

## [Teach me more!](#)

From the holy kee-rap file: [Hatch Takes Aim at Illegal Downloading](#) reports that Senator Orrin Hatch, R-Utah, chairman of the Senate Judiciary Committee, "favors developing new technology to remotely destroy the computers of people who illegally download music from the Internet. ... During a discussion on methods to frustrate computer users who illegally exchange music and movie files over the Internet, Hatch asked technology executives about ways to damage computers involved in such file trading." Hatch "said **damaging someone's computer 'may be the only way you can teach somebody about copyrights.'** ... "He endorsed technology that would twice warn a computer user about illegal online behavior, 'then destroy their computer.' ... 'There's no excuse for anyone violating copyright laws,' Hatch said." Hey, almost makes you think there may be something wrong with the whole notion of copyright. And in support of the emerging libertarian view that democrats are becoming the less-evil party, "Rep. Rick Boucher, D-Va., who has been active in copyright debates in Washington, urged Hatch to reconsider."

[Posted at 06/17/03 11:14 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [The true story behind "The Now Infamous Tucker Max Charity Auction Debacle" email](#)

[This story](#), by Tucker Max, about how he got fired when he was a summer associate at the California law firm Fenwick & West during the dot-com boom times, is one of the funniest things I've read in a while -- it reminds me of my summer in 1990 clerking for Vinson & Elkins ... NOT! Note that though he puts quotes around the names of two of the Fenwick trademark partners he mentions, I'm not so sure they are pseudonyms.... Also hilarious is his SFGirl ["iGuy" profile](#) (example: his "Favorite Practical Joke" is: "I like to go down to the dog pound and pretend that I've found my dog. Then I tell them to kill him anyway because I already gave away all his stuff. Dog people sure don't have a very good sense of humor.").

[Posted at 06/20/03 10:32 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Protectionist Cato?](#)

In a [recent post](#), Lew Rockwell notes that Cato's Doug Bandow opposes free trade in pharmaceuticals. Seems there must have been a memo: now comes [Just Say No To Drug Re-Importation](#), by Cato's Michael Krauss. Krauss opposes H.R. 2427, which would authorize wholesale re-importation of pharmaceuticals from 26 countries to the United States for distribution to consumers. Warns Krauss, "If enacted, it could endanger American lives, imperil national security, and reduce the quantity and quality of drugs available for Americans." This is a rambling, confused piece. Here we have a libertarian urging that the importation of commercial products, from willing sellers to willing buyers, be banned--because it could "endanger" American lives? When did libertarians abandon *caveat emptor* and adopt maternalism? As for how importing drugs can "imperil national security," maybe someone else can figure out just what Krauss's argument is, but it seems quite a stretch to me. The real problem for Krauss is that reimporting allows consumers to avoid some of the monopoly price charged due to the US patent system. Hence, support for [intellectual property rights](#) leads once again to the undermining of genuine private property rights, such as the right to trade. Interesting to note that here we have Cato favoring open immigration--let anyone in--and restricted trade; exactly the opposite of Hans Hoppe's paleolibertarian [views](#) on immigration. As Hoppe points out, trade in goods does not violate rights and can be engaged in even by distinct groups that live separately, whereas the importation of people into a welfare state can result in forced integration and

other rights violations. Here Cato apparently favors outsiders marching into the country, carrying with them the right to vote and to trample the private property rights of citizens by virtue of antidiscrimination and affirmative action laws--so long as they don't bring cheap medicines with them! Congress's actions are also bizarre: they help to create artificially high pharmaceutical prices by giving patent monopolies to American companies. Then, they attempt to solve the problem by allowing reimportation. Why doesn't Congress simply curtail patent rights in drugs, if they really want to lower the artificially-high drug prices consumers face? Similar with the medicare drug prescription plan: the feds are going to increase our taxes to pay for drugs that are expensive because of the federal patent grant. If the feds are going to make us pay for retirees' drugs, shouldn't they at least remove patent protection from them, so that the burden is lower?

[Posted at 07/24/03 06:03 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Epstein and Patents](#)

Re Lew Rockwell's latest post about Richard Epstein's [pro-patent comments](#)--Epstein writes, "Patented goods are subject to a lawful monopoly created by the state in order to induce their creation. No one thinks that new pharmaceutical drugs will be invented by private firms that cannot receive a rate of return sufficient to recover [various costs]. ... 'The legal monopoly granted by the patent is the only mechanism that allows the producer to recover those fixed costs....' Obviously, this is a utilitarian argument; Austrians and libertarians are well aware of the economic and ethical problems that plague utilitarianism. But besides this, another problem with Epstein's argument is that there is no logical stopping point. For it is not that "drugs" either will, or will not, be produced. By Epstein's logic, there will still be some drugs that will not be produced, namely those whose cost can't be recovered even with patent profits. The current patent term is about 20 years. If it were longer, more monopoly profit could be obtained, thus allowing more drugs, currently not produced, at the margin, to be profitable. So let's extend the term to 30 years. Or 40. And so on. But why stop there? Why not impose criminal liability for infringement of patent rights--say, life in prison or the death sentence. We could also lower the statutory standards for obtaining a patent, so that more drugs would be subsidized by the patent monopoly. We could triple the budget and salaries for the Patent Office, so that patents are issued more quickly (they take 2-3 or more years, now). What's more, even the strongest patent rights in the world simply might not give enough extra profits to justify the generation of some "really useful" drugs. So by using the standard utilitarian reasoning underlying Epstein's advocacy of patent law (and also undergirding his defense of the power of eminent domain in his book [Takings](#)), why not let some administrative commission dole out taxpayer-funded subsidies to the pharmaceutical industry. Yes, taxpayers would be harmed (just as private property owners are harmed by patent law--as the drive to outlaw reimported medicines attests), but drugs that would not otherwise be invented, would be. Presumably the "value" of these drugs would "exceed" the "value" (to whom?) of the money taken from taxpayers. I better shut up. They might not realize I'm being sarcastic.

[Posted at 07/25/03 12:25 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Cato Tugs Stray Back Onto the Reservation](#)

Recent [posts](#) ([2](#), [3](#), [4](#), [5](#)), and a wonderful [speech](#) by Congressman Ron Paul properly chastised Cato writers for opposing reimportation of medicines, thus adopting a protectionist, anti-free trade, anti-property rights stance. It must have caused some outcry among Cato's libertarian supporters. Looks like Cato's Ed Crane and Roger Pilon decided to get back on course, in their article [Conservative Drug Split](#) in NRO. They conclude "Reimportation is right and good", but they spend a lot of time bending over backward to try to make the protectionist argument look respectable, making for an overlong, convoluted

defense of free trade. It should take about a paragraph or three, at most, for a libertarian, free-market group to explain why there is nothing wrong with free trade.

[Posted at 07/29/03 11:18 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Re: Cato on Drug Reimportation](#)

A follow-up to [this post](#): Cato's News Release dated July 29, 2003 proclaims its free-trade stance, despite columns advocating protectionism by two of its scholars: "**Cato scholars support drug reimportation**" WASHINGTON

[Posted at 07/30/03 10:24 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Nukes and International Law](#)

Joe Stromberg recently emailed me about heroic World Court Judge Christopher George Weeramantry of Sri Lanka's [dissenting opinion](#) regarding the legality of nuclear weapons.

[Posted at 08/18/03 02:08 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Nukes and International Law](#)

Joe Stromberg recently emailed me about heroic World Court Judge Christopher George Weeramantry of Sri Lanka's [dissenting opinion](#) regarding the legality of nuclear weapons.

[Posted at 08/07/03 01:28 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Sopranos Trivia](#)

I've recently discovered the wonderful HBO series [The Sopranos](#) (or, as my mother-in-law calls it, the "f\*ck-that" show, due to the repeated use of the f-word). Thanks to DVDs and [NetFlix](#) (introduced to me by Karen De Coster a couple years ago), we've been catching up on old episodes. On a recent episode, a civilian who had witnessed Tony Soprano leaving the scene of a mob-hit was sitting on his couch, calmly reading Nozick's *Anarchy, State and Utopia*. Curious. Also, in another episode, two mobsters were discussing the feds, and one of them was talking about how if they keep investigating, sooner or later they will crack down--because "they're just like us--they're a business. They've invested millions of dollars in this, they have to get their share." Amazing insight for Hollywood, and calls to mind the similar wisdom of Lysander Spooner: As Spooner wrote in [No Treason](#): "The highwayman takes solely upon himself the responsibility, danger, and crime of his own act. He does not pretend that he has any rightful claim to your money, or that he intends to use it for your own benefit. He does not pretend to be anything but a robber. He has not acquired impudence enough to profess to be merely a "protector," and that he takes men's money against their will, merely to enable him to "protect" those infatuated travellers, who feel perfectly able to protect themselves, or do not appreciate his peculiar system of protection. He is too sensible a man to make such professions as these. Furthermore, having taken your money, he leaves you, as you wish him to do. He does not persist in following you on the road, against your will; assuming to be your rightful "sovereign," on account of the "protection" he affords you. He does not keep "protecting" you, by commanding you to bow down and serve him; by requiring you to do this, and forbidding you to do that; by robbing you of more money as often as he finds it for his interest or pleasure to do so; and by branding

you as a rebel, a traitor, and an enemy to your country, and shooting you down without mercy, if you dispute his authority, or resist his demands. He is too much of a gentleman to be guilty of such impostures, and insults, and villanies as these. In short, he does not, in addition to robbing you, attempt to make you either his dupe or his slave. "The proceedings of those robbers and murderers, who call themselves "the government," are directly the opposite of these of the single highwayman. "In the first place, they do not, like him, make themselves individually known; or, consequently, take upon themselves personally the responsibility of their acts. On the contrary, they secretly (by secret ballot) designate some one of their number [\*14] to commit the robbery in their behalf, while they keep themselves practically concealed. They say to the person thus designated: "Go to A \_\_\_\_\_ B \_\_\_\_\_, and say to him that "the government" has need of money to meet the expenses of protecting him and his property. If he presumes to say that he has never contracted with us to protect him, and that he wants none of our protection, say to him that that is our business, and not his; that we *choose* to protect him, whether he desires us to do so or not; and that we demand pay, too, for protecting him. If he dares to inquire who the individuals are, who have thus taken upon themselves the title of "the government," and who assume to protect him, and demand payment of him, without his having ever made any contract with them, say to him that that, too, is our business, and not his; that we do not *choose* to make ourselves *individually* known to him; that we have secretly (by secret ballot) appointed you our agent to give him notice of our demands, and, if he complies with them, to give him, in our name, a receipt that will protect him against any similar demand for the present year. If he refuses to comply, seize and sell enough of his property to pay not only our demands, but all your own expenses and trouble beside. If he resists the seizure of his property, call upon the bystanders to help you (doubtless some of them will prove to be members of our band.) If, in defending his property, he should kill any of our band who are assisting you, capture him at all hazards; charge him (in one of our courts) with murder; convict him, and hang him. If he should call upon his neighbors, or any others who, like him, may be disposed to resist our demands, and they should come in large numbers to his assistance, cry out that they are all rebels and traitors; that "our country" is in danger; call upon the commander of our hired murderers; tell him to quell the rebellion and "save the country," cost what it may. Tell him to kill all who resist, though they should be hundreds of thou- [\*15] sands; and thus strike terror into all others similarly disposed. See that the work of murder is thoroughly done; that we may have no further trouble of this kind hereafter. When these traitors shall have thus been taught our strength and our determination, they will be good loyal citizens for many years, and pay their taxes without a why or a wherefore. "It is under such compulsion as this that taxes, so called, are paid. And how much proof the payment of taxes affords, that the people *consent* to "support the government," it needs no further argument to show."

