

Liberty

The Betrayal
of Capitalism

August 2010

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by Wayland Hunter

Selling Freedom

by Russell Hasan

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by Jacques Delacroix

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Letters

Franco-American Relations

Jacques Delacroix's "Watershed" (June) was a savory pleasure to enjoy, over and over, and to share with others. The story it tells, so compactly, does more heavy lifting than a thousand treatises on natural rights and the natural state: people are inclined to be helpful and to work with others to achieve what they need — at least until they've had the helpfulness beat out of them. So who the hell is beating it out of us (French first, then everyone else), and why — or, how to understand the situation and respond?

Thank you for your generosity with words, so very American and libertarian, and, I am sure, at the heart of things, so French.

Jeanne Anderson
Orlando, FL

Like Oil and Water

For the life of me, I can't figure out how Erwin Haas' little lesson in what happens to spilt oil (Reflections, July) in any way relates to what I see as core libertarian principles. All that talk about technical names for globs of oil and bacteria eventually eating up the millions of gallons of crude that have been belched into the Gulf left me scratching my head, trying to figure out why the editor even saw fit to publish that amoral mess.

There are thousands of fishermen, tour boat owners, seafood processors, eatery owners, hotel and motel owners and employees, and all the rest of us who will pay through the nose, thanks

to the malfeasance, crookedness, and greed of BP and a handful of federal bureaucrats.

The price of all flesh-food will skyrocket for the foreseeable future, simply because those who used to enjoy shellfish will have to eat other flesh-foods thanks to the unavailability of shellfish from the gulf for the next several decades.

If that little lesson in Economics 101 doesn't impress Haas, perhaps the thousands of people who will no longer be able to fish in those waters, thus losing their livelihood and, in most cases, their family heritage over many generations, will get his attention. These are people who know no other way of life, except the sea that has been semi-permanently fouled because one mega-corporation cared more about their bottom line than they cared about the total way of life of all those fishermen, eatery owners, food processors, and all those people who depended upon tourism to feed their families and pay their bills.

Now, if this one 9th-grade dropout can see what is wrong with Haas' little lesson in environmentalism, how is it that Haas has been allowed the cost of ink to express his total lack of empathy toward the "little guy" and spout his complete bias toward a corporation that was permitted an unfettered attack on the little guy?

Marilyn Burge
Portland, OR

Haas responds: I'd been listening to wailing about this "oil spill" and have

Letters to the editor

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not yet heard a word from a credible party. The oil company and government want to protect their reputations and money. Politicians love the maudlin photo-ops. Environmentalists see this as a golden opportunity to translate their ideology into law. The tourist industry and (probably) the fishermen were all close to bankruptcy before the spill and hope to change their fortunes by suing BP and mulcting the government. Scientists can anticipate years of grants to study the situation, especially if they hang crepe now. The media vomits superlatives turning this into an emotional issue.

My article injected a bit of neutral truth. The BP oil spill looks like oil seeps over the eons. Nature and biologic mechanisms have adapted and life goes on.

I don't praise or condone what BP

or our government might have done, but I'm sure that the effects projected by Ms. Burge are based on reports from partisan players.

After this has blown over, I'd hope that in a year or two she'll find a two-inch article on page 3 of her local newspaper quoting a scientist who is surprised that there is so little residual harm from this oil spill. And swimmers in the gulf will find a few new black rocks just like the black rocks that have been there forever.

Revolution, Eventually

Jay Fisher's essay "You Say You Want a Revolution" (June) misses one important point, but is still on target.

At present, the strategy of the Tea Party movement is not revolution per se, but getting sympathetic candidates through the nomination process in the major parties. The movement has had

From the Editor

You can figure this in various ways, but it appears that the federal government is now spending about \$1.90 for every dollar it takes in. The national debt is about 80% of gross national product, and by "national debt" I mean only the debt associated with the government at Washington; I don't mean state or private debts.

When I was a child, I was very confident that whatever I did, someone would feed me when 6:00 p.m. rolled around. I was pretty confident that if I did something wrong, someone would repair the damage — although the virtual certainty of punishment, in that event, did a lot to keep wrongdoing in check.

As I grew up, however, I realized that the artificial safety net was disappearing. I would have to solve my own problems, pay my own debts, and make sure not to promise more than I could fulfill. (I'll bet that happened to you, too.)

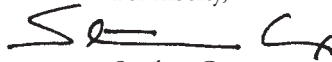
Since then, my recurring nightmare goes like this: I make a foolish promise to do something I'm incapable of doing, such as playing a violin concerto or delivering a lecture on nuclear physics. Others warn me, but I pay no attention. I don't even think about warding off disaster by, for instance, reading a book about physics. When the time comes, I walk out on stage, petrified with fear, because I have nothing to offer the people who trusted my word. Then, thank God, the dream ends.

But I wonder: will that moment come for the United States? Will the time arrive when our national leaders, Republicans as well as Democrats, stand shivering on the stage, seeing nothing before them but an audience outraged by their inability to fulfill their promises? Will the time arrive when the audience turns on itself, realizing that it expected to get something for nothing, and therefore ended up with . . . nothing?

There's a difference between being a child and being childish. The rabbi from Nazareth said, "Suffer the little children to come to me," not, "Suffer the spend-thrifts to come to me."

The good thing about the writers of *Liberty* is — they are all adults. And to paraphrase another old saying, "If they talk like adults and write like adults . . . that means they're worth reading." Try them out.

For Liberty,



Stephen Cox

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only mixed success in the primaries so far in 2010, but since it's less than two years old, perhaps not much more could have been expected.

Regarding civil disobedience as the next step (dare I say even armed revolt?), Fisher is spot on. Unless the Tea Party movement is prepared to put lives, fortunes, and sacred honor on the line, it will end up as nothing but a cathartic venting of anger.

I believe the Cold War presents a useful analogy. The United States developed and fielded nuclear weapons of all kinds: ICBMs, sub-launched missiles, and intercontinental bombers. The United States did not want a nuclear war. What it did was make it clear to the Soviets that if *they* started a nuclear war, it would be two-sided. The goal was not to have a nuclear war, but to deter one.

Ultimately the Tea Partiers — and those who agree with them but don't actually go out and protest — must make it clear to the clowns in Washington that civil disobedience (or worse) lies at the end of the road those clowns are dragging us down. The issue is not that the Tea Partiers want a revolution; the issue is that the government must be made to

believe that a revolution is what they will get if they don't stop encroaching on our freedoms. More than that, the clowns must be made to realize that if they don't undo their encroachments, they will get a revolution.

Whether the Tea Partiers recognize this is not yet clear. Are they only "parlor pinks," or are they real revolutionaries? The next few months should tell us one way or the other.

Joseph P. Martino
Sidney, OH

Fisher responds: While I appreciate Mr. Martino's insights, I think they highlight the identity problem the Tea Party movement has at the moment. If it decides to recruit sympathetic candidates, it also decides to "play within the system" — much like a political party. If the Tea Party members decide to remain outside the traditional party model and serve as a barometer of public attitude instead, it runs the risk of creating a schism between those who advocate taking part in "politics as is" to create change and those who advocate for more profound action to influence politics. The most likely method the Tea Party can adopt to appease these conflicting interests is having both a

political and an action wing, much like in Northern Ireland there existed both Sinn Fein and the I.R.A. However, the United States has no such political tradition to base this organization upon. Thus, the Tea Party entity still ends up trapped by its name.

Cui Bono

Randal O'Toole hit the nail on the head when he identified "containing as many people as possible within urban areas" as the ultimate goal of government planners ("The Hidden Movement Towards National Land-Use Planning," June) — it's what one online commentator called "the Agenda 21/Smart Growth paradox."

In other words, the central planners are incrementally directing that the rural population be reduced and eventually forced off the land, so that the resources therein can be administratively seized by — I'm just picking one example — the cartel lobbyist bribing whichever pseudo-two-party hack happens to win an "election."

Sarcasm aside, the agenda is real, and I'm glad you have run a piece indicating the importance of the topic.

Doug Milam
Bellingham, WA

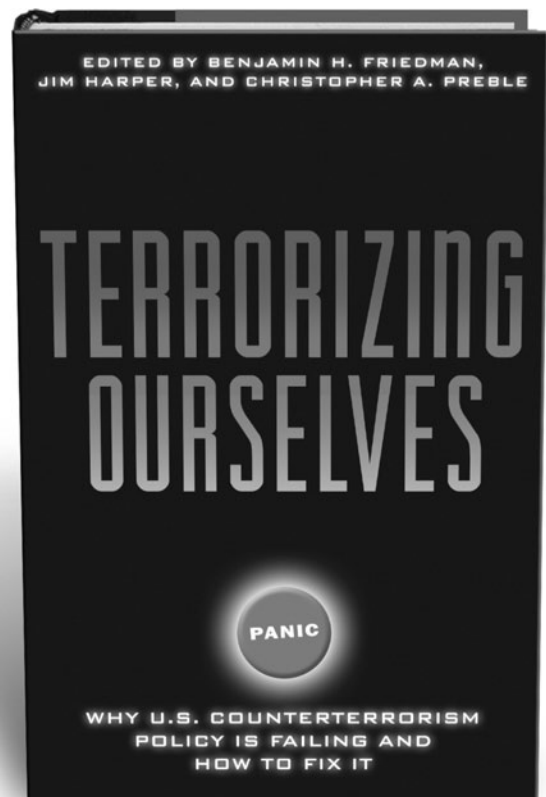
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Reflections

Always watching — You might think a nation so thoroughly identified with the surveillance state would want to downplay that association when they open themselves up to the entire world. Yet for the 2012 Summer Olympics in London, the UK has chosen as its mascot a pair of ghastly Cyclopean abominations, essentially giant camera-lens eyeballs placed atop teardrop-shaped bodies. This duo, Wenlock and Mandeville, were supposedly inspired by droplets of steel like those used in the construction of the Olympic stadia; however, with the merchandise already running off the assembly lines including not just stuffed dolls — soon to creep out children worldwide — but also a Viewfinder showing the pair joining hands in surveillance, the message is clear: we are watching you.

— Andrew Ferguson

Down on the farm — What with massive oil spills, foreign countries near collapse because of excessive debt, possible high crimes and misdemeanors floating around, shaky stock markets and other happy stuff, one minor story has almost escaped notice. In yet another act of magnificent governmental transparency, the Department of Agriculture has closed its database that periodically posted a report of the recipients of federal farm subsidies.

As Mark Tapscott notes in a piece in the Washington Examiner (May 24), the USDA provided a lot of fascinating tidbits of information, such as the fact that Scottie Pippen, former NBA player, was a closet farmer: he was paid \$130,000 not to grow anything during a five-year period. This is the same database that allowed journalists in the past to learn that people such as David Rockefeller and Sam Donaldson also got massive farm subsidies.

But recent requests by reporters to have the database updated have hit a stone wall. It turns out that the Democratic Congress, ruled by Nancy Pelosi, changed the rules in 2008 to stop all further updates to that database.

This, from Pelosi, who (like Obama) promised unparalleled transparency.

— Gary Jason

Giant sucking sound — In 2009, more than 2,600 people were murdered as a part of the drug trade in Ciudad Juarez, Mexico. As I write, Kingston, Jamaica is in a “state of emergency” as scores of people were killed during a search for a drug lord. And Arizona’s controversial immigration law is really about drugs: when a reporter asked Chandler Mayor Boyd Dunn if illegal immigration has increased local crime, he said, “Of course. Drug lords have engaged in shootouts on our freeways.”

Meanwhile, President Obama says he doesn’t think it is a

good idea to legalize marijuana, much less other drugs. Why should he care? Most of the effects of America’s inane war on drugs have been exported to other countries, and Arizona’s immigration law is going to cost the Republicans a lot more than the Democratic Party.

— Randal O’Toole

All too convenient — After 40 years of marriage, the couple once speculated to be the inspiration for the movie “Love Story,” Al (“Climate Change”) Gore, and the founder of the pro-censorship Parents’ Music Resource Center, his spouse “Tipper” Gore, have announced plans for separation. According to the AP, their associates say that the Gores have simply “over time . . . carved out separate lives, with the former vice president on the road frequently.”

Well, no wonder the planet has a fever: Al can’t stop burning carbon, traveling all over the world. There is something ironic about the man who wants to limit the world’s ability to travel but has ruined his own marriage from traveling too much.

Personally, I think his frequent association with pale vegan college environmentalists has been causing a different kind of fever. When the denial comes before the accusation, you know something nefarious is afoot.

— Tim Slagle

Race baited — Ron Paul, on the eve of his first test in a real election, was hit in January 2008 by an article in The New Republic charging him with being a racist. And now Rand Paul, his son, right after winning the Kentucky primary to become the Republican nominee for U.S. Senate, has been hit by a barrage of stories on the question of whether he is a racist.

People on the political Right ought to know this. For their persuasion, race is the poison topic. The charge of racism is their kryptonite. If you are a candidate, you do

not expose yourself to it.

The elder Paul apparently did it by farming out the editorial work on a money-raising newsletter while he was out of political office in the early ‘90s. Some racially sensitive stuff his employees wrote came back to bite him, 17 years later. Given the campaigns he’d run and the stands he’d taken in the 1990s and 2000s, to call him racist wasn’t fair. But it *was* his fault.

The younger Paul started it by telling the Louisville Courier-Journal that he didn’t support that part of the Civil Rights Act that forbade private racial discrimination. There is a libertarian argument for this, about the freedom of association, but to the American ear, it doesn’t play. Our culture abhors racial *discrimination*. It makes no difference that if the law were repealed, the taboo would remain, and anyone who



“Hey! — You moved the goal posts!”

wanted to redo Jim Crow on his private property would find himself isolated. That is not the point. The point is motive. *Why* would a politician come out in favor of a private right to discriminate? *To whom* is he trying to appeal?

There are two explanations for Rand Paul's statement. One is abstract and complicated, and the other is simple. I assume the abstract one is the true one. But there is a rhetorical law of Occam's Razor. The simple explanation is the one that sticks, particularly if it is nasty — and in politics there are always people who want it to stick. They are not trying to be fair. They are trying to win. — Bruce Ramsey

No comprende — I recently read a news item about Senator John Kerry's remarks about voter anger at Washington. He said, "I think there's a comprehension gap," in relation to what the president and Congress are doing to solve the economic problems our country is experiencing. He said of our economy, "We've come back . . . this is an amazing resurgence."

The only amazing aspect about the present state of American economic affairs is just how little those populating Congress and the executive branch understand (or how much they are opposed to) the functioning of a free-market economy. Amazing indeed. Talk about a comprehension gap!

— Marlane White

Off the turnbuckle — As a resident of Connecticut I am concerned about the race for Senate to claim the seat vacated by Chris Dodd. On the Democratic side the candidate is Attorney General Richard Blumenthal. I shouldn't badmouth Mr. Blumenthal, because I interned for the AG's office last summer, but I doubt that Blumenthal would consider it an insult if I called him a traditional liberal Democrat. Blumenthal is popular in Connecticut, and, in spite of the exposure of his blatant lies about serving in Vietnam, I am afraid that he is probably going to win.

Still, the election is not over yet. Linda McMahon is expected to be the Republican candidate, after spending \$16 million of her own money to beat Washington insider Rob Simmons and Republican Liberty Caucus-endorsed libertarian Peter Schiff. Libertarians might be upset over Schiff's anticipated loss, but McMahon is running on what could be called the libertarian-fiscal conservative platform, so now is not the time to mourn. McMahon's campaign has focused on economic issues, and she has said that she would vote against cap and trade, that she opposes deficit spending, and that she favors job growth by means of helping entrepreneurs through tax breaks and deregulation. McMahon has a refreshing voice, and experience in managing a successful business. There is virtually no difference between Schiff's and McMahon's

Word Watch

by Stephen Cox

Two months ago, Leland Yeager commented in this place about the virtues of prescriptivism — the act of prescribing grammar and diction, not just of putting up with them. He made a brilliant defense of the practice. Now I want to take another step, and comment in favor of purism.

That's where prescriptivism leads, because there's no point in prescribing something if what you prescribe is adulterated. Imagine a doctor telling you that you need 5 mg of benazepril, but writing you a prescription for 3 mg, with a little sugar coating. No, you want the pure dose.

And please don't tell me that people who believe in liberty and individualism should be above the rules of usage. This is like saying that Tiger Woods would be a better golfer if he refused to play more than 15 holes. No, Tiger's task is to assert his individual significance by showing that he can win a game that has certain rules. There's nothing offensive to the cause of individualism in conceding that golf courses have 18, rather than 12 or 19 holes. There's nothing offensive about conceding that pronouns in the English language have distinctive case endings, and that "just between" is consequently followed by "you and me," not "you and I." Individualism doesn't mean illiteracy — that is, ignorance of such rules.

I need to stipulate that "pure" does not mean prissy. A real purist doesn't prescribe the same thing for all occasions. A doctor doesn't do that, and neither does a decent rhetorician. The immortal couplet from "Buttons and Bows," "East is east, and west is west, / And the wrong one I have chose," would not be improved by substituting "chosen" at the end of the second line.

One of my jobs at the college where I work is training new teachers. I spend a lot of time telling them that students need to

know specific reasons for the advice we give. I apply this principle especially to the supposed rule against "colloquialisms," especially contractions. So far as I know, there's only one English-language venue that has ever banned contractions, and that was British parliamentary reports. In those documents, people were always saying things like, "So we are being asked to believe, are not we, that you were in Bessarabia at that time? Or were not you?" Unfortunately, the result of my advice is that the new teachers go off and write in the margins of their students' papers, "Avoid contractions!"

Nevertheless, the rule is: use contractions when you want a slightly informal tone. Putting contractions into the Gettysburg Address wouldn't increase its effect; keeping contractions out of a popular song — or out of this column — would probably destroy its effect.

Now here's another problem. Suppose you're a purist, and you're giving purist advice . . . And why the hell would you give *advice* if you didn't intend it to be purist advice? Fine, fine. But to whom are you giving this advice — dude?

Clearly, you're giving it to other purists, or would-be purists.

You're not giving it to the vast throng of writers and speakers who want to express themselves only by means of the "thoughts" they want to "communicate," without any desire to communicate *themselves* as knowledgeable and discerning people in the way they convey their thoughts. For these writers and speakers, it is perfectly good enough to say, "Hopefully, we'll share some facetime in common, just between you and I" — despite the case error in "I," the redundancy in "share . . . in common," the ungrammatical substitution of "hopefully" for "I hope," and the repulsively dehumanizing image of "facetime." It's good enough, because they got their "message" across — not noticing that their request for

campaign promises; the only difference is that McMahon spends far more money on advertising and consequently has a far better chance of winning.

But there is something weird about McMahon: she made her millions by running World Wrestling Entertainment, the company that produces fake wrestling matches featuring spandex-clad bodybuilders with names like “the Rock” and “the Undertaker” jumping on top of each other and slamming chairs into each other’s heads. It is almost too perfect an irony to think that the most genuine candidate is the one whose career was built around staging phony fights.

Republicans should present themselves as the party of change in the 2010 elections, and it would be a change to have a senator with a background as unorthodox as anything one could imagine. McMahon has no political experience, and she probably won’t beat Blumenthal, but she does have what amounts to theatrical experience, and politics is theater.

— Russell Hasan

Ivory tower teetering — The bubble isn’t quite ready to burst, but it’s getting perilously big. I’m referring to the college-loan bubble, which is, to quote The New York Times, an “eerie echo” of the housing crisis.

We are seeing the price of a college education rise to stratospheric heights (some schools are charging \$55,000 a year), at

a time when many people are starting to question whether a college education can possibly be worth all that. Fueling this reconsideration are college graduates’ difficulties getting jobs and the rising debt load they face once they graduate (on average, around \$20,000 per student).

My Pope Center colleague George Leef and a few others have been warning for years that college education has been oversold. This notion still shocks some, but it has gathered steam since 2008 when Charles Murray published his book “Real Education.” The iconoclastic author of “The Bell Curve” and “Losing Ground” suggested that only 10 to 15% of all people are capable of the intellectual endeavor required by a proper college education. He recommended that everyone else eschew four-year degrees and develop certifiable skills.

Not a happy message, but Murray’s challenge to the conventional wisdom kicked off a wider reexamination of whether everyone should aim for college. After all, only about 56% of the students who start college actually end up with a degree after six years. The topic has been picked up by the Chronicle of Higher Education, The New York Times, and even a Public Broadcasting Service-National Press Club debate (in which George was an invited participant) on whether more American students must go to college to keep the nation competitive.

“facetime” will be eclipsed, for all recipients who have ever read a good book, by the realization that the writer or speaker has *not* read any such book.

It’s really a question of whom you want to address. If you address an audience of purists, you’ll be able to communicate with everyone else as well. If you address an audience of *everyone else*, the purists will get the message you intend — and they’ll also receive the message of your disregard for the words you’re using.

So far, though, I’ve been choosing easy examples. So far, that is to say, I’ve been intellectually dishonest.

A comparison: one can’t establish the virtues of libertarianism by contrasting it with the philosophy of the concentration camp. One establishes them by contrasting it with things that aren’t so far away. One shows that although modern liberals agree with libertarians on the importance of freedom of speech and freedom of the internet, they miss the importance of a free economic life. One shows that although modern conservatives agree with libertarians about the value of capitalism, they don’t agree with libertarians about the individual’s right to decide what he does with his body. In Virgil’s “Aeneid,” Dido’s Carthage is contrasted with Aeneas’ Rome, not because they are so violently different, but because they appear to be so similar. That’s where the intellectual quality of the argument comes in. Anyone can see that aardvarks and zebras aren’t the same — but literate people and pseudoliterate people? Ah, that’s different.

So let’s look at a set of words that seem to make sense, but don’t.

Here’s the headline on a sad news item from Time magazine’s online service, dated April 10: “Poland Mourns a Plane Crash That Decimates Its Government.” Well, what’s the matter with that?

One thing is the word *decimates*, which now crops up almost everywhere as a default term for “does something bad to.” Originally, “decimation” meant selecting one-tenth of a troop of soldiers who deserved punishment (usually for rebellion or losing

a battle), and killing them, so as to inspire the others. Surely this is a resonant image. Picture a Roman army; picture one-tenth of them being chosen by lot. These men are clubbed to death by the others. That is decimation. But that is not what happened in the Polish air crash.

I recognize the objection: no intelligent person would argue that the original meaning of every word ought to be restored. But sometimes the original meaning is distinctive and resonant enough to merit reverent identification and preservation. “Decimate” meets that criterion. It’s a vivid, dramatic word. But fairly late in the history of the English language, “decimate” developed a broader and weaker meaning. It came to mean “destroy some significant portion of something.” The something didn’t have to be one-tenth, or anywhere near it: “Napoleon decimated the armies of the Papal States.”

That was a loss of distinctiveness. But today, “decimates” means almost anything, so long as it’s bad. Consider the Polish air crash. What happened was that the plane went down, killing everyone on board, including the president of the republic. The plane hit the ground and dissolved in a million fragments. It was a scene of complete and senseless destruction, not of partial, selective, purposeful execution. The two may seem similar, when you describe them from a sufficient distance; but they are different.

