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Nixonite Socialism

It is traditional at the turn of the year to survey the state of the economy and to try to forecast what lies ahead. Despite the Pollyanna chorus with which we have been deluged for the last year by "conservative" and "free-market" economist-whores for the Nixon Administration, we can state flatly that the state of the economy is rotten, and destined to get worse.

In the 1960 campaign there first appeared the curious phenomenon of "anarcho-Nixonites", several friends of mine who had become aides to Dick Nixon, and who assured me that Tricky Dick had assured *them* that he was "really an anarchist at heart"; once campaign pressures were over, and Nixon as President was allowed his head, we would see an onrush toward the free market and the libertarian society. In the 1968 campaign, anarcho-Nixonism redoubled in intensity, and we were assured that Nixon was surrounded by assorted Randians, libertarians, and free-market folk straining at the leash to put their principles into action.

Well, we have had two years of Nixonism, and what we are undergoing is a super-Great Society--in fact, what we are seeing is the greatest single thrust toward socialism since the days of Franklin Roosevelt. It is not Marxian socialism, to be sure, but neither was FDR's; it is, as J. K. Galbraith wittily pointed out in New York (Sept. 21), a big-business socialism, or state corporatism, but that is cold comfort indeed. There are only two major differences in *content* between Nixon and Kennedy-Johnson (setting aside purely stylistic differences between uptight WASP, earthy Texan, and glittering upper-class Bostonian): (1) that the march into socialism is faster because the teeth of conservative Republican opposition have been drawn; and (2) that the erstwhile "free-market" conservatives, basking in the seats of Power, have betrayed whatever principles they may have had for the service of the State. Thus, we have Paul McCracken and Arthur F. Burns, dedicated opponents of wage-price "guideline" dictation and wage-price controls when *out* of power, now moving rapidly in the very direction they had previously deplored. And *National Review*, acridulous opponent of the march toward statism under the Democrats, happily goes along with an even more rapid forced march under their friends the Republicans.

Let us list some of the more prominent features of the Nixonite drive--features which have met no opposition whatever in the conservative press. There took place during 1970 the nationalization of all railroad passenger service in this country. Where was the conservative outcry? It was a nationalization, of course, that the railroads welcomed, for it meant saddling upon the taxpayer

responsibility for a losing enterprise--thus reminding us of one perceptive definition of the economy of fascism: an economy in which big business reaps the profits while the taxpayer underwrites the losses. There took place also the Nixonite fight for the SST boondoggle, in which \$300 million are going to follow a previous \$700 million of taxpayers' money down the rathole of gigantic subsidy to an uneconomic mess. Bill and Jim Buckley can find

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TO OUR READERS

With this issue, the *Libertarian Forum* completes almost two years of successful, unbroken semi-monthly publication, and we have accomplished this task without sending out letters pleading for funds. The time has come, however, when financial pressures have forced a change in our publishing policy. We have suffered, first, from the inexorable inflation of costs that has hit all enterprises, and which we, at least, know is fundamentally due to the expansion of money and credit generated by the federal government. We have suffered, also, from a loss of revenue stemming from two sources: (a) a shift of many subscribers from regular to the student category--a sign that we are reaching more young people but also a financial loss to the magazine; and (b) a falling off of Libertarian Associates who subscribed at \$15 and above, a falling off that is inevitable after a new publishing venture has become self-sustaining and established.

Since the Libertarian Associates had, in effect, been subsidizing our student subscribers, we can therefore no longer afford to carry the latter at a financial loss. We are therefore hereby eliminating the student category, and raising all of our subscription rates to \$7.00 per year.

We are also cutting costs substantially by going over to a *monthly*, 8-page, publication. This is our first monthly issue. By becoming a monthly we will save a considerable amount on costs of mailing, handling, and shipping, as well as personal wear and tear on our miniscule staff. And while we will no longer be able to comment as rapidly on the news, we will benefit our readers by having more space available per month (saving on space for mastheads and addresses), and more room for longer articles.

And so, from the new monthly *Libertarian Forum*, Happy New Year to all!

NIXON SOCIALISM — (Continued from page 1)

only ecological pollution as an argument against the SST--an outright looting raid upon the taxpayer without even a flimsy cover of "national security" as a pretext. The only argument seems to be that if we do not subsidize the SST, our airlines will have to purchase the plane from-horrors!--France; on this sort of argument, of course, we might as well prohibit imports altogether, and go over to an attempted self-sufficiency within our borders. How many SST's might be purchased on an unsubsidized market is, of course, problematic; since the airlines are losing money as it is, it is doubtful how much revenue they will obtain from an airfare estimated at 40% higher than current first-class rates.

And then there is the outright \$700 million gift from the U. S. government to Lockheed, to keep that flagrantly submarginal and uneconomic company in business indefinitely. And then there is agitation for the friendly nationalization of Penn Central Railroad. Senator Javits is already muttering about legislation for the federal bailing out of all businesses suffering losses, which is the logical conclusion of the current trend.

