

A Monthly Newsletter

THE

# Libertarian Forum

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## NOVEMBER??

Once again we come to our quadrennial extravaganza, and once again libertarians, even hard core libertarians united on basic principles, differ widely on which side, if any, to support in the election. The three contrasting articles in this issue — ranging from anti-McGovern to anti-Nixon to pro-McGovern — attest to this fact, as do the widespread campaigns by the non-voters and by the Libertarian Party. Neither should this broad disagreement cause any distress, for it is inevitable. The important point is that this is not a disagreement on basic principle, but on tactical stances in a political world marked by a myriad of confusing “grays”. There are, I think we can all agree, elements of truth in all these positions; the problem, as Ludwig von Mises wrote long ago about the task of historians, is to figure out the proper weights to be assigned to

these arguments, and to make one’s final choice accordingly. But there is no ironclad way of wringing a universal agreement on such weighting, even by hard-core libertarians who agree on every single one of the points involved. As the Marxists would say, these disagreements, in contrast to quarrels over basic principle, are “non-antagonistic” rather than “antagonistic” “contradictions”.

It is the expectation of total agreement on specific strategy and tactics that could convert a band of colleagues into a totalitarian cult; for since there is no rational way to command full agreement on tactics, such agreement could only be imposed arbitrarily by a Führer or by a party “central committee”. This was the trap that the Randian cult fell into, and it is one which I hope we never fall into again. □

### No, No McGovern

By Murray N. Rothbard

Having attacked Richard Nixon since the inception of his Administration, having argued early on for a “Dump Nixon” stance by libertarians, I now have to stand up and report that I cannot swallow George McGovern or the McGovernite movement for which he stands as a bumbling front man. I agree with every word of criticism that Joe Peden has for President Nixon; but I come not to praise Richard Nixon but to bury George McGovern.

The argument for dumping Nixon was always for me a presumption rather than an absolute commandment. The presumption was for the peace candidate and for the candidate out of power, and therefore my inclination was to support the Democratic nominee whoever he might be. Other things being equal I would have, but other things are not equal, and for me the monstrosity of the McGovernite movement overrides all other considerations in this campaign.

Specifically, I cannot abide McGovernism for two basic reasons. First is his economic program, which would involve a compulsory egalitarianism and a collectivism far beyond anything contemplated by Mr. Nixon. The McGovernite proposal of \$1000 grant for every man, woman, and child in America would mean a \$210 billion monstrosity that would have to be financed by crippling taxation on the middle class, on all people making over \$12,000 a year. The press and the public have been confused in lumping together the “populism” and the “tax reform” measures of McGovern and of George Wallace. Governor Wallace proposes the lowering of taxes on the mass of Americans, middle and working class alike; McGovern proposes the drastic raising of taxes on these same Americans. George Wallace would lower the exploitation of the average American by the State; George McGovern would enormously increase that exploitation. In short, Wallace is the true populist, while McGovern

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### McGovern For President

By Lyla and Gerald O'Driscoll

It is our contention that libertarians should not sit out the 1972 Presidential election, but should actively support the candidacy of Senator George S. McGovern. This is not to say that McGovern is a libertarian or that all of his policies are sound. Rather, the case to be made is that McGovern's candidacy and tenure in office could serve libertarian causes, and would do so more effectively than that of the incumbent. This, of course, is one of the best reasons for a libertarian to support any candidate.

Consider the neglected issue of statism versus personal liberty. McGovern's opposition to the draft began with his opposition to the Vietnam War and has since then been firm and unequivocal. McGovern favors amnesty for draft resisters — a genuine amnesty, not an opportunity to do alternative service. The McGovern welfare scheme and the planned reduction of military expenditures, whatever their defects, constitute proposals for the beginning of the end of these two overgrown bureaucracies. Nixon's the one who would extend the long arm of the state into the living room to restrict the use of drugs and into the operating room to prevent the termination of unwanted pregnancies. Nixon's the one who wants more electronic surveillance of citizen activities. Nixon's the one who wants the taxpayers to bail out Lockheed and to finance new and ever more expensive playthings for the generals. Is there any question which set of positions on the issue of statism versus personal liberty corresponds more closely to those of the libertarian?

Nixon's the one who brought us ‘peace-time’ wage and price controls — the most fantastic and costly scheme ever devised as a means of providing employment for sign-makers and printers. McGovern has promised to end the wage and price controls, and to return to a relatively free market, recognizing military expenditures and government waste as

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proposes a giant leap into oppressive collectivism under the guise of a phony populist rhetoric.

The rebuttal to this charge by my pro-McGovern friends is that Congress would never pass the McGovern program anyway, so why worry? Perhaps; but for me one of the most chilling moments of the Democratic convention was when Speaker Carl Albert arose to pledge his eternal support to McGovern as President. Congress has been supine for decades, and I simply cannot bring myself to trust the cause of the last shreds of economic sanity to the likes of Carl Albert. I don't think we can afford the risk.

My second overriding problem with McGovern is the McGovernite movement itself, particularly as reflected in the lunatic and dangerous quota system which seeks to impose on American life. No longer is status and advancement to depend on the achievement of each individual; instead, we are to have coerced quotas to bring the "oppressed" groups in the population up to their numerical share of the total population. The groups favored with the "oppressed" label are, of course, highly selective, being confined to women, blacks, youth, and Chicanos, all of whom are to receive their quota share regardless of individual merit or of the choice of the voters. Already, such McGovern supporters as Jack Newfield and Joe Flaherty have written angrily and bitterly of the discrimination thus imposed on groups not favored by the McGovernites: for where is the quota representation for blue collar workers, Irish, Italians, Poles, etc.? Furthermore, the imposing of quotas to compel a rise in status of one group means *ipso facto* that other groups are going to be coercively burdened and discriminated against by the McGovernites. These groups are of course never openly mentioned, but they amount to the most successful groups, largely adult male heterosexual WASPS and Jews.