Why didn’t Time’s writers choose a different word from “decimates”? Why not “destroys,” “devastates,” “slays”? You know the answer. None of the writers knew what “decimates” means or suggests. Perhaps you’re thinking that only a purist would notice this; but if that’s true, then only a purist understands the range of literary effects that the English language affords. Shouldn’t all writers be purists?

But purists aren’t concerned just with distinctions among words; they are also concerned with whether words are successful at communicating the author’s meanings. Success can generally be measured in terms of *truth* and *ease*. Truth: do the words convey

The most recent manifestation of concern was an article, printed May 29, by Ron Lieber, the “Your Money” columnist for The New York Times. He delved into the history of a New York University graduate who is trying to pay off \$97,000 in loans with a job (in San Francisco) as a photographer’s assistant.

Nearly everybody involved in Cortney Munna’s debt problem, including NYU and CitiBank, received blame from Lieber — except, sadly, the federal government, which subsidizes many college loans. (Munna’s initial loans were subsidized, but she went on to get entirely private loans as well.) Government subsidies create artificial demand for college, which pushes up colleges’ costs; they make students think that college is cheaper than it is — and even free, since they don’t have to pay a cent as long as they are going to school. But all this costs taxpayers (and everyone who pays students’ tuition bills) a lot.

The Times story, posted online Friday afternoon, had attracted 525 comments by Monday morning. At least in the sample I read, the commenters primarily criticized the student and her mother. They faulted the Munnas for thinking that getting an NYU degree with a major like religious and women’s studies justified a \$100,000 debt. But a bigger message came across: college costs too much, and some people might be better off either not going or going to a cheaper school.

Back to the “housing bubble” comparison. The analogy is not precise, since a college education, unlike a house, is not collateral. It is also difficult to appraise. Nor can a college loan be discharged through bankruptcy, in the way a home mortgage can be. But when the perceived value of a product (a house or a college education) is lower than what it cost, demand for similar products is going to fall, and the prices that can be charged for them will go down.

The ramifications of a burst bubble could be huge, especially for colleges and universities. For decades, most higher education institutions have been able to pass along increased

bills for tuition and fees, allowing their costs to rise. And their governance structure makes cost-cutting nearly impossible under normal circumstances. But the period of “normality” may be approaching its end. To the benefit of students, but not of college faculties or administrators, George Leef and his allies in this debate are being taken more seriously than ever.

— Jane S. Shaw

Obey or else — Here’s what is known for sure: during a routine stop at the Blue Water Bridge, waiting to cross into the U.S., American border patrol agents detained Canadian science fiction writer Peter Watts after he stepped out of his car. From that point, accounts vary more than a bit.

The patrol claimed that Watts was combative and threatening, and that once he had been (they claim) lawfully placed under arrest, he resisted to the point of choking one of the guards who was attempting to subdue him. Watts unsurprisingly tells a different tale: he stepped out of his car to ask why he was being held up. When told to get back into his car, Watts by his own admission did not comply immediately — at which point he was beaten, maced, armlocked, and ground face-first into the concrete.

In the end, Watts was charged not with assault but with felony “resistance” — an extraordinarily broad charge that includes everything from full-on physical battering to “failure to comply with a lawful order.” In court, the presiding officer against testified that Watts attempted to choke him; fortunately, Watts had a passenger with him who was able to dispute that charge — doubly fortunate, since the video of the incident was, as with so many documentations of such incidents, mysteriously lost somewhere on the way to the courtroom. That left only the charge of “obstruction,” of which Watts was by his own testimony guilty.

Jury nullification was made for exactly such cases as this, but statements from the jurors indicated they were loath to apply it. One noted that Watts “was not violent, he was not intimidating, he was not stopping them from searching his car. He did, however, refuse to follow the commands by his non-

the intended meanings and suggestions? Ease: does the reader have to stop and wonder about some obstacle that could be removed, without impoverishing the author’s meanings?

“Ease” isn’t dumbing complexities down; it’s expressing them as easily as they *can be expressed*. For example: the purist doesn’t worry about the fact that “medium” has two plural forms in English; indeed, the purist insists that “media” be used for newspapers and broadcasting and other means of communicating with the public, but that “mediums” be used for people whose profession is the alleged communication with spirits. Why? Because if I said, “Sir Arthur Conan Doyle consorted with spirit media,” readers would stop and wonder whether they were sure of what I meant; and the same would happen if I wrote, “Charles Foster Kane owned many American mediums.”

But our headline from Time asserts that “Poland Mourns a Plane Crash.” Is that literally and plainly true, or did you have to translate its words into something that made sense? Is it true that Poles attended the funeral of (“mourned”) a plane crash, or that they mourned *the victims* of the crash? The latter, of course — but you had to translate the headline into that meaning, or the words would have made no sense.

A minor problem? Yes, but it’s typical of the root problem to which only purism provides a solution. The purist asks, of everything one writes, “Can you visualize this? Can you see what is meant, without having to translate the words you see into some other terms?”

Further examples of the problem appear in the same regrettably typical news story. “Poland,” it says, “launched a week of national mourning.” “Launched”? Really? You launch a ship; you don’t launch a week. Well, you say, that’s just a dead metaphor: don’t worry about trying to visualize it. But it’s not so dead as to have lost all connotations, or else it wouldn’t have been chosen as a *colorful* word for a news report. And “launch” connotes constructive beginnings, not horrifying ends. It’s the wrong image. Again, to get the intended meaning, you have to translate it.

Read on. Referring to a Polish and a Russian leader, the Time report says, “Tusk and Putin showed solidarity in the face of the tragedy by holding a joint press conference at the place of the catastrophe.” I’ll lodge a small objection to the unfortunate rhyme: “solidarity . . . tragedy . . . catastrophe.” *Obviously*, no one tried to read this aloud. But the big thing is the equation of “tragedy” with “catastrophe.” The words are as similar, and as different, as

compliance." We've reached a point where, as Cory Doctorow noted, "if you don't comply fast enough with a customs officer, he can beat you, gas you, jail you, and then imprison you for two years." That was the sentence Watts could have gotten, though in the end he was let off with a fine — that's right, he had to pay for the privilege of being beaten by U.S. officers, and had to act grateful they weren't going to lock him up at the end of it.

And the financial cost doesn't end there — as a science-fiction writer, a significant portion of his income came from book signings and convention appearances, but as a convicted felon, the American market is now closed off to him. Nor can he visit his sick brother in New York. If there is any remedy, it will come from a civil lawsuit against the Border Patrol agents who, again in the words of one juror, "escalated the situation with sarcasm and miscommunication . . . in my opinion, they committed offenses against Mr. Watts." Until then, he can only brood on the cost of asking "Why?" to power.

— Andrew Ferguson

Base maneuvers — In the face of multiple demonstrations drawing thousands of protesters on Okinawa and nearby Tokunoshima, the Obama administration has demanded that the 2006 Futenma accord remain not only unaltered but also expanded, to allow for new facilities on Okinawa.

The accord states, among other things, that the United States will transfer 8,000 marines to Guam by the end of 2014. But newly elected Japanese Prime Minister Yukio Hatoyama, whose party has been out of power for decades, repeatedly pledged to have the U.S. base facilities transferred out of Okinawa if not out of Japan entirely. He first vowed to take care of this issue by the end of 2009. When that didn't happen, he set a new deadline: May 31, 2010. When it became clear that Hatoyama could not meet this deadline and have his way, he flew to Okinawa, where locals held signs that read "Anger," and he announced that the Futenma base would change locations but would remain on the island.

Bowing to U.S. pressure, Hatoyama, who was once pur-

ported to have staked his life on moving the base off the island, recently claimed that his views have changed. He said that gradually he came to appreciate the U.S. Marines for deterring military conflicts in the region.

If the United States withdrew all of its marines from Okinawa, the political dynamics of the region would not change. China would still dispatch submarines and other warships into waters near Okinawa, as China has done despite the U.S. military presence. North Korea would continue to lob missiles over Japan and into the Pacific Ocean, as North Korea has done despite the U.S. military presence. The U.S. military doesn't deter so much as provoke warfare in Asia.

Now is not the time to provoke China, the sleeping giant, or to give it a reason to ally with its restless neighbor, North Korea. Yet the U.S. presence in Okinawa has made both China and North Korea more than a little suspicious about U.S. intentions.

Japan can fend for itself, despite Article 9 of the Japanese constitution — which forbids the threat or use of Japanese military force — if only because Japan's self-defense forces *could* one day become a true military. Some "conservatives" in the Liberal Democratic Party have pushed for amending Article 9 and for creating a conventional army, and this could happen. The threat of Japanese retaliation is enough to deter regional conflict. Rumors have it that Japan could go nuclear in less than 40 days. True or not, these rumors make other Asian countries hesitant to meddle with the country that has the second strongest economy in the world.

Hatoyama wants (or recently used to want) Japan to fend for itself. Okinawans want the U.S. base off their island. Tokunoshimans don't want the U.S. base transferred to their island. It seems that no place, save for Tinian, a small island that's part of the Northern Mariana Islands, a U.S. territory, wants to host the U.S. troops currently stationed in Okinawa. So why isn't Tinian the top option for the Obama administration? And why not accelerate the process of troop withdrawal to Guam? Why would Obama insist on maintaining troop

Dido and Aeneas. Here they are an instance of what "Fowler's Modern English Usage" sarcastically names "elegant variation" — the substitution of one word for another, just to prevent a verbal repetition.

Repetition of words is sometimes necessary. It isn't here. Something bad happened to the government of Poland; that we know. But must we go on saying it — "tragedy . . . catastrophe"? And if we're embarrassed about repeating our concepts, must we try to cover ourselves by varying our words? Here's where pomposity takes precedence over ease of reading. The reader is supposed to see that "tragedy" and "catastrophe" are the same. But intelligent readers know they are not the same. They know that a lot of catastrophes aren't tragedies, and a lot of tragedies aren't catastrophes. A loss of 100 seats in Congress would be a catastrophe for the party that lost them, but it might not be a tragedy. It might be a comedy. On the other hand, the death of someone's spouse might be a tragedy, but it wouldn't be a catastrophe, at least for anyone else.

When you shuffle words about, like marbles on a Chinese checker board, pretending they're the same, you make your reader pause and perform a kind of verbal algebra: "Ah, I see. 'Tragedy' and 'catastrophe' are ordinarily different, but here they must

refer, symbolically, to the same thing." Why not write, simply and clearly, "Tusk and Putin showed solidarity by holding a joint press conference at the place where the plane went down"?

Ah, but when did it go down? And what does "going down" really mean? These are problems introduced, quite by accident, in the unfortunate Time account: "When descending, the plane clipped the tree line and broke in two, resulting in the deadly crash that has sent Poland into mourning."

When I read that I thought, Yes, thank you for wasting my time once more. The report laboriously assured me that it wasn't starting to discuss some crash other than *the deadly crash that has sent Poland into mourning* — but what's the good of that information? I never thought it was some other crash. Now: *when* did the plane "crash"? According to Time, the plane "broke in two," and then it "crash[ed]." Very interesting. It gives me hope that, the next time I'm on an airplane that breaks in two, there may not be a "deadly crash," because the crash and the breaking in two will be two distinct and separable things.

All nonsense, of course. The Time report is literal nonsense: read literally, it makes no sense. But that's the weird thing about purists: we actually object to using words without making sense.

presence in Okinawa despite the option to relocate to a nearby island on U.S. soil, an island whose legislators have gone so far as to lobby to host the troops? Disturbing explanations come to mind — anything from U.S. preparations against North Korea, which recently sank a South Korean submarine, to good-old-fashioned hegemony.

Hatoyama and his party will soon lose power in Japan, in large part because of the Futenma base dispute. Obama has more or less guaranteed Hatoyama's political demise. Let's hope that Obama won't force too many foreign leaders out of office. That might taint his saintly image. — Allen Mendenhall

Cultural capital — A recent piece in the New York Post (May 23) observes that there is no recession for New York City's culture mavens. The article reports that cultural attractions such as museums have been hit hard by the recession. Donations and endowments have dropped, resulting in revenues shrinking by up to 50%. So these organizations — 33 zoos, museums, and music halls — have had to slash jobs and programs. But all the while the executives kept getting ever more lavish pay and benefits.

For example, in 2008 the Metropolitan Museum of Art saw its revenues drop by 40% and had to lay off nearly 400 workers, but it still paid its chief investment officer \$1.2 million in annual compensation, including a \$350,000 bonus. It refuses to disclose what it is paying its new director.

Carnegie Hall, likewise, had to cut its schedule as revenue dropped \$6 million, but it still paid its executive director nearly \$1 million a year (including such benefits as a membership in a tony dining club). And the Lincoln Center, which cut its staff by 9% as it saw its investment income disappear, still paid its president \$1.18 million a year in total compensation (including reimbursement of some of his companions' travel expenses).

Nice to know that some people are doing swell in tough economic times! — Gary Jason

Bottom feeders — In the weeks leading up to passage of the statist self-aggrandizement imprecisely called "financial reform," the Obama Administration's Big Labor masters concocted an anachronistic public relations campaign called "The Showdown on Wall Street."

This Showdown consisted of hundreds of mumbling half-wits, bused in from the outer boroughs, shuffling through six blocks of office building lobbies in lower Manhattan. Pushing them along was a brain trust of Big Labor bosses and radical poseurs. As one press release boasted:

The Showdown on Wall Street is co-sponsored by the AFL-CIO and National People's Action and includes the following New York City Community Organizations: Brooklyn Congregations United from the PICO National Network, Community Voices Heard, Families United for Racial and Economic Equality, The Good Old Lower East Side, People United for Sustainable Housing, Make the Road New York, NYCAHN/VOCAL, The Northwest Bronx Community and Clergy Coalition, Syracuse United Neighbors and endorsed by The Neighborhood Economic Development Advocacy Project.

You're no doubt familiar with the AFL-CIO, which is managing to squeeze a few last dollars from dying industries across the land. According to Richard Trumka, who currently

presides over this group: "America is about more than making easy money and looking out for number one. Our lives and our livelihoods are all bound together. And we are all paying the price for those who knew no limits on their greed." By implication, Trumka is a better man because he knows the limits on his.

Evidently, some things never change: The top of each Ivy League class goes to work for Goldman Sachs; the middle heads to grad school; the bottom writes speeches for labor bosses.

You may not be familiar with the cosponsoring organization, National People's Action. Here's some unreconstructed agitprop from its web site:

National People's Action (NPA) is a Network of community power organizations from across the country that work to advance a national economic and racial justice agenda. . . . All people, regardless of race, class, gender, and national origin must be ensured a high quality of life.

NPA was started in the early 1970s by Gale Cincotta and Shel Trapp. They are generally credited with writing the first draft of the Community Reinvestment Act (CRA). So, there's some irony in the group's recent kvetching. The housing bubble that crashed in 2007–8 was an unintended (I imagine) consequence of the "economic justice" that Cincotta and Trapp sought in the CRA.

Of course, irony is lost on most of the "community organizers" and other dolts drawn to the economic and social justice industries. That may be a feature rather than a bug, though. It's easier to control the narrative when you attract the dumbest, most gullible people.

— Jim Walsh

Doomed to repeat — I have taken many graduate political science classes during my years in academia. In almost every one, at one point or another, the professor posed a certain question. I doubt this question is unique to political science graduate seminars. I expect that it is asked in many other social science and humanities classes. The question is: does society learn?

When I first heard the question as a young graduate student, I found both it and the debate that followed it very interesting. The professors' intent was to get us to think about whether society evolves, whether it learns from knowledge of mistakes, or of history. But after hearing the question in class after class, it grew tiresome — especially since there was never a definitive answer.

Lately, the more news I read about the Obama administration, Congress, and government bureaucracy at all levels, the more this tiresome question comes to mind. Like other libertarians, I find it troubling. The idea of society learning, rather than individuals, is fundamentally problematic. Initially, I thought the appropriate question should be, "Do people learn?" But the more I've been thinking about it, the more I believe the question is, "Does society learn?" and that the answer is no.

The key is "society." Individuals have the potential to learn — from history, from good and bad experiences, from mistakes. But society cannot learn. Groups cannot learn. Groups always repeat the same mistakes and atrocities in attempting to manifest well-intentioned ideas that are "fair to everyone" or "good for mankind."

From its inception, America's free society has been based on individual rights. Yet the present administration, Congress, and bureaucracy seem intent on changing a society based on individual rights to one based on human or group rights. Their efforts at universal healthcare, cap and trade, and wealth redistribution all elevate group rights over individual ones. When individual rights are valued and protected, individuals can exercise their capacity to learn, and are likely to avoid past mistakes and atrocities. When rights are no longer considered individual but human or collective, then "society" or "the community" becomes an entity in and of itself, of greater importance than its individual members. In such a condition it is left to society to learn. And individuals inevitably suffer because society never does.

— Marlain White

Mortality tables — On May 23, I rejoiced to find that the Associated Press actually recognized that there might be some slight problem with the welfare state. It published a dispatch called "Fiscal Crises Threaten Europe's Generous Benefits." Of course, the item invoked the obligatory Keynesian bogeyman about what happens when there's an attempt to balance government budgets: "The move is risky: experts warn the cuts could undermine the growth needed to pull budgets back on a sustainable path." (Assignment: try to picture a "path" that's "sustainable.")

But what really got my attention was a couple of paragraphs about Spain, where the socialist government "has frozen increases in pensions meant to compensate for inflation for at least two years." Of course, one might ask why there should be inflation at a time when the European economy is in recession, but never mind. There followed a quotation from one Federico Carbonero, described as a retired soldier, on pension. Sr. Carbonero said, "They've hit us really hard." He also "said he was unlikely to live long enough to see the worst of the pension freeze, but had no doubts he would have to start relying on savings to maintain his lifestyle."

Now, guess how old Carbonero is. God bless him, he has arrived at his 93rd year. At that age, don't you think he should be willing to start dipping into his savings? — Stephen Cox

Business as usual — A spate of stories has begun to bring to light a scandal, one that could threaten the Obama presidency in a very direct way.

Rep. Joe Sestak (D-PA) announced some time back that he would run against Arlen Specter (D-PA) in this year's senatorial primary. Obama had endorsed Specter (who had left the Republican Party to support Obama's agenda). Sestak reported during the campaign that someone from the White House offered him a high-ranking job if he would not challenge Specter in the primary. He said this at a time when he was opposing Specter and hence the president. This statement has come back to haunt them both, now that they are buddies, because Sestak defeated Specter and is now the Democratic candidate for a crucial Senate seat.

For weeks, both the White House and Sestak refused to comment on the alleged job offer. Sestak couldn't deny his earlier assertion without showing himself an arrant liar, but besides repeatedly reaffirming the story, he refused to elaborate — what the job was, and who exactly conveyed the offer. But the story grew to the point where the White House finally decided to address the issue — sort of.

In a last minute effort to squelch the issue, White House Counsel Robert Bauer released a brief memo on the Friday evening before the Memorial Day weekend. The memo acknowledged that in June and July of last year, the White House Chief of Staff got former President Bill Clinton to approach Sestak to offer a slot on a presidential or other senior executive branch advisory board, which would allow him to stay in the House of Representatives and not challenge Specter. Sestak's brother was called to the White House the day before to be informed about the memo's release, and perhaps to convey to Sestak the "official story."

Even as it stands, the whole thing stinks. Let's assume this story is truly what happened. Then Sestak looks like a conceited ass, exaggerating a discussion into an "offer," an unpaid advisory board position into a "high-ranking" job, and a spouse of a member of the administration into "the White House." And it confirms that Obama was trying to get someone to drop out of a race, which the president's supporters (such as the leftist ezine Slate.com) argue is a common albeit tawdry practice. But this, remember, is St. Obama, the man who promised us an end to old-time politics and the culture of corruption, and to usher in the new era of "transparency."

Yet if the story is true, why release it the day before a major holiday? Seems like an attempt to divert the public's attention.

And the story is incredible as stated. Why would anybody think that a politician would forego a Senate seat for an unpaid position on an advisory panel? If, on the other hand, Sestak's original story was right, then there would likely have been a crime committed. A political official cannot offer a government job to someone in exchange for something of value (which would include getting your preferred candidate a free shot for an office). And there would have been an attempted coverup.

Whether the public will force a proper investigation of this incident remains to be seen. Only by letting an investigator with the power to put people under oath and depose them in detail about all the relevant incidents will the truth emerge. Well, except from Clinton: he has already proven that he has no problem lying under oath. Indeed, perhaps that is why he got the assignment to begin with.

— Gary Jason

Peddling bullshit — Floyd Landis, the disgraced former Tour de France champion, made San Diego and nearby Temecula his home and training base for years. I live and ride in San Diego and have several oblique connections to Floyd. I rode with him a couple of times on three- to five-hour training rides. I trained with his coach and advisor, Dr. Arnie Baker. I heard the local stories about Floyd's early days in San Diego. And finally, I met his father-in-law by chance on the eve of the Landis tragedy that has been unfolding for years now and isn't over yet.

People usually saw young Landis as goofy and awkward. He sought his revenge on a bicycle. He started as a mountain biker. When he became a roadie, he was unknown even locally. One of the stories that circulates about Floyd has to do with a road race early in his career. He went to the line with no team and pitiful gear, including argyle socks instead of cycling socks. This provoked open ridicule from his fellow competitors. They, of course, wore snazzy, matching team

kit and rode the latest bikes. The story goes that Landis said, "Hey, you assholes, see this big chainring? I'm gonna put it in that big gear and ride away from you at the gun and you will never see me again until the finish line. Y'all are racing for second place." And it was true.

The ingredients were anger, talent, and almost bizarre determination. Whenever Floyd performed some unbelievable feat, the local club riders would just say, "It's impossible, but that's Floyd." He had a multi-year plan to win the Tour de France, and it worked.

A couple of days before Floyd won the Tour, purely by chance I was riding past a restaurant in my neighborhood when I saw a big poster of Floyd in the window. I stopped to look. A man came out of the restaurant to greet me. He was the owner. I asked him if he was interested in cycling. He said, "You bet; I'm a cyclist myself and Floyd Landis is my son-in-law. He used to be my roommate."

When Floyd won the Tour, his father-in-law got on a plane, flew to Paris, and celebrated the victory with his daughter and Landis, her husband. Now Floyd would make real money, build a great team, emerge from Lance Armstrong's shadow, and enjoy the respect of cyclists and fans everywhere. It was the apex of Floyd's life and career.

Almost immediately the story came out that Floyd failed a drug test and might lose his title. About two weeks later, his father-in-law went to a parking garage a few blocks from my house and shot himself.

A little more than a year later Floyd and his wife parted.

After two years of litigation over the doping accusations, Floyd was in serious financial trouble. He lost his house. He lost his appeal, which had been partly funded by friends and fans and partly made with the help of volunteers. All the while he maintained his innocence and raged against the injustice. He wrote a book about it called "Positively False: The Real Story of How I Won the Tour de France."

Earlier this year, a French judge issued an arrest warrant for both Floyd and his adviser, Dr. Baker. He wants to question them about the hacking of the computers of the French antidoping lab that produced the positive doping results.

Then, in late May, Floyd publicly admitted that he had been doping all along and accused numerous star athletes, including Lance Armstrong, of doing the same.

