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Libertarian Review

**The Repression of
Political Ideas
in America
By Roger MacBride**

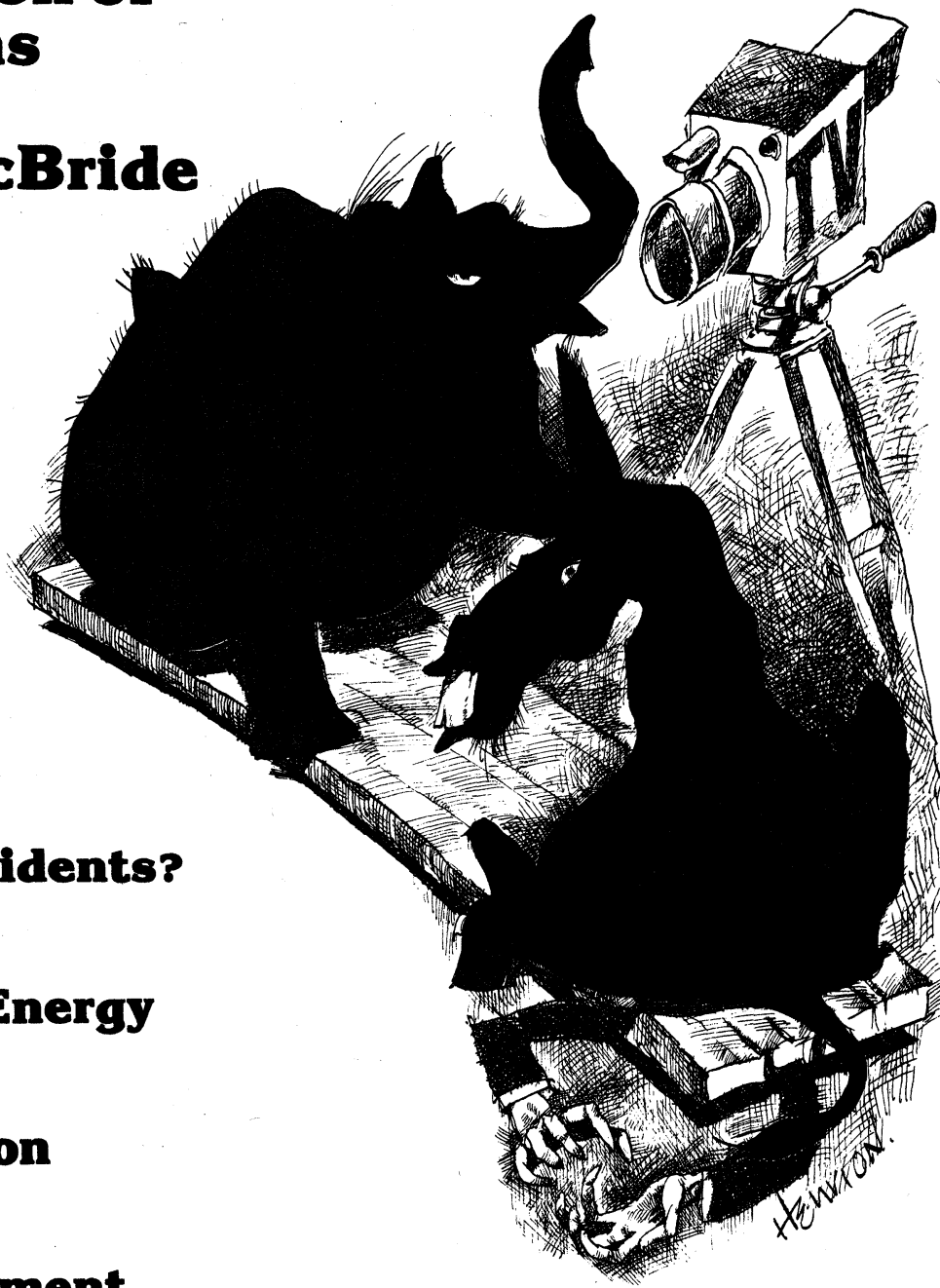
**Liberty and
National Security
By Earl Ravenal**

**Our Greatest Presidents?
By Ralph Raico**

**A Free Market in Energy
By Charles Koch**

**Murray Rothbard on
Reason Magazine**

The Laetrile Movement



Libertarian Review
Founded in 1972
by Robert D. Kephart

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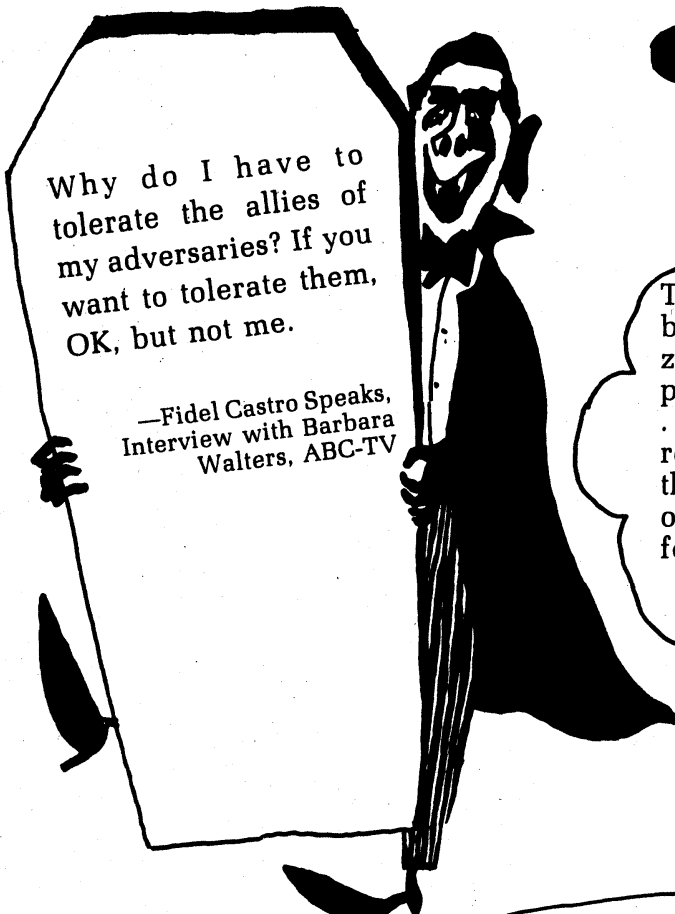
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OPENING SHOTS




Why do I have to
tolerate the allies of
my adversaries? If you
want to tolerate them,
OK, but not me.

—Fidel Castro Speaks,
Interview with Barbara
Walters, ABC-TV



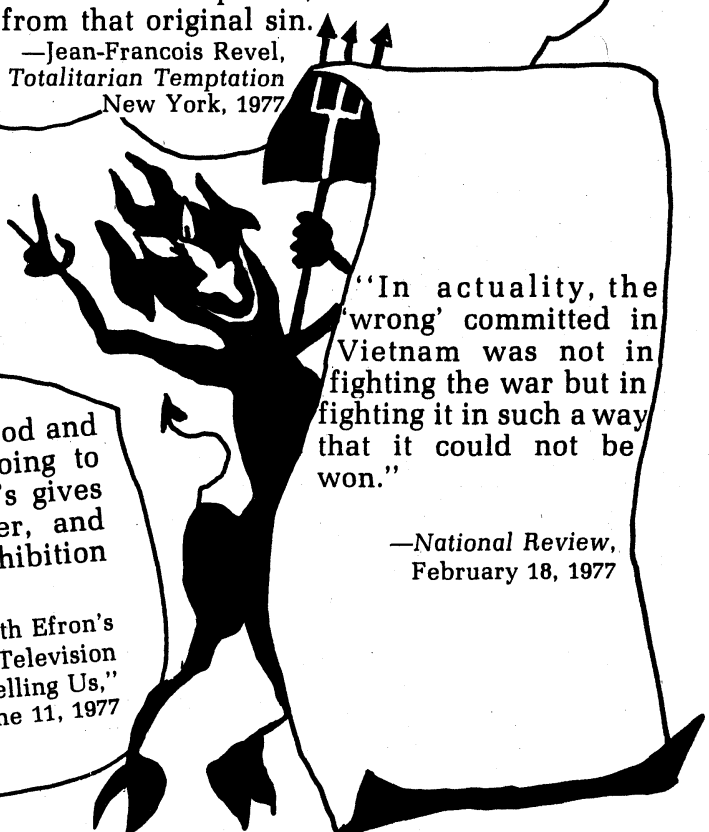
The totalitarian temptation is really driven
by a hatred of industrial, commercial civili-
zation, and would exist even if it were
proved that people in that civilization were
... better treated than in any other. The
real issue lies elsewhere: money is sinful,
the root of all evil; and if freedom was born
of economic development, then it too suf-
fers from that original sin.

—Jean-Francois Revel,
The Totalitarian Temptation
New York, 1977



"One of these days, the Food and
Drug Administration is going to
discover that Jack Daniel's gives
rats cirrhosis of the liver, and
we'll be back with Prohibition
again."

—Irving Kristol, quoted in Edith Efron's
"The Additive Scare: What Television
Isn't Telling Us,"
TV Guide, June 11, 1977



"In actuality, the
'wrong' committed in
Vietnam was not in
fighting the war but in
fighting it in such a way
that it could not be
won."

—National Review,
February 18, 1977

cartoon figures by Fred Hausman

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Subscriptions: Single copy, \$1.25. 12 issues (one year), \$15.00; two years, \$25.00; three years, \$35.00. **Address Change:** Write new address, city, state and zip code on plain sheet of paper. Attach mailing label from a recent issue of LR, and send to Circulation Dept., Libertarian Review, 6737 Annapolis Road, P.O. Box 2599, Landover Hills, Md. 20784. Second class postage paid at New York, N.Y. and Additional Mailing Offices

LETTERS

Carter's Energy Program • Murray Rothbard has dissected brilliantly the Carter *et. al.* power play in energy. Let me add a footnote to his comments.

Government control of energy is intended to be the strategic beach-head to government planning of the entire economy. There are dozens of Ph.D. economists within Washington and its satellite academic institutions and foundations that yearn to "supply manage" the economy—"demand management" has collapsed so they push on to new frontiers of statism. No doubt their plans in energy will be frustrated, but they will use their failures as the rationale for even further regulation of much of what is left of the American business system.

Business has almost no one to blame but itself for the acceleration into economic fascism. A good part of our existing regulatory structure was designed and effectuated by powerful business interests through trade associations. In industry after industry—and particularly in petroleum—business interests sought alliances with the State in an attempt to limit competition and, thus, secure and enhance positions of wealth and power within the industrial system. Economic fascism cannot exist or expand without active business support.

For a recent and thoroughly revealing example of this intellectual alliance, witness the trial balloon for energy regulation launched in the pages of *Fortune* a full two months before the Carter energy speech in April. No, "My Case For National Planning" was not written by an explicit interventionist like Galbraith or Javits, but by Thornton Bradshaw, the President of Arco, one of the largest oil and energy companies in the world. Bradshaw should know better than to advocate "planning", right? But the very point is that he does know better—better than you or I to be sure—where his bread is buttered, and where he and his company fit into the ever widening circle of power that we conveniently call the Corporate State.

Thus, the economic planners that

[continued on page 38]

Editorials



THE LAETRILE MOVEMENT

No doubt about it, the Laetrile movement is on the march. In state after state, court case after court case, proponents of the drug are winning out. As *Newsweek* pointed out in a recent cover story: "... [W]ith a series of astonishing recent legal victories, the movement suddenly has become a major national issue, sharply challenging medical practice and the role of the government in drug regulation. 'In the past six months things have changed radically,' says Stuart L. Nightingale of the U.S. Food and Drug Administration."

Seven states have already legalized the use of Laetrile, there are bills awaiting the governor's signature in four others, and legislation has a good

chance of passing in five other states, including some of the most important: New York, California, Illinois and Massachusetts. Federal judges, in addition, have ordered that its use not be prohibited in cases of the terminally ill. For the first time in decades, it looks as though the Right-wing has hold of a live issue which it has a chance to win: the fountainhead of the pro-Laetrile forces is the Birchite front group, "The Committee for Freedom of Choice in Cancer Therapy," a name which gets right to the point. The FDA and the medical establishment are fighting the legalization of Laetrile for all that they are worth, but in this case, at least, they appear to be losing. It is about time.

Let us be blunt about it: the issue is not, in this case or in any other, whether Laetrile "works." Yes, most of those supporting the legalization of Laetrile also are proponents of the use of the substance, but that is irrelevant. The medical establishment comes to the public debate armed as usual with a filefolder of test results and statistics, claiming that it is not helpful in fighting cancer, that it is not beneficial in treating malignant tumors. The pro-Laetrile forces rush forward with a even thicker file of "anecdotal" evidence, as the FDA so scornfully labels it, purporting to show cases where Laetrile *did* cause remission of tumors, where it caused cessation of pain, and prolonged life. At the very least, they claim with medical evidence, it is not *harmful*, and individuals should be allowed to use it. Not true, retorts the medical establishment: people may very well turn to this quack cure *instead of* conventional cancer therapy, and give up their only chance at life. But Laetrile is usually used in the case of *terminally ill* cancer patients, the pro-Laetrile forces exclaim, so what do they have to lose?

Plenty, responds the medical establishment, for there's always a chance. ... And on it goes, *ad infinitum*.

There are two levels of argument going on here, and, as usual, they should be separated. On the one hand, there is the debate over the efficacy of Laetrile and of conventional cancer treatments, and the wisdom of choosing one treatment over another. On the other hand, there is the issue of freedom of choice. The Laetrile case is a perfect example of why the issue of freedom of choice is the only relevant political issue: we ought not to relish the thought of such violently opposed groups, each concerned with life-and-death issues, battling each other in the public arena.

Medically, the FDA and the medical establishment may be right; politically, the pro-Laetrile forces are certainly right. We must treasure above all else what Thomas Szasz has called the "right to self-medication," which flows from the libertarian axiom of self-ownership. As Ludwig von Mises wrote in his masterwork, *Human Action*, "If one abolishes man's freedom to determine his own consumption, one takes all freedoms away." Even in cases where the risk is so high? No, especially when the risks are so high. That will allow full competition between different alternatives, with every individual taking his own risks, and the truth about the matter will emerge that much more quickly. As in all such cases in a market economy, competition *spreads knowledge*, regardless of whether or not that is the intention of the participants involved.

Each side in the dispute can learn a lesson from this situation. During the last eleven years, according to a Harris Survey, public confidence in the medical profession has dropped alarmingly: 73% said they had a "great deal" of confidence in the medical profession in 1966; only 43% held that opinion by 1977. This drop in confidence has come precisely as the medical establishment has increasingly barged into the arena of politics, trying to ban this or foist that upon us. Perhaps the drop in confidence in the medical establishment is not unrelated to this increasing politicization of medicine.

Similarly, the victories of the Right-wing on this issue appear almost simultaneously with their increasing opposition to freedom of choice in other areas. Instead of inscribing on its banner "Freedom of Choice in Cancer Therapy," the Right-wing should raise instead the banner of "freedom of choice" period, thus inscribing the principle involved. Why, after all, should we permit freedom of choice in this area, but not, say, in the case of so-called "recreational drugs", such as marijuana, cocaine, and the opiates? If they would come to understand the principle behind that question, it would be a happy day indeed for the advancement of individual liberty.

Libertarian Review commends the pro-Laetrile forces on their legal victories, and wishes them the best, without taking a position on Laetrile one way or the other. As for the medical establishment, doctors must learn that superior knowledge is not a license to violate individual rights. When they learn that, public confidence in their profession may begin to rise, as it surely should. But first: freedom of choice, doctors.

TUCCILLE'S UTOPIANISM

In the April 29, 1977 issue of *National Review*, there is an article which simply begs for comment: Jerome Tuccille's "Goodbye Utopia: The Failure of Libertarianism." It comes from the author of *Radical Libertarianism*, and one-time Free Libertarian Party candidate for governor of New York. So let us take it up.

The first question to be asked is: What on earth is Jerry Tuccille doing writing in the pages of *National Review*? Once upon a time ago, Jerry Tuccille knew that "A case can be made that the conservatism of Buckley is even more dangerous than that of George Wallace and Robert Welch. . . . He has managed to cloak his Roman authoritarianism under heavy layers of convoluted verbiage." (*New York Times*, 1/28/71)

About the same time, William F. Buckley, Jr. was referring in print to Tuccille as "a semiliterate gentle-

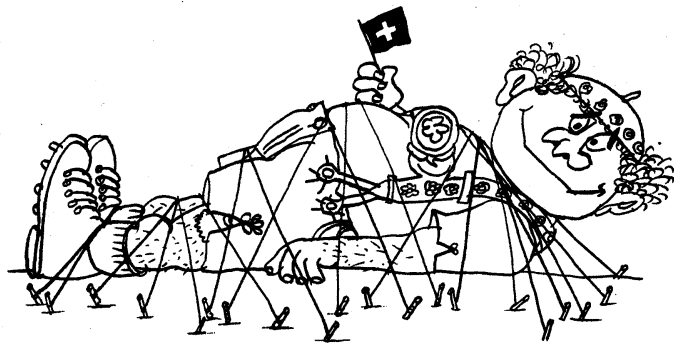
man." So, have the authoritarian conservative and the semiliterate gentleman joined forces to bury libertarianism? Apparently so, but the reports of its death have been greatly exaggerated.

Tuccille claims that while libertarianism was launched as a movement in 1969, "Today, eight years after its inception, (it) has failed to emerge as a major independent political movement in the United States. . . . Now it is time to ask, Why? and to come up with some honest answers."

What are those "answers"? As Tuccille catalogues them, they amount to a virtual repudiation of the sum and substance of libertarianism, to a permanent acceptance of the most vile aspects of statism. "Libertarianism has always been and continues to be hopelessly utopian," he writes. How? By not accepting as "permanent conditions" of our lives such things as: public schools, the income tax, fiat currencies, and an interventionist foreign policy. Concern with such things is just another case of libertarians "talking only to themselves."

This is said, you understand, about the conclusions of some of the most complex and subtle social-political analyses to appear in this century. It is said about a host of institutions and policies all of which are in trouble in today's reaction against "big government."

Important as his comments about domestic institutions are, they are as nothing compared to Tuccille's climax: an attack on a noninterventionist foreign policy. That is when the chickens really come home to roost, and we find out what, after all, Jerome Tuccille is doing in the pages of *National Review*.



"The military policy of most leading libertarians would reduce the United States to . . . a 'giant Switzerland,' as one libertarian thinker has phrased it," he complains. He adds then, with the arrogance of a supposed foreign policy expert: "What this concept overlooks, of course, is the fact that Switzerland's neutrality is a luxury made possible only by the existence of a powerful United States acting as a deterrent to an expansive totalitarian military presence in the world. . . . (It) overlooks the presence of Soviet weapons and Cuban troops in Africa and the Communist intrusion into the political affairs of Western democracies." It also "fails to recognize the moral superiority of the American system, with all its shortcomings, to a totalitarian society—the Soviet Union—in which the concept of individual rights is not even considered."

This simple-minded attitude toward the complexities of international affairs, supposedly constitutes "realism;" this unthinking, uneducated mouthing of conservative clichés is trotted forth as opposed to the supposed "slogans" of libertarians. Really, now, are we to take seriously this claim that the Swiss have managed to remain neutral in international conflicts only because of *American military might*? Is Tuccille totally unfamiliar with hundreds of years of Swiss history? Has he never heard of World War II? Is this the sort of jumbled slop which Tuccille proposes to substitute for the subtle reasoning behind an advocacy of non-interventionism?

Moreover, what on earth does the "moral superiority" of the American political system vis a vis that of the Soviet Union, have to do with pumping for American interventionism? Why

should Cuban troops in Angola be reason enough to make us adopt an aggressive American foreign policy? Are we to take seriously the claim that we are "threatened" by the continual tribal warfare among the African peoples? Who is being "simplistic," reciting mindless "slogans," now? One is tempted to comment that when William Buckley labelled Tuccille a "semi-literate gentleman," he was being generous to a fault.

Yes, many libertarians have been too "utopian" over the years, all-too-unconcerned with the facts of political issues, though such a complaint comes with ill grace from the author of a book called *Here Comes Immortality*. But libertarianism—the doctrine—is soberly realistic and tough-minded. It is for that reason that libertarianism has been spreading, in recent years, more quickly than ever before, and is beginning to find its way into the public's awareness. Changes will not come instantaneously—that would be a truly utopian expectation—but come they will. Eight years is hardly any time at all in the history of political affairs.