In its destructive quota thinking, the McGovernite movement is of a piece with its economic program: in both cases, the motivating drive is a compulsory egalitarianism that would tear down the successful on behalf of a highly selective group of the so-called "oppressed". Of course, at bottom, the egalitarianism is as phony as the McGovernite claim to populism and to representing a cross-section of the "peepul". The true reflection of McGovernite "populism" is the statistic that no less than 39% of the delegates to the Democratic convention have attended graduate school! What we are seeing then is a naked grab for power on the part of an eager new elite of graduate students and upper-middle class "reformers" (those who used to be called "parlor pinks.") It is a drive to fasten a new Mandarin class of self-styled intellectuals upon the country, a class that would reach for absolute power and the crushing of other groups and indeed of the bulk of American citizens. Our current ruling classes, as reprehensible as they are, at least allow for a great deal of pluralism, and for relatively secure status for most of the groups in the population. We can see from the ruthlessness of their quota system that the McGovernite elite would be far more totalitarian and hence far more dangerous in their wielding of State power. The sooner and the more completely that the McGovernite movement is crushed to smithereens, the more viable will be the long-run climate of individual freedom in America.

The McGovernite movement is, in short, in its very nature a kick in the gut to Middle America. And yet the libertarian movement, in its program for getting the government off the backs of the individual, aims to be the fulfillment of the aspirations of that same Middle America. When Middle America, therefore inevitably responds in November by its kick in the gut to the McGovernite movement, it behooves libertarians to stand and cheer. The sooner McGovernism is disposed of, the better for us all. Why in the world should libertarians, whose principles are at an opposite pole from McGovernism, agree to tar themselves with the reviled McGovernite brush?

It is important, too, for libertarians to drive the lesson home after November that the Nixon victory will be not so much an endorsement of Nixon's Presidency as it will be the absolute repudiation of McGovernite collectivism. The path will then hopefully be cleared for a further expansion of libertarian ideas and activity among the American public.

For me, there was an extra dimension of aesthetic horror at the McGovernite convention. For as I watched the convention, I began to have a sense of *déjà vu*, of having seen all this hogwash before; suddenly, I realized the connection: for what I was seeing was an updated version of the Henry Wallace campaign of 1948. There was the same emphasis on left-wing youth, on the "oppressed" minorities; and there was the same emphasis on Old Left folk-songs. Twice in his acceptance speech George McGovern (a former delegate to the Henry Wallace convention) solemnly quoted from left-wing folk songs; and when he ended his speech with

the Woody Guthrie "This land is your land, this land is my land, from the redwood forests to the New York island . . .", I thought I was living in a rousing comic parody of Old Left baloney. Except that the parody, alas!, was all unconscious; what we were seeing was the worst of the Old Left, from official program to aesthetic values, at last triumphant in the Democratic party. I raise the spectre of Henry Wallace not to red-bait; for the real problem with the Wallace movement was not its Communist associations but its rampant Old Leftism, from its economic program to its aesthetic attitudes.

And while McGovern would clearly be more in favor of peace than Richard Nixon, the peace and the "isolationism" would be strictly limited. For the McGovern foreign policy is unfortunately not "isolationism" at all, but a recrudescence of the Wallace and Truman policies before the Korean conflict; in short, McGovern stands for a nuclear deterrent (albeit at lower cost) plus a maintenance of American troops and interventionism in Europe and the Middle East. One of the most shameful aspects of McGovernism at the convention (which went unrecorded by the media) was the way in which McGovern consented to the Jackson platform plank, pledging continued American troops in Europe and the Mediterranean for the support of Israel, and ramming this plank down the throats of the reluctant delegates. In a recent *New York Review of Books*, McGovern supporter I. F. Stone perceptively termed McGovern's foreign and military policy "left-wing McNamaraism", which means maintaining military intervention in Europe and the Middle East while cutting our losses in Indo-China. While this would be superior to the Nixonite maintenance of the war in Indo-China, it is far from the isolationism and neutrality of libertarian dreams. And on such civil libertarian questions as amnesty and abortion, McGovern has already gone far to undercut his own previously libertarian positions.

On balance, then, McGovernism offers little good and much evil for the libertarian; in the 1972 election I hold that McGovernism is the greater evil and that therefore we should all look forward with equanimity to its pulverization in November. □

## Open Letter To The Internal Revenue Service

This is in response to the notice I recently received regarding the non-payment of my taxes.

For your own enlightenment, I would like to refer you to the Internal Revenue Service Code of Ethics which, presumably, you swore to uphold when you accepted your present position. You will note that the first sentence of this Code reads: "The Federal System of taxation is based upon voluntary compliance by the people of the United States."

To the best of my knowledge, the word *voluntary* has never meant involuntary or mandatory. Voluntary means *voluntary*, and I have voluntarily chosen not to comply.

Also, for your information, I would like to state that the method you are using to collect taxes is in violation of the Fourth, Fifth, Ninth and Tenth Amendments to the Constitution of the United States. The Constitution specifically protects United States citizens against unreasonable searches and seizures, against incriminating themselves, against doing anything at all which is at variance with their consciences; I'm sure you can see that requiring people to fill out lengthy forms and submit personal papers and documents each year, as well as seizing their property and possessions if they fail to do so, is a clear violation of our Constitutional protections.

It is also illegal. I would like to refer you to the so-called Miranda Decision (I'll be happy to provide you with a copy if you can't dig one up yourself, particularly sections 2, 5, 6, 7, 10, 12, 13, 14, 15, 18, 20, 21, 22, 23, 26, 27, 28, 31, 32, 33, 37, 39, 43, 45, 49, 56, 57, 58, 59, 68, 73 (this one is very important), and 75. In short, you are prohibited by the Miranda decision from forcing people to incriminate themselves, and forcing them to do anything which violates their Constitutional rights.

In view of the fact that the I. R. S. is in violation of established law, I would appreciate your sending me form 843 since I would like to file a claim for taxes which were collected illegally from me over the years.

Thank you for your cooperation, and I look forward to hearing from you at your earliest convenience.

Sincerely,  
Jerome Tuccille  
Libertarian

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prime causes of inflation. Is there any question which position on this economic issue corresponds more closely to that of the libertarian?

Nixon's the one who bought Teamsters' support by granting a pardon to Hoffa. McGovern owes little to organized labor, and the union bosses know it. That's why, once Hubert Humphrey was out of the running, they were desperate in their attempt to get the Democratic nomination for Nixon's look-alike, talk-alike, the Senator from Boeing. But isn't it great to have a chance to support someone who isn't owned by the unions?