[Posted at 08/11/03 04:49 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### **[Things My Girlfriend and I Have Argued About](#)**

No, it's not paleo, but this [site](#), by an English guy, about all the things he argues with his German girlfriend about, is pretty darned funny. I liked this one: "I eat two-fingered Kit-Kats like I'd eat any other chocolate bars of that size, i.e., without feeling the need to snap them into two individual fingers first. Margret accused me of doing this, 'deliberately to annoy her'." Or this one: "Margret thinks I'm vain because... I use a mirror when I shave." "Wherever I'm standing is where Margret needs to be standing, and vice versa. Doesn't matter where we are - the kitchen, the bathroom, Scotland - we each infuriatingly occupy the space where the other one wants to be, urgently. Over the years we've developed signals for this situation. Mine is to stand behind her and mutter under my breath. Margret's is to shoulder-charge me out of the way."

[Posted at 08/12/03 03:48 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Please forgive me...](#)

for defending Al Franken. Other than Michael Moore, it's hard offhand to think of anyone I despise more. But the [lawsuit filed](#) by Fox News against Franken is simply ridiculous. Franken's forthcoming book is *Lies and the Lying Liars who Tell Them: A Fair and Balanced Look at the Right*. Fox claims Franken can't use the phrase "fair and balanced" in the book's title: "They argue that Fox has trademarked "Fair and Balanced" to describe its news coverage and that Mr. Franken's use of the phrase would "blur and tarnish" it." Fox also complain that the book cover "mimics the look and style" of two books written by Fox's Bill O'Reilly. Puh-lease. Does anyone really think some "No Spin Zone" conservative Yahoos are going to accidentally buy Franken's book, thinking it must be similar to O'Reilly's? Thank God I'm not an IP lawyer. Er, waitasec...

[Posted at 08/12/03 05:21 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Who's Worse than Michael Moore?](#)

In a [recent post](#) I noted how much I despise Michael Moore and Al Franken: snide, smarmy, smug socialist know-nothings. Surely my hatred is blinding me to other choice candidates. Ted Danson, Robert Downey Jr., Susan Sarandon just don't tee me off as bad (well, Downey is up there). Any other LRCers have any celebs/commentators they love to hate? Post it, or [email me](#).

[Posted at 08/12/03 05:33 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Good Liberals](#)

Yeah there are some [despicable liberals](#), but every now and then you find a diamond in the rough. In my Randian days I used to think all liberals are evil and dishonest, and I have to admit I have almost no close friends that are liberal. Some conservative types, I can befriend, but I just never trust liberals. There are a few for whom I've developed a grudging respect--well, lack of extreme disgust, would be more accurate--e.g. I always thought Michael Kinsley, of Crossfire, was pretty honest and fair for a liberal. And then there's my friend Rob Rosenthal. And maybe... Christopher Hitchens...? Gore Vidal? And then there's... no, no one else comes to mind. Little help?

[Posted at 08/12/03 05:47 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Those adorable little Objectivists](#)

You gotta love 'em: the Objectivists' m.o. when reviewing a book is almost always to praise its good points but then to point out how the author is not fully Objectivist. This Objectivist [book blurb](#) of Coulter's new book, by Harry Binswanger, shows how condescending the Objectivists can be: "BOOK REVIEW: \*TREASON\* BY ANN COULTER Treason, by Ann Coulter, is a book of great value and great danger. For Objectivists, who are immune to its horrendous philosophical claims, its integration of the political events of the last 50 years will be of great value. But the excellence of those very points makes all the more dangerous the anti-man, mystical, religious underpinnings of the book." I love it--Objectivists alone are "immune" to its flaws. Hey Harry--it's "anti-man", but is it "whim-worshipping"? Ah, those Objectivists and their little passions and quirks are cute, aren't they?

[Posted at 08/13/03 09:21 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Michael Kinsley v. Michael Moore](#)

Recent requests for more examples of [not-so-bad liberals](#) and [ultra-despicable ones](#) yielded a few interesting emails. One of them reminded me of James Carville, the slimeball of a human being who makes me grit my teeth (and, I'm embarrassed to say, he's a fellow Louisianan and LSU Law School alumnus). Some excerpts from the emails I've received below-- "I feel especially offended by the mouths of Julia Roberts and Barbra Streisand. I have developed the following policy--for them and others like them: Whenever I hear, or hear of, celebs running their stupid mouths in public on topics about which they certainly have no knowledge or background, I go to my video collection and check to see if I have a video or DVD with the celeb. I put it into a mailing envelop, address it to the CEO of the film studeo that produced the film. I also write in huge dark black letters on the outside, "Crushed and smashed by sender. Post office did not damage this package." I enclose a note explaining that, since they choose stupid people as actors and actresses, I will not be purchasing, or going to the theater to view, any films produced by that studeo until stop providing employment for publically offensive, stupid celebs. I seal the package, throw it to the floor, and stomp it flat. Then I mail it to that CEO. My [spouse] used to think that I just am throwing money away, and the studeo won't care. I explain that I feel better, and so the money is well-spent. I tell friends of my policy, hoping that some of them will follow suit. I hear that '5 handwritten letters' from consumers cause execs to pay attention. What about 5 smashed films??? \*\*\* You mean Robert Downey Jr. does something besides getting busted for drugs? Did not Gore Vidal write "Caligula" and "Myra Breckinredge"? There are plenty of other annoying liberals: Tim Robbins (Shawshank Redemption is the only good movie he has been in. Dull as dishwater in the acting department.) Drew Barrymore("no guns" for Charlie's Angels. And how can a T&A movie designed to appeal to teenage boys be femininst empowerment?) James Carville Paul Begala(do not watch Crossfire or CNN anymore. Having an audience wrecked that show. Bill Press was a lot less smug) Svend Robinson (Homosexual Canadian MP of the NDP or as I call it the New Demoncratic party. Supports the "right" to kill yourself and other kooky socialism.) Dalton McGuinty (leader of Ontario Liberal party, by the end of this year he will probably be Premier) wants to lower energy Prices while shutting down Ontario's remaining coal power plants-during an energy shortage. Also wants a gay marriage law, now! Jesse Jackson Al Sharpton Bob Hunter (enviro-whacko reporter for local Toronto news) ran for office as a New Democrat in very left-wing district. He Lost. Defeat not helped by the revelation that he had sex with an underage girl in Thailand.) Ontario Supreme Court -created the "right" of gay marriage out of thin air. Most Foreign Film Directors-make pretentious, boring, garbage "art" films that trash the free market, religion, "corporate consumer capitalism" et al. Vanessa Redgrave Most Toronto Star Reporters-blame high rates of crime committed by blacks on "racial profiling" by white racist cops. Complained that the Blue Jays are "too white." Like Gay marriage. Knee-Jerk Liberal party supporters. Prefer the NDP if Paul Martin becomes PM since he is insufficiently Socialistic. Support the "New Deal for cities," kooky environmentalism,etc. Only Plus for you is that they Criticize the current war(s). Alan Rock (Gungrabbing Minister of Health) I could go on, but I think you have had enough. \*\*\* Here's a short list of smarmy liberals: Charles Schumer, Rosie O'Donnell, Cybil Shepherd, Richard Dreyfuss, Molly Ivins, Katie Couric, Anita Hill, Andrea Dworkin, Anthony Edwards, Garry Wills, Catherine MacKinnon, Leonard Pitts, Phil Donahue and Marlo Thomas. Still, I find neo-cons like Charles Krauthammer, Newt Gingrich and Cal Thomas--each an unabashed admirer of mass-murdering socialists like Abraham Lincoln and Franklin Delano Roosevelt--every bit as annoying as liberals. In the words of Richard Nixon, "We're all Keynesians [and leftists] now." \*\*\* Gotta be Ellis Henican! I'd say he's a rat but I think he snivels more than most rats. Rats are better looking too. \*\*\* Now as for your solicitation on the LRC blog for liberals we love to hate - here are just a few... \*Bill Maher - Smug and condescending, this jerk had the gall to call himself libertarian! I haven't heard him say it recently, so perhaps he's fully embraced the Dark Side. He's still repeating the same stupid liberal

mantras - "Clinton was impeached over sex," "Republicans stole the 2000 election," "Guns and SUVs are evil," blah blah blah. Put a sock in it already. \*Molly Ivins - A hidebound, knee jerk liberal if ever there was one. Her criticisms of Bush are not off target, but her takes are so tiresome and predictable - hey Molly, would it kill you to conjure an original thought in your pointy little head? \*James Carville. There's not enough bandwidth here to convey my loathing for this guy. Let's just move on... \*Janeane Garafalo - Her anti-war stance is admirable, but she harms her message with shrill, self-righteous rhetoric about the whole thing. She seems to have adopted the belief that the louder she yells something, the more likely others will accept it as gospel. She makes bizarre assertions and backs them up with nothing: "There is no liberal media; it's a myth." Oh, thanks for clearing that up Janeane. I guess I'll just ignore all that evidence to the contrary now. \*Here's a non-liberal I'm rapidly beginning to despise - radio host Neal Boortz. He's that odd species of "libertarian" who paradoxically supports the Iraqi war. Um, OK. Whatever tortured rationalizations get you through the day, I guess. I don't know how you can believe government does nothing right except when it comes to foreign policy and waging war... \*Here's one liberal "good guy" - Ted Rall. His columns are usually witty and insightful, and his cartoons about Bush and the war have been right on target. He may be insane about most issues, but he manages at least to come off sincere and principled - like he's not just spouting sound bites and derivative talking points. He seems to have studied the issues but drawn the wrong conclusions. To paraphrase "The Simpsons," "He's not evil, just ignorant." Oh well. One last thing - thank you, thank you, THANK YOU for posting the link to [Tucker Max's web site](#) on the LRC blog. Tucker's site has kept me in hysterics ever since. My discovery experience was probably similar to most people's - I started reading one story, and the next thing I knew it was 2 hours later and tears of laughter were streaming down my face. I also found [Mil Millington's site](#), which you also reference on today's LRC blog, through Tucker's links page - I turned my whole office on to that one! I think my favorite entry is the one that ends with, "'I don't know if I'd have done it in real life.' 'In real life'? What? WHAT? You're going 'Ooo - that's slightly scary and unsettling, Mil' now, aren't you?" Priceless. OK, enough rambling from me. Take care and keep up the good work. \*\*\* Ted Turner certainly deserves a nomination. !#%\$\*& socialist muckspout!