I suppose that Landis has now run out of friends and support and money. He rides for a third-rate team. He is likely to face lawsuits for his accusations. His whole career has wound up to an almost perfect disaster, but I don't think it's over yet.

— Michael Christian

A bigger piece of the pie — A Reuters article claims that the Canadian Health Care system, once the pride of Western socialism, is facing financial collapse. Measures are being considered to contain the costs, which threaten to eat up 70% of provincial budgets over the next 12 years.

An interesting cost-saving measure was proposed by Mary Webb, senior economist at Scotia Capital. According to a news article, she said that "patients could be made 'aware of how much it costs each time they visit a healthcare professional. [The public] will use the services more wisely if they know how much it's costing.'"

The way we used to "make them aware" was by asking

them to actually pay the bill. This is essentially an admission of the power of market forces. But in typical nice Canadian fashion, they're not going to be asked to pay anything; they'll just be told how much their doctor's appointment is costing the government, so they'll feel really guilty about it.

I'm not convinced the idea would work. It's been my experience that when you get something for free, you're proud of how much it really would have cost. It's the same psychology that has grocery stores telling you how much money you saved at the bottom of the receipt. Informing patients isn't going to control costs; it's just going to start a war for bragging rights.

— Tim Slagle

Not his problem — Hearing the president and his friends rant against British Petroleum because of the oil leak in the Gulf of Mexico reminds me of the justifiably forgotten film, "The China Syndrome" (1979).

I saw it again on television a few months ago, and it was as bad as I remembered it. I'm not concerned with the production values or the acting. It does star the ineffable Jane Fonda, although this isn't one of her many *worst* roles. You can't pay much attention to the acting, however, when the basic concept is so funny.

"China Syndrome" is about a nuclear power plant that is continuously on the brink of blowing up and, perhaps, burning through the earth till it gets to China. Its owners understand the danger and do everything in their power not to do anything about it. They don't want to spend the money to fix the defective systems. Apparently, they'd rather have the plant explode.

That's not what the movie says. It merely indicates that the owners know the danger and vigorously try to cover it up — which amounts to saying that they would rather have their plant explode than do anything to fix it.

Does this concept make any sense? The answer is no, it doesn't. "The China Syndrome" is a movie in which the villain keeps tying himself to the railroad tracks.

I'll admit that the concept is venerable. It's been with us for quite some time. A century ago, socialists and "progressives" loved to discuss capitalists' "mad rush to their own destruction." H.L. Mencken satirized the idea — but, in a signal refutation of the concept that the pen is mightier than the sword, FDR embraced it, declaring that he would, by force of law, save capitalism from the capitalists.

And now we have Obama, acting as if the BP executives didn't care whether they ruined their own company (along with "the ecology," which can mean something or anything). "I say, old chap, you know, don't you, that your oil rig is about to blow up and poison all the fishes in the sea?" "Certainly, Sir Harley. Good show, what?"

The truth is that people in business care whether they lose a fortune or not. The truth is also that people in government often do not care whether people *in the private sector* lose a fortune, especially if the aforesaid politicians can step in and pretend to save them from themselves.

Alan Greenspan and Barney Frank — the latter of whom I once saw waddling across the waiting room at National Airport, a fat, sloppy man clutching a tall ice cream cone, and gazing at the thing as if it were the miraculous oracle — became heroes to their political constituents when they

engineered the interest rates and mortgage procedures that broke the national bank. They weren't intending to do that, and if they had been, they wouldn't have been intending to ruin any enterprise of their own. If you read what they've written and look at their interviews and public statements, you'll see that they're still very pleased with themselves. Their self-esteem is fully intact, and that's what's most important to them. They didn't try to destroy their own business.

But President Obama comes along, alleging that BP and the banks and Wall Street and the big corporations — all of them — want to enrich themselves, by what? By fatally damaging themselves.

People may make mistakes and thereby damage a large enterprise. Even Obama may do that! But the special thing about Obama, and Frank, and Greenspan, and all the other meddlers is that if they ruin the business, they've only ruined *other people's*.
— Stephen Cox

Executor of the estate — The estate tax is unfair and counterproductive in several ways. Here I focus on only one of them.

The Bush tax-cut laws made the estate tax less predatory year by year until it finally vanished in 2010. In 2011, however, it automatically returns in full viciousness, with a tax-exempt ceiling of only \$1 million and rates ranging up to 55%. It returns that way unless Congress changes the law. But will it? That uncertainty complicates personal planning, and in a macabre way.

My own case illustrates the issue. I am 85 years old, have the health problems and life expectancy one might expect, am unmarried, have adequate annuity income, and have a net worth of around \$3.5 to \$4 million. My will divides my estate among about a dozen people. Whether Congress rectifies the estate tax obviously affects whether my living beyond tax-free 2010 is worthwhile for me and my heirs.

A polite answer from heirs in such a case is that having me alive for a few more months or years is worth more than the additional \$50,000 (say) that each would receive (\$600,000 in total) if I died before 2011. In line with the economic principle of marginalism, the issue is not an all-or-nothing choice between longer life and more money left for the heirs; the issue is how much of the one is worth sacrificing for how much of the other. Suppose the extra life is 12 hours (I don't assume any still shorter period, to bypass any question about whether death occurred on December 31 or January 1). Is 12 more hours of life worth the lost \$50,000 per heir? Almost surely not, says my strong intuition. What, then, about the tradeoff between the \$50,000 per heir and an additional week or six months or even three years of life (especially if I would not enjoy those additional years)?

Here another economic principle comes into play: people's response to incentives. The incentive to shorten life for financial advantage may be very weak in most cases, but its direction can hardly be doubted.

With these issues in mind, I wrote my congressman and senators asking each for his best estimate of the likelihood that Congress would remedy the tax situation before the end of 2010. All three responded thoughtfully, with more than mere boilerplate. They expressed sympathy with my concern, but none ventured an actual estimate of the likelihood. I got

the impression that I should indeed prepare for the return of the estate tax.

The uncertainty remains. If the law is not rectified, it will be ghoulishly interesting to see whether unusually many suicides and murders disguised as accidents and sudden illnesses occur toward the end of 2010. (And there are ways of hastening one's own death short of actual suicide.) Of course, statistics on deaths so classified are not available, but econometricians might be able to make inferences from figures of deaths classified by age, apparent cause, calendar date, wealth, bequests of the decedent, and so forth. Similarly, it might be possible to make inferences about people near death toward the end of 2009 who heroically held on until January 2010 (when, by current law, the estate tax vanished, for this one year). These questions might form a dissertation topic for a Ph.D. candidate.
— Leland B. Yeager

Legislative illiterates — I'm still tickled by Eric Holder's admission that he hadn't read Arizona's anti-illegal-immigrant law before he furiously denounced it. Since the law is only 16 pages long, I would expect even a busy Attorney General to find time to read it. I wonder whether he treats other documents in the same way.

I mean, when Holder buys a house, does he just sign the deed without reading it, trusting implicitly in whatever the seller told him? How about the mortgage documents?

I know he didn't have to read his oath of office; it was recited to him. But does he customarily read his legal briefs, or does he just get somebody else to write them, put them in an envelope, and send them to the courts? How about the briefs of his opponents? Does he read them, either? Maybe he just goes into court and talks about them. Do the judges notice, or have they, too, fallen out of the custom of reading?

A friend of mine once worked in a university office in which she acted as secretary to a large number of committees. In many cases, the chairmen of these committees couldn't be bothered to handle their own business. There were many days, therefore, when my friend could be found writing a report from Committee A to Committee B, then a critical response from Committee B, then an outraged rebuttal from Committee A. This was a good thing, because at all points there was an intelligent person carefully reading the correspondence. The Holder affair is different. It suggests that while people are writing and speaking, nobody may be actually reading.

I can picture how things would have gone in the past, if Holder's type of illiteracy had prevailed. We would find media reports like these:

"Moses, leader of the Israelites, admitted today that he had never, in fact, read any of the laws associated with his name. 'I've never really had the time to sit down and read these, what do you call them, these Twelve Commandments,' he told a tribal investigative committee. 'But I doubt that they contain any alleged prohibition on adultery.'"

"This Wednesday, Socrates was reported to be walking the streets of Athens, unaware of his sentence of death. When asked whether he had received an order to commit suicide, he asked, 'Suicide? No, I don't think I've seen anything about suicide. But we all have so much to read these days, I guess I just didn't get around to studying the document in question.'"

"Interviewed at his home in Alexandria, St. Mark

commented on the much disputed conclusion of his gospel. Feisty, though in frail health, the aged saint refused to speculate on whether the gospel concludes with the Long Ending or the Short Ending, or just stops with chapter 16, verse 8. 'Personally, I prefer the Long Ending — if that's the one with the snakes. It is the one with the snakes, isn't it? Always liked snakes. Of course, I'm not the right one to ask — haven't read the thing in years. I hear that St. Luke did a much better job.' "

"Subjected to hostile criticism at a town meeting in a suburb of Boston, John Hancock denied any knowledge of the contents of the so-called Declaration of Independence. Reminded that he had signed the document, Hancock replied, 'Yes, I signed it, but that business about "sacred honor" is a new one on me.' "

"The administration is in crisis today over the discovery that when President Lincoln signed the proclamation freeing slaves in the seceded states, he actually thought he was freeing slaves in his home state of Illinois. 'Perhaps I was misinformed,' the president commented. 'Nevertheless, we must all agree that freedom is what makes this country great.' Informed that there were no slaves in Illinois, the president was heard to answer, 'No? Maybe not. In my job, you don't get to read every newspaper that comes out.' "

"One week after the inauguration, the meaning of a passage in President Kennedy's address remains obscure. The passage at issue reads, 'Ask not what your country can do for you; ask what you can do for your country.' With people throughout the nation writing to ask what the mysterious passage implies, a high-ranking White House spokesman said, 'The president doesn't always have the opportunity to read through his speeches before he delivers them, but he suspects that the line was inserted as a witticism during one of many all-night drafting sessions, and his writers neglected to remove it from the final copy.' "

"Erik E. Eriksen, grand old man of the Norwegian Nobel Committee, granted a frank interview on Thursday in which he revealed the thinking behind his committee's decision to award the 2007 Nobel Peace Prize to Albert Arnold Gore, Jr. The revelation was prompted by a question about Eriksen's assessment of Gore's writings and public addresses. Speaking in clear though heavily accented English, Eriksen replied, 'My assessment? I do not have an assessment of these . . . of these . . . how do you call them? "Writings." I have not read them. None of us has read them. They are probably just the same kind of nonsense you see in that film he made. We did not award the prize for any possible accomplishments of Mr. Gore. We awarded it because we dislike the United States.' "

All strictly fanciful. Equally fanciful is the idea that a frank interview with a Supreme Court justice will ever be conducted — an interview frank enough to elicit the obvious truth.

"Interviewer: Justice X, many compliments have been paid to the literary style of the Constitution. I am sure you must have spent many hours admiring its combination of simplicity and scope. May we have your comments on that aspect of your work?

"Justice X (chuckles): Why yes, I'm sure you must be right. I've never read it all the way through.

"Interviewer: Pardon me?

"Justice X: Well, I don't know whether I ever read it. Parts,

of course. At least I think I have. They're mentioned in court.

"Interviewer: But you don't study it? You don't quote it in your opinions?

"Justice X: Not very much. Anyway, the clerks do that. What I do is interpret it. What? Didn't you know that?"

It's too bad, isn't it, that Holder's honesty about his reading habits will probably keep him from ever being appointed a Supreme Court justice. He'd feel so much at home with the other illiterates.

— Stephen Cox

Pick two — The "top two" system of primary elections, which was put to voters in California on June 8, has been in effect for two election cycles in my home state of Washington. All the political parties hate it. I like it.

Washington has never had a system in which a citizen registers as a member of a party. I understand other states do it that way, but I don't see why anyone would want it. Why identify yourself as a member of a party?

From the 1930s through the end of the century, Washington state had a "blanket" primary. A primary election for Congress might have had two or three Democrats, a couple of Republicans, a Libertarian and a Green. Any voter could vote for any one of them. Each party was in a separate contest to choose a nominee: one Democrat, one Republican, and, if they filed, one Libertarian, one Green.

In the blanket primary, voters could cross over. If you thought of yourself as a Republican, and there was only one Republican but two Democrats, you could use your vote to help select the Democratic nominee.

After about 65 years of Washington's having that system, California adopted it. The California political parties sued, saying that the blanket primary violated their freedom of association. They argued that it was not fair to let Republicans help choose the nominee of the Democrats, and vice versa. And they had a point.

They won at the U.S. Supreme Court, which meant that Washington had to choose a new primary. It has ended up with the "top-two" primary.

Under top-two, political parties are private organizations with no special access to the public ballot. Top-two ignores them. It puts on the primary ballot all candidates who file for it and lets them say what party, if any, they identify with. It sends the top two vote-getters on to the November ballot.

Usually, if there are, say, three Democrats, two Republicans, one Libertarian, and one Green, it will send to the November ballot one Democrat and one Republican — but not always. And note that top-two *doesn't choose nominees*. The Libertarians, for example, can get together and nominate a candidate, but if he's not one of the top two in the primary, he's just not on the November ballot. The same goes for all other parties.

The Libertarians hate it, because it has pretty much wiped them off the November ballot in the state of Washington, a state in which ballot access has traditionally been easy. But the Libertarians are on the first ballot, and they can get on the second one if they can figure out a way to make themselves relevant. And that is fine with me. Electoral systems should be judged on how well they choose a winner, not on how well they allow minority viewpoints to showcase themselves.

Here's how it works for me. I live in an 85% Democratic district within the city of Seattle. For years I had a choice be-

tween a Democrat who was sure to be elected and a Republican I'd never heard of. One year the Republican would be some college kid, and the next year some 70-year-old retired engineer with a ham radio in his basement. Then we got the top two — and one of my state representatives, a woman who had held the seat since 1972, retired. Suddenly there was a primary election with *three* candidates: a labor-left Democrat, an entrepreneurial “green” Democrat, and a conservative Republican.

Under the old blanket system, the real contest was in the primary, between the two Democrats. And during that contest, most of the Republicans would be off wasting their votes on the guy with the ham radio. Under the top two, both the candidates on the November ballot were Democrats. That's where the real contest was — but suddenly all the votes of people who would have gone to Republicans or minor-party candidates *counted*. The entrepreneurial Democrat won, though there is no way to know whether he got the votes of the most Democrats. He got the votes of the most voters.

— Bruce Ramsey

Shock tactics — A few months ago, the northern New Jersey suburbs experienced a distinctive episode of teenagers flirting with antisocial behavior. First, a 16-year-old boy hijacked a public address microphone at a Turnersville Wal-Mart and announced, “Attention Wal-Mart customers. All black people, leave the store now.” A few weeks later, a 14-year-old girl did the same thing at a Whole Foods grocery store in tonier Edgewater.

Both teens were detained by law enforcement authorities and charged with a handful of misdemeanors including “bias intimidation.” This didn't prevent other copycats from blurt-ing out similar giggling idiocies in other public places.

As you'd expect, local media muttonheads stroked their chins about racism on the rise. In fact, the behavior seemed more like bad taste than bigotry. Few blacks live in either Turnersville or Edgewater — so it's unlikely that the announcements were borne of actual racial strife. More likely, the kids were doing something they knew was gauche to emulate the likes of radio outrage artist Howard Stern or the meta-morons featured on the popular TV show “Jersey Shore.”

On their journey to adulthood, teenagers test limits of socially acceptable behavior. Tied in with this testing is an impulse to provoke emotional response in adults and authority figures. (Some people get stuck on these impulses and continue provoking authority long after their teenage years.) Any parent who's raised teens will agree that the best way to respond to the limit-testing is to ignore it; and, when the testing can't be ignored, to convey disappointment and mild annoyance rather than emotional intensity.

By making a cultural fetish of race matters — with laws prohibiting vaguely-sketched behavior like “bias intimidation” — we practically invite undisciplined kids to make racial taunts. We need to grow up about race. And then the ill-mannered teens might grow up, too.

— Jim Walsh

Let them eat planks — On May 8, the Republican Party of Maine gathered in Portland for its biannual convention. Among the routine functions of the convention was the adoption of a party platform. Normally the convention simply adopts the report of the platform committee — a collection of

party insiders appointed by county committees and elected officials — and fends off amendments, which are normally offered by single-issue activists.

But this year, the platform committee presented a document that was identical to the platform of 2008. Changes had been proposed, including a far-reaching but unpolished platform presented by a group of Ron Paul and Tea Party activists from coastal Knox County. The platform committee ignored the suggested changes, many members dismissing the Knox County activists as “kooks.”

The activists refused to take “no” for an answer, and in true Tea Party style got organized. When the report of the platform committee was presented to the convention, a motion was made to replace the entire platform with the convention's own document. To everyone's surprise, the motion passed fairly handily.

The overthrow of the proposed 2010 Maine Republican Party platform was a revolutionary act. It was the rebellion of rank and file activists who were fed up with being ignored and marginalized by the establishment. If nothing else, it was a sign that the Maine Republican Party has within it a new and potent energy with the power to challenge and overcome establishment inertia.

In 1795, during the French Revolution, Thomas Jefferson wrote to François D'Ivernois, “It is unfortunate that the efforts of mankind to recover the freedom of which they have been so long deprived, will be accompanied with violence, with errors, and even with crimes. But while we weep over the means, we must pray for the end.” In other words, revolution is a messy business, which is rife with error, but necessary nonetheless. The same can be said of the new 2010 Maine GOP platform, which is a hodgepodge of terrific ideas, punctuated with buzzwords and meaningless catch phrases gleaned from talk radio, internet blogs, and even Star Trek.

On the one hand, the platform calls for a return to laissez-faire economics. On the other hand, it calls for police-state measures to crack down on unauthorized immigration and to “close the borders.” While the state GOP platform is supposed to be a declaration of state political priorities, the new platform often fails to distinguish between federal and state policies. For example, it calls for the elimination of the Department of Education without clarifying whether it refers to a state or a federal outfit. The new platform boldly and succinctly says to eliminate “Dirigo,” leaving readers wondering whether the party means to abolish the state healthcare program (the Dirigo Health Plan) or the state motto (“Dirigo”: “I lead.”).

Even more troubling is the fact that while the document loudly calls for a return to “constitutional government,” it also espouses implementation of such unconstitutional policies as congressional term limits, stripping Congress of its ability to set its own pay, and narrowing the first amendment by stripping individuals of their freedom not to worship God, by declaring that “freedom of religion” doesn't mean “freedom from religion.” (You will find a copy of the Maine Republican Party's new platform at <http://www.maine共和.com/PlatformMission.aspx>.)

The worst thing about the platform is not that I disagree vehemently with 20% of the content. In fact I see it as progress; I disagreed vehemently with about 40% of the old platform.

The biggest problem is that the platform is poorly presented and sloppily written.

Grassroots activists are rarely bookworms or writers of prose. They are not the folks trained in critical thinking or the production of documents meant for public dissemination. Just as the mobs of the French Revolution executed the innocent and the guilty, promiscuously, so the activists of the GOP platform revolution have overthrown an old regime that needed to be overthrown, while replacing it with a product that is in desperate need of revision itself.

My hope is that in two years the party establishment not only will have changed but also will have become more inclusive and collaborative in building a platform that coherently integrates the ideas of individual liberty, limited government, state sovereignty, and free-market economics in a well written and presentable platform. Only then will I shout a wholehearted “Vive la révolution!”

— R. Kenneth Lindell

Movie magic — Michigan is a poster child for what happens when tax-and-spend politicians run a state for decades. It is an economic basket case. A report by the Mackinac Center for Public Policy gives a new illustration.

On April 7, 2008, the governor signed into law a program to subsidize the motion picture industry. At the time of signing, only 5,867 Michiganders were employed in that business. Ads were then run on LA television bragging about how much financial aid was available to companies that would film in Michigan. And the subsidies were not minor: they will rise this year to \$117 million in credits, costing the state \$155 in tax revenue — about 7% of the state’s business tax receipts.

The result? The most recent figures available (for September 2009) show that the state actually lost film industry jobs on net — almost a 10% loss, in fact.

Just another case of what happens when government tries to pick winners in business.

— Gary Jason

Over there — As the European financial crisis worsens, I imagine that American manufacturers are anticipating a resurgence in the sales of nylons and chocolate bars.

— Tim Slagle

Faux pas — In a series of television and radio interviews, Rand Paul, the libertarian Republican candidate for senator from Kentucky, suggested that the Civil Rights Act of 1964 was too broad and should not apply to private businesses, such as luncheonettes. Under a swarm of criticism he partially recanted, saying, “Let me be clear: I support the Civil Rights Act because I overwhelmingly agree with the intent of the legislation, which was to stop discrimination in the public sphere and halt the abhorrent practice of segregation and Jim Crow laws.”

Herman Belz in his 1991 book “Equality Transformed” relates how President Kennedy’s 1961 directive and Civil Rights laws in 1963 and 1964 forbade discrimination and effectively neutered Jim Crow. It was later presidential directives and court rulings that added objectionable affirmative action and quotas to the body of law as it is now applied.

Paul should have praised the Civil Rights laws as they were written and intended by the legislators. His objection should have been to the extra legislative perversions of the Civil Rights laws that the courts and bureaucrats inserted to

suit their ideologies. Whether he can recover from this major blunder remains to be seen.

The New York Times and other media outlets had a field day ragging on libertarians. I suppose that there is no bad publicity, but it would have been nice if a better prepared candidate had been hoisted onto the national stage.

— Erwin Haas

Buying consent — A Republican candidate for U.S. Senate in the state of Washington, Clint Didier, made the front page of the Seattle Times on May 18, because of a juicy contrast: he was opposed to farm subsidies but had been collecting them himself. Readers piled on him in the comments section of the newspaper’s web page, charging him with hypocrisy. Typical right-wing Republican, several said.

As I read the comments and listened to people talk about it, a pattern emerged. The people who were most likely to charge hypocrisy were those who supported subsidies. To them, the antisubsidy position was impractical nonsense, and this candidate’s actions confirmed it.

The more I thought about this position, the more it annoyed me. The first thought was that by their standard, only people who supported the program, or at least didn’t contradict it, had a right to get the money.

And I thought, “That’s convenient.”

The next thought was that almost everyone who qualifies for a subsidy is going to accept it. The government is giving out money: you’re not going to take it? And if accepting it means you have lost your moral standing to oppose it, then what? You’ve been bought and paid for. Indeed — we have all been bought and paid for, here, there, or somewhere. And the supporters of subsidies aren’t protesting *that*.

They like it.

So I don’t denounce people like Clint Didier. He took the subsidies and he’s still against them? Good for him!

— Bruce Ramsey

Immigration doublethink — President Obama is a man of many varieties of incompetence. Lately on display is his administration’s completely incoherent border policy, illustrated by a spate of recent articles.

In late April, Arizona’s Governor Jan Brewer signed a law that allows police officers to check for immigration status when they stop somebody for suspected crimes, or when they are in the pursuit of some other legitimate purpose. It immediately caused a firestorm of controversy, with immigration advocates dismayed and immigration opponents triumphant.