The editor of this journal has protested that while a McGovern administration might be able to end the Indochina War and improve civil liberties, a supine Congress would offer little opposition to the McGovern economic policies; or else the good proposals would be blocked, and the bad ones passed. To this we must reply, in the first place, that at least there are some good proposals in McGovern's platform! In the second place, McGovern has been one of many advocates of a flow of power to the Legislative Branch and away from the Executive. (This used to be a position supported by Conservatives, in recognition of the fact that Congress more closely represents the interests of the people than does a government centralized in the President's office.) Asked by a reporter whether his programs could get through Congress, McGovern replied, roughly, "I want to be a President, not a dictator," and explained the active role he thought Congress should take in policy-making. Libertarians should welcome such talk of decentralization of power. Should McGovern's anti-statist and anti-Presidential 'glimmerings' go by the board (as those of Richard Nixon did) when he is inaugurated, we are probably no worse off than we were before. The past decade has educated many to the dangers of executive power. Those who were angered by the deception and arrogance exhibited in the Cambodian invasion, those who know that they were deliberately misinformed about the facts of the Tonkin Gulf incident, and those who still wonder whether the Marines should have been sent to the Dominican Republic will not roll over and play dead simply because George McGovern is in the White House. Their voices will still be heard. And we might even be better off, for, as the editor points out, McGovern's tenure in office would force conservative Republicans to rediscover their anti-statist voices and sentiments.

McGovern's candidacy can serve the cause of liberty. Now, more than ever, libertarians must find places in the McGovern campaign — registering voters, canvassing precincts, working in campaign offices. Put McGovern in the White House and bring America home again. ☐

## Nixon Or McGovern?

By Joseph R. Peden

The readers of *Libertarian Forum* have little doubt as to Murray Rothbard's views on the candidacy and policies of Sen. George McGovern. Clearly McGovern is not the answer to a libertarian's prayer. His economic policies are clearly socialist in intent and method, and his greatest hope is to restore public faith in government! Yet libertarians always face the lesser of two evils when participating in the political processes of contemporary America — and in this case George McGovern is virtually saintly compared to the tyrant of San Clemente.

It was the widespread notion among libertarians that the new Nixon administration was dedicated to reversing the trend towards socialism that induced us to begin the publication of *Libertarian Forum* in March 1969. Murray Rothbard knew that the incoming Nixon team — with Arthur Burns, Dick Cornuelle, Kleindienst and the White House "Objectivists" — with Milton Friedman hovering in the wings — would not be able to cope with the fiscal crisis created by the economic dislocations of the cold war and Vietnam. By July 1969 — less than six months after the Nixon team took over the White House — Rothbard summed up: "After a half year of painful agonizing, of backing and filling, of puttering delays, the pattern of decisions of the Nixon administration is finally becoming clear. In every single case, the Nixon administration has managed to come down on the wrong side, on the side of burgeoning statism" (*Lib. Forum* July 15, 1969).

The intervening years have only confirmed the acumen of that analysis. A year later, *Libertarian Forum's* editor reviewed the "Nixon Mess" (June 15, 1970):

"Guaranteed income schemes; continuing budget deficits; monetary inflation; and 'voluntary' price controls; under the cover of traditional free-enterprise rhetoric the Nixon

administration continues us down the path toward the economy of fascism. But none of this will solve the crises brought on by his and his predecessors policies. He cannot end the war in Southeast Asia by expanding it, and he cannot end price inflation by continuing to inflate the money supply, or by coercive attempts to overrule the laws of supply and demand".

It was precisely fourteen months after this was written that Nixon announced his "New Economic Policy" of price and wage controls, tariff and quota restrictions and devaluation of the dollar. As this is being written, news reports indicate that this year's federal deficit will be about \$37 billion. So much for "winning the war" against inflation!

Given Nixon's record on domestic economic and fiscal issues, why would anyone prefer him to George McGovern? If we turn to foreign policy, McGovern is infinitely preferable from a libertarian perspective. McGovern does not merely pledge himself to end the Vietnam War; he pledges to end the "Vietnam thinking" — the paranoia and militaristic mentality which got us into Vietnam and keeps a \$14 billion military establishment in Germany nearly 30 years after World War II. Nixon has offered to send troops to Israel during the Jordanian-Syrian crisis, sent aircraft carriers against India, and actively supports military dictatorships in Brazil, Greece, Indonesia, and elsewhere.

Nixon and Laird have made it clear that the *detente* with Russia and China will not halt the continuing massive spending on military hardware. Plans call for the complete rebuilding of the navy, more ABM missiles to be installed around Washington to match Moscow's defenses; and Indian Ocean task force and bases, and untold varieties of new planes and weapons. Nixon doesn't even pretend that the military budget will be decreased and our military obligations reduced. McGovern has promised to cut the military budget within four years by some \$35 billion; to reduce troop commitments in Europe and Asia; to shift our priorities from foreign adventuring to domestic renovation; or as libertarians might put it, to shift from non-productive to productive investments of capital and labor. If McGovern fulfills even part of his promise, he will have shifted national policy significantly in the right direction. Conservative columnist Joseph Alsop has accused the North Dakota senator of being an isolationist in the tradition of Robert Taft. What an endorsement! There is just enough truth in the charge to make this libertarian smile with nostalgic pleasure.

Lastly, can any libertarian deny that McGovern and the Democrat party have consistently been more solicitous of civil liberties than Nixon and the Republicans? Under the Nixon administration, the Justice department has openly claimed the right to wiretap and bug without judicial warrant on the basis of Presidential prerogative. The argument was strengthened by the assertion that neither Congress nor the courts could limit this prerogative by statute or judicial decree. Similarly, Nixon announced that he was not bound by any Congressional restriction on the disposition of troops, ships or planes — by reason of his prerogatives as commander-in-chief. Congressional committees have been denied access to governmental records — including records needed by the General Accounting Office to audit the expenditure of federal funds as required by statutes. Has any libertarian forgotten the prosecutions of the Harrisburg 8, the Chicago 7, innumerable Black Panthers, on the catch-all of charge of conspiracy? That these political trials have resulted in no meaningful convictions is due to the good sense and integrity of the juries — who were compelled to their findings by the evidential weakness of the federal government's cases. But the prosecutions were meant as much to harass the accused as to convict them — and in this respect were very successful in diverting the defendants from more productive political activities.