[Posted at 08/13/03 09:57 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Re: Waugh to Raico](#)

Re Raico's [post](#) about Auberon Waugh refusing to write for "the worst paying magazines in America"-- I am reminded of one of my favorite Samuel Johnson aphorisms: "No man but a blockhead ever wrote, except for money." Of course, being a libertarian writer, I don't follow that advice. Luckily, being an Austro-libertarian, I realize all value is subjective and would therefore change it to "No man but a blockhead ever wrote, except for ex-ante expectation of satisfaction." But by that definition, we render this type of blockheadedness an empty set. Sigh. What is one to do. Oh, I know--stop trying to painstakingly nickel-and-dime every decision to death. Some things are not based on money. Get over it.

[Posted at 08/17/03 09:55 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Quotes on Liberty](#)

Quoting Samuel Johnson [just now](#), I remembered that a few years back, I gave [John Cobin](#) some of my own favorite [liberty-related quotations](#), for Cobin's online collection of same.

[Posted at 08/17/03 10:00 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Guns v. Butter](#)

... or is it power? [It's estimated](#) that it would cost \$50 billion to fix the nation's power grid. Hey, I'm no fan of government involvement in such matters, but wouldn't it have been better to spend the money on that instead of Iraq?

[Posted at 08/17/03 10:15 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [In Honor of David Gordon](#)

and my Cajun heritage, and apropos nothing in particular, here is the joke "Illegal Cock Fight": The Louisiana State Police received reports of illegal cock fights being held in the area around Lafayette, and duly dispatched the infamous detective Desormeaux to investigate. He reported to his sergeant the next morning. "Dey is tree main groups in dis cock fightin'" he began. "Good work. Who are they?" the sergeant asked. Desormeaux replied confidently, "De Aggies, de Cajuns, and de Mafia." Puzzled, the sergeant asked, "How did you find that out in one night?" "Well," Desormeaux replied, "I went down and done seen dat cock fight. I knowed the Aggies was involved when a duck was entered in the fight." The sergeant nodded, "I'll buy that. But what about the others?" Desormeaux intoned knowingly, "Well, I knowed de Cajuns was involved when summbody bet on de duck." "Ah," sighed the sergeant, "And how did you deduce the Mafia was involved?" "De duck won."

[Posted at 08/18/03 02:08 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [re: Raico Cleans Tom Palmer's Clock](#)

[Tom DiLorenzo](#) is right on in his comments on [Raico v. Palmer](#). In his [reply to Raico](#), Palmer savagely attacked [Hoppe](#) -- in part because Hoppe maintains the absurd and non-Austrian view that free market unemployment is "always voluntary." Palmer and I corresponded over a year ago about another issue, but Hoppe came up. After I defended Hoppe, Palmer wrote me: "[...] who could take a self-described economist seriously when he writes that unemployment is impossible in a free market? And when he claims that that's somehow an implication of Austrian economics he adds insult to ignorance. [...] The fact is that Mr. Hoppe is an embarrassment." In a reply to Palmer, I pointed out that Mises, in *Human Action* (Chapter XXI. WORK AND WAGES, [Section 4. Catallactic Unemployment](#), p. 599), explicitly stated: "**UNEMPLOYMENT IN THE UNHAMPERED MARKET IS ALWAYS VOLUNTARY**". Clearly Hoppe's view on unemployment is the same as Mises'. Is Mises supposed to be an embarrassment to Austrian economics too? Palmer's reply to this? "For Mr. Hoppe it is a cult based on reading and interpreting sacred texts, the point of which is to 'master Misesian economics.' [...] I don't really give a fig about what Mises said just because it's what he said; what I care about is whether what he wrote helps me to understand the world. [...] You write, 'And it is more than an implication of Austrian economics--it is Mises' actual, express, explicit view, in his magnum opus.' If you're right, then so what? Is that an argument? If you're right about this, then Mises was wrong. Is that so hard to accept?" Note that Palmer himself attacked Hoppe's pedigree as a free-market economist, indeed, as an Austrian economist, by citing Hoppe's allegedly absurd and non-Austrian view that involuntary unemployment is impossible on a free market. When I simply pointed out that Mises himself had the same view, I was clearly not citing Mises to prove that proposition is correct, but to show that this view is not "an embarrassment to Austrian economics," but is rather the view of one of the premiere Austrian economists. Palmer is the one who brought up pedigree; when I showed that his argument was flawed, he retreated to the charge that my citing Mises is cult-like. Need anything else be said?



[Posted at 08/18/03 02:08 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [ACLU thinks Minorities are Stupid](#)

The ACLU is [trying to delay](#) the California recall election, on the grounds that old punch card machines put minority voters at disadvantage. Presumably this means that for some reason--presumably, minorities are too stupid to operate punch-card machines as well as whites?--the minority vote will be undercounted. However, if the premise is correct (minorities are stupid), aren't they better off if their votes are undercounted--for the same reasons that severely retarded people have guardians to make important decisions for them? The logic of the ACLU's actions here supports this patronizing, racist view of minorities as helpless dolts. For the ACLU is not an exclusively minority group; its membership is thus more white on average than the minorities they are defending. This implies that whites are better, on average, at protecting the rights of blacks (to use white and black as proxies for majority and minority). But if this is the case--if benevolent, smart whites are the ones who have to look out for their little black wards--why isn't it good that the white vote counts disproportionately. And liberals think everyone *else* is racist. Sigh.

[Posted at 08/18/03 03:19 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [re: Poor Alabama](#)

I found Tom Teepen's [email address](mailto:teepencolumn@coxnews.com) (teepencolumn@coxnews.com) with a little googling. He smarmily dismissed the idea that the First Amendment applies only to the federal government as a "goofy" idea. I suppose the words, "Congress shall make no law..." are meaningless--or goofy?--to him. What a dishonest liberal idiot. I'm gonna drop him a line.

[Posted at 08/20/03 04:55 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Old Dogs](#)

I must have explained to my dad the difference between voicemail and answering machines a dozen times, yet I still get voicemail messages from him such as, "Steph...? Steph? ... STEPHAN! Pick up--it's Daddy!.... [pause; aside to my mom:] He must not be there, he's not picking up... [=CLICK=]."

[Posted at 08/21/03 01:36 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [re Old Dogs II](#)

Jeff Tucker's comment about being the computer-fix-it man for relatives is right-on. This brings to mind a pretty cool telephone service I switched to a few months back: [Vonage](#) offers VOIP (voice over IP). If you have a high-speed Internet connection such as cable modem, you can cancel your home phone service and transfer your same home telephone number (in most cases) to Vonage. They give you a little ATP box. You buy a \$40 router and plug it into your cable modem. The computer plugs into the router, so it can still access the Internet; and the ATP box plugs into the router. You plug your telephone into the ATP device instead of the jack in the wall. The ATP box gives your phone a dial tone, and transmits your telephone calls over the Internet, via your cable modem. Once you get it set up, it's pretty transparent to the user: you use your same phone; it rings, dials, has dial tone like usual; can receive calls; place calls, etc. For \$26/month + \$1 federal excise tax, you get unlimited local plus 500 minutes of long distance; for \$40 you

get unlimited long distance. It sounds about as good as regular phones; on occasion it drops, and if cable goes out, your phone does too--but nowadays most of us have cell phones to use as backups in such cases. Unlike regular home phone service, the only fee is the \$1 tax; all those other service fees and taxes don't exist. Plus, voicemail, call forwarding, etc. are all included; and you can check your voicemail on the web and get email notification of new voicemail (you can even download the .WAV file of a voicemail and store or email it). International long distance is extremely cheap; I love the service. What reminded me about it was they are now offering a toll free number for \$5/month, which gives you 100 free incoming minutes and only 4.9 cents for additional ones. I just signed up for it, and gave the toll free number to my relatives in Louisiana. As soon as I spread the word, I got my first call from my Grandma--the sweetest woman in the world but so parsimonious that she would almost never call anyone long distance. Now, she can call me at whim. As soon as I switched to Vonage my local carrier offered me this \$40-50/month unlimited long distance + local plan, but it would still have about \$15 of taxes and fees. I'd rather pay Vonage than the federales.

[Posted at 08/21/03 02:06 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☎]

### [Star Wars Kid](#)

Heard about this on an [article](#) on Drudge--[this video](#) of the Star Wars kid is hilarious, as are the various remixes and spoofs, such as [SWK 2.0](#). "The Star Wars Kid was just goofing off at school. Now he finds his private performance downloaded by Internet users across the world." "The Star Wars Kid is a 15-year-old from Quebec known only as Ghyslain -- his parents are keeping his last name secret to protect his identity. Back in November 2002, Ghyslain was goofing off at a school video studio and recorded himself fighting a mock battle with a golf ball retriever lightsaber. Over two minutes, the video shows the lone, overweight teenager twirling his mock lightsaber ever faster while making his own accompanying sound effects. "Yes, we've all had our dorky, private moments, but this poor kid is living the nightmare of having his private dorkiness projected across the world to giggling Web users. His friends found the tape, and uploaded it to KaZaA as a joke on April 19. Within two weeks, someone had added full Star Wars special effects and noises to the tape, and the video was linked on gaming, technology, and Star Wars-related sites across the Internet. "Every teenager does something they live to regret. It's part and parcel of adolescence. A 15-year-old Quebec boy named Ghyslain simply made the additional mistake of recording his moment of infamy on video. And now he's an Internet sensation."

[Posted at 08/21/03 03:32 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☎]

### [The Good Wife's Guide](#)



I recently printed [The Good Wife's Guide](#) for my wife, a new mother.

