist.

made an effort to retain consciousness as Tina, as they say in Cuba, speaks "not a cumin seed" of Spanish. Finally the doctor said it was imperative I get to a hospital in Monterrey, but didn't offer an ambulance or any such conveyance: I had to figure out what to do and get there on my own. Despair.

Monterrey is the third largest city in Mexico, two hours from Hidalgo along a pot-holed, crowded, two-lane highway. With a population of about 3 million, it has grown in size and wealth since the *maquiladora* program was established (unemployment is only 2.4%). John Deere's Mexico headquarters are there, as are FEMSA's, brewer of Bohemia, Tecate, and Carta Blanca beers, and bottler of Coke. Additionally, it's an important steel, chemical, manufacturing, and financial center. But it's also an old city, founded in 1596. During our war with Mexico, the battle for Monterrey was a decisive victory for Zachary Taylor's and Winfield Scott's grand pincer movement to capture the country.

Traffic was a nightmare. Tina can't read a map, much less one in Spanish, and navigate Mexican streets, signs, and traffic. How to pick a hospital? At first the overwhelmed doctor said that was up to me. Then she started to explain the Mexican health system. Realizing that it was more than either of us could handle just then, she grimaced — resignedly, albeit sympathetically — and asked me what I wanted. *What I wanted!!* I wanted not to have to make decisions in my condition and to be taken care of!

The distribution and disposition of hospitals in Monterrey is perfectly logical, though I was not aware of this at the time. There are 4 giant IMSS hospitals and 4 full-service private hospitals. The latter range from bare-bones to luxurious. (IMSS stands for Instituto Mexicano de Seguro Social, not to be confused with the aforementioned IMSSS. More on the difference later.) Since Mexican hospitals outside the IMSS system are not required by law to serve everyone who comes through their doors regardless of their ability to pay, Mexicans triage themselves up to the best level of care they can afford. My doctor picked Oca Hospital, the cheapest of the private lot.

To get there, she networked me a driver (I offered to pay \$50). When I was ready for the transfer, I thanked her profusely and asked how much I owed the clinic. Nothing! Her? Again, nada. I couldn't believe it. No amount of pleading or reasoning changed her mind. "That's the system," she insisted.

The nurse wheeled me out to our camper van, introduced our driver, loaded me in, stabilized the IVs for the drive — by having Tina stand beside me holding them up in the air — and we set out for the two-hour slalom to Monterrey.

The Oca Hospital complex takes up more than one city block on a busy downtown street. In no time I was gurneyed into an emergency examination room and verbally assessed, and had my vitals recorded. By this time (about six hours had passed since the bite), the toxins had breached my shoulder and invaded the torso — I'd beefed up considerably — and my hand had taken a turn for the weird, deciding to point the wrong way. The pain was intense. In a few minutes, Dr. Jose Eduardo Rivera Gonzales danced — literally — into the room, introduced himself, and conveyed his competence. He was a plastic surgeon specializing in burns with a sub-specialty in hand surgery and animal bites. It seemed too good to be true.

Dr. Rivera (in Mexico — or any other Spanish-speaking country, for that matter — the last name is the mother's maiden name, while the penultimate name is the father's or family name. *Never* call someone by his last name; it implies that he is a bastard) had studied at medical schools in Guadalajara, Jalisco, Mexico and Barcelona, Catalonia, Spain. He looked at my arm, studied my vitals, and sat down for a chat.

I have never met an M.D. like Dr. Rivera. Short, dark, and handsome, he was happy, cheery, bubbly; unself-conscious, unself-important; absolutely unstressed and impressively unhurried. *He*, not an orderly or nurse, washed and bandaged the bite site, talking all the while, giving us his prognosis. Though it was too late for antivenom to be effective — the optimal window of opportunity is four hours — he was going to administer it anyway, just in case. He said the main danger was infection; that the most dangerous bites (absent poison) were human; that I had an 85% chance of keeping my finger and that the next 48 hours were critical. He was going to continue — and increase — the antibiotic and anti-inflammatory regimen. He asked whether we had any questions, loitered around chit-chatting to see if any came up, gave us *all* his phone numbers — stressing that he *always* answered his cell phone, genuinely reassuring us to call if we needed anything, anytime. Then he said he was sure we'd have some questions so he'd leave us alone for a few minutes to digest what he'd said.

True to his word, he came back in five minutes. I asked whether Tina could stay with me, and would he give me something for the pain which was now becoming unbearable. He looked at me as though to ask who was he — or the hospital — to keep Tina away from me? But he said that because of the way the poison worked — something to do with my brain function (I was starting to feel like I was on a

bad, albeit mild, psychedelic trip) — I had to bear the full brunt of the pain without any palliatives. But not to worry, he would check on me every two hours throughout the night. Before leaving I wanted to reassure him that I was good for the bill — so far, no one had inquired about my finances. But it felt awkward, like trying to point out snot on a mustache in public. He gave me a "don't be a silly boy" look and told me not to fret.

By this time I could barely stand. Tina, a nurse, and an orderly wheeled me into a third-floor spacious, single room with wall-to-wall picture windows overlooking the city and the Sierra Madre in the distance. It was the worst night of my life. While Tina slept fitfully on the couch, I stared unblinkingly and intensively at Mexican graveyard-shift

Dr. Rivera asked whether we had any questions, loitered around chit-chatting to see if any came up, and gave us all his phone numbers — stressing that he always answered his cell phone.

TV, fighting the pain by grimly holding on to sanity. Every hour, a nurse came in to monitor my vitals; and every two hours, Dr. Rivera came in to check up on me.

Come morning my entire left side, down to my hip, was black and purple, and swollen as if I was about to give birth to a football. When the nurse came in to change the wound's dressing, Dr. Rivera, already there and bright and sprightly as ever, joked with her until we were all laughing till it hurt — literally, for me — and cared for my hand himself. Back home, I'd never seen such a breach of the doctor-nurse caste protocol.



The Phoenix metropolitan area holds about 3 million people — about the same as Monterrey. And there are about 8 full-service hospitals (plus one veteran's hospital and one Indian hospital run by the federal government to provide for the entire state). Good Samaritan Hospital specializes in snake bites. They have 2 toxicologists on staff and stock synthetic antivenom. Brandon, now falling in and out of consciousness, was admitted into intensive care and administered over four times the conventional antivenom dosage. He spent three nights in intensive care before being directly discharged. His finger remains disfigured (and slightly numb) while his hand is a bit larger than it used to be. Total cost: more than \$25,000.



I wondered whether all Mexican doctors were as unstressed as Dr. Rivera. He said that, like all people, their personalities varied. But I sensed something different. I told him that American doctors train and practice in a culture of stress, ready for war and natural disaster at a moment's notice; that interns average 70 hours a week with half putting in 80–90 hours; that 72 hours on duty is not uncom-

mon; that securing a doctor's appointment often took weeks, sometimes even months; that just talking to a doctor usually required pre-arrangement with the consultation being terse and curt. He looked puzzled — it made no sense to him. I told him that consequently, overworked interns were twice as likely to get into traffic accidents and the rate

An administrative representative came to my room to settle accounts. I was incredulous; the bill was only \$1,200: my credit card easily covered the cost.

of "mistakes" in American hospitals was alarming. The fall 2003 issue of Money magazine (entirely devoted to health care) even recommends that, when anticipating surgery, a patient schedule himself to be the first case in the morning — after the doctor has had a good night's sleep. This all came as a surprise to Dr. Rivera. He replied that doctors in Mexico worked, if not regular hours, at least reasonable hours; that one could usually make same-day appointments, even with specialists, for about \$20–\$25 (rarely as high as \$50); and that he, in giving out all his phone numbers and mostly answering the phone himself, was, by and large, no exception. I couldn't believe it.

At midday, Dr. Rivera announced he thought I'd keep my finger. By dinnertime I was served my first meal. Not hungry, and not looking forward to hospital food, I was surprised by the quality of the fare. I ate it all. By the third day we were wondering when I could be discharged. Dr. Rivera was noncommittal.

Still, everything wasn't a warm enchilada. Our camper van had been left parked in front of the main hospital entrance. Considering the circumstances, the security guard had volunteered to watch it and make sure it wasn't towed. But after his shift was over, it had to be moved. Oca Hospital's parking garage was multistoried, with a seven-foot maximum. Our van, with a bubble top, was nine feet tall — it just wouldn't fit. Tina kept herself busy shuffling the vehicle from curbside meter to meter as each two-hour maximum expired. Meanwhile, I'd call the front desk and try to explain our parking problem in hopes of some relief.

Once, in the middle of the second night, she was late. A uniformed Saddam Hussein look-alike was writing the van a ticket. Neither could speak the other's language. Tina handed over her papers: passport, visa, driver's license, vehicle permit, and proof of insurance. Apparently, something was amiss (we found out later that our insurance had expired). The encounter got complicated. A local resident approached the officer and, Tina surmised, berated the cop for the hassle. Saddam didn't relent. Tina pointed to the hospital, blurted (in English) that her husband was dying, broke into tears, gently pried the papers from his hand and slowly drove away. Miracle of miracles, he didn't pursue. By this time the original security guard was back on duty and agreed to watch the vehicle until his shift was over. The

next morning Oca arranged for secure parking. But we would still have to extend our Mexican car insurance and settle the parking ticket before crossing the border. Tina had lots of homework.

Somehow, Tina found her way to the police station and paid the fine. Meanwhile, I contacted the insurance agent. He agreed to come to the hospital to extend our coverage.

Oca's food only improved during our stay and I had to rein in my appetite. By the fourth day, Dr. Rivera was reluctantly willing to discharge me on the condition that I spend a further night up in the hospital's fifth floor and promise to get follow-up care at home. It was time to settle the bill. Anticipating a hefty charge, I'd called my sister in Phoenix and arranged for a wire transfer. An administrative representative came to my room to settle accounts. I was incredulous; the bill was only \$1,200: my credit card easily covered the cost. Dr. Rivera's bill was still to come.

The fifth floor of the hospital had been conveniently designed as a hotel, either for discharged patients not quite ready to go home but not needing hospital care, or for visitors. We booked a room. That evening the insurance broker came by and updated our policy. At 10 p.m. Dr. Rivera dropped by to visit and present his bill. By now, he fancied himself my friend. Though I felt the same way, it was tough for me to breach the professional doctor-patient divide. Tina poured us a glass of wine. By way of foreplay, he said that besides his regular practice, he volunteered time at a children's burn clinic. Then he told me I owed him \$900, but refused to present a written bill or write me a receipt. Payment would be made via a credit card cash advance. Intrigued, I pursued the subject — after all, my costs were not only deductible in the U.S., but they were also reimbursable by my insurance company.

Doctors in Mexico are issued an official government "book of receipts," with each receipt numbered, carboned, and partitioned into halves: one for the doctor and one for

Tina pointed to the hospital, blurted (in English) that her husband was dying, broke into tears, gently pried the papers from the cop's hand, and slowly drove away. Miracle of miracles, he didn't pursue.

the patient. Come tax time, both patient and doctor provide the government with an accounting of health transactions via each half of those numbered receipts; the halves would be rejoined and taxes, or credits — as the case may be — would then be levied. Dr. Rivera explained that if he wrote out a receipt to a foreigner, that half of a receipt would forever leave the paper trail leaving a "mate less" receipt half in the revenue department's hands. Though there was nothing illegal in the transaction, it was out of the ordinary. Inevitably, an investigation would ensue. Dr. Rivera did not want to be investigated by Mexico's IRS. Doubtlessly he

would also evade taxes on that income, which he did not mind admitting.

Dr. Eduardo (as we were now addressing him) stayed past midnight discussing health care. He said that about half of Mexico's population has government health insurance provided by a variety of agencies and programs collectively known as Mexico's social security system and funded by equal employee and employer levies. The largest of these agencies is the IMSS, basically a health maintenance organization. Any resident, regardless of employment

Prices in Mexico are a fifth to a third of their U.S. equivalent (my total tab, at \$2,100, was less than a tenth of Brandon's \$25,000 bill).

status or nationality, can join. Though participants have limited choice when choosing care providers, the \$225 annual premium is dirt cheap.

Another third of the population — the portion without formal coverage — is served by IMSS-Solidaridad, a program funded by general tax revenues but administered by the IMSS. Care is based on one's ability to pay; for some people, it is free. There is no choice in providers. Private insurance covering private medical care provides for the remaining 20% of the population at an average annual premium of \$1,000.

Dr. Eduardo was interested in performing cosmetic plastic surgery on Americans. Like Canadians coming south to the U.S. seeking health care in a more unregulated market, Americans have long been going to Mexico for cheaper dentists, drugs, podiatrists, optometrists, "alternative" practitioners, and such. And as American health care becomes more expensive, doctors more difficult to engage, and the whole system more complex, more Americans are now heading south for ever more extensive medical care such as scheduled and elective surgery and other non-emergency procedures. One study found 41.2% of U.S. residents of Mexican ancestry in Laredo, Texas, get primary health care in Mexico. Prices are a fifth to a third of their U.S. equivalent (my total tab, at \$2,100, was less than a tenth of Brandon's \$25,000 bill).

Unfortunately, Dr. Rivera's and Oca Hospital's bills barely dented my \$7,500 deductible. Up until a few years ago I never admitted to being insured. I always figured that it was no one's business how I chose to protect my assets; that my contractual arrangement with an insurer was between myself and the company. Additionally, whatever price I negotiated with a health care provider had nothing to do with my net worth, how much I made or whether I had insurance or not. I always made it a practice to keep a wall of separation between my insurance company and my health providers — I didn't want any hanky-panky, where my pocketbook was concerned, behind my back. Invariably, I'd have bills sent to me directly, pay them and then deal with collecting from my insurance company. In fact, I figured that if I said I didn't have insurance, I'd get a lower

price. How naive!

Often, it worked. During run-of-the-mill doctors' visits, I'd discuss the fee with the doctor directly, and he'd notify his billing department to make an adjustment. But once, after a surgical procedure, my insurance company told me I'd be charged less, sometimes more than 50% less, if I initially admitted to having insurance — regardless of the deductible. It made zero sense to me.

Here's how it works. In an attempt to hold down Medicare and Medicaid charges, the federal government has capped (by means of a hideously complex formula that is forever subject to revision) fees for a majority of procedures. In effect, health care providers may not charge fees above these ceilings if they accept Medicare and Medicaid patients. Most health care providers, in order to get reimbursed, swallow this indignity. Insurance companies ride on the system's coattails, insisting they too will only reimburse according to the federal guidelines. Doctors try to make up the difference by charging the uninsured what they believe their services ought to cost. It's a perverse set of incentives.