Neither has any note been taken of the Nixon Administration's plan for tidying up the construction industry. Many people have scoffed at the revisionist view (held by such New Left historians as Ronald Radosh) that the pro-union legislation of the twentieth century has been put in at the behest of big business itself, which seeks a large, unified, if tamed labor union junior partnership in corporate state rule over the nation's economy. And yet the Railway Labor Act of 1926, which in effect compulsorily unionized the railroad industry in exchange for compulsory arbitration and a no-strike policy, was put in at the behest of the rail industry, anticipating the later labor policy of the New Deal. And now the construction industry has gotten the Nixon Administration behind a similar plan; all the members of the present small but pesky and powerful construction unions are to be dragged into one big, area-wide industrial union, and then to be subject to massive compulsory arbitration. The fascization of America proceeds apace.

To top it off, the Administration is readying two socialistic "welfare" measures of great importance: one further socializes medicine through nationwide major medical "insurance" to be paid by the long-suffering poor and lower-middle class Social Security taxpayer. And surely it is only a matter of time until the disastrous Friedman-Theobald-Nixon scheme of a guaranteed annual income for everyone is forced through Congress, a scheme that would give everyone an automatic and facile claim upon production, and thereby disastrously cripple the incentives to work of the mass of the population.

In the area of the business cycle, it should be evident to everyone by this time that the Administration, trying subtly and carefully to "fine-tune" us out of inflation without causing a recession, has done just the opposite; bringing us a sharp nationwide recession without having any appreciable impact upon the price inflation. A continuing inflationary recession--combining the worst of both worlds of depression and inflation--is the great contribution of Nixon-Burns-Friedman to the American scene. While it is true that a recession was inevitable if inflation was to be stopped, the continuing inflation was *not* inevitable if the Administration had had the guts to institute a truly "hard" money policy. Instead, after only a few months of refraining from monetary inflation, the Administration has been increasingly opening the monetary floodgates in a highly problematic attempt to cure the recession--while at the same time failing to recognize that one sure result will be to redouble the chronic rise in prices. But now

Social Darwinism Reconsidered

My esteemed libertarian colleague, Professor Leonard Liggio, who has always been out on the frontier of libertarian thought and practice, has of late been ruminating on Social Darwinism. There is no creed over the past century, in fact, with the possible exception of the Nazi movement, that has received as bad an intellectual "press" as Social Darwinism. It is high time that we subject this much reviled Social Darwinism to a re-evaluation.

The Liberal stereotype of the Social Darwinist is of a sadistic monster, calling for the "extermination of the unfit." But in reality the true Social Darwinist is a benign and cheerful optimist, and he arrives at his optimism from a scientific inquiry into the processes of natural law and of cause and effect. For the Social Darwinist is above all a scientist, and as a scientist he sees that the natural law of what is best for man may be violated but never avoided. The natural law of cause and effect works its inexorable way, and what this means is that bad premises, bad goals and ineffective means, are dysfunctional for man and inevitably wreak their toll. On the other hand, rational premises, values and techniques, lead with equal inexorability to benign results. This means, that *over the long run*, the dysfunctional must come to a bad end, must cleanse itself and wipe itself out, while only the truly functional and proper can remain and prosper. Any artificial interference in these beneficent natural processes can only delay and distort the results; hence, we have a

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the Administration has swung around to the Liberal thesis of monetary and fiscal expansion to cure the recession, while yelling and griping at labor and employers not to raise wages and prices--a "guidelines" or "incomes" policy that is only one step away from wage and price controls. This direct intervention is supposed to slow down the wage-price spiral. In actual fact, the direct intervention cannot slow down price increases, which are caused by monetary factors; it can only create dislocation and shortages. Pumping in more money while imposing direct price controls and hoping thereby to stem inflation is very much like trying to cure a fever by holding down the mercury column in the thermometer.

Not only is it impossible for direct controls to work; their imposition adds the final link in the forging of a totalitarian economy, of an American fascism. What is it but totalitarian to outlaw any sort of voluntary exchange, any voluntary sale of a product, or hiring of a laborer? But once again Richard Nixon is responsive to his credo of big business liberalism, for direct controls satisfy the ideological creed of liberals while at the same time they are urged by big business in order to try to hold down the pressure of wages on selling prices which always appears in the late stages of a boom.

While we can firmly predict accelerating inflation, and dislocations stemming from direct controls, we cannot so readily predict whether the Nixonite expansionism will lead to a prompt business recovery. That is problematic; surely, in any case we cannot expect any sort of rampant boom in the stock market, which will inevitably be held back by interest rates which, despite the Administration propaganda, must remain high so long as inflation continues.

All in all, how much more of Nixonite "anarchism" can freedom stand?

SOCIAL DARWINISM RECONSIDERED -

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powerful argument for non-interference in these natural workings.

Take, for example, hippie culture and hippie values, with its hatred of reason, its emphasis on instant whim and mystical irrationality, its communalism and repudiation of the division of labor, its scorn of science, technology, work, private property, long-range thinking, and the production of material goods and services. There have been few creeds in human history that have been more dysfunctional than this. Now since men possess free will, since they are therefore free to adopt and act upon any creed they wish, it is possible for masses of men to become hippies; but it is *not* possible for them to remain long in this condition, because of the built-in "self-destruct" mechanism that the law of cause and effect imposes upon those who pursue this philosophy. Thus, when some time ago I began to despair at the spreading of hippie communes throughout society, Leonard Liggio commented cheerfully: "Don't worry about it; one hard winter will dispose of the problem."