Tuccille has in fact taught us a lesson very different from the one he intended, and it will profit us to name what it is. Jerry Tuccille's four books are—let us be frank—among the most lightweight works in the entire libertarian corpus. He was never very well informed when he was writing as a libertarian, and he isn't any better informed now that he makes his home in the house organ of the anti-libertarian Right. What can be learned from this is that while libertarianism is not utopian, it is utopian and unrealistic to expect to remain a libertarian—particularly as a writer—while avoiding the necessary hard work involved in mastering the complexity of real-world issues. Not understanding why we are noninterventionists in the first place, for example, is bound to lead to our not remaining noninterventionists in a crunch. Such is the case with Jerome Tuccille.

It is really an old, old story: in order to change the world, it is first necessary to understand it. *Utopianism is always based upon ignorance*. But if that is the case, then Jerome Tuccille must be the most utopian of all.



THE LIBERTARIAN MOVEMENT AND AMERICAN FOREIGN POLICY

Since the end of the Vietnam War, a battle has been raging within American intellectual and policy making circles over the future course and direction of American foreign policy. While a significant segment of this elite is pressing for fewer foreign commitments, a movement away from interventionism, and reduced defense budgets, a much larger and better organized segment is pushing for the exact opposite.

Parading before the American people a host of scare stories about a new Soviet military buildup and supposed threat to American security, they are pressuring the Carter administration to increase the defense budget, increase tensions between the U.S. and Soviet Union, and adopt a more belligerent tone in foreign policy. Groups like the American Security Council, the Committee on the Present Danger, and magazines like *COMMENTARY*, have been actively promoting this point of view.

All of this has now culminated in an article in the July issue of *COMMENTARY* magazine by Richard Pipes, a leader of these forces, entitled "Why the Soviet Union Thinks It Could Fight and Win a Nuclear War," which *The New York Times* found significant enough to devote over twenty-six column inches to summarize [NYT, 6/25/77], and which the prestigious *Washington Post* reprinted in full.

In our view, the Libertarian movement ought to play a special role in opposing such views. Not only are they false, they are very dangerous as well, and may well lead to new conflicts in international affairs, with attendant threats to individual liberty at home and abroad.

Since it is impossible to oppose such views without adequate information, *Libertarian Review* intends to devote several articles in the coming months to summarizing such conflicts, as well as presenting the evidence given on both sides. We will begin this lengthy process in our November issue, with a rebuttal to the Richard Pipes article and an answer to the point of view which it represents, written by international affairs expert Dr. Richard Barnet of the Institute for Policy Studies. That will be the first in a series which shall be published in several issues of *LR*. In the meantime, those readers who are interested in the subject should read essays giving something of a perspective on the subject such as those by Les Aspin and Earl Ravenal in the Spring 1976 issue of *Foreign Policy*; "The Great Defense Budget Debate," *International Bulletin*, April 9, 1976; Murray Rothbard's "The 'Defense Gap' Mythology," in *The Libertarian Forum*, April 1976; and Daniel Yergin's excellent overview "The Arms Zealots," in the June 1977 issue of *Harpers*.

This debate is one of the most significant in our time, for its outcome will determine nothing less than the future course of international relations. It is a debate that libertarians cannot afford to miss.

editorial cartoons by Paul Peter Porges

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Crosscurrents

BY WALTER GRINDER

• **The International Scholarly Libertarian Movement** is spreading throughout the many nations. In England there are the Adam Smith Club, the Radical Libertarian Alliance, and the Institute for Economic Affairs (especially some of the younger people affiliated with I.E.A.). Instrumental in working toward the development of each of these organizations has been one Professor Sudha Shenoy. Miss Shenoy is truly an international libertarian phenomenon. In addition to her work in England, she is a Fellow of the Center for Libertarian Studies in New York. She is also on the Editorial Board of the Center's new academic journal, the *Journal for Libertarian Studies*. Professor Shenoy is now a Senior Lecturer at the University of Newcastle in Australia, where she has once again been instrumental in the formation of yet another scholarly libertarian institution. The *Center for Independent Studies* is an independent institution formed to promote basic research and advanced study across a broad spectrum of the humane sciences. With its welcome addition to the world of libertarian scholarship, the scholarly libertarian movement takes another significant step forward.

We wish our colleagues from down under well. For further information write to Professor Sudha Shenoy, Economics Department, University of Newcastle, N.S.W., Australia.

• **The Austrian Economics Program** of the combined efforts of the Institute for Humane Studies and the William I. Koch Foundation has thus far been the most successful, sustained academic program within what could broadly be called libertarian scholarship. David

Theroux of the University of Chicago has just finished directing the very successful series of lectures on Austrian economics at the U. of Chicago. The last two lectures on the spring series have been given by J. Huston McCulloch of Stanford University and by Roger Garrison of the University of Virginia. In mid-June I.H.S. sponsored a two-week introductory program in Austrian Economics at Mills College in Oakland, California. About 35-40 top students attended. The high point of this total program, though, will be held at the Institute for Humane Studies in Menlo Park, California. No less than twenty-five top graduate students and young professors will assemble to do three full months of independent research in various areas of the Austrian economics discipline. This investment in Austrian economics is of crucial importance. It is sure to pay off handsomely in the months and years to come.

• **Milton Friedman**, Nobel Laureate in economics and columnist for *Newsweek* magazine, has written his most hard-nosed libertarian editorial yet. In his May 23rd column, Friedman writes that President Carter's energy program is thrusting the nation's economy into that of the Corporate State. This is a solid and commendable critique of the current proposal, and Professor Friedman should be commended by us all and therefore the criticism that follows should not make my above pat on the back appear to be a left-handed compliment. It is not. However, there is something about the way that conservative/libertarians approach an analysis that is disheartening. It is so because the method used tends to be misleading. And this is so because the perspective and method

are essentially ahistorical, i.e., theoretical analysis stripped of its historical context. It is as though the proposed Department of Energy had simply appeared full grown out of either the misguided or the malevolent intentions of government functionaries. Surely adoption of the Carter policies would not "presage a major revolution" in the energy industry. As Garett Garrett said about similar experiences decades ago, "The Revolution Was." Only a critic largely unaware of the last century's history of intervention into America's oil industry in particular and the American economy in general could imagine that such energy proposals are but the result of bureaucratic expansionism and misconceptions foisted upon an unwilling free-market-oriented industry. Surely the major revolution would be a shift in the direction of a truly free-market approach to the American energy industry. Where are the allusions to innumerable instances of the industry's elite, using the long arm of the State to achieve their own interventionistic ends? What about the long litany of pleas for government-industry partnership or interface between State and Business? What about the long history of prorationing? What about the Texas Railroad Commission? What about the Thornton Bradshaw wing of the industry who have openly called for formalizing and rationalizing the interventionism into National Economic Planning? Yes, Professor Friedman is right to come down hard on the formalization of the long history of quasi-fascism in the oil industry, but he has given us only half the story and therefore a misleading story. The economic analysis is important. The historical context and the political-economic analysis are just as important and probably more important for us to achieve a more accurate understanding of the growth of America's Corporate State. For those who are interested in understanding the long history of interventionism in the oil industry, I would suggest that they read the following: John Ise's *The United States Oil Policy*, Gerald D. Nash's *United States Oil Policy 1890-1964*, and John Blair's *Control of Oil*.

• **The Federal Commodity Futures Trading Commission's** harassment of the Hunt family of Texas has been one of the most blatant examples in recent history of using the State apparatus to achieve political ends. H.L. Hunt was a great old maverick multimillionaire oil tycoon who simply would not fit in with the Eastern Establishment's view of politics and political economy, either domestic or international. Old man Hunt used to stand up to the Government's intervention more than almost any other well-known industrialist. His sons N. Bunker Hunt and W. Herbert Hunt seem to be cut out of the same cloth as their father. They have engaged in a number of futures trading undertakings in the last several years. N. Bunker has been particularly successful in trading in silver contracts, many of which he has accepted. The Hunts' most recent trading venture has been a bold and I think a shrewd one in soybeans. The CFTC has charged the family with conspiring to manipulate the market. You can be sure that if the businessmen were a part of the Eastern Elite rather than Texas mavericks (and a potential source of competition to the East), they would not have been singled out for such harassment. Can you imagine the Hunts being charged if their name had been Rockefeller? W. Herbert is reported to have responded that "If upon investigation I find that the prices of soybean futures have been, are now or become artificial due to the action of the commission, its members or personnel, I will charge the CFTC with manipulation." Hooray! The Hunts appear to deserve the moral support of all those interested in supporting the right to trade freely.

• **New Times** has recently begun a new column—"Dollar Signs" by A. Gallatin. In the May 27 issue, M. Gallatin discusses the alarmingly growing national debt. Among other things he is concerned with the growth of the percentage of the debt held by foreigners. M. Gallatin has yet to convince me that it makes much of a difference as to who holds the debt—wealthy Americans or wealthy foreigners. He makes the important point, though, that the beleaguered American taxpayer ends up

paying his taxes to support the wealthy American bondholder at home and the Arab coupon-clipping Shieks abroad. Gallatin's columns should prove interesting to libertarians during the coming weeks and months. Also, *New Times'* pages often contain some very good, hard-hitting muckraking.

• **A Radical Constitutionalist** is always a delight to find, particularly if he is in the tradition of others such as J. Allen Smith, John W. Burgess and Felix Morley, who believe that the constitution is meant to protect the people from the intrusions of government, rather than as a sanctification of anything the government decides to do. Professor Leon Wein seems to be just such a man. This Jeffersonian anti-public debt crusader is a professor of law at Brooklyn Law School. According to articles in both the *New York Times* (April 3) and *New York* magazine (May 9), Wein has no less than eight suits against various New York State financing agencies. More are on the way. He has yet to win, but his suits are developing an important history of legal cases. Wein and a colleague, William J. Quirk of South Carolina Law School, have written a series of articles in the *Cornell Law Review* and the *Empire State Report* on the legality of State finances. These articles should be studied both by libertarian scholars and lawyers and by the various libertarian strategists. It seems that libertarians could gain a great deal by playing on the following Wein-and-Quirk theme: "Debt is ir-repealable. While a bad law can always be repealed, a bad debt cannot be . . . A democratic government, to the extent that it borrows, becomes less democratic. The government's future revenues belong to the bondholders, not to the taxpayers, whose work will produce them." (quoted in the *New York* article). I think that both M. Gallatin and Professors Wein and Quirk would be interested in reading the writings of libertarian Frank Chodorov on the matters of State finance and debt. It would not hurt for libertarians to go back and re-read Chodorov's brilliant essay, "Don't Buy Government Bonds" in *Out of Step* and, of course, his important 1954 book *The Income Tax: Root of All Evil*.

• **The Center for Libertarian Studies** (200 Park Ave. South, Suite 911, New York, N.Y. 10003) has released the first two in its series of Occasional Papers under the able editorship of Richard M. Ebeling. Number One is an excellent work by Lawrence H. White, "Methodology of the Austrian School." In it White gives an introductory overview of the methodological insights of C. Menger, E. Bohm-Bawerk and F. Wieser, L. Mises, F.A. Hayek and I.M. Kirzner and M.N. Rothbard. Number Two is French Classical Liberal Gustave de Molinari's "The Production of Security." In this fine translation by J. Huston McCulloch, de Molinari extends libertarian market analysis to the area of police and the courts. A real eye-opener, straight from the Classical Liberal tradition. Each of these papers is \$1.50. Forthcoming later in the year are Number Three, a reprint of M.N. Rothbard's classic "Toward a Reconstruction of Utility and Welfare Economics," and Number Four, a collection of essays by Roger Alexander, Roy A. Childs and Joseph Stromberg under the title of "The Political Economy of Liberal Corporatism." Each of these latter two papers will cost \$2.50. The first two issues of the Center's new academic journal, *The Journal of Libertarian Studies*, edited by Murray N. Rothbard, have also been published and released. Volume One No. One includes articles by W.M. Evers on Contract Theory; by R.E. Barnett, R.A. Childs, M.N. Rothbard, J.T. Sanders on Robert Nozick's book *Anarchy, State and Utopia*; by W.E. Grinder and J. Hagel III on State Capitalism. Volume One, No. Two includes articles by J.R. Peden on Property in Celtic Irish Law; by L. Mises, B. Leoni and E. Frola on Mathematics and Economics; by W. Block on Professors Coase and Den- setz and Property Rights; by J. Sneed on the Market Defense Agencies; by A.W. Green on Egalitarianism; by G.P. O'Driscoll on Hayek's Spontaneous Order. This quarterly journal is \$20 per year. These additions to academic libertarianism are indeed welcome. I can't think of any addition to the movement that will have more important long-run results than the Center's new journal.

Media

REASON WATCH

By Murray N. Rothbard

The July issue of REASON has a new format, which improves the layout of the publication. But what about the content? Unfortunately, on that ground, the new REASON seems to be worse than the old.

Let us examine some of the articles in REASON's July issue, to see what they are all about. First, one John Kizer attacks Thomas Szasz's libertarian denunciation of involuntary mental hospitalization. Kizer analogizes that just as the unconscious victim of an auto wreck can be justifiably "involuntarily" treated by a doctor, a treatment that will be really voluntary after the patient wakes up, so too can the schizophrenic or paranoiac be involuntarily — "really" voluntarily — treated. Except that the schizophrenic and paranoiac are awake and conscious, thank you, and are clearly not assenting! And, should an opponent of medical therapy wake up from his accident and demand Out, his demand, however odd, must be granted. But what of the similar demand of the mental patient? At any rate, whether sound or unsound, the point is that Mr. Kizer's article is explicitly anti-libertarian.

Then there is the crazed article from Canada by one A. Michael Keerma, which Red-baits to an extent that would not even be tolerated by *National Review* or *Human Events*. First, there is the ludicrous charge that the Parti Quebecois and Quebec Premier Rene Levesque are Communists run by the Soviet KGB. There is not even a coming to grips in the Keerman article with the libertarian view that secession is a *per se* libertarian act, being the dismantling of a

state into constituent parts. But just when I thought that Keerma would be calling for an all-out defense of the Canadian nation-state against the Quebec separatists, I find that the author's Red-baiting has boxed him into a peculiar corner: for, according to Keerma, Canadian Prime Minister Pierre Trudeau is *himself* a Communist and KGB tool.

It is incredible that this sort of drivel can appear in a responsible magazine. The truth is that neither Trudeau nor Levesque are Communists or Soviet agents; they are simply, like nearly every other politician in the "free world," moderate socialists, which is bad enough, but hardly a call for the U.S. to become embattled, in Keerma's words, in "a war to determine the fate of the free world." Or are we to nuke Britain, run by moderate socialist Callaghan?

But we have not yet come to the heart of this issue of REASON, which is supposed to present both sides of the interventionism-non-interventionism debate. At first sight, this aim seems a legitimate, even a noble one, suitably democratic and free-inquiry-ish. But, on second thought, what gives here? Why are there not debates in REASON presenting both sides of the issue on abolishing OSHA, price controls, the draft, and whatnot? Why is there no article praising Communism? After all, REASON is not supposed to be a debate magazine, but a journal devoted to liberty, that is, a journal committed to a certain world outlook. Would it publish a debate on the merits and demerits of mass-murder? But then, of course, it has now done *just that*, with more space and passion devoted to the

pro-mass murder side.¹

Earl Ravenal's pro-isolationist article, "Non-Intervention: A Libertarian Approach to Defense," is brilliant and persuasive, but it is an account that gets neither into the historical background and current nature of the Cold War nor into the philosophic principles involved.

To counter Ravenal, there are not one but two articles. R.J. Rummel's "Wishful Thinking is No Defense: A Political Scientist Challenges Libertarian Foreign Policy Myths," is a hopped-up, ranting, boobish replay of the most absurd myths of the Cold War. The second, "Permissible Defense," by philosopher Eric Mack, is a lengthy, confused, rambling article which, in the manner of all-too-many libertarian philosophers, discourses on important empirical problems, though armed with no facts whatsoever. One conclusion emerges from the Mack morass: that isolationism is not, must not, cannot be, a principle of libertarianism.

Eric Mack uses a device employed by all too many libertarians: of holding the ideal free market anarchist system or a limited government as virtually equivalent to the current State-riden system. Thus, he points out quite correctly, that isolationism makes no sense as a principle for a free-market protective agency; he leaps from there to the conclusion that, at least for an anarchist, it cannot be a binding principle for the State either. But for an anarchist, the existing State is not a benign if a bit overly cumbersome surrogate for a free-market protection agency. The State is organized crime, murder, theft, and enslavement incarnate. And even for *laissez-faire* liberals the existing State should be tarred with the same dire labels.

Isolationism is not a principle for free-market defense agencies because there would be no nation-State and therefore no foreign policy for anyone to worry about. But we live, unfortunately, in a world of nation-States, in which each State has arrogated to itself a monopoly of the use of violence over its assumed territorial area. Therefore, to limit the aggressive use of the State, to limit State violence over innocent people as much as possible, the libertarian, be he an anarchist or a

laissez-faire liberal, necessarily arrives at the view that at least each State should confine its operations to that area where it has a monopoly of violence, so that no inter-State clashes, or, more importantly, injuries wreaked by State A on the population of State B, will be able to occur. The latter point is particularly important in the days of modern technology when it is virtually impossible for State A to fight State B without gravely injuring and murdering large numbers of civilian innocents on both sides. Therefore, "isolationism"—the confinement of State violence to its own territory—is an important libertarian precept, whether for an anarchist or not. Limiting government to its own territory is the foreign policy analogue of the domestic injunction of the *laissez-faire liberal* that the State not interfere with the lives of its own subjects. And isolationism becomes all the more important in our modern age of advanced technological weaponry.

There is an important philosophical error which Mack makes about freemarket defense agencies which is quite relevant to our concerns. He maintains that if A uses B as an innocent shield to aggress against C, it is perfectly legitimate for C to shoot B. The problem here is that Mack forgets about the rights of B. Suppose, after all, that B has hired his own defense agency sworn to defend his life and property, and that, for some empirical reason, the agency can't get to A; would it not then be perfectly legitimate for B or his agent to shoot C in self-defense? The answer, of course, is yes. The error committed by Mack is to concentrate on one person, C, and to worry about what C's moral course of action may be, while forgetting about B. On a deeper level, Mack's error—also engaged in by many others, of course—is to confuse morality and rights, that is to be concerned about what actions of C may or may not be *moral* while ignoring what the rights are of the various parties in the given situation. To put it succinctly, it may well be that in the shield situation, it is moral for C to shoot B in order to save his own life; but even though moral, it is also murder, and a violation of B's rights. This error stems from Mack's unfor-

fortunate view that rights as such all disappear in emergency, "lifeboat" situations.

Thus, the political philosopher should not be concerned with morality *per se*; he should be concerned with that subset of morality dealing with rights.

More specifically, in pondering various situations, real or hypothetical, the political philosopher should be solely concerned with the question: where is it legitimate to use force, and by whom? Or, which use of force is a criminal invasion of rights, and which a legitimate defense of rights? The political philosopher is, or should be, a sort of "Lone Ranger," or a surrogate for a Universal Defense Agency, called upon by X and Y to enter into each of their defenses in a violent or non-violent dispute, the Political Philosopher-Universal Defense Agency must ponder: who is using aggressive force, and who is defending himself, in this situation? Or rather, *whom* must I defend against *whom*? In the above situation, he determines that A is an aggressor violating the rights of B and C, but that if C decides to shoot B, then the Political Philosopher-Universal Defense Agent is duty bound to defend B against C's aggression, even if C's action may be considered moral on another level.

It should be noted that no local police force acts on Mackian premises; no police agency not considered monstrous, for example, sprays an innocent crowd with a machine-gun in order to shoot a criminal, or bombs an entire block where it knows a criminal is hiding. But, at any rate, even if Mack were right on this point, it would not be relevant to our foreign policy theme, since one of the major points of an isolationist policy is precisely that it is the only one to minimize and avoid injury to innocent civilians.