Obama and key members of his administration immediately went on the attack, sensing a great opportunity to play racial politics with an eye to winning Latino votes in the fall, saying that the law would allow racial profiling. As Obama put it — the racial activist in him raging — the law would permit the police to harass innocent Latinos taking their kids out for ice cream. Leftist commentators conjured up visions of Nazi storm troopers, guns drawn, stopping frightened, cowering people and screaming, “Vere are your papers?!? *Your papers!!!*”

At the state dinner held in his honor, Mexican President

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The Crisis in Higher Education

by Wayland Hunter

Even America's best colleges are in serious trouble, and it isn't all financial. A report from inside the mess.

Call me Wayland. It's a phony name — the kind of name you use if you want to tell the truth about your profession, without distressing your colleagues.

I teach in a very good university, which has treated me very well. I love my job. I like and respect most of my colleagues. Lately, however, I've begun to feel like one of those old ladies in an Edwardian novel — the women who sit on the upper floors of their decaying mansions and lecture kinfolk about the doom that is coming upon them.

I can think of more contemporary images, too. Picture the manager of a Holiday Inn in some rust-belt city, surveying his long, empty hallways and deserted swimming pool, and wondering whatever happened to the good old days.

But let's talk about facts, not images. All across the country, colleges are going broke. Some of the best ones are broke already. It's the rare university that hasn't instituted a hiring freeze, reduced the salaries of its tenured professors, and fired a lot of its untenured staff. The University of California at Berkeley, the flagship of the California system, no longer provides telephones in faculty offices. All employees of the UC system have taken at least an 8% pay cut (ostensibly temporary). Many elite private colleges made the mistake of investing their endowments in the foolish way in which

many individual Americans were investing their savings during the Bush years. When the housing market crashed in 2008 they suffered as others suffered: they lost 35 to 40% of their money.

As for the state universities, few have maintained anything like the percentage of direct government support they enjoyed even 20 years ago. The University of Michigan and the University of California get only 6 to 8% of their money from their states, and the percentage is going down all the time. Colorado gets even less, and tries to make up for it by attracting enormous numbers of ski-loving out-of-state students, to whom it can charge high rates of tuition. Most research universities are in terror of losing their lifeblood — senior scientists who get large grants for their research. These people's salaries are stagnating, or being reduced. The major reason they don't leave their current institutions is that there aren't better colleges to go to — the others are faring just as badly.

I have some ideas about what started and ended the boom in higher education. The general idea is that the state colleges, and to a lesser degree the private colleges, have been bitten by the mother that fed them. Their growth was nurtured by the expanding welfare state, which provided both direct support to state institutions and indirect support to private as well as public ones, principally by means of research grants and

In the millions of families in which both parents work, the average salary of the lower-paid spouse roughly equals the family's taxes.

student grants and loans. But as the welfare state expanded, more parties came to the trough, each demanding more tax money; and universities started getting less of it. Meanwhile, the federal government continued its course of encouraging bad investments, investments in which many colleges and universities participated, and of extracting increasing amounts of tax money from private individuals — the kind of money that might otherwise have gone to finance Junior's college education.

In most states, the major competitor for welfare-state money is the primary and secondary schools. Welfarist slogans about the needs of children ("It's for the kids!") naturally emphasize tiny tots, not 28-year-old grad students in physics. In some states, such as California, the prison guards' union has also emerged as a prime competitor, boosting its members' salaries at the expense of other "discretionary" spending. California now spends \$8.2 billion of state money on prisons, and \$5.6 billion on the University of California and the state university systems. Another \$4.6 billion goes to the community colleges (a dubious investment in "higher education"). Two years ago, before the economic crash, the first two figures were \$9.9 billion and \$7.3 billion. Despite the best efforts of the governor and legislature, attempts to raise taxes sufficiently to cover the "needs" of all feeders on the state have proven unsuccessful.

But higher taxes are not the solution to the higher education problem. In the country generally, the taxes necessary to support the welfare state have left parents less able to finance their kids' post-secondary education. In the tens of millions of families in which both parents work, the average salary of the lower-paid spouse roughly equals the average amount of a family's taxes. That's a lot of money, and it doesn't leave much to splurge on college.

There's another angle. The costs of colleges and universities have grown fairly steadily since the 1960s, but the extra money has gone largely to expansion of "programs," many of them imposed by political means — from gyms to student centers to healthcare to the affirmative action bureaucracy to whatever else seems necessary to fulfill the university's new mandate as a modern liberal welfare state — and not to faculty salaries. I'm not bitter; I get paid enough. But let's talk about salaries for a moment.

Measured in real dollars, faculty salaries in most of the better state and private colleges haven't risen much during the past 50 years. There have been peaks and valleys — deep gorges, in fact, during the Carter inflation of the late 1970s and the little depression of the first Bush administration — but when you compare 1960 with today, what you see is mainly a modest growth in salaries at third-rate institutions and an unconscionably large growth at a handful of first-rate-plus institutions, with everyone else sort of marking time. When you allow for inflation, there's not that much difference between Stanford's average professorial salary of 56K in 1987 and Stanford's average of 135K in 2007. And during those two decades, Stanford was ranked first, second, or third among the nation's universities. You could also take a sample from the B range, the University of Minnesota: 43K in '87; 97K in '07. Not much change. The growth of spending on colleges from 1960–2008 vastly increased their size and complexity, but it didn't get most faculty out of the market for subcompact cars.

Something that did change was the size of the faculty's long-distance rewards. I refer to defined-benefit pensions, which are the education profession's way of ensuring that people like me, who might be making more cash if we were lawyers or doctors or workers in private research firms, will agree to work for the University of Winnemac (Mohalis campus), which doesn't pay as well but has a wonderful pension system. And university pensions can be wonderful indeed. At my university, you can retire after 40 years or so with an annual pension equal to 100% of your highest three years of salary. One hundred percent.

You might say — and if you said it, you'd be right — that many of us actually couldn't get jobs that pay as much as those in the English Department at good ol' UWM. The people whom universities are especially anxious to retain are their most productive scientists, engineers, and medical doctors — the profit centers of the faculty. Nevertheless, as universities grew, they adopted the bureaucratic characteristics of the state, together with its leveling instinct. They established reward systems that apply to all employees, including

The unfunded liabilities of the California pension system alone would stagger most of the world's governments.

the (unionized) groundskeepers, not just to the people who are best at gathering wealth or prestige (which is a form of wealth) for the institution. And as universities expanded, more people were hired, and eventually more people started to retire and take their pensions.

The problem, of course, is that no one knows how we can pay for this — not in these times, when the value of our pension fund investments has gone south, like the value of almost everyone else's investments, and the baby-boom generation is eager to retire. The unfunded liabilities of the California pension system alone would stagger most of the world's governments.

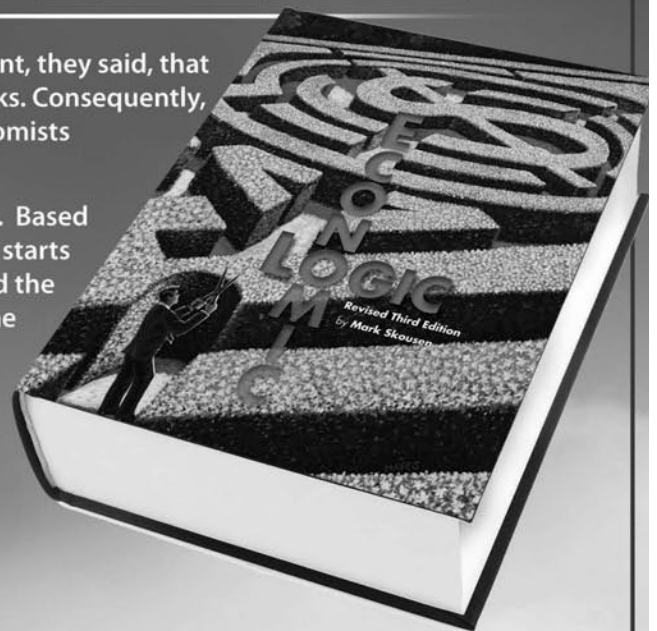
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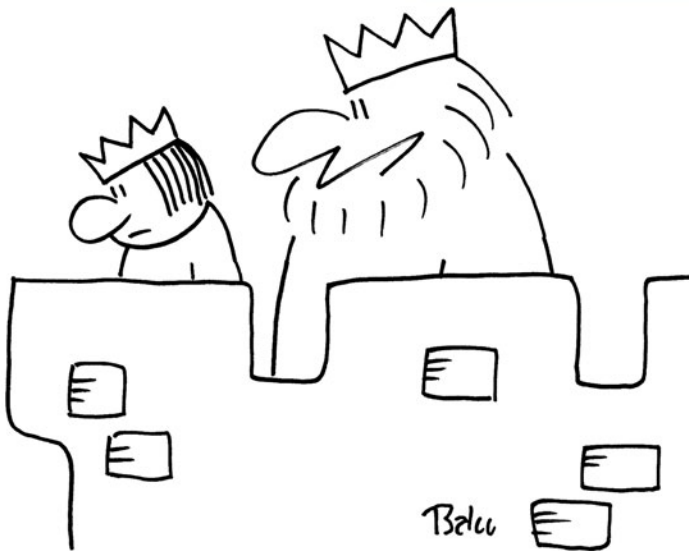
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Some of higher education's disasters are like those that afflict normal human beings. Others are a fairly direct product of the government's assumption that education is its primary business, and that the business ought to grow. Right now there is a bust in higher education, but recently there was a boom. Like many booms, this one started when a government-sponsored enterprise expanded too far, leading people to invest much more than the enterprise was worth, or than they could afford. In this case, there was a heavy investment in time as well as money, and many investors, both individual and institutional, have reason to regret that they made it.

Recent presidents, starting with Bill Clinton, have proclaimed that college is for "everyone." In the 1950s, most state governments were already reaching toward that principle, building new ranks and tiers of colleges — community colleges, state colleges, state universities — and equipping mass quantities of students with scholarships, fellowships, loans, and grants, so that anyone who was willing to devote time to higher education would certainly emerge with a degree.

No other country has ever thought in those terms. Nor should it have. Even in my own, elite university, every faculty member confesses, without much prompting, that at least 20% of the students should not be in a college of any kind. No matter what their test scores show, these students are just in college because their friends are in college and it's expected that they will be in college too. They aren't interested in their classes, and they obscurely know that the classes won't prepare them for the kinds of jobs they'll probably get. There's no good reason why a person who will work in marketing or real estate or even the local stock brokerage should spend four years pretending to slave away at calculus, anthropology, or film studies. The only "reason" is the government's willingness to spawn a giant archipelago of colleges, fund the loans and grants that stock them with warm bodies, and insist that people in a myriad of occupations, from cops to dental assistants, complete some kind of higher ed.



"Sure, son, they're rabble — but the rabble are an essential part of the economy."

Colleges and universities are credentialing organizations. They have been since their beginning. The first universities were founded as a means of credentialing lawyers and priests. The difference is that now they are institutions designed to credential everyone. In 1971, when I was a kid bumming around California, I visited a friend who was going to San Jose State College. It was the end of the school year and a commencement exercise was about to take place. In honor of this event, a leftist group mobilized in the plaza and passed out "diplomas" to all and sundry. The "diplomas" read: "Congratulations! You have been awarded the degree of Middle-Class Status!" The satire was right on target. A large proportion of college students devote four or more years of their lives to the sole end of obtaining such a degree. As a matter of fact, that's what my friend in San Jose was doing.

Government began this process. It spun the myth that higher education is the supreme good, but also (curiously) a good of which everyone can partake. I am a baby boomer who attended a white-bread, poor-but-honest midwestern high school. Few of my high-school friends went to college. Few of them appear to regret not having done so. Their parents would have been very surprised had they been told that their grandchildren would absolutely, positively have to go to college, or be considered abject failures. These parents didn't clamor for universal higher education; the government did.

It also instituted programs to subsidize the college career of any student who could get into any "accredited" institution of higher education — in other words, any student whatever. And at some point, inevitably, after the government had encouraged and assisted and insisted upon college attendance, failure to attend became a sign of laziness and low social status. I know many successful business people among the generation that succeeded mine; not one of them is successful because he or she went to college, but only one of them had the courage not to go.

By 1970, according to the Bureau of the Census, 37% of 18- and 19-year-olds were attending some kind of college. By 2008, it was 49%. Need I say more?

Americans regard today's college and university system in the way in which they regard virtually everything they see around them — as a permanent fixture of the landscape. But it isn't. College life as it existed before World War II was almost unimaginably different.

Back then, there were a few elite institutions, mainly on the East Coast. They were private and costly. Graduation from one of these places was a rite of passage for rich young men — a Lilliputian version of today's credentialed society. Surveys showed that the average graduate from Columbia, circa 1930, could expect to make today's equivalent of \$350,000, right off the bat, whether he got A's or the "gentleman's C." And that was during the Great Depression. Rich, credential-seeking young men were cash cows for the institution. Their contributions financed both the professors and the poor but intellectually ambitious scholarship students.

Besides the elite East Coast institutions, there was a wide range of other private schools, most of them religiously affiliated. No other country ever created so many little private colleges. These schools were cheap, and some of them provided a very good education, for women as well as men, and often for black people as well as white. One reason they were

cheap is that they provided practically no “student services” — few or no dormitories, no health service, no placement service, no admissions office obsessed with affirmative action, no advice counselors . . . nothing except a chapel and, possibly, a YMCA.

In those days, there were also some very good state universities, such as the University of Michigan, the king of them all. They were supported directly by state governments, not by research grants obtained from specialized government (especially federal) agencies. Like the private colleges, they were cheap, and they needed to be cheap, because the state governments didn’t cut them much slack; but only a small percentage of young people attended them. Some of the attenders were dummies whose parents already cherished a devout belief in middle-class credentialing; others were cornfed intellectuals who profited enormously from the classes they begged, borrowed, and stole to be able to attend. These institutions made little or no attempt to embrace a larger population.

All that changed in a big way with the GI Bill and the other government funding schemes that followed World War II. The Bill helped many young people attend college who could not otherwise have easily afforded it. It also helped fund the colleges they attended, keeping marginal institutions afloat and allowing serious expansion by better, or more popular, ones. But this was the beginning of the idea, which would later grow to absurd proportions, that college was a necessary part of a normal generation, of a normal human life. It was a revolutionary idea, for any place in the world.

Soon, another revolution happened. In the mid-1950s the federal government began large-scale funding of scientific research, most of it based, quite naturally, in the universities. This income provided a second incitement for universities to expand. In 1955, according to statistics published by Yale’s Office of Institutional Research, that university received 13% of its income from grants and contracts — a total of \$18 million. Federal dollars accounted for 36% of the total. In 1999, the figures had grown to 28% of income, for a total of \$316 million, 77% of it federal. The big change happened between 1955 and 1960, when the “grants” contribution shot up to 25% and the federal proportion went to 72%. My own university gets most of its income from research grants, and the great majority of that comes from federal agencies.

President Eisenhower, in his farewell address (1961), the address usually noted only for its warning about the “military-industrial complex,” warned also against a government-university complex. Observing that “a steadily increasing share” of research was now being “conducted for, by, or at the direction of, the Federal government,” Eisenhower suggested that “the free university, historically the fountainhead of free ideas and scientific discovery, has experienced a revolution in the conduct of research. Partly because of the huge costs involved, a government contract becomes virtually a substitute for intellectual curiosity. For every old blackboard there are now hundreds of new electronic computers.”

He was less than enthusiastic about all this: “The prospect of domination of the nation’s scholars by Federal employment, project allocations, and the power of money is ever present and is gravely to be regarded. . . . [I]n holding scientific research and discovery in respect, as we should, we must also be alert to the equal and opposite danger that public pol-

icy could itself become the captive of a scientific-technological elite.”

Whether that happened or not depends on the kind of public policy you’re thinking about. The global-warming craze suggests that Eisenhower was right, in part. But most public policy has nothing to do with science of any kind. No one should claim that the government is now run by some scientific-technological elite, headquartered in the universities. One can say, however, that the money given for research, first to the elite universities, then to many second- and third-

In my own, elite university, every faculty member confesses that at least 20% of the students should not be in a college of any kind.

class institutions clawing their way toward the spigot, became the means for hundreds of colleges and universities to do, basically, anything they wanted to do (or felt compelled to do by their internal elites).

Here’s how it works. When a scientist gets a million-dollar grant to study AIDS, for instance, the government provides his university with an additional \$500,000 to \$600,000 for “recovery of indirect costs.” The million goes to the individual scientist’s lab; the rest goes to support the framework of the university itself. This makes some sense; after all, the research isn’t being carried on in the basement of a little brown bungalow, owned by the scientist’s aunt. But starting in the 1960s, the framework of the university was mandated — again, largely by government — to include a vast array of welfare “services.” The affirmative action mandates alone produced an enormous addition to the bureaucracy. At all the “best” universities, research money helped fund the consequences, whether it went directly to welfare causes or was used as a replacement for other funds that went that way.

In 1960, the University of Michigan and the University of California — to cite two prominent examples — were supported mainly by state money. California bragged that it was “tuition free.” It still does, but only because its permanent faculty (“tutors,” I suppose) are paid by the state. Today, state money amounts to a small percentage of both universities’ total budget. The rest is paid largely by student fees and “indirect cost recovery” from government grants, with grant money predominating.

Leftists bewail the supposed fact that such institutions have been “privatized.” It’s an absurd claim. Not only is their budget dependent on government — mainly the federal government — but the various tiers of government keep imposing more and more regulations on the universities, requiring them to conduct still more “social” and “environmental” adventures, without providing direct sources of money to finance them.

I wish I could say that universities were disgusted by these mandates. Top administrators almost always are, but the fulfillment of each mandate enriches the “university community”

with more people whose jobs resulted from the political process and who lobby (usually with great self-righteousness) for the extension of politically inspired programs. Thus mandates feed on themselves, and universities become the agents of an ever-larger nanny state. Along with prisons, they are the most intense representations of that peculiar form of social life.

The political problem is that once you lose your integrity as an *educational* institution devoted to the *disinterested* pursuit of truth, you become just one more lobby group, trying to keep the money coming in. I remember, many years ago,

Leftists bewail the supposed fact that such universities have been "privatized." It's an absurd claim.

sitting in the gallery of the Nebraska Legislature, when the president of the state university arrived to confer with the legislators about his institution's budget. When he entered through the big doors at the back of the chamber, the legislators rose to greet him. There ensued a civilized discussion about the educational needs of the university and the ability of the state to meet them.

Today, the president of my state university is the head of a vast organization of lobbyists whose duty is to tramp the crooked hallways of the capitol, wheedling and cajoling whomever they meet, and doing their best to mollify any solon who wants to get in the newspaper by objecting to such "outrages" in the university as the appearance of "the n-word" on bathroom stalls. The president does much the same in Washington, only there he seldom gets to see a legislator, only adolescent members of acronymic agencies.

If somebody would put the claims of our university fairly to the voters, I'm pretty sure we could get the advantage over our main rivals for state money — the K-12 teachers' union and the prison guards' union. But normal voters don't count; what counts is interest groups, which have the power to kill any proposal that might threaten some of their funding or perquisites.

Sixty years ago, David Riesman produced a work of sociological theory called "The Lonely Crowd." One of his insights was the importance that "veto groups" have acquired in our society. Their influence is vastly greater today than it was in Riesman's time. Given the fact that huge majorities of Americans are opposed to affirmative action, and vote against it whenever they get the chance, you would think that some state university, somewhere, would actually start cutting back on this expensive folly. But if you are an officer of a state university, and you even hint that you might consider doing such a thing, you will absolutely, positively, be out of a job. Don't bet with me about that. The veto groups in the legislature, the board of trustees, and the faculty will see that you are removed before you have a chance to explain.

Universities have been burdened, and have burdened themselves, with almost all the responsibilities of a modern

state: health, welfare, reallocation of resources, and what passes for moral education and policing. But the real state is having its own problems. It can't pay for everything it's supposed to do, any more than the university can. The largest part of the budget of state and local government is devoted to K-12 education. In California, which has frequently been my example, it's 30% of the state budget, a couple points ahead of the percentage devoted to outright welfare ("health and human services"). Despite plentiful evidence of failure, the public schools have usually maintained or increased their funding. When the economy is good and tax returns are growing, everyone can get a larger slice of the pie; but when tax money is shrinking, denizens of the welfare state have to fight one another for it.

In 2008, the bottom fell out. State budgets throughout the nation were discovered to be finite. They might even contract! And so they did. By mid-2009, what with the government-budget problem and the bad-investment problem, there was hardly a university in the country that "was hiring" for tenure-track jobs. Instead, universities were freezing new hires; they were firing non-tenured employees; and they were cutting everyone's paycheck. Arizona, a third-rate system, remains in desperate financial trouble, but so does the venerable University of California, which has so far proven unable to figure out a way to pay its bills during the next academic year.

Simultaneously, the nature of faculty compensation has obtruded itself in an ugly way. Vast, unfunded pension liabilities have become visible, together with the legal obligation to fund them. Young people need to be hired to pay the old folks' pensions, but what with hiring freezes and salary shrinkages, the most valuable young people are likely to be looking for jobs with private firms. The startup investment in productive scientists has also achieved monumental proportions. A young professor of chemistry won't come to a university unless it provides him or her with a million- or two-million-dollar laboratory. It's a good investment, if he or she can get enough grants to return a lot of indirect cost recovery to the university. And such people usually can. But to keep them,

In California, 30% of the state budget is devoted to K-12 education; outright welfare gets almost as much.

universities need to go further in hock than they already are to the salary and pension systems. This is the constant topic of conversation in the inner circles of universities today.

An additional matter of concern is the enormous salaries and perks that we give to the highest level of university administrators. This you can't blame on the government. In many private colleges, including bad ones, the base salary of the first and second ranks of administrators is over a million dollars, and the perks (house, driver, expense account) come on top of that. State universities such as my own are said to



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How did rewards get that high? Most of it happened in the 1980s and '90s, when top administrators, who were beating the bushes for wealthy donors, became embarrassed at associating with rich people without being rich themselves. They compared notes and established a cartel. The rule is, you can't be considered for a top administrative post without having already held a high administrative post. This narrows the market considerably. When people object, the angry response is, "This is a competitive marketplace, and we have to hire the best."

Rather self-serving, don't you think? I have to admit, however, that as universities have expanded into mini-states, with all the problems of, say, Latvia or Kyrgyzstan, fewer and fewer people are found to possess the specialized knowledge and temperament to deal with the bureaucratic and political problems. You may know a lot about chemistry or history, but that doesn't mean you can bully a federal bureaucrat who wants to lower your ICR percentage from 57 to 55, or convince a different flavor of bureaucrats that having a student body that is only 5.8% African-American shouldn't be fatal to its accreditation. College administration has become a calling and a profession, with its most esteemed members traveling rapidly from institution to institution, often with little loyalty to anything but their paychecks and prestige.