This article, purportedly from *Housekeeping Monthly*, 13 May, 1955 (but possibly a [fake](#)), offers politically-incorrect advice such as:

- Have dinner ready. Plan ahead, even the night before, to have a delicious meal ready on time for his return. This is a way of letting him know that you have been thinking about him and are concerned about his needs. Most men are hungry when they get home and the prospect of a good meal is part of the warm welcome needed.
  - Prepare yourself. Take 15 minutes to rest so you'll be refreshed when he arrives. Touch up your make-up, put a ribbon in your hair and be fresh-looking. He has just been with a lot of work-weary people.
  - Be a little gay and a little more interesting for him. His boring day may need a lift and one of your duties is to provide it.
  - Clear away the clutter. Make one last trip through the main part of the house just before your husband arrives. Run a dustcloth over the tables.
  - During the cooler months of the year you should prepare and light a fire for him to unwind by. Your husband will feel he has reached a haven of rest and order, and it will give you a lift too. After all, catering to his comfort will provide you with immense personal satisfaction.
- 
- Minimize all noise. At the time of his arrival, eliminate all noise of the washer, dryer or vacuum. Encourage the children to be quiet. [An [alternate version](#) also lists: "Prepare the children. Take a few minutes to wash the children's hands and faces (if they are small), comb their hair and, if necessary, change their clothes. They are little treasures and he would like to see them playing the part."]
  - Be happy to see him.
  - Greet him with a warm smile and show sincerity in your desire to please him.
  - Listen to him. You may have a dozen important things to tell him, but the moment of his arrival is not the time. Let him talk first - remember, his topics of conversation are more important than yours.
  - Don't greet him with complaints and problems.
  - Don't complain if he's late for dinner or even if he stays out all night. Count this as minor compared to what he might have gone through at work.
  - Make him comfortable. Have him lean back in a comfortable chair or lie him down in the bedroom. Have a cool or warm drink ready for him.
  - Arrange his pillow and offer to take off his shoes. Speak in a low, soothing and pleasant voice.
  - Don't ask him questions about his actions or question his judgment or integrity. Remember, he is the master of the house and as such will always exercise his will with fairness and truthfulness. You have no right to question him.
  - A good wife always knows her place. My wife rolled it up and wacked me with it. P.s.: Also funny is: [Good Housekeeping v. Real Women](#)

[Posted at 08/25/03 09:54 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Barnett and the Fourteenth Amendment](#)

In a [recent LewRockwell.com article](#), I criticized the recent Supreme Court case overturning Texas' law against homosexual sodomy. Randy Barnett, another libertarian lawyer, has [written in favor](#) of the ruling. I plan to post an article before too long on LRC further discussing the Fourteenth Amendment and some of Barnett's views, but in the meantime, one Larry Ruane called to my attention a couple of articles by Colorado libertarian Ari Armstrong. The [first](#) praised Barnett's article; the [second](#) tries to find common ground between Barnett's views and mine. For now let me mention a couple things. Armstrong recognizes

that I am concerned with limiting federal power. He believes that Barnett has accomplished this with his "presumption of liberty." Writes Armstrong, "Barnett achieves what Kinsella is looking for -- the limitation of the federal government to those few powers specified in Article I, Section 8. [...] Whether the Fourteenth Amendment applies the 'presumption of liberty' to matters of state governments as reviewed by the U.S. Supreme Court is another matter entirely. Barnett seems to assume the Fourteenth Amendment does strongly protect citizens from state-level tyranny, but the matter is not central to his case. It's possible to maintain the 'presumption of liberty' at the federal level yet argue the Fourteenth Amendment should be weak." This is similar to my view, although I would prefer a "presumption of unconstitutionality" to a presumption of liberty, but more on this when I have time to get around to it. Armstrong writes, "I think it's possible to have the best of both worlds: a federal government with the power to check the tyranny of state governments, but with little power to do anything else." In other words, Armstrong agrees the federal government is dangerous, and is therefore also leery, as I am, of giving it more power, but he thinks maybe we can limit the grant of power so that the feds have the power to veto bad state laws, but not the power to trample rights or balloon in size. A couple of responses: first, I am not sure why he thinks this is possible. The Framers thought the written Constitution would limit federal tyranny; clearly it has not. Why Armstrong has such faith in paper documents is not clear. Second, even if it were possible to design a federal government having only the power to veto, I am not sure why Armstrong thinks this is relevant to the debate about the Fourteenth Amendment--*our* Constitution is not written this way. It empower the feds, via the Fourteenth Amendment, to interfere with states. I think this power is rather restricted; Barnett seems to think it sweeping. However, however broad this power is, it is not limited merely to vetoing bad state laws. It also permits Congress to legislate. Armstrong is correct that I did not go into much detail, in my previous article, about why the Privileges or Immunities Clause of the Fourteenth Amendment, does not incorporate and apply against the states, the various rights listed in the Bill of Rights. Some libertarians such as Barnett and Roger Pilon, believe it does; I do not. Let me mention here a couple of things. First, the word "rights" *does not* appear in the murky expression "privileges or immunities". Much less is the Bill of Rights mentioned. Given this, it is certainly not perfectly clear that the Privileges or Immunities clause meant to incorporate fundamental rights and apply them against the states. It is certainly arguable that much less was intended; the work of Raoul Berger--much derided by incorporationists from Akhil Reed Amar to Michael Kent Curtis to Roger Pilon and Randy Barnett--shows as much. But in a Constitutional system in which the central government was feared and states' rights were jealously guarded, one would expect any radical change in this system--and the Fourteenth Amendment as interpreted by Barnett, Curtis, et al. surely imposes radical changes on federalism--to be made explicitly, clearly, expressly, in writing. It seems to be to be almost self-evident that the words "privileges or immunities" do not clearly claim all the rights in the Bill of Rights. To my mind, the most likely meaning of those words--as understood by most of the ratifiers in 1866--was a narrow set of rights having to do with national citizenship only, but not the full panoply of natural rights or those listed in the first eight amendments of the Bill of Rights. In any event, it is clearly *arguable* that the privileges or immunities clause had a narrow meaning, just as it is arguable that it had a broader meaning. Given that its meaning is arguable--i.e., not perfectly clear--then why would it serve as an effective and legitimate *substantial grant of power* to the feds and a fundamental change to the federalist system constitutional protected in 1789? If the Constitution said, "Congress shall have power to stop gnarly actions," would libertarians argue that this unclear, vague wording justifies a massive legislative power grab by Congress, or would they say that this wording is not sufficient precise to give Congress wide powers? A final thought for now. If Barnett et al. are right that the Privileges or Immunities clause of the Fourteenth Amendment was originally meant and understood to incorporate rights as expressed in the Bill of Rights, then they are indeed correct that [Lawrence v. Texas](#) was properly decided. However, ask yourself this: if you had asked a typical selection of Congresscritters in 1866, "Does the proposed Fourteenth Amendment give a federal judge the right and

power to strike down a state criminal law outlawing sodomy between men?" -- what do you think their answer would be? I submit that to ask the question is to answer it. Of course, they would nearly unanimously shout NO! Which of course implies that the original understanding of the Fourteenth Amendment was not to grant such sweeping powers to the feds.

[Posted at 08/25/03 03:30 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Guess who said this?](#)

"We can only hope that those who have the fate of this nation in their hands at this crucial time will do whatever has to be done, regardless of the political consequences. No one's political career is worth seeing American cities in radioactive ruins." Give up? Answer below. Thomas Sowell, [A Tale of Two Wars](#), in *Capitalism Magazine*, an Objectivist publication. (Courtesy Tim Swanson)

[Posted at 08/25/03 10:15 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [What are Minarchists So Afraid Of](#)

I was discussing with someone recently how some libertarians, such as Randians, are so [rabidly opposed](#) to anarcho-capitalists, denouncing them in the strongest terms. And this just occurred to me: it makes no sense for minarchists to be SO OPPOSED to anarchists. Because, if the minarchists are right, government is justified and "makes sense"; and it would do a good job of ... what? stopping lawlessness, crime, etc., right? So why is it such a threat to the utopian minarchist state, that a few anarchist "say" that we should have "no state"? If the state is right and good and competent and just, and can put down criminal actions, and fend off foreign invasion--surely, it won't be hurt by a few starry-eyed libertarian-anarchists' *opinion* that the state is not justified! In other words, by merely *worrying about* anarchists--their arguments, their existence--the minarchist betrays his unstated distrust of the very state that he favors. He shows that he is not so confident of even the minarchist state's durability and competence.

[Posted at 08/27/03 11:27 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Which Ten Commandments?](#)

The [recent flap](#) over the Ten Commandments monument in the Alabama Judicial Building makes me wonder--which version of the Ten Commandments are we talking about here? There are at least [three versions](#) ([link2](#))--Protestant, Catholic, and Jewish. And it appears that there are two different sets of Ten Commandments, anyway. After Moses broke the first stone tables, God commanded him to bring him another set of stone tablets, to write down the list of commandments that form the covenant. But these commandments are not the same as those traditionally listed. For example, the real Ten Commandments tells us things like: Eat unleavened bread (without yeast) once a month; redeem the firstborn donkey with a lamb, but if you do not redeem it, break its neck; and my favorite, do not cook a young goat in its mother's milk. I wonder which version Justice Moore was displaying?

[Posted at 08/27/03 01:04 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Two Can Play That Game](#)

Muslims are sometimes smeared as savages and terrorists by pointing to certain allegedly primitive,

uncivilized teachings in the Koran. But it occurs to me that two can play that game. [Psalms 136](#): "O daughter of Babylon, miserable: blessed shall he be who shall repay thee thy payment which thou hast paid us. ... Blessed be he that shall take and dash thy little ones against the rock." And: [Numbers 31](#): "And the Lord spoke to Moses, saying: Revenge first the children of Israel on the Madianites, and so thou shalt be gathered to thy people. And Moses forthwith said: Arm of you men to fight, who may take the revenge of the Lord on the Madianites. [...] And when they had fought against the Madianites and had overcome them, they slew all the men. [...] And they took their women, and their children captives, and all their cattle, and all their goods: and all their possessions they plundered: And all their cities, and their villages, and castles, they burned. And they carried away the booty, and all that they had taken both of men and of beasts. [...] And Moses and Eleazar the priest and all the princes of the synagogue went forth to meet them without the camp. And Moses being angry with the chief officers of the army, the tribunes, and the centurions that were come from the battle, Said: Why have you saved the women? [...] Therefore kill all that are of the male sex, even of the children: and put to death the women, that have carnally known men. But the girls, and all the women that are virgins save for yourselves ...." My goodness! Killing the babies of your enemies, raping their virgin women? A far cry from the New Testament's proscription to "[turn the other cheek](#)"! Surely we are not supposed to attribute these views to modern, civilized people, even if they officially claim allegiance to the Old Testament, no? Just as we should not attribute proscriptions that seem barbaric to modern, dainty eyes, in the Koran, to all Muslims, right? Postscript: Mark Odell pointed me to [Letter XI](#) in Mark Twain's *Letters from the Earth*.