We turn from confusion to rant, and dangerous rant at that. In the name of "realism," R.J. Rummel pulls one fantastic blooper after another. There are so many it is difficult to know where to begin. There is the spectacle of an alleged foreign policy expert claiming that East Germany had a developed economy before 1945, or the North Vietnam was less economically devel-

oped than the South. There is the usual statistical baloney of claiming that Soviet military expenditures are higher than ours by using dollar rather than ruble comparisons. There is the unusual baloney of claiming that the American nuclear arsenal, which can kill most of the population of the Soviet Union in a second strike, could only kill 4 per cent of that population. There is the breathtakingly casual dismissal of historical causation, Rummel claiming that it doesn't matter if the U.S. was largely responsible for launching the Cold War, since we are now threatened by Russia. But if U.S. actions were responsible in the first place, then perhaps our actions can end this alleged threat.

Worst of all is Rummel's equivocal and misleading use of language, which for an alleged libertarian is unforgivable. Bear in mind that if libertarians understand anything, it is the conceptual distinction between an initiation of aggressive violence, and the use of propaganda or persuasion. Then let us turn to R.J. Rummel:

Clearly were we attacked by Soviet military forces our government would have to be given more power to counter this threat and defend the freedoms we do have. We could not wait for private initiatives; adequate defense would require our accepting more centralized state government command and control.

We are precisely in this situation. We are under attack, although by all means short of nuclear war. And we are losing.

Now what in the world does this mean? Under attack, by all means short of nuclear war, eh? Have you heard of conventional bombers dropping bombs recently on San Francisco, Chicago, or New York? Have our ships been attacked by Russian planes or battleships? What is this drivel?

Later in his piece, Rummel, perhaps explaining this alleged "war" situation, states that the "Soviet elite constantly reiterate their goal of defeating capitalism everywhere (which goal they call peaceful coexistence.)" Rummel apparently has no inkling of the meaning of the rather charming term "peaceful coexistence." It means that the Soviets will refrain from military aggression across borders, relying on the supposedly inevitable internal shift

to Marxist regimes within each of the other countries—i.e. relying on propaganda rather than inter-State military clashes. In short, there is no "war," in any sense which the libertarian, indeed, which any rational person, would find meaningful.

Let us dwell a bit further on Rummel's obscene willingness to hand over still more power to the American State. In addition to the above quotes, he writes: "In the short term, we may need to increase the state's power in some areas to preserve our ability to move eventually toward the libertarian goal. This is seen no better than in foreign policy." Since Rummel likes to dwell on Reds under the bed, I might point out that this gibberish was precisely Stalin's rationale for maximizing State power in Russia while supposedly on the road to the State's "withering away." This is the imbecile dialectic: Yes, of course, we want the State to wither away, but that's only in the *long run* (very long); in the meantime, in order to achieve that goal, we have to increase State power sharply. Rummel, meet Stalin.

There is more, much more, in Rummel. There is the standard Wilsonian nonsense that dictatorships are always aggressive in foreign affairs while democracies, or freer countries, are not—simply not true either way, and an example of *a priori* history at its worst. There is Rummel's horror at the idea of the "gradual Finlandization" of the world, which, characteristically, he equates with satellization or absorption into the Soviet Union. But what's wrong with being a Finland? Indeed, Rummel could profitably study the Finnish case, if he should ever come to think that modern history is important. For the Russians occupied Finland after it joined Germany in attacking Russia, just as the Soviets occupied the rest of Eastern Europe after World War II for the same reason. Yet how is it that Russia pulled out of Finland, and left it be, while the rest of Eastern Europe became Sovietized? Did the Soviet Devil nod when considering Finland? Did diabolism sleep? The actual answer is that, in contrast to the other Eastern European countries, Finland, under the direction of Julio Paasikivi, was willing to renounce anti-

Soviet foreign adventurism loud and clear. Given that commitment, the Soviets didn't really care about the domestic systems of the various countries. Unfortunately, there was no equivalent statesman in Poland, Hungary, et. al., to give a similar commitment.

Also, Rummel, a supposed libertarian, comes out not only against Western governmental aid to Russia, but also against trade—presumably he is in favor of outlawing such trade, again not realizing that trade benefits both parties to an exchange.

And in claiming a total power for terror tactics, in asserting that majority support is no longer needed for a State, Rummel fails to explain why it is that Batista terror, why South Vietnamese terror, backed up by the murder of over a million Vietnamese peasants by American bombers, why that terror failed to work. Any one who understands the principles and history of guerrilla warfare knows that the essential condition for guerrilla victory is support by the mass of the population; lacking that support, the population informs on the guerrillas, and, as in the case of Che Guevara in Bolivia, the battle is swiftly over.

The central error in this farrago by Rummel is his repeated assertion that Statism=Communism, and that therefore the central confrontation of our time is between liberty and Communism. In fact, however, the single most important enemy of liberty is mass murder. Communist governments murder their citizens, but nuclear warfare would murder far, far more, indeed, the entire human race itself. And so the greatest enemy of liberty in our time, our *realistic* enemy, if you please, is nuclear war, by whichever State launches it. And, empirically, every consideration—from the continuing refusal of the U.S. to abjure first use of nuclear weapons, to our refusal to agree to our own proposal for mutual general and complete disarmament (with inspection) after Russia accepted it in 1955, to the chilling fact that the U.S. and only the U.S. is developing precise nuclear missiles that could be used for a first nuclear strike—leads to regarding the U.S. State, rather than the Soviet Union, as the major nuclear

threat to the life and liberty of the world's population.

There are two essential policies, therefore, for libertarians to push upon the American State: a policy of "isolationism," of non-intervention into the territory of other States; and to pressure it into genuine negotiations, at long last, for mutual nuclear disarmament with inspection. The fact that Soviet Russia butchers many of its own citizens is monstrous and important, but is *irrelevant to the question of foreign policy*, and to the threats to human liberty that lie in such policies. For it is not the function of any State, including the U.S., to right the sins of the Decalogue, to spread fire and devastation in order to bring freedom around the globe—as we murdered countless Vietnamese in the name of their "freedom." And, above all, we must realize that nuclear war is a far bigger threat to liberty than Communism. How's that for libertarian "realism"?

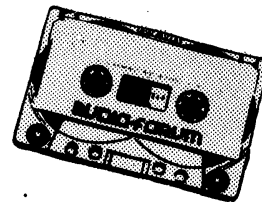
In short, libertarians must realize that just as, for them, Liberty must be the highest *political* end, in the same way, peace and the avoidance of mass murder must be the highest end of *foreign policy*.

We may hope that this issue of REASON does not prove a harbinger of its future course. REASON has long had an unfortunate tendency to define the scope of Libertarianism so broadly and so fuzzily as to leave it drifting in a zone somewhere between Libertarianism and Conservatism. Yet, as the case of foreign policy demonstrates so well, in issue after vital issue, Libertarianism is not somewhere near Conservatism, but its polar opposite and mortal foe. It is high time for Libertarians to sharpen their knowledge of the critical gulf between themselves and Conservatism.

1. With seeming neutrality in the debate, REASON's editors offer a list of books on foreign policy to interested readers. Yet every one of the recommendations is right-wing and interventionist, ranging from Rummel himself to the American Enterprise Institute and the Hoover Institution. There's "both sides" with a vengeance.

Murray Rothbard is the editor of the *Libertarian Forum* and contributing editor of *LR*.

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- ☐ A Libertarian View of the American Revolution: William Marina, Tape 748 (48 min.) \$9.95
- ☐ Benediction: Murray Rothbard, Tape 749 (33 min.) \$9.95

- ☐ Barbara Branden, Efficient Thinking, Tapes #701-710 (15 hrs.) \$105.00
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- ☐ Henry Hazlitt, Economics in One Lesson, Benjamin A. Rogge, Is Economic Freedom Possible?, Tape #106 (61 min.) \$10.50
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- ☐ Ludwig von Mises
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The dean of Austrian economics describes the nature of society based on the principle of socialism, and contrasts it with society under the principle of free market exchange. He exposes the inherent weaknesses of socialism, tells why many people unwisely advocate it, and outlines how the free market helps men achieve their goals. Tape #155 (86 min.) \$10.95

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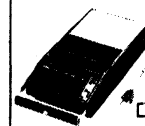
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Washington Watch

THE TAX ISSUE IN THE 95TH CONGRESS

By Bruce Bartlett

Americans are protesting high taxes in record numbers today. A recent Harris Survey showed that 70 percent now feel that "taxes in this country are unreasonable;" 66 percent feel that taxes have reached "the breaking point;" 85 percent feel that "politicians promise tax relief before election and do nothing about it when elected;" and 69 percent complain that their standard of living is being hurt by high taxes.

Although Congress has not legislated a general tax increase since President Johnson imposed a surtax during the Vietnam War, the American people are becoming more and more aware of the secret increase in taxes resulting from inflation. Because our income tax system is steeply graduated, when inflation increases nominal (money) incomes individuals pay more than a proportional increase in taxes. If the purchasing power of their nominal income has not increased, due to higher prices, this can represent a very substantial real increase in taxes.

Most Members of Congress do not like to admit it, but the Federal Government relies heavily on the additional revenues derived from inflation's effect on the tax system. In fact, the revenue derived from a given rate of inflation is rather precise: approximately 1.2 percent for every 1 percent increase in the price level, according to the Congressional Budget Office. This means that if inflation goes up by 10 percent this year—as it is very likely to do—Federal tax revenues will go up by more than \$40 billion.

On top of this indirect increase in taxes, President Carter has proposed

significant direct tax increases for Social Security and energy conservation. The increase in taxes on energy alone are expected to directly increase taxes by \$70 billion per year by 1988, according to Dr. Jack Carlson of the U.S. Chamber of Commerce. If one also computes the additional taxes which will be derived indirectly from inflation caused by the energy package, this figure increases to \$85 billion per year. This adds up to over \$1,000 per year for every family in America.

President Carter claims that the energy tax revenues will be returned to the American people in the form of tax rebates. However, he has admitted, "I can't certify today that every nickel of the taxes collected will be refunded to the consumers." Thus many observers feel that the President intends to use a considerable amount of the energy tax money either for new spending programs, such as national health insurance, or to keep his campaign promise of balancing the Federal budget by the end of his first term.

Ironically, the President's plan to balance the budget through increased taxes may actually have the opposite effect and reduce revenues, by slowing economic growth, while increasing expenditures. As Professor Arthur Laffer of the University of Southern California recently noted, in testimony before the Joint Economic Committee.

It is ... quite possible that the entire program will, when combined with existing taxes and spending programs, lead to reduced overall revenue and markedly higher spending. Deficits will most likely be increased as a result of the overall program.

The reason for this is simple: taxes are fundamentally a disincentive. The higher taxes are the less incentive there is to work, produce, and invest. At some point people will stop investing in productive enterprises altogether and put all their money into tax-free municipal bonds, or stop work and live on savings or welfare.

That point is hard to calculate, because it depends on the marginal rate of taxation—the tax on each additional dollar that is earned—rather than the average level of taxation. Whichever way you look at it, though, the United States is way beyond the thresholds of either standard. Marginal rates go up to 70 percent of income and are affecting more and more people every day as inflation increases nominal incomes. Thus in the early 1960s only 3 percent of all tax returns were affected by marginal rates over 30 percent; today nearly one third are. The proportion of government expenditures as a percentage of National Income has increased from 33 percent as recently as 1965 to 43 percent today.

Consequently, the government is very likely to increase its tax revenues, rather than decrease them, by a reduction in tax rates. It will increase the incentive to work, produce, and invest, expanding the nation's economic base, and do more to get people out of tax shelters and off unemployment compensation than anything else the government could do.

Of course, fundamentally, the government has no moral right to take anyone's income without their consent. But short of a revolution the income tax is not going to disappear, or even be reduced, unless the majority of people are convinced that they have more to gain, in increased take-home pay, than lose in government benefits. By making the argument that a reduction in taxes can lead to enough economic growth to offset the loss in tax revenue, you can, in effect, promise the people tax relief without a loss in government benefits, since more revenue will result from an expansion of the tax base itself. This is an argument which can and must be made before high taxes destroy the economic system altogether.

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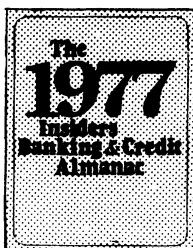
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The author, Mark Skousen, is an insider himself, having worked for the CIA for two years. Presently, he is managing editor of the widely-read *Inflation Survival Letter* and author of the new book, *Playing the Price Controls Game*. Mr. Skousen has a Master's degree in economics. He continually keeps abreast of the banking world and consults often with bankers and financial advisers.

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What David Frost found out, and what American television viewers discovered, is that Richard Nixon, though cornered and wounded, is not about to roll over. Certainly he isn't about to cooperate in his own prosecution. He has a different theory about what happened. This doesn't mean that Nixon, in the last analysis, has made his case. It does mean, though, that he is righter than we might have thought, and certainly righter than most of his critics. Above all, it means that, if we don't understand his case, we can't understand the last eight years of American foreign and domestic policy; and if we don't understand the last eight years, we can't very well predict the next.

LIBERTY AND NATIONAL SECURITY: THE LEGACY OF INTERVENTIONISM

By Earl C. Ravenal



NIXON'S SECOND COMING: LISTEN, HE'S TRYING TO TELL US SOMETHING

To understand what Nixon was telling us, there is a lot to wade through. The interviews were not distinguished by any special analytic acuity or forensic brilliance on either side. Nor are we particularly helped by the yelps of warmed-over outrage from the liberal editorialists—"the banality of evil," that line. Rather predictably, they were fixated on the ugliness of Nixon's demeanor, and the rather obvious fact that he is still lying about Watergate, the persecution of his political enemies, and other aspects of his conduct in office. So what else is new?

Yet, in a very fundamental sense, Nixon was more "truthful" than his liberal critics, because he was trying to tell us something that is "objectively" true, about the sources of foreign policy, about the connection of foreign policy with domestic society. We need to reconstruct Nixon's logic and meaning out of the debris of his mawkish, stuttering performance. Out of the soggy repartee come several ironic, but largely valid points—though even to allow this is to defy the liberal imagination:

1. That the motive for "Watergate" and the coverup was "political" and not "criminal." It was something larger than the law. Nixon did it in order to protect the processes of government (*his* government, of course) from disorder. And, in a certain conception, "national security" was at stake.

2. That all those things that we collect under the rubric of "Watergate" were "necessary"—the abortive Huston plan, the wiretapping and intimidation of government associates; the enemies lists; the suppression of dissident groups and the harassment of individual citizens; the evasions of congressional and legal scrutiny. "Paranoia," lunged Frost; "paranoia for peace," riposted Nixon.

3. There is even a glimmer of truth in another favorite Nixon point: that he was the victim of a vendetta—that the whole Watergate prosecution, the press campaign, the pre-impeachment proceedings, were a shallow and self-serving performance. The Watergate prosecution never grappled with—only dismissed, ridiculed—the "necessities," the logic, that were the centerpiece of Nixon's defense. In a real sense, Nixon was being punished by his enemies for what he was, not what he did—and certainly not for why he did it.

The point can be extended. The old, visceral Nixon-haters, and those who had been politically (and financially) damaged by him, were so busy ascribing Watergate to his criminal propensities and evil nature that they, as usual, missed the essence of the whole thing. They were constructing their own, ad hoc, careerist myths about the Nixon performance (the critics fabricated more myths in their time out of office than Nixon ever did, in or out of office): "Now you see how twisted and lawless he was (and his gang, and later even Kissinger). So all we have to do is get rid of them

and everything will be all right." And that was what we were hearing from the media from 1973 on, and from the political opposition during the 1976 campaign.

Between all those "ah...ah's," parenthetical digressions, and rolling recapitulations, Nixon was trying to give us a lesson on the sources of foreign policy and the relation of foreign policy to domestic order. What Nixon was trying to tell us is that he "had" to do what he did. In order to wage a tough, effective foreign policy, which he thought was his true mandate from the majority of the American people, he had to maintain social discipline, to pacify the silent majority and suppress the articulate minority.

It is useful to capture Nixon's rationale in a few phrases from the Frost interview:

Let me be quite candid about it. The most popular position to take on Vietnam, if I was simply playing to the votes and playing to the popular opinion in the world, was to bug out and blame it on Johnson and Kennedy. ... But I'm not going to say it. I'm not going to say it because I don't believe it. ... This is a war that had to be fought and that we had a successful outcome. ...

I had to make a choice: ... are we going to allow our potential enemies, those that we were negotiating with in Paris, gain the impression that they represent a majority? In other words, are we going to have a situation where this war would be lost in Washington as the French lost in 1954 in Paris, rather than in Dien Bien Phu? ...

In the meantime I had to deal with the problem of dissent at home. ...

If the President ... approves something because of the national security, or in this case because of a threat to internal peace and order of significant magnitude, then the President's decision in that instance is one that enables those who carry it out, to carry it out without violating a law. Otherwise they're in an impossible position. ...

The actions I took with great reluctance, but recognizing I had to do what was right, the actions that I took in Vietnam: one, to try to win an honorable peace abroad; and two, to keep the peace at home, because keeping the peace at home and keeping support for the war was essential in order to get the enemy to negotiate. And that was, of course, not easy to do in view of the dissent and so forth that we had.

In short, Nixon was advancing a theory of "necessity"—buy it or not. It might be evil, and ultimately wrong, but it is not contemptible in its logic.

But let's be clear about what we have said. We have to understand "necessity" in a particular sense. No, what Nixon did was not *absolutely* necessary. There were alternatives. But, on the other hand, "necessity" was not just a matter of Nixon's perceptions. The challenges and even "threats" that Nixon saw were not fictions or private hallucinations.

What we are talking about is *conditional necessity*: If you want to achieve or maintain certain objectives in the world, *then*, in the face of obstacles and constraints, certain means have to be employed; because other means might not be ac-

ceptable or effective; or because otherwise you would have to give up the objectives. Nixon could hardly have given up the global objectives of his time, any more than his critics, now in office, can bring themselves to give them up. This is how Nixon construed his mandate: to hang on, but at lower cost; to succeed, but with less noise. And he got it about right.

That is how we derive Watergate from Vietnam. And that is how we get manipulative, repressive internal politics from Nixon's grand, engaged foreign policies and from the "correlation of forces" that faced Nixon and Kissinger when they came to office in 1969.

No matter that Nixon read the American people wrong: what they would stand, how much they would pay for foreign glory or advantage, "the national interest." That is the subject of a much deeper analysis, and one that I suggest later: why Nixon's and Kissinger's balance of power policy could not work in the longer run.

But Nixon was saying: If you like the tune, you have to pay the piper. You might not like the foreign policy tune, but that is something else. In fact, the liberal critics *did* like the tune; they just didn't like the accompaniment, some of the rhythm. The liberal critics applauded—and still applaud—the main foreign policy initiatives of the Nixon-Kissinger administration: the opening to China, the detente with the Soviet Union, the extrication from Vietnam, the energetic diplomatic activity in the Middle East. But they affected to deplore some of the stylistic nuances of the Nixon White House, and later the diplomatic style of Henry Kissinger—the cool, secretive amorality, the manipulative and coercive use of power. Essentially, these critics wanted Nixon's foreign policies without Nixon's personal style, and Kissinger's diplomacy without Kissinger's philosophy of the world.

That is how the liberals long ago forfeited their credentials to criticize Nixon. They lost them by failing to pursue rigorously the logic that leads from foreign policy objectives—most of which they themselves shared with Nixon—to domestic repression and the subversion of our constitution. Indeed, the liberals lost their credentials by themselves suppressing more radical critics, who consistently, objectively, and deeply pursued the structural causes of both foreign interventions and domestic misgovernance.

It is time for the "radical" critics to resurrect Nixon and Kissinger and rescue them from the superficial stylistic jibes of the liberal critics. In short, we need a dose of revisionism about the Nixon-Kissinger foreign policy.

If you don't understand Nixon's notion of what he "had" to do, if you trivialize or criminalize his "motives," you might never find out why foreign policies, and domestic moves, come out the way they do. You will never suspect in advance, and you will always wonder later, how even the most "right-minded" and "whole-minded" presidents can also become warmongers, mass murderers, liars, betrayers of our

constitution, and abusers of our civil liberties.