Of course, these people lead miserable lives. They must be willing to respond "productively" to the ignorance and bullying of legislators, donors, and internal veto groups. They must devote their entire lives to meetings in which the cold truth is usually impossible to state. For this, they demand a great deal of money; and I, for one, can't blame them much. I also concede that it makes almost no difference to the budget of the University of Winnemac if its president and her three closest associates are paid 4 million bucks in salary and perks. That's a drop in the bucket.

The real problem is that it looks terrible to the voters. In California, a few years ago, a daily newspaper published a list

of everyone in the ten-campus university who was paid more than 100K. It was a very long list. The fact that the great majority of these people were medical doctors who were earning their own salaries, by healing voters of their illnesses, didn't affect the public perception. And administrators don't have even that excuse.

The presence of administrators as people who are, in a sense, paid for their credentials as administrators has helped to re-open the larger issue of the university as an organiza-

In many private colleges, including bad ones, the base salary of the first and second ranks of administrators is over a million dollars.

tion of credentialed people — which, in turn, has re-opened the interesting issue of the way in which the science model of credentialing has been applied to faculty members in the humanities, arts, and social sciences.

Government research support has introduced massive intellectual distortions even in the hard sciences. Once scientists learn that the government is most likely to fund research on "star wars," or AIDS, or global warming, they rush to convert their own research programs into something that looks like "star wars," AIDS, or global warming. Sometimes their proposals are dishonest; they lie about the essential nature and significance of their work. At other times, they represent these things honestly, but their research, and often their education, has already been distorted by the government's priorities.

Be that as it may. What has happened in the non-hard-science areas of the university is a parody of scientific credentialing. To be hired and promoted, scientists need to do research; it needs to be plentiful; and it needs to be favorably evaluated by their "peers" (i.e., other credentialed persons). This is fine, when the credentials are rational and objective. But if the peers are ignorant or politically motivated, if the research achieves publication simply because it conforms to a regnant ideology, then the credentials are worthless to anyone outside the charmed circle of pseudo-research. During the past two decades it has become increasingly obvious to educated non-academics that much research in the arts, humanities, and social sciences, the disciplines responsible for defining the nature of a liberal education, is either useless or destructive to the university's ideals of reason and objectivity.

I have spent many years in a non-hard-science branch of the university; I am intimately acquainted with universities' hiring and promotion systems; and I can testify that there is no "research" in the arts, humanities, or social sciences that could *not* achieve publication, favorable peer review, and academic reward, provided it conformed to current political fashions in the university — fashions dictated by various strains of leftist ideology that systematically exclude common sense.

Excellent work continues to be published, but it has a much harder time when it expresses views held by 95% of the thinking population *outside* the university: for instance, the view that collectivism, not capitalism, was the scourge



"I'm giving you a powerful muscle relaxant — that way, you won't be able to chew anything for awhile."

of Western history; that economic individualism is the great engine of progress; or that the value of a work of art is determined by its aesthetic qualities, not by the political ideology it is thought to represent. To put this in political terms: if you start your career at a university by saying that you are a conservative or a libertarian, God help you.

Need I bring up statistics? Fine, I will. Every survey of elite and even midstream American colleges shows that practically no members of their arts, humanities, and social science departments (with the occasional exception of their economics departments) are anything other than self-described liberals, left-liberals, socialists, or “progressives.” Republicans and libertarians are about as plentiful as whooping cranes. Now, how does this happen, in a country in which leftists are a distinct minority of the populace?

I asked that question of a friend of the family who teaches at a college that is even more elitist than mine. He is a natural scientist, and during our conversation I mentioned the fact that his university apparently refuses to employ anyone who claims to be a Republican or libertarian, even in the science departments. His response? “It must mean those people just aren’t as good.”

My friend is — believe me — totally ignorant about politics. In that field, he merely trusts the other members of his credentialed community, much as Baptist pastors trust other Baptist pastors: they may occasionally be wrong, but they’ll never be as wrong as pastors who aren’t Baptists, and that settles the issue. He’s lost in the house of mirrors that a credentialed community almost automatically erects around itself.

He assumes (correctly) that science is a matter of the disinterested pursuit of truth; he would be scandalized if anyone told him that his own research should be conducted on any other assumption. Yet he is completely uninterested in the fact that many of his colleagues in the humanities and social sciences, who largely determine the university’s operating ideology, spend their lives asserting that there’s no such thing as objectivity or disinterested assessment of reality, that all judgments are “political” — and get rewarded for their political involvements. Those are the fruits of *their* research, reflecting the judgments of *their* peer reviewers.

Clearly, the definition of “research” is malleable. After a lifetime of university teaching, Sidney Hook concluded that “by the most generous estimate, dedicated scholars in the humanities and social sciences capable of significant original research constitute 20% of our faculties.” This conclusion appears in Hook’s autobiography, which is appropriately entitled “Out of Step.” I would put the percentage a little higher. Nevertheless, I have noted that a certain kind of “research” is fairly easy to do. You simply acquire the handful of assumptions that are most popular in your generation of scholars; then you apply them until your generation has exhausted all conceivable applications. After that you retire, and another academic fashion takes over and dictates its own terms.

The bad thing is that in this way, careers are made simply by agreeing with one’s peers. The good thing is that very few people actually read the products of this “research.” An academic book needs to sell fewer than 400 copies to break even. If the press can sell 390 books to libraries and 10 books to the author’s relatives, the deed is done. Academic journals are also cheap. They don’t pay their authors or even, in

many cases, their editors; and the advances of modern capitalism keep making the technology of publication cheaper and cheaper. Journals have therefore proliferated, most of them maintaining “high standards of peer review” — that is, insisting that candidates for publication measure up to the ruling academic notions. The result is an ever deepening torrent of words that anyone could produce and no one — even, apparently, the editors — ever bothers to read.

The farce could not continue if academic hiring and promotion were based on teaching instead of “research.” But it isn’t clear that “good teaching” is a useful criterion. Evaluating

Much research in the arts, humanities, and social sciences is either useless or destructive to the ideals of reason and objectivity.

teaching is harder than evaluating manuscripts. What do you mean by “good”? If you mean, “effectively communicating the ruling ideology,” then the same people who get tenure now in the humanities and social science departments will continue to get tenure. But if you mean “encouraging critical thought” . . . well, that’s what everybody claims to be doing.

It’s the same kind of people, however you slice it. And if academic publication is easy, so long as you conform to the current isms, whatever they are, then teaching those isms is still easier. Any academic conformist can, without much intellectual effort, produce a book that will satisfy an academic press, simply by writing one page a day for one year. Then what shall we say about people who can’t even do that?

Many people on the Right suggest abolishing tenure, thinking that by so doing they can eliminate all “tenured radicals” and abolish all demands to “publish (nonsense) or perish.” But as almost any libertarian or conservative professor will tell you, that would simply mean abolishing him or her. The tenured radicals would vote to do that, then vote to renew their own appointments, year by year.

I’m sorry to say this: there is no quick fix for the problems of the American university. But if you can’t fix a problem, you can try to shrink it.

I am not the kind of libertarian who believes it would be better not to have universities than to have state-supported universities. To me, that’s like believing it would be better not to have roads than to have state-supported roads. I want my own university to survive, state-supported or not, because I think it’s exemplary at doing about half the things it does, and that’s very good for any institution. But I also believe that universities would be better if they were freer, smaller, and more focused on what universities are meant for — which is communicating fact and seeking truth, not providing day-care for twenty-somethings and pensions for sixty-somethings who believe that Thorstein Veblen had the last word on economics.

The mega-university is already contracting, under the pressure of its present financial crisis. So-called “ancillary” or

social-welfare functions are under pressure to justify themselves or become self-supporting (as in the case of dormitories, cafeterias, and student health services). Many good state universities are cutting back on admissions, suddenly realizing that few voters really want colleges to accommodate marginal students, if the voters have to pay for them. And because student numbers pay for faculty numbers, this means an increasing reluctance to accommodate intellectually marginal faculty and courses, also.

The crucial players are university administrators — regents, presidents, chancellors, and deans. These people make the immediate decisions about who is marginal and who is not. But the public has an important role to play. Believe it or not, top administrators are very sensitive to courteous, informed, and intelligent public opinion, especially that of alumni and other potential donors, and of people who are well established in the community. A few letters of praise or blame, personally addressed to the crucial folk, can be very effective. I'm not talking about fulsome praise or vitriolic denunciation; I'm talking about intelligent responses to clearly identified issues.

Several organizations, such as FIRE (Foundation for Individual Rights in Education), the California Association of Scholars, and the National Association of Scholars, which runs an informative listserv, devote themselves to identifying important issues, from college indoctrination sessions and repression of free speech to examples of scandalously bad, or illustriously good, courses and programs. A look through faculty websites, course listings, and university magazines (which almost always promote foolish political agendas) will also produce a lot of interesting facts. A handful of communications about matters of this kind can make a big impact on the situation on the ground.

People who convey good ideas and contrast them with bad ones provide a real service to administrators, who are chronically in the dark about public attitudes (and ordinarily know it, too: they're smarter than they appear). They're not going to write back and say that they will immediately defund Marxist Studies and institute a Program in Free Enterprise, but when it's time for the next round of allocations, they'll remember what you say — especially if you can get a buddy to send a letter backing you up. Administrators are almost 100% modern liberals, but they seldom make decisions on the basis of ideology; for better or worse, they make them in response to the need for money and prestige. They know that focused public opinion has a lot to do with their fund-raising potential. So go ahead and send a copy of your message to the local state legislator and any donors you know.

Another way in which non-academics can help is by relentlessly combating the welfarist and credentialist ideal of universal higher education. It is nothing short of scandalous that conservatives and libertarians protest against everything connected with the government *except* the absurd idea that college is for everyone. That myth must be punctured. When you hear any public figure say that "higher education is for all," it's your job to call, write, email, or form a committee to object. You're sure to be invited to speak your piece on talk radio, because until now, practically no one has been willing to object to this nonsense.

One sign of the shrinkage of higher education as we've

known it is the growth of alternative institutions. Some of these, I'm sorry to say, must be labeled as one more product of the credentialed society. I refer to the pseudo-universities that have sprouted everywhere, catering to people looking for the easiest possible way to get a degree. Take out the phone book and count the number of cash-and-carry Oxfords existing in your area. I think you'll be surprised.

A happier trend is the success of certain private schools, such as St. John's College, that specialize in a traditional liberal-arts curriculum, and the survival of other private schools, such as Hillsdale College, that maintain their independence by refusing government support. Schools in the latter category have passed the first hurdle of competitiveness — finding enough private donors to make up for their lack of state funding. The next hurdle is prestige. In plain terms, these colleges need to pay more in salaries if they want to attract the best libertarian and conservative scholars, thereby attracting the best students. They also need to assure true individualists that they're not as conformist, in their own way, as the state universities.

A liberal education in a free college — that's something with a value still broadly recognized in our society. There's a market for that, so I expect to see more colleges making the break from government. After all, the rise in tuition at state universities has made many private institutions economically competitive with them — provided the educational mission of the privates is sufficiently clear and compelling.

One of the most interesting trends is the migration from the Big U of many "conservative" fields of scholarly endeavor such as biography, traditional literary criticism, military history, diplomatic history, and the history of technology. Influential works in these fields are now more likely to be written outside the university than inside it. As a faculty member in a great university, I mourn the departure of these fields; as an intellectual, I'm glad they're flourishing.

And I'm delighted by the growth of para-universities — private institutes and thinktanks, such as the Cato and Mises Institutes, that provide useful competition for universities as we have known them. Both online and in person, the para-universities provide the kind of continuing education that no actual university seems able to match. It's a specialized education, centered on political, economic, and historical problems; but it's freely chosen by its consumers, who aren't involved just because their parents demand that they obtain a credential. No credential is offered. And the research of the para-universities is "peer-reviewed" much more extensively than research in conventional universities — it's assessed not by two or three specialists but by every interested person, specialist or not, who can access the internet. A lot of scholarly junk is published on the internet, but there's a lot of junk in academic journals, too; and there's no question that a larger number of discerning readers will be found in an audience of millions than in an audience of three or four hundred.

These are just some of the things that are changing the shape of education in our time. There is no chance that the university of 2030 will be a near-copy of the university of 2010. The money is running out of that university, and many of the ideas ran out already. But better days can come for education; and when they do, it will be partly because of the current crisis in the higher-education segment of the welfare state. □

Broadening the Appeal of Liberty

by Russell Hasan

Liberty is important to everyone — and the arguments aren't hard to state.

As a person of mixed race living in the northeastern United States I feel a constant pull from modern liberals, trying to draw me in with their claim that theirs are the only policies beneficial to minority groups. I believe that libertarians, with our commitment to free markets, individualism, and race-blindness are actually far better for minorities than liberals. We should try to attract more members of racial minorities to the libertarian movement, but in order to do so we need a coherent set of arguments proving that capitalism isn't racist.

Liberals who view capitalism as inherently "white," and who believe it is impossible for the members of racial minorities to prosper except with government aid, fail to understand the principled approach to fighting racism. They assume that either you are for the government helping minority groups or else you must hate minority groups and want the government to help only the white race. Actually, however, one can hold, as libertarians do, that a race-blind government is more helpful to minorities than a meddling modern-liberal or socialist state. Race-blindness is based on the ethical premise of individualism, the idea that a person should be held responsible for his own actions and not for the actions, good or bad, of people who happen to share the same ethnic identity. The principled ethical solution to the problem of racism is race-

blindness, and capitalism is race-blind.

In a free market economy individual talent and hard work tend to be rewarded. Businesses depend on the talent of their employees in order to compete with their rivals. If a racist businessman refuses to hire a talented person, it is in the interest of some other businessman, who is not a racist, to hire him and by doing so be able to compete successfully against the racist. The invisible hand of the market punishes the racist and dispenses rewards to talented workers, regardless of their ethnic identity. It is sometimes argued that racism forces members of minority groups to overpay for the retail goods they buy. Yet any racist who based his business model around overcharging in this way could be put out of business by the first nonracist who was willing to undercut his prices. If you want lower prices, unfettered competition is the most efficient way to get them. It is plausible to think that some unscrupulous people have victimized low-income racial

minority groups in places where the market is not large, but as a largescale business model such a strategy doesn't make any sense.

There is nothing in the nature of capitalism that gives a competitive edge to any particular race. In fact, it is demeaning to think that the members of racial minorities would not be competent enough to prosper under economic freedom. If

When the leaders of minority groups obtain government favors, they create a perpetually poor and needy subculture.

the government meddles in the economy to help people in racial minorities (or majorities!) who do not have the talent and determination to succeed in a free market, it will reward them for their race but not for the work they do. Anyone should be able to see that this isn't fair.

That is a simple argument. Yet a "sophisticated" critique of capitalism insinuates that capitalism is *de facto* racist because it is "only" individuals, not racial groups, who succeed or fail in the market system. True, wealth, in this system, is not held by races; it is held by individuals — and it is individuals by whom it is enjoyed. What difference would it make to you if your race were doing better than another race, according to some set of economic statistics, so long as you yourself were not allowed to prosper? (And in nations dominated by racial economics, few people do prosper.) It should also be pointed out that economic statistics that are focused on racial groups tend to obscure the significance of individual effort for individual success.

Liberals often argue that racial minorities need government help because minority races do not have the same opportunities in America as white people. But why is this? Free-market capitalism creates jobs, and jobs are opportunities, created by capitalist enterprise for people of all groups. It cannot be said that members of racial minorities lack opportunities to get high-paying jobs because racism prevents us from getting degrees from good colleges. University admissions officers who reject deserving applicants because of their race will decrease the quality of their student body and lower their school's academic reputation, whereas schools that accept hard-working people from minority groups will benefit their academic rankings. If the public schools that serve minority communities do not properly encourage children to aspire to college, then we should blame the public schools — which are run by the government and the teachers' unions — for the failure to provide opportunities.

The general truth for both white people and ethnic minorities is that life is not easy but perseverance and hard work usually pay off. Some whites do not face the same obstacles as some members of minorities, but happiness is not automatic for anyone. Whites do not live in a fantasy paradise, the doors to which are locked against others. President Obama might not be good for much, politically, but he does prove

that members of racial minorities can now achieve any station in life that we desire if we exert ourselves with hard work and determination. No one is owed a life that is easy; all we are owed is the chance to succeed, which is precisely what the free enterprise system gives us.

As to the claim that government should help to end residual racism by acting "affirmatively" in aid of ethnic minorities: if it is obviously unethical for the government to help the white race at the expense of the minority races, why wouldn't it be unethical to help minority races at the expense of whites? People who argue otherwise sometimes claim that African Americans, in particular, are owed various kinds of restitution for past abuses. Slavery is indeed an ugly scar on the face of American history. Yet America fought the Civil War in order to eliminate slavery, and our goal as a nation should be to reach a time when we will be able to move beyond the past and embrace the future. The people who participated in slavery are all dead; no further restitution can fairly be exacted for the crime of slavery — a crime that, incidentally, was licensed and maintained by law and government, not by the individualism of the free market.

The free market gives to the members of minority races the freedom that matters, the freedom to choose whom we deal with and on what terms. In this day and age, with no remaining state-enforced racism, the sins of slavery are the liberals' excuse to turn the government into a perpetual restitution machine that will "equalize" the white race and the minority races by artificial means. Such a program can only damage the people it is officiously meant to help. People who earn their own wealth in the free market earn the right to be proud. They enjoy their prosperity and independence. But when the leaders of minority special interest groups buy their followers' loyalty with government favors, they create a perpetually poor, weak, needy, helpless, hopeless, welfare-addicted subculture. Racism was at one time widespread and state-enforced. It is a good thing that movements arose to combat it. But now, though it is still a problem, enough progress has been made for us to shift gears and promote race-blindness as the only feasible long-term program of achieving racial equality.

Leftists sometimes try to scare members of racial minorities by saying that libertarianism "protects the right to be a racist." Yes, and it protects our right to be free from racism having the power of law. Libertarianism calls for an end to the use of force except in self-defense. Racial discrimination should by all means be eliminated, even when it operates without the power of law or violence, but it is properly combated by means of persuasion, by educating people on the virtues of race-blindness, and not by trying to outlaw thoughts. If you can't persuade a person that racism is evil (and any person worth dealing with will be persuaded), and the other person is not threatening you with violence, what gives you the right to force that person to obey you? Political correctness easily snowballs into censorship. It is used as a means of getting what its purveyors want — as when people who oppose the modern liberal agenda are automatically labeled racists. I am optimistic that future generations will leave racism behind without sacrificing the freedoms to which American citizens are entitled.

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Patchwork Planet

by Jacques Delacroix

Ignore the laments about globalization. A
globalized society is a richer, happier place.

My French sister, who was green before green was cool, sent me the reference of a book I “had to read.” She is an assiduous reader and a main source of books in French for me. She must have good taste, since her taste frequently agrees with mine. The reference was to a book by a French philosopher, a defrocked monk. (Why does France have so many of those, I wonder? Irresistible temptations at every cafe terrace?) The book’s topic is “how to survive the spiritual crisis of globalization.”

This kind of advice brings up a slow-burning, barely suppressed exasperation in this ex-university professor. It’s of the impotent kind. I keep asking myself: why do we do such a bad job; why did *I* do such a bad job explaining what should be obvious? Why isn’t the accumulated wisdom of the economic disciplines sufficient to counter the lies, the inventions, and the childish nightmares of the Left with respect to so-called “globalization”?

Mulling over my sister’s invitation impelled me to try again. This time, I will limit myself to the narrowly possible instead of trying for exhaustiveness. Also, I will stick close to what I know well from personal experience.

To begin with, I must say that often I don’t know what people who are fearful of globalization mean by the word. Mostly, I suspect, it’s because *they* don’t know what they

mean. But I have a pretty good idea of what’s on my sister’s mind, because I know her well and because I am familiar with the circumstances of her life. Besides, many years of shared readings have made me fairly well aware of what matters to her intellectually. Moreover, we were brought up in the same household although it was a long time ago. So I am selecting her as a target for this discussion of the “spiritual” side of globalization. It’s in two parts: (1) Globalization does much good; (2) globalization does not do much of the harm you think it does. Part one is easier, of course.

The Good That Globalization Wrought

If “globalization” refers to anything tangible, it is to the latest reduction of national economic barriers. I say “latest” because there have been many others before — in Marco Polo’s era, and earlier than that. Goods and money cross national boundaries more easily than they did 30 years ago.

Consequently, foreign products and foreign services are more in evidence than they used to be, post-World War II. That's true just about everywhere, including Albania and Mongolia. Not only is Pepsi nearly everywhere, as we all know, but so is Mexican beer. Tequila is giving Scotch a run for its money on world markets. Even French goat cheese is not hard to find any more. That's the result of various kinds of international (global) specializations that could not have been established before, because of national trade and investment barriers. French cheese makers are not stupid. They will not expand their operations to produce cheese in larger quantities if their product is stopped or impeded at the border of many countries. Even French goats know this.

As the textbooks explain endlessly but largely pointlessly, economic specialization raises everyone's standard of living, though not necessarily equally. (This is not a discussion of equality.) The improvement concerns price, or quality, or, more often, quality for price. Think about it! When Canadian vintners produce wine for Canadians, they are not doing anyone a favor, except themselves. As a result of lowered barriers, almost everything is cheaper than it was in my youth — except for cars, but they are enormously better. What I mean by "cheaper" is that it takes fewer hours of the mean American wage to buy the same object — a pair of conventional men's shoes, for example. It also takes fewer hours of the average Mexican wage. This fact, it seems, has escaped the attention of the antiglobalization radicals.

The rise in living standards is easy to miss if you live in a rich country, because many of the goods affected account, on their own, for a small part of our expenditures, as they already did, 30 years ago. There isn't much perceptible difference between a \$3 toothbrush and a \$2 toothbrush for people with annual incomes in the tens of thousands. Standard of living improvements are more dramatic in poor countries because there, they often concern life and death. The declining curve of infant mortality in the former "Third World" corresponds closely (and inversely) with the curve of rising GDP per capita. (There is a handful of interesting exceptions that are well worth studying but not germane to this discussion.) In other words, the higher the income, the fewer babies die. It's that simple.



"Remember back when Ross Perot seemed crazy?"

Yes, the enactment of the principle of international specialization nearly always causes some social dislocation. The \$60-an-hour, 60-year-old high-school graduate laid off in Detroit because of the success of Korean cars is not likely to find an equivalent job soon. Be that as it may, the fact is that anything done to slow down the progress of international economic specialization ("globalization") will cause the avoidable death of black and brown babies somewhere. I know this is grandiloquent and verging on bad taste, but it's simply inescapable.

Globalization Does Not Impoverish the Quality of Our Lives

My sister's spiritual malaise is harder to grasp without concrete examples. It has to do with the intangible, difficult-to-measure quality of the everyday life of the soul. It has to do with pleasures not strictly tied to money. "Psychic income" is a related concept. A specialty of the town where my sister lives provides a good example of such a pleasure. It's lavender honey, which is produced not instead of but in addition to more commonplace varieties such as clover honey. I suspect the subconscious fear of losing such refinements also goes a long way toward explaining the poorly formulated distaste for globalization that exists among American academics and the American upper middle class.