If Nixon is re-elected, the Attorney-General for the next four years will be William Kleindienst who publicly asserted that his job as Mitchell's assistant was to prosecute "ideological criminals". Nixon will also continue to nominate jurists of the character and ideology of Burger, Haynesworth, Carswell and Rehnquist. Can any libertarian rest easy with that prospect before him? Does not the fact that the Justice Department actually stopped publication of the Pentagon Papers in the *NY Times* for ten days, and subsequently has attempted to subpoena Sen. Gravel of Alaska for reading them on the floor of the Senate give sufficient indication of the Nixon administration's valuation on freedom of the press?

If the libertarian movement is to flourish and grow in influence it must have the fullest possible freedom from fear of censorship, harassment, or persecution by government agencies. The whole past history of the Nixon administration indicates that civil liberties hold a low priority and

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valuation in its thinking, and that another four years in office constitutes an unacceptable risk of further deterioration in our civil liberties. This fact, along with the evident failures to end the war, redirect national priorities along peaceful non-militaristic lines, and halt the gallop of inflationary forces, convinces me that libertarians ought to support and vote for George McGovern in November.

I have voted for Richard Nixon in 1960 and again in 1968. I voted in the hope that he would find a way to end the war in Asia as he promised, and reverse the drift towards socialism. He has not ended the war; he has in fact escalated the level of violence by invading Cambodia and Laos, and unleashing a bombardment of the Vietnamese people greater in magnitude than that of World War II. He publicly admitted his conversion to Keynesian economics, and removed the last political prop of the free market philosophy by his capture of the Republican party. He deserves an ignominious defeat at the polls. I will vote for George McGovern as the lesser of two evils in 1972. □

## Archy's Last Gasp

Under the hammer-blows of anarcho-capitalism, the intellectual groundwork of the State, including its "limited government" variant, has visibly crumbled in recent years. It is significant, therefore, that in the last days of the State's intellectual respectability, who should rush in to furnish the last defense of the State but the neo-Randian proponents of "limited" government? In the last few months, the neo-Randians, in desperation at seeing the State go down the intellectual drain, have mounted a concerted assault on anarcho-capitalism.

Thus, in its March, 1972 issue, *Reason* magazine contained a "special supplement on anarcho-capitalism", with three articles devoted to attacking anarcho-capitalism and the editor of the *Libertarian Forum*. Mr. James Kuffel, in typical Utopian Randian fashion, feels it to be a smear on government to identify it with coercive taxation — which has in fact always been a hallmark of government. To the Randian mystics, taxation is an "improper" function of government, and therefore a coercive monopoly government abstaining from coercive levies appears to be a realistic alternative. Mr. Kuffel also tries to rescue the Randian smear term "competing governments", which, as far as I know, no anarcho-capitalist has ever used to describe his desired system. Mr. Kuffel believes that conviction in a judicial trial "presupposes the power of prior arrest"; given this fallacy, he finds it easy to attack as unrealistic my own canon that "any sort of force used against a man not yet convicted of a crime is itself an invasive and criminal act . . ." Yet, a trial can and has proceeded in *absentia*; in an anarcho-capitalist society, a defendant accused of crime would be informed of his trial and invited to appear to defend himself; if he refuses, then trial would proceed in *absentia*, and of course the defendant would then opt for considerably reduced chances to avoid conviction. After conviction, seizure and punishment could duly proceed. Also, Mr. Kuffel, ignorant in typically Randian fashion of history, cannot imagine the application of different laws within the same territory. Yet this has happened, and successfully so, in history; in post-Roman Europe, for example, different Germanic tribes (Franks, Visigoths, etc.) lived peacefully side by side, and different laws were applied to the different tribal members. In a legal case, the first question asked was: "What law do you come under?" In the anarcho-capitalist society, of course, the individual would not be stuck in the tribe of his origin, but could subscribe to varying courts or defense agencies. But the point is that in pre-modern Europe and elsewhere, there was no need for a territorial legal monopoly for law to operate successfully.

Mr. Ron Heiner's essay laboriously seeks to show that in any society conflicts will arise that go beyond voluntary arbitration and will necessitate coercive judicial procedures. He also maintains that competing private courts will reduce to warring factions in the absence of general legal rules to which the courts will agree to abide. I do not challenge these contentions, only the non sequitor of Mr. Heiner that therefore a State is required to lay down these general rules. On the contrary, libertarian legal theory suffices to lay down a general law code — enshrining and developing the implications of the libertarian principle of non-aggression against person and property — which, in my own view of anarcho-capitalism, all the courts would be pledged to follow. Reason, not the State, is the proper agency for laying down this Law Code, and this can be seen in the ways in which judges worked out the principles of the

best parts of our legal system: the common law, the law merchant, admiralty law. Once again, the Randians reveal themselves abysmally deficient in their knowledge of history. In addition, Mr. Heiner keeps repeating as a talisman that the market can only work in the sphere of voluntary relations, so that any measure of coercion must involve non-market principles. But here he is trapped in his own semantics; for the market provides, not merely voluntary relations, but legitimate services of all types, including the service of coercive (but legitimate) defense of person and property from violent assault.

Mr. Charles Barr confines his attack to the first chapter of my *Power and Market*, which briefly sets forth the outlines of an anarcho-capitalist defense and judicial system. In a tizzy because I do not mention Ayn Rand in the book (which was largely devoted to other themes), Mr. Barr totally ignores pages 120-23 of *Power and Market*, in which I expose the inconsistencies and fallacies of earlier versions of the Utopian Randian hope for a voluntarily supported government. (As in so many other areas, Miss Rand did not originate this concept.)

Mr. Barr then has some fun with my idea of a "basic legal code", which all anarchistic courts would be pledged to apply. Where does the code come from, he asks in different ways? The answer is simple, and should be particularly simple for a Randian who professes to follow the dictates of rationality: Reason. Reason dictates the basic legal code of non-aggression against person and property, the definitions of property, etc. Will anyone be free to secede from this code, he taunts? But since the code is simply non-aggression, any person who violates it or any court which refuses to abide by it, either commits or sanctions aggression, and thereby becomes an outlaw or an outlaw court. If Jones aggresses against Smith, and a court to which Smith takes his case decides that aggression was justified because it has adopted a different code (e.g. that Smith is a redhead and it is alright to aggress against redheads), then the court has become outlaw and its decisions will not be recognized by the rest of society. What we are dealing with here is not incidental minutiae of legal proceedings, in which there well might be competition (e.g. judges vs. juries), but the basic legal code of nonaggression itself. Mr. Barr professes to find the concept of "social agreement" to this basic code "mysterious"; but of course it should be evident that no social system or legal system from libertarian to theocratic, can endure unless the majority of society agree to it and are willing to abide by it. After all, what are libertarians trying to do except to convince the public to adopt and abide by libertarian principles? What I am simply contending is that a basic libertarian legal code enshrining the principle of non-aggression is a crucial aspect of such principles and of such agreement. There is nothing mysterious about it. Of course, to Mr. Barr, trapped in apriori and Utopian Randian definitions, "the attempt to set up a legal system in the absence of government" is a "central contradiction." But, again, pace the common law, law merchant, etc.; it was done all the time. Mr. Barr, sometimes by custom, sometimes by reason; or have you forgotten about the latter concept?