I want to reassure readers at the outset that the purpose of this is not to exonerate the Nixon administration for its infringement on the rules of our political system and its damage to other societies in the world. The purpose is to understand what was going on all those years, in order to do something real and lasting about it now. There is little hope of avoiding future excesses, no matter who is president or secretary of state, if we don't understand the logic of foreign policy, if we don't see how global objectives and international and domestic constraints combine to produce certain foreign policies and a certain executive style.

In short, I come not to praise Nixon, but to disinter him, almost before the grass has begun to grow on the grave of his administration, so that we may give him a *proper burial*.

We have to transcend the shallow, inconsequential critique of Nixon—the standard critique of the liberals. The liberal myths about the foreign policy-making of the past eight years are a part of the larger liberal dream: It is an ethic of active moralizing married to a dynamic of strategic control. At its base is a grand convergence: Doing “right” will lead to doing “good”; and doing “good” will lead to doing “well.”

There is a certain cheerful voluntarism about it all. It eliminates paradoxes and makes choices easy. Thus the reason for “bad” results must be bad intentions. Therefore, if the “right-minded” people replace the bad people, the things will be all right, won't they? Not incidentally, if the “right” people have to do a few “wrong” things to bring about good, they can be trusted, can't they? And that is just the beginning of the trouble. We have to save other countries despite themselves, as people like George Ball still believe. It's not very far from that to having to destroy them

I come not to praise Nixon but to disinter him

to save them. And not much farther from there to destroying ourselves to save our own souls.

In the midst of the Vietnam war, at the tail end of the Kennedy-Johnson presidencies, we were just on the verge of coming to grips with this paradox. And then Nixon came along, to give the liberals a reprieve from understanding the destructive—and self-destructive—consequences of their own fantasies. He was the best thing, and the worst thing, that could have happened to them. In his own unique way, he restored the liberal faith: that bad policy is made by evil men. Vietnam became Nixon's war. And the liberals could ignore, for another political generation, the inevitable tendencies of their disastrous, but seemingly and intentional-

ly benign, policies. They could load their sins on Nixon, like a scapegoat, and drive him out into the desert.

But he won't go away.

He has come back, and in his petty mendacity he is giving us a larger truth. He is inviting liberals to consider the logic, and the end product, of their dream. In a way, the interviews are a parody—but not entirely of Nixon. They present us, as did the entire Nixon administration, with a parody of *our liberal selves*. Nixon is holding up a cracked mirror—to us.

STYLE AND SUBSTANCE

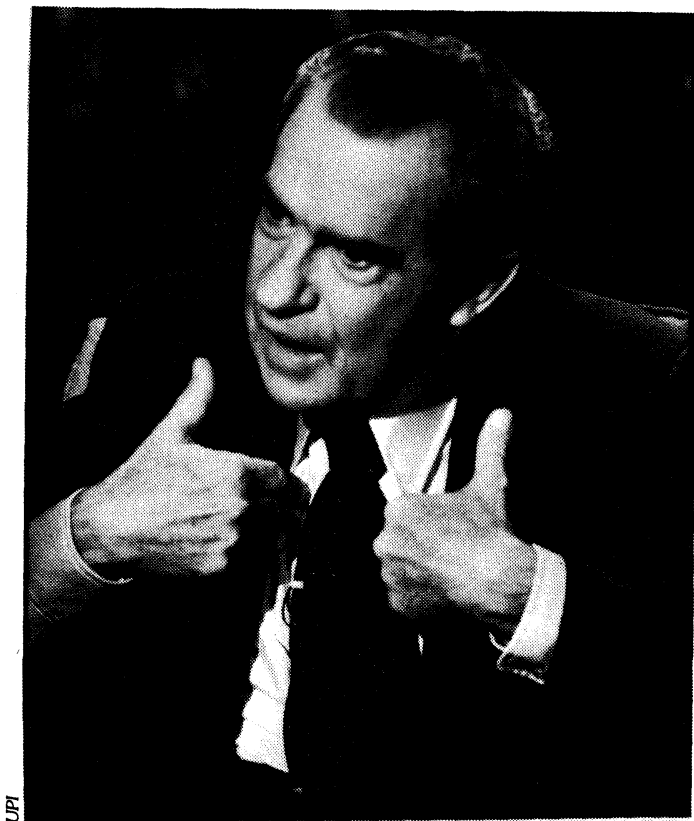
During the past few political seasons, more attention has been given, by the press, the public, and the Carter administration itself (viz. the Caddell memo), to the *style* of government and diplomacy than to the substance and the logic of foreign policy. Liberal critics have confused the style with the substance, the mechanics with the logic; and thus they have habitually mistaken the essential gravity of the motives of foreign policy-makers and slighted the stubborn objectivity of the causes of foreign policy problems.

The beginning of understanding is to realize that foreign policy *has* a logic—not just a cast of characters and a vague plot. Problems have structures. That's why so many of them can't be solved by changing executives or executive styles.

The operating style of the Nixon-Kissinger administration was not a matter of personality and pathology. It proceeded from a combination of objective factors: *continuing global pretensions and an attempt to evade domestic constraints on foreign policy-making*. This combination led almost inevitably to a diplomacy of economical maneuver, a military policy of bluff and threat, and an internal regime of secrecy, repression, and evasion of constitutional restrictions. Even the complex of domestic moves packaged and labeled as “Watergate” was a rational *response*, chosen from the few available alternatives—no less rational just because it happened to be unconstitutional and criminal. *Watergate was not the cause of Nixon's troubles, but the result of them.*

Nixon's desire to salvage and safeguard his foreign policy “successes,” which were undenied by his critics, and to preserve the processes and the resources that made them possible, caused him to perpetrate the outrages of Watergate. Therefore, it was at least inconsistent for critics to deplore that administration's style (which they increasingly identified with Nixon) but to applaud its foreign policy achievements (which they increasingly attributed to Kissinger). And it was twice as inconsistent for the same critics later to tag Kissinger with amorality and deviousness, while still supporting his ambitious global policy objectives—yet laying on additional constraints that would require either abandonment of the objectives or refuge in deception.

We have to understand some things about the relation



of style to substance. It is a tripartite relationship, consisting of: (1) foreign policy content, (2) diplomatic and administrative style, in the largest sense of the term, the instruments and methods presidents reach for to implement their policies, and (3) the constraints imposed upon foreign policy substance and style by the peculiar operation of the American political system—that is, the “constitution,” broadly conceived, and the presence or absence of a popular consensus for our foreign policies.

The main point, in a nutshell, is that style is forced by goals crosscut by constraints.

But style has been treated with a misplaced emphasis that distorts the evaluation of foreign policy. Style has been treated as an autonomous *aspect* of policy-making, something that floats casually above policy choice or surrounds it like an aura. Consequently, the prospect for a change in executive style has been grossly exaggerated. But if style is understood as part of the *structure* of policy choice, we can see that the likelihood of a simple change of foreign policy style is pretty thin. A certain diplomatic and domestic style is a “necessary” concomitant of substantive foreign policies, and can’t be changed without changing those policies. And by that I mean the objects of foreign policy: what and whom we protect, against whom, under what circumstances, and how—the “missions” of our military forces, intelligence agencies, and other organizations. If you think that a sub-

stantive change is undesirable, then it is pointless—though it may be entertaining—to criticize style, as if it were an independently remediable element.

The key question—the “operational” question—about diplomatic and administrative style, then, is not whether it is congenial or obnoxious to our values, or even whether it is benign or noxious to our system, but whether it is dispensable or necessary to certain substantive foreign policy orientations. In other words, is style just a characteristic of administrations or personalities, or is it an integral part of the diplomacy of a nation? This question matters, because its answer makes a difference: In one case, we can exorcise one group of leaders and elevate another, and expect a change in the style of government, without necessarily an alteration in the direction of our foreign policy. But in the other case, the relationship between style and policy will assert itself, and there can be only two outcomes: Either a sincere and thorough change of style will inhibit the pursuit of objectives and force their change; or even the most benign and sympathetic style will be tailored to suit foreign policy objectives that are held to be too important to sacrifice.

Thus, in this question of style, just as in questions of the substance of foreign policy, a prognosis for the Carter—or any other—administration turns not on its declarations or intentions (remember that Nixon, too, came to office proclaiming an “open Presidency”), but on the logic of choice.

This point can be tested by looking at two issues: covert operations and relations with Congress. Early incidents in the Carter administration provide illustrations.

Take covert operations. The congressional hearings and the public debate over the past several years seem to have produced a consensus—or a political compromise—to the effect that some covert operations are in the national interest and should continue, *but* subject to stricter congressional oversight and more presidential openness.

But oversight and openness do not enhance covert action; they *contradict* it. Covert action, to be successful at all, must be secure, or, failing that, at least deniable. The Carter administration has not faced up to the stark choices: either protect covert operations or abolish them. The truth and the correct course of action do not lie somewhere in between. An administration could end up with the worst of both worlds—continuing global mischief, and embarrassing exposures.

“In between” is where the Carter administration would have liked to position itself, but the contradictions have already begun to overtake it. When the CIA payoffs to King Hussein of Jordan and other heads of government were revealed, Carter’s first, instinctive, reaction was to tighten up the bureaucracy and muzzle the press.

The Greek-Turkish affair provides another example of the tension between style and substance in foreign policy.

The Carter administration inherited a double confrontation: between the United States and Turkey and between the Executive Branch and Congress. Possibly the Greeks and Turks can be drawn into a compromise on Cyprus. Possibly, then, the Carter administration will be able to get Congress to restore aid to Turkey and salvage our strategic position in the Eastern Mediterranean. But the incident provides a warning and a permanent lesson. On an issue where the public and Congress are divided among themselves, a president can't respect the prerogatives of the legislative branch and still hope to marshal our foreign policy resources and apply them decisively.

Watergate was not the cause of Nixon's troubles, but the result of them.

There is a larger point embedded in these examples. The cherished liberal presumption has been that our domestic political structure and the "effectiveness" of our foreign policy run parallel to each other, that procedural reforms—congressional oversight, openness in the Executive Branch, collaboration with Congress—will reinforce our ability to project power and influence in the world. But in fact there is a *trade-off* between these two items—democratic procedures and foreign policy effectiveness. It is a "constitutional trade-off." We have to give up some of one to get more of the other.

To wage a flexible, discriminating foreign policy, a policy of force and maneuver—whether or not you admit that it is a "balance of power" policy—you *need* secrecy, executive immunity, license for immoral external behavior, and forgiveness for internal actions that abridge the rights of citizens.

Nixon was right: "National security" and liberty run contrary to each other.

That means that the choices are much harder than the liberal critics ever imagined.

(a) We can have a politics of fervent presidential "leadership," with all that it entails. A president can, unabashedly, magnify the issues and call for popular sacrifices. But, first of all, it might not work. Worse, it might work! A president will then have created a great head of steam of public support behind foreign policy positions, allowing him little scope for subtlety and diplomatic maneuver. Nixon and Kissinger understood this very well and avoided this course. Even President Johnson eschewed mobilization and assured us blandly that we could have both guns and butter.

(b) Or we can have an evasive, secretive, and even repressive presidency. This, in fact, is the style that Nixon and Kissinger adopted. There was a reason. They knew they had to pacify public sentiment, but they were not looking for enthusiastic support. What they required was stunned acquiescence. In this case Nixon knew that if he presented his Vietnam policy squarely to the American people—the Vietnamization, the slow and exacting American withdrawal—more risky, more costly, more destructive, and more protracted than they anticipated—they would have repudiated it. They would have handed him a contradictory mandate: Win without means; or get out and be punished—if not immediately by the electorate, then eventually by history. In effect, they would have told him to go and make bricks without straw.

So Nixon's choice of deception and repression was not willful or cheerful. It was a matter of conditional necessity—pretty much as Nixon told us it was.

(c) Of course, a president could try to balance the equation of foreign policy objectives and public support at a lower common denominator, and hope to find a level that commands the bare minimum of support from an American public that is normally fragmented, uninterested, and unwilling to make many sacrifices. The trouble is that the American people not only don't speak with one voice, but also don't even say the same things on each day of the week. On odd days, they can be persuaded to think they can maintain ambitious foreign policy goals; and on even days, they want to be left alone by leaders who think they see far-off dangers more clearly than they do. *This* is the contemporary meaning of "isolationism," and why it is something that won't go away, despite the exhortations of presidents, retired diplomats, and foreign affairs specialists. In the face of this public inconsistency, it would take insight and courage for some future president to lower our foreign policy objectives.

WHAT NIXON AND KISSINGER ACCOMPLISHED

So much ink and blood and acid have been spilled in the years since the collective crest of the foreign policy-making of Nixon and Kissinger that we need a new perspective on the style and content of their policy, the characterization of its achievements as well as the evaluation of its limitations and failures.

The main lines of their foreign policy—particularly the changes that they either initiated or facilitated in the orientation of the United States to the international system—were (1) real, not fictional, (2) substantial, not superficial, (3) major, not trivial or marginal, *but* (4) transient and (5) unsatisfactory. The two latter items of reservation do not, how-

ever, cancel the significance of the first three items of recognition.

The Nixon Doctrine was not just rhetorical self-congratulation, but a deliberate attempt to defend strategic objectives that an administration of its time could scarcely have repudiated. It was never a doctrine of disengagement, however some of its resonances might have unnerved allies and clients. It was not a "retreat of American power," and certainly not an abandonment of American interests—though it contained certain serious contradictions that had the effect of impairing its intentions. It was always designed to be a *substitution of force*—an instrumental "fix" to enable the United States to do essentially as much in the world as before, but with an economy of means and a "fairer" distribution of burdens among allies—within the stringent constraints which emerged from or were revealed by the Vietnam war. It intended to shift the burdens of defense, not only in Asia, but in Europe; it leaned heavily on military assistance and proxy forces; and it entailed (whether this was recognized or not) earlier and more implicit reliance on nuclear threats or various forms of limited nuclear war, a logical consequence that was subsequently manifested in the strategic shift to the "Schlesinger Doctrine."

The sequel, or corollary, to the Nixon Doctrine—what can be called a "balance of power" policy—has equally been misunderstood. At first it was accepted with relief even by Nixon's liberal critics, since it offered the promise of a more stable and peaceful international structure, and the substitution of sensitive diplomacy for the blunter military methods of the past. Later, it was derided as cynical and mechanistic, when it became, for a while, debased into a circus of summit meetings to distract attention from the ailing Nixon presidency. But the balance of power policy embodied a genuine vision: the search for structure in the international system, the codification of principles to regulate competition, the manipulation of powers such as China to inhibit other powers such as the Soviet Union, and the loosening of permanent alliances (behind a smokescreen of loyalist language) to permit direct and flexible communication with adversaries.

In the manner of a midwife, these policies brought about a real transformation in the shape of the international system, from the last stages of bipolar confrontation to the beginnings of a multipolar balance of power. If Nixon and Kissinger did not quite end "containment," at least they devalued it, making it an item of strategy rather than ideology, blurring its once-sharp focus of hostility, and generalizing it into the more neutral concept of international "stability." After a decade of the illusion that we could set our objectives and bear any burden and run any risk to attain them, Nixon and Kissinger restored a calculus of national interests and domestic costs. Measured against those accomplishments, Carter's "new foreign policy," enunciated at Notre Dame on May 22, 1977, is surely a

reaction, and looks a bit like a retrogression.

Was the Nixon-Kissinger foreign policy a "balance of power" policy? Despite the most expansive display of philosophical rationale of any administration, such as the State of the World messages, and Kissinger's professorial speeches and "deep background" press conferences, we have few clues and a lot of conflicting evidence. Journalistic observers were quick to discover Kissinger's scholarly affection for Metternich and Bismarck. And there were those two much-cited scriptural utterances of Nixon: the "five power" speech in Kansas City on July 6, 1971, and the "even balance" interview in *Time Magazine*, January 2, 1972. But despite these indications, admissions of a "balance of power" policy were studiously rare.

But an administration's foreign policy is not described, let alone explained, by glossing scripture; rather, by discerning the thrust of its actions, at most *in the light of* those convincing statements of purpose that are associated with critical actions. The real point is that the United States moved toward a balance of power policy, not because of the Nixon-Kissinger administration's assertions or suggestions, but because its *operational propensities* shifted to this kind of system.

In systemic terms, a multipolar balance of power system represents an equilibrium among important independent nations, which act competitively in pursuit of national goals, but impartially—in an implicit sense—in support of the structural stability of the system as a whole. This system implies a high degree of coalition activity, either formal alliance or tacit alignment, but in either case flexible and shifting (though, as Henry Kissinger has observed, alliance flexibility is inhibited or depreciated, in the contemporary context, by nuclear weapons, residual ideological attachments, and the existence of a thirty-year-old historical axis of primary confrontation). The powers might ally to promote national ambitions, but also to counter the ambitions of

Nixon was right: "National Security" and Liberty run contrary to each other.

other powers or coalitions that threaten to destabilize the overall system. The beauty—and also the ultimate vacuity—of the balance of power system is its reliance on "the hidden hand": The equilibrating effect for the system is supposedly built into the incentives for the conduct of each individual member of the system.

Actually, in the galaxy of the Nixon-Kissinger diplomacy, and in the present state of the international system, there have been traces of *several* types of system: There is still the

central strategic axis of *bipolar confrontation* (two nuclear superpowers, residual alliance frameworks, persistent ideological traces). There are also evidences, accentuated by the present real or apparent detente, of *condominium*: the virtual concession of separate spheres in core areas; the evolution of rules of engagement (however imperfectly observed) in peripheral areas; the overarching summit conferences.

But the central tendencies have been those of a *balance of power* system—more the dynamic Bismarckian than the supposedly “static” Metternichian. Two characteristics could be discerned, which equated roughly to a balance of power perspective and a balance of power world: the first was the stress on “*structure*” and its achievement and preservation through cultivating a certain behavior of the principal actual and potential participants, and giving them a stake in the system. In a balance of power system only the large, capable nations “count,” because only they can have enough of a stake in the system and enough resources to maintain the system, by exercising self-restraint and by restraining, deliberately or implicitly, the exaggerated conduct of other nations.

The second characteristic was the propensity to deal flexibly and directly with the major adversaries. This constituted a policy of *maneuver*, an attempt to create a more subtle and dynamic balance, rather than dealing through formal alliances, with the burden of attaining consensus, the risks of leaks or subversion by allies, the sufferance of vetoes by inferior and otherwise ineffectual powers, and the incurring of debts in return for support. It also constituted dealing in partial alignments, such as America’s tacit reinsurance of China’s northern border against the USSR.

The two characteristics, structure (great power politics) and maneuver (flexible diplomacy), can be summed up in a single proposition: The Nixon-Kissinger administration deliberately moved to rationalize relations with its two major adversaries, with the foreseen—perhaps even desired(!)—consequence of unsettling relations with allies, and inspiring them to make further moves that would increase their independence and their distance from the United States—attenuating at once their need for our support and their claim on our support.

These features of the Nixon-Kissinger diplomacy, though not the “classic” formula, nevertheless describe a “balance of power” policy in objects and style. And it was a policy by deliberation, not by default or accident.

PSYCHO-HISTORY OR DIALECTIC?

Why did the Nixon-Kissinger administration do what it did?

Why, indeed, does any administration do what it does?



UPI

When we put the Nixon-Kissinger administration in perspective, we see that *its diplomatic and administrative style was logically related to the substance of its foreign policies*. And the substance of its foreign policies was a response to some very real challenges and constraints arising out of the international and domestic systems, and an attempt to salvage as much of America’s global status as possible within those constraints. This is not to say that Nixon and Kissinger had to make precisely the choices they did—the ones that led to intensified violence in Vietnam, and to Watergate. But we will not understand their choices at all unless we see that they were rational—the results of a complex situational dialectic.

There is a competing explanation: psychological determination, or the “cult of personality.” This approach emphasizes personal, subjective motives and drives, rather than situational, objective constraints. Often, positing some pathology, it discounts rationality and the calculus of costs and benefits. At times, it has degenerated into popular psychologizing about individual statesmen and their personal motives, particularly the compulsions that operate on them, usually arising from their antecedents and life-precedents. Psychological determinants have become fashionable, and have found a home among journalists and liberal critics.

It isn’t particularly worthwhile here to cite at great length the various psychological treatments of Nixon and Kissinger. A few quotations will give the flavor.