Although the cost of living in Mexico is much lower than in the U.S., Mexican health care costs are doubtlessly kept low by what one U.S. doctor has called (and I paraphrase) "a tort system that is either prehistoric or way ahead of its time, depending on your point of view." Personal injury lawyers — as we know and love them — do not exist in Mexico. Liability claims over \$100,000 are rare. Negligence, normally a civil matter in the U.S., is a criminal affair in Mexico — a claim devilishly difficult to prove. Claimants don't need a lawyer or retainer. A prosecutor takes charge for them.

Barring negligence, malpractice awards are initially limited to compensatory damages. Punitive damages, if assessed, are strictly apportioned by statute, and moral damages (pain, suffering, and emotional distress) are capped at a third of compensatory damages. Unfortunately, the state of Chihuahua and the Federal District have revised their moral damages upward, more in line with U.S. practice: unlimited compensation. Dr. Rivera's malpractice insurance premiums consume about 20% of his income.

All of these factors are attracting an ever-increasing U.S. clientele south of the border — and even a Canadian clientele (a recent issue of the Canadian Family Physician includes a short introductory piece on the Mexican health

continued on page 35



"You'd look spaced-out, too, if your back had been itching for 87 years!"

From Upstate New York to the Horn of Africa

by Spencer H. MacCallum

Some people talk about what a free society would look like. Others try to build one.

I believe, as an act of faith, that human social organization in the future will be stateless. Such an assumption is warranted for the same reason as the scientist's assumption that the universe is a cosmos and not a chaos. That is to say, it's a productive assumption. The scientist can't prove the universe can be understood rationally, but if he didn't make that assumption, he wouldn't make any discoveries. He wouldn't expend the effort. In the same way, it is productive to assume that human society (which after all is very young) is a work still in progress and that we are outgrowing the conflicted behavior of politics.

Such an assumption prompts the search for new understandings of the peacefully evolving social process. To engage in such discoveries is inspiring, and inspiration lifts our spirits. Inspiration is the fountain of creativity — and creativity is what being human, in the best sense of that word, is all about.

For this general perspective, I'm indebted to my grandfather, Spencer Heath. He was attracted early on, in the 1890s, to the strongly free-trade stance of Henry George. From his ensuing close acquaintance with the Georgist movement over the next 40 years, his attention was drawn to the institution of property in land. Instead of condemning it, as many Georgists are inclined to do, he made the productive assumption that it performs a vital function in human social organization and set about to understand what that might be. In 1936, he wrote up and self-published his findings in a monograph entitled "Politics versus Proprietorship."

I became aware of my grandfather's ideas while I was an undergraduate at Princeton in the mid-1950s. I've been

hooked ever since, fascinated by the idea of social evolution and particularly the notion of human society as an emerging spontaneous order. A few years later, studying social anthropology at the University of Washington, I did a master's thesis based on those ideas. I received a lot of encouragement from Baldy Harper, who was then in the process of founding the Institute for Humane Studies. My thesis became the basis for "The Art of Community," which the Institute published in 1970.

My main focus over many years has been a vast and virtually untapped body of empirical data from the field of commercial real estate, namely, the emergence since the mid-19th century of many forms of multi-tenant income property, such as hotels, shopping centers, office buildings, business parks, and marinas. What all of these have in common is that title to the land component of the development is not fractionated by subdividing but is held intact, and the parceling is done by ground-leasing. Leasing sites instead of selling them off preserves the concentrated entrepreneurial interest in the whole development that allowed it to be planned and built in the first place, and this permits it to be operated as a long-term investment for income. The result is very different from a subdivision, such as a condominium or other form of common-interest development, which are governed nowa-

days by a homeowners' association. A subdivision is an aggregation of consumers looking to their own purposes and not in any sense a business enterprise serving customers in the competitive market.

Around 1970, I made the acquaintance of Werner Stiefel. Shortly after that, he began work on a new project: devising a constitution for an altogether stateless community. While

Stiefel undertook to transform those who had joined him into a seasoned team by assigning them the task of building the ferro-cement ship.

the community needed to be effectively governed, its government was to differ from governments as we know them in being internally consistent. In no way should it infringe upon property rights. There was to be no taxation or other discretionary authority over anyone's person or property.

Stiefel had been inspired and awakened philosophically by reading "Atlas Shrugged." But unlike a great many Randians, he saw an inconsistency in her tolerance for the state. He realized that men act in their own interest as they perceive it, and that is no problem when they are dealing with their own person and property. But when they acquire discretionary authority over persons and property not their own, problems arise, since their perceived interest and that of the owners must at some point diverge. The private individual must then resist, even to the forfeit of his life if he cannot prevail, or live for the sake of another.

Stiefel's family had experienced Nazi Germany in the 1930s. Unable to rescue any assets from their family soap manufacturing business in Germany, Stiefel, his father, and brother set up a new business in the United States, based on what they carried in their heads. Today Stiefel Laboratories, a family-owned company, produces dermatological soaps and related products in more than 40 countries.

When Stiefel read "Atlas Shrugged," he woke up to a sobering question. When conditions had deteriorated in Germany in the 1930s, many people had fled to the United States. But even then, in the United States, Stiefel saw symptoms of the same thing happening that he had witnessed in Germany. When the time came, he asked, where could people flee from the United States?

Taking his cue from Rand, Stiefel conceived of a "Galt's Gulch" somewhere on the oceans, a community on the high seas outside the political jurisdiction of any nation. Adopting the name "Atlantis," he set about to make the dream a reality, using his private resources and not any of those of the company. His endeavor was a fit subject for a heroic novel.

Stiefel began by purchasing a motel near the company's main plant in Saugerties, N.Y., and inviting libertarians to come and live there while they worked in the surrounding area and, in their free time, helped to plan the Atlantis Project. He conceived of the project in three stages. Atlantis I was the Saugerties Motel. Atlantis II would be a ship at sea, and Atlantis III would be a community on floats or on dredged-up land on a submerged seamount. The ship would

play an indispensable role in the construction phase for Atlantis III.

At Saugerties — Atlantis I — Stiefel undertook to transform those who had joined him into a seasoned team that could work under any and all conditions. He did this by assigning them the daunting task of building the ferro-cement ship that would be Atlantis II. The team passed this first test and sailed the ship south into the Caribbean, where a tropical storm destroyed it.

Undaunted, Stiefel constructed four sea walls at a spot in the Caribbean outside any political jurisdiction where the depth was only four feet at low tide. While he was dredging sand to create his first bit of artificial land on which to stand while extending Atlantis III, one of Haitian dictator "Papa Doc" Duvalier's gunboats showed up and leveled its guns. Someone had found silver nuggets on the sea bottom nearby and had cut a deal with Papa Doc for protection from pirates. The gunboat captain had no idea who these people were or what they were doing in the area, but thought it best to run them off. Forced to make a quick decision, Stiefel abandoned the site.

Stiefel then leased a site for his base in a freeport operated by the Haitian government. But when a copy of Werner's newsletter, "The Atlantis News," fell into an official's hands and revealed his underlying philosophy, the government canceled the lease. Stiefel learned the importance of keeping a low profile.

He next set about to create land on the Misteriosa Bank, a submerged seamount midway between Cuba and Honduras, the same location that self-styled Prince Lazarus Long would later publicize as the site for his ill-starred New Utopia. Stiefel bought and towed to the site an oil rig that, once on location, would be inverted to stand on three legs. Before it could be put in place, a hurricane blew it out to sea and destroyed it.

Undismayed still, Stiefel purchased property on Grand Cayman and constructed an attractive building complex for his center of operations, one that would also serve as a retreat for staff of Stiefel Labs. This setting still exists. It became, among other things, the office of the Atlantis

The team passed this first test and sailed the ship south into the Caribbean, where a tropical storm destroyed it.

Trading and Commodity Purchasing Service (ATCOPS), which Stiefel had established as the forerunner of the Bank of Atlantis. ATCOPS made profits for many clients, including me, over the years and minted an attractive silver coin, the deca, so-called because it contained a decagram of silver.

From his base at Grand Cayman, Stiefel bought an island off the coast of Belize and built improvements on it, with the ultimate goal of negotiating, if not full sovereignty, then at least freeport status from the government of Belize. But in time, with age now advancing on him, Stiefel tired of dealing with the bureaucracy and put up the island for sale.

Beginning with Atlantis, Stiefel's goal was to develop one

or more freeports at sea that would function much like new countries. His approach had many practical features. Atlantis would start small and grow by increments. It would aim at attracting business residents, starting with one of his own plants — Stiefel Laboratories. It would not aim at attracting a residential population. Businesses would bring their own personnel and their families, and these would require ancillary services, which services in turn would require personnel, and the residential population would grow naturally. This would enable the Atlantis community

One of Haitian dictator "Papa Doc" Duvalier's gunboats showed up and leveled its guns. Forced to make a quick decision, Stiefel abandoned the site.

to develop without fanfare; promotional advertising of casinos and other recreational amenities of tourism would follow much later. Until then, the fledgling community could maintain a low profile, almost under the political radar screen. Stiefel's approach was also nonideological, aimed at effective, entrepreneurial people of business and the professions regardless of political persuasion or lifestyle.

The most innovative aspect of Atlantis is that the provision of governmental services would be a business in and of itself, creating value in the competitive market and subsisting on the market revenues those values induced. There would be no need to appeal to philanthropy or to have recourse to taxation. Because the provision of public goods would be a business, specifically a multi-tenant income property, taxation of the residents would be intolerable, anathema to the enterprise because destructive of the values on which it depended.

From Werner's Herculean effort came an intellectual achievement that survived Atlantis and has influenced others who have been similarly taken with the notion of apolitical countries on Earth or on the frontiers opening in outer space.

Unlike Ayn Rand, Stiefel was not treating his "Galt's Gulch" as a literary device. He was setting out to apply it in the real world. Consequently he was not privileged, as she had been, to ignore the question of how it would be administered. In 1972, he reached a low point, almost despairing of the project, over the question of how Atlantis could be administered as a community and yet leave its inhabitants free. What form of government ought he choose? Surveying the history of human society and government, he could find no form of government that would not be prone to repeating the tired cycle of tyranny the world has always known.

At that point, he came upon the ideas of Spencer Heath and saw their relevance. Heath had written of the advantage of keeping intact the title to the land underlying a real-estate development by parceling the land into leaseholds instead of subdividing it. Doing this would enable the owners to administer the development as a long-term investment for income, rather than selling it off piecemeal for a one-time

capital gain. To the extent that, by supplying public services and amenities, owners could create an environment the market found attractive, they would recover their costs and earn a profit to themselves and their investors. Heath forecast that in time whole communities would be managed on this non-political basis. He saw this becoming the future norm for human settlements, each competing in the market for its clientele. Community services would become the major new growth industry.

Heath's pilot demonstration was a hotel. The hotel resembles a community in having private and public spaces. Its corridors are its streets, and its lobby the town square. It offers public transit, which happens to operate vertically rather than horizontally. In-house medical and security services assure round-the-clock safety of guests, their visitors, and their property. The hotel controls its climate and administers utilities. It allocates space in an orderly manner for many uses. All the hotel lacks that we are accustomed to find in communities is a city hall exercising the power of taxation and other discretionary authority over the inhabitants and their property. A shopping mall or any other multi-tenant income property would have served as well for a demonstration.

Stiefel had just such a working community in his Saugerties Motel — Atlantis I. Here he administered all necessary community services contractually on an ordinary, businesslike basis. Pragmatic businessman that he was, he realized that here was his desired form of government — a proprietary, free-market government in which there was no violation of private property but all relations were contractual, freely negotiated among the parties. All he needed was to preserve this form of organization and move it out to sea.

Why had no one thought of this before? Why wasn't it common wisdom? Doubtless the reason is that the dynamic, evolving market process, is recent in human history, and our understanding of it is nascent. Boston's Tremont House, acknowledged within the industry to have been the first modern hotel, was built only 175 years ago, and all subsequent forms of modern, multi-tenant income property have evolved since then. We are not habituated to thinking of a community as an entrepreneurial undertaking. Only with the advent of modern technology and business practice, including banking and finance, insurance, innovation in communications, modern accounting methods, and so forth, could a community conceivably take the form of a competitive business enterprise.

The wording of Stiefel's master lease form would be critical for the success of Atlantis. In the absence of a vast body of law to fall back upon, it would have to provide for every conceivable contingency. Stiefel commissioned me to carry out this writing assignment, since I had already investigated the matter. In "The Art of Community" (1970), I had written the first study of multi-tenant income properties that outlined something of their history and recognized them as a special class of social phenomena. Stiefel assigned me the task of writing Atlantis' social software in exchange for a 2% equity in the venture.

Stiefel's master lease form not only survived Atlantis, it took on a life of its own as people criticized it and offered improvements. It was published in several iterations with his

permission, but not under the name of Atlantis. Stiefel had learned the importance of keeping a low profile in the developmental stages of a project, and was leery of prematurely drawing the attention of the world's governments to the idea of private interests settling the open seas. Consequently the master lease form was published, without reference to Atlantis, as a purely heuristic exercise in the free-market provision of community services. Its setting was given as "Orbis" — one of a hypothetical cluster of settlements in outer space.

Twelve years ago, Orbis' master lease form was adapted for the Somali Freeport project, a proposed freeport development in northern Somalia on land that the Samaron Clan, the fifth largest clan in Somalia, is considering offering on long-term lease to a private consortium. The Samaron Clan is a traditionally stateless society, so no governments or government agencies need apply. The project was promoted by a Dutch lawyer, Michael van Notten (1933–2002), who had married into the Samaron Clan and lived with his adoptive kinsmen during the last ten years of his life.* Van Notten is the author of the "The Law of the Somalis: A Stable Foundation for Economic Development in the Horn of Africa," forthcoming in 2005 from the Red Sea Press.

The idea of the Somali Freeport project is to develop a large, multi-tenant income property. Provisionally called "Newland," it is conceived as a purely private business venture, with no flags, anthems, or any of the ritual panoplies and paraphernalia associated with political nations. If successful, it would become something like a small, latter-day Hong Kong, offering a business and professional environment free of all burdensome bureaucracy and taxation. Located in their own back yard, it could become the Samaron's stepping stone to full economic, scientific, and cultural participation in the developed world. The Samaron aspire to such participation, provided it won't bring them under the domination of a political government, their own or any other.

The master lease form would be Newland's social software from which would be generated an elaborate but internally consistent web of relationships spelled out in the wording of the leases, subleases, sub-subleases, etc. The agreements in effect at any given time would comprise the written constitution of Newland. Each agreement could be as specialized and distinct as circumstances might warrant, so long as it did not contradict the master lease form.

In adapting the "Orbis" open software to the Somali situation, Michael van Notten made an important contribution. A trained lawyer and student of law, he sketched out a set of natural-law principles together with supporting procedural rules that could be incorporated in the master lease form. This would enable a system of law to be in place from the beginning of the development, from which point it could evolve of its own accord. It would be a system of law, moreover, to which all members of the community, including administrative and service personnel, would have freely consented in their lease agreements or their terms of employment.