My sister operates an antique business in southern France. It's made possible by the fact that, pushed by poverty, small farmers in her area have been leaving both the land and their furniture for 200 years — a fact she ignores. She lives in a beautiful town, in a dramatic site, surrounded by beautiful objects. I know that bragging about your relatives is like bragging about yourself, but the fact is that my sister has exquisite taste. In her better moments, Martha Stewart seems to have plagiarized her. Her daily life is as life is in Peter Mayle's "A Year in Provence," but better. By the way, the local people in her area were miserable only 50 years ago, because they could not afford to heat their houses in the winter.

My sister is afraid that "globalization" is going to make most of the beauty, most of the pleasure go away. I take her concern seriously. I wouldn't want it to vanish either. But I don't think it's going to happen. And here is why. I will go to the American Midwest for a concrete illustration of why her fear is probably unfounded.

Thirty years ago, I got stuck in southern Indiana. In spite of the distance from the sea, it wasn't all bad. The countryside is attractive. (It's portrayed in the classic bicycling movie: "Breaking Away.") Just across the river from Kentucky, it is a reservoir of traditional American crafts. Soon, in my exile, I became interested in patchwork quilts. I spent many Saturdays, and Sunday afternoons, buttering up old church ladies. They were the main sources of traditional quilts, which they sewed for church-sponsored contests. They were not quilting to sell, ostensibly. Yet, once in a while, if they liked you, if you flattered them enough into believing that you were a nice and respectful young man, they would part with one — for a price but regretfully, it seemed.

After a few years, I returned to California with three Indiana patchwork quilts. Each had been washed, which made it difficult to tell whether they were new or not; but all three were in good condition. Each had cost me a little over

\$100, in addition to much persuasion. I gave one away and preserved the two others carefully, to the point of nearly forgetting them in a trunk.

About ten years ago, quilts began appearing in my good local flea market. Most showed no sign of provenance. Many looked inferior to my well-exercised eye. Then, both numbers and quality increased. Soon, it became clear that many of the quilts originated in China. Over the years, I have bought ten or twelve patchwork quilts at the flea market, with no interest in their origin, having regard only for their appearance and usefulness. I have to specify here that since I attend the flea market often, there is no precipitate buying of the “now-or-never” kind. All the quilts I acquired there deserved to be given away or to do service in my tastefully furnished house. (If I say so myself!)

The last two quilts I purchased at the flea market cost me less than \$20 each. They were in perfect condition, but it’s possible they were slightly used. When I came home with my acquisitions, I took the trouble to place them side by side with my two 30-year old-plus Indiana quilts. There was no question that the flea-market quilts were superior in every way to those made by the Hoosier ladies long ago.

Incidentally, here are the two main ways to evaluate a quilt if you are not a collector. First comes the attractiveness of the patchwork — a deeply subjective matter, although there are canons. Second, the tightness of the stitching matters; roughly, the tighter the better, an easy standard. One of my flea-market quilts is clearly hand-stitched “Made in China.” The other, not labeled, probably comes from the same country.

Now, I know, everything you buy at the flea market may have fallen off the back of a truck; but I don’t think that’s the case here. Quilts are not worth stealing, and stolen goods tend to show up in large, grouped numbers, not one or two at a time.

So, here it is, a comparison of quality for price regarding a non-necessity that gladdens the heart, and that would surely gladden my sister’s heart: \$100 in 1975 is like \$400 in 2008. I paid \$20 for a quilt in 2008; that would have been \$5 in 1975. Let’s factor in the possibility that my flea-market quilts were used. Let’s assume further that each would have cost me three times more if it were new — \$60 in 2008 money; \$15 in the money of 1975. And let’s assume that the Hoosier quilters were not exactly the good-hearted Christian ladies I thought they were. Let’s suppose they charged me an extra 100% for being an outsider with a foreign accent. The regular price in today’s dollars would still have been \$200 for each quilt. That’s still more than three times my flea-market cost. And that’s under the *worst* assumptions about my alertness and credulousness.

Any way you look at it, good quilts (by subjective judgment, but that of the same judge, with the evidence in front of him) cost much less than they used to. The fact is that more people can afford more quilts now, and they are not paying for the privilege with inferior quality.

It’s possible but unlikely that the last Chinese quilts I bought at the flea market were partly machine-made. I can’t tell for sure. I don’t care much, and nine out of ten buyers wouldn’t care either, or perhaps 95 out of a hundred. The basic qualities, appearance and sturdiness, are what count most for most people. I don’t wish to deal with the worries of real col-

lectors here. That would require another set of metrics, which would remain questionable anyway. And I think knowledgeable collectors’ concerns are mostly irrelevant to my line of observation and even to my sister’s spiritual concerns.

There is nothing special about quilts, but they well represent an aspect of the intangible quality of life that, my sister worries, “globalization” is destroying. It’s not; it’s creating it. Her spiritual life will be fine. I know mine is.

Of course, my sister would ask, as you may ask, “What are the old Hoosier church ladies doing, now that the Chinese are making good quilts?” The answer is that I don’t know, but I would bet they are making vastly better quilts than their mothers ever made, or something else equally attractive.

In the ‘60s, my brother, who was the pioneer sort, bought one of the first small Honda cars in France. Everyone laughed at his lack of discernment. Are you following me?

French food is excellent today, in the restaurants, in the street markets, and even in the supermarkets. When I was a child, much everyday French food was downright gross. As

Why isn’t the accumulated wisdom of the economic disciplines sufficient to counter the lies and childish nightmares of the Left?

you know, there are McDonald’s in France today. They are few and expensive, and they serve better fare than those in the United States. I wish they would hide them better, but their presence is a small price to pay for a package that also includes *gambas* from West Africa and fish sauce from Vietnam.

There is more. I have not done a census but I would bet good money that there are more active painters in Santa Cruz, California, population 60,000, than in any French city three times its size. My wife is one of them. Performing a tight calculation, I am able to identify an important factor that allows her to stay home and cultivate her avocation. The opportunity cost of her doing so, given her specific marketability, is approximately equal to the difference between an American professor’s salary and his French colleague’s; that’s about 50%.

Guess which country is more open to international trade and to cross-border movements of capital? Perhaps it’s a coincidence, but it may not be. Cultural and historical factors certainly are not biased in favor of the argument I make here. Other things being equal, you would expect any French town to be more propitious to conventional art creation than any American town the same size. The number of artists has not decreased in France; it has just risen greatly in some parts of the United States. This must have helped improve the “spiritual” health of the artists and of their neighbors. And again, Americans’ increasing ability to make art has not hurt the French, except, a very few, in their ego.

Globalization, the opening of borders to merchandise, services, and capital, fosters local specialization. When people specialize, they tend to do everything they do better. The

fact that they become more productive in a tangible, measurable sense has been known since David Ricardo, who lived a long time ago. The underlying thinking is that they improve at what they already did well. Another, unexpected, indirect consequence of globalization is that it also allows people to become better at some of the things they don't do especially well, such as painting. That has to be good for the soul.

Incidentally, there is even more lavender honey, and thyme honey, and chestnut honey, in my sister's town mar-

ket than there was 30 years ago. That's because the local hippie beekeepers can afford to experiment, more than ever, with their bees. Bless their hearts!

And, yes, you economics-trained people, I know this story does not begin to explain the doctrine of comparative advantage in its fullness and in its majesty. I don't think I even need to say those words — words that have put to sleep generations of average Econ 201 students — in order to make my central point. Just think "quilts" and "lavender honey." □

Broadening the Appeal of Liberty, *from page 30*

But are traditional American ideas of freedom really just "white" ideas, as professors of ethnic studies often assume? Of course, the writers of the Declaration of Independence and the Constitution were white; they relied on the ideas of such philosophers as John Locke, who were white; and the early theorists of the free market, such as Adam Smith, who were white. Yet the ideas they propounded have universal applications. They account for the experience of people of all races, throughout the world. They speak for the rights of every man and woman. If an idea corresponds to reality and human nature, it is equally true for everyone, with no advantage given to "white" culture.

Capitalism flourished in that vaguely defined set of territories, "the West," in most of which the population was predominately white. For that reason it developed an early association with Western culture. So what? Economic freedom can exist everywhere, and exists today in nations throughout the world. It matters not because you are white, but because you are a human being. People in China, Venezuela, and Iran need freedom just as much as Americans do. Their cause is not well served by cultural relativists, who constantly desire to protect other cultures from the dreadful influence of "hegemonic" Western culture. These merely patronize nonwhite people with the belief that we are too primitive to understand useful ideas such as capitalism and individualism.

Racism is a monstrosity that should be destroyed. But a government that is truly race-blind, which treats every citizen with the same evenhanded justice, would act as a role model for ending racism, and should be more effective at fighting it than a government that promotes a utopia of reverse discrim-

ination, insidiously based on the idea that your race determines your value. Only race-blindness is a true alternative to racism. Racists in America are not so powerful that they have the means to cripple the resiliency of American minorities, and the members of racial minorities are not so weak that we need a welfare state to take care of us. Only if we get the government and its poisonous interference out of the race game can we create attitudes and motivations that can solve the problem of race in America.

Libertarians are in the vanguard of the fight against racism. Whether they call themselves libertarians, free-market conservatives, objectivists, or "radicals for capitalism," thinkers who have adopted libertarian ideas have taken landmark positions against racism. Many examples come to mind, though I am thinking particularly about Ayn Rand's famous essay "Racism" (1963) and Thomas Sowell's several works in the field, especially "Race and Economics" (1979). I want to see this tradition continue. Some prominent members of racial minorities, such as Clarence Thomas, understand the truth about racism, but many members of minorities remain fooled by liberal propaganda. We need to spread the message of race-blindness in order to add more people to the libertarian movement.

The issue of racism in America is particularly important to me because I am myself a member of two minority groups: I am part Bangladeshi Muslim and part Russian Jewish. I consider myself to be living proof that racial diversity can be achieved without state-controlled social engineering. Drawing upon Thomas Sowell's analysis, I would observe that in spite of our history of persecution, many Russian Jewish immigrants have achieved considerable prosperity by pursuing higher education and seeking high-paying jobs, not by relying upon state charity, whereas many Bangladeshi immigrants, coming from a nation permeated by various strains of modern liberal and socialist thinking, face substantial poverty and have not yet accomplished what we have the potential to achieve. The world has seen what horrors are spawned by a government obsession with helping some races and ethnicities at the expense of others. For the United States government to treat some races differently, even for a supposedly noble purpose, elicits an intense distrust from me — perhaps because I believe that the "equal protection" clause of the Constitution was intended to safeguard legal equality, not to legalize new kinds of inequality. How long will it be before America realizes that members of minority groups can achieve prosperity and pride without becoming helpless victims, needing to be rescued by politicians? □



"Don't worry — we use lethal injection now."

Reviews

"Panic: The Betrayal of Capitalism by Wall Street and Washington," by Andrew Redleaf and Richard Vigilante. Richard Vigilante Books, 2010, 263 pages.

Judgment Call

Bruce Ramsey

Three things caught my eye about this book. The first was the statement in the subtitle that Wall Street had betrayed capitalism. The second was the co-author, Richard Vigilante. I had read his book, "Strike: The Daily News War and the Future of American Labor" (1994). It was a thoughtful account of a newspaper strike that was critical of the unions but not rabid about them. It was notably well written. Vigilante had been a columnist at New York Newsday and an editor at the Manhattan Institute's magazine, City Journal.

A third thing: this was not just a journalist's book. The other author, Andrew Redleaf, runs a hedge fund. Redleaf had made a name for himself by writing in December 2006 to clients of his company, Whitebox Advisors, that "some time in the next 12 to 18 months, there is going to be a panic in credit markets."

And there was, soon after his prediction expired.

At least one of the authors of this

book, then, understood some essence of the event before it happened. That makes it worth a look. It is also a book about ideas and should appeal to libertarians on that account, particularly because both Redleaf and Vigilante are supporters of capitalism. They have a view of capitalism that is much like George Gilder's in "Wealth and Poverty" (1981) and that sometimes sounds even Randian — a view based not so much on the mechanistic description of markets as on understanding and respect for the entrepreneur.

There is much in this book about judgment, a word you don't hear much from economists. Mainstream economists want to reduce human decisions to a model. But how to express judgment as algebra? "Economists dislike the notion of judgment," the authors write, "not only because they have no way of verifying that it is not actually luck but also because it limits economics." They refer here to the sort of economics that expresses its central ideas as mathematical formulas.

Redleaf and Vigilante are for the

free market, but they write, "No matter how free the market, it is the men, not the market, who do the creating." In their view, the market crashed "because both the regulators and the major players believed the same bad ideas."

Bad Idea No. 1 was the efficient-market hypothesis. This is the idea that the investment markets are so information-efficient that they take into account all the information people know. When market prices change, it means the information has changed. This is the view that when it comes to price, "the market is always right."

If the market "knows" more than any individual player, then an individual can't expect to beat the market — at least, not consistently. And this does seem to be true with mutual-fund managers. Each year some beat the market and some fall short. But market studies indicate that the ones who beat it this year are not any likelier to beat it next year.

The authors, however, don't accept the hypothesis. They don't think the market reflects only investors'

“information.” It also includes their hopes, fears, beliefs and unfocused strivings.

This contrary thought leads the authors to identify Bad Idea No. 2 as: “You can’t beat the market.” They maintain that if you are smarter than average, you can beat the market. They have the old-fashioned idea that the investment markets are “a proving ground, where the wise can be sorted from the fools.” If mutual fund managers don’t beat the market, the authors say, it’s because “mutual fund investors are dumb.”

They are thinking especially of public investors. A public investor is a person investing his own money in securities of companies about which he has no inside information. He’s just an ordinary guy who says, “I think I’ll buy stock in the New Horizons Fund.” A public investor is distinguished from an inside investor (investing in the stock of a company he works for) or a professional investor (making a living by investing other people’s money). I believe that studies have confirmed that public investors tend to buy and sell at the wrong time. Certainly that is an old belief of investment professionals. And it is the belief of our authors.

After a fund manager has had a couple of good years, they argue, and should be selling because the fund’s stocks are overpriced, the public investors are noticing how well the fund has done. When the manager ought to be liquidating, and paying cash out, they’re piling in, putting cash in his hands. But when the manager ought to be buying aggressively because his stocks are cheap, his investors are demanding cash. The fund managers may be good at what they do, but whether they buy or sell is mostly not their decision. It is the public investors’ decision, and public investors tend to buy and sell at the wrong time.

The way to beat the market, the authors say, is to look for “price anomalies,” where other investors have pushed prices too far, or not far enough. And that requires paying attention to detail and using judgment.

Modern portfolio theory says otherwise. The thing to do, the theory says, is not to look at each investment up close. The thing to do is to buy things in certain patterns. Diversify. And for most investors, diversification is a good rule.

But the reason is not that the market is so smart. It’s that *you* may not be, and diversification limits the cost of a single mistake. “Diversification is always and everywhere a confession of ignorance,” the authors write.

It is one thing to admit your ignorance, even as you hack at it like a field of weeds. It is another to surrender to it, and go into the weed-management business. Essentially this is what large investors did when they stopped concerning themselves with the quality of the mortgages behind their bonds.

In the mortgage markets, this meant putting mortgages in bundles and turning them into bonds. The bond buyers did not look at individual mortgages. Their view was statistical only. And as long as the mortgages were made in the same old way, with income verification, 20% down, payment of full principal and interest, et cetera, these bonds were good.

But then came structured finance. This was a way of setting up a bond with interest payable from a pool of mortgages, so that the first X number of defaults from the pool would be charged to one group of bonds only. That would make the one group high-risk; it would therefore sell at a discount. But another group, the larger group, would be virtually zero-risk and would sell at top dollar. This allowed the investment bank to make a considerable number of triple-A rated bonds out of a lower-rated pool, creating more value for investors and more profit for itself.

As a mathematical idea the thing is elegant. But it works for investors only if the underlying default rate on mortgages stays below a certain amount. That means the mortgage originators have to lend money according to the old rules, or new rules that are just as good — rules that minimize defaults by minimizing foolish investments, investments that canny lenders recognize as far too likely to go bad. But they didn’t play by the old rules of thumb. Part of the reason was that the government was ordering Fannie Mae and Freddie Mac to lend to low-income borrowers, and the way to do it was to lower credit standards. Part of the reason — the “greed” part — was that the lower the standards were for all borrowers, the more mortgages could be written, and

the more money each seller in the chain could make in the short run. And part of the reason — the part the authors stress — is that the buyers in the chain had a theory that told them their risk was managed, and they didn’t have to worry about it.

The problem, the authors say, wasn’t so much that the bankers were reckless. The problem was that they were following a theory that said they weren’t reckless.

When bankers realized their banks might be broke, they panicked. “The real problem,” the authors write, “was not that some of the banks were broke but that at the critical moment none of them could prove they weren’t.” The structured-finance bonds were difficult to analyze — and because of modern portfolio theory, the banks had cut back on analysts.

The arguments about the role of modern portfolio theory are not unique to this book. What sets these authors apart is their attitude and style. Theirs is a moralized account, focusing on fundamental ideas. One is ownership, subdivided into possession by strong owners and possession by weak owners. In comparing a person buying a house and a person refinancing his house so as to pull cash out, the authors say:

The new buyer putting down 20% and the old owner taking money out of his house are doing profoundly different things. One is becoming an owner, the other is weakening his ownership. One is buying in, the other is selling out.

About business they write:

Capitalism rests on strong ownership. Being an owner means more than having the right to the income from an asset. Ownership implies both the legal right and the practical capacity to make judgments about the care and use of the asset.

A small public stockholder is a weak owner — and a taxpayer is the weakest owner of all:

Both the mortgage crisis and the crash are best understood as the result of government policies that pushed trillions of dollars in assets out of the hands of relatively strong owners and into the hands of weak owners.

The authors are not against all

government intervention. They point to the provision of the Constitution that authorizes the federal government "to coin money [and] to regulate the value thereof." They go further: "Any institution the disorderly collapse of which would prevent the government from keeping the dollar stable is rightly considered too big to fail." This, they add, "does not mean the government is obliged to 'bail out' the offender. Summary execution is a fine and venerable option. But the government is absolutely obliged to keep the offender's collapse from destroying credit markets and thus the currency of the United States."

Before government money went into the banks' capital, the idea for the bailout was for the Treasury to buy the banks' bad assets. But in the course of the panic, the market froze for certain categories of good assets as well. The authors argue that the government should have intervened "in ruthless capitalist fashion" by bidding openly for the good assets.

That assumes, of course, that the people working for the government would know what the good assets were. This part of the authors' argument is not too clear.

In their view, what the Treasury actually did was an example of crony capitalism. "Contrary to the fevered rhetoric of the left," they say, "the Bush Administration was not actually managed by idiots. It was, however, overpopulated with personally successful, anti-intellectual, unreflective crony capitalists."

This is not an academic book. It is colloquial and middlebrow. It simplifies, maybe sometimes too much, and it does not tell the whole story of the panic. It has little to say about credit default swaps or the Basel accords or the monetary policy of the Federal Reserve. About the credit rating agencies it says only that they "recycled marked prices as credit ratings," meaning that they lowered the ratings on bonds only after their prices had gone down, which was too late for the warnings to be of any use. That is an interesting observation, but it is not saying enough. Yet this book does analyze a central part of the story, and in a colorful and idea-centered way that should be attractive to a libertarian reader. □

"Robin Hood" directed by Ridley Scott. Universal, 2010, 140 minutes.

Robin Hood, Revised

Jo Ann Skousen

As heroes go, Robin Hood has always been a hard nut for libertarians to crack. His motto, "Take from the rich and give to the poor," is anathema to any liberty-loving American. It represents redistributionist Marxism, pure and simple.

Yet the legendary Robin Hood has always been portrayed as anything but a dull, moralistic, theory-bound socialist. He's a chivalrous bon vivante. He's charming, brave, honest, and fair. Moreover, his targets have always been agents of the king. He steals back the taxes that have been taken from the poor and returns the money to its rightful owners. Can that be wrong? I've always enjoyed the way that Robin, in the 1938 movie, responds to the accusation, "You speak treason!" "Yes," he grins. "Fluently."

Nevertheless, considering the Hollywood popularity of our current president and his redistributionist cronies in Congress, I cowered as I entered the theater to see the new version of "Robin Hood." I worried about what diatribes against private enterprise I might encounter during this long film. And I knew, from the trailers I had seen, that this would not be Errol Flynn's Robin Hood (1938), or Walt Disney's, either (1973).

I needn't have worried. Aside from one worrisome redistributionist cry — "No one should have 4,000 acres!" (well, why not?) — this new movie is

filled with inspiring lines about liberty and property. It places the blame for medieval England's poverty where it belongs: on the shoulders of Richard the Lion Heart, who squandered England's wealth on his crusades in the Holy Land. The film begins with Richard plundering his way through France, trying to rebuild his treasury. The connection between our current economic crisis and war in the Middle East is made abundantly clear — war bankrupts nations, and it is bankrupting this one.

What should people do when a country's leaders are out of control? The film champions revolution, right from its opening statement, emblazoned across the screen: "In times of tyranny and injustice, when laws oppress the people, the outlaw takes his place in history." Ridley Scot's "Robin Hood" is not just the story of a charming thug returning cash to local villagers. It's the story of our inherent, inalienable right to liberty.

"What we demand is liberty — liberty by law!" So say the oppressed, overtaxed barons of the northern provinces as they present King John (Oscar Isaac) with what appears to be an early version of Magna Carta. Even Queen Eleanor (Eileen Atkins) enters the anti-tax debate, warning her son John, "To milk a dry udder will get you nothing but kicked off the stool."

Likewise, Robin advises King John, "In tyranny is only failure. Build a kingdom as you build a cathedral — from

the ground up. . . . Allow every man to work, eat, and live by the sweat of his own brow." The king who does that, he says, will have the people's "loyalty, and their love."

Of course, there is a better way — eliminate the king altogether. But in 1199, such an option was inconceivable. To espouse it would simply get you killed. A contract (Magna Carta) limiting the king's power was as much as people could imagine. Change "king" to "leader," though, and Robin's words become sound advice for managing a business, a home, or a community.

Throughout the film, Robin's instincts are sound. "I don't owe God, or any man here, one moment of service," he explains as he abandons Richard's army to make his way home to England. "Try getting paid by a dead king," he adds. This is quite different from Errol Flynn's Robin Hood, who stakes his life to protect King Richard against his usurping brother, Prince John, then joins him to fight in the crusades.

Another major difference in this film is that Robin Hood does not start out as the well-born Robert of Loxley. He is simply Robin Longstride, a foot soldier and archer — an extremely skilled archer — in Richard's army. Loxley (Douglas Hodge) is Richard's confidante and friend. When Loxley and other knights die in an ambush, Robin and his friends don their chain mail and clothing to avoid being accused of the ambush themselves. "There is no difference between a knight and any other man, aside from what he is wearing," Robin tells his friends. Then, in a familiar twist played out in such stories as "Martin Guerre," "Sommersby," and even "The Man in the Iron Mask," Robin heads for Nottingham to take the place of Sir Robert and become, eventually, Robin of the Hood.