There is a great deal of wisdom in this "Social Darwinian" attitude. Unfortunately, this dysfunctionality has not been as vivid as it could be, because foolish parents and taxpayers mulcted for welfare payments have been around to subsidize this anti-life credo and to maintain it indefinitely. Remove these subsidies, take away the indulgent check filled out by parent or welfare board, and the hippie phenomenon would have died a much deserved natural death long before now. Social cleansing brought about by the workings of natural law would have steered these misguided folk onto the proper and functional path long ago.

Let us consider two troubled parents of my acquaintance and the contrasting ways in which they have dealt with the phenomenon of hippie children. One parent said to his daughter who was yearning to drop out of college and to try the hippie path: "O. K. I'm not going to try and stop you. But I'm not going to subsidize this decision. If you want to drop out and become a hippie, you get no further financial support from me." The daughter dropped out, tried romantic hippie poverty, and in six months concluded that this was not for her; next year, she was back in college and enjoying it. The other parent, in contrast, himself steeped in foolish permissivism, said, after considerable wailing and anguish: "I don't agree with what you're doing, but I will always stand behind you and send you money if you need it." This course virtually insured that his children would continue on the hippie path indefinitely. Cause and effect were prevented from teaching their salutary lessons.

At a recent libertarian conference I ran across a man who put his libertarian position on drugs in starkly Social Darwinian terms. He said, in effect: "Let's legalize all drugs. Then these drug-taking kids will kill themselves off, and the problem will be eliminated." Harshly and crudely put, perhaps, and of course there are other libertarian grounds for legalization. But again our friend had a keen point: take away the artificial props, allow premises and nature their head, and the law of cause and effect will correct the situation with dispatch. If, as I firmly believe, psychedelic drugs destroy mind and body, then the removal of artificial restrictions will reveal this fact starkly and clearly, and the drug-takers will either fall by the wayside or correct their disastrous path.

The great libertarian Social Darwinist William Graham Sumner put the matter very clearly: "Almost all legislative effort to prevent vice is really protective of vice, because all such legislation saves the vicious man from the penalty of his vice. Nature's remedies against vice are terrible . . . A drunkard in the gutter is just where

he ought to be, according to the fitness and tendency of things. Nature has set upon him the process of decline and dissolution by which she removes things which have survived their usefulness . . . Now, we can never annihilate a penalty. We can only divert it from the head of the man who has incurred it to the heads of others who have not incurred it. A vast amount of 'social reform' consists in just this operation. The consequence is that those who have gone astray, being relieved from Nature's fierce discipline, go on to worse, and that there is a constantly heavier burden for the others to bear. Who are the others? When we see a drunkard in the gutter we pity him. If a policeman picks him up, we say that society has interfered to save him from perishing. 'Society' is a fine word, and it saves us the trouble of thinking. The industrious and sober workman, who is mulcted of a percentage of his day's wages to pay the policeman, is the one who bears the penalty. But he is the Forgotten Man. He passes by and is never noticed, because he has behaved himself, fulfilled his contracts, and asked for nothing." (Sumner, *What Social Classes Owe to Each Other*, Caxton Printers, 1966, pp. 113-115.)

Or, as that other great libertarian Social Darwinist Herbert Spencer pointed out, both the state welfare system and unthinking private charity "not only stop the purifying process, but even increases the vitiation--absolutely encourages the multiplication of the reckless and incompetent by offering them an unfailing provision, and discourages the multiplication of the competent and provident by heightening the prospective difficulty of maintaining a family. And thus, in their eagerness to prevent the really salutary sufferings that surround us, these sigh-wise and groan-foolish people bequeath to posterity a continually increasing curse." (Herbert Spencer, *Social Statics*, London, 1851, p. 324). But both Sumner and Spencer strongly endorsed that great maxim of nineteenth-century private charity: helping men to help themselves, so that they can set themselves on the proper, functional, and rational path.

Libertarians have never given proper weight to the immense significance of the demonstration by Ludwig von Mises, fifty years ago, that socialism cannot calculate, and therefore that socialism and communism simply cannot function in a modern industrial society. And since the immense population of the modern world requires an industrial society to survive, this means that socialism, being totally dysfunctional, cannot endure and must inevitably collapse. Already we have seen crucial illustrations of this great truth: notably in Lenin's total backtracking from the attempt to leap into the Communist goal of a moneyless "War Communism" shortly after the Bolshevik Revolution and his shift back to the quasi-market economy of the NEP; and in the rapid shift, since the 1950's, of Eastern Europe (notably Yugoslavia) away from socialist planning and toward a free-market economy. All this indicates that socialism cannot endure, and that the long-run victory of liberty and the free market is virtually inevitable.

All this does not mean that libertarians should remain passive and quiescent, or that we should refrain from speeding up Nature's timetable as much as we possibly can. But the point is that, quintessentially and metaphysically, we should remain of good cheer. The eventual victory of liberty is inevitable, because only liberty is functional for modern man. There is no need, therefore, for libertarians to thirst manically for Instant Action and Instant Victory, and then to fall into bleak despair when that Instant Victory is not forthcoming. Reality, and therefore history, is on our side. Social Darwinism--that seemingly bleak and bitter creed--provides us, through the instrument of science and reason, with the unquenchable long-run optimism that liberty one day shall triumph.

