

THE

# Libertarian Forum

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VOLUME II, NO. 21

NOVEMBER 1, 1970

35¢

## White Terror In Quebec

The press, as usual, has it all backward; as usual, it strains at a gnat while cheerfully swallowing a camel. The wave of horror at the kidnapping of two government officials by the *Front de Liberation du Quebec* has hardly been matched by any indignation at the wave of White Terror that Prime Minister Trudeau has imposed on that long-suffering province. Quite the contrary. Thus, the good grey *New York Times* (October 19) denounces the "atrocities" of the "cold-blooded murder" of Quebec's Labor Minister, but hails the "vigorous and necessary" measures of despotic repression that Mr. Trudeau has brought to the province. These measures include the decree outlawing all members of the FLQ, and the rounding up, without search warrant or indictment, of hundreds of separatist leaders and placing them in jail without trial. One man's "atrocities" is another man's "vigor".

Even more ominous is the reaction of U. S. officials to this shining example north of the border. While Attorney-General Mitchell made the headlines in assuring us that this can never happen here, the *Times* reports that unnamed State Department officials take great comfort in Mr. Trudeau's "gutsy" actions, and see them as a model for dealing with our own dissidents and revolutionaries. Total fascism may well come to America in the name of "guts."

The deeper problem in Canada is also studiously ignored. For Canada is really not a nation at all, but rather a geographical expression. In our October 15 issue, Professor Peden showed that this is true even for Canada's beleaguered Maritime Provinces; how much more is this true of the French nation of Quebec, which has groaned under the Anglo heel for over two centuries! In the mid-eighteenth century, Canada was French; it was then conquered, in a naked act of aggression by Great Britain, and the French of Quebec have lived under Anglo tyranny, discrimination, and exploitation ever since. Now that Quebec is becoming increasingly urban and educated, its people are increasingly anxious to end this carefully fostered myth of a Canadian "nation", and to achieve independence for their own French nation once more.

Here, again, our purely educationist Libertarians are caught in an impossible bind. What is *their* prescription for freeing Quebec, with its French language, culture, and nationality, from the Canadian yoke? Education will not do the job here, because no amount of "education" will persuade Canada simply to give up the prestige and perquisites of its imperial rule over Quebec. Any attempt by Quebec to secede peacefully would be met in the same brutal and violent way that the "free" United States met the attempt by the South to secede a century ago. A peace-

ful solution, therefore, will unfortunately not work, simply because Anglo Canada will not permit it. Hence, the going over by the FLQ into guerrilla warfare and armed insurrection. The FLQ are not the northern equivalent of our crazed Weathermen, simply because the mass of the Quebecers endorse its goals, though not yet its current tactics. The only chance of a peaceful secession lies in the separatist political party, the *Parti Quebecois*, which, while newly formed, had great successes in the last provincial elections. But then again, I don't see any great huzzahs among our libertarians for the PQ either, presumably because it indulges in the impurity of running for electoral office. But again we must put the question to our educationists: what advice would *you* give the Quebec people?

## Gems Of Statism

### 1. Chairman Mao and the Church.

*National Review*-niks had better take a second look at the "martyred" Bishop James Walsh, recently released from twelve years in a Chinese Communist prison. For the 79-year-old bishop, now safe in Rome, praised the Chinese regime for three great advances it is supposed to have made: equality of women, equality of races, and, in particular, "an absolute ban and prohibition on all manifestations of immorality and indecency in regard to theatrical displays, or publicity, or action." (*New York Times*, August 27). And, come to think of it, this item might also give pause to those libertarians who have embraced Chairman Mao as the "greatest libertarian of the twentieth century."

### 2. Most Persecuted Minority-Department

Contrary to Ayn Rand, big businessmen scarcely consider themselves as "America's most persecuted minority." Thus, in mid-October a group of the nation's leading and most powerful corporation executives, assembled as the Business Council advising the Nixon Administration, hinted strongly in the direction of new government policies that would hold down wage increases. The businessmen claimed that they certainly were not thinking of wage or price controls, but this danger looms increasingly large as the Administration loses its timid and fitful battle against inflation. Austrian theory shows that in the later stages of a boom wages tend to catch up with prices, squeezing profits, and it is then that businessmen are tempted to turn to the totalitarian (and ineffective) coercion of price-wage controls. (*New York Times*, October 18).

## Free Enterprise And Free Education

Higher education in the United States, as everyone knows, is a field in which private institutions are engaged in a desperate struggle to hold their own against the competition of the heavily subsidized state run multiversities. In this business, just keeping your head above water is a tough assignment. After all, how long do you think a private barber shop or restaurant could stay in business faced with state financed competitors, where the customers did not have to pay for their purchases, the producers did not have to sell their products, and the owners (taxpayers) exercised only nominal and sporadic control?