For example, Bruce Mazlish¹ finds in Nixon a tendency to “day-dreaming . . . dependency wishes . . . and isolation,” and the use of “mammoth denial as a defense against unacceptable impulses and feelings.” Arthur Woodstone² adds the observation that he is “anal-compulsive.” Stanley Allen Renshon³ cites such traits as his “attempt to aggregate power . . . as a means of controlling others . . . the tendency

to expose himself to unnecessary risks . . . as tests of aspects of his character or resolve . . . the tendency to focus great attention and energy on 'enemies,' and his "life-long identity crisis." And James David Barber, in his celebrated study of presidential personality types⁴ (which Jimmy Carter claims to have read twice—a feat more strenuous, perhaps not quite as exhilarating, but we might hope more constructive than seeing "Patton" twice), devotes extensive attention to the case of Richard Nixon. He identifies Nixon's character as "active-negative," putting him in the company of such other presidents as Woodrow Wilson, Herbert Hoover, and Lyndon Johnson. The key to the active-negative character is the antithesis "between relatively intense effort and low emotional reward for that effort." The payoff would be "rigid adherence to a failing policy."

Kissinger, too, has come in for his share of psychoanalysis, on several levels of seriousness and complexity. We have Dana Ward's⁵ diagnosis of "depressive dysmutual personality . . . tension between the avoidance of, and compulsive confrontation with, risks . . . [and] undervalued sense of self which gives rise to depression, timidity, and lack of confidence." And we have Brzezinski's "lone ranger," and Kissinger's own celebrated persona, the "cowboy leading the caravan [sic]"—the [sic] being the analytic contribution of George Ball, in *Diplomacy for A Crowded World*⁶—too crowded, evidently, for both Ball and Kissinger.

Not that these observations are not perceptive and, to a greater or lesser extent, psychologically valid. The payoff question, for understanding or projecting policy, is: "So what?" The psychologists have an answer. As Ward says: "Had an administration been in office that did not view Vietnam as a test and which did not feel the need to demonstrate strength and face risks, there is a great probability that the war would not have lasted an additional four years." Maybe. But prior administrations also viewed Vietnam as a test. And any administration could have come to this conclusion—whether right or wrong—on some intellectual ground of strategic necessity.

Psychological determinants particularly fail to explain large-scale, deliberate national policy change. It shouldn't have to take a Russian to point this out to us. But Georgy Arbatov, the head of their "U.S.A. Institute," couldn't have put it better:

As a Marxist, I was never much interested in psychoanalyzing your President. I didn't think the talk about the New Nixon or the Old Nixon was very interesting. What mattered was his response to circumstances—particularly to two changed circumstances in your country. One was the growing complexity of international affairs, which showed, especially in Vietnam, that it was not possible for a single power, however strong, to have everything its way. The other was the change of priorities—the lesson that rulers cannot neglect domestic business.⁷

In other words, if we want to understand the policies, we have to get at the reasons, not the men. A more dynamic ex-

planation of policy change under Nixon and Kissinger is that, even before they assumed office in 1969, they had begun to pick up clues of the constraints that were operating on American foreign policy, particularly in Vietnam. They conceived the practical "necessity" to move, first, to the Nixon Doctrine, which was a constrained compromise, a shrewd and marginally economical way of *continuing* a foreign policy of involvement, control, and projection of power. But the American political system denied the instruments of the Nixon Doctrine (particularly in the Congressional votes on foreign aid in October 1971, and on discontinuing American military action in or over Indochina—the Case-Church amendment of August 1973). And the recalcitrance, apathy, or incompetence of allies completed the frustration of this policy. Thus, the Nixon administration faced the contradiction it had inherited from its predecessors: between global ambitions and undiminished commitments, on the one hand, and domestic and international constraints, on the other.

To resolve the contradiction, that administration moved, in turn, to the creation of a more favorable international environment, through overarching great-power diplomacy and a multipolar stalemate. In short, it moved to a balance of power. It was a *dialectic* of situation, response, contradiction, new situation, and new response.

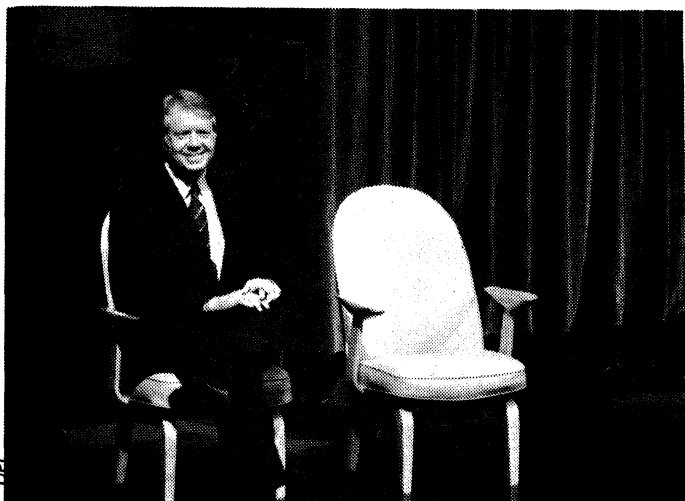
A PROGNOSIS FOR CARTER

No doubt, Nixon and Kissinger hoped to stabilize the global status of the United States at a lower level of cost—a level on which goals and constraints could be reconciled; or a level on which the minimum tolerable policy would just attain its requisite domestic support. But that was not to be.

In a sense, Nixon and Kissinger succeeded, but in another sense they failed. They succeeded in establishing a balance of power—in moving the world to solve their own problems. (And that provides an objective explanation of

The choice is either to protect covert operations or abolish them.

why their successors, Carter and Brzezinski—despite their verbal repudiation—have maintained the main lines of the Nixon-Kissinger policies.) But the international regime that Nixon and Kissinger helped to bring into being is transient, partially because the American policy necessary to sustain it embodies contradictions of its own. (And that provides part of the explanation of why the Carter administration is trying to move *back* from the multipolar balance of power to a



policy it thinks the American people will support again, more intuitively and generously—a policy involving, once again as sixteen years ago, a flourish of morality, alliance loyalty, and ideology. The present administration would, if intentions could become perfected actions, retrace a good measure of the way back to the conditions of bipolar confrontation.)

These are some of the contradictions of the balance of power policy:

1. There will still be a lack of the requisite domestic support. A balance of power policy, because of its sensitivity to ambiguous, barely perceptible “threats,” and its reliance on minute, discriminating, closely guarded decisions, is particularly likely to offend against the domestic processes of a constitutional democracy.

2. This state of affairs is exacerbated by the necessity, in a balance of power policy, to wage demonstrative small wars to prevent larger ones—to respond to symbolic challenges, even if they are strategically peripheral in any tangible sense.

3. It used to be fashionable to remark that a balance of power policy wouldn’t stay put because it depended on the indefinite continuance of one man’s virtuosity, energy, and intellectual grasp—in short that it could be run only by a Kissinger, something that is hard to institutionalize in government or replicate in any new administration—a source of dismay for some, relief for others. But that is only partially true. And, besides, it misses the point.

4. Rather, a balance of power *world* won’t stay put, because it depends on an intricate design of tension and collusion—the orchestration of every important nation’s actions in a partially voluntary and partially involuntary harmony and yet poised antagonism, brought about by a mixture of reason and coercion. No government could achieve this, especially in an era of world forces that are not just normally divergent, but unusually chaotic and revolutionary.

There will be a succession of great-power probes that might verge on miscalculation. Small, frustrated nations will not accept arbitrated denials of their “justice” in the interest of our “stability.” Resource blackmail and competition will

set allies against one another and inspire diplomatic realignments. The distribution of the world’s materials will be an issue of increasingly desperate contention, compounded by unsolved ecological effects and unresolved population pressures. The grievances and ambitions of nations will obstruct the establishment of orderly and constructive regimes for the seas and sea-beds.

These multiple interacting forces can’t be stabilized or controlled by any nation—even the United States, even with the steady assertion of will by our government, the united support of the country, and the abundant capacity of our economy to provide the sinews of military strength. And who would dare to project all these conditions with much confidence?

So the dialectic—of policies, constraints, partial responses, new contradictions, revised policies—will proceed, to other forms of foreign policy orientation, and to other forms of international system.

It might be too early for a Brzezinski-style “report card” on the present administration. But this retrospection of the Nixon-Kissinger administration is really part of the exercise of evaluating and projecting the Carter administration.

If the Nixon-Kissinger policies have faltered—as they began to do, in many areas, even before Kissinger stepped down—it was because the unfolding of events disclosed the limited possibilities of action in each concrete area of concern. The objective features of the most important international situations—as well as our domestic structure—have asserted themselves, and these features are not particularly pliable.

Nixon’s and Kissinger’s critics didn’t want to recognize these objective constraints for the same reason that now, as policy-makers, they don’t want to be bound by them. They complained about Kissinger’s “acrobatics,” and they facetiously ascribed whatever failures they discerned in the Nixon-Kissinger policies to criminal motives and personality disorders. They called for “architecture,” though they were arguing more for a turnover of master-builders than a revolution in the design. They denigrated “balance of power politics” and talked of substituting a “politics of world order” instead. The implication, or the expectation, was that “right-mindedness” or “whole-mindedness” would automatically rectify our national policy and restore the American position in the world.

Can the Carter administration deliver on its implicit promises? Here is where Richard Nixon comes back in. Impudently, with his vintage I-could-have-taken-the-easy-course counterpoint (“Let me be quite candid about it: the most popular position to take . . . if I was simply playing to the votes . . .”), Nixon is challenging the present administration to tell us: How are they going to realize those ambitious goals in the world—grander than Nixon and Kissinger ever set for themselves—by being “Mr. Nice Guy”? Or, for that matter—to turn it around—how long are they going to be

able to be Mr. Nice Guy, if they insist on pursuing those strenuous objectives? Nixon is challenging them to tell us: How much better are they going to do, now that they have driven him into the desert?

And the answer is that they are not going to do much better, because they are not going to do much *different*.

True, the new policy-makers have nicer predilections and a more congenial description of their goals. But, unfortunately, the name of the foreign policy game is not pure preferences, but objectives and constraints. Thus, the Carter administration is caught in a situational web. Holding much the same fundamental objectives (the primary strategic confrontation with the Soviet Union, the major alliance systems, the level and type of defense effort), and beset by much the same constraints, it is likely, despite itself, to maintain the recognizable structural features of its predecessor's foreign policy. And indeed, though it initially dismantled some of the stylistic "excesses" of its predecessor, it is likely, under pressure, to rediscover many of the same devices of diplomacy and even internal governance.

We will not see a fundamental change in our foreign policy, and its domestic concomitants, until a realization of our altered situation in a further transformed world forces our policy-makers to change the way they interpret events and construe their political mandate.

Much of the vision of the Carter administration seems attractive and wholesome. It was all there, in the Notre Dame address—"a foreign policy . . . based on our fundamental values . . . that the American people both support

Carter is not going to do much better because he is not going to do much different.

and understand . . . democratic methods . . . at home [and] abroad . . . commitment to human rights as a fundamental tenet . . . reinforce the bonds among our democracies . . . an historical vision of America's role."

Well, that's the view from the conning tower. What could be wrong with it? The trouble is something more general, something the Carter administration shares with the Nixon-Kissinger regime: It presupposes that the important features of the situational landscape, both international and domestic, are malleable to its wishes and designs. It implies a voluntarism, a degree of efficacy, and a freedom from penalties that are just not possible.

I suspect that this administration, whether it wills it or not, may be spending a large portion of its time and talent adjusting to a world that is substantially out of its control.

And I suspect that the conditions for domestic support have been misread by the new administration as profoundly as they were by the last.

Though they are sometimes confused about this, and can be misled for a while, the American people don't want to be imposed upon to sustain this parade of global visions, the political speculations of one administration after another. In their own blunt, inconsistent way—which is occasionally reflected in what looks to the Executive Branch, of whatever party, like congressional obstinacy and incomprehension—they want to be left alone by their leaders, with their invocations of challenge and their invitation to historical adventure. I suppose that, if they really thought—as their leaders insinuate—they could get it for almost nothing, they would accept this promise, at least with resigned boredom. But if not? "Something will have to give." The leaders will fail to lead, because the followers don't want to follow. In turn, the nation will fall short of global leadership, because it can't mobilize its resources and regiment its will.

Yet, in foreign-policy-making circles these days, people are still imbued with the notion of architecture, of building things. They have a nostalgia for the period of their political formation, the heroic system-building of twenty-five or thirty years ago. But they may eventually come to realize that the statesmanship of the future will not resemble architectonics any more than acrobatics. It may (in George Kennan's image) be more like gardening.

It may consist, more modestly, of following the natural contours of situations, rather than trying to shape them into structures that can be maintained, if at all, only with great difficulty and endless pain.

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1. *In Search of Nixon: A Psychohistorical Inquiry*, New York, 1972.
 2. *Nixon's Head*, New York, 1972.
 3. "Psychological Analysis and Presidential Personality: The Case of Richard Nixon," *History of Childhood Quarterly: The Journal of Psychohistory*, Winter 1975.
 4. *The Presidential Character: Predicting Performance in the White House*, New Jersey, 1972.
 5. "Kissinger: A Psychohistory," *History of Childhood Quarterly: The Journal of Psychohistory*, Winter 1975.
 6. Boston, 1976.
 7. Quoted in Joseph Kraft, "Letter from Moscow," *The New Yorker*, June 24, 1972.

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It was as if, for twenty-five years, time had stopped. As if the author serenely expected that we would suddenly unlearn everything the past decades had taught us about the uses of power at the highest levels of government. As if we had not, by 1977, reached the point where even a perennial sycophant of State-power like Arthur Schlesinger, Jr., has ended by bemoaning "the Imperial Presidency."

OUR GREATEST PRESIDENTS?

By Ralph Raico



There it was again, as dated as a double-breasted suit—an article on "Our Greatest Presidents," and written by none other than Henry Steele Commager himself!

A quick background briefing for those too young to remember. In the 1940s and early '50s, a school of Establishment historians existed who made it their business to act as a sort of intellectual Secret Service for the American Presidency. Close upon every great public rape of the Constitution by a President—for instance, when Harry Truman seized the steel mills, or when he began to wage war on North Korea and China without a declaration of war by Congress—these historians would rush into print with learned accounts of the 129 times the Constitution had been similarly raped in the past, under dire necessity and with no ill effects to the body politic—quite the contrary—actually, she never felt better in her life.

The most outstanding among this school were Allan Nevins of Columbia University; Arthur Schlesinger, Jr., of Harvard; Eric Goldman of Princeton; and, topping them all, Henry Steele Commager of Amherst College.

When they were in a classy, quasi philosophy-of-history frame of mind, these men would sometimes rationalize the power moves of the Chief Executive through an eye-catching gimmick. The public would be presented with the answer to a question nobody had asked: Now, just who were the really Great Presidents? This was a favorite game of around 1950 for Nevins, Commager, and the rest, and the lists were always the same. Washington, Lincoln, and another one or two of the earlier Presidents would be thrown in to give a tone of objectivity and sageness. The point of the whole enterprise, however, would come with the "Great" or "Near Great" Presidents of the twentieth century. Then it would be given out, as the conclusion of historical science, that, taking the good with the bad, of course, the one indisputable Great in our own time was Franklin D. Roosevelt, and the indisputable Near Greats were Theodore Roosevelt, Woodrow Wilson, and Harry Truman. Surprise! Surprise!

Those were halcyon days for the mystique of the Presidency, so that one could find this childishly transparent attempt to turn a bit of liberal politicking into the Verdict of History in the pages of *Life*, *Look*, and *The New York Times Magazine*. But now the great interventionist picture books are gone, and there are smart New Left revisionist sharks roaming about on Sunday morning who would like nothing better than to pounce on such grade school stuff—to remind everyone, for instance, of what Jackson did to the Cherokees, of what Truman did to the civilians at Hiroshima and Nagasaki, and that TR was a racist in practically the Nazi sense. Thus, poor Professor Commager is reduced to publishing in *Parade*, the mass Sunday newspaper supplement semi-throwaway. It was there, on May 8, after the third cup of coffee, that one found his nostalgia-awakening article, "Our Greatest Presidents."

In case you were wondering, the outstandingly Great Presidents according to Commager (and to a poll of historians at 100 colleges and universities that he reports on) are Lincoln, Washington, and Franklin Roosevelt. They are closely followed by Theodore Roosevelt, Jefferson, Wilson, Jackson, and, a little behind, Harry Truman. Surprise! Surprise!

What are the criteria of Greatness in a President? "First, all were what we must call 'strong' Presidents. All believed the President should be both a symbol and a leader. . . . Second, all ranged themselves on the side of the people, of an enlarged scope for government. . . ." (Nobody here but us objective historians!) The third criterion, being a good administrator and politician, is not, it turns out, a necessary condition, according to Commager (the contradiction is his). But the fourth may be found in all of these leaders. It is, "quite simply, wisdom, sagacity, intelligence." (This of Franklin Roosevelt—of Wilson!)

Finally, "There is one essential common denominator that transcends all others: all the great Presidents were men of principle, prepared to sacrifice popularity to what they thought was right."

And so it goes. It is clear that Commager's favorite is FDR. Some of History's conclusions: Among FDR's qualities were "honesty, resolution, fortitude, compassion, a sense of justice. . . . How right Franklin Roosevelt was when he said: 'The Presidency is preeminently a place of moral leadership.'" Roosevelt was "prepared to put principle above politics—and above popularity." The way Commager phrases the outstanding example of Roosevelt's loyalty to

"principle" is interesting: He "risked the loss of the 1940 election by stretching the Constitution to its *permissible* limits in order to aid beleaguered Britain" against Germany (emphasis added). "History," Commager adds, "has vindicated him well."

This is the famous historian's little way of getting around a fact that, since the golden age of Presidential glorification, has become common knowledge, namely, that Roosevelt committed the United States to war against Germany—through his promises to foreign leaders and his directives to the American armed forces—in 1940 (at the latest), without even the knowledge of Congress, and in direct contravention of his assurances to the American people, whom he treated as fools. By now, this much is established: As C. Vann Woodward put it for all time, "He lied us into war."

For sure—honesty, as Commager assures us, was one of FDR's great virtues. And Eleanor's mind was a model of Cartesian clarity.

But what is the use? Commager's out-of-date nonsense, masquerading as historical wisdom, is what they are going to teach little children in the government's schools. After Vietnam and Nixon, the professional custodians of the tarnished symbols of the American State are panicky. They do what they can to patch things over—old pimps to an old whore dressed up as "History." But how much longer?

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FORTHCOMING IN LR:

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Conservatism and Civil Liberties

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MARTIN CAPELL

Szasz's Theology of Medicine

JEFF RIGGENBACH

The Cocaine Mystique

ISRAEL KIRZNER

Galbraith's Age of Uncertainty

JOHN HAGEL

The Transformation of American Law

MURRAY ROTHBARD

The Myth of Democratic Socialism

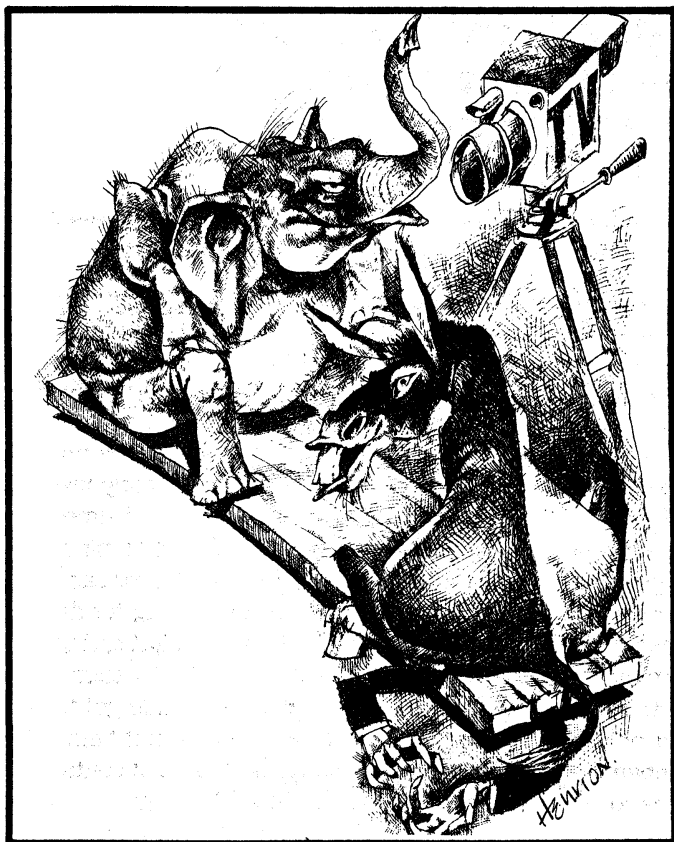
JOAN KENNEDY TAYLOR

Pornography and the Law

When I accepted the Presidential nomination of the Libertarian Party for 1976 it was with the intention of conducting a campaign with such vigor that our party could vault over all of America's smaller parties to become America's third largest. We accomplished that, although our gross vote total was markedly less than we had expected. Our success was accomplished in the face of obstacles which seem almost more formidable in retrospect than they did at the time. I'd like to discuss some of the institutionalized obstacles to public acceptance—some a matter of human psychology, but the chief ones derived from the use of power by the Republican and Democratic Parties.