Natural-law scholar Roy Halliday writes of this innova-

tion that it "comes as close as anything I have seen to establishing the framework for a civil society consistent with liberty and natural rights. The idea of incorporating a description of natural rights into the master lease for a proprietary community is brilliant. It satisfies both the strong natural rights advocates . . . and the skeptics who believe rights are created by contracts. The lease contract provides a way to specify how rights are to be enforced."

In pursuing his vision of freeports at sea, Werner Stiefel put into motion in a practical way a plan for a wholly proprietary, nonpolitical public authority. Here was his answer to the question of how to have public administration and yet have each person be fully empowered over his own person and property. He believed that humankind will outgrow government as we know it today. Perhaps what is most intriguing and heartening about his formula for an internally consistent, open social software is that it is not merely conjectural. It is extrapolated from a century and a half of empirical data gleaned from observation of development in the marketplace.

Orbis is an evolving venture, and it naturally raises a lot of interesting questions. Here are some of them:

Q: What about the possibility of warfare developing between Orbis communities? How would that be handled? Might not the need to establish a defensive force lead to state formation?

A: Look at experience. You don't find hotels taxing or drafting their guests, or shopping malls their merchants, to fight a hotel or shopping mall across the street. In the case of Newland, moreover, an insurance requirement in the lease agreement makes it costly for members to behave in ways that would endanger its political neutrality.

Q: What will prevent the proprietors from becoming tyrannical and taxing their tenants?

A: Competition and the fact that they are in business to serve their clientele, and an impoverished customer is a poor customer to have. "Taxation" is clearly defined and forbidden in the lease agreement. For the proprietors to break the lease agreement in this or any other particular and then to

Taking his cue from Rand, Stiefel conceived of a "Galt's Gulch" somewhere on the oceans, a community on the high seas outside the political jurisdiction of any nation.

disregard the law would be self-defeating, as the consequences would quickly cascade and undo the entire enterprise, leaving it open to being acquired by new interests who could manage it better and restore its profitability.

Q: The costs to a tenant of leaving a remotely situated Orbis settlement are likely to be high. Might not this high cost tempt the proprietors to unilaterally raise rents, thereby in effect imposing a tax?

A: The lease agreement provides for such an eventuality

* See "From Nation-State to Stateless Nation," *Liberty*, April 2003.

by underwriting the member's cost of returning with his personal belongings to his place of origin or moving to another place of his choosing, and recompensing losses associated with the move. However, for the proprietors to violate their agreement in the first place, especially with competition factored into the equation, would be tantamount to relinquishing their business. In practical terms the likelihood would be

Stiefel began work on a new project: devising a constitution for an altogether stateless community. There was to be no taxation or other discretionary authority over anyone's person or property.

remote, for they would also face insurance cancellation or raised premiums, and their mismanagement would be an invitation to others to seek to acquire a controlling interest. All of these considerations may be academic, however. For the intent in Somalia is to develop as much competition as possible as quickly as possible. A start has to be made with a single freeport where there are none now, but the object is for it to become a model that will be imitated.

Q: How can a system of law evolve and grow if it is written into the master lease form?

A: The lease agreement provides for periodic review of the law and allows it to be amended by the unanimous recommendation of a panel consisting of the proprietors and five judges who have practiced continuously in Newland for more than five years, and during each of those years earned the highest certification from a major consumer rating service.

Q: If the proprietors have the right to inspect tenants' premises in the interest of health and safety, might not this right be abused?

A: The proprietors would not have to engage in inspections or policing. Because all members of the community are insured against legal liability as a condition of their lease, inspections could be left to the insurers who, owing to the competitive nature of their business, could be depended upon to treat their customers with courtesy. Should a tenant be found to be endangering others, his insurance would be revoked by the insurer who understandably would not want to pay for liabilities. This would put the tenant in violation of his lease, and he would soon find himself on his way out of Newland unless he succeeded in rehabilitating himself. An insurer who engaged in collusion, on the other hand, would find himself answerable to the law, boycotted by other insurers, left with a ruined reputation, and likely banished from the community.

Q: Would zoning need to be imposed to prevent the community from growing in a disorderly manner?

A: One of the lease obligations of the proprietors is to assist existing and prospective leaseholders in making rational land-use decisions by seeing that they have access to all relevant information, including not only economic data, but inputs from neighbors who may, for example, be anticipating changes in their own uses, and from architects and

planners. The assumption is that most inappropriate land-use decisions result from inadequate information, and that where information is available, nonconforming uses will be small enough in number and extent that they will be able to be tolerated. The result will not be an absence of community planning, but rather dispersed, or polycentric, planning. This does not mean that the proprietors could not directly undertake or promote community improvements. Moreover, in doing so, they would have a distinct advantage over political governments. They would have a quantitative feedback, a yardstick by which to measure and evaluate proposed improvements. Overall land revenues would be a direct measure of the attractiveness of the community to its existing and prospective clientele.

Q: To safeguard freedom in the community, would libertarians be given preference over non-libertarians in recruiting members?

A: No, they would not be given preference. The Somali project is non-ideological; it is simply an attempt to come up with something that will work. The ultimate protection for the residents of Newland is that the community is to be operated as a business, and hence more rationally than it might otherwise be. If it were operated on any other basis — ideological, charitable, or whatever — there would not be this protection. The impersonal, rational pricing mechanism of the market process is the ultimate safeguard of justice in a civilized community. In Newland, a further protection against tyranny is a lease provision that the proprietors have sufficient insurance coverage or available reserves to compensate losses or inconvenience resulting from their violating any of the terms of the lease agreement.

Q: If anyone can provide police and judicial services competitively in the market without licensing, what will prevent their abusing their authority?

A: Each person agrees in his lease agreement to observe the law, the terms of which are spelled out in his lease. This commits him when performing judicial, military, or police work, to follow established procedural rules to safeguard the rights of community members.

Q: What happens to someone who can't pay his rent through no fault of his own?

A: To prevent his or his dependents' becoming a burden on the community, as well as to protect creditors, each mem-

Newland is conceived as a purely private business venture, with no flags, anthems, or any of the ritual panoplies and paraphernalia associated with political nations.

ber is required to be insured against loss of life, property, or earning capacity due to accidental injury or other calamity.

Q: Since insurance plays such a pervasive and important role in Newland, the firms relied upon must be real and reputable. Will the proprietors license these?

A: Licensing would be tantamount to restraint of trade and would be subject to abuse. Instead, the lease agreement provides that any insurance it might require shall be purchased from firms carrying the highest certification from a

major consumer rating service. In this way, market competition will ensure that tenants rely only upon reputable insurers.

Q: If someone is insured against all eventualities, won't he become less careful in his behavior?

A: Perhaps so. On the other hand, his insurability, on which his very presence in the community depends, will suffer if he is careless or neglectful, and his premiums will rise accordingly.

Q: If people lease, they won't participate in the increase in land value. Will this be a deterrent? Will some people be priced out of the market by rising land values?

A: Not necessarily. Their home or any other improvements they might make on the land will reflect general increases in land values, and this will be far less speculative than in a subdivision. But instead of an interest in the land, they will be buying, besides the assurance of the value of their improvements, the positive amenities and quality of life that can only be offered by a firm with experience and resources behind it, dedicated to the enhancement of the neighborhood. This is not available in any subdivision, where the residents are left on their own to fend for themselves as best they can through a volunteer association. For business tenants, the services and amenities will make their site more productive of revenue. Finally, in the Newland agreement, when rents are periodically revised to the then-current value of the site, members will receive a discount as preferred tenants.

Q: How would legal enforcement work? What if someone ignored a court?

A: We can reasonably expect that, in response to demand in a free-market setting, arbitration companies will come into existence and offer a complete line of dispute handling services, competitively priced. A malefactor who ignored or refused a call to arbitration would lose the judgment by default. His insurer would pay restitution to the injured parties and then doubtless revoke his policy, putting him in violation of his lease. Unless he could find another qualified

insurer, which might be difficult, he would soon find himself on his way out of Newland. If he were considered dangerous, the consortium of insurance companies presumably would have ways of dealing with him since they would have the most at stake in preserving the safety of life and property in Newland. By the same token, the consortium could be expected to join in conducting a defense of Newland in the unlikely event of military threat.

Q: Why bother to write such detailed agreements? Why not simply allow a free community to evolve of its own accord, guided by an enlightened administrator like John James Cowperthwaite, the architect of Hong Kong's freedom?

A: There are two reasons, quite aside from the fact that Hong Kong's freedom was only partial and precarious, and that the presence of an exceptionally able financial minister under conditions in which he could be effective was a historical fluke not likely to be repeated. The first reason is that in the absence of statutory law to fall back upon, the agreement must provide for all contingencies that might arise. The second is that, unlike political communities, the provision of public goods here is an entrepreneurial undertaking, a competitive offering in the market. Planning is essential to business success. Rarely does a business venture succeed without a well-considered business plan.

Q: Some readers of the "Orbis" agreement have expressed concern over the ever-present potential for erratic bureaucratic behavior on the part of corporate managers due to their insulation from any effective control by the owners in a legal corporation. Does this have implications for the structure of ownership of Newland? What about corporate tenants?

A: The lease agreement requires that its signatories be personally answerable for their actions, denying them any special status before the law by virtue of their membership in or employment by any organization. To comply with this may require that the owners of Newland organize not as a corporation but as a limited partnership, and it may call for special arrangements between corporate tenants and their officers. This is a major, unanswered question. □

Rattlesnakes, Tacos, and Tetracycline, *from page 29*

care system for the prospective Canadian consumer). Even big business is getting in on the opportunities. A Feb. 14 NPR news report announced that U.S. insurance companies will soon be issuing two-tiered policies: a conventional one for care within the U.S., and one with a sharply cheaper premium for care outsourced to Mexican providers.

Before you outsource your health care to Mexico, however, *ten cuidado!* The quality of hospitals and doctors can vary considerably, something that really goes without saying, and not only for Mexico. Additionally, though nearly all doctors have some knowledge of English, few nurses do. What's a gringo to do?*



On the way home, Tina had to drive the entire distance. Otherwise it was uneventful except for one small incident.

*A team of three doctors — a father and two sons — have authored the "Mexico: Health and Safety Travel Guide" (MedToGo, 2004) specifically for the medical visitor to Mexico. Unfortunately, I have not read the book or any reviews of it, so I cannot provide an opinion on it.

Three weeks prior, on our drive down to Monterrey, we'd been shaken down (or, as they say in Mexico, "bitten") by a traffic cop for speeding — going 45 mph in a 50 mph zone — to the tune of \$75. Later on, an Hidalgo municipal officer charged us \$7 for driving down a one-way street in the wrong direction. The fact that it was unmarked was immaterial.

Five miles before the U.S. border, we heard a siren and saw a flashing red light behind us. We pulled over. Up came another Saddam Hussein double. Tina warned me not to speak Spanish — playing dumb had worked for her. Officer Saddam bid us a good day, noticed my arm and asked what had happened. I told him our story. It was the perfect ice breaker. After commiserating with me he turned to Tina and told her, in perfect English, that he'd pulled her over for speeding. Tina began to argue. The cop laughed while giving her a sharp look and said that since he was letting us go, she shouldn't argue. But Tina was on a roll, she hates authority and she's a bull terrier when she has a bone of contention. I finally reached over, pointed at my arm, moaned and said, "Let's go home."

It worked. □

Willy Loman: Good-bye and Good Riddance

by Travis Stewart

Arthur Miller tried to grasp wonder, and failed.

If there is a sacred cow in American letters, it is the late, lamented Arthur Miller. Known to everyone in a country where the average citizen can name fewer than five dramatists, he has long been regarded by anyone who ever finished high school as the Great American Playwright, the theater's long-awaited equivalent to Melville, Poe, Emerson, and the handful of others who are entrenched in our education system's woefully short reading lists.

Miller's recent passing, as might have been predicted (and was entirely appropriate), was cause for much memorializing. The New York Times ran close to a dozen obituaries, eulogies, op-eds, encomia, and sober reflections. The rest of the nation's newspapers weren't far behind. Miller's long career was widely hailed as a milestone; Miller was almost universally remembered as America's first important dramatist. Unlike his most famous character, Willy Loman, Arthur Miller was mourned by many when he passed.

While it may be a heresy of the sort that once got you burned at the stake in Salem, I must confess that Miller's works have never spoken to me, let alone impressed me. I find in our reputed Great American Playwright a smallness of spirit, a sensibility out of step with the national character, and a writing style most charitably compared to bland hash. Claims that Miller is America's first great playwright (implying that all who went before him were rubbish) are overstated; assertions that his heirs apparent in today's theatre are necessarily superior to their 19th-century forbears are equally hyperbolic. Good and bad plays came before and after Arthur Miller, a very large percentage of them more interesting than anything he ever wrote. And while Miller has often been referred to as an intellectual, that gives him

too much credit: he was a pedant — no different from, or wiser than, thousands of college professors and bureaucrats around the world. In his favor it can be said that he was one of the few to envision some of the qualities the great playwright should have, and he worked hard to attain them. But he was limited by a parochial moralism, a schoolmarmish, holier-than-thou pulpit-pounding manner that hardly made him the superior of the McCarthyites to whom he professed to be an alternative.

Like so many 20th-century artists, Miller's chief significance lay in his utterance of fashionable sentiments. He is famous for his social conscience (that's the kind of conscience where everyone else has to help address the things you think are wrong). The free-market system that educated him, financed the production of his plays, nurtured his investments, and made him rich invariably wore a black hat in the stories he told. The Cold War era intelligentsia and guilt-ridden wealthy liberals who patronized the New York theatre ate it up with a fork and spoon. His best known works are essentially trials, with businessmen or other powerful figures (or those who would partake of their system) sitting in the dock for the audience to judge. In "All My Sons" (1947) he gives us a war profiteer who sells cracked munitions to the government. In "Death of a Salesman" (1949), it's a success-obsessed jerk who is cruelly fired with

no safety net. In 1951, he adapted "An Enemy of the People" by Ibsen, a story about a muckraker destroyed when he goes against the financial interests of his town. Two years later, he gave the world "The Crucible," a thinly-veiled allegory about the abuses of the House Committee on Un-American Activities. The HCUA theme would reemerge in his 1964 play "After the Fall." By then, he'd had the opportunity to testify before the committee himself and polish his leftist credentials by not naming names. In his last few decades, when his newer plays weren't scoring like his hits of the Truman and Eisenhower eras, he took his act around the world as a sort of international cause célèbre.