[Posted at 08/27/03 01:44 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [re: The Ten Commandments](#)

Re Kirkwood's distinction between the Ten Commandment's "Thou Shalt Not Murder" versus "Thou Shalt Not Kill" (incidentally, there is a distinction between Stephan and Stephen), it reminds me of [this quote](#) by the Roman jurist Papinian, "It is easier to commit murder than to justify it."

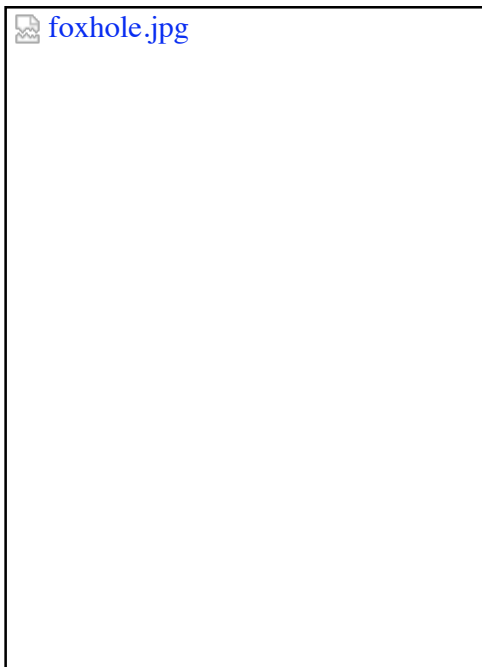
[Posted at 08/27/03 04:26 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Is that a Cajun in your pocket, or are you just happy to see me?](#)

A cute little device I've almost purchased several times in the Mall of Louisiana in Baton Rouge is [Cajun in Your Pocket](#), a hand-held toy. It has six buttons that, when pushed, play six different spoken phrases, such as "We gon pass a good time, yeah, cher," "You gotta suck da head on dem der crawfish," and, my favorite, "OO, I Love You Like a Pig Loves Corn" ([WAV file](#) similar to device sounds). But the wife couldn't stand my juvenile cackling as I hit the buttons in frenzied, monomaniacal succession, so, alas, I don't own one of those fine toys. Anyway, it's the subject of a recent [copyright lawsuit](#). The owner "obtained registered copyrights to protect the "sound recordings" and word arrangements of certain Cajun sayings". "A rap album distributed by defendants included the exact word arrangement used in two of plaintiff's copyrighted sayings. The court concluded that the words and phrases at issue in this case were common Cajun phrases not subject to copyright protection, and therefore affirmed the judgment in favor of defendants." Aww, poor little Cajun! [Courtesy my Yankee friend Tony Diehl.]

[Posted at 08/28/03 03:31 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Pic of the Day](#)



[Courtesy Tim Swanson]

[Posted at 08/28/03 04:38 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Coonass](#)

As a French-blooded Louisianan I feel entitled to weigh in on this. From my [Civil Law to Common Law Dictionary](#) (note 39): "James Harvey Domengeaux, comment, Native-Born Acadians and the Equality Ideal, 46 La. L. Rev. 1151, 1168, n. 100 (1986), explains that

[Posted at 08/28/03 11:21 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [More on Cajun Slang](#)

I've gotten a few emails about the term coonass--one pointed out that Barry Jean Ancelet rejects the theory that the word comes from "conasse": "Folklorist Barry Jean Ancelet rejects this theory, however, calling it "shaky linguistics at best." He suggests that the word originated in South Louisiana, and that it derived from the belief that Cajuns frequently ate raccoons. He also proposes that the term contains a negative racial connotation: namely, that Cajuns were "beneath" or "under" blacks (or coons, as blacks were often called by racists)." Who knows. Hey, this is a cool little [history of Cajuns](#).

[Posted at 08/29/03 09:50 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Freakadelic](#)

[Forwarded on to me by Tibor Machan, subject line "This is Weird"] While sitting at your desk make clockwise circles with your right foot. . . While doing this, draw the number "6" in the air with your right hand. . . What direction is your foot going now?

[Posted at 08/29/03 09:04 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Bitches from Hell](#)

I came across a hilarious web site of a small, mostly-female-owned Colorado law firm, who call themselves [The Bitches From Hell](#). See especially the [new firm announcement](#) and [their fan mail](#). I'd hire 'em.

[Posted at 09/03/03 11:59 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [The Suck of Self](#)

One of my favorite quotes is this one by Walker Percy (though it is too cynical): "How can the great suck of self ever hope to be a fat cat dozing in the sun?", from *The Second Coming* ([more text](#)).

[Posted at 09/12/03 04:02 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Grow Up, Canada](#)

I've recommended this article by Ralph Raico many times: [Grow Up, Canada](#). Only a year old, this stunningly insightful and beautiful piece is already a classic. And see his [treasure trove](#) of FFF articles, not to mention his LRC [archive](#).

[Posted at 09/02/03 10:30 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Those lovable Objectivists](#)

A bit crude, but funny: [The 25 Most Inappropriate Things An Objectivist Can Say During Sex](#).

[Posted at 09/02/03 08:37 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Cigars, Spirits, Dames, Diversions, and the Right to be Politically Incorrect](#)

[SmokeThis!](#) is the politically-incorrect site of "Cigar Dave", who hosts the Smoke This! radio talk show. The [Cigar Dave Motto](#): "Live the good life. Drink, smoke, gamble, feast, joke, fornicate and be tolerant of those who do. Take risks and thrive for the good challenge. Work hard and play hard without going over the edge. Live in the moment. Believe in moderation in all things, including moderation. Live it up!" You gotta love this guy. He calls cigars "sticks," his female fans his "harem," his listeners "Cigar Lieutenants," and opens his show with the greeting "Long Ashes." His site has features like [Cigar Dave's "Babe Magnet" Cologne Selections](#), [Living Like James Bond](#) (Interview with author of the "Complete James Bond Lifestyle Seminar"), and [Top 10 Cities for the Hottest Delicious Dames](#). His message to a "whiney" email that complained he "advocates" cigars: "My show does not 'advocate' cigar smoking. My show advocates enjoying life

[Posted at 09/13/03 01:57 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Engine Animations & California Coastlines](#)

Two cool websites (courtesy of a recent [PATNEWS](#) newsletter): "The first is [www.californiacoastline.org](#), where you can view 10,000 photographs of the coastline of California from the Oregon border to the



border with [Mexico].

The second site is [www.Keveney.com/Engines.html](http://www.Keveney.com/Engines.html), where you can see animations for 19 types of historical and modern engines."

[Posted at 08/31/03 10:37 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### **[Honda Ad](#)**

A few months back, Honda put together this [extremely cool ad](#) to highlight the inner workings of one of its new cars. You might think it's computer generated effects, but it's not, it's a live-action, [one-take shot](#) with no special effects.

[Posted at 08/30/03 11:37 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### **[Al Franken v. O'Reilly](#)**

A confrontation between the execrable Al Franken and the affable popcorn puff Bill O'Reilly can be found here: [http://booktv.org/ram/feature/0503/btv053103\\_4.ram](http://booktv.org/ram/feature/0503/btv053103_4.ram) (you may need to open this link directly from your media player). Starts at about five hours into it (5:02 or so).

[Posted at 09/03/03 08:54 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### **[One of the funniest things I've ever read](#)**

But then, you won't think so, if you dislike male chauvinist pig fratboy antics or don't have a juvenile sense of humor: "[The Now Infamous Tucker Max Charity Auction Debacle](#)" Story. "How Tucker became an urban legend (This is the complete, true story behind the famous email. If you aren

[Posted at 09/04/03 06:10 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### **[Future of Freedom Fund](#)**

I recalled recently an utterly fascinating legal squabble I read about when I lived in Philadelphia. This concerns the infamous [Holdeen Trusts](#) ([link 2](#)), and a series of cases and legal disputes centered around same. An [article](#) about it in the *Philadelphia Inquirer* caught my notice because it concerned the efforts of an eccentric millionaire New York lawyer, Jonathan Holdeen, to set up a series of trusts that would one day totally wipe out taxes, at least in Pennsylvania. Holdeen set up a labyrinth of trusts in Pennsylvania in the 1940s and 1950s, lasting for hundreds of years, with the accumulated trillions of dollars to be eventually used to endow and completely fund the operation of the government of Pennsylvania. He chose Pennsylvania, believing that that state's laws were most favorable to the validity of such trusts. Holdeen "modeled his plan somewhat after that of the thrifty Benjamin Franklin who limited himself to two hundred years (1790-1990)." ([Holden v. Ratterree](#), 270 F.2d 701 (2d Cir. 1959); see also [Holdeen v. Ratterree](#), 190 F.Supp 752 (N.D. N.Y. 1960); [In re Trusts of Holdeen](#), 486 Pa. 1, 403 A.2d 978 (1979).) Unfortunately, in 1977, a "judge ruled invalid a plan Holdeen had dreamed up to make Pennsylvania's the first tax-free government in the history of the world." Over the years, Holdeen deposited \$2.8 million in several charitable trusts for the benefit of Pennsylvania. " His plan was to let the trusts grow, and to keep plowing the investment income back into them, for 500 to 1,000 years. Since charitable trusts are

tax-exempt, the pool of money would become immense." "By Holdeen's calculations, the trusts would contain quadrillions or quintillions of dollars after a few centuries - more than enough to pay all the expenses of Pennsylvania government. All state taxes could then be abolished, and Pennsylvania would be a tax-free model for the world. "The Internal Revenue Service pounced on the plan right away. The tax agency saw it as an elaborate scheme by Holdeen to avoid taxes and to benefit his family. "[...] From the 1940s to the 1970s, Holdeen and his heirs battled with the IRS over the validity of the charitable trusts. In the end, the IRS lost. The U.S. Tax Court ruled in 1975 that the trusts were legitimate. "But a separate legal fight had developed in 1971 in Orphans Court, which has jurisdiction over trusts and estates in Pennsylvania. "To try to make his plan conform with legal requirements, Holdeen had named the Unitarian Universalist Church as a beneficiary of charitable trusts, with the understanding that the church would get a tiny portion of the yearly trust income. "While Holdeen was alive, church officials consented to the arrangement. After his death, the church filed suit in Orphans Court seeking all the income. Its lawyers contended that piling up money for 500 or 1,000 years was unreasonable and potentially dangerous. "Eventually, the church argued, the Holdeen trusts would soak up all the world's money, and Jonathan Holdeen's descendants, who were to remain in charge of the trusts, would have unimaginable power. "In 1977, [Judge] Pawelec ruled in favor of the church, concluding that Holdeen's scheme was 'visionary, unreasonable and socially and economically unsound.' "From then on, income from the trusts, which had grown to more than \$20 million, was paid to the Unitarian Church at about \$1 million a year."