NATIVE AMERICANS — (Continued from page 5)

rights in the fullest and most ample manner as it hath been bound by former treaties, as long as the said Delaware nation shall abide by and hold fast the chain of friendship now entered into. And it is further agreed on between the contracting parties should it for the future be found conducive for the mutual interest of both parties to invite any other tribes who have been friends in the interest of the United States, to join the present confederation, and to form a state whereof the Delaware nation shall be the head, and have a representation in Congress." A similar project was promised to the Southwest Indians in the Hopewell Treaty of November, 1785 with the Cherokee Nation: "That the Indians may have full confidence in the justice of the United States, respecting their interest, they shall have the right to send a deputy of their choice, whenever, they think fit, to Congress."

The Northwest Ordinance passed by the Continental Congress in 1787 declared: "The utmost good faith shall always be observed towards the Indians; their land and property shall never be taken from them without their consent; and in their property, rights, and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress." In conforming with that a treaty was drawn up with the Indian tribes north of the Ohio River and west of the Allegheny mountains. Signed in January, 1789, the United States did "confirm the said boundary line; to the end that the same may remain as a division line between the lands of the United States of America, and the lands of said nations forever," and did "relinquish and quit claim to the said nations respectively, all the lands lying between the limits above described, for them the said Indians to live and hunt upon, and otherwise to occupy as they shall see fit."

This reasonable arrangement was quickly overthrown by the new government which took control in April, 1789 as a result of the overthrow of the Continental Congress and the Articles of Confederation by the *coup d'etat* in Philadelphia in 1787. The control and exploitation of the lands west of the mountains was a major cause for the calling of the secret conclave in Philadelphia and for the Constitution it produced. Just as the impetus for the abolition of feudal holdings and the institution of private property following the revolution was blunted, so the impetus for the abolition of slavery had been blunted. Part of the drive for the new, more powerful central government was in defense of slavery. The limitation against slavery in the whole west as originally intended was restricted to the Northwest territory, opening the Southwest territory to slavery. The plantation areas of the coast had become depleted and the slave-holders required new territories extending through Georgia, Florida, Tennessee, Alabama, and Mississippi for plantation cultivation. Land clearing by the extermination of the Indians was necessary to make room for the slave quarters.

The early aggressions by the new United States government were defeated by the Northwest Indians in November 1791; but the United States army reversed this defeat and "the big push westward over the prostrate bodies of slaughtered Indians was begun." A thorough and detailed description of the process of genocide carried out by the United States government against the American Indians would be required for a final view of the subject. A study of the "Five Civilized Nations" of the Old Southwest would be a good beginning. The Cherokee, Chocktaw, Chickasaw, Creek and Seminole had some of the most developed and productive villages among the American Indians. Their skill in agricultural industry made them especially subject to elimination. By 1838 the "Five Civilized Nations" had been driven over the "Trail of Tears" from their rich lands to the barren territory across the Mississippi River.

Bits And Pieces

By Jerome Tuccille

A few months back I mentioned in this column that a short booklet, HOW TO REFUSE INCOME TAXES - LEGALLY, written by Lucille E. Moran, might be a good investment for libertarians interested in beating the revenue authorities. My good friend and "legal advisor," Lucille Moran, has now come up with another booklet called WHAT LICENSE?, available for one fiat dollar through the Independent Bar Association of Massachusetts, P.O. Box 187, Islamorada, Florida 33036. I have read the piece in manuscript form and can testify that it is a truly radical attack on the judicial system in the best libertarian tradition and well worth the price. Miss Moran is a muckraker and radical of the Old Right variety (an anarchist although she doesn't like the word), an individualist activist well versed in natural law and early-American history centering around the revolution. She analyzes the stranglehold that privileged groups have on our judicial system and advocates the creation of independent bar associations such as her own (of which I am a board member). Lucille is now opening shop as a legal advisor at an initial fee of \$100 for those who need counsel in avoiding the income tax.

What are her credentials? The fact that she has not filed and gotten away with it for over eight years. What establishment lawyer can make that claim?

The libertarian movement has grown at a refreshing pace during the past year. It has received favorable coverage in such diverse publications as *Playboy*, *Penthouse*, *Cavalier*, *The Wall Street Journal* and *Nation's Business*, and was deemed worthy of a lampooning in the September, 1970 issue of *Esquire*. Any idea that catches on and becomes fashionable runs the risk of being exploited by unsavory characters with a firm grasp on the "pulsebeat" of the nation. So it was predictable that such a one as Jeffrey St. John, a fanatical Buckley conservative four years ago, a slavishly devout Objectivist two years ago, and a fanatically slavish Buckleyite Objectivist today, would publish an article in the *New York Times* identifying himself as a libertarian. They are stumbling out of the woodwork, tripping over one another's ambitions in a mad race to latch onto an accelerating bandwagon. Others of that stripe are sure to follow.

Realistically speaking, libertarianism is still a minor fringe movement virtually unknown among the general population which can barely pronounce it let alone understand what it's all about. For this reason libertarians must seek out alliances with larger groups in order to achieve even limited political goals. There simply are not enough libertarians around to constitute a single movement independent of all others. Murray Rothbard touched on this in his October 1st editorial, "When Revolution?" The question that poses the biggest problem for us today is: alliances with whom?