While Miller's credentials as a leftist are impeccable, he comes up wanting as a writer and thinker. I've heard otherwise intelligent people speak about the "poetry" in Miller's writing, but I wonder: what on earth can they be talking about? One combs through the collected works of Arthur Miller quite in vain to find even the tiniest scrap of anything resembling a poetic turn of phrase or flight of imagination, or anything of the sort. The closest I've been able to come up with is "A man is not a piece of fruit," from "Death of a Salesman." That not Shakespeare. It's not even Sunnydale Orchards.

In 70 years of writing, Miller never rose above humdrum, flat prose, reminiscent of real speech, but far more boring. Confronted with the challenge of taking on the voice of 17th-century Massachusetts for "The Crucible," he fudged it, claiming modern audiences wouldn't understand the archaic patois. But 20th-century audiences sit through Elizabethan plays all the time, just as they read their King James Bibles. The sad fact is that Miller didn't take on the problem because he couldn't. He had none of the hellfire or wit or poetry in his bones to write the speech of either the demented sermonists or the defiant sex-crazed teenage pagans in their midst. Miller, as always, does a fine job of delineating the motives of these people, but without capturing the language he can't convey their religious passion, and lacking that, he forces us to experience the story through the cool eye of a disaffected modern. Eugene O'Neill, who believed that God should be pulling all the strings in the theatre, might have fared better. The atheistic Miller writes about Puritans like a blind man might write about the sun.

In writing his 1944 play "The Man Who Had All the Luck," Miller claimed to have tried — and failed — to grasp "wonder." But if you want to be a poet of the stage or anyplace else, you shouldn't have to "try" to grasp what that is. To his credit, Miller realized his limitation in this regard, so instead of attempting to squeeze something out of himself he could never achieve (however necessary it might be to great drama), he sought to become, instead of a poet, an advocate.

Like his alter ego Quentin in "After the Fall," Miller was a lawyer at heart. He acknowledged this frankly on many occasions, and fought valiantly to make a virtue of it. Theatre, he said more than once, was "a species of jurisprudence." His skill (and the trait that so endears him to method-trained actors) was in laying down a meticulous argument, each note of the play leading logically to the next in a cogent and digestible manner. The discovery of this knack was what made Arthur Miller a household name.

After the Broadway failure of "The Man Who Had All the Luck," Miller went back to the drawing board for three years, conceivably for the last time, to see if he could get it right. Confounded by wonder, he resolved to take the opposite tack, seeking to explore, he wrote, "cause and effect, hard actions, facts, the geometry of relationships" and to build his new play on "a bedrock of logic." The result was "All My Sons," a play of nearly flawless construction. While Miller's debt to Ibsen in this play is often acknowledged, one can also see more than a little Sophocles in the relentless, methodical peeling of layers to reach the play's horrific revelation. Formally, someone once said, "All My Sons" is like the pyramids. You can't even fit a knife in the cracks between its building blocks.

Like Ibsen, Miller said, he wanted to "make a play as men make watches, precisely, intelligently." But form is only one element of art. Some writers prefer to make a play more like a Vietnamese nun setting herself on fire, and others like a fat man doing a belly flop off the high dive. Big sloppy passions that speak to our whole nervous system are every bit as vital to the theatre as an architecturally sound playscript. But

Writing what you kind of know — Every time I hear "Death of a Salesman" characterized as a critique of American capitalism or even traveling salesmanship, I cringe. The play portrays a business world in which workers are fired easily, often for trivial, hurtful reasons. He purportedly meant to contrast this with the world of socialism, if not communism, where citizens have "job security."

In what business does capricious termination occur more often than traveling peddling? Show business, where not even stars are secure before the whims of producers. Right behind show business is writing for slick magazines. In both of the latter, the buyers depend upon the existence of a supply of supplicants that greatly exceeds demand for their services, coupled with competition among those desiring employment. Traveling sales is definitely not an overpopulated business.

This thought suggests to me that Miller the playwright learned firsthand about the mechanisms of capricious termination from show biz, and then from actors about the emotions of those fired. While applying this know-how to an occupation less familiar to him is not discreditable, because that's how creative writers and actors often work, what is not acceptable is a cultural critique that is essentially dishonest.

"The Crucible," Miller's famous play about the Salem witch trials, was an attack on McCarthyism to which there is a simple rejoinder: while there weren't any witches in 18th-century Salem, Mass., there were Communists in 20th-century America.

For all of the claims made for Miller as the epitome of intellectual integrity, may I dissent with the reminder that a certain disingenuousness informed his work and thus, as a result, its reception.

— Richard Kostelanetz

"bigness" onstage is the essence of theatricality, and Miller's declared aim in writing "All My Sons" was "to be as untheatrical as possible." (I'm glad Beethoven didn't make the Eroica Symphony as unmusical as possible.) Thought — and thought of a rather pedestrian and orthodox sort — is Miller's stock in trade. And a man who endeavors to undertake tragedy without passion is a quixotic soul indeed, every bit as full of illusions as Willy Loman.

To be fair, Arthur Miller was a man of his time. American theatre had an unnatural genesis. Thanks to the Puritans, it was two centuries before a theatre culture of any sort began to evolve in America. When it did, it was wicked, because polite society considered it to be wicked, and mostly wicked people or good people out for a wicked time attended. Thus American show business was born in 19th-century saloons. From this humble origin sprang vaudeville, burlesque, musical comedy, and the philosophy that continues to drive the film, radio, and television industries. In Miller's day, except for a few notable exceptions like O'Neill, the vast majority of American theatre was unabashedly frivolous, lacking a scintilla of any attempt to be edifying beyond a few chuckles. The Greeks, the English, the French, the Spanish, the Italians, the Germans, the Russians — even the Swedes and the Norwegians! — had produced first class playwrights of intellectual distinction beyond anything America had sired. And the excuse that we were a young nation was getting implausible after we reached our third century.

So perhaps we can forgive the young Arthur Miller for wanting to be "serious" as a corrective. "There is confusion in many minds about Show Business and the Theatre," he sniffed. "I belong to the theatre." Seeing everyone eating cotton candy, he thought it would be a good thing to serve up some vegetables. But contrast his conclusion with that of Bertolt Brecht, the ultimate socialist playwright, who wanted no less than Miller to see "humanity" restored to the social equation, but who thought the paramount quality necessary in the theatre was "fun." With Brecht, one has both seriousness and fun, combining to create, in my view, the greatest playwright of the 20th century. But Miller was unable to detach the concept of fun or "theatricality" from the kind of theatre he hated, the theatre prized by "tired businessmen,"

When theatre culture appeared in America, it was wicked, because polite society considered it to be wicked, and mostly wicked people or good people out for a wicked time attended.

the follies and frolics and farces of Broadway musical theatre. If he'd found some way to synthesize the two, he might have been a more complete artist. Just imagine if Shakespeare had confined himself to "seriousness." What would be left of any of his plays?

So the man who could not grasp wonder decided his mission was "to make understandable what is complex" and to write plays that "remove some of my helplessness before the

chaos of existence." Chaos: like the death scene in "Romeo and Juliet," like Lear howling at the thunder, like Hamlet stabbing Polonius. Yes, by all means, let's have no more of that.

Miller could not think outside the narrow perimeter of his own mind. His conventional sensibilities prevented him from exploring the really tough aspects of human existence. He steered clear of true darkness, claiming that if you

Important writing, Miller felt, had to address the injustices of the day. In other words: decadent capitalist play bad; didactic socialist play good.

depicted "evil in its full bloom in a person [the audience wouldn't] quite believe it." This is hogwash, of course. Shakespeare must have done it three dozen times, in characters like Richard III and Lady Macbeth and Iago. But to paint such characters you have to visit the frightening parts of your own personality. You either have the bravery — and the ability — to go there, or you don't. One thing you can't do is write them from a place of judgment.

Miller's attempts to shoehorn life into economic morality plays take his writing a step farther away from realism. Sometimes ghastly and hilarious things happen for no bloody reason at all, and there's nothing to do but cry or laugh about it. Man's economic relations don't dictate every single event in his life. Yet Miller derided those playwrights, like Tennessee Williams, who placed too high a premium on subjective emotion as mere chroniclers of personal neuroses. Really important writing, he felt, had to address the injustices of the day. In other words: decadent capitalist play bad; didactic socialist play good.

This is the crux of it. Theatre by itself isn't good enough. It must serve a higher, more political end. And not just any political end, but one that results in "social justice." The great critic and director Robert Brustein called this type of theatre the "Theatre of Guilt" — the main character is made to pay for his attachment to money and power and we are all to cluck and shake our heads and mutter "shame, shame" as we leave the theatre. The ultimate example of where he went wrong with this simplistic approach to human venality is his best-known play "Death of a Salesman." The ostensible gimmick of the play, and one that caused much ink to be spilled, was the idea that it is appropriate to write a tragedy in which the hero is not a king or a prince or a nobleman, but just a common man. This is a wonderful, egalitarian, and very American idea, and I applaud it. The problem is, Miller didn't just make Willy Loman a humble man, he made him an asshole. Loman encourages his kids to steal. He lies, and encourages his kids to lie. He is rude to those around him, devalues education, and thinks gladhanding is the best way to get ahead. Instead of a likable, admirable man with a single tragic flaw, he is a man of a thousand flaws who performs a single pointless sacrifice at the end. Miller never understood the criticism he received on this point, and per-

haps it wasn't well articulated. The point in making a tragic hero noble has nothing to do with making him a literal nobleman, as Miller seemed to think the critics were telling him. Sticking to the rules of tragedy, as laid down by Aristotle, isn't a matter of blind adherence to some literary dogma. It has to do with the very practical matter of making the audience like, admire, and relate to the main character, so that they care deeply about what happens to him.

Now, I must admit, I cry just like all the rest of the suckers when Willy drives off the road, but ultimately his death is just pathos and not tragedy, because in a certain sense Willy Loman is a son of a bitch who gets what's coming to him and deserves every second of his misery.

And that's Miller's point, you see. We are not to identify with this man. We are to judge him. And Linda's famous epitaph "Attention, attention must finally be paid to such a man," so often quoted approvingly by the Left, is revealed to be paradoxical. Attention must be paid to assholes? In real tragedy, essentially good people tap into the bad part of themselves and end up destroying themselves and those around them. Here, an essentially bad person destroys himself and those around him, and we as Miller's audience are expected not only to care, but to leave the theatre and "do something about it." That's very much the socialist mindset. It divides mankind into those who have money and those who don't, and attempts to make an angelic virtue of "need." In this case, economic justice reveals itself to be far, far removed from actual justice, and I find myself uninterested in giving Willy Loman the slightest help.

Yet, this is Miller's most-quoted line. "Attention must be paid." It reveals the muddiness of Miller's political thought, and one encounters it frequently on the Left. Who must pay the attention? How? With what resources? Is such attention to be paid to every American citizen? If so, how much attention? If a lot of attention must be paid, will we need a staff of 300 million attention-payers to service the 300 million Americans? That's a hell of a lot of attention. Ultimately,

In 70 years of writing, Miller never rose above humdrum, flat prose, reminiscent of real speech, but far more boring.

money, money must be paid to such a man. Whose money will it be? Oh, it'll come from guys like Willy Loman. I changed my mind — we *should* weep for him!

Like so many who feel the human race needs improving, Miller has no practical platform, just the vague idea that something must be done. His knack was for the logic of motivation, of character on the stage. But actual logic eluded him. Over the years, he composed many jeremiads about the state of the world and the theatre, usually in the form of op-eds for major newspapers and magazines, and in forewords to published volumes of his plays. Throughout them one can find the sort of muddled, meaningless language one is more accustomed to hearing from activist actors than from writers

(never mind writers who claim to want to be logical and rational). Truisms and tautologies combine with ill-defined generalities and contradictions and we are to take it all as gospel.

For example, he once proclaimed, "Man will only find peace when he learns to live humanly, in conformity to those laws which decree his human nature." This is the sort of vague platitude that everyone applauds dutifully and auto-

Instead of a likable, admirable man with a single tragic flaw, Willy Loman is a man of a thousand flaws who performs a single pointless sacrifice at the end.

matically without pausing to think about whether it actually makes sense. After all, it all sounds so inarguably correct. "Peace." "Human." But what did he *say*?

Well, he said nothing, actually. It's a double tautology. He essentially said, "Mankind will only act like mankind when it acts more like mankind." But even the component parts of his sentiment break down into nonsense. After all, man has no choice *but* to live according to natural laws, does he? That's what a natural law *is*. The idea that it is somehow possible for man ever to act outside natural law is an error that people of all political stripes (but particularly the Left) frequently make. (They claim to believe in evolution, for example, but feel somehow the negative byproducts of the human animal's activities, such as war and pollution, are "unnatural.")

In this statement Miller reveals himself to be ignorant about what that human nature is. I suppose he derives his vision from Marx, but it sure isn't from Darwin. By all empirical evidence, man, by killing, looting, amassing power, and a thousand other selfish activities, is living very much in harmony with the laws of human nature. That *is* his nature. If your goal is to make Gandhis of all men, you are talking about the nature of some new superhuman species — not men.

"Human" proves to be one of those slippery concepts that Miller likes to inject into his apologies, much to the detriment of clarity. The aim of the theatre, he wrote in 1949, is to "make man more human." "More humane" would seem to be Miller's actual task, and a Sisyphean one at that. But more human? When one is a human how can one possibly become *more* human?

Miller illuminates the whole thing for us in this tiny clause. Unlike the Roman playwright Terence, who famously said, "I am human, therefore nothing human is alien to me," Miller placed himself somehow above his audience, whom he was in the unique position to "teach" to be human. Apparently, without benefit of his instruction the American public was — there is no other word for it — sub-human.

It is this lack of humility, this absence of wisdom and grace, that prevents Arthur Miller from ascending to the rank of great artists. □

Judgment Day

One Nation Under Whose God?

by Norman Ball

George Bush has God on speed-dial. What does that mean for the rest of us?

"I trust God speaks through me. Without that, I couldn't do my job."

— George Bush addressing an Amish group (as reported in the Lancaster New Era, July 16, 2004)

A social libertarian, I normally avoid judging other people's religious beliefs. Until the revival tent comes to Washington, that is. Then all reticence can take a hike. The product of a buttoned-down, under-sexed Calvinist upbringing, I was raised to believe banking and religion, properly practiced, shared one crucial similarity: they were boring as hell. Any sense of drama or, God forbid, fun was a portent of looming disaster. This heavy-on-the-starch moral restraint is at odds with the Pentecostals' penchant for pyrotechnic hyperbole. There's just no appetite in the Lone Star State for stiff-backed Yankee rectitude. Free beer, wild-catting, fire and brimstone are what pass for a quiet day in Texas. But there I go judging again.