[Posted at 09/05/03 09:06 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Totalitarian Copyrightists](#)

[Aiming at Pornography to Hit Music Piracy](#) describes the recording industry's ever-desperate and despicable attempts to enforce their copyrights--smearing users of file swapping services like KaZaA and Morpheus as being peddlers of child pornography. What will they say next--MP3 file swappers are communists?

[Posted at 09/08/03 10:56 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [The Thrashing of the Beast](#)

The [traditional telecom industry](#) is having a fit with upstart voice-over-IP (VOIP) telephone services, like [Vonage](#) (which I use), and is trying to get them sacked with all the strangling regulations and taxes that they are subject to. Pathetic. [Link courtesy Tim Swanson--who writes, "Thank God the FCC is going to do something, for a minute there I thought rates would stay the same and innovation would falter."]

[Posted at 09/08/03 04:03 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [When Did the Trouble Start?--Comments](#)

I received a great deal of comments on my [latest LRC article](#). (A surprising number of them were fellow Texans and Houstonians. Hmm.) [Kevin Carson](#) writes, "It goes back to the failure of the Levellers to create a decentralized republic and abolish feudal control of the land. As it was, for a time in 1647 when the agitators were at the peak of their power in the Army and Cornet Joyce arrested the king, Cromwell would have tap-danced naked and jerked off to the tune of "Yankee Doodle Dandy" to appease the Levellers. At the time, some Leveller writers were proposing a teardown of all enclosures in living memory, and guaranteeing the right of copyhold tenants as a de facto freehold. "Had they succeeded in

this libertarian alliance of tradesmen, peasants, and soldiers, England would have been a republic with a written constitution, in which almost all power was decentralized to counties and hundreds. It would have been a nation of distributive property ownership by peasant small-holders, like France after 1789. And there would not have been a central government with the power to pass Navigation Acts or to impose governments on Virginia, Plymouth and Massachusetts-Bay. The industrial revolution would have taken place in a country where the majority of the population had independent access to means of subsistence, and the working classes were not subjected to the equivalent of an internal passport system and forbidden to associate. So it's safe to assume that industrial organization would have been considerably different. "And America, left to grow in its own way, would have been a lot different...." Some others are pasted below... \*\*\* Reading down through your great piece *When Did the Trouble Start?* at break neck speed, I kept smiling more and more. Then your picture appeared at the bottom and I laughed out loud!!! It was perfect! Thanks! Well done, here here, and God save the King. Let's see... which King would that be? Henry the VII??? LOL, time for us all to brush up on that Euro history. \*\*\* You write: "Incidentally, Maybe Hamilton is not the arch-villain, and Jefferson not the libertarian hero, that we

[Posted at 09/08/03 10:43 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Pathetically Puerile Puerility Pervades Puerily](#)

Karen De Coster [comments](#) on my [previous post](#) about Tucker Max's hedonistic stories. One of her readers wrote "*Someone at LewRockwell.com posted some items on the "legendary" Tucker Max, claiming this was the funniest stuff he had ever read. I read these "funny" stories and have to conclude they are the most pretentious, narcissistic, puerile, and unadulterated bull{stuff} I have ever read in my life.[...] Seriously, I haven't read anything more disgusting and sad in a long, long time as the "Miss Vermont" and "Charity Auction" stories.[...]*" Did I say Tucker Max was funny? Obviously, {stick-up-rear} I meant to say he was pathetically puerile. I object to his stories. Horrible. Truly horrible. Anyone who finds that funny needs professional help.{/stick-up-rear}

[Posted at 09/09/03 10:03 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Puerility Followup](#)

Comment on the [recent posts](#) about Tucker Max: "As an immature college student (who happens to enjoy a lot of your articles), I must say that the Tucker Max stories were absolutely hilarious. Your response to the criticism was just as funny."

[Posted at 09/09/03 03:01 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Cheaper way to fly](#)

[Ship yourself in a crate!](#)

[Posted at 09/09/03 03:40 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [E-Commerce Times](#)

A recent *E-Commerce Times* article, [RIAA To Offer Reprieve for Music Swappers](#), quotes yours truly fairly extensively. Boy, this ought to be good for my intellectual property law career.

[Posted at 09/11/03 09:30 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Great New Blog](#)

[The Sage Chronicle](#), "Views and comments from the financial markets," by Austrian-oriented investment whiz [Tony Deden](#), of [Sage Capital Zurich AG](#). Check out, for example, the posts [Two dozen tacos](#), or [News and Old Fools](#) (about [Sean Corrigan's](#) recent [speech](#)). (Blog bonus!-- a recent [funny piece](#) by Deden.)

[Posted at 09/12/03 03:14 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Commie TV Ads](#)

This is a hoot--[Old School Commie TV Ads](#). (Courtesy Tim Swanson)

[Posted at 09/12/03 04:57 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Revisionist Physics](#)

Interesting [radio debate](#) ([link2](#)) between two mainstream physicists and Lewis Little and Steven Speicher, regarding Lewis Little's [Theory of Elementary Waves](#), which challenges the assumptions of modern quantum physics. Speicher: "In the seven decades since the wave equation was created, the strangeness of this new field of physics has been transformed into the 'weirdness' of quantum mechanics. The standard theory is replete with effects without causes and the assertion that matter exists in an indeterminate state. The 'weird' behavior, according to the theory's interpreters, is worn as a banner of proof, as if this difference from known facts of reality should be taken as evidence to substantiate the theories. In 1996 the physicist Lewis Little published his paper "The Theory of Elementary Waves". For the first time since Planck's quanta in 1900, a rational basis for quantum mechanics has been established." On a related topic... fascinating reading (for those with an interest in, but who have always been just slightly bothered by, modern quantum physics): [Interview with Carver Mead](#). ([Other links on revisionist physics](#).) Mead comes tantalizingly close to an almost Austrian view of scientism and the hyper-mathematicism of modern science. Mead critiques the substitution of "mathematical description" for "intuitive understanding". Of some of the mathematics, he says: "It

[Posted at 09/15/03 12:16 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Intellectual Property & Scarcity](#)

A [recent post](#) by [Nick Weininger](#) on The Agitator blog (run by Cato's [Radley Balko](#)) offers some good points in rebuttal to [Eugene Volokh's argument](#) which attempts to defend IP rights by analogy with tangible property rights. A quick perusal of Volokh's post shows that he focuses on assigning property rights so as to give the proper incentives to invest or use resources efficiently. I think Volokh's whole approach to property rights is confused, however. It is basically a utilitarian approach, which is of course, problematic, as Austro-libertarians well know. As I've argued [elsewhere](#) (and [here](#)), property rights allocate who has the right to control a resource. Obviously the very purpose of this is to specify which person, of multiple possible users, gets to use the thing. If there is no possibility of conflict over the thing, property rights are simply pointless. It is when two or more potential users might both want to use something that only one can use--because use by one excludes use by the other--that we have a potential

conflict that can be avoided by use of property rights. It has nothing to do with incentives to invest or other utilitarian concerns. Property rights should be assigned only to address a possible conflict over the use of a (necessarily scarce) resource--I say "necessarily scarce" because if it is not scarce (some use the unwieldy economic concept "rivalrous") then there cannot be conflict over its use, by definition. What rule should be used to assign property rights, in the case of scarce resources, is a debatable issue. [Libertarians believe](#) it is the first-use homesteading principle--"finder's keeper's"--the should be used to assign property rights. But regardless of the rule adopted, a conflict-avoiding rule can only be applied to a situation where conflict is possible--i.e. where there is a scarce resource at issue. Only one person can use a patch of land, because his use excludes that of others. Two people cannot simultaneously use it. If they try to, there is conflict. Thus a property rule can specify which one gets to use it. However, the "things"--"ideal objects" as [Tom Palmer](#) calls them--that are protected by intellectual property rights are things like arrangements of characters on a page, techniques for doing something, functional arrangements of matter. In short, patterns, or information, or knowledge. Clearly two people can use the same recipe, or arrangement of matter, at the same time, without excluding the other's use. This elementary point escapes notice of mainstream theorists who do not have an Austrian view of economic theory nor a libertarian view of ethics and property rights. The very function of a property rule is to prevent conflict. Conflict is only possible over scarce resources. Property rights therefore apply only to scarce resources. Moreover, since property rights are always enforced *against* scarce resources--e.g., your body, in the case of punishment; or your computer or printer in the case of copyright--granting property rights in non-scarce things always comes at the expense of property rights in scarce things. In other words, any kind of right in a non-scarce thing results in a redistribution of wealth--from the owners of real things, to those to whom government grants an IP privilege.

[Posted at 09/15/03 11:45 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### **[Hot-Damn, I'm Handicapped!](#)**

Maybe I can take advantage of the Americans with Disabilities Act now. [This test](#) shows I'm color blind ([related article](#)).

[Posted at 09/15/03 04:53 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### **[In a truly federalist system...](#)**

California's Governor Davis, in response to the [ruling](#) of the U.S. 9th Circuit Court of Appeals postponing California's gubernatorial recall election, would immediately issue the following declaration: 1. The federal appellate court's ruling is illegal and unconstitutional. 2. Under the [federal system](#) the states have an equal right and duty to uphold the Constitution and to refuse to enforce, or to permit the enforcement of, unconstitutional federal laws or actions. 3. The court's decision is hereby deemed null and void. 4. The election will proceed as scheduled, pursuant to state law. 5. Any federal official attempting to enforce the order or to interfere with said election will immediately be arrested and tried. 6. The three federal judges who issued the ruling have until noon tomorrow to reverse the ruling. If they do not, they will be immediately deported--or better yet, arrested. Who knows, it might even help Davis win the recall!

[Posted at 09/16/03 09:17 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### **[Foot Soldiers for Bin Laden](#)**

CNN's Christiane Amanpour, [who thinks CNN has been "muzzled"](#) in its war coverage by a combination of the White House and its competitive position with the higher-rated Fox News Channel", said that CNN had been "intimidated by the administration and its foot soldiers at Fox News." Fox News' retort: "It's better to be viewed as a foot soldier for Bush than spokeswoman for al-Qaeda."

[Posted at 09/16/03 02:08 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Intrestnig](#)

From an email making the rounds: "Aoccdrnig to a rscheearch at Cmabrigde Uinervtisy, it deosn't mtttaer in waht oredr the lltteers in a wrod are, the olny iprmoentn tihg is taht the frist and lsat ltteer be at the rghit pclae. The rset can be a total mses and you can sitll raed it wouthit porbelm. Tihs is bcuseae the huamn mnid deos not raed ervey lteter by istlef, but the wrod as a wlohe. Amzanig huh?"

