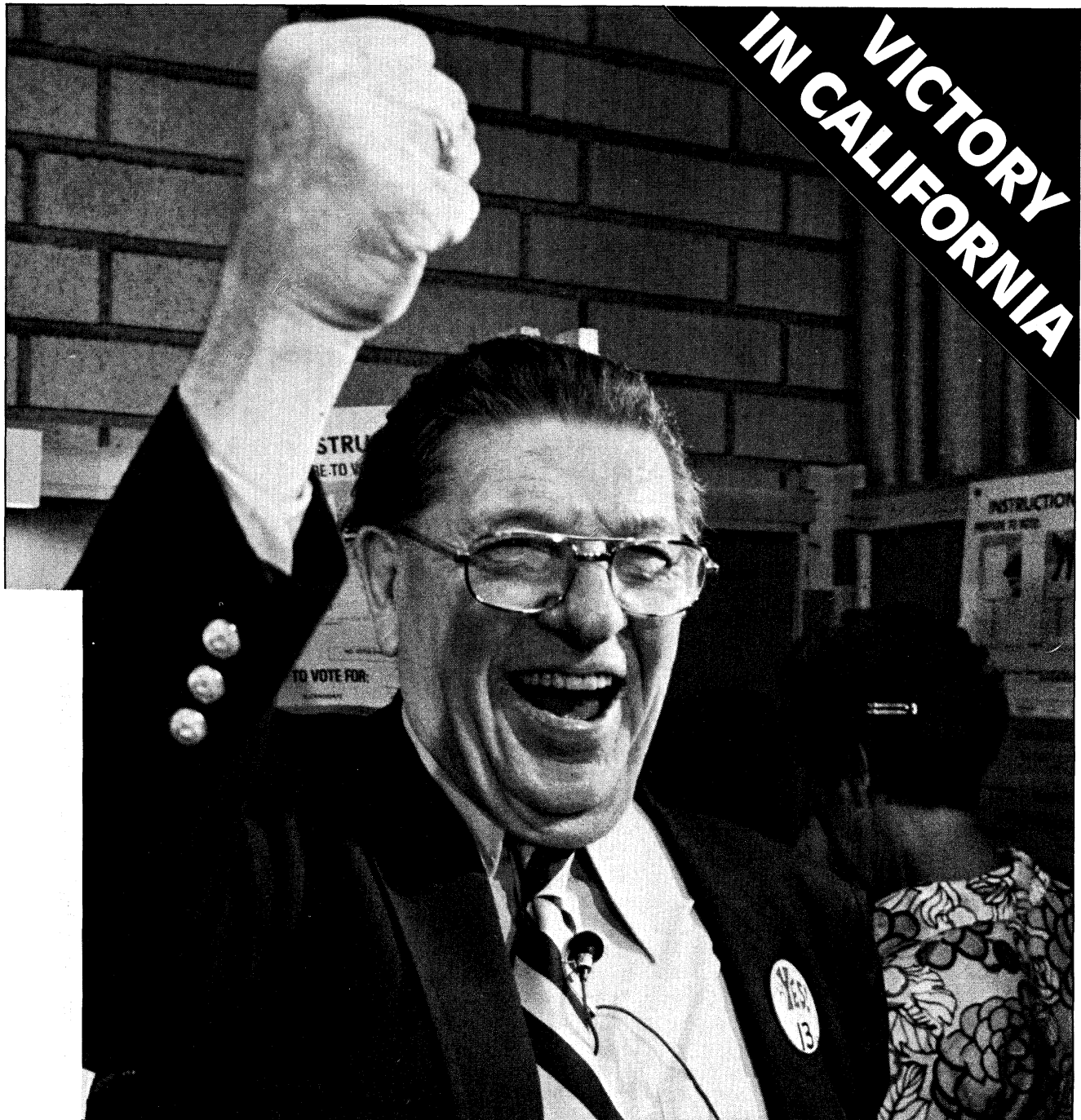


Libertarian Review

JULY 1978 \$1.25



Raiding the Newsroom — by Marshall E. Schwartz
The Collapse of the Public Schools — by Jeff Rigenbach

Richard Ashley on Drugs and Drug Laws
John Hospers on the Subsidized Muse
Murray Rothbard on Zaire

Letters

Dangers of agitation

The articles by Richard Barnet, Murray Rothbard, and Bruce Bartlett are all well reasoned and impressive. I welcomed this support at a time when my views have been under heavy attack from a number of quarters. *Libertarian Review* is right to react with such vigor to a recent outburst of hard-line agitation which seems to me to be little short of hysterical and which, unless it is effectively refuted, can easily lead to the most serious of dangers . . .

Mr. Rothbard might care to note the similarity between the views he put forward in his article and those expressed in the interview with myself published in the *New York Times Magazine*, which the editor of that journal took such pains to bury behind a piece by Paul Nitze.

George Kennan

The Institute for Advanced Study
Princeton, New Jersey

Kennan and isolation

It has been somewhat of a concern of numerous libertarian authors as to where the libertarian political theory points in the matter of current U.S. foreign, especially defense, policy. There is an apparent explicit isolationist outlook that seems to reign in the pages of *Libertarian Review*. I cannot say with great confidence that I either understand just what the pertinent essays are suggesting, or approve of what I suspect they are suggesting, even if only by implication. But I should explain that I do consider the competent defense of the United States as a sound alternative to any other proposal, although I am unable to determine what all, in particular, this implies.

I do not wish to argue the thesis because I am unprepared and because a good argument would at any rate fail to fit in a reasonable size letter.

What I do wish to urge is that outside of the pertinent essays *Libertarian*

Review has been, is, and will be publishing, some others be given some attention by your readers. (I suspect this advice is going to strike some as impertinent, but here it goes just in case.) Among the pieces elsewhere that I would urge someone concerned about the issue to read is George F. Kennan's "A Current Assessment of Soviet-American Relations" in *Encounter*, March 1978, and the two replies by Richard Pipes and, especially, Leopold Labedz in the April 1978 *Encounter*. I should confess that I am not aware of the economic motivations of these authors, so perhaps they belong to David Rockefeller, but I think their case should be looked into anyway. In a recent issue of *LR* Mr. Kennan was praised for his sound opinions, and his opinions are well summarized in the *Encounter* piece. At the same time the two replies are at least compelling critical comments on Mr. Kennan's summary, if only for their ability to demonstrate inconsistencies in Mr. Kennan's piece.

Tibor R. Machan
Senior Editor
Reason

The editor responds:

The first part of Tibor Machan's letter is in sad shape indeed. Any direct attempt at a response would no doubt end up in equally sad shape. Let me say quite simply that LR's point of view on foreign policy questions is noninterventionism, the doctrine that the United States ought not to intervene militarily, or even with military aid, in the affairs of other countries, and that it has no business taking any military actions unless it is directly attacked. In this respect LR has no claim to being eclectic, although within a broadly non-interventionist framework we have and will present many variants. No one who writes for Libertarian Review on foreign policy questions is against the United States providing a "competent" defense of America against military attack or invasion. That is not at issue.

Let me then answer the broader question of why LR stresses foreign policy issues. Since the collapse of the American war effort in Indochina, the future of America's foreign policy has been thrown open for debate, and a great many points of view have been expressed. But within this debate, a powerful and threatening lobby has surfaced to defend vigorously an interventionist, militarist and aggressive American foreign policy, spearheaded and led by the "neoconservatives." To support their point of view, committees have been set up (The Committee on the Present Danger), magazines have rallied 'round the flag (particularly Commentary), opponents of an aggressively interventionist foreign policy (e.g., George Kennan) have been viciously attacked, and massive efforts have been made by political and intellectual leaders alike to drag the American people behind a new Wilsonianism in foreign affairs. Fears about Soviet intentions have been grossly exaggerated and systematically played upon—to the detriment of peaceful U.S.-Soviet relations; we have heard the siren call to rush to the aid of (which?) Africans; we have found noninterventionist sentiments berated as being instances of a "failure of nerve," a "weakness of the will," a "lack of courage" and so forth; we have even heard calls on the Right for the revival of the draft. In the view of LR, these militaristic rantings are wrongheaded, mistaken, and potentially disastrous. While the anticapitalistic left has been prominent in combatting these forces, few sober voices have been raised from within the camp of the defenders of laissez-faire capitalism, even though a noninterventionist outlook was for many, many years considered to be part and parcel of a truly "liberal" (libertarian) perspective. The classical liberals were the antiwar, anti-imperialist forces of their day, but their descendants have fallen down on the job of defending these same traditions—even though those particular traditions are more important and relevant today than ever before.

Thus, to make up for the lack of interest in foreign policy issues manifested by other libertarian publications, Libertarian (continued on page 44)

Libertarian Review

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Editorials

The African labyrinth

In January, 1976, the Democratic-controlled Congress voted its opposition to the proposals of President Ford and Secretary Kissinger that the United States intervene further in the Angolan civil war. (Ford had already been making extensive secret use of the CIA in that country). Even more significant, however, was the vote cast against the administration's interventionism by a majority of House *republicans*. (The day before the vote, the Libertarian Luncheon Club on Capitol Hill sponsored a talk, mainly to Republican legislative aides, on the proposed U. S. intervention in Angola, and acquainted them with some of the history of U.S. relations with the tribal-political movements there, as well as the zig-zags of U.S. policies, and the policy reasons against American intervention.)

Today, however, President Carter's demand that the Congress repeal its limitations on executive interventionism is being *supported* by the Republican congressional leadership. The Republicans are claiming that the original limitation was merely a partisan gesture to embarrass a Republican president. They see intervention in Africa as a crucial issue on which to divide the Democratic party, and especially to divide the president and Congress.

But the issues involved here are much more important than mere election year politics. Reversal of the congressional ban on presidential intervention in African tribal politics would open the way for more long-term American quagmires, for more disasters like the one we experienced recently in Southeast Asia.

When the United States first began to meddle in central Africa in 1960, the objective was to maintain the strength of the central government of the Congo—a government which had been created by Western colonialism. Many of the major Congolese tribes were unwilling to be ruled from the colonial capital, however, notably those in the copper province of Katanga and the diamond province of Kasai. Like nearby Zambia, these two provinces depend for transportation on routes which go through Angola. Moreover, the populations of these provinces belong to the same tribes that inhabit neighboring Angola and Zambia: The dominant Lunda tribe of Katanga also has large elements in eastern Angola as well as in northwest Zambia.

The former Katanga gendarmes who invaded Shaba province (the new name for Katanga) this spring, as well as last spring, are members of the Lunda tribe, and are led by the National Front for the Liberation of the Congo,

founded by Nathanael Mbumba in June 1968. Mbumba, a Lunda leader educated by American Methodists, organized the Katanga gendarmes (as they still call themselves) after their last exile in 1967. They first went into exile in Angola in 1963 when Moise Tshombe, premier of Katanga, was forced by the U.N. and the United States to accept central Congo control of his province. They returned in 1964 when Tshombe became premier of the Congo, but were exiled again in November 1965 when Tshombe (who later died in an Algerian prison) was overthrown by Joseph Mobutu, a protege of CIA Deputy Director Frank Carlucci.

Larry Devlin, the CIA station chief in Leopoldville from 1960 to 1973, also aided Mobutu in this and other political coups. Five years ago Devlin became Congo representative for Maurice Tempelsman, the U.S. diamond dealer who helped Mobutu establish financial control over the rebellious Kasai province and now heads the marketing of Kasai diamonds. Tempelsman also has copper concessions in Katanga. According to western diplomatic sources, the CIA is still in charge of Mobutu's personal bodyguard and provides him with information on his opponents.

Mobutu is not the only one receiving foreign assistance. He has claimed that Belgian officials have encouraged Mbumba's Katanga gendarmes and have given recognition to their representatives. There is some indication that French financial interests are seeking dominance in Zaire through the Rothschild-controlled Pennaroyo company. The Anglo-Belgian interests which formerly dominated the Congo have now been mainly nationalized. (The 1973 "Zaireanization" of foreign owned plantations and commercial companies was widely hailed as the beginning of the creation of a native capitalist middle class. The properties were turned over to friends of Mobutu, and the shortages and inflation which have followed have created widespread public opposition complete with clashes and executions.) The Zaire government owes about \$4 billion to foreign, mainly American, banks, and has defaulted on interest payments. American banks are desperate to keep Katanga—whose rich copper mines account for 65 percent of the country's foreign exchange—under Zaire's control.

But the situation is still more complicated. Since 1960, the CIA and Mobutu have been aiding Holden Roberto, the head of the Angola Bakongo tribe (which makes its home in western Zaire, in Congo-Brazzaville, and in northern Angola) and also of FNLA, the National Front of the Liberation of Angola. At the same time, Roberto has also received aid from Communist China, which once led some American journalists to claim he was a communist out to destroy western civilization (more recently, of course, receiving aid from Communist China has been taken to mean one is a defender of the Free World and a protector of Western civilization).

The Katanga gendarmes view Mobutu and Roberto as their main enemies—especially since Mobutu's army, trained by the North Koreans, massacred the Katangans who returned to the Congo under Mobutu's amnesty offer. And in opposing Mobutu, the Katanga gendarmes are allied with their traditional associates: the fierce Tshokwe

tribe of Katanga, Angola and Zambia, and the Luba and Lulua of Kasai and Angola. Such are the tribal complexities in the African situation.

In 1974, the Portuguese governor, Admiral Rosa Coutinho, allied the Katanga gendarmes—trained by the Portuguese—with the Popular Movement for the Liberation of Angola, or MPLA (Bangala tribe), which was fighting Holden Roberto's FLNA for control of Angola. Financed by Gulf Oil revenues, the MPLA defeated the FLNA when the Katanga gendarmes—who had transferred from Portuguese to Cuban advisors—spearheaded the assault on Roberto's Bakongo forces who had seized the Angola capital of Luanda. The Katangans gave their MPLA allies control of the capitol and then drove the Roberto forces into the Congo. In return, the Katangans were given virtual control of the Lunda province of Enrique de Carvalho, but the MPLA was ultimately unable to subsume the Katangans into the Marxist Congo Rally of Popular Revolution. The Katangans refuse to join with Marxist opponents of the late Tshombe.

With a skein as tangled as this one, it is not surprising that the foreign interveners are having their own peculiar problems.

China and U.S. policymakers now find themselves in a dilemma, because Mobutu's main source of income—Katangan copper—must be moved to the Atlantic over the railway to the Angola port of Benguela. And that gives revenues to their opponents, the MPLA government in Angola. Also, the most effective means the southern Angolan opponents of the MPLA have devised to show their strength is to attack the copper trains from Katanga to Benguela.

After the withdrawal of the Katanga gendarmes in the face of the U.S.-French supported Moroccan intervention in the spring of 1977, Mobutu sentenced the Congo foreign minister to death for treason. Mobutu's present accusations against Belgian and Congo businessmen suggest that further treason charges may be in the making. Even the introduction of French-trained and American-supplied African troops to defend the copper mines of Katanga against the Katangans has not been sufficient to satisfy the United States.

The Katanga gendarmes perform a key role in that region as a protective force for the Gulf Oil Company's important concession in Cabinda, an Angolan enclave north of the Congo river. Mobutu and Roberto have attempted to seize Cabinda and its oil resources, and Gulf is dependent on the Katanga gendarmes—one of the few effective fighting groups in the region—to defend its continued uninterrupted operation and ownership. The fact that the Katangans had Cuban advisors or that Gulf's friends—the MPLA—had Cuban advisors does not seem to matter any more than the fact that the Mobutu and Roberto forces had North Korean advisors and Chinese aid. (The Chinese foreign minister flew to Katanga this June to show China's solidarity with Mobutu against the Katanga gendarmes.)

One important aspect of the question of Cuban involvement in Africa has been neglected by American commentators. The lengthy stay in Africa by tens of thousands of

Cuban troops has been negatively affecting public opinion in Cuba. The mounting Cuban deaths in Africa have begun to undermine popular support for the Castro regime. And there are signs the popular opposition to Castro's African intervention might soon join the opposition to the growing pressure on the heretofore sacrosanct private farm sector in Cuba. Since 1959, a major base of Castro's popular support has been the 200,000 private farm families belonging to the National Association of Small Farmers. These private small landowners provide the coffee, tobacco, vegetable and citrus crops which have made it possible for Cuba to withstand the U.S. food blockade. Partly because of the wide influence of Jehovah's Witnesses in parts of Cuba, private farmers have resisted coffee growing requirements. But state authorities have recently forced coffee production and in the process have violated the agreements whereby Castro promised to respect the producing and marketing freedom of the farmers' association. And that one breach may be sufficient, in combination with his adventure in Africa, to end Castro's Communist control of Cuba.

Yet it is Cuban involvement which the Carter administration is seizing upon to justify further U.S. involvement in Angola. Happily, the president's attempts to panic the Senate and House into new executive powers on the basis of claimed Cuban involvement in the Katanga invasion have raised strong opposition from members of Congress expert in foreign affairs. After four decades of presidential manipulation of foreign affairs to make presidents who are unable to control the domestic economy look good—"strong" or "tough"—in foreign affairs, some congressmen have awakened to reality. The British and Belgian foreign offices have both expressed deep concern and doubts about White House claims of Cuban involvement in the Katanga invasion. And they are the two countries with the longest contacts and intelligence in the region. They have questioned the reliability of an old ally who seems to be overreacting with such vehemence. Prime Minister James Callahan has received some conservative support for his criticism of Carter's shooting from the hip and threatening confrontation in Africa. But the American press has played a mainly negative role by its demands for "presidential leadership" in the face of the drift in the economy and the resistance of Congress to new major spending programs.

Another phony foreign policy crisis would only be the basis for slipping more grand spending designs over on the American taxpayer. A *New York Times* editorial (April 9) declared "The atmosphere now is turning sour. People who snickered whenever Gerry Ford bumped his head wonder whether Jimmy Carter has lost his. He is berated for letting the country drift toward an economic fiasco." In the face of the public demand to "leave me alone," Congress has not increased taxes or provided the "moral equivalent of war" to save energy. Only foreign policy remains an open area for so-called "national unity" and "presidential leadership." Once again, the long-range dangers to America are less in the quagmires of central Africa than in the political swamps of the White House and Foggy Bottom. —LPL

Karl J. Bray, 1943-1978

"Getting Rid of a Rebel" is the title of an article once written about Karl J. Bray. But despite repeated attempts, the Feds were never able to "get rid" of this man. Cancer had to do the job for them. Karl died in a Miami hospital on May 7, 1978 after a year-long illness.

Karl Bray had gone to Boston early in 1977 for Ayn Rand's annual appearance at Ford Hall when he became acutely ill. Earlier tests performed in Utah had shown negative results, but Karl was informed on April 16, 1977 that new tests confirmed a diagnosis of lymphoma.

Karl Bray is best remembered as a leading tax protester of the 1970s, but he was an outspoken activist on a number of other issues as well. In fact history may place Karl's major influence in an area other than tax protest, once his papers have been studied and his thoughts more thoroughly publicized. My own personal favorite among Karl's acts of defiance took place the day after President Nixon's order establishing wage and price controls. Karl responded with a full page ad in the *Salt Lake Tribune*, raising the price of products sold at his company, the Rocky Mountain Mint and Depository Co., by ten percent, and inviting the Economic Stabilization Board to take action to curb such voluntary exchange between individuals.

Many wonder which of Karl's acts precipitated the get-him-at-any-cost mentality which became so evident in the government's acts against him. In all likelihood it was the dramatic acceptance of his book, *Taxation and Tyranny*, which advocated civil disobedience to federal income tax laws. Five thousand copies had been sold when the IRS swooped down on his bank account, seizing those records which listed the names of those persons purchasing the book by check. Many of these persons were then systematically contacted and scheduled for audit.

After two trials Karl was finally convicted of "willful failure to file," a misdemeanor. Actually he *had* filed a 1972 return, but he had written across the face of his 1040 form, "Fifth Amendment. Go to Hell. Go Directly to Hell. Do Not Pass Go. Do not collect \$200." The first trial was in the court of Judge Willis W. Ritter, who made national headlines shortly before his death in early 1978 as the object of a determined impeachment campaign. Yet Karl received little official support five years ago when he publicly denounced Ritter and collected more than 2000 signatures calling for the judge's impeachment. And even in the face of this seemingly overwhelming prejudicial activity on Karl's part, Ritter refused to disqualify himself from hearing the case. When you gotta get rid of a rebel, such niceties apparently don't matter.

The guilty verdict in that first trial was overturned. The second trial ended on March 22, 1977, and though an appeal is still pending, this was the last confrontation Karl was to have with the Feds.

Karl was convicted in that second trial of violating 18 USC 701, by unlawfully possessing an IRS insignia, a misdemeanor. Curiously, this law was originally enacted

to prevent persons from wearing military uniforms and impersonating military officers. And under army regulations, mere possession is *not* a violation. Direct testimony from the arresting FBI agent revealed that he had acted simply because he had been told by an assistant U.S. attorney "to arrest Bray." When you gotta get rid of a rebel, constitutional protections are overlooked.

In October 1975, Karl was confined in the Salt Lake City and County Jail for his insignia conviction. He was to serve six months and ten days in satisfaction of this six months sentence. Karl was outspoken even in jail, demanding better treatment for all prisoners. The result could have been anticipated; he spent some time in solitary confinement.

Karl was a founder of the Libertarian Party of Utah, a popular seminar leader and speaker at numerous party functions and an LP candidate for Congress in 1974. He was so widely known, respected and loved throughout the movement that we all have our private moments with his memory. However, there is more to Karl than a memory. His books, notes, letters and papers, his ubiquitous 3x5 cards, his legal briefs and mementos are being preserved at the Freedom Library, which Karl was establishing at the time of his fatal illness. The Church of Moral Ethics is coordinating the receipt of funds which will be used to offset his enormous medical expenses and to continue the work at Freedom Library. Contributions made to the Church may be designated as medical or library funds and mailed to Box 674, Hermosa Beach CA 90254.

Karl was born June 12, 1943 in Provo, Utah. He was a chemistry major at Brigham Young University and Weber State College. He hosted a talk show on radio station KXXX in Salt Lake. As a youth he became an Eagle Scout and a highly proficient boxer. He is survived by his father, Kenneth, of Provo; his mother, Lela Guitierrez, of Lancaster, California; his brother, Jerry of Provo; and a sister, Vickie Bray Rossman, of Marblehead, Mass.