Let me add that I share with many Christians their despondency over the coarsening of this nation's cultural life and the general trashing of the polis. So the impulse to wash everyone's mouths out with soap is hardly foreign to me. Still, it must be resisted. If I read The New Testament and St. Augustine correctly, part of a Christian's burden is to shuffle through this mortal coil, holding his nose mostly. But even a good ascetic can snap. When Christians shed their meekness and assume the reins of power, the theocratic impulse often overwhelms them. Cowboys make especially lousy doormats.

Then there are the prophetic self-fulfillers, who are look-

ing not only for a fight, but for The Fight. Perhaps I speak from the agony of effeteness, but when a president's foreign policy rhetoric includes conjuring up images of Armageddon and the Antichrist, I want to sequester the red phone. Who knows, George Bush may hanker for hell-on-earth as a necessary prelude to ushering in God's Kingdom. I prefer the Christian presidents of yore who worked to avert the Great Conflagration: Containment over Calvary. I suppose I preferred presidents who were Christians to Christian presidents. I mean, where are the Presbyterians when we need them? John Kennedy's detractors feared he would consult the Vatican on matters of state. However, a good fundamentalist brooks no earthly intercessors. When God has his ear, it's usually with a vengeance.

Surely Ayn Rand would read this administration very darkly. For her, faith and reason were inextricably linked in a zero-sum game. More of one invariably means less of the other, with tyranny and illegitimate force flourishing in a climate of outsized faith. The Iraq War is George Bush's most disastrous faith-based initiative. Not surprisingly, the explicit "reasons" for Iraq have eluded most thoughtful commentators.

But I want to afford religion every consideration. Speaking in ancient Semitic tongues while under the Holy Spirit's close supervision is a venerable American pastime. Even rattlesnake handling has a place at the Great Table so long as the serpents aren't housed on government property. This is the essence of church-state separation. But how does an individual psyche, heavily colored by an apocalyptic theme, partition itself effectively? Does the Pit of Fire countenance firewalls? When is a president, even in his leisure

hours, not seconds away from “having to be president” again? With all this ducking back and forth between Superman and Clark Kent, is George Bush spending too much time in his phone booth?

Frankly, what people choose to do behind closed doors with their rattlesnakes is a private affair. Of infinitely more concern are the geopolitical pretensions of Christian fundamentalism, specifically, its life-negating aspirations — if that’s not too oxymoronic. This prophecy business can easily spiral into an eerie self-fulfillment. If Bush feels he is a prophesied figure (in fairness, I don’t know that he does), then his recent historic “mandate” can only add fuel to the Pit of Fire. Mideast conflagration? No problem. Everything’s falling into place! With the world teetering towards hell in a handbasket, the Christian fundamentalists are beside themselves with . . . rapture. This should send reasonable people (many Christians counted among them) into prayerful convictions. As many of us labor in the here-and-now with conscientious conviction, others may be instigating conflict, even subconsciously, taunting, “bring it on” (to reference a recent Bushism). Suffice to say there is, within the end-times crowd, a disturbing acquiescence to calamity. I would call it a death-wish, a Jungian shadow-manifestation. Perversely, the Born Agains call it a “culture of life.” Texas’ death-row inmates don’t know what to make of this debate, so they simply mark their calendars, day by day, and keep filing appeals.

If there are autonomously functioning civic and religious George Bushes, the man has done little to demarcate the line publicly. Indeed he seems to thrive on the margin with winks and nods to the amen chorus. This is a White House famous for its prayer-circling and Bible study. Dr. Jack van Impe, who never met a current affair he couldn’t biblically implicate, has found a sympathetic ear in the Bush administration. For all we know, George Bush may have “stumbled upon himself” in some obscure Old Testament passage. More ominous still, some good soul on the Internet has discovered that, when you take the sum of the letters in George

With the world teetering towards hell in a handbasket, the Christian fundamentalists are beside themselves with rapture.

Bush’s name, multiply it by the square root of The Carlyle Group’s net income and divide by pi, the result is 666. This good versus evil thing can get very murky, very fast.

My own hunch is that the overt religiosity displayed by the public man is real — which only makes it more alarming. I’d sleep better knowing there was a calculating, old-school pol at the helm. At least deviousness operates within the normal — albeit seedier — realms of reason. Vote counters are eminently reachable. So yes, it’s okay to wax nostalgic for the carnal, earthbound antics of Bill Clinton. Though he perhaps navigated with a sort of moral indifference, Clinton was a master at altering course. As most managerial textbooks will

tell you, pragmatic flexibility is not a bad trait for a CEO.

By contrast, Bush supporters speak glowingly of their Leader’s “unswervingness.” The worse things get, the more he feels he is simply being “tested.” When guided by the hand of God, there are no false paths, only demonic attempts to derail one’s righteous journey. This is analogous to the

Dr. Jack van Impe, who never met a current affair he couldn’t biblically implicate, has found a sympathetic ear in the Bush administration.

downhill skier who, losing his footing, careens down the mountain smashing into numerous pylons. His most avid fans assure us he is simply “testing his body.” Others say he’s falling. Bush embraces the stubborn constancy of Job. But self-correcting resourcefulness, as any fan of “The Simpsons” will tell you, gets Homer out of a lot of tough scrapes.

Behind every public saint, there must be a scrupulously attendant sinner. Karl Rove is the embodiment of everything George Bush can’t bring himself to stoop to, and yet desperately requires for political viability. The old man had Lee “Willie Horton” Atwater, and missed him desperately in the 1992 election. A political genius, Rove has his feet firmly planted in the Earthly City. However, he excels at wielding George Bush’s faith to huge political advantage. The morality issue that dominated the last election was Rove’s subliminal clarion call, alerting the faithful to the rising tide of anti-Christian forces everywhere: Islamic fundamentalists abroad and uppity homosexual “unionists” at home. In the perpetual looming shadow of apocalypse, traditional public policy issues suddenly become *de minimus* unless they have direct bearing on the disposition of the soul. It’s pointless, really, bemoaning budget deficits, Social Security, and jobs when the sky’s about to explode into a tabernacle of singing angels. Meanwhile Halliburton laughs all the way to the Gulf. Quite brilliant, really.

The English are not a particularly religious people. So perhaps the Daily Mirror can be excused for its post-election headline “How Can 59,054,087 People Be So Dumb?” Well into what appears to be — on the Continent at least — a post-Christian era (or as the Pope, with plaintive optimism, likes to term it, Europe’s current “waywardness”), Europeans regard Bush’s reelection with absolute incredulity. After all, it defies all logic and reason. Indeed it does. Bush’s reelection requires a sort of supra-rational analysis because it is, at least in part, transcendentally derived. To those still yoked to the secularist claptrap about “passing along a better planet to successive generations,” well, you’re all just irreligious farts anyway. Never mind that the betterment of life on Earth has venerable — and stubborn — Christian roots dating back to the Pelagian heresy. It’s Satan, at his diversionary best, who compels so many to strive towards making the world a better place. The message is clear: engage the world and imperil your soul; imperil the world and your soul ascends. □

Short Stories

Kharmas Come

The white walls of the isolation room were closing in on me by the time someone arrived. There was a puffing noise as the medical advisor came in. The relief I felt at seeing someone died as soon as he spoke.

"I'm sorry. Your application for medical treatment has been denied."

"Excuse me?" After all the hours spent filling out forms, and after having the computer triple-check them, I couldn't believe that a person was telling me that treatment was being denied. It wasn't just the denial for a simple and routine procedure; it was that a real person had been sent to tell me.

"Your application for medical treatment has been denied."

"On what grounds?"

"I can't discuss that. I have other duties." He turned to leave.

I got up and tried to get between the bureaucrat and the door. The effort sapped what little energy I'd gained during the hours-long wait. "We're talking about antibiotic treatment. What possible reason would there be for denying it? Uni-cef antibiotics are cheap. I can pay for it with my own money, if there's no money left in the hospital budget." Please don't accuse me of bribery, or mixing private and public money! — "There's no shortage" — at least, none that made the news — "so there's no reason you can turn my request down."

"There are laws."

"What laws?"

"We have to deny you treatment per the new medical directive from President Edwards."

"What directive?"

"You refused to donate stem cells."

"I thought donation meant optional!" I caught myself and focused on the more essential charge. "I have no recollection of being asked to donate stem cells." Please let this be a check box I forgot to fill in, something that could still be fixed! I could feel a chill coming on. I hoped it was from the stress, and not the fever returning. The black market Tylenol wouldn't last much longer. And if the fever came back, they'd ship me down to storage with the other biowarfare patients waiting to die. "I'll fill out the form now."

The younger man seemed a little sympathetic through his protective suit. "Do you know how Uni-cef is manufactured?"

"I think it's brewed in chicken eggs."

"No. It's made from natural antibiotic excreted by human tissue during the healing process, especially during the formative phases."

"That would explain why it works so well." But what does this have to do with my request?

"Yes. But there is a very limited supply of tissue to use. Prior administrations outlawed corporal punishment about the same time they created the one payer medical system. Demand went up for medical services even as supply went down. Rationing worked for a while, and it was hoped that it would give the medical manufacturers time to catch up with demand. But they all went overseas or out of business. Uni-cef is the first new antibiotic put out in decades since the government clamped down on the excesses of the pharmaceutical industry. Moreover, it's a whole new class of drugs! It's made by creating massive swaths of human tissue. Then it is damaged in a precise chemical-mechanical method. As the tissue regenerates, natural antibiotic compounds are released. Because these are stem cell cultures, the antibiotics released are separate and unique from those used in the adult body; that's why it's so effective. The batch is processed to remove the antibiotic. It's like the growth hormone they used to get from human cadavers, before cremation became mandatory following the biowarfare strikes."

"How does that relate to me not donating stem cells?"

"You've never had cosmetic surgery," his eyes criticized me for forgoing such a routine, and in his view necessary, procedure, "so no sample could be taken from your body fat. You never had an abortion, so no collection could be made then. Furthermore, when you underwent fertility treatment a few years ago, you explicitly refused permission for any excess embryos to be used for scientific research or medical use."

"It was an ethical decision—"

“The Supreme Court, against the President’s wishes, decreed that the individual does indeed have the right not to donate tissue when medical procedures are done. However, the President can determine who gets medical treatment in these times of scarcity. Since you didn’t contribute to the supply, you will not be allowed access to it.” Then he left, and the biocontainment barriers sealed securely behind him. Again, I couldn’t leave unless those on the outside unsealed the barrier. And they didn’t do that because of the disease risk I posed.

I felt queasy. Was it the disease reasserting itself or was it the knowledge of how the cure was created? I didn’t have time to ponder the question — the room was getting warm. The walls turned pink, then a dangerous red. The decontamination sequence had begun.

—*Tamara Wilhite*

Kyoto + Ten

Jordan flipped the burgers every few seconds, whether they needed it or not. The barbeque was an act of bliss. A siren shrieked in the distance, and Jordan scrunched down to avoid being seen. Then he closed the grill’s lid, burning his fingers as it slammed down. “Damn Kyoto,” he muttered.

He had a permit for the meat, but not for the barbeque. And the illegal carbon emission charge couldn’t be bought off with a steak the way he’d kept from getting ticketed when he had illegally acquired meat.

The sirens grew distant. They weren’t coming for him. Jordan came up a few centimeters. He’d picked an alley close to the industrial section in the hopes that the carbon dioxide would be blamed on the machinery. Standing in the alley with the grill hidden behind a trash can was the safest way he could think of cooking this way. This was the first beef he’d had in six months, and he wanted to cook it as his father had. A microwave just wasn’t good enough. Nor was it safe, with blackouts that could render him unable to cook the meat before it went bad and brownouts that could leave the meat undercooked.

Russians didn’t have problems like this. Their economy was collapsing even before they had ratified the Kyoto treaty in 2004. Their declining population meant they had plenty of carbon credits per capita. They could light bonfires in the old Soviet squares at Solstice.

But could Americans do that? No, Americans were rich, evil industrialists who’d polluted the world too much to be allowed even the simple joy of cooking over a real fire. There might be more barbeque permits for people like him if they persecuted homeless people with open fires to keep warm. Or he’d get one if he lived long and got very rich . . . but the 60% income tax meant to pay for the baby boomer retirees’ benefits and the unemployment checks would make it but a faint dream. That’s why he had to enjoy his beef ration from the culled dairy herds. It was far better than the illegally acquired cat meat the homeless often sold to buy rationed vegetables trucked in from afar.

He stood back up, and flipped back the grill’s lid. Nothing was burned. It smelled good — much better than the tofu and krill cakes his friends claimed were acceptable substitutes.

Jordan shifted to look like he was scavenging in the trash cans as some pedestrians cut through the nearly empty wing of the industrial complex. Then they stopped near a door. Security guards came outside and quizzed everyone. After bribes were taken, the pedestrians pulled out attaché cases and resumes. Jordan tried not to curse. He hadn’t known there was anyone hiring out here! Those who got there first had been tipped off in advance and been allowed in early. But by 6 a.m. word would spread, and there would be a huge line of people hoping for interviews.

Jordan started dousing the fire with dirt. The meat was close to done. Was it safe to transport? He didn’t have a choice. He looked around furtively. Neither guard outside the hiring office seemed to have noticed him. Nor had any more applicants come past.

He left the meat in the grill. It would get dirty, but it was the only chance he had of saving it for later. Jordan had hoped to eat it here to eliminate any evidence of his crime. He’d even hoped to abandon the grill in a metal recycling hopper so that he’d walk away with empty hands and a full stomach.

Jordan slung the grill over his shoulder, and started grabbing some rusty scrap metal to carry, to keep his precious cargo out of sight.

—*Tamara Wilhite*

Reviews

"His Excellency: George Washington," by Joseph Ellis. Knopf, 2004, 352 pages.

The Man Who Made America

Timothy Sandefur

To me, Joseph Ellis represents everything wrong with contemporary historiography of the American Revolution. His relentless skepticism toward the ideology of the Founding Fathers leads him to make the strangest sorts of statements. He continually refers to the ideals for which the Revolutionaries "claimed to be fighting," rather than the ideals of the Revolution: for instance, he says, "In June 1776, while Jefferson was drafting the words that declared American independence and the principles on which it claimed to be based. . . ." Such phraseology does not just indicate scholarly objectivity. Scratch the surface of such skepticism a little, and it becomes hostility, as in the concluding pages of this new biography, when Ellis attacks what he calls "the grand illusion of the age, the presumption that there was a natural order in human affairs that would generate perfect harmony once, in Diderot's phrase, the last king was strangled with the entrails of the last priest." Such a cynical conflation of American and French Revolutionary ideology was once reserved for paleoconservatives.