[Posted at 09/16/03 03:52 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Things not to say to a first-time mom](#)

Ahh, I'm learning a lot these days. If you ask, "Where exactly do I put dirty baby clothes? Where is this alleged special baby clothes hamper you always refer to?" and the wife answers, "In the green hamper on top of the little fridge in the laundry room--where we've been putting them for two months--where have you been? What planet do you live on?"--I suggest you don't mutter under your breath loud enough for her to hear, "at least I don't live on b\*tch-world". Another suggestion: if you are leaving the house with wife and baby in tow, and the wife pulls your wedding ring out of her pocket, saying, "so, why aren't you wearing THIS?", don't say, "Look, I'm walking your two poodles on pink leashes, I've got the baby in a Baby Bjorn carrier on my stomach, I've got a Brighton diaper bag over my shoulder--just how married do I need to look?"

[Posted at 09/17/03 01:30 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Another thing not to say to a first-time mom](#)

"Hey, honey, here's a surprise--come look at my latest Lew Rockwell [blog post!](#)" It might not go over well. At least I didn't tell her I have the power to edit and delete old posts.

[Posted at 09/17/03 09:34 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [New York Times Copyright Cartoon](#)

on ridiculous uses of copyright law by the heavy-handed RIAA, is [here](#). Pretty good.

[Posted at 09/17/03 09:49 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [RE: get me outta here!](#)

Just received an email from my fellow Houstonian and libertarian buddy [Gil Guillory](#), a chemical engineer at Halliburton who decided a few months ago to take a year-long posting in Iraq. Left his wife and 2 young kids here for the duration. Edited excerpts from his email: "Stephan, I

[Posted at 09/19/03 09:40 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [All it takes is a positive attitude!](#)

[McDonald's to Launch Adult Happy Meals](#). Oh, what a great idea! That, and the redistribution of [Whip Inflation Now buttons](#) should get consumer confidence up!

[Posted at 09/17/03 04:53 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [HOTEL USING DEWEY DECIMAL ROOM NUMBER SUED OVER TRADEMARKS](#)

Yet another stupid assertion of intellectual property rights-- "[Dewey Decimal Owner Sues 'Library' Hotel](#)  
DUBLIN, Ohio -- The nonprofit library cooperative that owns the Dewey Decimal system has filed suit against a library-themed luxury hotel in Manhattan for trademark infringement. The Library Hotel, which overlooks the New York Public Library, is divided according to the classification system, with each floor dedicated to one of Dewey's 10 categories. Room 700.003 includes books on the performing arts, for example, while room 800.001 has a collection of erotic literature. In the lawsuit filed last week, lawyers for the Online Computer Library Center said the organization acquired the rights to the system in 1988 when it bought Forest Press, which published Dewey Decimal updates. The center charges libraries that use the system at least \$500 per year. Melvil Dewey created his system -- used in 95 percent of all public and K-12 school libraries -- in 1873, but it is continually updated, with numbers assigned to more than 100,000 new works each year. "A person who came to (the hotel's) Web site ... would think they were passing themselves off as connected with the owner of the Dewey Decimal Classification system," said Joseph Dreitler, a lawyer representing the center. Hotel general manager Craig Spitzer and OCLC spokeswoman Wendy McGinnis did not return phone messages Saturday seeking comment. The complaint filed in U.S. District Court in Columbus seeks triple the hotel's profits since its opening or triple the organization's damages, whichever is greater, from the hotel's owner. Dreitler said Saturday he and his client do not yet know the size of the hotel's profits. The center, based in Dublin, is willing to settle with the hotel's owners, he said.

[Posted at 09/22/03 10:09 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Horrors! Hitler's Copyright is being Violated!](#)

[Funny story](#) about a 1938 article in the British magazine *Homes & Gardens*, "on Hitler's mountain retreat in the Bavarian Alps." The article noted that "The predominant color scheme of Hitler's 'bright, airy chalet' was 'a light jade green.' Chairs and tables of braided cane graced the sun parlor, and the F

[Posted at 09/22/03 10:17 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Leftists and Patents](#)

I've noted before that the utilitarian argument for IP--that patents, say, are needed to encourage innovation--has no logical stopping point. A patent monopoly allows the holder to charge a higher price, thus allowing some projects to be undertaken that could not be, otherwise--so goes the reasoning. But what if the monopoly profit is not enough? Surely there are still further innovations that won't be invested in, because even with the monopoly price of patents, it's not worth it. Therefore, we ought to cut to the

chase and just have a government board award tax-subsidized "innovation bonuses" to what it deems are "worthy" innovations. Now, I've used this as an argument from absurdity before, to show that there is something wrong with utilitarian arguments for patents. It looks like some [similar arguments from lefties](#) are not so tongue-in-cheek: "Fortunately, there is a simple alternative route to providing seniors with affordable drugs

[Posted at 09/22/03 12:44 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Breakin' the Law](#)

So here I am, yesterday, on my daily drive home from work in Sugar Land, back to home in Houston, wending my way through a one-mile stretch that passes through an island of suburbia known as (we'll call it, to protect the not-so-innocent, namely me) Brookhollow Place. It's a well-known speed trap. Drive fast--they bust you. My last encounter with them was a bad day about 2 years ago. I had run a red light in down town Houston at lunchtime, and worked until almost midnight. Driving home, I went about 50 in a 35--in Brookhollow Place. The cop stopped me. I was in a suit that day, looked totally legit, driving a car with all lights working--you know, the kind of guy who doesn't deserve a ticket. I told the cop, "Man, this has not been my day, I already got another ticket a lunch," hoping he would let me go. He says, "Let me see it," getting my hopes up. He's gonna give me a break, I thought. A few minutes later, he saunters back up to my car and hands me the ticket. "What did you need to see the other ticket for?" I splutter? "Just wanted to check your story out," answers the redneck. Luckily I was able to get out of both tickets using a traffic-ticket lawyer I've used several times now. He doesn't make me pay him, being a fellow lawyer, but doesn't mind if I give him a couple of \$25 gift certificates to Carrabas restaurant--so he can "give them to a cop at Christmas." Hey, I don't ask--all I know is every time I show up for my court date, the judge dismisses my case without me saying a word. Three or four times in a row now, over the last 2-3 years. But I'm afraid my luck will run out one of these days, and I don't want a ticket--makes insurance rates go up and all that. Or you have to take a stupid 6-hour defensive driving course to remove it from your record. Anyway, this is all background for yesterday... Around 6pm I was driving home, through the Brookhollow Place speed trap. It's 35, I figure if you go past 40 you are in the danger zone. I was going about 45 and all of a sudden spy the smokey parked in the median. I hit the brakes but he zapped me when I was going 40 I was sure. I was on the phone and wearing sunglasses at the time. I locked my eyes on his car in the mirror, praying I would not see the car pull out into traffic...but it did. I knew I was busted. Luckily the road curved to the right, and he was just starting after me, several hundred yards back. As the road curved and I momentarily got out of his line of sight, I espied a little subdivision off to the right. As I've done many times in the past, I quickly darted in, zig-zagging my way down the unknown streets, running stop signs and breathing hard. I'd long ago hung up on the wife, who was expecting me home for dinner after stopping at the store. Having a strange feeling he might be coming after me, I bore left into a little cul-de-sac (don't you hate that term? almost as [annoying](#) as nonpareil and soi-disant, no?), and, thinking quickly--I knew I'd be a dead duck if he caught me, he'd know I was trying to evade capture--I quickly parked the car in the cul-de-sac as if I lived there, and got out immediately and started walking down the sidewalk as if taking an evening stroll. As I exited the cul-de-sac, still on the sidewalk, I saw the cop car slowly approaching. He was creeping through the neighborhood trying to find me. Evidently he had turned the curve and seen that my Landrover was not further down the stretch of road, and deduced I had darted into the neighborhood. My blood froze, as I expected him to stop me right there on the sidewalk. But he didn't. He must have seen only my truck, not me. And I had already removed my sunglasses and put my phone in my pocket, just in case he had seen those when I had driven past him. I kept walking, afraid to look behind me to see if he was turning into the cul-de-sac to investigate the just-parked and still-warm green Landrover innocently nestled among cars, minding its own business. I




quickly walked down the next cul-de-sac, looking for shelter or escape. Fences all round. I walked into a quiet driveway, and ducked behind a tree and hid by the water hose on the side of the house, hoping I could pretend was just... washing my hands?... if he should discover me. I called my wife back, told her I was going to be late, I was trying to evade arrest. "Oh Lord," she says, "how do you get into these things?" So here I am, allegedly an upstanding citizen, husband, and new father--trespassing on some stranger's lawn, hiding behind a tree, hoping to evade a ticket, increased insurance, hassles with a traffic ticket lawyer, possibly arrest, and getting shot in the rear by an irate suburbanite. Hey, say what you want, but you wan't read this kind of stuff from Goldbert on The Corner.... Anyway, I was afraid to walk back to my car, thinking he might be waiting for me there. I considered jumping a fence or two to get back to my car some back way, but it looked too risky. Finally I noticed a few people were strolling down the sidewalk, so decided I could continue my stroll and look relatively innocent, even though I was wearing work-slacks with pockets bulging with sunglasses and cell phone. So I retraced my path, and walked past the cul-de-sac where my car was parked, not daring to look in that direction. But my peripheral vision saw no white, and after I crossed the street I doubled back and hid behind another house corner's shrubbery--shrubbery is my friend, I am thinking--and carefully look into the neighborhood, all senses on alert. My spider-sense, luckily, did not tingle, and I finally assayed that the coast was clear. Jumping into my trusty green steed--sans sunglasses--I carefully snuck out of a different entrance into the neighborhood, briefly crossing the smokey's road--not going down it this time--into a different neighborhood and a back way home. Such is my life.

[Posted at 09/23/03 05:45 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

## [Infinity and the mind](#)

A fascinating book (but probably not for non-math nerds) that I read many moons ago is Rudy Rucker's [Infinity and the Mind](#) ([review](#)). There are actually different types and levels of infinity, and whole [mathematics of infinities](#)... pretty mind-blowing stuff. Even the simple notion of infinity is hard to wrap your mind around. But here is a neat little trick I learned a long time ago, that I've never forgotten. A line segment is packed with an infinite number of points, right? Say, a one-inch line segment. You would think that a line segment twice as long has more points in it than the shorter one, right? Maybe... twice as many points? Well, this is wrong, as can be seen in the following diagram:

 line-points.gif

If you take the two line segments, L1 and L2, and curve them into concentric circles, then you can see that for every single point on the outer, larger line segment L2, it corresponds to a unique point on the inner line segment L1--the same radius line passes through both. If L2 had more points than L1, you could find at least one point on L2, that does not correspond to a unique point on L1... but you can't. Every point on L2 connects by the radius line, to a point on L1. So, the longer line segment L2 does not have "more" points than the shorter segment L1. But it does not have the "same number" of points, either--that's the thing about infinity. Each segment has an infinite number of points, but this is not a fixed number, so they can't be the "same". That is why  $2 \times \text{infinity} = \text{infinity}$ . If infinity was a certain number, then this equation would not be true--but it is.