—Henry J. Hohenstein

Coming next month:

**A special issue on a strategy
for achieving liberty**

**Contributors include: Roy Childs,
Murray Rothbard, Charles Koch,
Milton Mueller, David Theroux,
Williamson Evers, and many others.**

The Public Trough

The subterranean economy

by *Bruce Bartlett*

Washington policy-makers have become quite interested in recent months in a phenomenon known as the "subterranean economy," and in its implications for a variety of government tax and regulatory policies.

This underground activity consists of that part of the economy which functions outside the reach of government taxation and regulation. This includes not only criminal activity, but also a massive number of economic transactions conducted through barter or cash, in order to avoid the payment of taxes or control by government regulators. It is, in fact, a black market, just as one finds under any form of price control.

It is now becoming common practice among many workers to demand that their wages, or a portion of their wages, be paid in cash—free of federal, state, and social security taxes. Since these taxes may take 50 percent or more of even a modestly paid worker's marginal income, both employers and employees benefit from the arrangement. A worker may accept wages considerably lower than he would otherwise get because he knows that he will get all of the income, not just half. And the employer saves not only on the lower wages paid, but also on payroll taxes for social security and unemployment compensation, which he would otherwise have to pay on top of the employee's gross wages. In short, everyone benefits except the tax collector.

Such activities have of course gone on as long as we have had taxes. But recently estimates have been made on the size of this subterranean economy which have forced legislators to seriously consider the factors which are leading to its growth.

In the November/December issue of the *Financial Analysts Journal*, Peter Gutmann of Baruch College in New York City attempted to estimate the size

of this subterranean economy, based upon the increased use of cash in the economy since World War II. His researches led him to believe that there may be as much as \$200 billion worth of gross national product being generated, unaccounted for by government statistics. If the usual ratio between jobs and GNP hold, this could mean that there are as many as nine million more people employed in this country than are counted by the Bureau of Labor Statistics. Needless to say, if this estimate is accurate it would shave several percentage points off the official unemployment rate.

We are likely to find that the subterranean economy is swelling rapidly unless taxes are quickly slashed across the board.

Gutmann makes it clear that this vast subterranean economy is a creature of big government:

"The subterranean economy, like black markets throughout the world, was created by government rules and restrictions. It is a creature of the income tax, of limitations on the legal employment of certain groups and of prohibitions on certain activities. It exists because it provides goods and services that are either unavailable elsewhere or obtainable only at higher prices. It also provides employment for those unemployable in the legal economy; employment for those—like the retired who draw social security, or illegal aliens without resident status—

whose freedom to work is restricted; and incentive to do additional work for those who would not do it if they were taxed."

This situation is now leading many people to consider the possibility that a reduction in tax rates may be needed to draw people out of the subterranean economy. Typical is the attitude of Peter Passell, an editorial writer for the *New York Times*:

"Serious tax reform might restore the good name of the income tax; it would at least undercut the rationalization that cheating only compensates for the unfairness of the system. Probably a more effective (and politically more realistic) means of deterring tax cheating would be to pare personal income taxes across the board. With Federal tax rates, say, one-third lower, the incentive to break the law would be much diminished. Revenues lost thereby would, at least in part, be made up at the expense of the subterranean economy."

Passell might have added that lower tax rates would also draw investors out of complicated tax shelters, like cattle feed lots, and into investments which would yield greater output and tax revenue.

Of course liberals recoil from the obvious and continue to attack "loopholes." But slowly they are learning that eliminating deductions and raising taxes do not necessarily raise tax revenues. For example, in the Tax Reform Act of 1969 the maximum tax on capital gains (a well-known tax loophole) was doubled from 25 percent to 50 percent. Since then, tax revenues from capital gains have *fallen* roughly by half. As a result, many liberals now agree that the capital gains tax must be reduced—not enough, perhaps, from a libertarian perspective, but it would still be another small step in the right direction.

But unless taxes are quickly slashed across the board, we are likely to find the subterranean economy swelling rapidly as people scramble to loose themselves from the grasp of government. For more and more Americans, there is no realistic alternative. Government power has gotten totally out of control. The growth of the subterranean economy, like the blossoming tax revolt, is yet another sign that people are willing to fight back.

Crosscurrents

by Walter E. Grinder

- **Protectionism, jobs, and relief**

For the past decade, the U.S. economy has been losing its competitive advantage in the world market in a number of goods, such as color TVs, certain steels, automobiles, and others. There have been a variety of reasons for these setbacks: some, simply superior production methods used in other countries, but others the result of the raging U.S. inflation. Although a dazzling plethora of strong-armed, protectionist measures have been tried to stem the rising tide of competition—tariffs, quotas, trigger prices, etc.—imports to America from Japan and Western Europe continue to increase. When an industry is especially hard hit, some companies have had to close their doors entirely, and pockets of substantial unemployment continue to sprout up around the country—Youngstown, Ohio being the most recent highly visible example.

The passage of the Full Employment Act of 1946 charged the U.S. government with the “responsibility” of winning the war against unemployment. Since then, this responsibility has been broadened to include the eradication of poverty as well—witness President Johnson’s War on Poverty and the more recent Comprehensive Employment and Training Act. This peculiar linkage of two quite distinct and separate problems has, incidentally, led to untold amounts of confusion in the government’s efforts to deal with both of these problems. Moreover, the state’s self-proclaimed responsibility has, by its presence, caused the decline of local, corporate, and individual efforts to cope with unemployment. And above all, state intervention has seriously hampered the market mechanism, turning short-run problems of adjustment into long-run disasters.

Everywhere the call is heard for increased governmental aid for areas that are economically “distressed” because of faltering industries. We are told to give

special consideration to those thrown out of work by evil competitors who are “dumping” cheaper goods on the doorstep of the embattled America consumer. Of course, little consideration is given to the fact that by taking such action, we lengthen the time that the unemployed American laborer can (read will) withhold his services from productive tasks by so increasing the costs of searching for alternative employment that it makes no sense for him to do so. Consequently, the American economy

A voluntary solution to unemployment in distressed areas? Whoever heard of such a possibility?

becomes even less competitive and less productive.

Nowhere is the call heard for a voluntary solution to the problem of unemployment in “distressed” areas. Whoever heard of such a possibility? Such thoughts are beyond the pale in our enlightened age. And besides, voluntarism couldn’t work anyway. Right?

Not only *could* it work, but it *did* work in probably one of the most distressed areas in world history. During the years of the American Civil War, cotton ceased to enter England. The textile industry, an industry that made up *one half* of England’s exports, came to a sudden and grinding halt. Tens of thousands of workers in the Lancashire cotton industry were thrown out of their jobs. A pitiful plight, for sure. Certainly this should have been a grand reason to mobilize an army of bureaucrats, yes? In point of fact, no. According to an excellent study recently published in England, *The Hungry*

Mills (Temple Smith; London), historian Norman Longmate shows that this would-be tragedy was indeed thwarted and solved by the voluntary means of individual and corporate subscription, and by letting the free market do its work.

Rather than tumbling deep into recession, the British economy continued to flourish and expand. The adjustment process was not always perfectly smooth (it is so only in textbooks), but it did take place in an orderly, speedy, and humane fashion—and the shift of unemployed workers into alternative employment in new industries took place without the helpful hand of the benevolent bureaucrat.

Liberty and the free market proved undeniably effective under the most dire circumstances, and could quickly and efficiently alleviate the relatively minor (in comparison to those of England of 1861-1865) problems of today’s unemployment if only allowed to do so.

- **Free Life Editions**

Free Life Editions (41 Union Square West, New York City 10003) is by most standards a small publishing house, but its service to the recent resurgence of libertarianism is no small matter. Over the past few years, publisher Chuck Hamilton has given us new editions of key libertarian classics such as Franz Oppenheimer’s *The State*, a great, libertarian-oriented, sociological explanation for the origins of the state; Albert Jay Nock’s *Our Enemy the State*, a libertarian interpretation of American history through the New Deal, produced through the practical application of Oppenheimer’s thesis; Etienne de la Boetie’s *The Politics of Obedience*, a study which explains how tyranny is based on the consent of the ruled; and John T. Flynn’s *As We Go Marching*, the single best introduction into the nature of the American warfare/welfare state.

Just recently, Free Life has reissued Ronald Radosh’s *Prophets on the Right*, a marvelous study of the so-called Old Right critics of American imperialism. This book and all those listed above are available in high quality paperback editions. Every libertarian should have and should read each of these books very carefully.

Free Life also has published works on anarchist aspects of major 20th century events: Voline's classic study of the Russian Revolution, *The Unknown Revolution*; and two works on the Spanish Civil war, Sam Dolgoff's *The Anarchist Collectives* and Murray Bookchin's *The Spanish Anarchists*. These three works are good studies in "history from below," and are now being widely used in college classrooms.

Finally, a major coup for Free Life has been the recent publication of three volumes of Paul Goodman's collected works: *Drawing the Line: Political Essays*; *Nature Heals: Psychological Essays*; and *Creator Spirit Come: Literary Essays*. All are edited and introduced by Goodman's literary executor, Taylor Stoehr.

Goodman was a complex and often confused thinker. But he was basically a wise thinker—able to cut through many of the mid-20th century myths—who provoked his readers to think about issues in a way they never had done before. The Goodman provocation was generally quite libertarian. Two of my favorite books are Goodman's *People or Personnel* and *Community of Scholars*, both of which were extremely important in shaping the libertarian aspects of the good years of the New Left, in the mid-1960s.

Unfortunately, Goodman—like his spiritual colleague, Ivan Illich—never did care much about or understand economics very well. Consequently, his libertarianism is not as thoroughgoing as it might be. Nevertheless, reading Goodman usually stimulates the best in the reader, as the contents of these three volumes clearly do. It could only help the development of our own movement if Paul Goodman could have as much of an influence on its growth as he did on that of the New Left of the 1960s.

• The Cold War

No matter how hard key diplomats and strategic thinkers work for a relaxation of tensions between East and West, hawks on both sides simply will not let the Cold War die. Strong vested interests have developed during the past 30 years, whose justification for continued existence would cease if the Cold War stopped. The Cold War has been a growth industry for three decades, and



George Kennan

it has lately entered one of its periodic go-go spurts.

One of the chief beneficiaries of and leading cheerleaders for the Cold War in recent decades is Paul Nitze, now director of policy studies of that superhawk coalition of conservatives and right-wing social democrats, the Committee on the Present Danger. Nitze sets forth his characteristically aggressive views on how to deal with the "Russian threat" in what serves as a useful summary of current right-wing hysterical propaganda in "A Plea for Action," in the *New York Times Magazine* of May 7.

A calm and reasoned answer to Nitze and his committee's perfervid pronouncements is found in that same issue, in Marilyn Berger's "An Appeal for Thought"—an interview article which presents the reflections of George Kennan on the Cold War and the current military situation.

Kennan was a key architect of America's early Cold War "containment" policy *vis a vis* the Soviet Union. Unlike Nitze, Kennan has learned a great deal since his famous "Mr. X" article first appeared in *Foreign Affairs* in July 1947.

Kennan is reaching for and has just about achieved a noninterventionist position. He calls it a semi-isolationist policy; it is detailed in his new book, *The Cloud of Danger*, recently discussed in *LR* by Bruce Bartlett (March 1978).

Set side by side—as these two articles are in the *Times*—it is clear not only that Kennan is the more thoughtful of these two key policy makers, but also that Kennan's reasoned approach is the far more libertarian position for the United States to follow in dealing with her neighbors and with the Soviet Empire.

Kennan's concept of accommodation has been smeared by Nitze and his friends as some sort of appeasement. On the contrary, accommodation simply means a reduction of conflicts which otherwise could lead to outright hostilities. Accommodation means peace and trade, which—as liberals have been pointing out for several hundred years—contain the seeds for further trade and a more lasting peace. Accommodation means dismantling the garrison-security state and its consequent massive invasions into American citizens' civil liberties. It means whacking away at the overly centralized executive state. Accommodation means a demilitarization of the American domestic economy—thwarting the major thrust that is propelling the American economy into a position exhibiting all the characteristics of quasi-socialism—or, more correctly, crypto-fascism.

In short, accommodation means now what nonintervention has meant to true liberals and libertarians for hundreds of years: peace, prosperity, and security—*real* security, that which is based on an extension of international trade and the consequent economic, cultural, and social interdependencies that develop from such trade patterns. This is the great tradition that flows from Paine and Jefferson to Cobden and Bright, to Bastiat and de Molinari, to Edward Atkinson and William Graham Sumner, to Albert Jay Nock and John T. Flynn, to Murray Rothbard and Earl Ravenal. Peace and free trade are the libertarian tenets in international relations. Peace and free trade are what the libertarian tradition is all about. Peace and free

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The Plumb Line

Getting tough in Zaire

by Murray N. Rothbard

The Establishment media put it this way: After shilly-shallying in a weak and indecisive manner, the Carter administration has at last decided to "get tough" in Africa against the Cuban (and behind them the Soviet) menace. President Carter himself has kept up a drumfire of hysteria about the spectre of Cuban troops in the recent invasions of the Shaba province of Zaire from bases in Angola. This bogey was used as the pretext for America's decision to go military in its continuing intervention in Africa. Paratroopers of the 82nd Airborne Division were kept on the alert while American planes were used to fly Belgian and French paratroopers into Kolwezi, in Shaba province, to successfully put down the rebellion. The "integrity" of Zaire was, temporarily, saved once again, and the Cubans beaten back.

Except there are several things very wrong with this picture. For one, the Cubans deny vehemently and absolutely, privately and publicly, that they had

anything—directly or indirectly—to do with the invasion. Now, the Cubans are no more above a little deception than any other government; but the unsettling point is that, until now, the Cubans have not been at all shy in proclaiming their role in responding to invitations by friendly left-wing governments in Africa. In Angola and in Ethiopia they have boasted of their military success; why the sudden attack of bashfulness in Zaire?

Furthermore, the sources of Carter's information on the alleged role of the Cubans are highly tainted. The information comes, proximately, from the CIA, which has lied through its teeth to everyone, especially the American public and Congress, for many years, not the least on its role in the civil war in Angola. Senator McGovern has challenged the CIA to prove its contentions about the Cubans, so far without success. Reports are that the CIA got its information from the French, who in turn got the charge from Dr. Jonas Savimbi,

the colorful "pro-American" guerrilla leader in Angola, who is hardly the most sober of reporters.

From Carter's whining about Congress tying his hands on interfering with Angola, it is clear that the real purpose of his getting tough in Zaire was as a prelude to resuming U.S. intervention in the civil war in Angola. Carter is displaying unmitigated gall in trying to revive our Angolan adventure, for the whistle has just been blown on the hidden and nefarious CIA role in the Angolan conflict of 1975-76 in a new book by John Stockwell, *In Search of Enemies: A CIA Story*. Stockwell, it should be noted, was no less than the head of the CIA operation in Angola. In his book, Stockwell confirms what a few "paranoid" antiwar Americans charged at the time: that at each step escalating the Angolan conflict, the Soviets intervened with aid only *after* the United States did, through the CIA; the Soviet role was never initiatory but only reactive. Furthermore, the Cuban troop shipment came only *after* South Africa sent its troops into Angola on behalf of the "pro-Western" side, an intervention that was hailed by and coordinated with the CIA. Moreover, Stockwell reveals that "after the war we learned that Cuba had not been ordered into action by the Soviet Union. To the contrary, the Cuban leaders felt compelled to intervene for their own ideological reasons."

Not only was Holden Roberto, the "pro-Western" Angolan leader, on the CIA payroll for years, but dozens of CIA officers were dispatched to manage all the branches, military and propaganda, of the Roberto side during the civil war. Furthermore, Stockwell reveals that Ford, Kissinger, the Pentagon, and the CIA were pondering about escalating the Angolan intervention into a full-scale, Vietnam-type conflict—this, astoundingly, only months after the debacle in Vietnam itself! The administration working group in charge of the covert operations in Angola contemplated sending in American army units, a show of American naval strength, and even weighed "the feasibility of making an overt military feint at Cuba itself to force Castro to recall his troops and defend the home island."

Only one thing stopped these nefar-



ious plans of the Ford-Kissinger administration: the solidly antiwar sentiment in Congress and in the American population. Alert to some of the CIA shenanigans in Angola, the Congress barred any use of 1976 defense budget funds for intervention in Angola. It is these restrictions that Carter now yearns to reverse. He must not be allowed to get away with it.

There is irony piled upon irony in the Zaire-Shaba story. If they are not "outside Cuban agitators," who *are* the nasty disturbers of the peace in Shaba province? Are they Commies? Does anyone remember the "heroic Katanga freedom fighters" of the early 1960s? They were beloved by the American right wing, because they were the *only* black liberationists and independence fighters who seemed to be right wing and pro-capitalist. In fact, they fought hard, from 1960 to 1963, for the independence of Katanga from the central government of the Congo, now renamed Zaire. Katanga has almost all the copper and cobalt, the major export commodities of Zaire, and the Katangans were backed in those days by Belgian copper-mining interests.

The American right wing, however, never really understood the Katangans. In fact, neither the right nor the left comprehend the real problem in Africa: the central fact that there is not a single African "nation" that is truly a *nation*, that has any coherent or unified language, nationality, or culture. The frontiers of the African nations were all inherited from the frontiers established by Western imperialism in the late 19th century, when Britain, France, Belgium, Portugal, and Spain rushed in to grab as many areas of Africa as they could. The frontiers established by the imperialists were artificial administrative boundaries, with no relation to the *true* nationalities in Africa—the tribes. The boundaries incorporated dozens of totally separate and even warring tribes into one "nation," while cutting through and artificially dividing areas held by specific tribes. There are no genuine African nations; they are geographical expressions only.

Vitaly important to modern African history was the fact that the imperial powers trained a small minority of African natives as a cooperating, or

"comprador," elite to administer the country under the aegis of the imperial masters. Generally, this native elite was trained in universities of the home country. Western universities being what they are, the elite imbibed Marxist and Fabian socialist ideology. Superficially, one might think that this socialism ran counter to the interests of the imperial power, but this was only true "externally," that is, in struggling over *who* would rule this centralized nation-state. For internally, the socialist ideology coexisted very cozily with the imperialists' desire to centralize the country, to "modernize" it under statist direction, and to exploit the native population for the benefit of the administrative state authorities.

Generally, this meant the coercion and exploitation of the native rural peasantry on behalf of the ruling urban elite in the capital city. The only real difference between the Western imperialists and the native socialists was over *who* would constitute the state.

As a result, when the weakened Western empires began to withdraw from Africa after World War II, the artificial, central governmental structure was simply turned over to the existing, educated, native socialist elite. Thus, imperialism's parting legacy to Africa was to ensure generations of exploitation of the native rural tribes by the new power elite in charge of the parasitic urban centers.

In the former Belgian Congo, the United States and the Communists opted for competing central governments. The United States favors strong central governments everywhere, the better to influence and dominate the country, so as not to have to worry about revolution or "destabilization" of the status quo anywhere on the globe. The United States' man in the Congo was General (now President) Mobutu, for many years on the CIA payroll, and the brother-in-law of "Angola's" Holden Roberto. The reason for this seeming anomaly is that the western Congo and adjoining northern Angola are both the home of the same Bakongo tribe, of which Mobutu and Roberto are leading members. The Communists, also in favor of centralized government, put their hopes on Patrice Lumumba, whose strength was centered on the

tribes in the northeastern Congo. In the meanwhile, the Lunda tribe in southern Katanga province, 1500 miles away from the capital city, Kinshasa, tried to break away from central governmental rule. After five years of fighting and maneuvering, with the help of U.N. troops and the murder of Lumumba by CIA-hired thugs, the United States' man Mobutu took over power in the Congo.

Several thousand of the Katangan freedom fighters refused to give up, and instead fled westward to Angola, where they took up arms for the Portuguese to try to crush Roberto, relative of the hated Mobutu. When the Portuguese left Angola in 1975, the Katangans naturally joined forces with the next great enemy of Roberto, the pro-Communist MPLA, which finally crushed Roberto the following year. The Katangans, their province renamed Shaba, were now aided by the new regime to get back to their homeland. If we persist in looking at the Katangans in Cold War categories, we could say that, once ultra-capitalists, they have unaccountably shifted in the past 15 years to become "pro-Communitss." But that would be absurd. These men are simply Katangans, fighting again for their old cause. Outside of that, they are no better and no worse than the other fighting groups and tribes in the area.

Since Roberto has been smashed, the United States now looks longingly at the guerrilla forces of UNITA, headed by Dr. Jonas Savimbi. Savimbi's "anti-Communist" forces have indeed seized control of virtually all of southern Angola. The reason is that Savimbi is solidly based on the Ovimbundu tribe, which populates southern Angola, whereas both the MPLA and the old Roberto group are strong only among the northern tribes.

If the United States would only keep its mitts off, there would probably be continuing Savimbi rule in southern Angola, and the swollen monstrosity that is the "nation" of Zaire would crumble into more workable constituent parts that are based in tribal realities. There would be one less reason for the United States to get into a war or to step up its military spending. Would that be such a dire fate for central Africa or for ourselves? ●

Liberty's Heritage

The conquest of the United States by Spain

by William Graham Sumner

Born in 1840, William Graham Sumner was probably the most famous exponent of classical liberal ideas in the United States in the last quarter of the 19th century, when he was professor of political and social science at Yale. His pioneering sociological works—particularly *Folkways* and *The Science of Society*—gained him a worldwide reputation. Ever the doggedly determined advocate of his deeply cherished political ideas, Sumner risked dismissal from Yale by insisting on the use of Herbert Spencer's *Principles of Sociology* as a text, over the opposition of the president of the university; and he incurred the bitter hostility of many influential Republican alumni by his life-long attack on protective tariffs (which he viewed as a form of "socialism"). His many popular works, however, including *What Social Classes Owe Each Other* and especially the essay, "The Forgotten Man," gained him wide following.

Sumner was an uncompromising supporter of *laissez-faire* against not only protectionism and socialism, but also against antitrust legislation, regulation of railroad rates, and the various schemes current in his time for monetary inflation. Behind much government interference in the economy Sumner glimpsed the hands of what he called "the plutocrats"—businessmen who used government privilege, rather than the market, to gain wealth.