The Right Wing is, of course, hopeless all the way down the list of issues important on today's political scene: foreign policy; economics; civil liberties; a broad range of domestic policies including the draft, abortion laws and censorship (if only libertarians had known three years ago what the traditionalist half of the conservative alliance would be like once it ascended to power)! Our old friend, "Chairman Bill," has now established himself as a self-

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BITS AND PIECES — (Continued from page 6)

appointed censor of the publishing world. Recent issues of *National Review* have singled out Bobbs-Merrill and Pantheon as prime vehicles for radical left literature. These latest broadsides, along with Agnew's open threats against the major media, have not been without some effect on at least one of these publishing houses that I know of firsthand. "Private" censorship, like private anything, may prove far more efficient than the heavy-fisted state variety.

So we turn leftward in our search for potential allies and what do we find? On the farthest Left a rather rancid bunch of murderers, bombers, self-righteous faggots, dykish loudmouths, and crusading nihilists (that's nihilists, *not* anarchists). Murdering, bombing and bank-robbing in the present political context may be called a lot of things, but none of them revolutionary. The situation is different in Uruguay where the Tupamaros have turned bank-robbing into a highly effective revolutionary tactic. Ninety-five percent of the population can barely feed itself let alone put its money away in a savings account. When a bank is hit down there it is the wealth of the ruling class that is being stolen and a loud cheer goes up from the exploited peasantry. In the United States eighty percent of the population has the sweat of its brow tied up in the banking system; an attack on the banks is an attack on the vast majority of the "people" in the country and can hardly be considered a "revolutionary act against the state."

The brainless adventurists of the far Left have been too dim-witted to see the distinction, and have virtually destroyed the radical movement by the employment of tactics totally unsuited to the current American situation. This mania for copying examples set by rebels in foreign societies, and inability to analyze what needs to be done in our uniquely "American" situation, is responsible for much of the failure of the activist Left. Knee-jerk radicalism has become as much - or more - of a problem as knee-jerk liberalism.

Closer to the center on the liberal Left we find the same sorry bunch of welfare statists and New Deal bureaucrats that libertarians had criticized (along with their traditionalist allies) when they were conservatives. These think-tank experts and central planners have always been consistently inconsistent and will remain so; they are remarkably "pragmatic" on all issues including the war and the military draft, formulating their positions a la John Lindsay according to the results of the most recent polls. It is clear that libertarians have nothing to gain by an alliance with this clique.

Broadly speaking, this leaves us with one remaining option for alliances on the Left: the radical Left as distinguished from the nihilists on the far Left and the liberals on the center Left. This group is comprised of all constructive rebels with a positive commitment to immediate peace abroad, radical decentralization and community organizing domestically, repeal of abortion laws, elimination of all censorship regulations, true social and economic equality for women (as opposed to the absurd smokescreen issue revolving around "sex objects"), and an end to racial discrimination. In my view, at least, the most effective tactics are political education and civil disobedience—a boycott of government institutions if you will and the construction of neighborhood alternatives. More activist measures such as the seizure of abandoned housing and public property in poverty areas has also proven effective in certain instances.

Indiscriminate violence against the innocent as well as against the political authorities can never have any place in a libertarian strategy. The "offing of pigs" is a blind tactic which, as Dave Dellinger has frequently pointed out, fails to consider that cops and firemen, to name just two groups, are merely small pawns carrying out the

Knee-Jerk Radicalism

I — Free Whom?

We are all familiar with, and properly scornful of, "knee-jerk liberalism", the kind of attitude which for every problem calls for the passing of a law or the vast expenditure of Federal funds. But many of us have been less attuned to the equally egregious "knee-jerk radicalism", and it is about time that we call this attitude to account.

For example, there is our perfectly proper hostility toward repression, toward any sort of crippling of free speech or inquiry by the State apparatus. But for radicals this is generally an unthinking reflex; and so the cry goes up: Free X! Free Jim! Free Joel! Free Horace! Free the Oshkosh Eleven and the Kalamazoo Twelve! The libertarian, of course, has at the center of his being the call for freedom for *everyone*, with, however, one vital exception: the criminal. In the libertarian creed, the criminal deserves not freedom but punishment, a punishment, to be sure, that does not go beyond the extent to which he has deprived some innocent victim of the latter's liberty. It follows, then, that it is not permissible to raise the cry of freedom automatically and unthinkingly; if the State claims that Joe Blow is an axe murderer, it is not *a priori* impossible that the State is right; and that Mr. Blow deserves the gallows rather than mass hysteria and demonstrations on his behalf. It all depends then, (a) on the nature of the crime with which Mr. Blow is charged; and (b) if the "crime" is truly a crime for the libertarian, on the facts of whether Mr. Blow is guilty as charged. Each case must be considered and judged on its own merits; discrimination between cases is a libertarian necessity.

In some of its recent campaigns, then, the Left has been evidently correct: these are the cases where the "crime" itself is simply a legitimate exercise of freedom of speech or assembly. Thus, the Chicago Conspiracy trial was clearly an invasion of free speech in its very charge (of "conspiring to cross state lines with intent to incite riot"); so too were the old Smith Act trials ("conspiracy to advocate overthrow of the government"), and so too is the recent conviction of Juan Farinas for distributing anti-draft leaflets at an induction center (and thereby allegedly

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orders of a superior power. The destruction of a police station or the murder of a cop does not make a revolution; a large-scale tax rebellion, a proliferation of "strikes" in the ranks of the military, a boycott of centrally-controlled schools and of elections when no real alternatives are offered, might add up in the long run to a genuine revolutionary movement with mass support.