HOW THE REPRESSION OF POLITICAL IDEAS IS MANAGED IN AMERICA

By Roger MacBride



New or third parties are common enough in most civilized countries. Canada, in addition to the Liberals and Progressive Conservatives, spawned the New Democrat Party about ten years ago which, until its leader made an incredible strategic error, was bidding fair to become the equal of the older parties. And the Parti Quebecois, also about ten years old, last year was voted in as the government of one of Canada's major provinces. In England a former major party, the Liberal, hangs on as an institution which now and again threatens to re-emerge at the expense of Labor and the Conservatives. France and Italy have many parties, and in Denmark the Progressive Party, founded a half-dozen years ago and espousing a number of libertarian programs, is now the largest political grouping in that nation.

And of course in the United States we've had our share. The last movement to achieve major party status was the Republican Party, which had its genesis in 1854 amidst the decline of the Whig Party, and actually (with 39% of the vote) in a four-way race put a President in the White House six years later. The Prohibitionists of the late nineteenth century had a major influence upon U.S. policy, as we all remember from the unhappy experience of the 1920's. The Socialists at their zenith in 1912 held 1,200 political offices across the country, and enormously influenced the direction of policy of the Democratic Party in later decades.

There have also been the "personality-based" new parties whose decline when the personality disappeared was as rapid as their ascent: the Bull Moose Party (Teddy Roosevelt) of 1912, the Progressives (Robert LaFollette) of 1924, the Progressives (Henry Wallace) of 1948, the States Rights Party (Strom Thurmond) of 1948, and the American (George Wallace) of 1968.

Nonetheless, despite the fact that the Libertarian Party in 1976 outdistanced all of the pieces of the Marxist movement, and also the remains of George Wallace's American Party, we did not have the impact on the public mind or on Washington policy makers of either Wallace's 1968 American Party, or the Socialists of Norman Thomas in 1932.

Why? Today Americans are disillusioned with Republicans and Democrats as never before: 40% of the voters consider themselves independents. Presumably they are looking for an alternative, but they don't find it: in 1976 Eugene McCarthy, with all of his fame and with the common sense he exhibited in many areas, peaked at 750,000 votes. And we Libertarians, whose presidential ticket came in fourth, didn't quite reach 200,000 votes.

Why?

Too many people never heard of us. Or if they did hear of us, didn't know enough about what we stood for. Or if they did know enough, didn't take us seriously as contenders for the presidency.¹

The reasons for that lie in the functions of 1) state and federal laws passed by Republican and Democratic Parties designed to institutionalize those parties, and 2) national

media irresponsibility. They inter-relate, of course.

First of all, to be taken seriously a new party must be on the ballot in most of the states. However, the existing political parties have over the years made it tougher and tougher to achieve that status. To illustrate:

In 1976 in California the requirement for a new political party to qualify was obtaining about 600,000 valid signatures on petitions in two months. Since the party must file about one and a half gross signatures to achieve the required one valid, the actual task would have been to find 900,000 signatures in eight weeks, a virtually impossible task which the LP didn't attempt. In Georgia, a much smaller state, over 100,000 valid signatures had to be obtained in about one month—again, in a state that size, virtually impossible and the chore not attempted. In Tennessee, which had high requirements for qualifying a new party, one could run as an independent candidate with independent electors. But the state ruled that electors couldn't be listed after the name "Roger MacBride" or "Eugene McCarthy": a person wishing to vote for either of us would have had to go into the polling place armed with a players' program to sort out electors for the candidate of his choice! Luckily, we got a federal court to put an end to that choke-off.

In addition to being tough, there was frequent unfairness in applying the laws on the books or as declared by courts. In Maine, 10,000 valid signatures were required in 1976, and the Communist Party filed 13,000 signatures. They were thrown off the ballot on the grounds that they had to be cheaters: there couldn't be that many Reds Down East! In New York it's estimated that at least \$50,000 was spent by the Democratic Party to throw Eugene McCarthy's signatures out—and eventually succeeded in doing so only when the highest court overturned the findings of both the Board of Elections and an appeal bench. (Interestingly, Carter carried the state over Ford by a margin so low that it is very probable that the balance would have tipped the other way had McCarthy been on the ballot. And since the number of New York's electoral votes exceeded the amount by which Carter won the election, had that one court ruled differently, Mr. Ford would be in the White House today.) And in Florida Eugene McCarthy filed suit in court to obtain ballot access as an Independent, having filed a substantial number of signatures. Since Florida law made no provision for ballot access for an independent presidential candidacy, the court ruled that the state had violated the U.S. Constitution and ordered Mr. McCarthy placed upon the ballot. One of the state's most capable lawyers immediately filed suit on my behalf, proffering similar numbers of signatures and evidence that in several other states I had qualified as an Independent, but the court ruled the other way!

And of course there's the game of changing the rules. In Michigan, several new and minor parties, including the LP, spent a year coping with complex ballot access requirements, and finally succeeded. The legislature was amazed:

the ballot access laws must be too easy! In the spring of 1976 they changed the rules to require a *run-off* between all but the established parties to thin down their numbers for the general election! We sued, and the courts threw that gambit out as *ex post facto*—for 1976. We'll have to contend with it next time.

I could give a 50-state analysis, but the foregoing gives you the big picture. The result of it all was that 1976, as a direct result of Democrat and Republican efforts to squeeze out other parties, was the toughest year for ballot access since the last century. As the nominee of the Libertarian Party and as an Independent I qualified in the most states: 32, but it took seven lawsuits to achieve that number. Eugene McCarthy came next, qualifying in 29 states but having to sue in 27 of them! And the rest of the pack, including Lester Maddox and Peter Camejo of the Socialist Workers Party qualified in less than half of the states of the Union.

The next hurdle was the allegedly "reform" Federal Election Campaign Act, well but privately known in Washington as the "Protect the Incumbents Act." It is thoroughly fascist in its effect of biasing elections toward Republicans and Democrats. In its initial grotesque form it would have just about ruled out all chance of political competition, but after the United States Supreme Court heard a challenge by such diverse parties as Eugene McCarthy, the Libertarian Party, and Senator Jim Buckley,

Today Americans are disillusioned with the major parties as never before.

much of it was declared unconstitutional. However, enough remain, and remains, to be an extremely serious impediment to all non-Establishment candidacies.

For example, the act limits the contributions to presidential campaigns of \$1,000 per individual—if you give \$1,010 you are likely to go to Leavenworth, and so is the candidate or his staff for accepting it. But after a fairly low threshold of contributions, all Republicans and Democrats—and *no one else*—seeking their presidential nominations get an extra \$1,000 from the Federal treasury for each \$1,000 contributed to them. That's called matching funds. Of course that means for every \$1,000 donated last spring to Jimmy Carter or Ronald Reagan, they got to spend \$2,000. But Eugene McCarthy and Roger MacBride got to spend only the donated \$1,000—and of course not being incumbents or promising special favors, the source of contributions to us was vastly more limited than to them.

Further, the Republicans and Democrats got \$2 million each to stage their national conventions—but not the Libertarian Party, or any other. Not one buck. Of course national conventions are media extravaganzas serving to popularize the product; in view of the coverage by the national television networks and magazines that \$2 million was worth many times its face value.

Yet further, subsequent to those conventions Mr. Ford and Mr. Carter got nearly \$22 million each for the general election campaign. Nobody else got anything. And of course Mr. Ford and Mr. Carter's staffs' energies were relieved of the effort of fund-raising: something that our staffs were not.

The final blow was the requirement that we new parties and independents had to report contributions and expenses *monthly* and on many forms according to the rules set up by the Federal Election Commission. Believe me, they've made it as complicated and as costly as possible. The amount of energy in keeping track of the various categories they have set up is not to be believed, and yet we were required to dot every "i" and cross every "t"—or risk jail—even though we didn't get a penny of tax money! We got the hassles and the limits and the expense without any benefits.² The energy we spent conforming to Washington's demands *instead* of taking our message to the electorate was enormous.

It should be obvious that new causes and new candidates require seed money to get into motion. In the nature of things a little known candidate or a new party doesn't instantly command widespread contributions of money or personnel: that can only come when the message is broadcast generally enough to make their existence *known*, and consequently perhaps attract those donations. And since the media can't, or won't, publicize every new cause and candidate widely, it is absolutely necessary that they have the funds to arrange that initial quest for popular approval. You've got to have the wherewithal to run the flag up the pole so that it can be seen—and maybe saluted.

It's absurd to think that a Presidential bid from a relative unknown can get anywhere with the kitty limited to seed money contributions of \$1,000 per person. If there had been an FECA in 1972 there never could have been a McGovern candidacy. A very few people who believed deeply in his cause contributed heavily at the outset to get him and his ideas public exposure. They went over, and as his appeal grew within the Democratic Party and elsewhere, McGovern was able to raise funds by mailorder in individually small quantities sufficient to finance his operation through to victory at the Democratic national convention.

It was much the same for the Wallace candidacy in 1968: in the two or three previous years backers put up large sums of money which enabled him to raise even more, with the result that he went into the election campaign with a well-financed operation that netted him a significant percentage of the national vote in November.

By contrast, Julian Bond, the young black state senator

from Georgia, called a press conference in late 1975 to say that the Federal Election Campaign Act had bombed his Presidential campaign clean out of the water: he was unable to raise sufficient funds to attempt to garner widespread support. And I strongly suspect that if the Libertarian Party hadn't gotten started several years before, our ship too would have been sunk at the launch.

Heavily affecting our ability to surmount the legal barriers placed in our way was the role—or lack of it—of the national media: network television, the three major news magazines, and network radio news broadcasts.

Of course we had anticipated a struggle to attract their attention at the beginning of the Party's campaign. We

The Equal Time Rule acts to chill exposure of valid new political expressions.

formulated the strategy of going from locale to locale in the campaign airplane seeking broadcast and newspaper exposure through press conferences and other devices in the Cincinnati Ohios, the Phoenix Arizonas, the Minneapolis Minnesotas, of America. I figured that several months of extensive coverage in middle-sized cities, if we could get it, would create enough feedback to the national news media centers to cause them to investigate and cover this interesting new phenomenon.

The first part of that strategy worked: there were hardly any cities I visited where the media coverage wasn't entirely generous. In fact, although I usually moved too fast to see full results, the information given to me later was that we received more television, newspaper, and radio coverage than our then-size justified. Most reporters proved to be skeptical to quizzical on first encountering our beliefs, but wound up genuinely interested in them as an alternative to conventional liberalism and conservatism, and devoted considerable space to outlining them to the public. The difficulty with that sort of coverage, however, is that it's one-shot: when the campaign plane left the runway there was no further news to be reported day-in and day-out, week-in and week-out, in Cincinnati.

And that lack was not made up by the national media coverage I had thought to be nearly inevitable. In the first place, we ran into the Equal Time rule early in the campaign. The Federal Communications Commission, which oversees the nationalized American air waves, requires, broadly speaking, that each candidate for an office receive an equal amount of exposure on television or radio. So al-

though the Phil Donahue Show, a syndicated television program reaching many millions of viewers, expressed interest in having me aboard for sixty minutes, before arrangements could be confirmed the show's lawyers called our national office. They didn't dare have me on: the Equal Time provisions would have offered the Sergeant Shivers, the Terry Sanfords, the Milton Shapps, and all the rest of that herd of mediocrity then running for the Democratic nomination an opportunity to insist on equal exposure. And doubtless they would have. The result would have been of course that the Phil Donahue Show would have sunk out of sight in the Nielsen ratings, carrying Phil and his associates beneath the waves in short order. I could sympathize with them for disinviting me.

Of course the Big Boys in Washington play the game the other way when it suits them: when it came to the Ford-Carter debates, an intricate legal slalom was set up by the League of Women Voters, the networks, the Republican and Democratic Parties, the Federal Communications Commission, and the courts (to whom Eugene McCarthy appealed) to insure that there was no Equal Time. And although the Norman Lear organization contact LP Chairman Ed Crane with a view of setting up a "mini-debate" between Eugene McCarthy, myself, and Lester Maddox, it came to nothing. Maddox refused to meet us, and Lear, accustomed to providing his audience with circus rather than serious fare, let the project die. It goes without saying that if Senator McCarthy and I had been on either set of debates the vote totals in November would have been strikingly different.

In fact the Equal Time Rule acts to chill exposure of valid new political expressions—and even of significant old ones, such as the Socialist point of view. It ought to be thrown out, forthwith. To that proposal the only objectors will be, I'll bet a million votes, Republicans and Democrats.

The Democrats and Republicans have made it tougher and tougher for new parties to make it on the ballot.

Incidentally, we ran into trouble trying to *purchase* time on national television news media in June or early July. We wanted five minutes for a discussion of the basic issues being addressed by the Libertarian Party, since the Equal Time Rule was keeping us off network shows. All three networks immediately refused, claiming that it would give the Libertarian Party an *unfair advantage* over the Republican and

Democrat Parties, because they hadn't yet nominated their presidential candidates and we had! Eventually, and after a good deal of pressure, CBS broke down and agreed to offer us one five-minute slot. The spot appeared as scheduled, with no noticeable devastating effect upon the Republican and Democratic Parties. I should add in fairness to the networks that when the fall campaign season opened they were scrupulously honest with us in offering us as many five-minute political spots as we reasonably could have afforded. Maybe they *had* learned something over the summer.

Worse than all this, however, was the unwillingness of the national news media to notice that we were around. Obviously it's not possible for a presidential candidate to appeal directly to the voters. He has got to project that appeal through the means of the media, and television network news is far and away the most significant medium in this decade. If television network news didn't cover us, most people simply wouldn't learn of our candidacy. If some people did learn of it through other sources, that candidacy would tend to be discredited: if Walter Cronkite didn't find the Libertarian Party worthy of at least occasional coverage in the evening, we *couldn't* be significant or important. In other words, most people tend to assume without thinking about it that the judgments of the three news chiefs at the three networks, and of the heads of department at three news magazines, are capable of and *do* accurately tell us all of what is worth paying attention to, and spare us what's not.

Of course the television news people knew all about our Party: Edward Crane and Robert Meier, MacBride for President Committee Chairman, constantly tried to get their attention through new releases, informative letters, and personal visits. And *Time* magazine interviewed me at length. The reporters involved seemed intrigued and impressed, but their superiors obviously disagreed: nothing *ever* appeared.

For the majority of voters television is *the* primary news source. And from January, 1976 through the summer the watchers of each night's television news on each of the three major networks got a thorough-going discussion of the Republican and Democrat presidential candidates. Mr. Ford was discussed practically every day, and Mr. Reagan nearly as often—particularly as his bid gained momentum from April on. On the Democrat side all of the revolving-door candidates were discussed at great length during the period of the New Hampshire and Massachusetts primaries, and as the field narrowed those remaining began to get daily coverage. These of course included Carter and Udall. Then the Democrat and Republican conventions (financed by the federal government): there was gavel-to-gavel coverage of both, with an enormous amount of free publicity surrounding the names of Carter and Ford, the eventual nominees. And the mere fact that the conventions were covered in such depth gave a background impression of credibility, an impression that these were the only political alternatives of significance to Americans.

Then of course through the summer and into the fall various interview shows: *Face the Nation*, *Issues and Answers*, and *Meet the Press* provided Americans with a week after week presentation of the candidates, their principal advisors and cabinet members, their friends, and their families. Very early on we knew all we really cared to know about Miss Lillian and Susan Ford. And of course through the entire year there was extensive coverage of and weekly speculation about the "major"-party candidates in each of the news magazines: *Time*, *Newsweek*, and *U.S. News*. This will serve to remind you of the aura of importance generated by the media around their candidacies.

And what attention did I get, as the nominee of what was to become the nation's third largest political party? Late in October Walter Cronkite got religion; he realized he had omitted to provide any information about the other parties. Waves of guilt. He provided me and several other candidates with about two minutes on *one* evening. I was found in Fairbanks, Alaska by a local CBS team as a result of the network's last-moment decision. So there was the candidate of the Libertarian Party in his *only* national news exposure, campaigning in the streets of America's most remote city—in contrast to daily shots of Ford and Carter being greeted by huge crowds in Chicago or New York. Great.

As a result of a great deal of pressure from Ed Crane and Bob Meier ABC and NBC, in their morning news programs, gave me respectively three and ten minutes. Once, each.

Bill Monroe began to feel guilty too, I suspect, and in mid-October, about two or three weeks before the end of the campaign, offered to have *four* presidential candidates share *one* "Meet the Press" show. There was Tom Anderson (of the American Party) who a few weeks before had said to Paul Duke on PBS that blacks are inferior to whites because they climbed down out of the trees later; Peter Camejo (of the Socialist Workers Party) who in the middle of this English language show, obviously listened to by those who understood that language, launched into an extended discourse in Spanish; Lyndon LaRouche (of the Socialist Labor Party) who predicted on the air that Carter's election would mean a worldwide nuclear holocaust by the summer of 1977, and me. While I like to think that I seemed the very epitome of wisdom in contrast to this company, I don't doubt there was a negative carryover effect in the minds of some listeners based on guilt by association.

And then, in its issue of November 1st—the day before the election—*U.S. News* ran a summary of all the other presidential candidates' positions. Each got a whole inch and a half to two inches of type.

And that's *all* the national news media coverage the Libertarian Party and its candidate got.

Of course the broadcasters—the Walter Cronkites—say that they have a duty not to waste twenty million listeners' time by covering candidacies which are not significant. But

when it comes to a national campaign, how can anyone attract a sufficient following to be significant without having had repeated exposures on the air waves? Thus new party candidates are not treated equally with the Republican or Democrat because the networks and the news magazines think they have no chance to win. But of course if they have no chance to win, it's because they are not allowed to compete on equal terms with the Republicans and Democrats.

And I remind you of the restrictions on contributions which make impossible competition on equal terms in *purchased* media time.

The national media really didn't care about the issues of the campaign.

Finally, I found it to be true that the national media broadly speaking really didn't care about the issues of the campaign—any issues. While I disagree with Mr. Carter rather strongly in most areas, I concede the truth of this statement of his which appeared in *Playboy*: "The national news media have absolutely no interest in issues *at all* ... what they're looking for is a 47-second argument between me and another candidate or something like that. There's nobody in the back of this (campaign) plane who would ask an issue question unless he thought he could trick me into some crazy statement." The media's catering to the natural interest people have in the personalities and actions of others has crowded serious discussion of the future direction of this country to the background.

But the *only* interesting thing about Eugene McCarthy's candidacy, or mine, or for that matter Peter Camejo's, was issues: *why* we ran. I don't think it can seriously be maintained that Eugene McCarthy or I were "fringe" candidates with clearly nutty ideas obviously unworthy of consideration. Eugene McCarthy came close to becoming president in 1968 and is well within the mainstream of American political thinking. The Libertarian Party, with its roots in the ideas that prompted the American Revolution, offers much that actually *was* American policy at one time or another.

The blunt fact is that the national media respond only to people who have worked their way up through the Establishment's system, who have played by the Republican and Democrat interest-group rules, who have made their compromises and established constituencies of those whom they have favored through use of government power and those whom they've somehow not alienated. In other words, the candidates who get the coverage have survived years of participation in the Establishment, and who have been ground down into another of the herd of political nonentities Americans have learned to loathe.