Like his great contemporary, fellow-sociologist Herbert Spencer, Sumner was an outspoken opponent of imperialism and war. The war which he had to confront—and which provoked his polemical anger—was the Spanish-American War of 1898, the result, as Sumner indicated, of a plot by a group of high

governmental imperialists, including Theodore Roosevelt. (Spencer was similarly outraged by the Boer War, which his country began fighting the following year.) In a famous speech given in 1899, Sumner startled his audience by taking as his theme, "The Conquest of the United States by Spain." The following condensation of that speech (from *The Conquest of the United States by Spain and Other Essays*, edited by Murray Polner, Gateway Books) sets forth the dangers that Sumner believed were in store for the United States once it began to aspire to the role of world-power.

—Ralph Raico.

During the last year the public has been familiarized with descriptions of Spain and of Spanish methods of doing things until the name of Spain has become a symbol for a certain well-defined set of notions and policies. On the other hand, the name of the United States has always been, for all of us, a symbol for a state of things, a set of ideas and traditions, a group of views about social and political affairs.

Spain was the first, for a long time the greatest, of the modern imperialistic states. The United States, by its historical origin, its traditions, and its principles, is the chief representative of the revolt and reaction against that kind of state. I intend to show that, by the line of action now proposed to us—which we call expansion and imperialism—we are throwing away some of the most important elements of the American symbol and are adopting some of the most important elements of the Spanish symbol. We have beaten Spain in a military conflict, but we are submitting to be conquered by her on the

field of ideas and policies. Expansionism and imperialism are nothing but the old philosophies of national prosperity which have brought Spain to where she now is. Those philosophies appeal to national vanity and national cupidity. They are delusions, and they will lead us to ruin unless we are hard-headed enough to resist them. In any case, the year 1898 is a great landmark year in the history of the United States.

The original and prime cause of the war was that it was a move of partisan tactics in the strife of parties at Washington. As soon as it seemed resolved upon, a number of interests began to see their advantage in it and hastened to further it. It was necessary to make appeals to the public which would bring quite other motives to the support of the enterprise and win the consent of classes who would never consent to either financial or political jobbery. Such appeals were found in sensational assertions which we had no means to verify, in phrases of alleged patriotism, in statements about Cuba and the Cubans which we now know to have been entirely untrue.

Where was the statesmanship of all this? It was unstatesmanlike to publish a solemn declaration that we would not seize any territory, and especially to characterize such action in advance as "criminal aggression," for it was morally certain that we should come out of any war with Spain with conquered territory on our hands, and the people who wanted the war, or who consented to it, hoped that we should do so.

[The war] was a gross violation of self-government. We boast that we are a self-governing people, and in this respect, particularly, we compare ourselves with pride with older nations. What is the difference after all? The Russians, whom we always think of as standing at the opposite pole of political institutions, have self-government—if you mean by it acquiescence in what a little group of people at the government agree to do. The war with Spain was precipitated upon us headlong, without reflection or deliberation, and without any due formulation of public opinion. Whenever a voice was raised in behalf of deliberation and the recognized maxims of statesmanship, it was howled down in a storm of vituperation and cant.

The perpetuity of self-government depends on the sound political sense of the people, and sound political sense is a matter of habit and practice. We can give it up and we can take instead pomp and glory. That is what Spain did.

She had as much self-government as any country in Europe at the beginning of the sixteenth century. The union of the smaller states into one big one gave an impulse to her national feeling and national development. The discovery of America put into her hands the control of immense territories. National pride and ambition were stimulated. Then came the struggle with France for world dominion, which resulted in absolute monarchy and bankruptcy for Spain. She lost self-government and saw her resources spent on interests which were foreign to her, but she could talk about an empire on which the sun never set and boast of her colonies, her gold-mines, her fleets and armies and debts. She had glory and pride, mixed of course with defeat and disaster, such as must be experienced by any nation on that course of policy; and she grew weaker in her industry and commerce and poorer in the status of the population all the time. She has never been able to recover real self-government yet. If we Americans believe in self-government, why do we let it slip away from us? Why do we barter it away for military glory as Spain did?

I could bring you passages from peninsular authors of the first rank about the great role of Spain and Portugal in spreading freedom and truth. Now each nation laughs at all the others when it observes these manifestations of national vanity. You may rely upon it that they are all ridiculous by virtue of these pretensions, including ourselves. The point is that each repudiates the standards of the others, and the outlying nations, which are to be civilized, hate all the standards of civilized men. They like their own ways, and if we appear amongst them as rulers, there will be social discord in all the great departments of social interest.

The most important thing which we shall inherit from the Spaniards will be the task of suppressing rebellions.

Now, the great reason why all these enterprises which begin by saying to somebody else, "We know what is good

for you better than you know yourself, and we are going to make you do it," are false and wrong is that they violate liberty. Or, to turn the same statement into other words, the reason why liberty—of which we Americans talk so much—is a good thing is that it means leaving people to live out their own lives in their own way, while we do the same. If we believe in liberty as an American principle, why do we not stand by it? Why are we going to throw it away to enter upon a Spanish policy of dominion and regulation?

When Spaniards tortured and burned Protestants and Jews it was because, in their minds, Protestants and Jews were heretics—that is to say, were beyond the pale, were abominable, were not entitled to human consideration. Humane men and pious women felt no more compunctions at the sufferings of Protestants and Jews than we would at the execution of mad dogs or rattlesnakes.

There are plenty of people in the United States today who regard Negroes as human beings, but of a different order from white men, so that the ideas and social arrangements of white men cannot be applied to them with propriety. Others feel the same way about Indians. This attitude of mind, wherever you meet with it, is what causes tyranny and cruelty. It is this disposition to decide offhand that some people are not fit for liberty and self-government which gives relative truth to the doctrine that all men are equal. Inasmuch as the history of mankind has been one long story of the abuse of some by others, who, of course, smoothed over their tyranny by some beautiful doctrines of religion or ethics or political philosophy, which proved that it was all for the best good of the oppressed, therefore the doctrine that all men are equal has come to stand as one of the cornerstones of the temple of justice and truth.

The Americans have been committed from the outset to the doctrine that all men are equal. In spite of its absolute form it has always stood in glaring contradiction to the facts about Indians and Negroes and to our legislation about Chinamen. But at the first touch of the test we throw the doctrine away and adopt the Spanish doctrine. We are told by all the imperialists that these people are not fit for liberty and self-

government; that it is rebellion for them to resist our beneficence; that we must send fleets and armies to kill them if they do it; that we must devise a government for them and administer it ourselves; that we may buy them or sell them as we please, and dispose of their "trade" for our own advantage. What is that but the policy of Spain to her dependencies? What can we expect as a consequence of it? Nothing but that it will bring us where Spain is now.

The doctrine that we are to take away from other nations any possessions of theirs which we think that we could manage better than they are managing them, or that we are to take in hand any countries which we do not think capable of self-government, is one which will lead us very far. With that doctrine in the background, our politicians will have no trouble finding a war ready for us the next time that they come around to the point where they think that it is time for us to have another. We are told that we must have a big army hereafter. What for—unless we propose to do again, by and by, what we have just done?

Here is another point in regard to which the conservative elements in the country are making a great mistake to allow all this militarism and imperialism to go on without protest. It will be established as a rule that, whenever political ascendancy is threatened, it can be established again by a little war, filling the minds of the people with glory and diverting their attention from their own interests. Hard-headed old Benjamin Franklin hit the point when, referring back to the days of [the victorious wars of the Duke of] Marlborough, he talked about the "pest of glory." The thirst for glory is an epidemic which robs a people of their judgment, seduces their vanity, cheats them of their interests, and corrupts their consciences.

The question at stake is nothing less than the integrity of this state in its most essential elements. The expansionists have recognized this fact by already casting the Constitution aside. The military men, of course, have been the first to do this. It is of the essence of militarism that under it military men learn to despise constitutions, to sneer at parliaments, and to look with contempt

on civilians. Some of the imperialists are not ready to go quite so fast as yet. They have remonstrated against the military doctrine, but that only proves that the military men see the point at issue better than the others do. The question of imperialism, then, is the question whether we are going to give the lie to the origin of our own national existence by establishing a colonial system of the old Spanish type, even if we have to sacrifice our existing civil and political system to do it.

Everywhere you go on the continent of Europe at this hour you see the conflict between militarism and industrialism. You see the expansion of industrial power pushed forward by the energy, hope, and thrift of men, and you see the development arrested, diverted, crippled, and defeated by measures which are dictated by military considerations. It is militarism which is eating up all the products of science and art, defeating the energy of the population, and wasting its savings. It is militarism which forbids the people to give their attention to the problems of their own welfare and to give their strength to the education and comfort of their children. It is militarism which is combating the grand efforts of science and art to ameliorate the struggle for existence.

Now what will hasten the day when our present advantages will wear out and when we shall come down to the conditions of the older and densely populated nations? The answer is: war, debt, taxation, diplomacy, a grand governmental system, pomp, glory, a big army and navy, lavish expenditures, political jobbery—in a word, imperialism.

In the old days, the democratic masses of this country, who knew little about our modern doctrines of social philosophy, had a sound instinct on these matters, and it is no small ground of political disquietude to see it decline. They resisted every appeal to their vanity in the way of pomp and glory, which they knew must be paid for. They dreaded a public debt and a standing army.

The great foe of democracy now and in the near future is plutocracy. Every year that passes brings out this antagonism more distinctly. It is to be the social war of the twentieth century. In

that war, militarism, expansion, and imperialism will all favor plutocracy.

In the first place, war and expansion will favor jobbery, both in the dependencies and at home. In the second place, they will take away the attention of the people from what the plutocrats are doing. In the third place, they will cause large expenditures of the people's money, the return for which will not go into the treasury, but into the hands of a few schemers. In the fourth place, they will call for a large public debt and taxes, and these things especially tend to make men unequal, because any social burdens bear more heavily on the weak than on the strong, and so make the weak weaker and the strong stronger. Therefore, expansion and imperialism are a grand onslaught on democracy.

The people who have led us on to shut ourselves in [through protectionism], and now want us to break out [through imperialism], warn us against the terrors of "isolation." Our ancestors all came here to isolate themselves from the social burdens and inherited errors of the old world. When the others are all over their ears in trouble, who would not be isolated in freedom from care? When the others are crushed under the burden of militarism, who would not be isolated in peace and industry? When the others are all struggling under debt and taxes, who would not be isolated in the enjoyment of his own earnings for the benefit of his own family? When the rest are all in a quiver of anxiety, lest at a day's notice they may be involved in a social cataclysm, who would not be isolated out of reach of the disaster? What we are doing is that we are abandoning this blessed isolation to run after a share in the trouble.

Americans [still] cannot assure life, liberty, and the pursuit of happiness to Negroes inside of the United States. When the Negro postmaster's house was set on fire in the night in South Carolina, and not only he, but his wife and children were murdered as they came out, and when, moreover, this incident passed without legal investigation or punishment, it was a bad omen for the extension of liberty, etc., to Mayas and Tagals by simply setting over them the American flag. Upon a little reflection we find that our hands are quite full at home of problems by the solution of

which the peace and happiness of the American people could be greatly increased.

And yet this scheme of a republic which our fathers formed was a glorious dream which demands more than a word of respect and affection before it passes away. Their idea was that they would never allow any of the social and political abuses of the old world to grow up here. There should be no manors, no barons, no ranks, no prelates, no idle classes, no paupers, no disinherited ones except the vicious. There would be no grand diplomacy, because they intended to mind their own business and not be involved in any of the intrigues to which European statesmen were accustomed. There was to be no balance of power and no "reason of state" to cost the life and happiness of citizens.

Our fathers would have an economical government, even if grand people called it a parsimonious one, and taxes should be no greater than were absolutely necessary to pay for such a government. The citizen here would never be forced to leave his family or to give his sons to shed blood for glory and to leave widows and orphans in misery for nothing. Justice and law were to reign in the midst of simplicity, and a government which had little to do was to offer little field for ambition.

It is by virtue of this conception of a commonwealth that the United States has stood for something unique and grand in the history of mankind and that its people have been happy. It is by virtue of these ideals that we have been "isolated"—isolated in a position which the other nations of the earth have observed in silent envy.

And yet there are people who are boasting of their patriotism, because they say that we have taken our place now amongst the nations of the earth by virtue of this war. My patriotism is of the kind which is outraged by the notion that the United States never was a great nation until in a petty three months' campaign it knocked to pieces a poor, decrepit, bankrupt old state like Spain. To hold such an opinion as that is to abandon all American standards, to put to shame and scorn all that our ancestors tried to build up here, and to go over to the standards of which Spain is a representative. ●

The Movement

Greenberg for governor

One of the most interesting and dynamic campaigns waged by the Libertarian Party this year will be the campaign of attorney Gary Greenberg for governor of New York, a campaign which promises to be tough-minded, energetic, and above all, competent. Greenberg's campaign is important for two transcendent reasons: first, New York State remains the showcase of statism in this country, the media capital of the world; second, Greenberg's campaign represents the first step back of the much-beleaguered Free Libertarian Party, a party racked with dissention, stress, conflict, and incompetence. Greenberg's campaign promises to be the best thing for the FLP since Fran Youngstein ran for mayor of New York City in 1973, gathering 10,000 votes.

Since the Youngstein campaign, the FLP has floundered. The campaign of Jerry Tuccille for governor four years ago was widely considered a disaster: an attempt at media manipulation which, with few notable exceptions, did not pay off; a campaign with no significant discussion of issues; a campaign which generated less and less enthusiasm as it went along. Tuccille finally brought in only a few more votes statewide than Youngstein had in New York City alone the year before. Campaign workers were disillusioned and alienated, some even villified by other FLP members.

In 1976, neither Roger MacBride nor U.S. Senate candidate Martin Nixon did very well—nowhere near as well as MacBride did in California—partly because of the hostility of many FLP members toward MacBride's candidacy, and partly because MacBride had decided to target western states with most of his campaign efforts. Different groups within the FLP, bitter with each other, succeeded only in driving each other out of the party, which continued to function at all only because of the tireless efforts of a small number of peo-

ple who gave a great deal of their energy to the task of preserving the skeleton of a political party.

But a skeleton was all that there was. When the New York City fiscal crisis had hit in 1975, there was no response to issues by the FLP, no discussion of what had gone wrong, no response to the needs of the people of New York City. Those who were left in the party simply did not have the knowledge of issues required to do anything about the fiscal crisis, to address the issues raised. The intellectual leaders of the party had earlier left in bitterness and disgust. The question was, could the FLP be rebuilt?

The first attempt came in 1977, with the race for mayor of New York City. Ann Jackson Weill was nominated, but questions were raised more and more as the year progressed about whether or not the FLP would be able to wage a formidable campaign. Several key people decided not, and Weill pulled out of the race, urging FLP members instead to devote themselves and their energies to rebuilding the party. Others urged that there had to be a campaign, both because it was a key year, and because a campaign was the only way to *build* a party. Neither side won out: William Lawry was nominated to run in Ann Jackson Weill's place, and others set out to do what they felt best for the party. The party was not rebuilt, nor was there anything of a campaign. Bill Lawry was articulate, but, in his few media exposures, his connection to EST was focused on more than his stands on issues—stands which were fragmentary at best. The campaign was a disaster.

The Greenberg campaign this year promises to be just what the doctor ordered. Gary Greenberg has always been one of the most intelligent people in the entire Libertarian Party, a charming and likeable lawyer who knows the issues cold, and addresses them in an in-

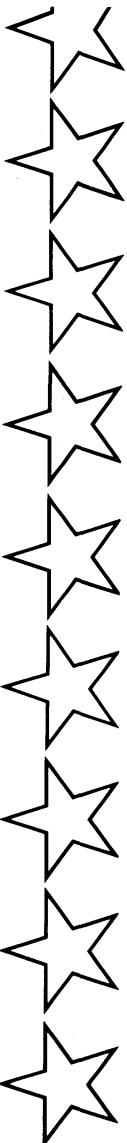
formative and witty way. He has sent out a fundraising letter signed by Roger MacBride, has worked tirelessly to iron out some of the conflicts in the FLP, and to rebuild the party around a campaign based on issues. His promotional material is professionally produced.

Gary Greenberg promises to run a dynamic campaign. Some of the issues he will concentrate on in New York include taxes, transportation (particularly the controversial Westway system in New York City), pollution, welfare, the New York City fiscal crisis (as alive today as ever), and victimless crime laws, which account for more than 50 percent of the cases in N.Y. criminal court. He is the only candidate opposed to federal bailouts of the city government, calling for massive cutbacks in government programs.

In the area of victimless crime laws, Greenberg is at his best, showing the connection between such laws and the actual crime rate in the city and state. He has said that his first official act as governor—if elected—would be to grant an immediate pardon to everyone imprisoned in New York State for practicing a victimless crime. The Greenberg campaign newsletter, *Grassroots*, emphasized "the repeal of all victimless crime laws including those that concern gambling, prostitution (gay or straight), drugs and voluntary sexual behavior (again, straight or gay)." Greenberg has also advocated making Manhattan into an International Free Trade Zone, and of creating alternatives to the crumbling public schools. His campaign, in short, promises to be dynamic, dramatic, imaginative, and professionally run. The campaigns' honorary national chairpersons are Roger MacBride and Fran Youngstein, and a host of prominent New York libertarians have taken positions coordinating and planning the campaign, including the ever-dedicated Tom Avery, Sieglinde Kress, and many, many others. Bill Costello is the Finance Chair; David Grant, John Doswell, and Don Hauptman are his consultants for public relations, media, and promotion. The petition drive will begin on August 8 and continue for about five weeks.

Contributions can be sent to: Greenberg for Governor, 15 West 38th Street, Suite 201, New York, N.Y. 10018. ●

VICTORY IN



CALIFORNIA

by Roy A. Childs, Jr.

On June 6th, the people of California rose up and smashed the oppressive system of property taxes in that state. It was a glorious victory. They let government officials know that they were no longer listening to the politicians and bureaucrats. They fired a shot heard 'round the world, the opening salvo in the revolt of the taxpayers, and passed Proposition 13—a constitutional amendment which cuts property taxes by two-thirds and puts tight reins on the legal authority of the state and local governments to raise new taxes. If ever there was a "sense-of-life" issue, this was it. Voters swarmed to the polls in stunning, nearly unprecedented numbers, swelling with anger and outrage, defying weeks of apocalyptic forecasts, veiled threats, and naked blackmail attempts by criminal elements in the government, and gave Proposition 13—the Jarvis-Gann initiative—a stunning two-to-one victory. Optimists who had confidence in the basic good sense of the voters knew it was going to happen, but the exhilarated gasps and rousing cheers resounded throughout the state. Victory parties were everywhere—in the offices of *Libertarian Review* hundreds turned out to celebrate—and the people of California swelled with justifiable pride at their

courageous thrashing of the opponents of Proposition 13: every tax-grabbing, parasitic, state-employed and state-supported group in the state, a veritable laundry list of special interests from the Bank of America to the California State Employees Union.

The valiant leader of the "Yes on 13" forces, the elder statesman of the tax revolt, Howard Jarvis, said it best: "We the taxpayers have spoken," he thundered. "To ignore us is political suicide." And indeed he was right. The headline writers throughout the state and the nation knew what had happened. There was no confusion, nothing complex, nothing mysterious. Here was emotional fuel for an exhausted nation, beaten down by taxation and by government oppression. Here was the greatest libertarian victory since the end of the draft and the collapse of the war in Vietnam. But the headlines said it in a nutshell:

"PROP 13 WINS BIG"—*San Francisco Chronicle*, in a bold, black banner head.

"IRATE VOTERS OK PROP. 13; Taxpayers Revolt a Reality"—*Oakland Tribune*.

And that was just the beginning. The famous shock waves of Proposition 13—which ignoble court intellec-

tuals like Walter Heller kept warning about in his television pleas—began to hit, and they were felt across the nation by a grateful populace. NBC, ABC, and CBS all featured the tax revolt in lead stories. David Brinkley, in California for the vote and obviously enjoying the anti-government sentiment which reigns there these days, reported on the jubilation, and for once focused a news story on who would be *helped* by drastically slashed taxes. For once, the crocodile tears about the poor, the underprivileged, and the disadvantaged were gone, replaced by smiling taxpayers. For weeks the California media has been filled with little else but projections of the effects of this noble triumph.

The people of California had been told—by more than 400 economists, by a host of state employees using every dirty trick in the book by their political “leaders,” by the media, by the “new class”—that Proposition 13 would loose “anarchy” and “chaos” upon California, that it would end police and fire protection, close libraries and museums and parks, and further cripple a public school system already regarded by most as doing a poor job. The people of California didn’t believe it, or they didn’t care. The opponents of tax cuts waged a vicious, well-financed, professional, manipulative campaign on every level. The more they talked, the more the people flocked to the banner of Yes on 13. More than a week before the vote, the morale of No on 13 forces had visibly collapsed; they knew they were only going through the motions, that their days were numbered, that they would lose big. And they did.

Bleeding heart liberal Mary McGrory followed Governor Jerry Brown around on his anti-13 campaign, and reported that “Brown was constantly meeting policemen and firemen who told him squarely that they would rather lose their jobs than their homes. *The very people whose jobs we were told were at stake voted Yes on 13.*” When the *Los Angeles Times* and KNXT-TV News in L.A. conducted a survey immediately after the election to learn why voters had voted as they had, the results indicated that nearly 25 percent of the voting public believed “government provides many unnecessary services.” And those voters had all paid visits to city hall, to the county hall of administration, to the Department of Motor Vehicles, to the Post Office. That is why all the bilge about “essential services” being cut was just so much rot. They knew that what few worthwhile “services” were being provided by government were provided only at enormous cost and never with the excellence they could expect at least occasionally from private business.

The voters in California were fed up when they went to the polls on June 6th—fed up with politicians and with the accelerating price of keeping them in the style to which they had unaccountably grown accustomed. “With the passage of Jarvis,” *The Berkeley Barb* editorialized, “The whole idea that government provided valuable services to the people has been called into question, and the public now seems to view the civil servant with the same distaste it holds for the tax collector.” The vote for Jarvis-Gann, wrote Peter Shrag in the *Sacramento Bee* of June 11, was a “fundamental declaration of no confidence in public officials, public institutions and, in some respects, in the con-

ventional democratic process itself.”