Violence, even morally-justified violence like the destruction of draft board files, has only succeeded in chasing large groups of potential allies further to the Right. Many in the middle class who would like to see an end to the war and who believe that government has gotten "too big" have been frightened into a repressive political attitude. More bombings, more bank robberies and "offing of pigs" will usher in 1984 ten years ahead of schedule.

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KNEE-JERK RADICALISM — (Continued from page 7)

"disrupting the Selective Service System"). The Left is also correct in its defense of the Fathers Berrigan, who, while passing over from speech to action, destroyed draft records, records of a criminal organization engaged in enslaving our youth--and so hardly a "crime" by libertarian standards. Other Left agitations *may* be justified on the grounds of unclarity of the facts: for example, in the cases of Huey Newton or the Rosenbergs or Alger Hiss.

But in their most recent agitations the Left has been engaging in unjustifiable knee-jerk activity. "Free Angela?" But Angela might well be a murderess as charged, and surely murder comes under the rubric of high crime for a libertarian. "Free Bobby?" But Bobby too might well have murdered Alex Rackley, and it is to the eternal shame of the Left that the torture and murder of the Negro Rackley has received nothing but shrugs and even approbation by our radical "civil libertarians". And there does not seem to be, either in the Seale or the Davis cases, any of the fuzziness of the facts that legitimately called the Hiss and Rosenberg cases into question. Indeed, the Left seems to come dangerously close to saying that it does not *care* about the facts, and that Angela and Bobby must be freed simply because they are leftists and radicals--a position for which no genuine libertarian can have anything but contempt. If they are murderers then they should pay the price. And neither is it obvious that we should "free Eldridge"--a convicted rapist who violated the terms of his parole.

Let us keep our "repression" straight.

II - The New York Review

The New York Review of Books is a brilliant and extremely well-edited radical bi-weekly; but despite its important contributions, particularly in foreign policy, it has sometimes suffered from knee-jerk radicalism. But the January 7 issue contains welcome signs of a shift toward a more independent and rational view. Thus, the literary critic Elizabeth Hardwick has a blistering attack on the counter-culture ("Militant Nudes"), in a review of several movies (*Ice*, *The Groupies*, *Trash*, and *Gimme Shelter*) as well as a novel by Marge Piercy. And Murray Kempton has a sardonic review of Tom Hayden's *Trial* ("Three Who Didn't Make a Revolution").

But particularly important is an article by the prominent Harvard economist Wassily W. Leontief, "The Trouble With Cuban Socialism". As a highly sympathetic observer of the Castro regime, Leontief sadly engages in a critique of Cuban socialism which could hardly be exceeded by a laissez-faire capitalist. Leontief is forced to record the Cuban system as an economic disaster, and cites the basic causes as the elimination of a rational market price system

destroying economic calculation of benefits and costs, and the low morale and productivity brought about by the Cuban attempt to replace economic incentives by "moral" (altruistic) ones. The successes of the early days of Castroism are perceptively attributed to the Cubans living off the accumulated capital of the previous regime. That the Cuban economy has not collapsed totally is attributed to the fact that Cuba is a small island which exports and imports heavily from the world market, and therefore can take many of its accounting prices from that market.

All in all, the article is a triumph of rationality over sentiment, and should be required reading for all leftists--including those libertarians who have become enamoured of the communist and anti-market path.

Recommended Reading

Youth Culture. A former leading beatnik warns that the younger generation is repeating the major reason for the failure of the beats: the ignoring of intellect and reality. James Lincoln Collier writes: "Our hearts were all in the right place . . . The ingredient that was missing was thought . . . the intellectual center was all mush . . . The failure of Kerouac and his friends was . . . that they did not recognize that nature has its rules. They thought that by an act of sheer will they could change the world. In fact they could not. You cannot do anything out of sheer will. To change anything you have first to study and read and most of all think like hell until you begin to grasp where you are, what the world is like, and what the problem is."

"And this is what troubles me", Collier continues, "about the young people who are today the focus of the attempt to change things. They have not bothered to think anything through. I listen to 20-year old political activists who have never read 'The Republic' or 'Das Kapital' or for God's sake even the American Constitution . . . Arguing with people who don't know what they're talking about is pretty hopeless. They keep telling you . . . 'all that rationalist stuff never worked, we're going to do it by intuition.' This, precisely, is what the leaders of the Beat generation were saying, and it is why they all came to nothing in the end: they never did find out what it is really like out there. It is not reason which has failed: it is man's failure to use it which has caused all the trouble . . ."

Reality is iron: it can only be managed by people who understand what iron is like. Nixon and Agnew and Lyndon Johnson and J. Edgar Hoover have bad hearts . . . but by Jesus they have done their homework . . . A good heart is not enough." James Lincoln Collier, "No Satori in Iron", *the Village Voice* (Dec. 24).