Yes, it's true: although the star, Russell Crowe, is 45, the same age that Sean Connery was when he played the retiring hero in the very fine "Robin and Marian" (1976), this film is a *prequel* to the familiar story. Lady Marion [sic] (Cate Blanchett) is also disconcertingly old for the part; Blanchett, though slender and lovely, is 51. It's a little like watching a middle-aged diva playing Juliet. At least they don't call her "Maid Marion."

As the film opens, Robin's future band of Merry Men are the village's orphaned boys, sneaking through the woods disguised in animal masks and pilfering from the fields and barns of local farmers. And throughout the film, they lurk in the forest, shrouded by Scott's trademark smoke and mist and foreshadowing their *future* role as the Merry Men. Lady Marion, Robert Loxley's wife and soon-to-be widow, must chase the boys away herself — the Sheriff of Nottingham does nothing to protect the property rights of the villagers.

Marion fights the church with the same linguistic aplomb that Robin uses in war. With the boys stealing the people's harvest and the church tithing their seed corn, nothing is left for planting. "The Crown has stripped us to pay for foreign wars, while the church at home has stripped us of the grain we need to feed ourselves. I don't know which is the greater curse," Marion says spitefully to the bishop.

In this version of the tale, in fact, the state sanctioned church almost supplants the Crown as the enemy. "Taxes and tithes!" Marion spits out, with

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equal disgust for both kinds of legal exaction. When Robin and his friends stop a carriage to regain the villagers' property, it is the bishop's coach full of grain they are after, not the king's coach full of gold. In a twist on Robin's "take from the rich and give to the poor," Robin and Friar Tuck explain, "The Lord taketh, and we taketh it back!"

The filmmakers probably took this idea from the onerous "Saladin Tithe" imposed on 12th-century Englanders to finance a new crusade after Saladin had restored Muslim control of Jerusalem. It should be noted, however, that this "tithe" did not go to the church. It was really a tax, imposed by the king in 1188 but collected by the priests, to pay for war in the middle east. It is said to have been the largest tax so far imposed in England. Anyone who signed up for the next crusade was exempt from the tithe, so one of its purposes was to enhance enlistments.

In 1194 the "tithe" was increased to 25% to ransom King Richard after he was captured in Austria on his way home from the wars. This may seem like a distinction without a difference, but the very real difference is that "tithing" suggests something optional, and taxes are anything but optional.

Robin Hood purists probably won't like the way the filmmakers have taken liberties with the story (pun intended). Robin is now a middle-aged soldier, not a young rake. Marion is a hard-working daughter of a widow "with a thimbleful of noble blood," not a lovely and charming ward of Prince John. Robin fights in the Crusades with Richard before he ever dons the Hood, and enters the forest to join the orphaned boys — who are much too young to be called "Merry Men." Marion's husband, Sir Robert Loxley, is Robin Hood's alter ego in all the early versions of the film; in this film, however, Robin Hood is Robin Longstride, impersonating (at times) Robert Loxley. So who, one may ask, is the real Robin Hood?

I think that's one point of this new movie. Robin Hood is an idea, a concept, not a specific figure in history. He exists wherever men and women rise up against tyranny. At one point Robin places his hand in the handprint of his father, a former stonemason, and discovers it is a perfect fit. We learn that his father had also been a champion of

liberty before he was executed for his beliefs. His motto "Rise and rise again, until lambs become lions," implies that

liberty is a precious seed that must be planted again and again, until it takes root in the hearts of men. □

"Georgia O'Keeffe," directed by Bob Balaban. Sony Pictures Television, 2009, 89 minutes.

Art for the Sake of Art

Gary Jason

During the past few years a number of excellent bio flicks about visual artists have hit the screen. Pictures such as "Pollock," "Seraphine," and "Modigliani" come to mind. Another such movie, which ran on TV last year, is now available for rental or purchase. "Georgia O'Keeffe" is a little gem.

O'Keeffe (represented in this work by Joan Allen) was born in 1887 and grew up on a farm in Wisconsin. Her interest in and talent for art was recognized early and supported in the home and school. She attended the Art Institute of Chicago for two years, then the Art Students League in New York for two more. After a few years' break from painting, she learned a new approach to art from the influential instructor Arthur Wesley Dow of Teachers College of Columbia University. Dow, himself a good painter, held that the purpose of art is to use color and technique to express the artist's emotions and ideas.

Shortly after this, in 1916, she mailed some of her drawings to a friend, who in turn showed them to a man who would become the most influential person in her adult life, the world-famous photographer and art impresario Alfred Stieglitz (played by Jeremy Irons).

Stieglitz exhibited some of her works that year, then held a one-person show of her work the next year. In 1918, he offered her financial support to move to New York (from Texas, where she had been teaching) and paint full time.

She accepted, and at about this time she and Stieglitz became romantically as well as professionally linked. They married in 1924.

It was in the 1920s that O'Keeffe started to achieve national and international stature, with pictures of New York's buildings as well as of the enlarged flowers for which she remains famous. She was one of the earliest American artists to be influential in Europe, and she obtained large prices for her paintings — all the more remarkable given that few women artists were prominent then.

For his part, Stieglitz worked hard to promote her art (if not their romance). During this time (the early 1920s till his death in 1946) she worked with him in New York City or at the Stieglitz family home in Lake George, New York.

In 1929, she made her first visit to New Mexico, and fell in love with it. Three years after Stieglitz's death, she moved there for good. She painted New Mexican landscapes and artifacts — which gave her a new burst of fame — until her poor eyesight forced her to

stop painting in 1972. She kept doing pottery until 1984. She died in 1986.

The movie surveys the period in O’Keeffe’s life from her meeting with Stieglitz to the point when his infidelity becomes unbearable. The movie focuses on their relationship, which was marked by a continued admiration of and support for each other’s work, even as the emotional relationship fell apart.

Joan Allen gives a beautiful performance as O’Keeffe, portraying vividly the grief and hurt inflicted by Stieglitz. Allen has been nominated three times for an Oscar, and she is at her best here. Jeremy Irons — who has won his Oscar — plays Stieglitz superbly. We never quite make out whether he intended to

be vicious towards O’Keeffe (out of jealousy for her greater talent and success, perhaps?) or was just so damn narcissistic that he simply didn’t see the pain he inflicted.

Also excellent are the supporting actors. Tyne Daly is fine as O’Keeffe’s friend and supporter Mabel Dodge Luhan. Ed Begley, Jr., is outstanding as Stieglitz’s brother Lee. Begley is mainly known for his many comedic performances, but he performs this dramatic role well (as befits the son of an Oscar winning dramatist).

The film work is deliciously done, with the shots of New Mexico especially noteworthy.

This movie about an artist is itself a work of art, well worth seeking out. □

“Please Give,” directed by Nicole Holofcener. Sony Pictures, 2010, 90 minutes.

Get Over It

Jo Ann Skousen

Is it unethical to buy low and sell high? The central characters in “Please Give” seem to think so.

Kate (Catherine Keener) and Alex (Oliver Platt) run a successful business purchasing used furniture, mostly from estate sales after someone has died, and reselling it at a substantial profit from their toney Manhattan shop. Lately, however, Kate has been feeling guilty about making so much money off other people’s grief. She worries that others think of them as ambulance chasers.

Adding to her sense of guilt is the fact that she and Alex have purchased the apartment next door to them in a sort

of reverse mortgage deal. They want to break through the dividing wall and expand their first apartment — a common practice in New York, where space is at a premium. The only catch is that they have to wait for the 90-year-old seller, Andra (Ann Morgan Guilbert, who played the Petries’ neighbor Millie on “The Dick van Dyke Show”), to die before they can take possession, and they feel understandably gruesome about hoping she will die soon.

To overcome her feeling of guilt, Kate looks for ways to “give back.” She gives fives and twenties to the homeless people she passes on the street. She volunteers at various nonprofit organizations, including a veterans’ hospital, an

old folks’ residence, and an activity center for children with Down’s Syndrome. Nothing pulls her out of her funk. She never returns for a second shift.

Meanwhile, Alex and their daughter, Abby (Sarah Steele), feel neglected. “We’re partners,” Alex explains sadly. “Partners in business, partners in parenting, partners in life. We’re good friends.” But he doesn’t want a partner. He wants his wife. Clearly he misses the passion and attention she once gave him. Similarly, Abby feels detached from her mother. Abby is going through typical teenage angst, mostly about her face and figure. Kate is too busy and angst-ridden herself to give more than cursory attention to her daughter. When Abby asks for some expensive jeans that she thinks make her look less chubby, Kate tells her, “I’m not giving you \$200 for jeans when 45 homeless people live on our street.” It’s a modern twist on the old “children are starving in China,” or “India,” or even “France” (if you’re old enough).

As you may have noticed, “Give” is the operative word in this film. Kate wants to “give back” (is there a more common cliché?). And she doesn’t want to give *money*. “That’s too easy,” she says; “I want to do something.” The odd thing is that she gives to strangers, while she doesn’t seem capable of giving to her own family. But charity rightly begins at home. Instead of worrying about the ethics of buying low and selling high, Kate ought to be worrying about the ethics of teaching her daughter to rely on handouts. At 16, Abby is old enough to work in the family business and earn the \$200 to buy her own jeans.

This is obvious to the viewer — at least to this one — but it doesn’t seem obvious to the filmmakers. In fact, “Please Give” completely misses how the market works. There is nothing wrong with buying low and selling high, as long as there is no deliberate misrepresentation. In the free market, both the buyer and the seller gain, or they wouldn’t agree to an exchange. In any transaction, there’s more involved than simply money. The film provides an excellent example. As middlemen, Alex and Kate provide ready cash and convenience to sellers who don’t have the time or interest to hire a private appraiser or offer each piece of property

individually. Time and convenience are often more valuable than a few extra dollars to heirs who are simply in a hurry to empty a relative's apartment. There's nothing wrong with that.

Marketing items for a higher price than you paid for them harms neither the new buyer nor the original seller. Again, the film provides an illustration: Alex and Kate add value to each product by improving it — replacing inner cushions, fixing stuck drawers, smoothing gouged wood. They make shopping easier for the next owner by displaying the goods attractively in a shop conveniently located in the home furnishing district. Most importantly, no one is forced to sell or buy. Everyone is free to shop around. In sum, Kate and Alex provide a service. They should not feel guilty about getting paid for it — by people who (remember) aren't *required* to deal with them.

Let's consider Andra, the next door neighbor. She, too, receives a tangible benefit from the pre-death purchase of her apartment. By selling it before she dies, she can use the equity while she is still alive, instead of leaving it all to her heirs. Her quality of life can improve. She may feel uncomfortable knowing that the neighbors are waiting for her to die, but that doesn't seem to bother her, so why should it bother Kate?

These considerations don't seem to affect the filmmakers, perhaps because the observations I've made would be too optimistic to suit them. "Please Give" is amusing and well acted, but it is not a pretty film, and it was not meant to be. It focuses on the unattractive parts of life — zits, dog poop, old-person smells, even a montage of breasts being squeezed into mammograms as the film opens (Andra's granddaughter Rebecca [Rebecca Hall] happens to be a mammography technician, giving the director an excuse to present a parade of disembodied breasts of all sizes and ages).

Most of the characters aren't very nice either. Andra is insufferably mean, rude, ungracious, and inconsiderate — hilariously so, I might add. I know women who are just like her. When Rebecca and her boyfriend take Andra to see the leaves changing color, Andra turns her back on the view and refuses to see the beauty. It is a sad revelation of her character, and one of the most

powerful moments in the film. Andra's granddaughter Mary (Amanda Peet) is almost as rude, shallow and inconsiderate. So is Alex. So is Abby, although we feel sorry for the poor kid.

The most significant thing, though, is that the film just plain misses the boat philosophically. It hasn't a clue about

the moral issue it considers.

It does seem to have a target audience, however. As I was leaving the theater, I noticed that everyone except me had white hair. No wonder I smelled peppermint instead of popcorn. . . . Would you like Metamucil with that, Ma'am? □

Oscarnotes

The Rest of the Best

Gary Jason

Cinema is a very unusual art form. Unlike painting, composing, writing, or sculpting, it is inherently a collaborative effort. To make a good movie, you need a good script, a good score, good actors, good camerawork, good editing, good direction, and a good producer to make it happen. And every major film producing country has a yearly festival honoring its films and the people who make them.

In our country, the major awards given to celebrate achievement in cinema come from the Academy of Motion Picture Arts and Sciences — hence the name, "Academy Awards." This is a group of about 6,000 film professionals whom I will call "the Tribe." The Tribe is not defined by anything but professional affiliation. Though it consists of mainly Americans, it is open to professionals from all over the world. Its members are grouped into 15 branches, representing the different areas of the collaborative effort in producing cin-

ema (actors, art directors, cinematographers, directors, etc.).

Why are some people singled out of the collaborative mix and achieve the top recognition of the Tribe, while others, clearly quite as good, are left out? One way of approaching this question is to look at some excellent and popular actors who never won an Oscar. To keep comparisons manageable, I've selected the round number ten, and all of my snubbed actors are male, and deceased. They have no further chance at an award. Some of them won honorary Oscars (or what I like to call "posthumous Oscars in advance") for lifetime achievement, and one of the people on my list got an award for best screenplay, but none of them got an Oscar, frankly and simply, for acting.

Keep in mind, while I list my ten deserving people, that the contemporary actors Jack Nicholson, Dustin Hoffman, Tom Hanks, and Sean Penn have each won two best actor Oscars, with Nicholson having received a best supporting actor award as well.

Number one on my list of the unjustly snubbed has to be Joseph Cotten (1905–1994).

He was first a highly acclaimed stage actor, starting on Broadway in 1930, and joining the Mercury Theater Company, headed by Orson Welles and John Houseman, in 1937. He kept returning to the stage throughout his career. But his work in film was tremendous. He was superb in supporting roles, starting with "Citizen Kane" in 1941 and "The Magnificent Ambersons" in 1942 (both directed by Orson Welles). He also worked alongside Welles in "Journey into Fear" (1943) and "The Third Man" (1949). Each of his supporting roles would have merited an Oscar — especially his performance in "The Third Man" (directed by Carol Reed), in which he plays a rather shallow writer of cheap western novels, who is nevertheless the character around which the action moves.

He also played the lead in many excellent films, such as the Hitchcock murder mystery "Shadow of a Doubt" (1943, co-written by Thornton Wilder), the romantic flicks "Since You Went Away" (1944) and "Love Letters" (1945, with script by Ayn Rand), the western "Duel in the Sun" (1946), and the interesting fantasy drama "Portrait of Jennie" (1948). Of these, he easily deserved a best actor award for "Shadow of a Doubt." Later well regarded movies included "Two Flags West" (1950), "September Affair" (1950), "Niagara" (1953), "Touch of Evil" (1958), "Hush... Hush, Sweet Charlotte" (1964), "Tora! Tora! Tora!" (1970), "Soylent Green" (1973), and "Twilight's Last Gleaming" (1977).

Not only didn't he win an Oscar for any of this work, he was never even nominated. He put the point sharply himself when he said, "Orson Welles lists 'Citizen Kane' as his best film, Alfred Hitchcock opts for 'Shadow of a Doubt,' and Sir Carol Reed chose 'The Third Man' — and I'm in all of them." Not just "in" them — essential to them.

Why didn't he get the recognition he deserved? All I can guess is that he tended to disappear in the role he played, by which I mean that his acting was so well-crafted that you just saw the character. Contrast Sean Penn, who advertises himself in every line of every script.

A close second is Cotten's long time associate, Orson Welles (1915–1985). I will go lightly over his biography, since I discussed it in my recent review of the movie "Orson Welles and Me." But put aside Welles the writer (he won his only Oscar for Best Original Screenplay, sharing it with Herman Mankiewicz for "Citizen Kane"), Welles the director, Welles the radio actor, and Welles the stage actor. He was a great film actor as well, and though he was nominated once for best actor in his role as Citizen Kane, he never won either best actor or best supporting actor awards.

Let's just glance at a few movies in which he was lead actor or a major supporting player. These include of course "Citizen Kane" (1941) — considered by many critics to be the greatest movie ever made and a powerful, fascinating film to watch to this day. He co-wrote and acted with Cotton in the spy flick "Journey into Fear" and was the lead in "Jane Eyre" (1944). In "The Stranger" (1946), a fine movie, he played opposite Edward G. Robinson, he as a Nazi, and Robinson as a Nazi hunter. He then produced and starred in a project that wound up a mess, called "The Lady from Shanghai" (1947), starring opposite his estranged wife Rita Hayworth. The movie went over budget, the studio stepped in, and sliced and diced it. The result was to nobody's taste. (It is now available in a director's cut edition, and it is actually an intriguing film). He then starred in a low-budget version of "Macbeth" (1948), wrangling with the studio, as he often did.

"The Third Man," in which Welles starred, was a huge international hit that got Welles other offers. On the money he was made from acting and other work, he financed his own production of "Othello" (1952), which again involved production problems. A preliminary version won the Palme d'Or at Cannes, but when the film was released in 1958 in the United States, Welles had recut it, and the prints had awful sound problems. His last major American film was "Touch of Evil" (1958), which wound up being massively edited by the studio, but a restored version of this too is available on DVD. If you want to get an idea of his acting range, watch "Citizen Kane" and "Touch of Evil."

Why was Welles snubbed? One theory is that he developed a reputation in

Hollywood as a bad collaborator, someone hard to work with — trouble for the producers and the studios, because he disdained movie budgets, and trouble for directors because he told them how to direct. There is no doubt that real problems lay behind his reputation. But recall that during his most productive period, Hollywood movies were produced by very large and closely run studios. This was the era before a lot of independent films were common. By the time the studio system broke down, Welles was past his prime. So whether his reputation was well deserved or not, it would be a bad reputation to have in a community built around a collaborative art form.

Another theory involves not just problems of collaboration but a resentment of individuality. Too many in Hollywood simply envied Welles's genius. There is, it must be admitted, nobody quite so hard to endure as a know-it-all who does, in fact, know it all. Hayworth stated as the reason for divorcing Welles, "I can't take his genius anymore!" Eartha Kitt, the well-known singer and long time friend of Welles, is said to have opined, "The way Hollywood treated him was a form of envy, jealousy. He died a frustrated man. In the eyes of Hollywood he never achieved 'Citizen Kane' again, but ironically Hollywood wouldn't let him achieve another great success like 'Kane.'"

I would add that Welles spread himself too thin. He would work in Hollywood for a time, then return for extended periods to Broadway, then back to Hollywood, then abroad for work in foreign projects, then do radio work, then Hollywood again. He wasn't centered in Hollywood, viewing himself as a permanent outsider. Tribes will accept an outsider, but not if he keeps bouncing back and forth. Still, it is a strange Tribe that gives a Tom Hanks two best actor awards and an Orson Welles none. Welles, by the way, refused to show up to accept his belated honorary Oscar.

Third on my list is a name that may surprise you. It's Edward G. Robinson (1893–1973). Robinson (born Emanuel Goldenberg, in Romania) came to America when he was 10 years old. He learned acting at the American Academy of Dramatic Arts, started acting on

Broadway, served in WWI, and did a few silent movies in the 1920s.

His career took off with the rise of talking pictures, which exploited his distinctive voice, and he wound up doing over a hundred movies in his career. He won public acclaim with his portrayal of a gangster in "Little Caesar" (1931). The film was a big hit, but it had a downside for him: it type-cast him as an underworld character — a role he certainly played well. In the 1940s, however, he expanded his acting range in other types of drama. Among his best pictures were "Brother Orchid" (1940); "Dr. Ehrlich's Magic Bullet" (1940), a bio-flick about the great medical researcher Paul Ehrlich; "The Sea Wolf" (1941), "Tales of Manhattan" (1942), "Double Indemnity" (1944), "The Woman in the Window" (1945), "Scarlet Street" (1945), and "House of Strangers" (1949). He also reprised his gangster persona in the classic "Key Largo" (1948), co-starring (as he had four times before) with Humphrey Bogart. He had hit his stride as a first-rate actor.

Then, in the early 1950s, his career was mortally wounded by hearings conducted by the House Un-American Activities Committee (HUAC). He twice testified before the committee, and he identified some communist sympathizers. He wasn't blacklisted, but the Tribe kept a kind of reverse-blacklist, and those who cooperated with the committee (such as scriptwriter Morrie Ryskind) were shunned.

So it was that Robinson got few really decent parts offered to him after 1953, which led to economic hardship later in his life. His last movie was the quirky sci-fi film "Soylent Green," which co-starred Charleton Heston. It is said that Heston was the only one on the set who knew Robinson was dying of cancer, and wept real tears in one scene because of that knowledge.

Robinson could play it all: tough-guy villain, comic nice guys, academics, quietly shrewd investigators, even romantic leads — remarkable for a man who was by no means handsome.

If you want to get a sense of his quality as an actor, you might start with "The Stanger" and "Key Largo." In both he is superb. Here we have another fine actor who was never even nominated for an Oscar. He was given

another one of those honorary awards, but he was dead months before the ceremony. It is a strange Tribe, indeed, that can give a Dustin Hoffman two Oscars, and never even nominate an Edward G. Robinson.

I should note, in connection with the political prejudice against Robinson, that the Tribe has always had strange political attitudes. For example, there was little internal strife when it awarded Hitler's film-maker Leni Riefenstahl an honorary Oscar, but there was lots of it when it finally awarded one to Elia Kazan. Kazan, a renowned director of such movies as "On the Waterfront," had cooperated with HUAC because he was repelled by the communist movement, of which he had once briefly been a part. The Tribe could forgive Riefenstahl, but not Kazan.

Fourth on my list is the inimitable Cary Grant (1904–1986). Born in England with the anti-cinematic name of Archibald Leach, Grant was expelled from high school, joined a touring troupe of entertainers, and worked as an acrobat. While visiting America in 1920, he decided to stay, and started acting on the stage in St. Louis in 1931. He got into the movies shortly thereafter, and became a perennial star. He was the quintessential romantic lead: handsome, urbane, witty, and charming. He made more than 75 movies, including many that are on every list of classics.

Grant first came to popular attention playing the leading man opposite the larger than life Mae West, in "I'm No Angel" (1933) and "She Done Him Wrong" (1933). Paramount "rewarded" him by putting him in a string of mediocre movies, which no doubt had an effect on his later decision to desert the studio system. But in the late 1930s and early 1940s, he became as big as anyone in the business, with major hits such as "Topper" (1937), "The Awful Truth" (1937), "Bringing Up Baby" (1938), "Gunga Din" (1939), "His Girl Friday" (1940), and "The Philadelphia Story" (1940). The list includes some of the most popular "screwball comedies" — and Grant was undoubtedly one of the most gifted comedians of any movie era, equally adept at physical and verbal comedy. He played against the greatest leading ladies of the time, such as Constance Bennett, Katherine Hepburn, and Rosalind Russell.

During the next two decades, he played in a wide range of films — "Suspicion" (1941), "Talk of the Town" (1942), "Arsenic and Old Lace" (1944), "Notorious" (1946), "To Catch a Thief" (1955), "An Affair to Remember" (1957), and "North by Northwest" (1959) — working with such directors as Hitchcock and working with such actresses as Jean Arthur, Ingrid Bergman, Grace Kelly, Deborah Kerr, and Eva Marie Saint. In the 1960s, he starred in such movies as "Touch of Mink" (1962), "Charade" (1963), "Father Goose" (1964) and "Walk, Don't Run" (1966), and in all except the last one, he played the love interest to a much younger actress, and carried it off believably. Quite annoying, really, when you reflect upon it.