And within days of the electorate’s decision, its lack of confidence was fully vindicated. First the Brown administration began talking about its budget surplus, which might be used to aid the financially stricken cities and counties—a surplus of \$5.3 billion. But wait a minute, objected the *Los Angeles Times*: Why had the same officials estimated the same surplus at only \$3.4 billion the week *before* the election? There was the stench of rotten fish in Sacramento.

Then came the admissions of guilt: State Finance Director Roy A. Bell admitted to the *Times* that Howard Jarvis hadn’t been far off when he accused the opponents of his proposition of using scare tactics. For example, Bell said, the widely publicized UCLA economic forecast—which had warned just before the election that nearly half a million Californians would lose their jobs if Proposition 13 passed—wasn’t accurate. It had failed—somehow—to take into account *any* state budget surplus at all, even the \$3.4 billion everyone “knew” was there. And three days after Bell admitted in public that officials had, ahem, “soft-peddled” the amount of state aid local governments could expect if Jarvis passed, a *new* UCLA study predicted that the economy would grow faster in the next year than it would have if 13 had not passed. The politicians knew that lower taxes would mean more economic growth, but told the public the exact opposite. But the people of California, at least, had learned not to rely any longer on the honesty of politicians.

The tax revolt spreads

The tidal wave had hit; the California public’s disillusionment and distrust was spreading, and with it the spirit of tax revolt. *Time* reported (June 26) that a recent *New York Daily News* Poll on the question, “How do you feel about taxes?”, touched off the largest response the paper has ever seen to any such poll. And the majority of the 117,000 replies favored *sharp* cuts in *all* taxes: property, sales, and income. A similar poll in the *Boston Herald-American* found that nearly 80 percent of those responding favored a legal ceiling on property taxes. The *Charleston Daily Mail* asked its readers if they would approve of major state tax cuts accompanied by curtailment of many public services; 93 percent of those who responded said *yes*.

Voters in Cleveland turned out to turn down a tax increase to benefit Ohio’s largest school district. A petition campaign is underway in Oregon to put a Jarvis-Gann type measure on the November ballot. Another is underway in Colorado, an third in Tennessee. And the June 8 *Christian Science Monitor* reported the first steps toward similar action in Utah, Washington, Maine, South Dakota, Illinois, Hawaii, Texas, Georgia, and Florida. Truly, as California journalist Arthur Zich put it in the June 12 issue of *New Times*, “whatever else 1978 has in store, it will go down as the year of the Great American Tax Rebellion—the beginning of a new, nationwide Boston Tea Party.”

In California and throughout the nation, government employees and politicians are beginning to react in different ways, neatly dividing into two opposing camps.

One camp, mostly of unelected officials, wants to let the taxpayers have it in the teeth. They want to cut where things will be hurt the most. They want to wreck things, to punish the taxpayers for their arrogance in voting to keep the fruits of their labor, to make them crawl and give in to government oppression. These are the people who want to break the backs of every proud, independent American, bending him to the will of the state. These are the people now attempting to organize the unthinking, to get them to march and protest against any and every cutback in government expenditures. These are the people who have their hands around the throats of the American people, and who will not let go. They claim to represent the interests of "the people." They claim to be advocates of democracy. But they are in fact a new elite who would like to bring a full-fledged despotism to America, where they would reign supreme. These are the people who ought to be summarily thrown out of office and socially boycotted by anyone concerned with human liberty, with human welfare, with human dignity.

The other camp is just as hypocritical, but less dangerous. These are the more trendy politicians who have already begun changing their philosophy to match the new mandate. As *Time* put it, "a swelling legion of vote-conscious politicians across the U.S." is now busily "trying to look like fiscal conservatives." And for some of them the changeover has been so abrupt it must have been dizzying. California's Governor Brown—an almost embarrassingly obvious example—was calling Jarvis-Gann "expensive, unworkable and crazy" a week before the election, and was promising new state taxes to offset the revenue loss the proposition would bring. Within 24 hours of Jarvis-Gann's victory, Brown was talking about "the spirit of 13" and claiming that he not only *endorsed* the concepts of "an end to spiraling taxes and an end to spiraling government spending"—but that he had *originated* them. Still, he was able to tell *Time* a bit later in the month when he began making cuts in the state budget that "we're cutting into the bone and the marrow." "The cuts," *Time* commented, "will mean that there will be no repeat of such past grants as \$1000 for creating an underwater instrument to serenade whales and dolphins off the coast . . . and \$700 for a group to stage plays in laundromats."

Jimmy Carter himself has leapt ponderously onto the tax revolt bandwagon, calling Proposition 13 "a welcome experiment" of which "I certainly don't have any criticism."

These are the people who know that Proposition 13 is the first step in the antitax revolution, not the last. These are the people who would like to dance to the tune of the tax revolt, but really don't know how.

Libertarians and the tax revolt

Libertarians in California were particularly exultant when Proposition 13 rode to victory. Celebrations in Los Angeles, San Francisco and elsewhere were rapturous; the victory celebrations found libertarians and those who had worked for Yes on 13 throughout the state mixing in good humor and optimism about the future. There was cheer-

ing, singing, cavorting, joking, applauding, revelling in the smashing of the property tax. Paul Gann, the co-author of and indefatigable campaigner for 13, joined with libertarians in Los Angeles; in San Francisco the Yes on 13 forces joined with libertarians in the LR offices to watch the returns. Libertarians were proud, and justifiably so, for here was a cause that they had *worked* for, a *libertarian* cause that had *won*. They had written and passed out leaflets, appeared at meetings, debated, asked questions in the public debates of others, came to rallies, spoken out on radio and television, manned literature tables, and campaigned for 13 in the streets.

Ed Clark, the LP candidate for governor of California, spoke out on 13 constantly, appearing with Paul Gann at rallies and before crowds. Ed Crane, former LP national chairman and the head of the Cato Institute, appeared in debates and before numerous groups, and spoke out brilliantly on radio and television, both alone and on panels. Local libertarian Trevor Pitts mounted an excellent campaign for Yes on 13 by printing up and distributing—at meeting after meeting, crowds swarming around—leaflets and other literature defending 13. A local gay group started "Gays for Proposition 13," and printed up leaflets aimed at both gays and straights. I myself spoke on radio, before groups, and debated the California lobbyist for Common Cause on Jarvis-Gann before a crowd in Grass Valley. The only time my opponent got any applause was when he tried to scapegoat me: I was a member of the *Libertarian Party*, he said, and "they are *against government!*" The audience of several hundred people roared its approval.

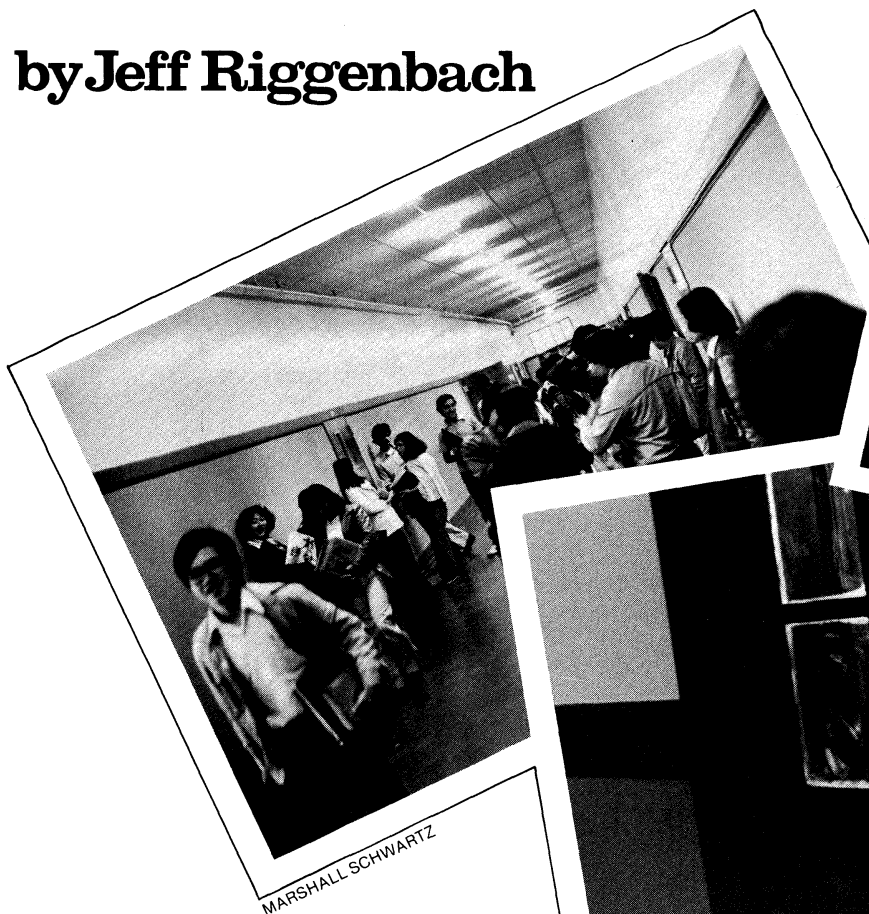
The tax revolt is indeed beginning to get underway. It is a prime opportunity for libertarians to take charge, to do in other states what was done in California, to mount a radical movement to cut *all* taxes across the board; to cut, cut, and cut again. Today, *we* are the Sons of Liberty, men and women who are the spiritual ancestors of those who fought and struggled in the American revolution.

When the smoke from this opening battle has cleared, hard questions are going to be asked. Both the people of California and its opportunistic politicians are going to ask: *What can we cut?* Liberals cannot answer that question. Conservatives cannot answer it. We alone can *give them a list*. Let them start with the victimless crime laws and the vice squads that enforce them. Let them start with our reckless interventionist foreign policy and the bloated military budget that bankrolls it. Let them start with those alphabet agencies of intervention and regulation which are preventing free competition and are strangling the American economy. And then let them continue dismantling that system of paternalism and regimentation which victimizes the majority in this country for the sake of a vicious, parasitic minority.

Then let us take the lead in reversing the ratchet of government. Let us get involved with all the talent and energy at our disposal. Let us be the leaders of a new revolution not only for Americans, but for the rest of the world as well. We have it in our power to change the course of history.

The Collapse of the Public Schools

by Jeff Rigenbach



MARSHALL SCHWARTZ



In Donald Barthelme's libertarian fable *The Dead Father* (1975), Thomas and Julie and Emma are escorting the title character to his final resting place, when they encounter two ten-year-old children, Hilda and Lars.

Are you in school? Julie asked the children.

Of course we are in school, Hilda said. Why does everyone always ask a child if he or she is in school? We are all in school. There is no way to escape.

Do you want to escape?

Didn't you?

"I think this child is a bit of a smart-ass," the Dead Father comments. "I shall cause her to be sent to a Special School, and her rusty-mouthed companion there also." "A Special School," says the Dead Father, "is the answer."

"Is that the kind that looks like a zoo?" Emma asks him.

"There are cages, yes," the Dead Father tells her. "But we have been experimenting with moats."

The Dead Father, in this surrealist parable, is a symbol of authority in general (though the authority he exercises is almost entirely parental and political), and the state of which he is head exists nowhere on the known Earth. But anyone who has spent much time in the public elementary and secondary schools of this country lately will have little difficulty recognizing the sort of Special School the Dead Father must have in mind. It is also known as the American high school.

In all too many instances, this institution is surrounded by an eight-foot wall topped with another eighteen inches of barbed wire. There are bars at the windows. There are



armed guards—and these are not infrequently off-duty members of the local police department: The chairman of the National Commission on the Reform of Secondary Education, B. Frank Brown, estimated recently that nearly two-thirds of America's school systems have police on their payrolls.

The American high school not only looks like a prison; from the point of view of its inmates (who are incongruously called "students") it is one. When *Fortune* magazine editor Charles Silberman investigated American public education for the Carnegie Corporation nearly a decade ago, he found that "students in most schools cannot leave the classroom (or the library or the study hall) without permission, even to get a drink of water or to go to the toilet, and the length of time they can spend there is rigidly prescribed. . . . the corridors are usually guarded by teachers and students on patrol duty, whose principal function is to check the credentials of any student walking through. In the typical high school, no student may walk down the corridor without a form, signed by a teacher, telling where he is coming from, where he is going, and the time, to the minute, during which the pass is valid. In many schools, the toilets are kept locked except during class breaks, so that a student not only must obtain a pass but must find the custodian and persuade him to unlock the needed facility. (*Crisis in the Classroom*, 1970)

Or, as one New York high school student put it a year earlier: "The *main thing* that's taught us in school is how to be good niggers, obey the rules. . . . Not only are we forced to attend school in the first place, we have to carry

ID cards at all times, walk on the right side of the hall, and if the teacher doesn't want us to, we can't even take a piss!" (*How Old Will You Be in 1984?*, Diane Divoky, 1969)

And the only thing that seems to have changed in the past ten years is that the inmates, in growing numbers, have begun striking back. *Time* magazine reported a few months ago that more than five thousand public secondary school teachers are attacked by students every month in this country—and about a thousand of them are seriously injured. But the public schools' response is not to make conditions less prison-like in hopes student behavior might become less inmate-like; far from it. Their response is to double and redouble the size of patrols, to issue walkie-talkies, to establish closed circuit TV, emergency phones in classrooms, and special isolation classrooms for the private use of incorrigible "disciplinary problems."

Moreover, in so doing, they are apparently only carrying out the mandate by the parents of their charges. Education professors and authors Neil Postman and Charles Weingartner reported five years ago that 65 percent of American parents feel the schools are "good", "fair" or "not so bad." One year later, the Charles F. Kettering Foundation's annual "Survey of the Public's Attitudes Toward the Public Schools" found that 80 percent of those who have children in the public schools would rate the schools performance with their children A, B, or C. As Charles Silberman puts it, "The United States has the kinds of schools its citizens have thus far demanded." He cites the 1969 Louis Harris poll in which the parents of public high school students frankly conceded that they believe "maintaining discipline" is more important than allowing (much less encouraging) "student self-inquiry"—the self-motivated, self-directed learning of those ideas and skills the student finds interesting. But the freedom to learn what, when and as one wishes must be the first premise of any program of truly libertarian education. Maintaining discipline, it would seem, is more important than liberty.

The vocal minority

If between 65 and 80 percent of public school parents feel this way, between 20 and 35 percent feel otherwise. And in growing, ever more insistent numbers, that minority is making itself heard. Its members have recently managed to force reconsideration by Congress of the idea of tuition tax credits for parents who pay taxes to support the public schools but feel compelled, out of regard for their children, to spend further money on private school tuition. The bill, sponsored by Senators Robert Packwood (Rep.-Ore.) and Daniel P. Moynihan (Dem.-N.Y.), calling for credits of up to \$250 against college tuition and \$100 against private elementary and secondary school tuition was passed by the House on June 1. Although the Senate is even more favorably disposed than the House to such credits, President Carter has threatened to veto any bill which gives tax credits for tuition below the college level. Even if the measure falls by the wayside this year, its message remains as a reminder to politicians in the future: the middle income Americans who, as Senator Moynihan puts it, "pay

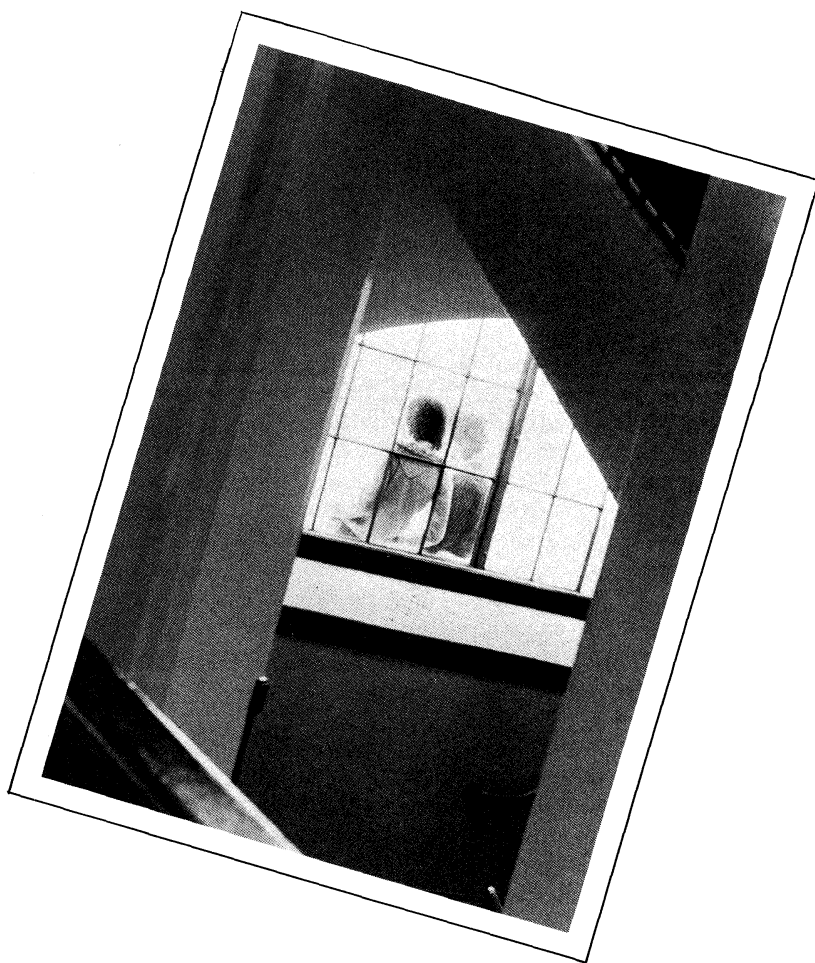
most of the taxes in America and get few of the social services," are increasingly unwilling to pay for the public schools.

They're not only demanding tuition tax credits: In communities like Toledo, Ohio, where they can swing elections, they're letting the public schools close rather than OK another cent in taxes or bonds for them. A proposal to increase property taxes for the Toledo schools has failed five times in succession in the last few years, even in the face of certain closures like the ones which struck both that city and Cleveland last October. And according to *Newsweek* (October 31, 1977), experts all over the country are beginning to recommend that school money be raised by methods like sales and income taxes that don't depend on local votes.

They're not only withdrawing their support from the public schools; they're transferring it to the private schools. Public school enrollments have been declining through the 1970s, but private school enrollments have been stabilizing, even climbing of late—with the 693 member schools of the National Association of Independent Schools enrolling record numbers of pupils in each of the last three years. And this trend has by no means been restricted to the wealthy. More than a third of the students in private elementary schools in this country now come from families with incomes of less than \$7500 per annum, according to Diane Divoky in an article in the April 17 *Inquiry*. Victor Solomon, Director of Educational Affairs for the Congress of Racial Equality, spoke for those families early this year in testimony before the senate Finance Subcommittee Hearings on the Packwood-Moynihan Bill: "The capacities of our young people," he said, "are being stifled as they fall one, two, three, or more years behind grade level in reading and math skills. . . . At the same time we see . . . parochial and private schools, often the neighborhood Catholic school, doing an adequate job, day in and day out, in the same areas as the failing public schools."

They're not only deserting the public schools for private ones; they're demanding tests to prove graduating seniors are competent to read Basic English and balance a check-book before they're given their public school diplomas. The "competency movement" as it's been called has won laws requiring some sort of proof of "competency" before graduation in at least 33 states. And the other 17 will probably come around soon enough: A 1977 Gallup Poll indicated that 83 percent of elementary and secondary school parents favor increased emphasis on the "basics" of education—reading, writing, and arithmetic.

In a few cases, when they feel the public schools have failed to deliver those basics, they're going to court. In January of last year, a Long Island couple sued the Copiague School District for educational malpractice, seeking a \$5 million award on grounds their eighteen year-old son Edward was graduated from high school though he can neither add nor subtract and cannot read above fourth grade level. By October, when the Fisher family of Seattle, Washington decided to follow suit, *Newsweek* reported that three other such cases had been filed around the coun-



try during the spring and summer. The concept of educational malpractice is catching on.

Failure upon failure

But while Edward Donohue and Richard Fisher and a few others are pursuing judicial redress, thousands of other young Americans are emerging more quietly every year from the public schools, unable to read and figure well enough to deal with the ordinary demands of daily living or of higher education. The average scores of high school students on the College Entrance Examination Board's Scholastic Aptitude Test (which purports to measure basic verbal and mathematical skills) have declined drastically since 1962. In the decade between the 1965-66 and 1975-76 school years, verbal SAT scores declined, on the average, from 471 to 429 (some 15 percent, when you consider that 200 is the lowest score given), while math scores fell from an average of 495 to 471 (some eight percent). During approximately the same time period—as an enlightening comparison—average per pupil expenditures rose from about \$830 to \$1360 (1963-64 to 1973-74, in constant 1973-74 dollars), and the pupil-teacher ratio in elementary and secondary schools dropped from nearly 25 to about 18 (1959-60 to 1974-75).

At the Berkeley campus of the University of California, where entering freshmen come from the top one-eighth of high school graduates, nearly half the freshmen of Fall '74—the ones graduating this year—needed remedial English courses. Temple University in Philadelphia reports

a 50 percent increase since the late 1960s in the proportion of freshmen failing a standard English placement test. And when the Association of American Publishers recently issued a pamphlet designed to help college freshmen read their textbooks more efficiently, they were forced to revise it for its second printing and adjust its readability to ninth grade level. It seems the original twelfth grade level text had been too difficult for most college freshmen.

The reading and figuring required by the business world are proving too difficult for most of those high school graduates who do not go on to college. One Bank of America executive frankly laments (in a *U.S. News and World Report* article) the paucity of applicants—many of whom *do* hold four-year college degrees—who can spell and punctuate, much less compose intelligible memos and reports. The Wall Street Journal recently led an article on the competency movement with an anecdote about a typical high school graduate in Gary, Indiana who can't keep a secretarial job because of her poor reading comprehension.

"There seems to be little correlation," Charles Silberman writes, "between people's performance on the job and either the amount of education they have had or the marks they have received." And according to John Holt, people are gradually awakening to this fact. "Almost nothing in experience," Holt writes in *Freedom and Beyond* (1972), "supports the widely held idea that by looking at what a person has done in school we can tell what he will be able to do outside of school. People understood this once better than they do now. To be good at school meant only that you were good *in school*, a scholar, i.e., a 'schooler.' It suggested that you might do well to spend the rest of your life in schools or places like school. Today people seem to assume that being good in school, being able to remember what the teacher or the book says, being able to guess what the teacher wants and to give it to him, means that in life you will be good at almost everything.