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Native Americans And Property Rights

By Leonard P. Liggio

PART I

Libertarians owe a debt of gratitude to *The Individualist* for publishing "The Property Rights of American Indians," by Rosalie Nichols (February, 1970). I do not agree with some of the points made by Miss Nichols, but I think that the topic is one of fundamental importance to libertarians. The matter of precise understanding of property rights in actual practice is basic to libertarianism; yet it is an area of the most profound ignorance and plain sloppiness among many libertarian-oriented people. If such people are not reliable on the matter of property rights, one wonders whether they have been drawn to libertarianism not by its rigorous theory and practice but by heaven knows what accidental cultural attractions. Central to the libertarian is which claims and titles are and which are not property; flowing from this theoretical discovery must be action to defend property in the hands of its rightful owners and to place it in the hands of these rightful owners wherever non-owners have occupied or used it. Justice is the ultimate objective of libertarians.

Obviously, any libertarian who concerns himself or herself with such matters is engaged in the preeminent libertarian activity. Rosalie Nichols clearly is such a person. Any differences which I may have with her are secondary to the fact that she has embarked upon preeminent libertarian activity. It is an honor to engage in a dialogue with her.

The history of the European immigrants' relations with the native Americans is one of unrelieved violence. In that shameful history the English immigrants were conspicuous by their violence. Other European peoples have been less violent, and the French were reknowned for the almost good relations which they maintained with all Indians, gaining friends even among former enemies, as Rosalie Nichols notes. For almost four hundred years the English immigrants have maintained a permanent system of violence against the native Americans.

The original sovereignty claimed by Europeans over the American Indians and over the land of North America was based upon the European claim of religious superiority. Since Christianity was viewed by the Europeans as giving Christian governments and Christian individuals a superior claim compared with others, including the inhabitants, the European claim to dominance is based on their Christian religion. This was the basis by which the native Americans were denoted as 'savages' while the barbaric Europeans were denoted as 'civilized.' As Rosalie Nichols indicates, it was the designation as 'savage' or pagan upon which the rights of the American Indians to life, liberty or property were violated. One recalls the famous description of the landing of the English in North America: "First, they fell on their knees to pray; then, they fell on the Indians."

Fall on the Indians they did. In New England the Indians first encountered by the English immigrants had the misfortune to occupy and cultivate the better farm lands as well as to prefer to sell their furs to the highest bidder. Clearly savages par excellence; extermination was their fate. The other New England Indian tribes inhabiting the valuable river valleys flowing into Long Island Sound--Pequots, Narragansetts, Mohegans, etc.--were later massacred or sold into slavery in the West Indies by methods too gruesome to describe . . . but sanctioned, when not led, by ministers of religion and civilized officials. In Virginia several campaigns were fought against the Indians who had originally welcomed the settlers in the James River region; the institutionalization of Black slavery (the Indians were too

'savage' to accept enslavement which was the original hope of the labor-short, land-rich European officials) led directly to the desire for huge plantation tracts and the wars to oust the Indians from the other river valleys.

Whatever the roots of European violence, even the argument that the profound differences between Europeans and native Americans could mitigate some of the violence--irrational as that argument is--is unsupportable; the model of the methods, attitudes and practice of violence carried on by the English upon the native Americans was established in the violence of the English 'plantations' imposed on the Christian, European, and neighboring Irish (of which the current civil war in Ulster is one product). Late nineteenth century English and American social theorists (mainly socialists), creating the intellectual foundation for the New Imperialism of this last century, singled out their English forebears' violence against the Irish, native Americans, *et al.* as proof of their racial superiority--aggressors and conquerors are defined as superior to the exploited and oppressed in superman theories--and as the justification for the wars of extermination and conquest launched by England and America, and which have culminated in the American aggression in Vietnam.

However rationalized, the Europeans' claim to sovereignty over North America is logically unsupportable. However, Rosalie Nichols claims that the North American continent could be legitimately claimed by the native Americans. She says: "The American continents were not ownerless." Yes, if it is meant that certain lands were owned. Certain lands were owned and the major part was unowned. I doubt if she means that the native Americans claimed sovereignty over North America (although, of course, if such a thing as sovereignty could be legitimate the native Americans would have possessed it and not the Europeans). But, the property rights of the Indians to the land they owned must be recognized; as well as the fact that that right was totally violated by the English immigrants.

When the English immigrants landed in the Chesapeake Bay and the Massachusetts Bay they were welcomed by the Indians. The English settlers brought manufactured products not yet developed by the Indians and the Indians taught the English immigrants agricultural methods not yet developed by the English. The Indians did not view the establishment of private property in land by the immigrants as anything wrong, immoral or in violation of their rights. The Indians along the Atlantic coast recognized that there was more than enough land there to satisfy many hundreds of times the tens of thousands of immigrants who poured out of England to find a freer and better life in America. The difficulty was that the English immigrants were not satisfied to live alongside the Indians in mutual recognition of rights. The English insisted upon the power of government over the lives and the lands of the Indians. According to the English, there could be no free exchange between individuals and groups living their own lives on the wide land. The English had to have the monopoly over people and land. The people and the land had to be obedient to English immigrant officials.

The problem then was not the matter of settlement and private property, but the matter of government. Where government exists, private property rights are negated. When the English immigrants came, they were divided into two groups, or classes, the farmers who settled and worked their private property and the rulers who had

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NATIVE AMERICANS - (Continued from page 4)

assumed government positions. The English immigrant farmers and the Indians tended to live in peace and mutual respect. It was the claim of government over the Indians by the English immigrant officials which was the cause of aggression and genocide against the Indians. The government officials in all the colonies used their offices as the means of their personal enrichment; since there was little in the form of liquid capital to be seized, they seized lands in the hopes that future immigrants would have to purchase lands from them if there were none available for free settlement. The governors did not attempt to develop the land to turn it into private property; rather they assigned each other large tracts of lands which they left unimproved and undeveloped--there was no mixing of labor with the lands. It was pure feudalism or land monopoly, the negation of private property. Most of the lands in the colonies not occupied by settlers were distributed among the government officials as land grants (there were also large land grants given to the courtiers by the English kings).