In this land of the free, political dialogue is much more threatened than any of us would like to think. Nonetheless I remain optimistic that this trend will be reversed. I believe that we can put on pressure for reasonable ballot access laws, and that the tougher we get, the more likely that pressure will accomplish its object. I believe we can press for the end of fascist contribution limitations and matching funds, and that eventually their vicious nature will bring an end to them. Grave questions surrounding the Equal Time regulations have already begun to surface in public; I believe that whole subject will have a major reconsideration in the next few years. Moreover, the media is beginning to be a little bit ashamed of its 1976 performances, and may perform a little better in 1980.

Whatever progress we can make with regard to these matters, it's a certainty that the situation will not be much changed in 1980. Libertarians are going to have to find a way to butt through the Establishment's charmed circle. One essential step to help establish the LP's credibility with the national media is obvious: it must be on the ballot in virtually every one of the fifty states in 1980. Beyond that, it's essential that the Libertarian Party and its candidates come on like tigers in local and national elections between now and then.

Most critical of all is that the Libertarian Party's 1980

Presidential candidate plan and execute radical and innovative moves to command the ongoing and continuing attention of the national media, and attract enough money in the required small individual amounts to achieve major outreach. That's more than possible; I have several such strategies in mind already.

I believe that with dedication and work we can restore a truly varied, truly free, political dialogue in America—and in the process achieve widespread popular support for Libertarian solutions to public problems.

1. I of course reject the notion that the American people found the Libertarian Party's philosophy too outre for consideration. A party with roots in George Washington's foreign policy, Grover Cleveland's economic policy and William O. Douglas's social policy, cannot be outside the mainstream of American political thought!

2. I hope no one construes this to be a plea for a place at the federal financial trough!

Roger MacBride is the author of A New Dawn for America: The Libertarian Challenge and was the Presidential candidate of the Libertarian Party in 1976. This article is adapted from speeches delivered by Mr. MacBride at Texas A & M University and the University of Virginia. Copyright © 1977 Roger L. MacBride

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In the February 1977 issue of *Fortune* magazine, Thomas Bradshaw, the president of the Atlantic Richfield Co., published a provocative essay: "My Case for National Planning." While that essay was only the latest in a series of attacks on a free market economy and defenses of National Economic Planning to appear over the past few years by intellectuals, businessmen and labor leaders alike, Bradshaw's piece deserves special scrutiny. For it comes to us from a man who both is a leading representative of American major oil companies, and was a member of Jimmy Carter's task force on energy during the 1976 presidential campaign. Moreover, it has been published at a time when both oil and government energy policy are getting widespread public attention.

THE CASE FOR A FREE MARKET IN ENERGY: A REPLY TO THORNTON BRADSHAW

By Charles Koch

In "My Case for National Planning," Thornton Bradshaw claims that a free market never *has* worked efficiently in crude oil, that it never *could* work efficiently in oil—or in the more exotic energy sources that must be developed—and that the only solution to our present crisis is to adopt governmental planning and pricing in certain energy raw materials. Most of Bradshaw's contentions, however, are not only wrong-headed and blatantly self-serving, but his proposals for planning and pricing will only make matters far worse than they already are, as well.

At the outset, there are some areas of agreement that ought to be pointed out. Certainly, government price fixing in natural gas has been an unmitigated disaster; we should move to restore free market pricing to wellhead sales immediately. Again, we can agree that proposals to divest the major oil companies are counterproductive and would only lead to higher energy costs and less efficiency. Divestiture is also highly immoral, robbing the owners of their right to their own property. But while Bradshaw recognizes the harmful economic results of such measures, he proceeds to recommend a massive "new" experiment in government planning of energy outputs and prices. Such a position is curious at best, and deserves to be explored in some depth.

FREE MARKET IN CRUDE OIL?

Bradshaw's contention is that government planning is necessary because the "free market mechanism never has worked for oil." He claims that there has always been "too much oil or too little" with a consequent "disorderly" market of gluts and scarcities. Further, the market "fails even more completely when it comes to promoting development of fuels now considered exotic." Such developments are supposedly far beyond the means of private companies and will require massive governmental subsidies and loans.

What is curious about this criticism, particularly for someone in the oil industry, is that it has gotten the matter almost completely *backwards*. The free market mechanism has at times worked inadequately for oil because the government and the courts have failed to define and enforce property rights in underground oil. Surely Bradshaw realizes that the market "mechanism" cannot work without property rights, without the right to own—that is, to control—the resources to be traded in free markets. Yet such a system has never existed in crude oil.

Historically, crude oil has been in a kind of "no man's land" as far as property rights were concerned. Under the so-called "rule of capture," the only oil that could be "owned" and, thus, fully controlled, was oil that had been pumped to the surface. Producers owned whatever they could "lift". Unfortunately, such a system created perverse incentives to pump newly discovered oil as quickly as possible, since any oil not pumped by one producer might be pumped by another. Thus, the "gluts" that Bradshaw com-

**There is no sound
economic reason why
future energy sources
cannot be developed and
innovated totally within a
free market framework.**

plaints about resulted from the absence of property rights in oil pools and not from any market "failure".

Pumping wells at very high rates can be, of course, wasteful and inefficient, resulting in substantially less oil being recovered than would be the case if the underground oil could be controlled and recovered more slowly. Moreover, the most economical way to inventory oil for future production is to leave it in the ground and not lift it to the surface. Yet, again, the perverse incentives set into motion by the court's "rule of capture" required that the wells be promptly

pumped in order to establish "rights" to the oil. Thus, it is government, and the courts, which must take the blame for past waste and inefficiency in oil production.

A number of alternatives were attempted as a substitute for property rights control to underground oil. For instance, oil producers frequently sought to band together to limit production from a given pool. If adjacent producers could draw up an agreement restricting production from a jointly owned pool, and if the agreement could be enforced, then the "chaos" of the nonmarket oil might be alleviated or prevented altogether. Bradshaw tells us that such "voluntary restrictions failed," but he never quite tells us *why* they failed.

The facts are that voluntary restriction failed because of government. State governments made such restriction agreements illegal *per se* under their own anti-trust laws and the courts refused to enforce these early unitization efforts. So voluntary attempts to cure the property rights defects of the "rule of capture" were undercut by government and there was no "restriction". Thus, government regulation came to crude oil production in the 1930's in the form of the prorationing system, not as the result of "market failure," but as a direct result of the absence of property and contract rights—and thus the absence of a true "market"—in oil.

OPEC AND A FREE MARKET

Another important contention in the Bradshaw article is that the existence of OPEC makes a free market in crude oil impossible since that organization "controls the price" of oil. On the other hand, Bradshaw asserts, if there were a free market *including* OPEC oil, the newly posted price of crude would fall to \$3 or \$4.

Neither of these claims is accurate. In the first place, our own domestic price fixing of crude oil and natural gas prices has tended to reduce domestic production, stimulate consumption and increase our reliance on foreign crude. It is entirely possible that OPEC would not long be setting world oil prices if America deregulated domestic oil and gas and created a free market in crude oil. Our own irrational price fixing policies prop up the OPEC cartel price.

Secondly, in the absence of domestic price-fixing, OPEC's "power" to control oil prices has been greatly exaggerated. World oil prices prior to October, 1973, were held down artificially despite massive world-wide inflationary pressures caused by the expansionary monetary policies of the United States and other governments. When the surplus capacity of regulated domestic oil and gas ran out in the early 1970's, the demand for OPEC oil began to soar. This enabled OPEC to belatedly and, therefore, drastically raise prices on their artificially underpriced oil.

Finally, it is extremely unlikely that a free world market for crude oil would result in prices of \$3 or \$4 a barrel as Bradshaw speculates. Years of inflationary pressures have

all but destroyed cheap energy. In addition, government regulations, restrictions and taxes in the U.S. and virtually every other oil producing country have added enormously to the costs of finding and producing oil. Certainly there is little need to worry about prices so low that "every drilling rig in the world would be stacked." Such fears are totally unfounded.

THE DEVELOPMENT OF FUTURE ENERGY SOURCES

Most of the other problems that Bradshaw associates with the market mechanism can also be traced to government mismanagement. Secondary and tertiary recovery techniques have been delayed because of price controls on

If there is an obstacle to future improvements, it is the incredible uncertainty associated with future governmental energy interventionism.

crude oil. Market signals *will* bring forth coal and shale oil *when and if* the government gets out of the way and *when and if* the development of such oil is competitive with conventional techniques. Certainly the market cannot be faulted for leaving very expensive crude oil in shale or in coal. At the moment, that is precisely where most of it belongs.

Indeed, there is no sound economic reason why future energy sources cannot be developed and innovated *totally* within a free market framework. It is wrong to claim that future developments are simply beyond the financial capacity of private corporations and the private market. In fact, such assertions always attempt to prove too much. Governments have no "resources" of their own by which the private market might be "subsidized." If there are to be massive subsidies to develop exotic fuels, such funds will have to be borrowed or taxed away from the very same private market that cannot, allegedly, effect sufficient private commitments in energy research and development. Nor is there any reason to expect governmental time horizons to be longer than those in a free capital market.

In fact, the evidence is to the contrary. When expenditures are made through the political process, long term projects tend to be avoided since voters feel that they will benefit only in the distant future, if at all. On the other hand, owners of a business have every incentive to make long term

investments, as the present value of their shares rises with expectations of future earnings enabling them to sell and realize the benefits *now*. There is every reason to suppose that the unregulated and unsubsidized free market can finance and sustain future energy sources. For example, the now approximately \$9 billion trans-Alaskan pipeline system—in which Bradshaw's Arco is, oddly enough, a participant—has been financed privately in spite of the landmark governmental roadblocks and delays. A great many offshore development projects which cost billions of dollars have been and are being financed without government subsidies.

Proposals to divest the major oil companies are counterproductive and would only lead to higher energy costs and less efficiency.

The free market is the best possible regulator of future technological developments. When existing supplies are reduced prices tend to rise and alternative sources are developed and innovated. The market process, when it is allowed to operate within a framework of assured property rights, has always tended to ensure a steady stream of innovations to replace, at lower costs and prices, existing depleting alternatives. The industrial world has yet to "run out" of any resource traded on the market, although there are dozens of cases of resource exhaustion, depletion, and even extinction with resources not protected by property rights. Innovation delays and artificial scarcities are the province of governmental planning, not of the free market.

UNCERTAINTY AND PLANNING

If there is an obstacle to future improvements, it is the incredible *uncertainty* associated with future governmental energy interventionism. Which exotic fuels will the government subsidize next and what will be the total commitment? Will the prices of oil and gas continue to be regulated? Will the Congress decide to divest the major oil companies? Certainly energy companies are foolish to plan long-term when they have little or no idea what future policy and law will be, or even whether they will be allowed to develop "competing" sources of energy. The government's energy shortage has become a self-fulfilling prophecy. Its irrational

controls and meddling have dried up existing supplies of oil and gas and all but paralyzed future investment commitments. To assert that more government is required because the private capital market is inadequate to the task is to add insult to injury.

Bradshaw would probably respond that permanent government output controls and pricing, combined with "incentives" to private industry will substantially decrease the uncertainty and lead us out of the crisis. But why would future government plans be any more "certain" than existing rules and regulations? What will crude oil outputs be in 1979 or in 1981? What prices will result in such a supply? What are our "national needs" in oil, coal or gas? Who is to determine this and by what means? What new taxes will be devised to reduce demand and consumption? And why should we assume that the political leaders who make *these* decisions are any more informed or wise than free men in competitive markets? The only "certainty" about government planning is that it will *not* work, that it will tend to produce results *opposite* to those intended, and will *doom* any substantial private long-range planning in energy development.

Economic theory and history demonstrate that a political bureaucracy cannot intelligently make such decisions, that the determination of some all-embracing national goal is illusory, and that the only sound alternative to the present regulatory arrangement is the prompt ending of *all* government regulation. In short, we must create a free market in oil. We must institute a system of full property rights in underground oil. We must abolish all federal and state controls over price and output in the petroleum industry. We must end the state prorationing system and abolish the Connally "Hot Oil" Act of 1937. We should, we *must*, establish a free market system in the energy industry. It is the only *practical* solution to the problems that face us.

PLANNING, POLITICS AND POWER

We should also look at the more subtle historical and political implications of Thornton Bradshaw's call for government planning in oil. Bradshaw would have us believe that his stance on government planning is an unorthodox, even radical political position for a prominent business leader to take, and a sharp break with tradition. This is a totally misleading impression, however. Important and influential business leaders have *always* been anxious to convince the public and the Congress that the free market cannot work efficiently in their industry, and that some government planning and regulation would be more in the public interest. They have told us repeatedly that the free market cannot work, that it is often "irrational," and that it is incapable of planning and investing long-range. Bradshaw's plea for planning, far from economic heresy, is entirely consistent with a classical business philosophy that would replace the "chaos" of the

market with the security and certainty of government planning, guaranteed loans, and contracts for development.

Now it is perfectly true that we do not normally associate such views with the business community. But that is because the general public has been deceived into believing that most businessmen support free-enterprise capitalism. With a few important exceptions, however, this is not the case. The majority of businessmen prefer power and government-guaranteed profits to any kind of principled consistency. They are more than willing to give up market principles for a system which promises less competition and more security.

Indeed, much of the institutional change that we have seen in the system to date has come at the insistence of business. Almost every major piece of interventionist legislation since 1887 has been supported by important members of the business community. Certainly regulation in the oil and gas industry is no exception. While some might describe such legislative activity as "public spirited," most of us now realize that the "public interest" rhetoric is only a smoke-screen for restrictionist legislation aimed at creating or preserving positions of wealth and power in the industrial system for those pushing for more and more government "action." To an important extent the present crisis is but the inevitable consequence of business plutocracy—that is, of the segment of the business community which attempts to gain its profits by government favors, rather than free, competitive enterprise.

Another misleading impression created in the Bradshaw article is that government *can* in fact plan. Surely it is no longer novel to point out that governments do not plan anything, that only *individuals* plan. The alternatives are not planning, or the absence of planning, but, *Who shall do the planning?* The interesting question is who does Bradshaw have in mind to plan our energy outputs and prices *in the name of government?* The word "government" is nothing but a facade hiding a jungle of powerful, behind-the-scenes private interests. It is naive and false to assume that any legitimate public interest could even be defined, let alone served, by such an institution in the energy area.

More realistically, perhaps, Bradshaw does not really intend that government planning serve any public interest in the conventional sense. After all, the public could best pursue its own particular interests through free exchange in free competitive markets. Bradshaw's planning involves government output determination, government price setting, and government taxes, regulations and subsidies to "adjust" market demand to supply. Thus, clearly, it is not the public interest that planning is meant to serve. It is existing governmental policies, particularly *foreign* policy, that mandates further economic planning. As Bradshaw notes, correctly, our foreign policy "has been thrown into confusion" by recent developments in oil.

And so it *has*. Bradshaw is right to see that a free market in oil conflicts with existing American foreign policy. But he

is *wrong* to suggest that we abandon still more of our free enterprise in order to preserve such policies. Why should we abandon freedom in the domestic economy for still additional foreign adventurism and interventionism? If we intend to be a free society—if that is what America is truly about—then we must adopt domestic and foreign policies consistent with that end and not, as Bradshaw suggests, reshape our social system domestically to fit and serve existing governmental policies. It is existing interventionist institutions and policies that need dismantling and not our freedom to buy and sell oil. What is the ultimate purpose of all these lofty policies and plans if we must lose our freedom to preserve *them*? Bradshaw's eulogy to the "efficiency" of the World War II American economy is entirely fitting—and revealing. But if the American economy is to run *permanently* as in wartime, to what *end* are all the sacrifices? What do we "win" in this "war" if we must permanently abandon freedom and submit to massive "disincentives" in our style of life?

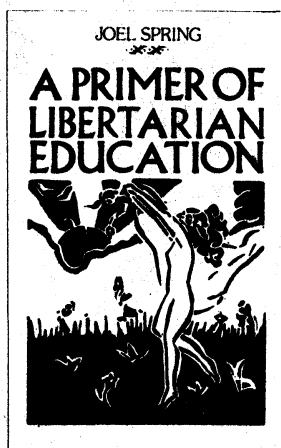
Historically, crude oil has been in a kind of 'no-man's land' as far as property rights were concerned

The answer, of course, is that *we* cannot win anything. In this deadly social process of abandoning free market processes and strengthening political ones only increasing governmental power can emerge victorious. Statism is the recipient of the sacrifices and the reason, ultimately, for planning and controls. Our precious heritage is to be sold to further preserve and strengthen the power of the state and the private interests that make use of it.

Such pleas for planning and increased governmental power must be resisted with all our will. Statism is not only inefficient, it is thoroughly immoral as well. Economic planning by its very nature is *people* planning. It is part of a misguided policy that would return us to the dark ages of political economy where the State controlled the entire economy and society in its own political interests. To return to that system is to finally abandon the American experiment and the American dream.

Charles Koch is Chairman of Koch Industries.

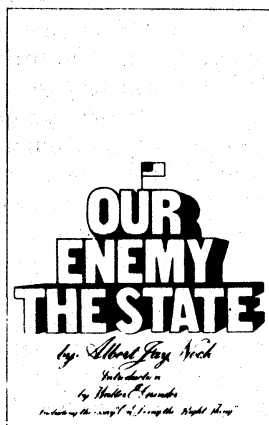
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[LETTERS, continued from page 3]

we noted earlier are simply the frontmen for more powerful interests, for interests that really count. Behind almost (not all) every regulator is some historical business compromise or sell-out of free enterprise capitalism. In energy, and eventually in the rest of the economy, we are about to reap the whirlwind of such policies. D.T. Armentano, Professor of Economics, University of Hartford

Letters from readers are welcome. Although only a selection can be published and none can be individually acknowledged, each will receive editorial consideration and may be passed on to reviewers and authors.

[BOOKS IN BRIEF, continued from page 45]

Psychiatric Slavery
By Thomas Szasz
Free Press, 1977
176 pp., \$8.95

In a short, powerfully written book, Dr. Szasz takes aim once more at conventional psychiatry, which labels individuals "mentally ill," and at the attendant system of courts, hospitals and psychiatrists who confine patients against their will. The focal point here is a recent Supreme Court case involving a man forcibly committed to a Florida asylum for 14 years. In refuting the widely held notion that the landmark *Donaldson* case represents an advance in the rights of mental patients, Dr. Szasz has put the American psychiatric and legal establishments on trial, with disturbing results. He investigates abuses in diagnostic methods, electroshock "therapy" and the judicial apparatus, singling out for his wit and invective well-known psychiatrists, lawyers, judges and professional organizations. His book, which could stir up a hornet's nest of controversy, is essential reading for those concerned with the care of the emotionally disturbed and the moral dilemmas of psychiatry. Index.—*Publisher's Weekly*



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Books and the Arts

WHICH GROUPS HAVE RIGHTS?

By Joan Kennedy Taylor

Affirmative Discrimination: Ethnic Inequality and Public Policy
By Nathan Glazer
Basic Books, 1975
248 pp., \$10.95

On May 16, 1977, *U.S. News and World Report* published an interview in which it asked our new Attorney General, Griffin Bell, "One of the big issues in civil rights now involves so-called reverse discrimination—policies that favor blacks and other minorities and women while allegedly discriminating against whites and males. What is your position on that issue?"

To which Attorney General Bell replied, "I've never had any problems with reverse discrimination. I've always said that I was in favor of goals and against quotas. There is a difference: Goals end; quotas don't."

Mr. Bell would not have given that answer if he had read this book, a landmark discussion of government mandates in the fields of employment, education, and housing. "Goals" is a term used by courts and administrative agencies because the law supposedly forbids "quotas;" and they do not end as long as people are allowed to make occupational and residential choices, which in turn result in apparently segregated school districts.

Affirmative Discrimination is primarily a critical analysis of the underlying assumption behind such "goals"—that "statistical disproportions are a proof of discrimination"—by a respected voice in academic and intellectual circles. Nathan Glazer is co-author with David Riesman of *The Lonely Crowd*, co-author with Daniel P. Moynihan of *Beyond the Melting*

Pot, Professor at Harvard, and co-editor of *The Public Interest* magazine. He dissects the assumptions which underly the liberal support of "affirmative action" with a formidable array of research and statistics, and a collection of horror stories that will delight the heart of any dedicated critic of bureaucracy.