The facts are, however, that these versatile "schoolers" who promise to be "good at almost everything" are little better than anyone else at the real tasks of life. And if they happen to be black or brown, the practical consequence of all their schooling may be as little as \$5 a week more in salary than a school dropout doing the same work. In such situations, we are, it seems to me, entitled to ask, as Paul Goodman asked over a decade ago: "Is this worth the painful effort of years of schooling that is intrinsically worthless and spirit-breaking?"

Intrinsically worthless? "If one looks at what actually goes on in the classroom," Silberman writes, "the kinds of texts students read and the kind of homework they are assigned, as well as the nature of classroom discussion and the kinds of tests teachers give—he will discover that the great bulk of students' time is . . . devoted to detail, most of it trivial, much of it factually incorrect, and almost all of it unrelated to . . . anything other than the lesson plan."

Studying the American Revolution, Silberman found in three years of studying public elementary schools "means, of course, memorizing names, dates, places, 'cause' of the Revolution, and so on—a mass of unrelated data." Study-

ing literature means summarizing the plots and listing and describing the major characters and events in tedious period pieces like George Eliot's *Silas Marner*, while discouraging any genuine artistic interest a student may express in fiction—especially in the fiction of his own time. "Much of what is taught is not worth knowing as a child, let alone as an adult," Silberman concludes, "and little will be remembered. The banality and triviality of the curriculum in most schools has to be experienced to be believed."

But consider: Does it really take 12 years of schooling, six hours a day, five days a week, 30 or more weeks per year, to teach a child to read Basic English and balance his checkbook? These are the goals of the competency movement and, effectively, the skills tested by the various high school equivalency exams used around the country to certify dropouts who possess the knowledge and skills of high school graduates. As John Holt has pointed out, almost all states and territories which employ these tests will administer them only to applicants whose classes have already graduated. That is, they make sure the tests are not available to students who might use them to prove their competence and drop out of school "early." But if they *are* competent, why keep them in school? Goodman saw the reason, and identified it in so many words: to break their spirits.

Social control

It should, in fact, come as little surprise to the militant minority of American parents which regards the public schools with horror that so little meaningful learning goes on within their walls. It has always been this way, more or less. From the beginning, the American public school has been an educational institution only secondarily if at all. It has always been primarily an institution of social control.

It was in 1862, Murray Rothbard tells us in his "Education, Free and Compulsory," that "Massachusetts established the first comprehensive, statewide, modern system of compulsory schooling in the United States." But by then it had been a long time coming. The first compulsory public schools of any kind on the North American continent had been founded two hundred years before, in the same place. In 1647, the theocratic state known as the Massachusetts Bay Colony established public schools for the explicit purpose of inculcating Calvinist-Puritan principles in the children of the Colony, that they might grow up to be devout citizens. And within a century all New England but Rhode Island had imitated Massachusetts's example.

After the Revolutionary War, it was again Massachusetts where vigilance first awakened to the possibility of disloyalty and wrong thinking. Just as schools had been necessary to inculcate the theocratic values of Colonial society, so schools would now be necessary to inculcate the republican values of the new ruling class. A Boston-based group of Federalist merchants and lawyers called the "Essex Junta" campaigned in the 1780s for an extensive public school system to teach the young "proper subor-

dination." In 1785, the Reverend Jeremy Balknap counselled neighboring New Hampshire to adopt compulsory public schools for all, on the grounds that children belong, not to their parents, but to the state. And as the nineteenth century dawned, these ideas began gaining in currency.

In 1816, for example, Archibald Murphey called for a system of public schools similar to the kind he would later found in North Carolina—a system in which "the state, in the warmth of her affection and solicitude for their welfare" would teach all children "the precepts of morality and religion . . . and habits of subordination and obedience." In 1844, the Newburyport, Massachusetts, School Committee warned the citizens of that community that "agitation, violence, crime and moral degradation" lay in their community's future unless they adopted a system of compulsory public schools "in which the individual is taught obedience."

By 1852, as has been seen, the citizens of Massachusetts had decided on the wisdom of this course of action. And in short order, under the influence of Horace Mann, founding secretary of the Massachusetts Board of Education, and such other "educationist" reformers as Henry Barnard of Connecticut, Caleb Mills of Indiana and Samuel Lewis and Calvin Stowe of Ohio, the rest of the country began falling into line. By 1917, a New York City public school official could state baldly that "Public school teachers are state servants. They have obligations to the state higher than those of ordinary citizens. They must discharge these obligations actively, not passively. Teachers are in a position analogous to that of the army and the police force; it is their business to support organized institutions. . . ."

By 1920, a New York legislator felt it politically prudent to announce that "The prime purpose of the public educational system is to prepare students in the public schools to assume the obligations and duties of citizenship in this State. The public school teacher is a representative and officer of the State *as it now exists*. He is employed by that State to teach loyalty to its institutions and obedience to its laws."

And, as has been seen, nearly four-fifths of present-day public school parents believe disciplining students is more important than giving them the freedom to learn. Their thinking is firmly in the mainstream of American thought on public education. Once this is understood, the demands by the remaining one-fifth of parents that the public schools educate as well as regiment may be seen as hopelessly naive, romantic, and deluded. They are rather like the quaintly idealistic demands of "mental patients" that they be given "treatment" for the "mental illnesses" with which they have been "hospitalized."

"Mental hospitals" are jails in which certain kinds of troublesome people may be locked up and got out of everybody else's way; the main purpose of the verbal mumbo jumbo around which the thickets of quotation marks have sprung in my last sentence is to justify and evade this elementary fact. The fact of imprisonment is simultaneously justified and evaded, that is, by calling the imprisonment "hospitalization," the prison a "hospital", the prisoner a "patient", his jailers "doctors" and so on.



Similarly, as John Holt has observed, children and young people are inherently troublesome and in the way: "Mom doesn't want them hanging around the house, the citizens do not want them out in the streets, and workers do not want them in the labor force. What then do we do with them? How do we get rid of them? We put them in schools. That is an important part of what schools are for. They are a kind of day jail for kids." And this fact of imprisonment and obedience-training is at once justified and evaded by calling the prison a "school," the jailers "teachers," the prisoners "students," and the obedience-training "education." What "students" are taught in the public "schools" is not reading, writing and arithmetic; it's docility, obedience, and the capacity to tolerate a life of stupefying boredom, monotonously performing meaningless routine tasks at the behest of another—the life of a "student" or of the average worker in today's corporate state.

One of the more prominent eighteenth century advocates of universal compulsory public schooling was Massachusetts merchant Jonathan Jackson, who argued in his *Thoughts Upon the Political Situation of the United States* (1788) that society was "one large family" in which a "father" should hold supreme authority. This is not so far removed, I submit, from the nightmare symbolism of Donald Barthelme's *Dead Father* and his *Special Schools*.

Turning students off

As I write, the spring semester is drawing to a close at Pierce College, the largest and most academically respectable of the eight campuses of the Los Angeles Community College District, and the one at which I am employed part-time as an instructor in the Media Arts Department. Pierce was founded 30 years ago as a private agricultural college on several hundred acres of gently rolling farmland

in the West San Fernando Valley, about 25 miles from the inner city of Los Angeles. Today the campus remains largely agricultural, and to arrive there at 7:30 in the morning, as I do each Monday, Wednesday, and Friday to teach my writing classes, is to drive through woods and pasture while the sun's first rays lift the dew from the grass and the backs of resting cattle and sheep, and the crowing of a distant cock sweetly pierces the chill air—and all the time, only blocks away, the faint hum of traffic whizzing through suburban Woodland Hills on the Ventura Freeway whines on.

The West San Fernando Valley has become an upper middle class suburb in the past 30 years—with, thanks to Pierce and the nearby Northridge Campus of California State University, a significant academic population. The public high schools in the West Valley are the best in the L.A. Unified School District. The 25,000 students at Pierce are the cream of the L.A. Community College District. These are the first two sentences of a paper submitted to me by one of my students, a graduate of a prestigious West Valley High School: "Every hospital in the United States must be inspected, accredited, and licensed every two years by varies government, state and county agencies by law. If a hospital is not accredited by these agencies it will not recieve a license to operate, thus causing it to close."

Sam is an average student, not a dull one, and his opening sentences, flawed as they are, represent a substantial improvement over the opening sentences he was submitting three or four months ago. Sam has been one of the hardest, most dedicated workers in the class—always meeting assignment deadlines, always attending class, always asking questions, always showing signs, however gradual, of improvement as a writer. Of the four students in the class who are his indisputable superiors, two are graduates of private schools. (They are also the only private school graduates in the class.) What did the public schools do to extinguish Sam's natural capacity to learn, the capacity which reasserted itself feebly in my class in Writing for Radio and TV?

Because there can be no doubt that's what the public schools did. I'm in the habit of sharing my own professional assignments with my writing students each semester or quarter—using the interviews or articles or documentary scripts I'm working on as examples for class discussion or as the bases for class assignments. And last week, when I told my eight o'clock class about this article and asked for their comments, they were almost pathetically eager to contribute, as though no one had ever asked their opinions of the schools before. And their message was exactly that. Sam laid it on the line.

"I've never done so much homework and put so much time into school before in my life," he said, "because for the first time I'm learning what I want to learn."

The chorus of murmured assent from the class appeared to be universal. Other hands went up; other 18- and 19-year-old students commented: the public schools had never allowed them to study what they *wanted* to study, had never allowed them the freedom of self-inquiry. Now,

in junior college, they were getting a first taste of that freedom.

For some of these students, going to college had represented merely a freer, less authoritarian, continuation of high school, with one subtle difference of emphasis. Where high school had inculcated in them the patient, unquestioningly subservient character of the ideal corporate assemblyline worker—Joel Spring has argued, in his *Education and the Rise of the Corporate State* (1972) and *The Sorting Machine* (1976), that this is the principal function of public schools—junior college was serving as a kind of half-way house for newly released students, a place where they could become used to the slightly, but not radically, freer atmosphere they would later encounter in defense plants and office buildings, while being kept safely out of competition for jobs with the existing labor force for at least two more years. But for others, college had represented a first opportunity to engage in self-inquiry. And one of the things they had learned by now was that the freedom to learn liberated the capacity to learn, and made them receptive to material they had rejected under force-feeding.

Is it realistic to suppose that an able student would fail to learn how to write basic English sentences because he was refused the opportunity to learn to combine such sentences into radio and TV scripts? The supposition seems inescapable. Consider the case of the "remarkable private educational system" as Charles Silberman calls it, "that has been developing in Harlem and other depressed neighborhoods in New York." It consists of "a series of thirteen 'street academies' . . . sponsored by the Urban League and initially financed by the Ford Foundation, [now financed mainly by] a group of large corporations, each of which has taken responsibility for one academy."

Each of these "small storefront schools" is "manned by one or two teachers," Silberman writes, "in addition to a street worker, who recruits the students from the streets and acts as 'motivator, counselor, friend, father disciplinarian, and companion.' The schools are quite informal, the purpose being to get the dropouts 'hooked' on education, and to provide some skill in the three R's."

And to judge not only by Silberman's account but also by the account of one of the teachers in the street academies, the novelist and critic Samuel R. Delany, the dropouts do get hooked on education.

In his recently published collection of essays, *The Jewel-Hinged Jaw*, Delany recalls his experience as a remedial English teacher working with "sixteen and seventeen-year olds who had never had any formal education in either Spanish or English" but who had decided to learn to read English. "Regardless," Delany writes, "after a student had been in the class six months, I would throw him a full five hundred and fifty page novel to read, Dmitri Merezhkovsky's *The Romance of Leonardo da Vinci*" in Bernard Gilbert Gurney's translation. "The book is full of Renaissance history, as well as sword play, magic, and dissertations on art and science. It is an extremely literary novel with several levels of interpretation. It was a favorite of Sigmund Freud (Rilke, in a letter, found it loathesome)

and inspired him to write his own *Leonardo de Vinci: A Study in Psychosexuality*. My students loved it, and with it, lost a good deal of their fear of Literature and Long Books."

Public school students, on the other hand, hate *Silas Marner*, and with it, learn a good deal of their fear of Literature and Long Books. And there are two main differences between Delany's students and the public schools' students—two differences which boil down to one. Delany's students are learning what they want to learn—they're free to do so—and they're being taught by a teacher who's teaching what and as he wants to teach—he's free to do so. The public school students, on the other hand, are learning what they're allowed to learn and are being taught what their teachers are allowed to teach. "In a number of respects," Silberman writes, "schools resemble 'total institutions' like hospitals, armed services, and even prisons. In all of these, as Philip Jackson [author of *Life in Classrooms*, 1968] 'one sub-group of their clientele (the students) are involuntarily committed to the institution, whereas another sub-group (the staff) has greater freedom' but is still committed (sometimes involuntarily) to carrying out the institution's program."

"Schools discourage students from developing the capacity to learn by and for themselves," says Silberman. "Enforced instruction deadens for most people the will for independent learning," says arch-education critic Ivan Illich. Yes. The schools cannot be educational institutions *because* they are jails. And the more repressive they become, the less education they dispense. In the schoolroom, it would appear, as in the polity, coercion achieves nothing in the end.

Nothing, that is, except waste, inefficiency and bungling. I am called upon, in my 9:00 class at Pierce College, to instruct 13 young men and women in the dubious art of writing news for broadcast. This is an art which, in the real world, is practiced exclusively upon typewriters. In the real world, an applicant for a radio or TV news-writing job would be rejected out of hand if he were unable to type, irrespective of his mastery of the other aspects of his art. In the storage room adjacent to my classroom are fifteen typewriters, some in need of repair, all in need of use. In the classroom itself there are none. I am informed by the Media Arts Department that no typewriters are available for use in my classroom. The typewriters next door are not available. When attempting in class to simulate the writing conditions which obtain in a broadcast newsroom, I ask my students to print.

And my plight is not unique. The capacity of government to bungle and bureaucratize any given thing is almost legendary—and all but indescribable by any means other than the case in point:

In New York City, Comptroller Harrison Goldin announces that only forty-one percent of the city's \$2.9-billion education budget is spent on education; fifty-nine percent is spent on administration, including salaries for twelve more principals than there are schools.

In a New York classroom, meanwhile, a teacher barter with the teacher across the hall: coloured chalk, which he



doesn't need for his class, for a new eraser, which he does need. If each teacher went to the school system for his supplies, he could expect to wait up to three months for delivery.

An architect is employed to replace a dilapidated school in a midwestern city but is forbidden to consult the principal and teachers of the school about their needs, since his plans must conform to uniform plans drawn up two generations ago by somebody at headquarters.

And so it goes: the bumbling, incompetent public school system. Conceived as a prison system; operated as a prison system; incapable of functioning effectively as an educational institution. Yet the men who run this vast pedagogical wasteland, the men who regularly spend two, three, or even four times the average private school expenditure per student for perhaps one-half the result—these men presume to regulate and to pass judgment upon the qualifications of those who seek to operate private schools or to educate their own children at home. And they seek ever greater sums of stolen money every year for their own pet projects. In February, President Carter asked Congress to increase federal spending on elementary and secondary education from \$6-billion a year to \$6.9 billion. As Carter explained it, the money was necessary in order to "do a better job of teaching the basic skills—reading, writing, and arithmetic—to all our children." Unfortunately, it's been shown before that money doesn't teach basic skills, people do—and only when they're free to teach and to learn as their own desires move them. ●

Jeff Riggerbach, who has now joined the staff of LR as Senior Editor, was imprisoned for eleven years in the public schools of Pasadena, Texas. He is sending his six year old stepson to private schools.

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Raiding the Newsroom

**...and your doctor's, lawyer's,
and clergyman's offices will be next**

by Marshall E. Schwartz

One quiet Monday afternoon in April 1971, four Palo Alto, California, police officers entered the offices of the *Stanford Daily*, the student newspaper of Stanford University, and presented the handful of staff members there with a search warrant signed by Municipal Court Judge J. Barton Phelps. They were looking for photographs of a confrontation between protesters and police three days before, at the end of a sit-in at Stanford University Hospital, which they (erroneously) believed had been taken by *Daily* photographers. Within minutes, they began their search, and spent nearly an hour rummaging through photo files, cabinets, wastebaskets, and the desks of several editors and reporters, without success.

Although the *Daily* search was unprecedented at the time, it was to be just the first of at least 11 searches by warrant of media offices for documents, photographs, or film in the next seven years. The *Daily* decided to battle for their First and Fourth Amendment rights in court, and won

two battles in Federal District Court and two in the U.S. Court of Appeals.

On May 31 the Supreme Court brought down upon itself the combined wrath of the entire United States press establishment by overturning the lower court decisions and ruling that all the police need to have to walk into any newspaper office—or anyone else's home or office, for that matter—in search of a supposed piece of evidence, is a warrant from some friendly magistrate.

Ed Kohn, a plaintiff in the original suit and a former *Daily* managing editor (now a reporter for the *St. Louis Post-Dispatch*), dubbed the decision "Richard Nixon's greatest legacy": The majority in the 5-3 Supreme Court vote was composed of the four Nixon appointees (Warren Burger, Harry Blackmun, Lewis Powell, and William Rehnquist) and John F. Kennedy's football-playing buddy from Harvard, Byron "Whizzer" White.

Coming on the heels of the Court's 1967 decision in *Warden v. Hayes* (which, for the first time, permitted law

enforcement officials to use warrants to search the home or office of someone not even suspected of a crime for "mere evidence"—rather than just for the tools or proceeds of a crime) and its 1972 opinion in *Branzburg v. Hayes* (which, declared that newsmen, like everyone else, were subject to being subpoenaed to testify before a grand jury—although such a subpoena *could* be contested on First Amendment grounds), *Zurcher v. The Stanford Daily* may be the strongest bar yet forged for the prison otherwise known as the American Police State.

The Washington Post called the decision "the right to rummage" in its editorial. Bill Thomas, editor of the *Los Angeles Times*, declared it was "an incredible decision, a terrible decision. I find it hard to believe that a rational court could issue it." Bob Healy, executive editor of the *Boston Globe*, asked: "What are you going to do? You're going to have to keep your notes in your pocket." And the *Post's* executive editor, Ben Bradlee, asserted that under such a ruling "the Pentagon Papers could never have been published. The police would have entered newspaper offices and siezed them, before newspapers could bring the facts to the people. If this decision were in force during Watergate, it requires no stretch of the imagination to see police in these offices on a regular basis on a fishing expedition for Messrs. Nixon, Haldeman, Ehrlichman and company. The requirement of a warrant is no real protection, for the government can always find a judge to issue a warrant. It's just plain awful."

The New York Times, among others, correctly identified the attack launched on the Fourth Amendment and the individual's right to privacy as a more serious assault than the Court's new incursions against the First Amendment. In his column of June 8, Anthony Lewis of the *Times* professed that it is "a fundamental mistake . . . for the press to argue that it is entitled to different and better treatment under the Constitution. The First Amendment also protects the right of professors and pamphleteers and ordinary citizens to write and speak freely." He then explained that any search may be barred as "unreasonable" by the Fourth Amendment—"if, for no urgent criminal law need, it damages other constitutional values: privacy, for example, or First Amendment rights." And the *Times* itself editorialized that since the aforementioned *Hayden* decision, it has become "more probable that searches would disrupt the lives of innocent parties who might readily come into possession of evidence of crime; it was open to the Court in the *Stanford Daily* case to require special procedures safeguarding their interests. *Instead, the Court would now allow officials to treat the law-abiding like criminals*" (emphasis added).

What better description could there be of the way a police state operates?

Subpoenas vs. warrants

The *Stanford Daily's* case relied in part on the argument that a warrant should never be used against the press, if not suspected of a crime, when a subpoena was sufficient. Thus, if there was no reason to believe the third party—in

this case, the press—would destroy the evidence instead of producing it in court, a warrant was "unreasonable," and therefore not permitted under the Fourth Amendment.

Justice White, writing for the majority, presented a rather restricted view of the history of the Fourth Amendment:

Aware of the long struggle between the Crown and the press and desiring to curb unjustified official intrusions, the Framers took the enormously important step of subjecting searches to the test of reasonableness and to the general rule requiring search warrants issued by neutral magistrates. They nevertheless did not forbid warrants where the press was involved, did not require special showings that subpoenas would be impractical, and did not insist that the owner of the place to be searched, if the press, must be shown to be implicated in the offense being investigated.

Justice John Paul Stevens, in his dissenting opinion, delved further into the amendment's history (arising from Crown efforts to search press offices for evidence of "seditious libel") and thereby showed just how deeply our judicial concept of privacy has eroded over the last two centuries:

The Amendment contains two clauses, one protecting "persons, houses, papers, and effects, against unreasonable searches and seizures," the other regulating the issuance of warrant: "no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." When these words were written, the procedures of the Warrant Clause were not primary protection against oppressive searches. It is unlikely that the authors expected private papers ever to be among the "things" that could be seized with a warrant, for only a few years earlier, in 1765, Lord Camden had delivered his famous opinion denying that any magistrate had power to authorize the seizure of private papers. Because all such seizures were considered unreasonable, the Warrant Clause was not framed to protect against them.

The spirit of Classical Liberalism in eighteenth century England led Lord Camden to adopt his stand on seizures: "Papers are the owners' goods and chattels; they are his dearest property; and are so far from enduring a seizure, that they will hardly bear an inspection. . . . Where is the written law that gives any magistrate such a power?" These same principles underlie the libertarian position on subpoenas and warrants: Nothing is subject to seizure—by either subpoena or warrant—unless it is directly connected with a crime (either the proceeds or products of the crime, or the instruments used to perpetrate it), and no one's property is subject to search unless that person is involved in the crime.

This position implies that just as the seizure of "mere evidence" from unincriminated third parties is prohibited, so is the seizure of *verbal* evidence from such individuals: i.e., testimony cannot be coerced, so no third party can be subpoenaed to testify. Certainly, they should be *asked* to appear in court, but there are two key reasons why it is immoral to coerce testimony. First, if we are free to speak what we want, why does the principle change if we want to say nothing? Freedom of speech necessarily includes the freedom of silence. Secondly, forcing a witness to testify may jeopardize that person's safety. How many government witnesses have been assassinated before they took the stand? And how many others have developed defective

memories after receiving sufficient threats? Evidence used in criminal proceedings, in short, must be gathered within the framework of full respect for individual rights.