The system under which higher education is organized and financed in this country has had widespread and deleterious effects on the quality of the services rendered. The first effect is the most widely publicized. The low cost of matriculation has meant that our colleges and universities have been filled with a flood of "students" who value the education relatively little by comparison with alternative pursuits, but are willing to drop in and see the show given a sufficient subsidy. If they take it into their heads that they don't like what they see, they lose next to nothing by shutting the school down or tearing it up. Faculty members, whose paychecks keep rolling in strike or no strike (and think of all that extra time to devote to publications! hardly have an interest in standing up to the students, and the result is chaos.

The second effect is perhaps less widely known, but even though less spectacular is equally disturbing. According to a study reported in the *New York Times* of July 19, our institutions of higher education are year by year becoming more uniform, more like one another. Anyone in academic life is familiar with the pressures in any college which tend to work against diversity of political views, teaching methods, life styles, etc. within a given institution. The chief redeeming feature of the system heretofore has been the great range and diversity existing among institutions. Now, it seems, this diversity is gradually being nibbled away by the pressures of the system.

The third effect of the organizational and financial peculiarities of American higher education is, however, the most serious of all. It has, in fact, contributed substantially to the other problems just mentioned. Faced with the overwhelming financial pressures generated by the competition of state subsidized institutions, almost all of what we nominally call "private" institutions have swallowed hard once or twice, and then put their hands out too. Building grants, research grants, development planning grants, marching grants, travel grants, and above all, the half-hidden grants implicit in the tax deductibility of alumni contributions have flooded in, each with its attached earmark, restriction, provision, loyalty oath, reporting procedure or other string by some other name. A lucky few have become rich, powerful clients of the state and are able to throw their weight around a bit in Washington, but most, like the welfare poor, have been given just enough to stay alive in a state of abject, impoverished dependence.

Against this bleak background, Royalton College of South Royalton, Vermont stands out in startling contrast. Incorporated in 1965 as a proprietary, stock corporation, with its President and Director the principal stock holder by virtue of ownership of all but two of 2000 shares, Royalton College has never accepted aid from the state in any form (although it has from time to time accepted students who in turn have, as individuals, accepted government assistance in the form of veterans' benefits and the like). Royalton College has not even accepted the indirect subsidy of tax-deductible contributions since, although it has never in fact made a profit (for reasons which will become clear below, not by intention) and has amended its articles of association so that any potential profits would

automatically be plowed back into improvement in its educational facilities, it has refused to reorganize as a non profit institution.

In 1967, the College received a visiting committee from the board of higher education. On the basis of the enthusiastic report that committee concerning the high academic achievements of the infant institution, the board voted to give the college the power to grant four year degrees. This privilege was accomplished by a list of 17 conditions to which the college must adhere, but since these conditions related only to the type of academic qualifications which would be the concern of any certifying agency public or private, the college agreed to them.

It was too much to hope, however, that the state would permit a wholly free and independent institution to exist peacefully and grant degrees within the realm of its authority. In 1968, less than a year later, some reports appeared in the local yellow press questioning the advisability of permitting education to be conducted by an institution with Royalton's unique (unique in the educational world, that is) financial organization. The board of education panicked, sent another visiting team, and, on the basis of the college's financial structure, suspended its degree granting powers.

At this point, the school filed suit to nullify the suspension. The argument was made that the degree granting powers were essential to continued operation of the college, and especially that suspension of the powers once granted was much more damaging than would have been a delay or refusal of the original grant of certification. It was contended that the action of the board was unreasonable, arbitrary and capricious, constituted a breach of contract, and violated the college's rights to equal protection and due process as guaranteed by the federal and state constitutions. The petition of the college was sustained by the Vermont Supreme Court, and the order of the board was vacated. The grounds of the decision, however, were relatively narrow. The court based its action on the fact that nothing had been said about the school's finances that in the future, the board might decide to refuse certification of some other institution solely on the basis of its proprietary status.

Meanwhile, in the District of Columbia, another case was making its way through the courts that was to provide a direct test of this important principle. The school involved in this case was Marjorie Webster Junior College. This institution had asked the Middle States Association of Colleges and Secondary Schools to accept an application for accreditation, and had been refused on the grounds that in order to be considered for evaluation, an institution must be a non-profit organization with a governing board representing the "public interest." The Marjorie Webster case was brought under the Sherman Anti-Trust Act, on the grounds that the Middle States Association exercised a monopoly in the field of granting accreditation. Middle States argued, on the other hand, that education was not a "trade," and that a combining to restrain the conduct of education thus did not constitute a restraint of trade. The U. S. District Court for the District of Columbia found in favor of Marjorie Webster, writing that "Higher education in America today possesses many of the attributes of business. To hold otherwise would ignore the obvious and challenge reality."