Of course, these tracts included the areas on which the Indians were settled and had carried out their industries of farming, fishing and hunting. So the Indians suffered the double violence of being placed under the government of English immigrant officials and of English land grantees--often the same people. If the Indians did not accept English immigrant government, war would be made upon them; if they did not accept English feudal landholders, war would be made upon them--by governments. In addition, if the Indians continued to live and to work these lands it would be difficult to get new immigrants, who now had to go to one of the land monopolists to get land, to pay much or any money for land which the Indians already lived upon and worked. The ordinary settler had enough common sense and respect for rights not to want to claim land which the Indians already lived upon and worked.

If the immigrants merely went in and worked unused land the Indians would have no objections, or if they came to an understanding with the Indians who might be using the land--the Indians valued very low economically their marginal uses of the land for hunting and fishing--the Indians would have no objections. But, this disturbed the feudal landlords who wished to assign lands and collect 'prices' or taxes. The existence of Indian settlement and farming undermined the feudal land monopolies, so the land had to be cleared by the extermination of the native Americans.

During the colonial period, the Middle Colonies witnessed less violence against the Indians. In part, this was due to the fact that most of the settlers there were not English. Like the French in the St. Lawrence and Ohio-Mississippi valleys, the Dutch, Swedes and Germans were more interested in the profits of commerce and good farming in peaceful accord with the Indians than in the destruction of lives and money in the plundering of the Indians. This situation was institutionalized with the founding of Pennsylvania by the Quakers; as in so many other matters, the Quakers are worthy of close analysis by libertarians.

The relations of the Quakers with the Indians were a model of justice which was constantly commended by the Indians themselves. The last of a series of mutually agreeable treaties between the Indians and the Quakers, the Treaty of Easton of 1758, placed the final limitation on European settlement. Pennsylvania released all claim to the soil west of the Alleghenies and of a large section east of the Alleghenies and north of the present Sunbury, as long as the Indians did not sell the territory to any other government.

This treaty of the Quakers was used by English government officials at a conference with northern Indian chiefs

at Canajoharie on the Mohawk River west of Albany as an example of English intentions (April, 1759): "I hope this surrender will convince you and all other Indians how ready your brethren the English are to remove from your hearts all jealousies and uneasiness of their desiring to encroach upon your hunting lands, and be a convincing proof to you how false the accusations of the French are that we are at war with them, in order to get your country from you." Of course, the French accusation was accurate; the English had gone to war against the French to gain the trans-Appalachian Indians' land which was protected by the French.

The officials in England in league with the American officials and the heirs of officials, who inherited the huge feudal domains that were the fruits of office-holding in America, hoped for even larger rewards by gaining land monopolies across the Appalachian Mts. Having monopolized the lands along the Atlantic coast, the planters by control of the government apparatus excluded the newer immigrants from homesteading the wide lands along the Atlantic coast. Since the Atlantic coast region is able to support many times its present population there was no economic need for Europeans to settle beyond the mountains. The only attractive resources--minerals--were either in the Appalachian Mts. or bordered major waterways such as the Great Lakes, and could have been extracted by miners whose settlements would be approved by the Indians without any difficulties.

But, as a result of the feudal land system along the Atlantic coast, the new immigrants could not pay the high 'prices' demanded by the government officials and their heirs; they hoped to be able to homestead across the mountains. Crossing out of the control of the seaboard officials, into the lands of the western Indian tribes, these settlers could and did homestead farms and gained the recognition of the local Indians. An ideal situation would have been the acceptance by the European settlers of the essentially stateless society of the Indians. The Europeans could have developed among themselves and with the Indians a social system based on free exchange which was the basis of much of the economic life of the Indians. The Quakers' excellent relations with the Indians were based on the fact that they were the only Europeans dedicated to social relations based upon equal and free exchange--which explains why Quakers have always been out of step with other Europeans.

An imperfect but acceptable system was proposed by some of the wise organizers who carried forward the American Revolutionary struggle against English officialdom and their associated American feudal landholders. The revolutionary impetus for the abolition of feudal holdings and their replacement with the institution of private property would have meant that there would be plenty of land for homesteading along the Atlantic seaboard. But, retaining elements of Christian messianism, the United States government claimed the trans-Appalachian territories inhabited by the Indian tribes. However, the trans-Appalachian areas were projected as states in the American Confederation: states composed of and controlled by the Indians themselves.

During the period of the American Revolution the control of the trans-Appalachian territory by the Indians was recognized in treaties with the American Congress such as that between the Delawareans and the Continental Congress (September, 1778). In return for a trade dependency in which the Americans had the monopoly right of supplying goods for purchase by the Indians, the United States proposed that the Indians could form state governments in the trans-Appalachian area which would be equal to the states of the European settlers on the Atlantic coast. "... the United States do engage to guarantee to the aforesaid nation of Delawareans, and their heirs, all their territorial

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