In fact, this latter point has direct bearing on the *Daily* case itself. It is connected to an editorial position printed by the student newspaper in February 1970. The paper's photographers had been barred from campus meetings because the participants feared that pictures taken might prove to be incriminating and would later be subpoenaed as evidence. The *Daily* then declared that, although it would "print newsworthy photographs regardless of their potential for incrimination," unpublished "negatives which may be used to convict protestors will be destroyed. We feel that a fine line can and should be drawn at this point between journalistic responsibility and cooperation with government authorities in protests that are often directed against the government. . . . The *Daily* feels no obligation to help in the prosecution of students for crimes related to political activity. Our purpose is to gather information for our readers, not for police files."

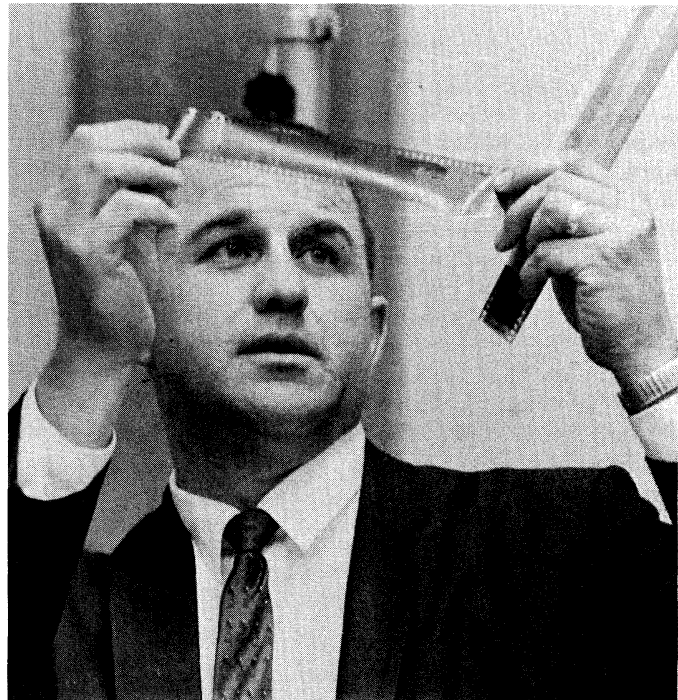
But the *Daily's* ability to have its photographers admitted to meetings of campus radical groups who wanted to forestall police retaliation was not the only reason for the newspaper's unique policy: For some time, the paper's staff had suffered well-justified anxiety from a variety of threats of violence against themselves and the paper's office from some of the more physical protesters (of a variety of left-wing persuasions). During the last "riot season" before the policy was established—spring of 1969—*Daily* photographers *refused* to take incriminating photos at a massive demonstration at Stanford Research Institute offices in Palo Alto because of threats that had previously been made against them and several editors. (Apparently, one of the defendants in the *Daily's* original suit, Santa Clara County Deputy District Attorney Craig Brown, had attempted unsuccessfully to subpoena such incriminating photographs. In an affidavit, he declared his belief that these photos had been "deleted" from files containing shots that had been printed.)

Protecting the innocent

Even if one should grant the state the right to subpoena innocent third parties—feeling that each individual somehow has the responsibility to assist in the identification, apprehension, and prosecution of someone who has initiated force or fraud—why does this extend to the right of warrant? And why should it apply to a function—that of the press—which is the *only* one given special status by the Constitution?

A subpoena, in effect, requires the recipient to cooperate with the state in enforcing its laws. A warrant goes much further: it is the ultimate intrusion of the state into the privacy of the individual, placing either the innocent individual himself or his property in the hands of the state for some defined or even indeterminate period of time. As Justice Stevens pointed out in his dissenting opinion,

In the pre-*Hayden* era, evidence of that kind [documentary evidence, rather than the "fruits or instrumentalities" of the



Palo Alto plainclothes policeman examines negatives in the office of The Stanford Daily during the 1971 search.

crime] was routinely obtained by procedures that presumed that the custodian would respect his obligation to obey subpoenas and to cooperate in the investigation of crime. These procedures had constitutional dimensions. For the innocent citizen's interest in the privacy of his papers and possessions is an aspect of liberty protected by the Due Process Clause of the Fourteenth Amendment. Notice and opportunity to object to the deprivation of the citizen's liberty are, therefore, the constitutionally mandated general rule. An exception to that rule can only be justified by strict compliance with the Fourth Amendment. That Amendment flatly prohibits the issuance of any warrant unless justified by probable cause.

What, then, did the Supreme Court have in mind in 1967 when it trimmed away part of this right in the *Hayden* decision, by allowing the use of warrants to search the person and property of innocent third parties, in some instances, for documentary evidence alone? That decision declared that, for this newly spawned police power to bear the Court's stamp of approval,

There must, of course, be a nexus—automatically provided in the case of fruits, instrumentalities or contraband—between the item to be seized and criminal behavior. Thus, in the case of "mere evidence," probable cause must be examined in terms of cause to believe that the evidence sought will aid in a particular apprehension or conviction. In so doing, consideration of police purposes will be required.

Justice Stevens considered "police purposes" in a different light than the majority of his colleagues. To him, there was no case for a warrant—no "probable cause" to outweigh the individual's right to privacy guaranteed by the Fourth Amendment—except in one specific set of conditions:

The only conceivable justification for an unannounced search of

an innocent citizen is the fear that, if notice were given, he would conceal or destroy the object of the search. Probable cause to believe that the custodian is a criminal, or that he holds a criminal's weapons, spoils, or the like, justifies that fear, and therefore such a showing complies with the Clause. But if nothing said under oath in the warrant application demonstrates the need for an unannounced search by force, the probable cause requirement is not satisfied.

Here, perhaps, the *Daily's* announced policy of destroying unused photos that might be incriminating, after the appropriate issue of the paper was published, might have been grounds for "probable cause." But this information was never even presented to the judge who issued the warrant. Moreover, Palo Alto Police Chief James Zurcher, another defendant, had been informed two days *before* the search of the *Daily* offices, and only an hour or so after the key confrontation between demonstrators and police at the Stanford Hospital, that the *only* individual with photographs of the clash was a Stanford Police photographer, Nick Brunot. (Zurcher had been so informed by Bob Beyers, long-time director of the Stanford News Service, who appeared on the scene just as the demonstrators broke out from behind barricades that had been erected.) Brunot reports that the Palo Alto police didn't come around to see *his* photos until "a week or ten days after the event."

The only other possible justification the police might offer for invading a person's privacy to obtain "mere evidence" is an urgent need for speed in identification of a criminal. If they could afford to wait so long to see Brunot's photos, that situation clearly couldn't have applied. Perhaps a more complete view of the police and district attorney's philosophy in such matters can be obtained by considering their action in a separate incident two years later. In October 1972, Federal District Court Judge Robert Peckham ruled that the *Daily* search violated the First and Fourteenth Amendments, but had refused to grant an injunction because all the defendants were "respected members of the community" so he expected "that this decision would be honored." Just seven months later, investigators for the DA's office, armed with a search warrant, searched the patient files at Stanford Hospital's psychiatry clinic. They were looking for the records of a patient who was the *victim* of a sexual assault—*despite the fact that a subpoena had been issued to the patient's doctor for those very records, and was still outstanding!*

One might take these perversions of justice to be isolated incidents, were it not for the examples presented in the other ten cases of warranted police searches of media offices since the *Daily* incident. In few of them could the police make even a doubtful case that the newspaper or radio station might destroy or hide the evidence in question, and in none of them could they claim the need for instant identification for fear the suspects would otherwise escape their grasp.

While the implications of the Supreme Court's decision in *Zurcher v. The Stanford Daily* are frightening for the average citizen, they have especially dire overtones for the media.

The role of the press

When the *Branzburg* decision first exposed newsmen to the threat of subpoena, Justice Powell was the key vote; without his support, the decision would have gone the other way. He felt the case was important enough to write a separate concurring opinion, in which he carefully delineated what he felt was the relationship between First Amendment rights and the state's law enforcement needs:

The Court does not hold that newsmen, subpoenaed to testify before a grand jury, are without constitutional rights with respect to the gathering of news or in safe-guarding their sources. Certainly, we do not hold, as suggested in the dissenting opinion, that state and federal authorities are free to "annex" the news media as 'an investigative arm of government'. The solicitude repeatedly shown by this Court for the First Amendment freedoms should be sufficient assurance against any such effort. . . .

Indeed, if the newsman is called upon to give information bearing only a remote and tenuous relationship to the subject of the investigation, or if he has some other reason to believe that his testimony confidential source relationships, without a legitimate need of law enforcement, he will have access to the Court on a motion to quash and an appropriate protective order may be entered. The asserted claim to privilege should be judged on its facts by the striking of a proper balance between freedom of the press and the obligation of all citizens to give relevant testimony with respect to criminal conduct.

Thus, said Mr. Justice Powell, when we grant the power to subpoena, no blanket exemption is given to the press. But newsmen *may* contest such subpoenas on the grounds that their First Amendment rights outweigh government (read "police") needs, through the traditional adversary (read "lawyer vs. lawyer") proceedings before a judge—who, through natural inclination, rates to be more supportive of the state than of the press. Yet now, in *Zurcher v. The Stanford Daily*, Justice Powell and his colleague seem to be saying that even this minimal protection for the press is no longer required.

Justice White's majority opinion did direct any court presented with a petition for a warrant to "apply the warrant requirements with particular exactitude when First Amendment interests would be endangered by the search." The Court felt that no adversary proceeding was necessary because "properly administered, the preconditions for a warrant . . . should afford sufficient protection against the harms that are assertedly threatened by warrants for searching newspaper offices." Wouldn't this place confidential press sources in greater jeopardy than the prior *Branzburg* decision? No, wrote Justice White, for

if the requirements of specificity and reasonableness are properly applied, policed, and observed, will there be any occasion or opportunity for officers to rummage at large in newspaper files or to intrude into or to deter normal editorial and publication decisions. The warrant in this case authorized nothing of this sort. Nor are we convinced, anymore than we were in *Branzburg* . . . , that confidential sources will disappear and that the press will suppress news because of fears of warranted searches. Whatever incremental effect there may be in this regard if search warrants, as well as subpoenas, are permissible in proper circumstances, it does not make a constitutional difference in our judgement.

Justice White's observation appear to be somewhat divorced from reality. As the federal district court observed in deciding the *Daily* case, a "search for particular photographs or notes will mean rummaging through virtually all the drawers and cabinets in the office." And indeed that's just what happened when the four Palo Alto officers searched the *Daily* for nonexistent negatives. In the process, they admittedly picked up and looked at confidential notes and papers totally unrelated to the item they wanted—although they claimed not to have read any of this material, merely to have examined it closely enough to see that it wasn't what they were after. (Since when does a typed or handwritten sheet resemble a strip of 35-millimeter negatives?)

But how well, after all, can a Supreme Court justice be expected to understand the workings of a newspaper or a radio or TV news operation? Consider instead the testimony of a few professionals, in affidavits presented in the case. "The extension of the news office from a news gathering function to an investigative agency of the authorities is terrifying," declared Walter Cronkite. "Professional news gathering facilities cannot be permitted to be used as evidence gathering agencies in either criminal or civil proceedings without losing all trace of the independence and integrity on which the journalistic profession is founded." And Fred Mann, a former *Daily* editor who is currently director of the California News Bureau, added that "a paper loses all credibility when it acts or is compelled to act in the express interests of one group against another." This theme was echoed by *Los Angeles Times* Managing Editor Frank Haven: "To the extent that a newspaper, its personnel and files are used by defense or prosecution, . . . the credibility of the newspaper is lost and it comes to be viewed as simply another agent of whichever side has chosen to involve the newspaper."

And what of the threat of lost confidential sources? *New York Times* reporter Douglas Kneeland summed up the problem succinctly:

The more sophisticated sources know that newsmen may be subject to subpoena; but they also know that recent court opinions provide a basis for lawful challenge to subpoenas. On the other hand the intrusion of a search is indiscriminate; its scope and propriety cannot be judicially tested in advance; and the mere possibility of its use renders vulnerable all confidential materials.

Even if, *post facto*, the warrant is declared illegal by a judge, whatever confidential information the police or district attorney's men have seen cannot be expunged from their brains.

In its essence, the ruling makes all newsmen into police investigators *ex officio*. This is a bitterly ironic state of affairs. It is perfectly true that a newsman, like any other individual, may see or hear something that can be considered as evidence in the investigation of or prosecution for a crime. Thus, if one grants the state the power to subpoena testimony from any innocent third party, it should logically follow that a member of the press—when his or her observations were made while doing nothing unique to the journalistic profession, nothing that an ordinary citizen

might not do—should be equally subject to subpoena. But here we are dealing with *records* of events: photographs, notes, film, outtakes, etc.—records which were made solely because of the function of the press, a function apparently protected by the First Amendment. If the press had not been carrying out its role of gathering information for dissemination to the public, the records would not exist. If the press clause of the First Amendment is to have any real meaning, how can such materials be subject to warrant?

Privacy and the police state

Of course, why should constitutional guarantees of freedom of the press and freedom of speech be respected if other, equal guarantees like the right to privacy are no longer honored, either? And that particular right, proclaimed by the Fourth Amendment and slowly eroded over the years by other Court decisions, has now been nearly eradicated by *Zurcher v. The Stanford Daily*.

As the *Washington Post* trumpeted in its editorial the day after the Court handed down its pronouncement (Incidental inquiry: Is the phrase "handed down" traditionally used in reference to the Supreme Court because it conjures up the image of God handing down the Ten Commandments to Moses?), "What the court has said is that if the police can convince a judge there is probably cause to believe evidence of a crime is contained in your private files—a crime not committed by you but by anyone, anytime, anywhere—they can rummage through your papers and premises until they find it, or choose to abandon the search."

Privacy is dead. And privacy is the one true enemy of the police state: where the interests of the state outweigh any private interests; where the first goal of the state is the maintenance of order; and where, to maintain order as efficiently as possible, the state must know everything that its citizens (read "prisoners") do. Justice White and his colleagues put it a different way:

[We] are unpersuaded that the District Court's new rule denying search warrants against third parties and insisting on subpoenas would substantially further privacy interests without undermining law enforcement efforts. Because of the fundamental public interest in implementing the criminal law, the search warrant, a heretofore effective and constitutionally acceptable enforcement tool, should not be suppressed on the basis of surmise and without solid evidence supporting the charge.

In other words, law and order supersedes privacy when the two come into conflict. Since obtaining a subpoena to gather evidence, especially if the person being subpoenaed contests the court order, may delay the police, slow down the juggernaut of law and order, that is sufficient reason to sweep privacy and individual liberty aside. ●

Marshall E. Schwartz is executive editor of LR and a former editor of The Stanford Daily.

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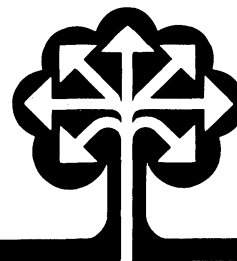
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Books and the Arts

Anti-drug madness

by Richard Ashley

Sensual Drugs, by Hardin and Helen Jones. Cambridge University Press, 373 pp., \$3.95.

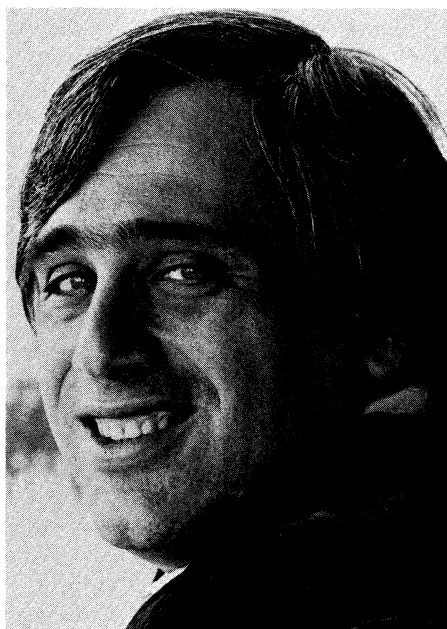
Agency of Fear: Opiates and Political Power in America, by Edward Jay Epstein. G.P. Putnam's Sons, 352 pp., \$9.95.

The war against nonalcoholic drugs got under way over a century ago with the passage of the first prohibition against prepared (smoking) opium. The ensuing conflict has been the longest sustained losing effort in American history. We now have prohibitions against hundreds of drugs, a multi-billion dollar drug-law enforcement program, and life sentences for drug sellers. And we have more drugs available and more drug users than ever before.

The latest light at the end of the tunnel—destroying dope at the source with the highly toxic herbicide paraquat—involves the deliberate poisoning of citizens by their government. America financed and supervised the spraying of Mexican marijuana fields knowing that a significant portion of the sprayed weed would be exported to this country and smoked by Americans. (By the government's own figures, 20 percent of the marijuana coming in from Mexico is contaminated by paraquat. As many as half of the samples tested in California have contained this herbicide.) As of this writing there are no verified fatalities from smoking paraquat, but there *are* several verified cases of fibrosis of the lungs. Were it not so obscene, the Alice-in-Wonderland logic at work here would be good for a few laughs. The prohibitionists, after all, have always contended that marijuana is a dangerous drug—and now they have fulfilled their own prophecy for anyone unfortunate enough to smoke their handiwork.

How public policy on psychoactive drugs could ever have reached such heights of absurdity is made plain by the examples of what passes for "expert" knowledge about them, and the enforcement of the prohibitions against them,—as evidenced by *Sensual Drugs* and *Agency of Fear*.

"The distinction between medicines and the sensual drugs," write Hardin and Helen Jones—a team comprising a professor of medical physics and physiology at the University of California, Berkeley, and his wife and helpmate—"is simple. Sensual drugs are those that the body has no need for, but that give the user a strong sense of pleasure." Simple, yes; distinctive, no. For if the body does need medically prescribed tranquilizers, depressants, and stimulants, surely it can equally need such substances when they are self-prescribed. And if they give pleasure in one case, they surely do so in the other. The distinction drawn by the Joneses is



Edward J. Epstein

one drawn by moral fiat, not by differences of kind. The authors simply don't believe we have the right to prescribe our own medicines. To convince us that the doctors and the government know what's best for us, they set out to prove that, when left to our own ill-informed choices, we use substances—sensual drugs—which "diminish the power of the brain to function in a normal, healthy way."

Marijuana users, for example, are "susceptible to any sexual invitation and lack the will to resist." And since marijuana "upsets motor coordination, causing unsteady hands, a change in gait, and a lag between thought and facial expressions," these pushovers are easy to spot, too. Who would be attracted to them is another question: "Chronic, heavy users of marijuana have dry scaly skin much like that produced by thyroid hormone deficiency." Which, considering that "three people in six who use marijuana are likely to become addicted," bodes ill for our success in the international beauty sweepstakes—bodes extremely ill in as much as the stuff is hard to kick: "If the use of marijuana is discontinued after two weeks of heavy use, the decline in THC levels on abstinence is marked enough to cause pronounced withdrawal symptoms."

All of these assertions—like most of those which fill the pages of *Sensual Drugs*—are contrary to the common experience of humankind, a species which includes drug researchers of all persuasions.

Still, how can you get mad at a couple so wondrously naive as to believe that DOM (4 methyl 2,5 dimethoxyamphetamine), otherwise known as STP, was "originally synthesized as a motor oil additive"? Far removed from reality as they are, the comments by the Joneses on psychedelics saved me from an embarrassing blunder. Had they remained silent here, nothing could have persuaded me that the publication date was anything more than a typographical error. And I would have received this piece of neo-"reefer madness" as a reprint of an original first concocted during the prime of Harry Anslinger.

A pair of academic vaudevillians dancing to the myths of the 1930s, the Joneses at any rate provide boffo laughs on every page. Only their publisher and

similarly disadvantaged types could take them seriously. And anyone simple enough to act on the information they give is too simple to be warned off by the truth. Edward Jay Epstein, on the other hand, is the prototypical establishment gunslinger who, under the guise of the thinking man's investigative reporter, blinds us with a dazzling array of facts—all of which miraculously miss the heart of the matter.

His *Agency of Fear* persuasively documents how the Nixon administration, after learning that it lacked the constitutional power to deliver on its law and order campaign promises, moved to seize that power by declaring a war against heroin and recruiting a national secret police force (the current Drug Enforcement Administration), directly responsible to the White House, to fight it. The war was sold to the public by an impressive list of "experts" who declared that (1) most street crime was committed by addicts looking for the money to supply their habits; (2) that the

number of addicts was rising daily; (3) that if the heroin traffic was stopped, the crime rate would drop dramatically; and (4) that the heroin traffic *could* be stopped. And this public relations effort was continued in the face of mounting evidence that all these assumptions were woven out of whole cloth.

In Epstein's opinion, had Watergate not sent Nixon scurrying home to San Clemente, the president would have used his secret police force to establish a totalitarian regime. Good old Watergate. It saved us, and whatever our favorite whipping boy intended his Gestapo to be, it simply became, in Epstein's words, "a protean manifestation of the earlier narcotics agencies." In short, apart from the shortcomings inherent in an agency designed to enforce a public policy based on faulty assumptions, there's nothing much wrong with the DEA. By the same logic, there's nothing much wrong with Epstein's book. It does give an accurate account of how an unscrupulous administration used the "menace of drugs" for its own nefarious ends. Yet this account is so superficial that it fails to touch the foundations of the subject it purports to address.

Agency of Fear, after all, is subtitled "Opiates And Political Power In America"—a promise, at least a strong hint, that the author intends to go to the heart of the matter. Hit a home run anyway. But not only does Epstein strike out, he doesn't even get the bat off his shoulder. He fails to see, or flagrantly omits saying, that we didn't need a Nixon to import totalitarian notions of drug law enforcement; that drug law enforcement *is* totalitarian—necessarily so. Its very nature is so quintessentially fascistic that to imply it can be reformed is as absurd as proposing reforms for concentration camps.