Thus the important principle appeared to be established that an accrediting association could look only at the genuine academic credentials of an institution, and could not arbitrarily refuse even to consider a proprietary institution. The way seemed open for Royalton to make an application to the New England Association of Colleges for the full

(Continued on page 4)

# Bits And Pieces

By Jerome Tuccille

Congratulations to Dana Rohrabacher for having been chosen Libertarian Pinup Boy of the Month by the editors of *Rap*, the apparent successor to *Pine Tree* magazine. *Rap* is real groovy, man, with all sorts of penetrating insights into contemporary hippie jargon. The next issue will feature a pullout centerfold in living color of Robert LeFerve being transmogrified to a mountaintop while he contemplates whether or not to slash the chains that bind him. Private property you know.

\* \* \* \*

Which brings us to the subject of *anarcho-land grabbism* and *anarcho-shopping centerism*.

Free market anarchists base their theories of private property rights on the homestead principle: a person has the right to a private piece of real estate provided he mixes his labor with it and alters it in some way. Anarcho-land grabbers recognize no such restrictions. Simply climb to the highest mountain peak and claim all you can see. It then becomes morally and sacredly your own and no one else can so much as step on it.

But, you might contend. Suppose fifty people claimed all the land in the United States? In an age of rocket ships it is even possible for one rather self-centered propertarian to go into orbit around the earth and claim the entire globe as his personal backyard. What would the other unfortunate three billion do if our space-age propertarian ordered them all off the planet?

Have no fear, counter the land-grabbers. Such a state of affairs would be so inconvenient, not only to the three billion trespassers, but to the landlord (earthlord?) as well that reason would induce him to sell off large chunks of land to the highest bidders, and rent out the rest. So you see, nobody would actually have to leave the earth, although the least Galt-like among us would no doubt find themselves confined to the cheapest plots on Antarctica.

Anarcho-shopping centerism is better known by its official name, the proprietary community idea. Its chief proponent is Spencer H. MacCallum, grandson of Spencer Heath, who outlines his philosophy in a recently published book, *The Art of Community*. On one level the book is a very interesting history of the development of real estate interests and the organization of commercial properties. MacCallum describes the trend leading away from the neighborhood structure of small village shops and community meeting-places toward large shopping centers and industrial parks servicing the needs of larger and larger segments of the community. He records this development over the last two centuries and shows how, today, shopping and industrial centers offer, not only supermarkets and other shopping services to the public, but movie houses and theaters, restaurants, health and recreational facilities, nightclubs and taverns, and even centers of employment.

No one who has grown up in the United States in the years following World War II will argue with MacCallum over this point. Social chroniclers from John Updike to Norman Mailer have been satirizing the suburban sprawl in fiction and in articles since the early 1950's. The ugliness of plasticized suburbia complete with its manicured lawns, jack-in-the-box houses, cocktail-shaker morality and creeping-horror shopping centers is a well-documented fact by now. It is only when MacCallum the Historian becomes MacCallum the Advocate that one turns back to his book with a kind of fascinated horror.

As the story unfolds one becomes aware of the fact that the "proprietary community people" are *actually in love* with shopping centers. They are mad about those enormous parking lots with their giant-sized Korvette's and Grant's knick-knack stores and Hills supermarkets and Cinema Artsy I and II and penny bubble gum machines and psychedelic pizza parlors and Tony-the-lover barbershops and *bouffant* beauty salons and Fred Astaire dance emporiums and Jerome Mackey judo schools. The Heathians are so crazy about them, in fact, that they want to make them bigger and more complex and *move people into them*. Yes, they want to erect high-rise apartment buildings on the premises, the ones with orange and lavender walls and spotted goldfish swimming in imitation-marble fountains in the lobbies. They see no point in making people drive on public roads to get to this real-life Disneyland; they want them to move in and be a real part of this mind-blowing phantasmagoria.

They want America to become one big shopping center, one great big Lefrak City.

This way, you see, with Heath-MacCallum Real Estate Enterprises providing all the essential services one can hope for in life—housing, schools, police and fire protection, garbage removal, judo lessons, roads and parking areas, pizza parlors, bubble gum machines, art theaters featuring the latest Rock Hudson movie—there won't be any need for Uncle Sam anymore.

The government will just wither and die away.

Now you know why Right Wing businessmen are so partial to this brand of "libertarianism." Why they like to keep the idea up on a "flagpole" where more people can see it. Why they like to slap it against the wall and see if it will stick.