Ellis constantly approaches

Washington and his contemporaries with the attitude that their acts must be explained by something less (and allegedly more fundamental) than ideology. He is obsessed with the word "elemental," which appears every time he tries to discuss Washington's convictions. The impression one gets is that Washington fought not for liberty or equality, but because he resented the high fees charged by Robert Cary, his purchasing agent in London: "The more Washington thought about it," writes Ellis, "the more he concluded that . . . the mercantile system itself was a conspiracy designed to assure his dependency on the likes of Cary. When Washington thought of that abstract thing called the 'British Empire,' he did not think politically. . . . He thought economically." Perhaps, but Ellis fails to explore how this system of exploitation would offend a Revolutionary ideologue, with a commitment to equality and economic opportunity. Instead, the Revolution was just a vulgar scramble for financial gain.

This approach would be perfectly legitimate, if it were an explicit thesis. Indeed, it would be far from original: Charles Beard, Howard Zinn, and other economic historians have long

espoused the Marxist view that ideas are invented to cover interests, and they have done so unapologetically. But Ellis usually just ignores the ideological claims of the Revolutionaries. For him, their principles are more or less irrelevant — particularly today: "The entire mental universe in which Jefferson did his thinking," he writes in his Jefferson biography, "American Sphinx," "has changed so dramatically, modern science has so unmoored all the 'fixed principles' that he took for granted, that any direct connection between then and now must be regarded as a highly questionable enterprise."

This position leads Ellis to project onto Washington his own refusal to take Revolutionary ideals seriously. What makes Washington a great man, we're told, is precisely that he did not talk much about equality or "fixed principles." But this presumption leads to a deeply dissatisfying account of the Revolution and those who made it. At the end of the book, when he discusses Washington's attitudes toward slavery, Ellis acknowledges that Washington found the institution morally revolting — but never explains why, certainly not to the extent that he sifts Washington's financial reasons for hat-

ing slavery. "Economic rather than moral considerations seemed to weigh more heavily on his mind," he says, even though he admits that Washington recognized "that human bondage was a moral travesty." Why? We're not told. In freeing his slaves, Ellis writes, "conscience, his deep

Ellis ignores the ideological claims of the Revolutionaries. For him, their principles are more or less irrelevant — particularly today.

moral revulsion at the blatant wrongness of human bondage, surely played an important role in his decision, [yet] his motives were not purely or merely moral, as they seldom were." But should we expect — or even desire — that they be otherwise? Ellis' stated theme is that Washington always combined interest with vision. But while he meticulously excavates the interest, he rarely even describes the vision.

In Ellis' defense, an interest-based approach is more plausibly suited to Washington than many other Founders. He did seem uncomfortable with some of the principles, like equality, which other Revolutionaries defended at length. He was not a scholar; he did not go to college; he wrote little on political theory that was not platitudinous. And his later life shows that he was at least sometimes led more by motives of personal loyalty and resentment than by political or philosophical considerations. Yet an analysis of Washington, or of the Revolution, which focuses so much attention on interest rather than ideology is bound to fall apart. Ideas have consequences, at least as much as personalities or interests, especially when those ideas lead people to act against their own personal interests. And, in fact, Ellis' *qui bono*-style analysis cracks badly when he confesses that during the Revolution, Washington "transform[ed]" himself "into a public figure whose personal convictions must be suppressed and rendered subordinate to his higher calling as an agent of his-

tory, which in this case meant that winning the war was more important than being himself." Why would he do this? Again, we are not told. But such a transformation is not the sort of thing one would expect from a man motivated primarily by "elemental" concerns.

It cracks even more when Ellis repeatedly condemns Jefferson and Madison for their claims that during his presidency, Washington was manipulated by Hamilton. Ellis finds their allegations repugnant, and says several times that Jefferson "describ[ed]" him in private correspondence as quasi-senile." This is at best an exaggeration. Jefferson never called Washington senile; rather, he believed that Washington's "mind was great and powerful, without being of the very first order, his penetration strong, though not so acute as that of a Newton, Bacon, or Locke, and . . . no judgment was ever sounder. It was slow in operation, being little aided by invention or imagination, but sure in conclusion. . . . His integrity was most pure, his justice the most inflexible I have ever known. . . . We knew his honesty, the wiles with which he was encompassed, and that age had already begun to relax the firmness of his purposes. . . . After I had retired from [the cabinet], great and malignant pains were taken by our federal monarchists, and not entirely without effect, to make him view me as a theorist, holding French principles of government, which would lead infallibly to licentiousness and anarchy. And to this he listened the more readily, from my known disapprobation of the [Jay] treaty."

Far from calling Washington senile, Jefferson attributes Washington's complacency to the fact that Jefferson opposed a treaty that Washington endorsed. And his general description of Washington sounds surprisingly like Ellis' own acknowledgment that the first presi-

dent, though a man of great integrity, was not a political philosopher. What, then, accounts for Ellis' sarcastic dismissal of Jefferson's complaints? Was Washington a strong, independent political thinker who took ideology seriously and had thoughtful reasons for embracing Hamilton's arguments — or did he fight for personal motives because he was passionate and "elemental," and unable to see through Hamilton's manipulation?

Viewing the Revolution through the lens of interest rather than ideology causes Ellis to miss these contradictions, even while he sees contradictions that aren't really there. In one passage, Ellis asserts that "Just as the standing army he sought to create contradicted the political principles it claimed to be fighting for, Washington's king-like status contradicted the potent antimonarchical ethos in revolutionary ideology." But only a few paragraphs later, he notes that "from the very start . . . he made a point of insisting that his expansive mandate was dependent upon, and subordinate to, the will of the American citizenry. . . . Washington did not use the term 'civilian control,' but he was scrupulous about acknowledging that his own authority derived from the elected representatives of Congress." The alleged contradiction thus disappears: Washington's status was antimonarchical precisely because he was Cincinnatus, the farmer-soldier, the focus of an ethos that was at least as *republican* as it was *antimonarchical*. The Revolutionaries did not disclaim titles, they disclaimed *unearned* titles.



"Always give them their bill before they get their clothes back on — they're more vulnerable then."

The principle of equality meant government by consent, which gave legitimacy to the robes of office which they had previously lacked: the legitimacy of the "natural aristocracy of virtue and talents." Thus Washington's king-like status was consistent with the Founders' vision because the accolades were bestowed on him by the consent of the governed.

Ellis' failure to understand the Founders the way they understood themselves is a common theme in his work. In the preface to "Founding Brothers," for example, Ellis claims that "the very arguments used to justify secession from the British Empire also undermined the legitimacy of any national government capable of overseeing such a far-flung population." The "core argument" of the Revolution, he claims, "was an obsessive suspicion of any centralized political power that operated in faraway places beyond the immediate supervision or surveillance of the citizens," and "the cardinal conviction of revolutionary-era republicanism" was that "no central authority empowered to

Washington's status was antimonarchical precisely because he was Cincinnatus, the farmer-soldier, the focus of an ethos that was at least as republican as it was anti-monarchical.

coerce or discipline the citizenry was permissible, since it merely duplicated the monarchical and aristocratic principles that the American Revolution had been fought to escape." And yet the fact is that only a few years after the Revolution, the nation ratified a Constitution that did create a central authority, and did so with the backing of the leaders of that very Revolution. They did so because their actual argument rested on "fixed principles" that are noticeably absent from Ellis' description: namely, that *all men are created equal*, and that they are *endowed with certain inalienable rights*, to secure which government is created. Any

government that respected these principles — even a centralized one — the framers saw as consistent with Revolutionary principles. The Founders were not led by an "obsessive suspicion" of all government, but by a political philosophy of equality, consent, liberty, and security. But because he omits the Declaration's most fundamental axioms from his appraisal of the Founders' "cardinal convictions," Ellis finds the Constitution a paradox — or even worse, the result of a diabolical plot of elites: "a tiny minority of prominent political leaders from several key states conspired to draft and then ratify a document designed to accommodate republican principles to a national scale," he writes.

So we are left with this: the American Revolutionaries "claimed" to fight for radical principles like equality and natural rights, which are really irrelevant today; but they were *really* fighting for "elemental" convictions arising from an "obsessive" hostility to "any central authority" — solely because of geographic considerations, mind you. The "tiny minority" of elites then "conspired" to foist on the United States a Constitution which was, in Ellis' word, "incompatible"

with Revolutionary principles, but which nevertheless has served as a "realistic compromise" between "liberty and power."

Yet Ellis won the Pulitzer for "Founding Brothers." This isn't surprising: his views have been standard fare for generations now. Ellis' style is to announce with great fanfare the tired shibboleths of mainstream American history professors: Jefferson was an incomprehensible sphinx; the Founders were economically-driven elitists and hypocrites; Revolutionary ideology is made up of platitudes that have lost whatever meaning they might have had, and were designed to cover up the interests of the exploitative classes in the first place. Ellis' packaging of such claims is actually more mild, and far more readable, than the usual, but it's regrettable that historians of such stature continue to embrace the notion that the American Constitution somehow betrayed the Revolution, or that the "fixed principles" that Jefferson and Washington fought for are now irrelevant. They are not; they are the only hope for a safe and free world today — and the only hope of those who want to really understand our nation's past. □

"Million Dollar Baby," directed by Clint Eastwood. Warner Bros. Studios, 2004, 137 minutes.

Punch Drunk Oscar

Jo Ann Skousen

Unless you've spent the last three months in a secluded monastery, you probably already know how Clint Eastwood's Oscar-winning "Million Dollar Baby" ends. That's because

shortly after the film opened in December, some movie reviewers and talk show hosts began discussing its controversial ending, which I won't mention yet, in case you have indeed been hanging out in that secluded monastery.

And that's a shame, because the movie isn't really about the ending, and it isn't really about women box-

Maggie sees boxing as her chance to "be somebody," although judging by the way she barely punches at the speed bag early in the film, one wonders how she ever managed to get through a first round before teaming up with Frankie Dunn.

ing either (although that's another reason conservatives avoided this movie). It's a tender film that gently explores the meaning of family. Three losers are thrown together, by happenstance really, and make a home for themselves in a worn-out gym. Maggie (Hilary Swank) is a 30-something waitress from a trailer-trash family who wants to make something of herself, and sees boxing as her chance to "be somebody" — although judging by the way Maggie barely punches at the speed bag early in the film, one wonders how she ever managed to get through a first round before teaming up with Frankie Dunn (Clint Eastwood). Scrap (Morgan Freeman) is a former boxer whose eye injury many years earlier ended his career; he now cleans the gym, watches over the boxers as they work out, and sleeps in a utility room in the back.

As owner of the gym and its principal trainer, Frankie is down but not out, living in a modest house nearby. But it's not a home. He's battling demons: fears of injuring his boxers makes him hold them back; questions about God take him to church every day, where he spars with the young priest; and estrangement from his daughter leads to the most poignant moment of the film. Eastwood's lean acting style, never wasting a motion or a word, serves him well in this role, as he reveals his character slowly, subtly, aching, without the melodrama that has turned even the

original "Rocky" into a parody of itself (never mind the ones that came after).

These three become much more than a team, and much less than a love story. Thankfully Eastwood (looking better than he has in a long time, but still — he's 74!) did not decide to give himself a romantic relationship with Swank. Instead, they develop a father-daughter relationship that is almost perfect: he coaches her, takes pride in her, feeds her, listens to her, guides her, and ultimately gives her the one thing she wants which takes away from him the only thing he has left. And that is what this movie is really about — sacrifice. Giving up what one loves more than anything in the world for the person one loves even more.

Ironically, the campaign to ruin the film by talking about its ending might have inadvertently propelled it to the podium at the Oscars, as Hollywood voters decided that they weren't going to be pushed around

by conservatives in yet another election. It's a good movie, but it isn't a great movie, and the other contenders this year were top-notch. I wouldn't have given it the award for best film.

Nor would I have given the best supporting actor award to Morgan Freeman. Yes, he's a mainstay in Hollywood, a good actor who deserves recognition for his longevity as a consistent performer. But he's a Katherine Hepburn — roles find him because he fits the part, not the other way around. He has played this role before, as the benevolent narrator and guide in "The Shawshank Redemption," "Driving Miss Daisy," and "Godalmighty." All great roles, two of which earned him Oscar nominations, but in this year's field of fabulous performances, I'm not sure he was the right choice. Perhaps Hollywood insiders thought it was his "turn," just as John Wayne received an Oscar in 1969 that seemed more like a lifetime achievement award than a recognition of his









Jolie, Barbra, even Sammy, Leo, and Liz

"Almost every Jew in America owes his life to laissez faire capitalism. It was relatively laissez faire America that welcomed Jews in unlimited numbers and *progressive*, New Deal America that turned them away by the boatload, and back to Auschwitz... For Jews especially: God Bless America should be God Bless laissez faire capitalism."

For *The Jewish Debt to the Right*, the New Mises Seminars, an Open Forum of the Right, and new ideas that the old libertarians don't want you to know about
 see [Intellectually Incorrect](http://IntellectuallyIncorrect.atintinc.org) at intinc.org

work in "True Grit." (Losers that year included Dustin Hoffman and Jon Voigt in "Midnight Cowboy,"

Eastwood's lean acting style, never wasting a motion or a word, serves him well in this role, as he reveals his character slowly, subtly, achingly.

while Robert Redford and Paul Newman weren't even nominated for "Butch Cassidy and the Sundance Kid.") But by that criterion, it was Martin Scorsese's "turn" as well this

year, and "The Aviator" was a better movie (except for the annoying Cate Blanchett as Katharine Hepburn, who did win the Oscar — go figure!)

I could add a paragraph here about the controversial ending, but it really isn't necessary. The film does not campaign for euthanasia, it simply ends that way. While making the decision, the characters discuss and reject other options, acknowledging that this is not the only choice, or even the best choice for most people, but it is the choice that this person wants. And it's a choice that breaks the heart of the one who must carry it out.

"Greater love hath no man than this." □

"Spoon River Anthology: An Annotated Edition," by Edgar Lee Masters, edited by John E. Hallwas. University of Illinois Press, 2003, 443 pages.

Wanderings in the Quest

Stephen Cox

To the making of books, as King Solomon said, there is no end. But there are a few books that can never be replaced and should never be forgotten. One of them is "Spoon River Anthology," a collection of poems by Edgar Lee Masters.

"Spoon River" was published in 1915, to great popular and critical acclaim. It was an important event in American literature. It was one of several works, in various genres — Theodore Dreiser's realist novel "Sister Carrie" (1900), Sinclair Lewis' satirical novel "Main Street" (1920), James Branch Cabell's fantasy-satire "Jurgen" (1919), the brief "epiphanic" stories that Sherwood Anderson col-

lected in "Winesburg, Ohio" (1919), H.L. Mencken's many essays in literary and social criticism — that soon spelled the end of the ornately respectable "genteel tradition" in American writing, together with the routine acceptance of "heartland values" as typical of the national literature.

Until the 1960s and 1970s, two of the works I just mentioned, "Main Street" and "Spoon River," were favorite offerings in high school and college classes. Today, only one of them — "Main Street" — remains in that category, and it is not hard to predict that unless something drastic is done, "Spoon River" will soon disappear from the knowledge of intelligent general readers.