Consider: The sale and possession of prohibited drugs are activities by or between consenting parties, none of whom have an interest in filing a complaint with the authorities. That is, they are—by definition—victimless crimes. Moreover, they are private activities, usually conducted behind closed doors. How then can the police know when, where, and by whom a drug crime has been committed? Well, with a few exceptions like stumbling across one in the

course of an unrelated investigation, or seeing one committed right under their noses, they *can't* know. Unless, of course, they have prior information. Which they do. Eighty-five to 90 percent of all drug busts—and there were some 500,000 last year—are the result of informer activity. Informers identify targets for wiretapping and electronic surveillance, introduce undercover narcs to sellers, vouch for their credentials, and, in general, keep their

By its nature, drug law enforcement is so quintessentially fascist that to imply it can be reformed is as absurd as it is to propose reforms for concentration camps.

employers in business. As one veteran narc put it, "They're our bread and butter. Without them we'd have to close up shop."

Few members of the informer army volunteer for duty. They are arrested and then given the choice of prison or cooperating with the authorities. "Cooperate" is a pleasant word, but there is nothing pleasant about it in this context. Here it means identifying and setting up your friends and associates to be busted by your narc employer. For who else can we betray except those who know and trust us? Such cooperation, however, is not hard to induce. The Draconian sentences imposed on drug offenders gives the state all the leverage it needs.

Coerced informing, in short, is the necessary foundation of drug law enforcement. Nothing is more antithetical to democratic principles, nothing more alien to our constitution than the state frightening citizens into acting as dishonorably as a person can—saving their own necks at the price of someone else's.

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vate liberty against state power, there can be no greater denial of our heritage. For those who have forgotten, the Pilgrim fathers came here to escape the coerced informing imposed upon them by the high commission and star chamber, the instruments used by the English crown to root out and repress religious and political dissent. Witnesses called before them were given the choice of answering the questions put them by the crown's agents or going to jail. And since the inquisitors invariably asked for the names of others who believed as the witness did, the choice came down to jail or sending one's friends there. Believing neither alternative compatible with freedom or survival, the Pilgrim fathers fled England and came to America.

We, their descendants, were spared such systematic coercion by the state until 1919-20 when the enforcement of the Harrison Narcotics Act got under way in earnest. And we have suffered this un-American activity for more than three-quarters of a century now, with few Americans other than the victims having any idea of what is happening—hardly surprising considering the shallowness of those upon whom we depend for information. Epstein, in his 352-page treatise on the misuse of the drug laws, devotes only a single page to the informer system. And so minimal is his awareness that, after noting the corrupt relationship which generally exists between agents and informers, he concludes the discussion by telling us how John Ingersoll (then chief of the Bureau of Narcotics and Dangerous Drugs, an agency later incorporated by Nixon into the DEA) “after studying the problem, was determined not only to replace all the agents who had become entangled with their informers but also to do away with the informer system itself.” Do away, that is, with drug law enforcement. Sure.

Put another way, Epstein's understanding of what drug law enforcement is all about is on a par with Nixon's understanding of presidential responsibility. ●

Richard Ashley is the author of Cocaine (St. Martin's Press) and Heroin (Griffin).

Taxation and prosperity

by Christopher Weber

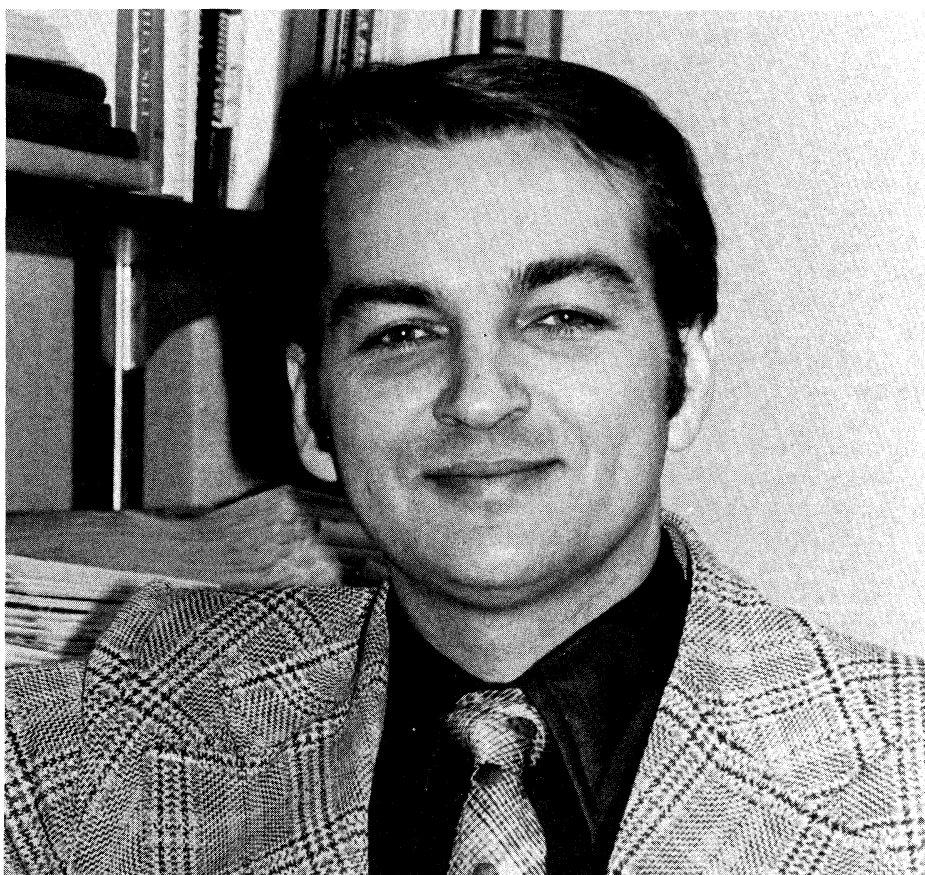
The Way the World Works, by Jude Wanniski. Basic Books, 303 pp., \$12.95.

It is an unusual event indeed when the gold standard is advocated on the editorial pages of a widely-read and influential daily. And yet that's just what happened in the *Wall Street Journal* a few months back. The editorial, entitled “Barbaric Relic or Golden Anchor?”, answered that query decidedly with the latter alternative. Its author, Jude Wanniski, an associate editor of the *Journal* for several years now, is perhaps the most interesting and original of all financial writers whose work appears in the establishment press. To people with conventional ways of thinking, his efforts are often provocative. Further, he possesses a fine writing style,

a rare thing in any financial writer. Finally, and most unusual of all, he is a generalist, who recoils at the pervasive specialization of knowledge and, in his words, understands “the enormous costs to the world of fragmentation and the enormous benefits that would accrue through unification.” All of these qualities, particularly the last, are manifest in his new book, as can easily be gleaned by the title: *The Way the World Works*.

Woven through the book is the idea that a high tax or tariff rate will cause the level of production to stagnate, along with living standards. Coupled with this are his ideas that inflation results when government drops its gold restraint. Actually, then, the world works only when government reduces its crushing grip on the productive energies of the people.

In the book's strongest suit, Mr. Wanniski gives example after detailed example of how, throughout history and on every continent, the slashing of taxes caused advancement—economic, political, and cultural. Conversely, massive



Jude Wanniski

tax *increases* have caused poverty to fester and civilizations to collapse.

Before we get on with those graphic examples, however, a warning is due. Libertarians certainly believe that taxes have crushed mankind for ages. We see them as the nourishment of an institution—the state—whose only power is to mangle or destroy the productive energies of the world's people; destroy what Albert Jay Nock called “social power.” “State power” can *create* nothing; it can only take what individuals have produced and use it to its own ends. Sometimes those ends are those the individual would have himself wanted: roads, schools, hospitals, etc. But if the demand for a service exists, we believe that the voluntary actions of the market can provide it better. To this way of thinking, taxation *itself* is both morally evil and economically unproductive.

Wanniski starts out from a different premise. His model on how the world works is based on the Laffer Curve. Named after Arthur Laffer of USC's School of Business Administration, this is a tax-cutting idea beginning to find favor among some opinion molders, particularly conservatives. Its most famous advocate is Rep. Jack Kemp (R-N.Y.), who has successfully negotiated its adoption by the Republican National Committee.

What the proponents of the Laffer Curve want is to cut taxes in order to maximize both productivity, which is admirable, *and* government revenues, which is not. Here is the rationale: Laffer maintains that there are always two tax rates which will yield the same revenues. For instance, say the economy is being taxed at a 100 percent rate—no one is allowed to keep anything they produce. It's not hard to see that no one will produce *anything* if *everything* he produces is confiscated. Since there is no production, the government gets no revenues. Now, continues Laffer, assume that there are no taxes, none at all. There are thus no state barriers to production and production is “maximized.” But there is no revenue and hence no government; and without government, Wanniski writes, “the economy is in an anarchic condition.” (Apparently the Laffer people assume that without taxes people would be producing far more than ever before in history

and yet have nothing left over for the necessities of roads, schools, and police.) In any case, if taxes are near-confiscatory, production will manage to eke out only a bit for government revenue, and if taxes are only miniscule, there will likewise be a small amount of revenue. So on it goes, with two different rates rendering the same revenue. Throughout the curve, there's a trade-off: either more taxes or more production. The ideal point on the curve is the point where “revenue plus production are maximized.” Here, “if the government lowers the tax rate again, output will increase, but revenues will fall. If

Libertarians have no interest in any plan that tries to maximize government revenue. Laffer's approach, on the other hand, inherently legitimizes tax gathering.

the tax rate is raised, both output and revenue will fall.” It is this point, Wanniski argues, that governments ought to be searching for.

In other words, the Laffer people realize that if taxes are too high the state gets too little revenue. Lower tax rates would mean more production, more economic production to tax, albeit at the lower rates, and thus maybe even *more* revenue for the government than was possible with the stringent rates.

Libertarians' objection to this is that we have no interest in any plan that seeks to maximize government revenue. No genuine libertarian should ever argue in terms of the Laffer Curve because Laffer's approach inherently legitimizes tax gathering, undercuts the fight to roll back government spending, and implicitly endorses any device, such as withholding, that will on balance yield more tax revenue to the state.

It is undeniably true that lower taxes mean a higher standard of living, and that higher taxes mean the opposite. And Mr. Wanniski has done an aston-

ishingly fine job in detailing how taxes crush both the individual spirit as well as entire civilizations. Just imagine an historical and geographical setting, and chances are good that Wanniski has dissected it. From ancient Greece to present-day Peru, from Diocletian's price-control edict to Carter's capital gains plan, the scope and detail are breathtaking. One wonders how he was able to pack so much into a bare 303 pages. Ironically, in none of the examples does Wanniski find economies going *below* his optimal point; never has government been starved for revenues. It's always that progress takes place when governments pull themselves down from the upper reaches of the curved *toward* the optimal point. Conversely, he finds societies which have stagnated as they push themselves up the curve away from the ideal point. Anyway, here are just a few examples from the past that demonstrate that the less taxes there are, the greater the well-being.

Wanniski sees the French Revolution as being sparked by punishing tax rates. By 1789, the French peasant had over 80 percent of his income confiscated: 14 percent to the lord of the manor, 14 percent to the clergy, 53 percent to the state. He thus kept less than 20 percent for himself. The revolution came, and with it, Napoleon, who wrote that “whilst an individual owner, with a personal interest in his property, is always wide awake, and brings his plans to fruition, communal interest is inherently sleepy and unproductive.” Accordingly, a year after he gained power, he instituted massive tax cuts that almost completely reversed the peasant's position: In 1800, the peasant paid nothing to either his lord or to the church; he paid little to the national state, only 25 percent to his city and *departement*, and kept 70 percent in his own pocket. Napoleon's subsequent downfall was caused by his moves *against* the market—namely his expensive and unsuccessful economic blockade of England—for *everyone* benefits by trade. But so much productive power was unleashed by the lowered taxes that it helped Napoleon conquer all of continental Europe.

The rise to world predominance of England during the last century is our

second example. After the Napoleonic Wars, England abolished outright her wartime income tax, and heavily slashed most of the others (Unfortunately, after World War I, England would leave all of her wartime taxes on the books, and add more.) Not surprisingly, the British economy soared during that century. "Between 1816 and 1875 Britain became the world's workshop, the world's banker, and the world's trader. . . . By 1860 she was supplying half the world's coal and manufactured goods. . . . Between 1815 and 1851 occurred the most rapid economic development of domestic resources in the whole of British economic history."

Further, "regular" taxes were not the only ones to be cut. The evil tax known as the tariff came increasingly under attack. Britain repealed the Corn Laws in 1846, with wide popular support. Tariffs were dismantled in other countries as well. Particularly joyous is the case of

Hitler and Roosevelt, quite impressed with Mussolini's example of central planning, didn't see that Italy's strength was due to her low-tax and hard currency policies.

the fragmented German states that in 1833 abolished tariffs between themselves. As Wanniski puts it, "The people of Germany gathered with long wagon trains at the various internal boundaries and waited for the stroke of midnight, January 1, 1834, when the tariff union came into being, and then crossed amid cheers."

Mussolini's Italy surprised the world with her productivity during the 1920s. Even the Depression didn't hurt her as much as it did most other nations. Hitler and Roosevelt were so impressed by her example that they incorporated central planning, which they saw as the prime feature of Mussolini's syndicalism, into their own economies. But these two dictators didn't see that Italy's strength was due to her low-tax and hard-currency policies. Mussolini, fortunately, didn't practice what he preached, at least not until 1935. For 13 years, however, the influence of his first finance minister, Albert de Stefani, caused public enterprise to give way to private whenever possible, and public control over production to be abolished. Close to Laffer's heart, government revenue was increased by "the paradoxical device," as one commentator put it, "of actually lowering tax rates and simplifying tax laws."

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present-day India. In 1975, Indira Gandhi imposed a two-year dictatorship upon the country. Civil liberties were suspended and many intellectuals were tossed into prison. During these two years, the economy experienced a health and growth unprecedented in her history. This puzzled most Western observers, some of whom began to question whether dictatorship wasn't really the best way to make an economy work. This mystery is solved, however, when we observe the actions of the finance minister at that time, one C. Subramaniam. He used the suspension of parliamentary activity to push through his ideas of tax-cutting. The 12.5 percent surtax was abolished, as was a seven percent "urban-property" wealth tax; the "regular" wealth tax was slashed from eight percent to 2.5 percent; the maximum tax rate was lowered from 85 percent to 77 percent, and then to 66 percent—with lower brackets being likewise adjusted. Corporate taxes were also cut, and the progressive tax system on investment and royalty was scrapped in favor of a proportional set-up.

Not unexpectedly, the rupee rose on exchange markets; price inflation was sliced by two-thirds; bumper crops came in from the farms; in short, the chronically ill Indian economy enjoyed a respite of health. Mrs. Gandhi's popularity rose with the economy; but since she believed that it was by her own strong statist fist that improvement came, she began to trample on individual liberty right and left. With the coercive sterilization episode, the electorate finally rose up against her. She went down to defeat, never understanding that it was her (unwittingly) libertarian actions that gained her popularity, not her dictatorial ones.

Wanniski's examples go on and on. For them alone, his book is worth reading. They make up the finest parts of his work.

Unfortunately, I believe there to be flawed parts in it as well, flaws quite apart from his enthusiasm for the Laffer Curve. For example, Wanniski has the idea that the electorate is always right, that it understands economics, and that it knows what it wants—such as lower taxes—and will wait patiently until political leaders give it to them. He

holds that great ideas are not "sold" to the people; rather, they are ideas "that the electorate craves even prior to their conception." I believe the influence of such opinion molders as philosophers, cultural and religious leaders, and media men to be much greater than does Wanniski. It was, for instance, the political philosophy of John Locke, popularized by the journalists John Trenchard and Thomas Gordon, along with Thomas Paine, who moved the hearts and minds of the American colonists and gave direction to their rebellious sentiments.

It is one thing to say that higher taxes and tariffs produce ill, but quite another to impute America's Great Depression to a tariff. Yet that is just what Wanniski does in his book.

Wanniski has a strange idea of capital. He holds that "all 'wealth' capable of producing goods and services" should be counted as capital. Not only financial wealth is capital, but whatever makes people feel good and thus makes them produce. "As long as people get pleasure from gazing on the Mona Lisa, it is capital. Clean air and water are capital. A Beethoven symphony and a rock tune are capital. Parks, statues, buildings, houses, sewer lines, waterworks, all are capital." This definition, however, breaks up the universality of the concept of capital. The old view holds that capital is all resources which are not themselves consumed, but used to create goods that are. They are of at least potential value to all people. But things like a "rock tune" are not. (There are some people to whom this would be entirely without value.) Further, there are no limits to this subjective view of capital other than absurdity itself. If contemplating my navel helps me produce, is that navel capital?

This said, Wanniski goes on to make an excellent point: In the various aggregate measurements that government economists make, there are so many values that can't be measured that the official reckonings are never accurate. But here I would draw the distinction between the subjective values of individuals and the objective "capital goods." He puts a greater burden on his analysis than it can bear. It is one thing to say that higher taxes and tariffs produce ill, but quite another to impute the Great Depression to a tariff. Yet that is what he does. The boom was caused by the lowering of the war-tax rates in 1921. The 77 percent maximum tax rate of the war years gave way to a 46 percent rate. The excess-profits tax was eliminated. There was explosive economic growth during the 1920s as a result of this, he claims. And then, "The stock market crash of 1929 and the Great Depression ensued because of the passage of the Smoot-Hawley Tariff Act of 1930." Specifically it was the market's expectation of the tariff bill that caused the crash, and the evils of the tariff itself that dragged it out into the Depression.

Admittedly, Smoot-Hawley was probably the worst tariff act in an American history filled with tariff acts. But the Depression was not caused by this. It was caused by the inflation of the 1920s, as Murray Rothbard has brilliantly shown in his *America's Great Depression*. Wanniski finds fault with all the conventional explanations of the Depression—and rightly so, for all but the Austrian view. But when he attacks Rothbard's book, he is wrong. Rothbard, he says, "reckons the expansion from 1921-1929 as an 'inflationary boom' [where] the money supply . . . increased by 61.8 percent over the eight years. His *America's Great Depression* seems untroubled by the fall in the consumer price index over eight years, from 53.6 to 51.3." But Rothbard has indeed dealt with this. He begins page 82 of *America's Great Depression* with this: "[T]he designation of the 1920s as a period of inflationary boom may trouble those who think of inflation as a rise in prices. Prices generally remained stable and even fell slightly over the period. But we must realize that two great forces were at work on prices during the 1920's—the monetary inflation

which propelled prices upward and the increase in productivity which lowered costs and prices. In a purely free market society, increasing productivity will increase the supply of goods and lower costs and prices, spreading the fruits of a higher standard of living to all consumers. But this tendency was offset by the monetary inflation which served to stabilize prices. Such stabilization was and is a goal desired by many, but it (a) prevented the fruits of a higher standard of living from being diffused as widely as it would have been in a free market; and (b) generated the boom and depression of the business cycle. For a hallmark of the inflationary boom is that prices are higher *than they would have been* in a free and unhampered market."

The productivity that Rothbard mentions is backed up by Wanniski's own findings. Undoubtedly, those tax cuts gave a major impetus to the decade's tremendous technological advancement.

Clearly, Wanniski's "Lafferite" sympathies and our libertarian ones spring from two different roots. While his program seeks to "optimize" government revenues, ours seeks to establish an order that holds inviolate the rights and liberties of the individual and his property. We must therefore push for tax slashes far, far deeper than those which will provide the most income to the state. Indeed, we must slash them out of existence.

It is certain that Wanniski's "global electorate" has long been crushed under the weight of staggering taxation. Happily, though, we can see signs that humanity has finally had enough. But as the hated establishment collapses, to which of the various alternatives will people turn?

We cannot answer that with certainty, but we can echo Wanniski's own sentiments, put forth in the last paragraph of his book: "[The world] will, as it always has, ultimately reject all systems that do not revolve around the individual." ●

Christopher Weber writes frequently on economic and financial issues for LR and a number of other publications.

Coerced culture by John Hospers

The Subsidized Muse: Public Support for the Arts in the United States, by Dick Netzer. Cambridge University Press, 272 pp., \$14.95.

It would probably be helpful to any potential reader of yet another book extolling the benefits of State subsidy to the arts to digest the following dialogue before opening the book in question:

"When money you've earned is taken away from you without your consent, wouldn't you call that robbery?"

"Yes, I suppose I would."

"Well, when you are taxed for the support of various enterprises, to which you never gave your consent, isn't that robbery too?"

"But taxation is different. . . ."

"If it seems different to you, couldn't that be because you don't see anyone forcibly taking it out of your wallet? The usual trappings of robbery aren't there, but still, it's done by force or threat of force, isn't it? You know well enough what would happen if you refused to pay, don't you?"

"Yes, in that way it's like robbery. But we *need* taxation to support various public services. . . ."

"If you need services you can't provide yourself, as we all do, hire someone to provide them, or cooperate voluntarily with others and do it together. That way, if a person doesn't want the service, he doesn't have to pay for it. Groups of people working together can voluntarily produce roads, schools, police, telephone services, a medium of monetary exchange, and thousands of other things; historically they have done this countless times, when left free to do so. The fact that most of these things are now done by the state leads you to believe that they *have* to be provided through the state."

"But some of them are things that everyone needs. . . ."

"Right, and in a condition of freedom a market will arise to meet that need. But people still have the option of doing without it. You have no right to force them, and they have no right to force others to provide the services without cost (work for no return is slave labor).

If someone wants to do without fire protection for his home, let him do so and take his chances."

"But then if the house burns down . . ."

"Then maybe he'll figure that insurance is worth the cost next time—just as, now, if you don't have a good credit rating, *before* you need credit the next time you may put your financial house in order and not live beyond your means. But now suppose that it's something that some people don't even want; would you still say that they should be forced to pay for it?"

"Of course not—nothing like that. . . ."

"And if some people want drama or opera and can't pay for the kind of production they like to see, should they force other people who don't want it to pay for it through taxation?"

"Of course not."

"Even though it might be good for them?"

(Pause) "I guess it's for each individual to judge what's good for him."

"Yes. And even if he's mistaken and the other person is correct, the other person has no right to use the first person's money to make him participate in what someone else thinks is good for him."