\* \* \* \*

There is nothing radical or even political about the schemes of "retreatist" or "escapist" libertarians. Their pipedreams are only entrepreneurial fantasies—rather hideous ones at that—designed to "maximize profits." They have nothing whatsoever to do with the world of conscription, military imperialism, federal curtailment of civil liberties and institutionalized racism. Libertarianism is meaningless unless it tells us what we can do in terms of political reality to liberate our society.

As long as the apparatus of power remains in the hands of the power-elite, it is still for the present authorities to use and misuse that power in any manner they choose. It is for them to snuff out the "alternatives" any time they decide to do so. While one is creating his voluntary institutions it is mandatory that he encourage tax and draft resistance, and engage in radical politics at the same time to keep the pressure on the authorities while the new society is being built. Or else he may find it smashed before the foundation has begun to set.

(If shopping centers are the alternative, that may not be such a bad idea.)

## The Shaffer Dictionary

By Butler Shaffer

The following definitions comprise a part of my view of reality, in all its humorous—and often frustrating—manner.

GOVERNMENT: an institution of war, theft, murder, rape and predation, . . . the absence of which, it is said, would lead to disorder.

TAXATION: a practice employed by governments in looting all of its citizens in order to obtain the necessary funds to chase down and punish looters.

WAR: the price men are forced to pay in order to keep peace among the politicians.

**FREE ENTERPRISE** — (Continued from page 2)

accreditation which, unlike the not nationally recognized certification of the Vermont State Board, would enable the college to be a full-fledged member of the educational community.

Once again, however, it proved too much to hope that all would be smooth sailing for proprietary education, for recently the Court of Appeals for the District of Columbia reversed the lower court's ruling in *Marjorie Webster vs. Middle States*. This court, in addition to ruling that education was not part of the business world and hence outside the scope of the Sherman Act, wrote that "it is not unreasonable for Middle States to conclude that the desire for personal profit might influence educational goals in subtle ways difficult to detect but destructive, in the long run, of that atmosphere of academic inquiry which, perhaps even more than any quantitative measure of educational quality, appellant's standards for accreditation seek to foster."

Did it never occur to Middle States or to the Learned Judges that financial dependence on the civilian and military agencies of the state might also influence educational goals "in subtle ways" (!) and destroy academic freedom? Did they never learn in their principles of economics courses that it is not upon the charity of the butcher and the baker that we depend for our meat and bread, but upon their profit-seeking self interest? The decision of the court represents the kind of thinking that is turning all of American higher education into one giant academic soup line--the meat and bread is free, yes, but the quality???

The Middle States and New England Associations are, of course, private, voluntary, non-profit organizations, and the courts were wise in recognizing this as a factor in the case which should make them reluctant to intervene hastily or casually in their affairs. However, two aspects of the nature and activities of these associations are objectionable, I think, on strict libertarian grounds. First, the associations in question seem to exercise an effective monopoly in the area of certification. Whether or not this is a benign, "natural" monopoly, or one aided and abetted by the state is, at least, open to question. Second, and much more important, various governmental agencies concerned with education base certain actions of their own on the decisions of the associations to accredit or not to accredit. For Royalton, the most directly harmful of these decisions have not been any refusals to hand out unwanted grants or aid, but actions which have made it virtually impossible, in certain area, for the college to help itself! For example, it turns out that foreign students cannot get permission

from the State Department to study at schools which are not on the list, a matter of critical importance to a school like Royalton which specializes in international affairs.

In short, the future of free, independent, proprietary higher education in the United States looks to be trouble. The ultimate answer may be to establish a competing accreditation agency which will not suffer from the delusion that quality education must be socialized education, but this will, to say the least, take time. Meanwhile, you can do something now to help proprietary education by *patronizing* it. We do not need handouts; we need just a few, serious, qualified, paying students. For a catalog and a bonus copy of the details of the court cases described above, write to the Director of Admissions, Royalton College, South Royalton, Vermont 05068.

--Edwin G. Dolan

**RECOMMENDED READING***Education*

Jacques Barzun, "The Conflict of Action and Liberty", *The Humanist* (September-October, 75¢), pp. 14-18. For years there has been no wiser critic of our educational system than Barzun, who now in a brilliant and bitterly pessimistic article declares that the American university is dead. Murdered by two groups: first by the scientific behaviorists and vocationalists, and finally by barbarian youth. The only hope is to form new small "lay monasteries" to ride out the dark ages ahead.

*Statism in America*

I never thought that I would agree with J. K. Galbraith on anything, but his witty "Richard Nixon and the Great Socialist Revival", *New York* (September 21, 40¢) correctly zeros in on the acceleration of pro-Big Business "socialism" under the Nixon regime. Galbraith particularly discusses the Lockheed affair and the business drive (seconded, incidentally, by *National Review*) for the nationalization of the bankrupt Penn Central railroad.

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