Dr. Tibor Machan returns to the assault on anarcho-capitalism in the June 1972 *Individualist*. Dr. Machan professes himself confused about the great archy-anarchy debate, and his confusion is indeed manifest in the article. Like his fellow Randians, he tries to salvage the Utopian Randian vision of government; why must government acquire its revenue by the compulsion of taxation, he wants to know? The answer should be clear: once grant to one agency the power to enforce a compulsory monopoly of ultimate defense in a given territorial area, once grant it the right to outlaw competing police and judicial agencies, and its coercive power is already so great that its enforcement of compulsory taxation is a brief further step in its grab for power. This is in theory; in practice, of course, there was never this separation to begin with; the bandit gang that achieved the power to call itself the "State" never had any compunction about exercising as much coercion and extracting as much plunder as it could get away with.

Dr. Machan calls upon anarcho-capitalists to be "complete", to spell out in detail "the precise character of arbitration and defense agencies" in the future society. But this cannot be done, precisely because no one can blueprint the free market in advance; we don't know how many agencies there will be or their precise makeup for the same reason we do not know how many and which companies will be producing iron bars fifty years from now. But we can set down certain basic guidelines, and this we have already done. Finally, Dr. Machan falls into the Rand-Barr fallacy by saying that once the anarcho-capitalists commit themselves to "some kind of legal system" they will no longer just be anarcho-capitalists, but presumably also some kind of archists as well. But the

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point about my own view of anarcho-capitalism is that it encompasses the adoption of a libertarian legal code as part of its very core.

Finally, as a kind of comic footnote to the Reason barrage, the Perkinses write in the June-July issue in reply to Reason's anti-anarchist supplement. The Perkinses presume to read me out of the anarchist movement by pointing in horror to my "erroneous concept of a 'basic legal code' without a government." In contrast, the Perkinses repudiate a legal code but call instead for a 'moral code' founded on natural law . . . the moral code of . . . nonaggression and justice." If the Perkinses had given a little thought to the matter, before popping off in all directions, they would have realized that the "basic legal code" of libertarian law that I've been writing about is precisely the natural law code of non-aggression that they are promoting.

We conclude that anarcho-capitalism stands, and that the last desperate attempt by neo-Randian archists to save the State collapses. But let us conclude by hurling a final challenge to the neo-Randians, a challenge which at least two leading Randians have been subjected to in recent years, and which neither could begin to answer. The challenge is as follows (Messrs. Barr, Heiner, Kuffel, Machan et al, please take heed): OK, we know that you are against competing private defense agencies within a given geographical area. But suppose that, heedless of your edicts, two or more such agencies exist already. Each consciously pursues and applies a libertarian law code which all of us would agree to. On which one of these agencies would you bestow your approval, and which would you presume to outlaw? What would be your criteria for choosing one over the others? I await your answer with great interest. □

## The Slumlord As Hero

By Walter Block

The slumlord, alias the ghetto landlord, alias the rent gouger, alias the tenement landlord, is proof that man can attain to the station of the devil himself while still alive. At least in the view of most people. Recipient of vile curses, pincushion for needle-bearing tenants with a perchant for voodoo, exploiter of the downtrodden, the slumlord is surely one of the most hated figures of the day. And the indictment is truly monumental, as befits so august a villain: he charges unconscionably high rents; he allows the building to fall into disrepair; his buildings have cheap lead paint which poisons the babies who lick it; he never paints; he allows junkies, rapists, and drunks to harass the tenants. The falling plaster, the overflowing garbage, the omnipresent roaches, the leaky plumbing, the roof cave-ins, the fires, are all integral parts of the slumlords domain. Practically the only healthy aspect of the situation is the size of the rats. Or so goes the indictment.

Actually, however, the indictment is spurious. The owner of cheap housing is no different from any other purveyor of low cost merchandise, or for that matter, no different from any other purveyor of any kind of merchandise, cheap or expensive, at least as far as pricing policy is concerned. They all charge as much as they can get.

Consider the purveyors of cheap, low-cost, inferior and second hand merchandise as a class. What they have in common — is that they all buy and sell cheap, low-cost, inferior and second hand merchandise. And one thing stands out about such merchandise above all else: it is cheaply built, inferior, and second hand. Now, a rational person would not expect high quality, exquisite workmanship or superior new merchandise at bargain prices; he would not feel outraged and cheated if bargain merchandise proved to have only bargain qualities. We do not expect from margarine what we expect from butter; from a used car what we expect from a new car; from a rowboat what we expect from a yacht; from the bleachers what we expect from the 50 yard line seat; from the paper dress what we expect from the mink coat. But such is the nature of the human condition, especially in the urban setting, that when it comes to housing, all rationality flies out the window. People expect safe, clean, sound, well kept, well painted, well run housing at prices that do not at all reflect these qualities. They expect mansions at prices proper for hovels.

But what of the claim that the slumlord overcharges for his hovels? That people have a right to expect at least moderately safe, clean, well maintained housing for the high prices they are forced to pay? This claim is completely erroneous. First of all, practically everyone tries to get the highest price obtainable for what he produces (and to pay the lowest

prices for what he buys). Not only landlords. Workers try to obtain the highest wages they can get. Even downtrodden, minority group member workers. Even socialist workers. Even babysitters. Even communal farmers who work with their hands, share and share alike, and eat only "natural" organic foods. Other businessmen beside landlords try to obtain the highest prices possible for their wares. It is not even necessary to list such businessmen. No one has ever heard of a businessman who does not try to obtain the highest prices possible for his wares. Widows and orphans and others who save their money for a rainy day try to get the highest interest rates possible for their savings. We could, with equal reason, namely none, castigate the workers, widows and orphans for trying to exploit the people to whom they are selling or renting their services and capital by trying to obtain the highest return possible. The point is, of course, that the landlords of dilapidated housing are being singled out and blamed for something which is almost a basic part of human nature: the desire to barter and truck, and to get the best bargains possible.