That would be an immense misfortune. "Spoon River" is much more than the typical "historically interesting" book. It shows, as few works of literature have ever done, what the individual's struggle for freedom looks like — and sounds and feels and tastes like, too.

I'm not referring to the struggle for a certain kind of political program. There was plenty of politics rattling around in Masters' brain, but his political thought was chiefly remarkable for its period style, and for its ability to carry a period style far past the era in which it seemed to make sense. Masters, in a word, was an unreconstructed Bryanite, a proponent of the soft-money, anticorporate program on which the Democratic Party lost the elections of 1896 and 1900. He hated "banks" and idealized "democracy" and the "American people" — not any particular people, mind you; he knew better than to idealize them, but people, as opposed to capital and business. He also had an idea that America's "great race," the race of the pioneer yeomen, was losing out to recent immigrants and the urban mob and southern crackers and evangelical Christians and numerous other people whom he didn't like, with all sorts of political ramifications that are too silly to inflict on you.

Occasionally "Spoon River" surprises the reader with a gripping image from American history, an image of:

that stretch of years like a prairie in
Illinois
Through which great figures passed
like hurrying horsemen:
Washington, Jefferson, Jackson,
Webster, Clay...
or an image of the time
When giant hands from the womb of
the world
Tore the republic.

But such images are not really politics, and political issues are not the ones that are really interesting in "Spoon River," where even Abraham Lincoln (whose politics Masters came to dislike) is treated as a person, not as a set of political ideas. "Spoon River" is relentlessly focused on individual people and their attempts — often obscure, usually tragic, but almost always formidable in signifi-

cance and expression — to fulfill their private destinies. Some of those destinies, if realized, would be glorious; some would go unnoticed by anyone but the individual himself; some are recognized by the poet as hopelessly perverse. But all the drama of humanity is in them.

Well, exactly what is the "Spoon River Anthology," anyway?

It is a collection of 244 brief epitaphs, written in free verse, supposed to have been transcribed from the

"Spoon River" shows what the individual's struggle for freedom looks like — and sounds and feels and tastes like, too.

tombstones of former inhabitants of Spoon River, a village in Illinois. (The idea of a poetry sequence came to Masters from the ancient collection of short poems called the Greek Anthology.) Each imaginary epitaph speaks in the voice of the dead person — as, for instance, Tennessee Claflin Shope, a proponent of eastern mysticism:

I was the laughing-stock of the village,
Chiefly of the people of good sense,
as they call themselves —
Also of the learned, like Rev. Peet,
who read Greek
The same as English.
For instead of talking free trade,
Or preaching some form of baptism . . .
I asserted the sovereignty of my own soul.
Before Mary Baker G. Eddy even got started
With what she called science
I had mastered the Bhagavad Gita . . .

Eccentric? Certainly. But you cannot have individualism without eccentricity.

There really is a Spoon River in west-central Illinois, but it's a river, not a town. Masters bases his mythical town of Spoon River on two places in the vicinity, places where he lived while growing up, Petersburg

and Lewistown. Many of the characters are based on people he knew in those towns. One character, at least, bears the real name of a man who was still alive when the book was published. What that man thought of his epitaph, if he ever read it, has not transpired. Most of Masters' other models would not have been pleased by what he does with them, or his account of what they had done with themselves.

Some of the epitaphs are solely concerned with events in the speakers' own lives. Many, however, refer to episodes in which the speakers' lives converged with others', usually with unhappy consequences. The poems can be read either in or out of order, but however they are read, the story of the whole community emerges, like the action lurking in the background in a series of sudden snapshots.

My husband had nothing to do
With the fall of the bank — he was
only cashier.
The wreck was due to the president,
Thomas Rhodes,
And his vain, unscrupulous son.
Yet my husband was sent to prison,
And I was left with the children,
To feed and clothe and school them,
And I did it . . .

What the reader sees in the evolving story is the primal and continuous struggle between the self and the world that surrounds it. One also sees the self's constant attempt to understand the struggle, find its pattern, discover an image that explains it.

Oh, many times did Ernest Hyde and I
Argue about the freedom of the will.
My favorite metaphor was
Prickett's cow
Roped out to grass,
and free, you
know, as far
As the length of the rope.

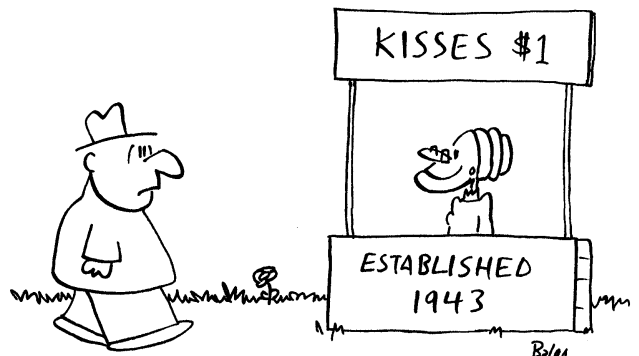
The argument of fate and freedom runs all the way through "Spoon River." But whatever images and patterns the characters debate, the very intensity of the debate insists that

any final truth must be consistent with the great fact of their individuality. "You may blame Spoon River for what it is," remarks the epitaph for Calvin Campbell, who is named, ironically, for the prophet of predestination, "But whom do you blame for the will in you . . . ?"

As a respector of individual motives, Masters knows that they cannot be reduced to formulas. They are mysterious and unpredictable, revealed more effectively in story than analysis. This insight makes a perfect fit with the kind of poetry he's writing, short lyric poems that have to show everything in a quick flash of action.

Why did you do what you did? According to the epitaph of Barry Holden, he was attending the trial of Dr. Duval for killing his lover Zora Clemons, and it "was clear" to him, as he listened to the witnesses, that Duval "had got her in a family way" and then could not "let the child be born." So what? you may ask.

Well, how about me with eight children,
And one coming, and the farm
Mortgaged to Thomas Rhodes?
And when I got home that night,
(After listening to the story of the buggy ride,
And the finding of Zora in the ditch,
The first thing I saw, right there by the steps,
Where the boys had hacked for angle worms,
Was the hatchet!
And just as I entered there was my wife,
Standing before me, big with



child.

She started the talk of the mort-
gaged farm,
And I killed her.

"She started the talk of the mort-
gaged farm": the line comes as fast as
a camera's click, but it has the formal
dignity of words chiseled in granite.
"And I killed her" has the same dig-
nity and calm, conveying and closing
the horror at once, in just four deadly
syllables. Do you need any more?
You do not. The poem has already
told you much more about murder
than you ever knew before. It did it
with pure action. The picture is com-
plete.

Few quests for freedom in Spoon
River turn out to be as criminal as
Barry Holden's. More of them are
simply ridiculous, or would be if
they did not find an arrestingly indi-
vidual form of expression. Consider
Zilpha Marsh, who discovers her true
self one afternoon "at four o'clock in
late October" while sitting "alone in
the country school-house," playing
with the ouija board "in an idle
mood." Suddenly the board spells
out the name of Charles Guiteau!

And after that the spirits swarmed —
Chaucer, Caesar, Poe and Marlowe,
Cleopatra and Mrs. Surrat . . .

"Spoon River Anthology"
is a collection of 244 brief epi-
taphs, written in free verse,
supposed to have been tran-
scribed from the tombstones of
former inhabitants of Spoon
River, a village in Illinois.

"Mere twaddling nonsense,
Spoon River agreed." Yes. But Zilpha
speaks for everyone who values indi-
vidual experience over community
assumptions, when she turns on
Spoon River and asks,

And suppose I see what you never
saw
And never heard of and have no
word for,
I must talk nonsense when you ask
me

What it is I see!

The last line could serve as a
heading for many of these poems, so
concerned are they with variant ways
of seeing, and with "seeing" as a way
of achieving at least the freedom to
express one's rebellion against the
world. A pair of poems demonstrates
the individuality of "sight" in the dif-
ferent ways in which two people
view those most common of all mid-
western objects, trees. For Samuel
Gardner, the self is like a great, self-
enjoying tree:

Of in life [I] saw this umbrageous
elm,
Measuring its generous branches
with my eye,
And listened to its rejoicing leaves
Lovingly patting each other.

Gardner believes that the growth
of the tree is limited only by the
breadth of its roots. His humble
acquaintance Dow Kritt does not
agree.

Samuel is forever talking of his elm,
But I did not need to die to learn
about roots —
I, who dug all the ditches about
Spoon River.
Look at my elm! . . .
Look, Samuel, where the roots have
struck rock,
And can no further spread.
And all the while the top of the tree
Is tiring itself out, and dying,
Trying to grow.

Few individualist thinkers in the
American tradition (Emerson, Thor-
eau, Whitman, Paterson, Nock . . .)
have believed that being an individ-
ual is a guarantee of success. They
knew that for some people — as for
Oedipus and the great Antigone —
being an individual provides the dig-
nity of a disastrous end. It may be
other people who work that end, out
of their envy and hatred, or stupid
pragmatism; or the end may be
worked by the person himself, out of
his own good qualities. Remember
that Oedipus and Antigone perish
because they overfulfill the norms of
individual virtue.

A "tragic view of life," as Ayn
Rand would say? No; just a truthful
view of life. Individuality is often
incompatible with its circumstances,
and its success with its own deci-
sions. But having the choice of what
one wants to say about it, one still

has every reason to honor it. And the
necessities of art weigh heavily in its
favor. In the great scene in which
Citizen Kane is exhorted to take the
advice of other people or see his
political career destroyed, everyone
knows that the advice is good, in a
practical sense. In fact, everyone feels
that it would be comic, as well as

*Masters was born in 1868,
but you would think, from
reading "Spoon River," that
he was writing about the expe-
rience of a thousand gen-
erations.*

tragic, for Kane not to take it. The
problem is that if he did so, nobody
would stay for the rest of the film.
Such a decision would destroy the
dignity of the character, and the film
itself; and it would bore any
American audience to death.

Masters is the great poet of this
exacting but logical and very
American view of the self and its
choices. His politics constantly
tempted him to blame the bankers,
the village grandees, the sexually
repressed Christians, all the ignorant
and stupid inhabitants of Spoon
River for the defeats of the rebels
who fail in their struggle with life.
But his insight into human choices
showed him something besides poli-
tics. "You may think," says the epi-
taph of Lyman King, "that Fate / Is a
pit-fall outside of yourself."

But pass on into life:

In time you shall see Fate approach
you
In the shape of your own image in
the mirror;
Or you shall sit alone by your own
hearth,

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And suddenly the chair by you shall
hold a guest,
And you shall know that guest,
And read the authentic message of
his eyes.

The "Fate" that may destroy you
is already here with you. It is yours.
And yet, even in the least propitious
circumstances, so is the hidden life
that makes you free. Many of Spoon
River's epitaphs are triumphant dis-
closures of the kind of secrets that
vouch for the self's individuality and
authenticity.

Such a secret may simply be the
honesty of self-knowledge. "You
praise my self-sacrifice, Spoon
River," says Constance Hatley, "in
rearing Irene and Mary, / Orphans of
my older sister." But what Spoon
River doesn't know is that Constance
Hatley's virtue made sure to collect a
psychic payment: "I poisoned my
benefactions / With constant remind-
ers of their dependence." Bad or
good, that is her secret, her sign that
she has a self quite different from the
one that seemed to fit Spoon River's
mold.

Spoon River cannot see Constance
Hatley's soul. Neither can it appre-
ciate the delight that Chase Henry,
the town drunk, derives from his glo-

*Masters' political thought
was chiefly remarkable for its
period style, and for its ability
to carry a period style far past
the era in which it seemed to
make sense.*

rious interment in the village ceme-
tery, with "a marble block, topped by
an urn." What did he do to deserve
it? Nothing! And that's the joke. The
Protestants fell all over themselves to
do him honor, simply because his fel-
low Catholics would not allow him to
be buried in consecrated ground. So
Henry sees himself as the final win-
ner:

Take note, ye prudent and pious
souls,
Of the cross-currents in life

Which bring honor to the dead, who
lived in shame.

Spoon River cannot imagine why
Harry Goodhue, who waged one
campaign after another against banks
and business interests, suddenly
went over to the Temperance cause.
But he explains. It was while "stag-
gering up from the wreck of defeat"
that he seized on a scheme of
revenge:

I slipped from my cloak my last
ideal,
Hidden from all eyes until then,
Like the cherished jawbone of an
ass,
And smote the bank and the water-
works,
And the businessmen with
prohibition,
And made Spoon River pay the cost
Of the fights that I had lost . . .

The "dullards of Spoon River"
never knew that Harry Goodhue, the
crusader, was also the "spiritual
brother" of Chase Henry, the drunk-
ard — both immoralists, after all.
And the secret was kept.

Yet there are moral victories in
Spoon River that are just as pure and
secret as these triumphs of cynicism.
Emily Sparks, the "old maid"
teacher, dies thinking of her favorite
student, wondering where he is, and
praying,

That all the clay of you, all the dross
of you,
May yield to the fire of you,
Till the fire is nothing but light! . . .
Nothing but light!

Where is her former student now?
He's in Paris, entertaining a prosti-
tute; and yet . . . he's thinking of
Emily Sparks. Thinking of her, he
breaks into tears. The prostitute is
pleased, believing that he is crying
for love of her. In fact, he is "some-
how" receiving a "new vision" of life,
the gift of his secret thoughts of
Emily.

That is a victory of experience.
There are also victories of innocence.
William Goode is known in the vil-
lage as one who wanders "aimlessly"
about. But again, Spoon River's wis-
dom is mistaken. He is the one who,
though innocent, is wise enough to
know and follow a true purpose.

If you have ever lost your way at
night,
In the deep wood near Miller's Ford,

And dodged this way and now that,
Wherever the light of the Milky Way
shone through,
Trying to find the path,
You should understand I sought the
way

*Satire of the heartland is
almost as old as the heartland
itself.*

With earnest zeal, and all my
wanderings
Were wanderings in the quest.

"Spoon River" is full of phrases
that describe itself. "Wanderings in
the quest" is one of them. "Spoon
River" is not a work that dogs a thesis;
it is the deep wood through which the
Milky Way shines, in moments of indi-
vidual apprehension too bright to be
represented in any other way than the
one that Masters chooses.

It is gratifying to realize that his
book has never been out of print. The
best available version is the anno-
tated edition by John Hallwas.
Although it does not afford a full
view of the poet's life, dwelling
instead on his period of intellectual
development, it provides an intelli-
gent introduction to his work, some
interesting photos, and useful notes.
Hallwas appreciates the importance
of individuality, and individual lib-
erty, as stars that Spoon River fol-
lows. He doesn't happen to discuss a
number of curious issues about
Spoon River and other "heartland"
literature that I think merit attention.
I want to mention four or five of
those issues.