In the 1950s, he had become the first major actor to break free of the studio system and form his own production company. He personally chose what movies he would star in, who would direct them, and with whom he would work. While he eventually won an honorary Oscar, he never won an acting Oscar — and some have suggested that part of the problem was his decision to go independent.

I find this doubtful. Grant went independent at a time when the studio system was breaking down anyway. And he did so in the waning days of his illustrious career, after racking up an amazing number of outstanding performances from the early 1930s to the mid '50s.

I think the reason is more prosaic. To put it simply, the Tribe has always tended to rate acting done in dramas — especially off-beat or "socially significant" dramas — more highly than acting done in comedies, musicals, action films, or westerns. The fact that audiences often like the latter genres more than the first means nothing to the Tribe.

In particular, the Tribe tends to value acting in certain kinds of roles: military figures, extraordinary police officers or attorneys, alcoholics or drug abusers, mad geniuses, psychopathic killers, extremely lonely or antisocial people, good Samaritans, and people with mental or physical handicaps. It helps if the character dies during the movie.

Here's a free plot for screenwriters

who want to win an Oscar: A young alcoholic woman decides to undergo a sex-change operation, is deliberately maimed by an evil right-wing doctor, and subsequently goes on a rampage killing right-wing doctors, celebrating the kills by eating their livers with fava beans. (I know that the liver-fava bean bit has been done before, but re-using ideas is part of the Tribe's ethos).

Unfortunately, that's not the kind of role for Cary Grant. He tended to act in comedies or romantic dramas, in which he played a handsome, witty, virile man. Not Oscar worthy, apparently.

Two fine British thespians are tied for fifth on my list: James Mason and Richard Burton. Mason (1909–1984) never intended to become an actor. He earned a degree in architecture and had no formal training in acting; he tried it on a lark, but wound up making over 120 films during his 50-year career. His voice was a marvelous instrument (low, articulate and smooth — perfect for playing the intelligent villain), and he was a very handsome man, perfect for playing the lead. (He was even considered to play James Bond in "Dr. No.")

I can't list all his films, and many of them are not particularly memorable anyway, so let me mention a few of the more significant ones. In Britain, he did a series of popular dramas, including "Hatter's Castle" (1941), "The Man in Grey" (1943), "The Wicked Lady" (1945) and "Odd Man Out" (1947). In that last movie, he played an Irish revolutionary with a good deal of nuance, which made it rather controversial in Britain at the time.

His first Hollywood flick was "Caught" (1949). This led to a number of good roles in notable movies, especially during the 1950s, including "Julius Caesar" (1953), "A Star is Born" (1954), an entertaining version of Jules Verne's "20,000 Leagues under the Sea" (1954), and the great Hitchcock film "North by Northwest." He also starred in an enjoyable version of "Journey to the Center of the Earth" (1959). He convincingly played German General Irwin Rommel in two popular war movies, "The Desert Fox" (1951) and "Desert Rats" (1953), the latter movie co-starring Richard Burton.

Later good movies include the scandalous "Lolita" (1962) (in which he played the lead character, Humbert

Humbert), "Lord Jim" (1965), "The Boys from Brazil" (1978), and his final movie, "Dr. Fischer of Geneva" (1985).

For a full sense of Mason's ability, I suggest you view "Odd Man Out" and "North by Northwest." In the latter movie, you see a mature Mason playing against a mature Grant in what has been described as a contest to see who was more suave (a toss-up, if you ask me).

The question of why Mason never won an Oscar for acting (though he was nominated three times) is especially tricky. Some of his finest films, such as the brilliant "Odd Man Out," were British, so not open to best or best supporting acting Oscars. Also, he had a tendency to accept any role that was offered, no matter how bad the script. He appeared in some real turkeys (for example "Mandingo"). This certainly kept him employed, but it didn't help his reputation, because it led him to appear in a lot of mediocre or downright bad movies.

The Tribe can understand doing some questionable movies while you are just starting out in the business — hell, Jack Nicholson did "Little Shop of Horrors" (1961), which is more of a cult than a cinema classic. And it can accept your doing so if, at the end of your career, you are desperate for work. But if at all points in your career you accept whatever is offered, it suggests that you do not take your art completely seriously, which offends the Tribe greatly.

Richard Burton (1925–1984) probably needs no introduction, if only because of his notorious romance with Elizabeth Taylor. An accomplished Shakespearean, he was part of the inner circle of British actors when he ran into Bogart at a social event, and Bogart pushed his name in Hollywood. He was well enough known to be handed the lead in "My Cousin Rachel" (1952), co-starring Olivia de Havilland. The film was a critical and popular success, and got him the first of his seven Academy Award nominations. His magnificent voice and his intelligent, intense good looks served him well. He starred in "Desert Rats," followed by the CinemaScope extravaganza "The Robe" (1953). During this period he kept up his stage acting as well.

The 1960s were Burton's most fertile film period. His notable movies

include the ill-fated "Cleopatra" (1963); "Becket" (1964), in which he gives a powerful performance as the archbishop martyred by Henry II; "The Night of the Iguana" (1964); "Who's Afraid of Virginia Woolf?" (1966); "The Taming of the Shrew" (1967 — a bravura performance opposite Elizabeth Taylor, who convincingly conveys the shrew, as also in "Virginia Woolf"); "The Comedians" (1967); and "Anne of the Thousand Days" (1969).

His movies were fewer and less choice in the 1970s and 1980s, with only a few particularly noteworthy offerings: "The Assassination of Trotsky" (1972), "Equus" (1977), and "Nineteen Eighty-Four" (1984).

As to why he didn't win an Oscar for acting, despite seven nominations, some have suggested his politics — he was a life-long socialist, and is alleged to have spoken out against blacklisting. This is very doubtful. Burton's prime roles were in the 1960s. By then, blacklisting was long past, the blacklisted people were seen as martyrs, and Hollywood had turned decisively Left. Neither Burton's politics nor his notorious private life made him *persona non grata* to the public or the critics.

I'm inclined to suspect that in this case the culprit is the actor himself. To many of his performances he brought a noticeable staginess, a marked tendency to over-act that may have been too much for some of the Tribe (or for anyone: consider his performance in "Equus"). But it is still a puzzling thing.

Seventh on my list is the estimable Claude Rains (1889–1967), an English actor who magnificently overcame a speech impediment. Early to the stage, he was relatively late in film, though he did manage to appear in nearly 60 films during his career. Rains got his first significant role in "The Invisible Man" (1933). The film brought him to public notice, but it led his studio (Universal) to try to put him in nothing but horror movies. He resisted this, and during the 1930s his notable movies included the outstanding "The Prince and the Pauper" (1937), and the classic "Adventures of Robin Hood" (1938) and "Mr. Smith Goes to Washington" (1939).

Without doubt, however, his most fruitful decade was the 1940s. He was great in "The Sea Hawk" (1940),

"Here Comes Mr. Jordan" (1941), the famous horror flick "The Wolf Man" (1941), and the fine melodramas "Kings Row" (1942, with terrific cinematography by James Wong Howe) and "Now, Voyager" (1942). Add to these "Casablanca" (1942), "The Phantom of the Opera" (1943), and "Notorious" (1946), to name a few.

If you are unfamiliar with his work and want to judge his ability, I would suggest, in addition to "Casablanca," his "Caesar and Cleopatra," a full-color production of the George Bernard Shaw play, in which Rains plays Caesar as an aging, wistful, but playful character. Alas, his superb acting, along with that of his co-star Vivien Leigh, doesn't save the move from being a tremendously expensive box-office disappointment.

Despite being nominated four times for Best Supporting Actor, Rains never won. I suspect the fact that he chose to dwell on his Pennsylvania farm instead of in the Tribal territory (Hollywood, Beverly Hills, Bel Air, Brentwood, Santa Monica and Malibu) may have hurt his chances among folk who often push collaboration into a collective mentality. Rains was seldom in town except during filming; he wasn't one of the group.

Number eight on my list is the woefully underrated Alan Ladd (1913–1964). He attended the Universal Pictures studio school for actors but was considered too short for the profession. Nevertheless, he managed to get a start with minor roles and found work, if not stardom, throughout the 1930s. But in 1942, he landed the lead in a movie that made him a star, the excellent film noir gangster film "This Gun for Hire." He found a persona — the cool, chisel-faced killer. What struck the public was that the loud, ugly, and crude gangster of the thirties was now replaced by a quiet, attractive, polished criminal. Other significant movies of the 1940s were "Two Years Before the Mast" (1946), "The Blue Dahlia" (1946), and "Whispering Smith" (1948).

Early 1953 saw Ladd in his most acclaimed movie, "Shane" (1953). But from the mid 1950s until his final film ("The Carpetbaggers," 1964), he starred mainly in ordinary though watchable films. He died in 1964 at age 50; in what may have been a suicide. If you want to see Ladd at his best, I recommend "This

Gun for Hire" (in which he plays a hit man out for revenge), and "Shane" (in which he plays a gunslinger who tries to give up his gun, only to find that he can't).

Why no acting Oscars, or even a nomination? The problem, I think, was a personal decision, or drift. Ladd kept trying to play the handsome lead too long, instead of allowing himself to evolve into a distinguished character actor. Add to this his early death, and the fact that many of his roles were in westerns (a genre generally looked down upon by Oscar), and there you probably have it.

Ninth on my list is a controversial pick, Robert Mitchum (1917–1997). Mitchum was born and raised back East, growing up as a handful. Expelled from school repeatedly, he wound up in the early 1930s travelling the country as a drifter. He worked at various menial jobs, tried his hand at professional boxing, served time on a chain gang, and eventually wound up in Long Beach, California. It was here that he first started acting, in the community theater. He started in movies as a minor player in B westerns in the early 1940s. His heavy-lidded, tough-guy look got him more and more major roles. His big break came with his prominent role in the critically acclaimed "The Story of G.I. Joe" (1945), for which he got his only Oscar nomination.

At this point, Mitchum started working in a string of film noir flicks — the genre for which he is most famous. Perhaps the best is "Out of the Past" (1947). He was busted for smoking dope in 1948, and did a couple of months in jail for it, thus reinforcing his bad boy image. He returned with another western, "The Red Pony" (1949) and a noir film, "The Big Steal" (1949).

From the 1950s to the '90s, Mitchum kept working in a wide variety of roles. Indeed, he did over 120 films in his career. Especially worthy efforts include "River of No Return" (1954) and the disturbing "The Night of the Hunter" (1955), a film directed by Charles Laughton, who praised his acting highly. Mitchum gave an unusually powerful performance as a vicious preacher in pursuit of a couple of young children, but the movie didn't do well at the box office — no surprise, given its nature. Later movies include "Heaven

Knows, Mr. Allison" (1957), "The Longest Day" (1962), "Ryan's Daughter" (1970), "The Big Sleep" (1978), "The Sundowners" (1960), and the chilling "Cape Fear" (1962), one of his best bad guy films, highly recommended for people who don't know his work.

Why no Oscar? I think there are several reasons. Mitchum shared James Mason's habit of taking whatever came his way, even after his career was well established. And he shared Cary Grant's and Alan Ladd's problem of working in genres (in his case, especially westerns) in which the Tribe doesn't expect to see great acting ability.

But the most important reason was probably his apparent disdain for the craft. Part of that was a self-deprecating streak in his nature. "The reason I'm in demand," he commented, "is that I work fast and cheap. . . Like an old whore, you know, I got nothing to get ready." He also said, "Look! I have two kinds of acting. One on a horse and one off a horse. That's it!" The other part of it was that he was naturally gifted at acting, so it just seemed easy to him.

Last on my list is Fred MacMurray (1908–1991). He started in show business as a singer, did some Broadway work, then started making movies in the mid-1930s. His career lasted until the 1970s, and he did more than a hundred pictures. In most of his movies he played a handsome, decent, friendly guy, the kind of guy who figures in musicals and romantic comedies. He expanded his range in the 1940s and 1950s, with prominent roles in "Double Indemnity," "Murder, He Says" (1945), and "The Caine Mutiny" (1954). Then, however, he returned to nice-guy roles. He did a flock of Disney comedies, such as "The Shaggy Dog" (1959) and "The Absent-Minded Professor" (1961), and starred in a popular TV series, "My Three Sons" (1960–1972). Unfortunately, most people who remember him remember his later roles.

If, however, you want to see two of his best performances, I recommend the beautifully written, acted, and photographed "Double Indemnity," and the intellectually fascinating "Caine Mutiny," where he plays opposite Humphrey Bogart and Jose Ferrer. In both films, the directors get him to show a dark underside of that smiling, decent, friendly persona. In both, we

see how surface charm can mask underlying weakness or cowardice. Why did he never win an Oscar? Here again, I think we have a fine actor who had the misfortune to work almost entirely in genres looked down upon by the Tribe.

There are many other actors who could have made my list: Charles Bickford, Montgomery Clift, Elisha Cook, Jr., Laurence Harvey, Leslie Howard, Peter Lorre, Burgess Meredith, James Whitmore, and Richard Widmark, to name just a few — all fine players, all sadly overlooked by the Tribe.

I've attributed some of my ten actors' difficulties to their own choices, and much of those difficulties to the collective or herd instincts and prejudices of the Tribe. But all of them faced another problem in their quest for the Oscar: the sheer number of other first-rate lead and supporting actors, compared to the numbers they would have faced in more recent times (and particularly the past several decades). In any given year, my ten snubbed actors were

up against dozens of other fine actors turning in good performances.

The reasons are two-fold. First, and I believe especially significant, was the importance of stage acting. In the early twentieth century, before strict union codes drove prices up, it didn't cost a fortune to visit a theater. "Legitimate" theaters were able to train and employ more actors, many of whom migrated to Hollywood. While movie acting differs from stage acting, acting on stage is a good way to learn the craft. Note, in this regard, that almost half the actors on my list started their careers in Britain, home of a great stage tradition.

Second, the Hollywood studio system supported enormous numbers of artists — hence the phrase "stables of actors" — and had training schools to produce new ones. Train thousands of potentially talented people, on stage and in studio schools, and you are bound to get lots of fine actors, and hence lots of competition for acting Oscars. Moreover, from the 1930s to the

late 1950s, most people had only movies for visual entertainment — no television. So the studios put out a lot more movies then, and thus the pool of performances to select from was larger.

Now, however, conditions are much more favorable for even minimal talents to be recognized. There may be as many aspiring actors as there ever were, but the training grounds are fewer. Community theater is dying out, Broadway is not the force it used to be, and many high schools have cut their acting programs, if they ever had them. The studios don't sign new possibilities to starter contracts, and train them in acting; that's too much overhead. There are fewer movies and fewer well-trained people, so the good, the sort of good, and even the mediocre have more of a chance to stand out and be rewarded by King Oscar. Anyone writing a piece like this, 20 years from now, may have much more difficulty identifying unrewarded merit. □

Reflections, from page 18

Felipe Calderón heaped contempt on the bill, with Obama looking on approvingly. Calderón, curiously, did not suggest that the U.S. adopt Mexico's own enlightened, humane laws and procedures for dealing with its own undocumented workers.

The hysteria went on for weeks. But then a funny thing happened. The propaganda campaign failed. Polls showed that the intense debate about the bill solidified the public, true enough — but no doubt to the surprise of the Obama regime, the vast majority of Americans *supported* the bill.

Credit this to the counter-media (Fox News, talk radio, and the multitude of blogs) covering the actual content of the law. But credit also the administration's own hacks, such as Attorney General Eric Holder, people who publicly opined on the bill but when asked if they had read it, had to admit they hadn't.

Then came a flurry of articles indicating just how confused the Administration of Fools really was. As Sunlen Miller reported on the ABC News website (May 25), Obama announced he had authorized a call-up of 1,200 National Guard troops to the Arizona-Mexico border and was requesting \$500 million in supplemental funds. This money and personnel would, in the dull prose of the administration, "provide intelligence; surveillance and reconnaissance support; intelligence analysis; immediate support to counternarcotics enforcement; and training capacity until Customs and Border Patrol can recruit and train additional officers and agents to serve on that border."

Immediately Rep. Gabrielle Giffords (D-AZ) thanked Obama for the help, and Sen. John McCain (R-AZ) complained that "it's simply not enough." He said that 6,000 troops were

needed. But Obama's action seemed to validate Arizona's action.

The next day saw even more developments. The NBC-DFW website ran a piece pointing out that Texas governor Rick Perry had over the last year and a half been sending letters to Obama, Defense Secretary Robert Gates, and Department of Homeland Security Janet Napolitano requesting national guard troops for the Texas-Mexico border, but had yet to get any response. Not even a letter saying "No!"

Then, on the same day, the Fox News website reported that the selfsame Janet Napolitano (a.k.a. "Big Sister") had alerted Texas authorities to be on the lookout for a suspected member of a Somalia-based terrorist group who might be trying to sneak across the border. It was thought that he might act as a recruiter for Somali-Americans to go back to Somalia to train as terrorists. So Napolitano was telling the Texans to watch out for terrorists crossing their border, but she wouldn't send anyone to help. This may be one reason why she is widely and rightly viewed as a clueless clown.

And on that very day, as noted on the Breitbart website, State Department spokesman Philip Crowley announced that the troops Obama had just approved the day before would *not* be used to stop illegal aliens. No, no; they would only be used to "interdict the flow of dangerous people and dangerous goods — drugs, guns, people." Left unexplained is how you can tell whether somebody crossing the border illegally is a criminal, as opposed to just an alien, without . . . asking for his papers.

The message from the administration is as clear as mud: Arizona is wrong, but it's right. Texas doesn't need to guard its borders, but it does.

— Gary Jason

Washington, D.C.

Taxing tourists to save tourism, from the *Washington Post*:

President Obama has signed a bill creating a program to promote the United States as a premier tourism destination for international travelers.

Government and private industry would evenly split the program's costs, with Washington contributing up to \$100 million a year. That money will come from a \$10 fee paid by foreigners to enter the United States.

Orchard, Tex.

Another good kid gone bad, from the *San Antonio Express-News*:

A third-grader at Brazos Elementary was given a week's detention for possessing a Jolly Rancher. School officials are defending the seemingly harsh sentence. The school's principal and superintendent said they were simply complying with a state law that limits junk food in schools.

According to the Texas Department of Agriculture's website, "The Texas Public School Nutrition Policy (TPSNP) explicitly states that it does not restrict what foods or beverages parents may provide for their own children's consumption." Brazos Elementary Principal Jeanne Young, said the problem, in this instance, was that the candy was provided by another student — not the girl's parents.

Miami

Drawback to new security technology, from the *Miami Herald*:

A TSA worker was arrested for aggravated battery after police say he attacked a colleague who'd made fun of his small genitalia after he walked through one of the new high-tech security scanners during a recent training session.

Rolando Negrin was busted for assault after things got ugly at Miami International Airport between Negrin and some of his fellow TSA workers.

Sources say Negrin stepped into the machine during the training session and became embarrassed and angry when a supervisor started cracking jokes about his manhood, made visible by the new machine.

Brussels

Cultural stimulus plan, noted by the *London Times*:

An overseas holiday used to be thought of as a reward for a year's hard work. Now Brussels has declared that tourism is a human right and pensioners, youths, and those too poor to afford it should have their travel subsidised by the taxpayer. Details of how participants are chosen have not yet been finalized, but it is expected the EU will subsidize about 30% of the cost.

In the initial phase, northern Europeans will be encouraged to visit southern Europe and vice versa. Officials have envisaged sending south Europeans to Manchester and Liverpool on a tour of "archeological and industrial sites" such as closed factories and power plants.

England

Diplomatic infallibility, from the redoubtable BBC:

The Foreign Office has apologised for a "foolish" document which suggested the Pope's visit to the UK could be marked by the launch of "Benedict" condoms.

Called "The ideal visit would see . . .", it said the Pope could be invited to open an abortion clinic and bless a gay marriage during September's visit. The Foreign Office stressed the paper, which resulted from a "brainstorm" on the visit, did not reflect its views.

Corpus Christi, Tex.

The thin blue line separating society from chaos, reported by KRIS-TV:

What was initially thought to be one of the largest marijuana plant seizures in the police department's history turned into what amounted to a city park cleanup.

A teen riding his bike through Waldron Park discovered what he thought were marijuana plants growing there. Police later hauled away 300–400 medium-sized plants that they also believed were marijuana.

After spending more than an hour removing and tagging the hundreds of plants, then hauling it all to the police department downtown, testing revealed that none of it was marijuana.

United States

New frontier for Prohibition, from industry magazine *Brandweek*:

Burger King is testing brunch fare in Massachusetts and Florida, and depending on its success, it may be rolled out nationally. The new menu will include the BK Mimosa — a nonalcoholic version of the classic cocktail with Sprite standing in for the traditional champagne.

However, watchdog groups are not pleased with this new concoction. "This normalizes to children at a young age the idea that drinking is fine to do, and something we do everywhere," said Michele Simon, the Marin Institute's research and policy director.

Reno, Nev.

Electioneering crackdown, reported in the *Las Vegas Review-Journal*:

Voters dressed in chicken costumes will no longer be allowed inside Nevada polling places. Under the new rule, chicken costumes will be banned along with political buttons, shirts, hats and signs within 100 feet of polling places.

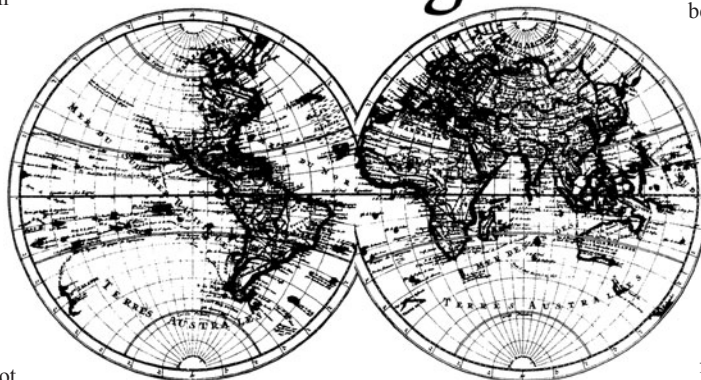
Washoe County Registrar of Voters Dan Burk said such a costume would be an "inappropriate and obvious" advocacy message against Republican Senate candidate Sue Lowden, who recently suggested that people barter with doctors for medical care, like when "our grandparents would bring a chicken to the doctor."

United States

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Terra Incognita



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(Readers are invited to forward news clippings or other items for publication in Terra Incognita, or email to terraincognita@libertyunbound.com.)



I own a farm with my family in Lake Elmo, Minnesota.

I want to sell pumpkins and Christmas trees grown from outside of Lake Elmo, but the city now bans such sales.

I'm fighting to remind my city that our Constitution protects free trade between the states from these kinds of petty barriers.

I am fighting for my rights, and your rights, too.

I am IJ.

*Keith Bergmann
Lake Elmo, Minnesota*

www.IJ.org

*Institute for Justice
Economic liberty litigation*