Secondly, the claim fails even implicitly, to distinguish between the desire to charge astronomical prices for one's wares, which practically everyone has, and the ability to do so, which is not quite so widespread. Of course the landlords would like to charge astronomical prices for their real estate; but this is irrelevant. The question that must be answered if any sense is to be made out of the anti-landlord claims is: How is it that the landlords are able to charge such high prices? Now what usually stops anyone from charging an inordinately high price for anything is the competition from others who will begin selling the same product as soon as its price shows any tendency to rise markedly. If the price of frisbees starts to rise, old members of the industry will expand production, new entrepreneurs will enter the industry for the first time, old worn out, used frisbees will start being sold in a second-hand market, etc. All these activities will tend to counter the original rise in price. If landlords are raising the prices of housing because of a sudden housing shortage the same forces will come into play. New housing will be built by both old real estate owners and new ones, entering the industry for the first time;

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## The Slumlord As Hero —

(Continued From Page 5)

old worn-out housing will tend to be renovated; basements and attics will be pressed into use at least until the prices of housing show signs of decreasing again. All these activities will tend to drive the prices of housing back down to where they were before the landlords began raising them in the first place. And they will tend to cure the housing shortage that began the price rise.

If some landlords tried to raise the rents in the absence of a housing shortage, they would discover difficulties in trying to keep their apartments rented. They would suffer from high vacancy rates as the duration of tenancy declined and as they encountered difficulties renting to new tenants; for both the old tenants and the prospective ones would be tempted away by the relatively lower rents of the landlords who had not raised their rents. Even if all landlords somehow banded together to raise rents, so that no tenant could take advantage of the landlords who had not raised their rents, they would not be able to raise rents in the absence of a housing shortage. For one thing, any such attempt would be met by new entrepreneurs who were not party to the cartel agreement rushing in to fill the gap. They could buy up existing housing, or build new housing; this would add to the stock of housing, and tend to drive down rents as tenants began to flock to non-cartel landlords. For another, each landlord who was party to the cartel would begin to feel strong financial pressures to break the agreement. At the new higher prices composed by the cartel, tenants would tend to use less space, whether by doubling up or by just seeking less space than before. As the tenants demanded less space, it would be harder and harder for the cartel landlords to keep their buildings fully rented. Inevitably, the cartel would crack up, as the landlords sought to find and keep tenants in the only way possible: by lowering rents.

In the third place, the argument that the slumlord over-charges for his dwellings is specious because, at bottom, there is really no legitimate, scientific, or even reasonable sense to the concept of overcharging. Overcharging can only be charging more than the buyer would like to pay. But since we would all really like to pay **nothing** for our dwelling space (or perhaps minus infinity, which would be equivalent to the landlord paying the tenant an infinite amount of money for living in his building), all landlords who charge anything at all, can be said to be overcharging. Everyone who sells **anything** at any price greater than zero can be said to be overcharging, for that matter, because we would all really like to pay nothing (or minus infinity) for **everything** we now buy.

On the assumption that the claim that the slumlord overcharges for his dwelling space is spurious, then, we are still faced with the visions of the rats, the garbage, the falling plaster, etc. Is the slumlord responsible here? Although it is fashionable in the extreme to say Yes, I fear that this will not do. For the problem of slum housing is not really a problem of slums or of housing at all! It is either a problem of poverty, or it is no problem at all, but in either case it is not the fault of the slumlord.

To show that slum housing, with all the horrors it contains, need not even be a problem, all we need do is to consider the case of people who could well afford high quality housing, but who instead prefer to live in slum housing, with all the attendant rats, garbage, lead paint, etc., because of the money they can save thereby. Now this might not be to the taste of you or I, but it ill behooves us to class the freely made choices of other people which affect themselves only as **problems**. For which of us, in such a state, would not be in danger of having his most cherished choices, tastes, desires characterized as "problems"? And there might even be conditions under which even you and I would voluntarily choose to live in slum housing, although we could afford better quality. (This, of course, would make it perfectly all right, and not a problem at all.) We could therefore hardly blame the slumlord, in this case, for providing such people with just what they want.

In the most usual case, however, the reason people choose to inhabit slum housing is because they cannot afford better. But this is hardly to say that the fault lies with the slumlord who provides the housing. On the contrary, the slumlord is providing a necessary service, given the poverty of the tenants. If a law were enacted prohibiting the existence of slums, and therefore of slumlords, **without doing anything else** (like giving these poor people decent housing or a higher income), it would greatly harm not only the slumlords, but the slumdweller as well. If anything, it would harm the slumdweller much more, for the slumlords would only lose one of perhaps many sources of income; the slumdweller would lose their homes, and be forced to rent much more expensive dwelling space, with consequent and very harmful decreases in the amount of money they would have left to spend on food, medicines, and other necessities. So the problem is not the slumlord. It is poverty. The

only way the slumlord can legitimately be blamed for the evils of slum housing would be if he were the cause of poverty in the first place. And this not even the most fervent detractors of slumlords would contend.

Why is it then, if he is no more guilty of underhandedness than other merchants, that the slumlord has been singled out for a vilification perhaps unequalled by any other group of "exploiters"? Why all the hue and cry about the slumlord? Although the answer to this can only be speculative, it seems to me that there is a positive and very strong relationship between the amount of governmental interference in an economic arena, and the storm of abuse and invective heaped upon those businessmen responsible for serving that arena. Instead of testing out the implications of this view in all possible areas, let us see if we cannot pinpoint the link between government involvement in the housing market and the sad plight of the slumlord's public relations.

That there is strong and varied government involvement in the housing market cannot be denied. There are scatter site housing projects that create havoc and racial tension. There is public housing in general which has been a cruel hoax on the poor with its rampant crime, poor planning and administration, with its lookalike buildings which in all too many cases are soon reduced to vertical slums. Urban renewal, known by some as "Negro Removal", has destroyed more housing than it has created, destroying neighborhoods on a mass scale in the process. Zoning has served as a thinly disguised veneer for racism. Building codes have led to higher housing costs which get passed on to the poor, graft for the inspectors, but not to the eradication of slums. The list is seemingly endless. In each of these cases, the spillover effects from the bureaucratic red tape and bungling are visited upon the slumlord. The slumlord bears the blame for the overcrowding engendered in many cases by the urban renewal program in the first place. He is blamed for not keeping his buildings up to the standards set forth by the unrealistic building codes, which if met, would radically worsen the status of the slumdweller.