There is really not much more that needs to be said about government subsidy of the arts, or of anything else. The principle is everywhere the same: You may not use force upon others to make them participate in activities that *you* think would be beneficial to them. You hold no mortgage on their lives.

Nevertheless, in one book and article after another, this fundamental principle is totally ignored; it does not seem even to have *occurred* to most authors on this subject. In a book I reviewed a few months ago (Janet Minihan, *The Nationalization of Culture*; LR, December 1977), the author desired to draw more and more money from Britain's already overextended treasury to support the artistic activities to which she gave her sanction. The author of the present book, Dick Netzer, dean of the Graduate School of Public Administration at New York University, is somewhat more modest in his aims, preferring a combination of outright subsidy and tax incentives. That as a result

he desires smaller subsidies than Ms. Minihan may be to his credit, but it is rather like the girl who made excuses for having an illegitimate baby by saying that it was, after all, a very small one.

"Most people," writes the author, "would agree that the \$390 million that government now provides as direct public subsidy of the arts is a very small—even a scandalously small—amount." I do not dispute that the arts deserve more, but the first question is not *how much* money they deserve but *where* the money is to come from.

So little, the author complains, is spent by Americans on the arts, compared with "the \$40 billion spent on alcoholic beverages and tobacco, the \$18 billion spent on toys and sport supplies and equipment, the \$4 billion spent in barber-shops and beauty parlors. . . ." And so on. But these expenditures are voluntarily chosen. Pre-

Netzer deplores rising costs, but does not even mention the union rules which say a member of one union may dismantle the stage scenery, but may not turn off a single light bulb.

sumably the author wishes to redirect the choices of Americans so that they will spend more on the arts instead; and since they don't do it now, they must be *made* to (via government subsidy). They also would probably spend much more on the arts if they weren't already taxed to death—a rather obvious point which the author never mentions.

When I was on a television program some time ago with the director of a subsidized music-and-drama organization, he was shocked at my "indifference to the arts" when I said there should be no state subsidy; in all his years of endeavor he had never heard anything so

"radical," so "cynical." When I mentioned how much was going into welfare benefits he said, "Get rid of the welfare benefits—put it into the arts!" That's just the trouble—each one wants to do different things with other people's money. By contrast, when I visited Brigham Young University for a series of talks, my host stopped the car on a hilltop overlooking more than \$20 million worth of new campus buildings, and said with some pride, "Not one bit of it was built with stolen money." I doubt that the author of this book would have appreciated the distinction.

Still, there is a lesson in the book for libertarians: Most of the money that sustains the arts in America, the author points out, comes not from direct government outlays such as the National Endowment for the Humanities (which aims to quadruple its federal grants by 1980), but from private donations which are tax-deductible. In this way, "the government does not even determine the total amount of the support it provides. . . . Instead, the aggregate is determined by thousands of decisions on the part of individual donors."

This of course sounds much better; indeed, it *is* much better. But there is a catch here that libertarians should be aware of. When a large foundation gets money from the national treasury, libertarians are (quite rightly) indignant at the policy of robbing Peter to pay Paul; but when that same foundation is tax-exempt, libertarians do not voice much of an objection (except, sometimes, to what the money is used for). After all, shouldn't we *all* be tax-exempt—so wouldn't we look strange insisting that the foundation in question should not be? Yes, but what if the billions of dollars that *would* have come in but for these tax exemptions are replaced by higher taxes on the rest of us? Is it really so desirable for some persons or organizations to be tax-exempt as long as *all* are not? What right has the government to be selective about the organizations it chooses to favor in this manner? It's nice if your neighbor doesn't have to row the boat, but what if the result is that you have to row twice as hard?

The author is not well versed in the specific arts, a fact which becomes clearer as one reads on. But he doesn't pretend to be; he is an economist. What

kind of economist is another question. Certainly he is much too paternalistically oriented to have much trust in the operation of the market. He mentions with approval, for example, that in the next decade we can expect a "modest 4.5 percent inflation rate." Does he not know, as an economist, that a generation of that rate of inflation would erode away almost the total value of one's savings?

He deplores the rising costs of putting on performances. But why does he not mention the wasteful union regulations whereby a member of one union may dismantle the stage-scenery but may not turn off a single light bulb? The cost of maintaining theaters is deplored, but he never mentions that many city governments issue permits for only a limited number of theaters, thus increasing the rental cost for putting on a production.

After deploping how little Americans (voluntarily) spend on the arts, he goes on to say that almost nobody in America believes that the arts are sufficiently subsidized by government, and that "our society" believes that much more should be spent on the arts. What is this entity, "our society," if not the sum of the individuals? Yet according to his own account, most of the individuals are unwilling to spend much on the arts. The individuals won't spend much, but they believe that the government should spend much more, Netzer seems to say. If this is indeed true, are these same individuals unaware of where "government money" comes from—that "the government spending it" is tantamount to *their* spending it, or rather being forced to spend it—something which by the author's own account they are unwilling to do voluntarily? Can it be true that they don't want to spend it voluntarily but don't mind being forced to do so?

Among the things the author does not object to is the insidious practice of requiring "matching funds," whereby the federal treasury (financed by taxpayers from all the states) *withholds* funds that these same taxpayers have put in unless the state or local government (financed by the taxpayers of that state or municipality) comes up with an equal amount—thus goading the state into raising still more taxes, under the threat that part of the money we have already

put into the federal kitty will never be returned to us unless we fork over still more to the state or county. This "double taxation by intimidation" ("Give \$2 or you'll never get your \$1 back") is constantly employed in extracting money to subsidize the arts, as well as police departments, transport systems, and countless other "public enterprises."

Indeed, the author is often proud of the very things he should bewail:

"Matching funds" is a double taxation ploy used to extract money to subsidize the arts, as well as police departments, transport systems, and countless other "public enterprises."

"Government proprietorship," he says, "has obvious monetary advantages. Governments do not ordinarily permit the complete financial collapse of their departments; nor do they readily fire civil servants. The empire-building proclivities of bureaucrats work to expand budgets. . . ." Indeed. And this is a recommendation? Apparently it is, for he says later, "Opera companies can absorb huge amounts of public subsidy effortlessly. . . ." How about fruitfully? Morally? Noncoercively?

Which arts should be supported out of the public till? Opera? Yes—it is expensive, opera needs it. Ballet? Assuredly. Modern dance? Well, yes, with possible reservations. Country and western music? Rock and roll? Of course not. Why not? Probably (he doesn't discuss it) because (1) it already has a large market, and (2) it's not as good. Even granting that it's "not as good," how does that justify the state's taking money from patrons of the one to confer on patrons of the other?

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major arts, or if you want to know what percentage of performances in the United States are free to the public, or if you are curious about "the four major types of benefits of government subsidy for the arts," this book may be just the thing for you. As a fringe benefit, the author even throws in a discussion of "externalities," with the problem of who would pay for the lighthouse. Every ship profits by it, but no one shipping company is going to pay for it as long as other companies have the free use of it. Apparently he has not read his fellow economist Murray Rothbard's simple solution to this problem: The insurance companies would pay for the lighthouse.

The book may interest you if you are fascinated by (1) types of subsidy; (2)

He brings up the old question of who pays for the lighthouse. Apparently, he has not read his fellow economist Murray N. Rothbard's answer: Insurance companies will pay for it.

various arts subsidized and the extent of support for each; (3) what is done with present subsidies; (4) the probable effects of hoped-for future subsidies; or any of a number of related issues. If elaborate tables of statistics turn you on, you will find the book absolutely impossible to put down. But you should be forewarned that the author's writing style is extremely pedestrian; so if you don't find these subjects all-consuming in their fascination, reading the book will be a trip through Dullsville. ●

John Hospers is professor of philosophy at the University of Southern California and was the 1972 Libertarian Party presidential candidate.

Colloquy on the left

by Robert Formaini

The Political Economy of the New Left, by Assar Lindbeck. New York University Press, 259 pp., \$12.00.

As one voyages through Assar Lindbeck's *Political Economy of the New Left*, compiled from a series of lectures the University of Stockholm social democrat delivered on major U.S. campuses in 1968-1969, plus rejoinders from other "New Leftists," the reader seems to find a lot of people talking past one another.

Lindbeck, a capable economist and often a trenchant expositor of ideas, is always the model-building neoclassical empiricist. Armed, in the beginning, with a deep faith in man's rationality and intellectual good will, he very generously communicates the need for a serious reexamination of "New Left" positions to his colleagues—who, in this book, include George L. Back, Stephen Hymer, Frank Roosevelt, Paul M. Sweezy, Robert Heilbroner, Bruce McFarlane, and James Tobin.

This compilation is one of several recent books containing debates on political and economic issues between Marxists and modern liberals (the others, with the notable exception of *Modern Political Economy*, edited by James Weaver, are cited by Lindbeck). Here, our principal author, in his civil way, ever so patiently tries to demonstrate that the New Left is in error on certain points and overly vague (i.e., "unscientific") on many others.

For Lindbeck, superior economic theory is that which yields better empirical results. Nowhere is it explained who will decide which results are "better." Lindbeck seems to blithely assume that all reasonable men will agree on this question. Reading the responses to his book by his critics must have been a sobering experience. The Marxists reject his theories "a priori" with cumbersome and confused philosophical discussions of "competing paradigms" and "separate realities." Lindbeck's patience is strained in the rejoinder as he attempts to deal with the "anti-intellectualism" of his detractors: "How can two people not agree on a computer

printout or a mathematical general equilibrium system?"

At times, Lindbeck is laughably naive. He tells us that there are no comprehensive theories of regulatory exploitation by affluent interest groups, despite all the work of revisionist historians and many economists. He tells us that Japan and West Germany are examples of "capitalist" countries that don't need large defense budgets to maintain economic growth and vitality, but he nowhere mentions who actually pays for their "defense." And what, given his request for more empirical work, are we to make of the following? "On a theoretical level, the Marxist theory of imperialism can be said to have been made obsolete by the Keynesian revolution, which taught us how to maintain a high level of employment through deliberate 'demand management,' mainly by means of monetary and fiscal policy." Suddenly, empirical results give way to a "don't disturb me with the facts" *theoretical dogma!*

In a lengthy discussion of markets and bureaucracy, Lindbeck opts for markets, but with the usual "public goods-externalities" exceptions. Using Hayek's well-known arguments about decentralized knowledge and information costs, he favors market solutions for commodity production, but then believes in imposing progressive taxation and welfare statism to counteract the results of those transactions. In fact, Lindbeck does not even believe that a market society is capable of achieving stability, not to mention the mystical condition he calls "an acceptable distribution of income." In a truly amazing passage he posits the theory that it is decentralization itself that may *cause* inflation! Lindbeck often leaves the cruel realities of our Keynesian-dominated welfare states for the comfortable surroundings of a neo-classical wonderland where technicians can arrive at just the right income distribution, optimal tax rates, full employment, externality-correcting taxes, and a plethora of other nonexistent theoretical constructs.

Much of Lindbeck's analysis is simplistic and contradictory, but his critics fare much worse. Hymer and Roosevelt expend considerable energy explaining that they share a "different paradigm"

than Lindbeck, a position I feel is an erroneous application of Kuhn's famous monograph. This is followed by generalizations that are clearly not true—except for Marxists. At the close of their article—when they state, “We hope that Lindbeck's book stimulates a fruitful dialogue between radical and traditional economists on how to go beyond our present limitations in thought . . .”—they clearly mean the traditional economists' limitations. Marxists

Like other losers in the marketplace of ideas, the Marxists have formed new journals, articulating rhapsodically about “new paradigms,” impervious to their opponents' criticism.

have no doubts.

Sweezy's article, reprinted from *Monthly Review*, is the worst in the book. This one response prompts Lindbeck to take off the gloves in his rejoinder. Sweezy begs questions, spurts with great outpourings of antihistorical rhetoric, and generally erects a model, ad hominem argument against Lindbeck. Lindbeck “sees a different reality,” is “irrelevant” and “boring,” and cannot criticize a position with which he is not empathetic. I think Sweezy underestimates Lindbeck's sympathies with Marxist criticism; but what Sweezy is attempting to demonstrate is that Lindbeck does not share Marxist methodology and is therefore incompetent to criticize Marxist conclusions. Lindbeck's response—that to accept Sweezy is to place scientists in different divinity schools—is sound counterargument.

Robert Heilbroner's articles and books are generally quite superficial, but this article is better than most of his efforts. Keeping Heilbroner's unusual bent of mind in view while reading it, one can enjoy a comment by a left-wing

economist slightly between Lindbeck and his critics. Who can ever forget Heilbroner's rational for the Soviet state, offered up in his *Commentary* article of December 1969: “Are we to judge the Russian planning effort a failure (irrational) because it has sacrificed present consumption for future growth to a far greater degree than the sacrificing generation would have voted for, had it been given the opportunity, but not, in all likelihood, to a greater degree than the future generations would have voted for if they could have?” In case you missed the article and are holding your breath, Heilbroner answered in the negative. He brings this keen logic to bear on Lindbeck with the result that Lindbeck escapes unscathed. The best Heilbroner can offer the reader in the market-bureaucracy debate is a society of the “utopian self-sufficient ‘kibbutz’.” Is it possible to hate markets this much?

For McFarlane, Lindbeck represents the “New Right”—the logical extension of the Hayekian tradition. Lindbeck is undeserving of this classification, but elsewhere in the book Lindbeck himself erroneously classifies none other than Murray Rothbard as a New Leftist. If the reader enjoys arguments couched in mystical Marxist terminology (e.g., “capitalist-caused distortions of social consciousness”) and detailed expositions of “what Marx *really* meant,” this article is a gold mine.

Upon Lindbeck's examination, the New Left turns out to be the same old Marxist slogans dressed up in a “decentralized” gown. Like other losers in the market of ideas, the Marxists have risen, not to contest marginal analysis again, but to form their own journals and societies and articulate rhapsodically about “new paradigms,” impervious to their opponents' criticisms. They solemnly agree with each other about the coming “death of capitalism” and continue holding the decades-long wake.

Faced with the choice, as happily we are not, between neoclassical (read “neo-Keynesian”) analysis as presented by Lindbeck, and New Left mysticism as presented by his critics, the status quo never looked so good. Lindbeck is aware that he and his critics are grappling with the important issues of our time. In

this argument, he scores repeatedly; but Marx has been kicked around for decades, and we know the arguments by heart. Lindbeck cannot refute Marxism partially because it is more faith than science, but also because neoclassical analysis so often is, as the New Left claims, irrelevant. Many of these issues, because they are nonquantifiable and concern fundamental moral relationships in society, lie outside the analytic possibilities of general equilibrium theory and econometrics. Neoclassical economists are often technicians who see life as a constrained maximization problem with unfortunate pests called “externalities.” They are not morally promarket; they are economically *pro-efficiency*.

Once you accept this, you can enjoy a new voice that pens the same answers in a refreshing way, and it is just in this way that Lindbeck's book can be studied profitably. He shows us both the glories and weaknesses of contemporary neoclassical economics—and that is more than worth the price of admission.

Robert Formaini is conference director for the Academic Affairs Program of the Cato Institute.

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Letters

(continued from page 2)

tarian Review has resolved to do everything it can to contribute to the debate from a different noninterventionist perspective. We have, in brief, tried to answer, in broad strokes, some of the more prominent arguments raised in defense of militarism, interventionism, and for drastically increasing our arms budgets. If you will read everything published in LR along these lines, you will see that, although there are differences among LR's authors, their contributions, taken together, form a coherent view of foreign policy and defense questions. LR's writers are not confused skeptics: they have a point of view.

There is indeed a disagreement among many libertarians about these issues. But here I will make a flat statement which I feel is more than supported by the facts: Those who are best informed on these issues, those who have studied them the most, are the ones most strongly in favor of a thoroughgoing noninterventionist foreign policy, seeing a drastic cutback in U.S. military forces as both reasonable and feasible; those most uncomfortable with such a position are those who have studied such matters the least, and who often know next to nothing about the issues involved in the defense/foreign policy debate.

By all means, let libertarians study all the different sides to the debate! I have been urging libertarians to take the debate seriously and to read the significant cases for both points of view for many years. I have urged Tibor Machan to study the issues involved. Most of them, however, particularly those who take issue with LR's general approach, are simply not willing to do anything substantial to alter their present states of ignorance or confusion. This I take to be a shirking of what is today, for serious intellectuals, a profound moral responsibility.

I am fully convinced that the more libertarians study the issues, the more they will agree with positions set forth in Libertarian Review. I urge Prof. Machan to test that hypothesis with all

the energy and intelligence at his command.

—Roy A. Childs, Jr.

Defense, not offense

As a member of the "military-industrial complex" for over 40 years, this writer can confirm the validity of Mr. William Marina's statements [in reviewing R. J. Rummel in the May issue]. Yes, we do need a big stick to deter the Russians. But the Cruise (formerly the Polaris) is more than adequate to the purpose. I knew Roy Anderson, inventor of the guidance system used in the Cruise and other apparatus. It is an exceedingly simple and effective weapon, I believe.

As to our present adventures in Africa: It seems our "statesmen" are unable to learn. Russia can't take over Africa or any other large part of the globe—their own experience proves it. Peter the Great was criticized by some for retreating from Charles of Sweden. He replied, "Yes, it is true; Charles is beating us now. But in beating us, he will teach us how to beat *him*." It happened, and the Swedes were driven out of Russia. They worked the same game twice since then: once on Napoleon and once on Hitler. Yet the lesson seems lost—not only to us, but even the Russians! Ever since the time of Woodrow Wilson, poor Uncle Sam has been made the meddler and jackass of the world. When will it stop? I don't know. But I do know that it will not stop until the voters rise in their anger and put a stop to it. The Libertarians have the right formula. I'm 77, and growing very tired. But I hope the younger people will take over and keep it going. Jarvis-Gann is a good sign. Let's keep it moving.

John E. Erb
Northville, New York

Eschewing ideology

Danny Shapiro is to be commended for his insightful overview of neoconservatism (Feb. and March 1978). There is one point, however, which was not, to my mind, sufficiently addressed. That is the issue of "ideology."

Neoconservatives often claim to eschew "ideology" as unrealistic and too

confining for the world of events in which men find themselves. They claim to rise above ideology and lay claim to the only practical approach to political affairs. All of their ideological opponents (regardless of their place on the spectrum) are brushed aside as ideologues, and hence impractical and unrealistic.

This is the same canard which the Marxists have tried to foist off on intellectuals for years. All other viewpoints are biased ideologies (for the Marxists, "bourgeoisie" ideologies) and hence invalid. Despite this intellectual legerdemain, both Marxism and neoconservatism are themselves ideologies. Both accept the state as a legitimate institution and both advocate state action of various kinds. In the case of the neoconservatives, a *consistent* worldview and program is set aside in favor of an *ad hoc* advocacy of this or that policy. This does not, however, mean that they have no worldview, for they must have some criteria by which to judge the merits of a particular act of state. This acceptance of state action plus the (inconsistent) set of criteria which goes along with it constitutes an ideology.

By claiming to eschew ideology *per se*, neoconservatives downplay the inconsistency and incoherence of their own ideology, just as the Marxists for years forestalled a critique of socialism and the socialist society by tarring all such critiques with "bourgeois sentiments." The neoconservatives are truer to their socialist origins than they perhaps would like to admit.

Tom G. Palmer
St. John's College
Annapolis, Maryland

Viable political philosophy

The two articles by Daniel Shapiro are very well done—thoughtful, knowledgeable, on the whole temperate. But to write a reply, one would have to end up discussing libertarianism as a viable political philosophy (which I think it is not) and that would take a lot of time, which I simply do not have. ●

Irving Kristol
Editor
The Public Interest
New York City

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Crosscurrents

(Continued from page 9)

trade are the twin tenets which must remain first and foremost in our modern libertarian movement's ideology and political agenda.

I not only recommend reading these contrasting views of Nitze and Kennan, but just as vigorously I recommend Kennan's *The Cloud of Danger: Great Realities of American Foreign Policy* (Atlantic-Little Brown, 1977). In this age of increasingly probable nuclear annihilation, this book is better than most as a point of orientation to start thinking seriously about current American foreign policy.

• The tools of death

Timed to appear in conjunction with the United Nations Special Session on Disarmament, *The Nation* published its May 27 number as a special issue on "Disarmament: Essays on the History, Politics, Economics, Urgency and Future of Disarmament".

Edited by Princeton's Richard Falk, the issue contains such articles as Sidney Lens' historical overview of the troubled attempts at disarmament, "Thirty Years of Escalation"; Herbert Scoville, Jr.'s intelligent plea for another strategic arms limitation agreement, "The True Utility of 'SALT'"; William Sweet's discussion of the role of neutral and Third World countries in pushing for this special session, "Delhi: A Third World Overture"; Daniel Ellsberg's reasons why "There Must Be No Neutron Bomb"; and union boss William Winpisinger's confused article on "The Defense Workers Dilemma." This last piece does, however, make the important point that moves toward significant arms reductions will be difficult as long as defense workers cannot see alternative employment possibilities. It seems to me, though, to be a bit of "reconversion blackmail." Finally, there is an excellent, longer article by the man whom I consider to be the nation's number one strategic thinker—Earl C. Ravenal, on "Does Disarmament Have a Future?"

Disarmament has for centuries stood as a key tenet in the libertarian tradition and political program. But as a crucial and necessary as military disarmament

is, libertarians have known that military disarmament alone is not sufficient to attain and maintain a lasting peace. There must also be, as the great liberal Frederic Bastiat pointed out, economic disarmament. Barriers to trade must be reduced if more natural and peaceful relations are to grow and prosper. Tariffs, quotas, exchange controls and the whole apparatus of antitrade barriers in general must be torn down—hopefully, with reciprocity; but if not, then unilaterally. In fact, if the military hardware were not so frighteningly explosive, unilateral economic disarmament would be the best first step toward military disarmament and toward attaining peace. It might yet be so. Lowering trade barriers *necessarily* leads to more commercial and peaceful relations all the way around. Libertarians should clearly welcome any move—reciprocal or unilateral—toward either military or economic disarmament. ●

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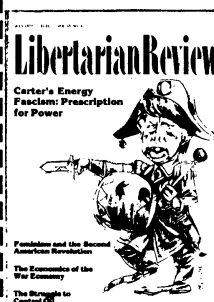
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