Professor Glazer begins by defining what he sees as the American ethnic pattern, one which has rejected the alternatives of "melting pot" and "cultural pluralism" in favor of what he calls "voluntary ethnicity," which neither establishes ethnic groups as centers of power nor forcefully disperses them. The consensus which established this voluntary ethnicity has, in his opinion, been broken by events which followed the passage of the 1964 Civil Rights Act. "In 1964, we declared that no account should be taken of race, color, national origin, or religion in the spheres of voting, jobs, and education (in 1968, we added housing). Yet no sooner had we made this national assertion than we entered into an unexampled recording of . . . the color, race, and national origin of every individual in every significant sphere of his life."

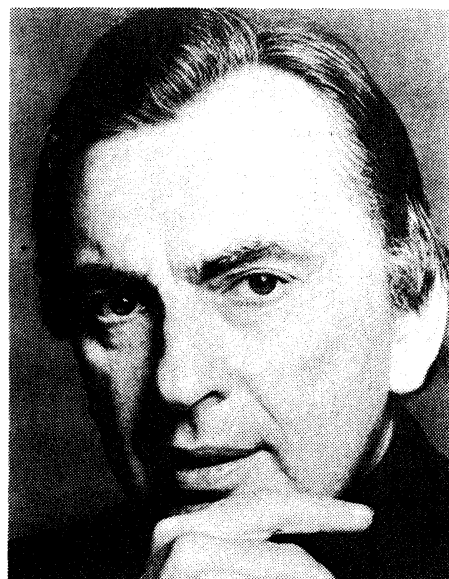
In order not to discriminate, we first have to measure what people are in fact doing. Thus, for instance, the Civil Service examination came under attack from another federal agency because the Civil Service Commission, "operating on the quaintly antique view that the merits of an individual are more significant than the individual's race or color in determining eligibility for a job, refuses to record the race of those taking the test."



Which Groups Have Rights?



Political Crimes Before Nixon



Vidal's Wager

Not only must everyone's group be recorded, but every criterion of job eligibility must be scrutinized. Any job requirements may be considered discriminatory. "The EEOC has already ruled that to take into account a criminal record in hiring is discrimination on account of race. . . . The guidelines take this position too, and carry it somewhat further. Trying to find an example of a criminal record that may be disqualifying, they come up with the following: '... a recent conviction or history of embezzlement may disqualify an applicant for a position of trust requiring the handling of money or accounts.' Note," says Professor Glazer, "the 'may'."

Suppose only a few people could meet the actual job requirements? Perhaps the job itself can be eliminated, say the bureaucrats. Glazer quotes the following from an article by Sidney Hook: "At one Ivy League university, representatives of the Regional HEW demanded an explanation of why there were no women or minority students in the Graduate Department of Religious Studies. They were told that a reading knowledge of Hebrew and Greek was presupposed. Whereupon the representatives of HEW advised orally: 'Then end those old fashioned programs that require irrelevant languages. And start up programs on relevant things which minority group students can study without learning languages.'"

This whole sorry mess has resulted from a determination to treat people not as individuals, but as interchangeable members of a group. This enables bureaucrats to have something to measure. "Affirmative action," which "originally meant that one should not only not discriminate, but inform people one did not discriminate; not only treat those who applied for jobs without discrimination, but seek out those who might not apply," has been redefined over the years to mean, not *opportunity*, but *result*. "The employer is required by the OFCC to state numerical goals and dates when he will reach them. There is no presumption of discrimination. However, if he does not reach those goals, the question will come up as to whether he has made a 'good faith' effort to reach them."

By 1973, when the EEOC won a massive suit against AT&T, its summary, according to Professor Glazer, "reveals a simple-minded commitment on the part of this government agency to one principle testing for discrimination: equal representation. The summary asserts, '... it is absolutely clear that blacks are not randomly distributed in all jobs...' as if there was any expectation that blacks or any other category should be 'randomly distributed in all jobs.'" Elsewhere, the summary states, "Absent discrimination, one could expect a nearly random distribution of women and minorities in all jobs," to which Glazer answers, "Absent discrimination, of course, one would expect nothing of the sort. Economists, labor market analysts, and sociologists have devoted endless energy to trying to determine the various elements that contribute to the distribution of jobs in minority groups. . . . To reduce all differences in labor force distribution (even for entry-level jobs) to *discrimination* is an incredible simplification."

A similar proportional analysis has been applied by the courts to determine whether or not school districts must be "balanced" by busing. Thus, neighborhood schools and community control of schools are both largely forbidden because most neighborhoods and communities do not contain what is defined as an ideal mixture of groups. "By breaking the link between a community and its schools," says Glazer, "the new decisions in effect shift power into the hands of the school bureaucracy, now constrained only by the Federal court and its experts, and released from any direct influence from parents too confused to know where to bring their protests. . . . All this serves to reduce the influence of people over their own lives and their own fates."

He gives convincing reasons for thinking that no "temporary" busing plan will ever be discontinued, because of the definitions of *de jure* segregation (resulting from official action) and *de facto* segregation (supposedly not illegal). "If a school board should be considered to have finally reached desegregation and were to stop assigning children to schools by race, whether through a new neigh-

borhood school plan, or freedom of choice, or education vouchers, or what you will, we may be sure that whatever racial distribution existed on the basis of assignment by race would change. Convenience, taste, and residential concentrations would lead to new racial concentration in the schools. At that point these new racial concentrations would be defined as coming into being through an act of 'de jure segregation'—that is, the *stopping* of school assignment by race—and the process of 'desegregation' would begin all over again."

Similar policies have been declared in the field of housing; it is slightly less regulated because there is no central concentration of authority in housing, which is, rather, the result of millions of individual decisions in the marketplace. Government agencies are still trying to formulate policies to deal with this decentralization.

All through the book, Professor Glazer zeroes in on the fallacy and danger of the concept of "group right." "It turned out that the effort to make the Negro equal to the other Americans raised the question of who are the other Americans? How many of them can define their own group as *also* deprived?" And later, "The Orwellian nightmare '... all animals are equal but some animals are more equal than others...' comes closer. Individuals find subtle pressures to make use of their group affiliation not necessarily because of any desire to be associated with a group but because groups become the basis for rights, and those who want to claim certain rights must do so as a member of an affected or protected class."

But this will require laws defining membership in a favored group. "We have not yet reached the degraded condition of the Nuremberg laws, but undoubtedly we will have to create a new law of personal ethnic and racial status to define just who is eligible for these benefits, to replace the laws we have banned to determine who should be subject to discrimination." We will still be a society that officially discriminates, but it will be a different group that is discriminated against. Already, says Glazer, "We have created two racial and ethnic classes in this country. . . . those groups that are en-

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titled to statistical parity in certain key areas on the basis of race, color, and national origin, and those groups that are not."

The question of "reverse discrimination" is going to become even more explosive. Early in 1977, a Supreme Court decision upheld a legislative reapportionment plan in Brooklyn, which redistricted along racial lines in order to give black and Hispanic voters more power, even though in the process it took away power from a community of Hasidic Jews. Apparently the Hasidic Jews did not constitute a distinguishable group for the purposes of this case, being viewed as a mere subdivision of "white voting strength." This fall, the Court is expected to decide the fate of Allan Bakke, who failed to get into California's medical school although minority applicants with lower test scores were accepted.

So far, such practices have been defended on moral grounds. It is that moral defense which must be challenged, says Professor Glazer, but he seems at somewhat of a loss as to how to do it. "The argument then against the extension of power to the EEOC or the even division of the children by race in

the schools needs special justification. It needs to resort to States' Rights or to a general principle of freedom (which today has lesser weight than the opposing principle of equality)."

It is interesting and heartening to hear an establishment voice, even in a parenthesis, identify the modern statist concept of "equality" as being opposed to freedom. The more that an informed public opinion revolts against the concept of "making people equal" by force, the more acceptance there will be of the libertarian ideal of freedom and individual rights as being the underlying political principles by which we should live.

There is no other way in which we can succeed in what Professor Glazer sees as "our task" in the area of discrimination (and, I would add, in all areas of government action), "to re-establish the simple and clear understanding that rights attach to the individual, not the group."

Joan Kennedy Taylor was the editor of Persuasion magazine from 1964 to 1968, and was co-author with Lee Shulman of When to See a Psychologist. She is a member of the Association of Libertarian Feminists.

POLITICAL CRIMES BEFORE NIXON

By Murray Sabrin

It Didn't Start With Watergate

By Victor Lasky

Dial Press, 1977

438 pp., \$10.00

"The greatest crime of the century," that was how the Watergate break-in was characterized by the saviors of the Republic—the Democratic members of the Senate Select Committee on Watergate. If it were not for the zealous pursuit of justice and truth by the Democratically controlled Ervin committee, the country would not have been spared the establishment of a police state. And with the resignation of Richard Milhous Nixon, we all breathed a sigh of relief, for the House Judiciary Committee demonstrated that the system works, that the Constitution is intact, and that a corrupt adminis-

tration was held accountable for its "high crimes and misdemeanors."

Virtually everyone has accepted the line that the Nixon administration was an embarrassment and a threat to the high ideals of democratic government. Bugging of government officials, wire-tapping of political opponents, performing dirty tricks, granting favors for special interests, were all conceived during the Nixon years.

No so, says Victor Lasky in *It Didn't Start With Watergate*. The articles of impeachment which the House Judiciary Committee drew up against Nixon could also have been charged, claims Lasky, against FDR, JFK, and LBJ. Roosevelt did his best to maneuver the United States into World War II. Kennedy sent troops to Vietnam which paved the way for Johnson to es-

calate the conflict into a major war even after he campaigned as the "peace candidate" in 1964. Furthermore, besides subverting the constitutional process to involve the United States in foreign hostilities, these Democratic presidents engaged in far-reaching and sweeping illegal activities against their political opponents. FDR not only authorized the FBI to engage in electronic surveillance about which John Roosevelt, the President's youngest son said, "Hell my father just about invented bugging," but also helped his two other sons, James and Elliott to reap fortunes in the insurance business during the depression. But probably the most interesting and mysterious episode of FDR's tenure in the White House was his ability to diffuse criticism over his third term candidacy among most fellow Democrats, especially Joseph Kennedy. Kennedy had been vehemently against U.S. involvement in a European conflict. What persuaded him to rally behind FDR still remains unknown.

Ironically, the Roosevelt style of governmental wrongdoing was to be surpassed by John Kennedy, a veteran of the war in which his father vainly attempted to prevent U.S. involvement. JFK's campaign for the presidency in 1960 outflanked his opponents, first Hubert Humphrey in the Democratic primaries with a series of stinging personal attacks, and then Richard Nixon in one of the most fraudulent elections in U.S. history. In fact, there has been enough evidence gathered to claim that the Kennedy presidency was "illegitimate" due to the massive voter irregularities in Illinois and Texas.

Not to be undone, the thousand day Kennedy administration made full use of the state apparatus to plot the assassination of Fidel Castro, bug the hotel rooms of Martin Luther King, Jr., and intimidate members of the press who did not write glowingly of Camelot, particularly Victor Lasky after the publication in 1963 of *JFK: The Man and the Myth*.

After John Kennedy was assassinated in November, 1963, Lyndon Johnson, a protege of FDR, succeeded to the presidency. It was LBJ, according to Lasky, who amassed an intelligence network to gather information on war

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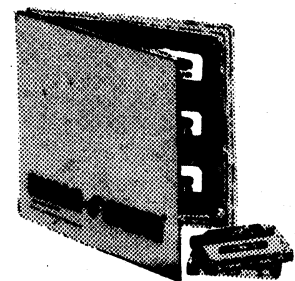
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dissenters. LBJ's use of the CIA for domestic purposes was a clear violation of the law. The media somehow failed to "uncover" Lyndon Johnson's massive violation of civil liberties during the sixties. Where were they when we really needed them? The fourth estate, however, redeemed itself by exposing the activities of the Nixon White House.

This brings us to the Watergate caper. Still unresolved is why McCord and Company installed taps and burgled the Democratic National Committee. The Cubans apparently believed Castro was supporting McGovern and therefore wanted hard proof. Lasky, however, sheds some light on the "third-rate burglary." And as far as the highly efficient operation of the Nixon campaign, consider how Nixon describes the Watergate break-in: "Everything went wrong—as if by design. The walkie-talkies malfunctioned; the lock picker had difficulty picking locks; and the burglars bugged the wrong phones, cut themselves on broken glass, and practically invited discovery. When apprehended, they were found to possess incriminating address books as well as large sums of currency easily traceable to the Nixon reelection effort. It was almost as if they had been deliberately dropping clues."

All this leads us to the question: Was Nixon set up? G. Gordon Liddy and E. Howard Hunt played major roles in planning the Watergate operation. Hunt was also working for a public relations firm, the Mullen Company, which had ties with the CIA. After Hunt retired from the CIA (1970), Director Helms "twisted the arm" of Bob Mullen to give Hunt a job. Another crucial development was the association of Robert Bennett with the Mullen Company. Bennett brought with him the important Howard Hughes account which was previously handled by Larry O'Brien, the Democratic national chairman. O'Brien's relationship with the Hughes organization was terminated in 1971. This coincided with Robert Maheu's (Hughes chief operative) leaving the billionaire's employ. Maheu's termination ended in an extended court battle with the Hughes empire. The stage was now set for the

Watergate break-in. The Hughes people were interested in discovering Maheu's conversations with O'Brien. The Watergate break-in then appears to be primarily a CIA operation directed at O'Brien who was probably privy to Hughes' relationship with the intelligence agency.

At worst, Richard Nixon was just engaging in a time honored and long cherished American tradition: political spying.

Lasky not only argues that Watergate was not a unique event in the annals of the American political process, but that the Democrats, particularly Larry O'Brien, were forewarned of the possibility that the DNC was to be bugged. Lasky suggests that the break-in was welcomed by the Democrats who promptly filed a \$1 million damage suit against the Committee to Re-elect the President. Thus the question arises: Was there a double agent amongst the burglars who tipped off the Democrats? The Miamians, in conversations with Senator Lowell Weicker at the federal penitentiary in Danbury, Connecticut, described McCord's actions during and after the break-in as highly suspect. After all, McCord "blew the whistle" to Judge Sirica, even though he told the other burglars to keep silent. For his "cooperation," McCord served a short sentence.

Undoubtedly the Watergate par-

VIDAL'S WAGER

By Jeff Rigenbach

Matters of Fact and of Fiction: Essays 1973-1976

By Gore Vidal
Random House, 1977
285 pp., \$10

Gore Vidal is always at his best in his essays and reviews (which, as he writes them, come inevitably to resemble essays), for the reason that his main strengths as a writer have always been his acerbic wit and his precision and grace as a stylist. This is not, to be sure, Vidal's own assessment of his powers. He quite evidently sees himself as a novelist—as one of the few "real" novelists left among us—who is driven by professional interest and by megalomania to write out his opinions on, respectively, fiction and politics.

participants had to be punished for their illegal acts. But Lasky takes exception to the tactics employed by the Ervin committee in "uncovering" the truth about the break-in and subsequent cover-up. Lasky aims his sharpest barbs at the investigators for the committee who did not hide their anti-Nixon bias, while professing to conduct honest and objective hearings. One could go on with the material Lasky has gathered which clearly exposes the hypocrisy of the liberals who stuck their heads in the sand when previous administrations were guilty of high crime and misdemeanors far worse than the vague charges (according to Lasky) cited against Richard Nixon by the House Judiciary Committee.

Since Woodward and Bernstein have been credited with exposing the criminality of the Nixon administration in "All the President's Men," I wonder if the Hollywood types are ready to use Lasky's material and blast FDR, JFK, and LBJ in celluloid. The least we should get is a television miniseries on the activities of the state apparatus for as Victor Lasky has shown, *It Didn't Start With Watergate*.

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mania to write out his opinions on, respectively, fiction and politics.

But there could be nothing duller than the novels of Gore Vidal—unless it was the novels of Saul Bellow or the novels of John Updike or the novels of Phillip Roth or the novels of Bernard Malamud or the novels of just about any other lion of the literary establishment of the moment, the establishment Richard Kostelanetz rightly accused a few years ago of encouraging "the end of intelligent writing."

Intelligence, for Kostelanetz, has much to do with experiment and with deliberately flouting tradition. But no two activities seem farther beyond Vidal's temperamental ken. In an essay

called "The State of the Union," for example, he sketches as damning a description of the American state as I've seen in print. "... Roughly eighty percent of police work in the United States has to do with the regulation of our private morals. By that I mean, controlling what we drink, eat, smoke, put into our veins—not to mention trying to regulate with whom and how we have sex, with whom and how we gamble." "Except for the busting of an occasional bank robber or car thief, the FBI has not shown much interest in big crime. Its time has been devoted to spying on Americans whose political beliefs did not please the late J. Edgar Hoover, a man who hated Commies, blacks and women in more or less that order." "We have been . . . for thirty-three years a garrison state whose main purpose has been the making of armaments and the prosecution of illegal wars. . . ." "The genius of our ruling class is that it has kept the majority of the people from ever questioning the inequity of a system where most people drudge along, paying heavy taxes for which they get nothing in return."

But when he comes to proposing remedies, Vidal can only offer to most people what he admits are "exhortations from old-style Americans . . . telling them they are the government and so can change it. . . ." The people need a leader like Huey Long, Vidal explains, to mobilize them and "redistribute the wealth of the country." Whatever this is, it is not experimental or in defiance of (especially recent) tradition. But then, as Vidal himself writes, in the closing pages of this book, "A new kind of civilization is developing. I have no way of understanding it."

A new kind of fiction has been developing in the past quarter-century of American literary life, and Vidal seems ill-equipped to understand it as well. For him, two kinds of novel are being written in the late 20th Century America, the Public-novel, as written by Vidal, Louis Auchincloss, and the writers I mentioned in my second paragraph, and the University-novel, as written by John Barth, Thomas Pynchon, William Gass, Donald Barthelme and Vladimir Nabokov. The P-novel is written to be read for pleasure by readers. The U-novel (the

abbreviations are Vidal's) is written to be studied by students and taught by teachers of literature. The P-novelist needs no intermediary to communicate with his readers. The U-novelist writes for a translator whose job is to explain the novelist to his readers.

Or, to put it more plainly, some novelists (Vidal among them) write for the reading public, taking care to excise from their copy any unfamiliar words and ideas, any unusual methods of narration or description, which might otherwise confuse (and thus anger) that public. Other novelists (Gass, Barthelme and Nabokov among them) write to say what they have to say, making use of whatever methods enable them to say it most nearly unequivocally, and hoping their works will find readers among those who approach books wondering what's in them, since they can hardly be expected to appeal to those who approach books demanding they contain what certain other books contain.

Of course, Vidal is too sensitive to the possibilities of English prose to contend that there are no good writers among the U-crowd. He concludes his essay on Nabokov with oddly mixed praise for that writer's 1972 novel, *Transparent Things*. "If only for this lovely work," he writes, "Nabokov will never be forced to echo an earlier American culture hero who wrote, sadly:

Yet do I find it perceptible—here to riot in understatement—that I, who was once a leading personage in and about those scanty playgrounds of human interest which we nickname literature seem now to have become, for all practical results, unheard-of thereabouts.

"Readers who can correctly identify the author of the above passage," promises Vidal, "will be given a letter of introduction to Professor V. Nabokov, Palace Hotel, Montreux, Vaud, Switzerland."

Done. It's James Branch Cabell, in *Quiet, Please* (University of Florida Press, 1952, p. 10). That Cabell and Nabokov have much in common as writers is a useful insight, one which speaks well of Vidal as a critic (and one which he offered once before, in his "novel," *Two Sisters*). But the in-

sight is packaged as a cheap shot ("No one today remembers Cabell; so too will no one tomorrow remember Nabokov, except for *Transparent Things*") which can easily enough be turned on its source.

After all, if Vidal only possessed imagination to match his verbal craftsmanship, he might escape the fate of an earlier American iconoclast who spend his formidable talents as an essayist (best on display in his book on Vidal's favourite city, Rome) on novel-writing, which he never mastered. If Vidal can correctly identify the author of these lines—"Society toils and spins yarns, but it does not read. That is not because it does not know how. It is because it has a fine contempt for literature—yet a contempt which, though fine, is hardly that which familiarity breeds."—I'll let him welsh his own wager. Otherwise he can send that letter of introduction to Jeff Riggenbach, Post Office Box 75182, Los Angeles, California 90075.

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[continued on page 38]

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