Perhaps the strongest link between the government and the disrepute in which the slumlord is held is the rent control law. This is a very direct link, whereby rent control legislation changes the usual profit incentives that put the entrepreneur in the service of his customers in to those which make him the direct enemy of his tenant-customers.

In the usual case, the way the landlord earns money is by serving the needs of his tenants. If he fails to serve these needs, they will tend to move out more quickly, setting up extra costs for the landlord in terms of greater vacancy rates, extra costs for the greater turnover such as advertising, cleaning up between tenants, greater repairs, the costs of the agent showing the apartment, etc. The landlord who fails to meet the needs of the tenants will also suffer financial losses directly, insofar as tenants will only remain with him and his poor service at lower rents than the apartment would otherwise command. It is like any other business: the customer is always right, and the merchant ignores this dictum only at his own peril.

But in our present rent control system the incentives are all turned around. Here the landlord can earn the greatest return **not** by serving his tenants well, but by mistreating them, by malingering, by refusing to make repairs, by insulting them, etc. For when the rents are legally controlled at rates far below their market value, the landlord earns the greatest return not by serving his tenants, but by **getting rid of them**, so that he can replace them with higher paying non rent-controlled tenants.

If the incentive system is all turned around under rent control, so is the self selection process through which entry into the landlord "industry" is determined, for the types of people attracted to an occupation will be strongly influenced by the type of work that must be done in the industry. If the occupation calls (financially) for service to consumers, one type of landlord will be attracted; if the occupation calls (financially) for harassment of consumers then quite a different type of landlord will be attracted. In other words, in many cases the reputation of the slumlord as cunning, avaricious, willing to cut corners, etc., might be well deserved, but it is because of the rent control program in the first place, that the slumlord acts in this way.

We must remember, however, that if the slumlord were prohibited from lording it over slums, and if this prohibition were actively enforced, the welfare of the poor slum dweller would be immeasurably worsened. We must remember too that the basic cause of the problem of the slums is not at all the doing of the slumlord, and that the worst "excesses" of the slumlord are due to governmental programs, especially rent control, and not to the slumlord himself. So the slumlord does make a positive contribution to society. Without him, the economy would be worse off. That he continues in his thankless task, amidst all the abuse and vilification, can only give evidence of his basically heroic nature. □

## The Schmitz Ticket

I must admit to a sneaking fondness for the Schmitz-Anderson Presidential ticket of the American Independent Party. While Rep. Schmitz lacks the charisma of the party's 1968 candidate, George Wallace, he is infinitely more libertarian and far more intelligent; he brings to the Presidential ticket the perspective of the John Birch Society.

The Birchers have recently been trying, as best they can, to add some realistic analysis to their formerly locked-in and hopped-up anti-Communism. Gary Allen's recent *None Dare Call It Conspiracy*, for example, uses the insights of New Left historian Gabriel Kolko to add opposition to the Big Business ruling class (the Rockefellers, the Kuhn-Loebs, the Council of Foreign Relations, etc.) to the old anti-Communist armamentarium. The Birchers have at last begun to realize, in short, that to call Nelson Rockefeller a "Communist" is absurd and misses the whole point; you don't have to be a Communist to yearn for the fruits of State power, and there have of course been statist and totalitarians from time immemorial, long before Karl Marx was born.

Furthermore, as the brilliant New Left journalist Nicholas von Hoffman pointed out in his appreciative reporting of the AIP Convention this summer, Schmitz et al. have been moving from the vague and ambivalent "win it or get out" view on Vietnam to all-out opposition to a frankly labeled imperialist foreign policy of the United States. As part of a consistently anti-war foreign policy, for example, John Schmitz has been trying to form an anti-Establishment alliance in California with the New Left underground paper, the *Los Angeles Free Press*. In an exclusive interview with that paper, Schmitz (September 8, 1972), points out that he is the only Presidential candidate who opposes any American war in the Middle East as well as Vietnam. Thus, Schmitz says:

"We're the only ones who have taken a stand for neutrality in the Mid-East. I maintain that 'doves' are nothing but 'hawks' for the other side. Some are just mad because they're shooting communists and not Arabs . . . For example, how can McGovern really be anti-war when he's committed to sending troops to the Mid-East . . . Let him explain that to his peace followers."

Schmitz told the *L. A. Free Press*: "If you want a real anti-Establishment, anti-war candidate, I'm your man." Schmitz also denounced Richard Nixon for being "totalitarian," and leading us into a police state in America. When asked about his support base, Schmitz replied that "we appeal basically to those tax-paying Americans carrying the load . . .", and he attacked "welfare at both ends", welfare per se, and "the Lockheed loan, AMtrak, and other types of welfare to big industry." Schmitz concluded that "I maintain with Jefferson 'that government is best which governs least'."

In an interview with *Business Week* (October 14, 1972) John Schmitz explained his economic views, and they are enough to warm the cockles of a libertarian heart. Schmitz denounced the Keynesianism of the Nixon Administration, the swollen national debt, and deficit spending. Likening Nixonism to the "corporate state, as in Nazi Germany", Schmitz again denounced government welfare to business, and called for the federal government to get out of welfare and education altogether. Furthermore, John Schmitz called courageously for a return to the gold standard at a higher, free market price, and denounced the International Monetary Fund for engaging in elitist planning of the international monetary system. When asked by *Business Week* "how else could you coordinate a monetary system involving 124 nations," Schmitz, God and/or Reason bless him, replied:

"Well, the way economist Ludwig von Mises says, There are certain natural laws and laws of economics that are far better than any man can devise. You just foul things up by intervening."

When *Business Week* asked Schmitz if he gets his economic ideas from von Mises, Schmitz replied:

"I read his books. Von Mises probably would not go along with our anti-monopoly plank, although he is not as libertarian as some of his disciples."

Schmitz also denounced wage-price controls, and pooh-poohed the idea that a cut in government deficit spending would cause recession: "When you cut spending in the government sector, that money goes into private spending."