1. It is very curious that so new a
civilization as that of the American
middle west should have become so
conscious of itself as "old."
Lewistown, Illinois, which now

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Martin Morse Wooster is a writer living in Silver Spring, Md.

proudly advertises itself as:

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"Spoon River Anthology," by Edgar Lee Masters, American Poet

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was settled in the 1820s. Masters was born in 1868, but you would think, from reading "Spoon River," that he was writing about the experience of a thousand generations. The first age of the midwest was that of the pioneers; the second was that of respectability, conformity, and boredom; the third was that of satire and nostalgia.

No artistic representation of American life can succeed and endure unless it both embraces and sharply criticizes that life.

But those three ages were not far apart; indeed, they overlapped. Sinclair Lewis' home town, Sauk Centre, Minnesota,

The Original "Main Street" was settled in the 1850s and only one generation later (1885) became the birthplace of its Nobel Prize winning satirist. Yet Lewis, like Masters, looked back to the era of the pioneers as if it were the time before the flood.

2. A remarkably large proportion of the residents of Masters' Spoon River seem to be conversant with "Chaucer, Caesar, Poe and Marlowe" — a proportion approximately 100 times greater than you'll find among the residents of the town where you live, wherever you live. The alleged ignorance of the old American heartland invites further research.

3. When "Spoon River" first appeared, most American readers were

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products of small towns and rural areas. Now the great majority are people who grew up in the megalopolis. This should mean that there is a vast gulf fixed between their sense of the world and that of the old America. Many academics and high-class publishers assume that there actually is such a gulf, except in respect to the ersatz hinterland scenes that show up in novels by people like Jane Smiley and Stephen King. But the continued accessibility of "Main Street" and "Spoon River" argues otherwise. Experiment shows that no intelligent contemporary American who sits down to read these books ever fails to understand them, regardless of their now-arcane references to Henry George and John

When "Spoon River" first appeared, most American readers were products of small towns and rural areas. Now the great majority are people who grew up in the megalopolis.

Peter Altgeld and "the day the Anarchists were hanged in Chicago." Why is that so? This also bears investigation. Perhaps the culture of the American hinterland represents something essential, natural, and universally communicable, after all.

4. Satire of the heartland, as I've indicated, is almost as old as the heartland itself. Michigan wasn't one-tenth settled when Caroline Kirkland

made herself unpopular therein by writing her satirical novel "A New Home — Who'll Follow?" Nostalgic treatments go back almost as far. But the vast majority of both nostalgic and satirical treatments are worthless, except as historical documents, because they are either satiric or nostalgic. The great American writers knew that no artistic representation of American life can succeed and endure unless it both embraces and sharply criticizes that life. I grew up in farm country. My family has lived in small towns and rural areas of the midwest for the past 200 years. I think I know what I'm saying when I insist that the meaning of these places cannot be evoked by one-sided methods. One of my first cousins, a lifelong resident of a small town, died under circumstances that strongly suggested murder; but despite the pleas of his sister, no one would investigate the case. The town hadn't liked him (with some good reason), and that was that. There's a drama in that story, a drama of red-state attitudes, good and bad; but no blue-state satire would bring it out. Only a many-sided literary approach could do it. Sinclair Lewis understood that (though he didn't always act up to it); so did Willa Cather, and William Faulkner, and Edgar Lee Masters. Maybe American literature will revive as a truly national literature when some of our contemporaries learn the same thing.

5. Let me put that in another way. The great American writers saw the folly of heartland attitudes. They saw the soulless pragmatism of small-town America. They saw its daily indifference to individuality, individ-

ual desire, and individual responsibility, just as Sophocles saw the folly of the choruses in "Antigone," which ordinarily show a strong disposition to flatter the winning side. But like Sophocles, they also saw something more profound in their material. They saw that America, like the

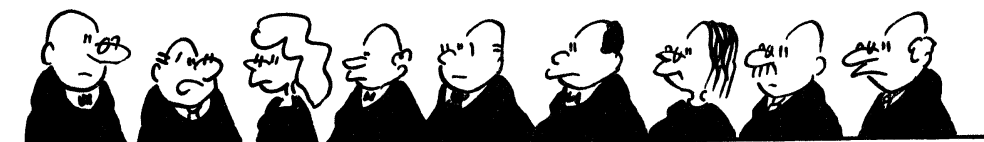
The great writers saw small-town America's daily indifference to individuality, individual desire, and individual responsibility, just as Sophocles saw the folly of the choruses in "Antigone." But like Sophocles, they also saw something more profound in their material.

Athens of Sophocles, was a place where individuals could defy the community in the name of the community's own official values, and finally interest the community in their defiance. A drama like that will always deserve attention. When "Main Street" came out, my oldest uncle, who had been to college, sent a copy to my grandmother, inscribing it, "To My Mother, Who Lives There." She lived in a house that was literally on the Main Street of the kind of town that Lewis was satirizing — but she enjoyed the satire anyway. Like ancient Athens, heartland America, despite the monotony of its wood-frame facades, has always retained a core of individualism,

like an heirloom on the top shelf of the hall closet, to make sure it keeps until somebody comes along and opens the box and sees what a remarkable thing has come down in the family.

The heirloom is still in the house. Masters can lend you one of the keys. □

Supreme Court



"I don't know about you guys, but my mail has been running two to one against the Constitution."

Ba/00

Boise, Idaho

Advance of the arts in the wilds of Idaho, from KTVB.com, winner of the Edward R. Murrow award for best news website:

Boise ordinance 6-22 prohibits entertainment featuring complete nudity, excluding "dance, ballet, and dramatic performances." A local "gentlemen's club," Erotic City, has converted itself into an art school, and provides its patrons with sketch pads and pencils.

Oslo

Cultural advance in the Scandinavian utopia, from an article in the *Seattle Weekly*:

The government of Norway has financed foreign journalists' visits to Norway to hear performances by Tungtvaan, a Norwegian reggae group.

Seattle

A headline in the *Seattle Times* offers curious advice to the lovelorn:

"Know partner's credit before saying 'I do'"

Springfield, Ill.

The tribulations of a movement leader, from the *Springfield State Journal-Register*:

Annette "Flirty" Stevens, the president of the Springfield chapter of the Million Mom March, was arrested on firearms charges. While investigating her connections to gang members implicated in a series of drive-by shootings, police found in her house an unregistered firearm with a scratched-off serial number.

U.S.A.

Good news for household mold, from a dispatch in the *Peninsula Daily News* (Port Angeles, Wash.):

John Kerry's defeat means that he will be unable to fulfill his campaign promise to create a "Department of Wellness, to deal with problems such as household mold."

Key West, Fla.

A procedural note, from the *Marathon Keynoter*:

Officials with the Florida State Attorney's Office have requested the appointment of a special prosecutor to avoid a conflict of interest in court proceedings against Monroe County prosecutor Albert Tasker.

Tasker is charged with indecent exposure and drunk and disorderly conduct after attempting to pull a prank by hopping naked into his friend's car. The woman in the vehicle called 911.

Orange County, Fla.

Admirable commitment to preventing juvenile violence, from Melbourne's *Florida Today*:

Robert Gomez, a 7th-grader at Liberty Middle School, was suspended for ten days and faces expulsion for dropping a rubber band onto his teacher's desk. His mother, Jenette Rojas, was told that "if he would have aimed it a little more and he would have gotten it closer to her face he would have hit [the teacher] in the eye."

The school is punishing Gomez for a Level 4 offense: "the use of any object or instrument to make a threat or inflict harm." Other Level 4 offenses include arson, assault and battery, and the use of explosives.

Albany, N.Y.

Innovation in employee disciplinary measures in the halls of New York's capital, reported in the *New York Post*:

After Patricia Freund complained about Gov. George Pataki's prayer breakfasts, claiming they were discriminatory to state employees who were Jewish, her bosses retaliated by having her named the New York Liquor Authority's director of wholesale services, a position with no responsibilities. Freund, who continues to earn \$82,000 a year, estimates

that in three years she has done less than two days' worth of work.

Aurora, Colo.

Progressive policing in the Mile High State, from the *Rocky Mountain News*:

Aurora police have said that proper procedures were followed when patrolmen hit Danon Gale twice with a Taser in front of his young children. Gale had refused to show proof of purchase while making a trip to the salad bar at a Chuck E. Cheese restaurant.

King County, Wash.

Advance in the techniques of public defense, from the estimable *Seattle Times*:

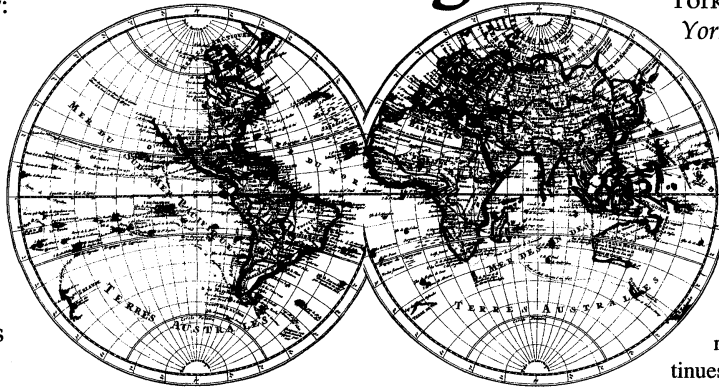
Jail guards said they saw former public defender Theresa Olson having sex, in a room reserved for attorney-client meetings, with her client Glen Sebastian Burns. Olson explained it was merely a "hug gone bad," and that she did not "know anything that was going on with Mr. Burns' pants."

Morton Grove, Ill.

Interesting legal development in the suburbs of Chicago, reported in *Trains*:

Paul Burgess and Randy Olson, who are rail enthusiasts, set up camera tripods at a station in Morton Grove. Police soon arrived, conducted background checks of the two, searched Burgess' truck, and admonished the rail fans that taking pictures of trains was against the law. Burgess protested that the pair "had First Amendment rights under the Constitution." The officer responded, "These laws supersede the Constitution. Photography of trains is illegal."

Terra Incognita



Special thanks to Laurie Gelb, Russell Garrard, Thomas DiMaio, Paul Arends, and M. Richards 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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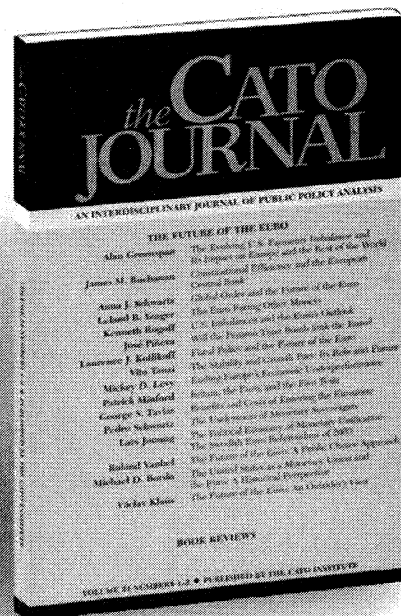
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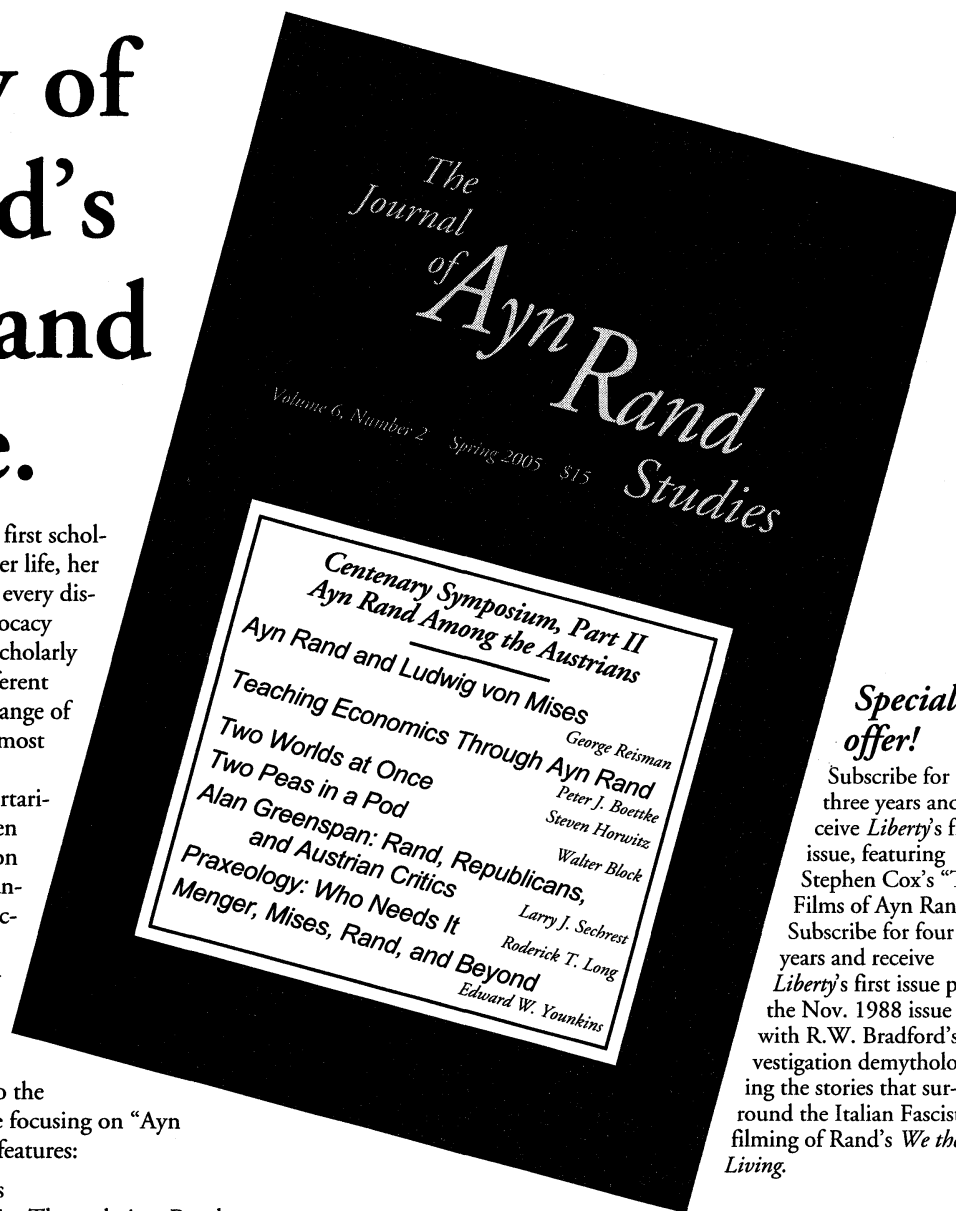
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