Wow! So why not Schmitz for President? Well, I must admit it is with a certain reluctance that I put aside my support. On the theoretical level, however, the Birchers still persist in linking all the conspiracies and

ruling classes together, so that the Rockefellers, et al. wind up secretly controlling the Communists. Why can't there be competing groups of power-seekers? And on the practical political level, the hopped up anti-Communism is still there, leading Schmitz to call for still greater defense and military spending, enabling him to take a seat (though a bit shamefacedly) on the House Internal Security Committee, and leading him to call for prohibiting all trade "with the enemy". And, dammit, to denounce the three released Vietnam POW's as traitors for not immediately checking in with the military on their release.

So I must finally resist the temptation, strong though it is, to support the Schmitz-Anderson ticket. But I must admit that the more votes that Schmitz can roll up the better, for it would provide a base, a groundwork for rallying an opposition to Nixonite despotism in the next four years. □

## Unity Or Cadre

Every ideological movement must find a balance between narrow sectarianism and a flabby and diffuse breadth. Both deviations from the correct path must be avoided: a sectarianism which excommunicates everyone who disagrees, however slightly, from the true faith; and a flabby desire for "unity" which ends by embracing everyone at all related to the central position, and thereby eventually forgetting about the basic principles themselves. In short, there are equal dangers in insulating cadre from everyone else, and in dissolving cadre completely into the general population. Both errors tend to liquidate the movement itself: the former by remaining isolated and ineffectual, the latter by dissolving cadre and thereby losing the very point of the whole business: the infusion of the basic core of principles into the body social.

The way around both of these errors is a central position: to emphasize and retain and nourish cadre — the hard core of true-believing militants; and then to use this cadre base to diffuse these principles and influence non-cadre in numerous ways, including the recruitment of some of them

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## Unity Or Cadre — (Continued From Page 7)

into the cadre itself. In the libertarian movement we have not suffered from excessive sectarianism since the breakup of the organized Randian movement in the summer of 1968; indeed, as libertarian ideas have lately been influencing more and more people in all parts of the spectrum, the danger has been far greater of losing cadre and forgetting basic principle in the quest for a phony "unity". Such unity is phony because differences are often so great that "unity" can only be achieved by neglecting vital intellectual issues. As these issues are neglected, the movement itself becomes ever flabbier, and tends to forget about some of its own most basic principles. Keeping the faith on vital issues can only be sustained by polemicalizing against error and deviation wherever it rears its head. But "unity" means that we can't spear error for fear of division in the movement.

As in every ideological movement, libertarians have been hearing the cry that "we have only been talking to ourselves." On the contrary, I maintain that we haven't been talking enough to ourselves; we have been talking so much to outsiders that we have failed to nourish, reinforce, and advance our own cadre and our own hard-core principles. Thus, in the last few years we have had a host of broad, open conferences designed to attract broad masses of interested people and establish working contacts with partial libertarians. This is all very fine and useful work, and I am not trying to denigrate such conferences. But unfortunately we have at the same time neglected the vital work of organizing, sustaining, and advancing cadre.

Hence, the importance of the highly successful Libertarian Scholars Conference held the weekend of September 23-24 at the Williams Club in New York City. To be a successful cadre conference, the meeting had to be relatively small, and hence the organizers, Professors Block and Grinder, determined that the conference had to be by invitation only. Immediately, of course, the expected howls of rage arose from our "participatory democratic" wing, complaining (a) that any conference by invitation is by itself "elitist", and (b) why wasn't good old Joe Zilch invited? Happily, Block and Grinder stuck by their elitist guns. The proper reply to such griping includes the following: (1) what's wrong with "elitism"?; (2) we've had plenty of open conferences, now we need some small, closed ones; and (3) if you want to organize a conference that is either open or includes good old Joe Zilch then you are free to organize your own.

In any case, the success of the conference raises the hope that this will be the first of many annual such meetings. At last we move toward the nourishment of libertarian cadre. ■

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## Recommended Reading

### Isolationism and Revisionism.

Justus D. Doenecke, *The Literature of Isolationism: A Guide to Non-Interventionist Scholarship, 1930-1972* (Colorado Springs: Ralph Myles, paper, \$1.85, 89 pp. Also available from the Laissez-Faire Book Store, 29A Mercer St., New York, N. Y. 10003.)

A superb work. Professor Doenecke, who has been hard at work for years on a definitive study of World War II isolationists and their attitudes toward the Cold War, here gives us all the benefit of his scholarship, in an appreciative, sprightly, and thorough guide to all the scholarly writings on the area of isolationism. This is not simply a bibliography; all works are discussed and annotated in an ordered context, and each one weighed and evaluated. Doenecke has not only combed published books and journal articles, he has also ferreted out every unpublished doctoral dissertations on the subject (these can all be purchased in bound, Xeroxed copies from University Microfilms, Ann Arbor, Michigan and, while book prices have been rising, Xeroxed book prices have actually fallen in recent years!). Doenecke has not only combed the field with unusual thoroughness, but he is an open-minded scholar in the best sense of that term: he rejects nothing because it might be "unrespectable". This delightful booklet is indispensable for anyone interested in the area of isolationism and revisionist foreign policy. Representative chapter titles: "Theory," "The Interwar Years," "Movements and Leaders," "The Politics of War and Bipartisanship," "Opposition to Consensus Politics", and "The Revival of 'Isolationism'".

James J. Martin, *Revisionist Viewpoints: Essays in a Dissident Historical Tradition* (Colorado Springs: Ralph Myles, \$2.50, paper, 248 pp.)

Dr. James Martin is perhaps our foremost anarcho-revisionist scholar, and this is a sparkling collection of his essays, largely on World War II, but also including the Cold War, most of which once appeared in the now unfortunately defunct *Rampart Journal*. There are some exciting new insights here, including for example Jim Martin's study of the totally neglected Peace Now movement for a negotiated peace during World War II, and the unmerciful smear treatment that the movement received at the hands of the Establishment. Martin also includes both the original German text and his own English translation of a highly revealing foreword that J. M. Keynes wrote to the German edition of his *General Theory*. The edition appeared in Nazi Germany in 1936, and is strangely not at all mentioned in Roy Harrod's "authorized" biography of Keynes. Keynes tells his German readers that "The theory of aggregate production, which is the point of the following book, can be much easier adapted to the conditions of a totalitarian state than the theory of production and distribution of a given production put forth under conditions of free competition . . ." Among other goodies, this book is the only place where Keynes' German preface is available.

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