[Posted at 09/23/03 03:26 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Stupid People - Here's Your Sign](#)

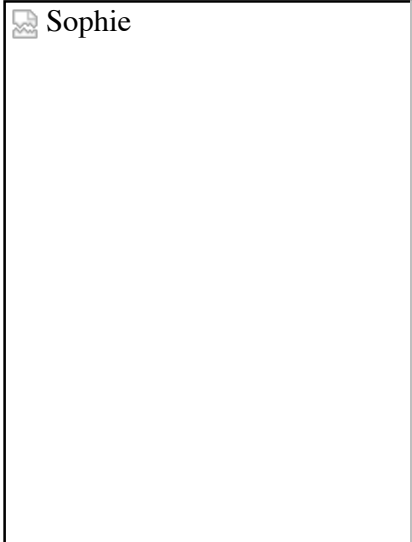
I know a few people stupid enough to wear the [I'm Stupid sign](#).

[Posted at 09/24/03 01:23 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Poodles Bite](#)

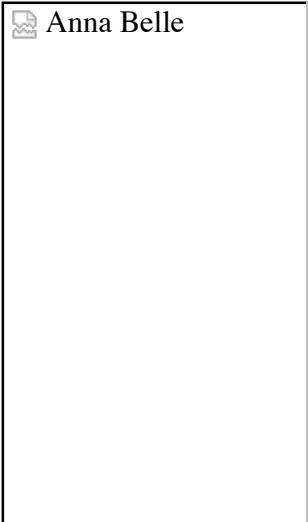
[An edited version of an email I prepared and sent to friends shortly after Christmas, 1998. Before 9/11/2001, when the world was still innocent. Sigh.] So our Cocker Spaniel, Muffy (yeah, that's her name, what of it?), kicks the bucket a couple years ago [around 1996], when we lived in Philly. Cin loved that dog, I gave her to her back in college, in 1989, as a present. We buried her in Great Valley Pet Cemetery. Putting the rose in her little paws was too much to bear. I paid \$400 for the hole in the ground but I was not gonna shell out \$400 more for a coffin. Nosirree. I'm not some stupid, soft, manipulable yuppie. In fact, I insisted on carrying her out of the vet's office, after they had to put her to sleep, in the black Hefty bag I had brought along to protect the car seats on the way to the pet graveyard. It was a pitiful scene, as wife and I walked out in tears, with our poor dead Cocker (nestled in a Hefty bag) in my arms. We made

such a commotion and upset the other patrons waiting to get FiFi's annual shots, that they didn't even make us pay for the euthanasia (ohhhhh, but someday, I tell you, SOME DAY, we will pay for all those youths in Asia). I showed them. Or maybe, they were content with the \$1300 we had shelled out the preceding 6 days on ultimately ineffectual Cocker Spaniel dialysis treatment. Anyway, this is not about Muffy [another good story about her, when I can find it]. It's about the next phase: standard poodles. A whole new chapter in life. [One that just forced me to buy a king-sized bed, dammit.] Ever since Muffy died we are this DINK couple with no dog hassles. But Cin breaks down and eventually has to get another dog, of course the most expensive dog on the planet, a "well-bred" standard poodle. She names her



Sophie, and she's now about 8 months old.

Well, lo and behold, of course, Sophie turns out to be a rare poodle with hip dysplasia, so of course we have to get this hip surgery done on her that costs more than my parents' first 3 cars. And then as a consolation prize, the breeder gives us for free a year-and-a-half old standard poodle, Anna Belle, which is actually Sophie's aunt. Anna Belle (aka Big Dog) is physically healthy but is psycho dog: she runs from her own shadow. [Another story

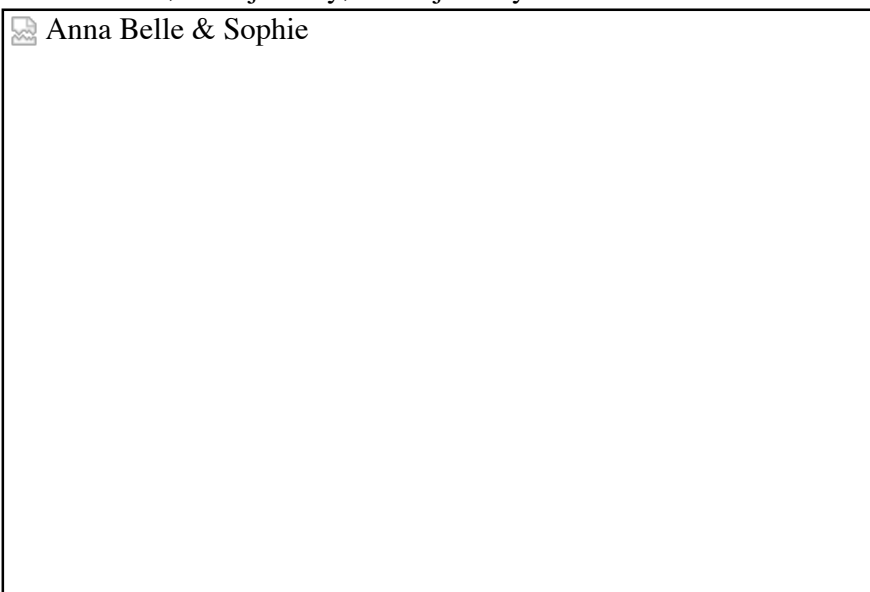


about her later.] Sophie, I thought, was physically defective, but at least, sane.

So we are in Baton Rouge on a Sunday night after Xmas. Cin and I, and her brother (we'll call him Skid) and his wife (we'll call her Smidge), are visiting in the living room of Cin's dad's house. One of them insults my poor poodle Sophie, for limping due to the recent hip surgery, and I said, "No, she's a love-dog, a good dog," and reach to pick her up and place her on my lap. Unfortunately, I must have twisted her bionic leg the wrong way and hurt her badly, for she freaked out and attacked my face like a bobcat, with an ear-rending yelp. I could feel her teeth sink into my upper lip like a hook in blubber. Meanwhile I'm trying

to set this squirming, yelping, snarling, pain-wracked poodle on the ground without re-injuring her \$6 million leg, and she limps off, I guess dazed that she had just bitten her master and best friend. Until then she had never hurt a flea. My head is in my hands and I feel and taste blood gushing out. Smidge says, "Are you okay?", to which I say, quietly, "no," trying to avoid vertigo. So then we see this gash on my upper lip that is about 3/4 inch long and 1/4 inch deep, from about nostril to lip edge. There are other assorted scratches and cuts, inside and outside the mouth, but the most serious is the big one that makes my lip look like one of those little football-shaped rubber coin purses the banks used to give out for free that opens with a big slit when you squeeze on its sides. So I'm in the bathroom looking at it in the mirror, and we are trying to decide about whether to go to the emergency room or not (it's 10:00 at night), and I feel cold, clammy, nauseous, the feeling right before pass-out. So I lay on the floor while Skid fishes for my insurance info through my wallet, and off we go to Our Lady Of the Lake (LOL) hospital, me holding a ball of soggy paper towels enwrapping a bunch of ice, against the lip. That was Smidge's idea. I said, "Hey, what's the point of this ice, Smidge?"--or rather, I mumbled it out the left, unmarred, side of my mouth--because I'm always skeptical of the pseudo-scientific holistic treatments. I figure she would know the answer, being a 4.0 ChemE and all. And she says, "To keep it from healing so it won't hurt so bad when they rip it open to clean it out." Ah. I see. You're smart, Smidge. Now we decided to go to LOL instead of the equidistant Ascension Parish ER, even though the latter is quicker, because LOL is supposed to be better. Maybe it was a good idea but let's just say Cin and I got home at 3:30 a.m. Anyway we get to the LOL ER, which Skid knows how to find with the back of his hand because he's been there numerous times for over-drinking at the bowling alley, his dad's nosebleeds, and whatnot. Okay, so we all walk in, and on this Xmas weekend Sunday night at 10:30 p.m., the ER is packed. Some clerk who admits us wants to see my wound, to triage the damage I assume, so I remove the ice pack and poke my tongue behind the cut so it opens real wide so he thinks it's really bad, to increase the chance he'll put me in the high-priority line instead of at the bottom of the line. Of course, I am fuming that we have to wait so long, there is a fast track for more high-priority cases, and there is of course the immediate track for ambulance patients, but there is nothing for people willing to pay twice as much! Where's the justice in this world. So he goes, business-like, "What happened?", and I say, "uh, dog bit me." Why does he need to know it's a poodle, you know? How's that relevant? Then he asks the question I'd been dreading, "What kind of dog?", to which I mumble, quietly, "... poodle... -- but a *standard* poodle, a big one." Cindy happily chimes in, the evil tormenter, "But she's *only a puppy*". So the guy makes the call, on the spot: "*poodle bite, small laceration on the lip*". SMALL laceration? And did he have to specify the type of dog? Where in God's name is the relevance of this? Anyway then I am shuttled off to this young black lady nurse/registration person. Whatever the hell she was. The one with the power of God over me at this moment. Cin handles most of the info input, with me mumbling the answers to the nurse's question and Cindy interpreting. Remember, I'm talking through a soggy napkin ice ball, dripping bloody ice water all over my pants and the registration lady's desk. When we give her my law firm's name in response to her query over place of work, she then says, "And what do you do for them?" (why in hell this is relevant I don't know); Cindy and I both simultaneously answer, "Lawyer". And the nurse lady rolls her eyes at this, like, "Oh, big woop, Mr. Big lawyer man, eh, well, it ain't gonna help you heal from that poodle bite any better!" And later on she passes a pad of microfiched fine print to sign off on, so I guess they can donate my left [censored, but rhymes with tut, or besticle] to charity if I sneeze or something, and she says, "This form explains -- oh, I'm sure you can understand it, YOU'RE A LAWYER AFTER ALL!" Ha, ha, lady, just run my insurance papers through and KEEP YOUR PIE HOLE SHUT! So this being a religious hospital, she then says, "Religion?" and Cin looks sideways at me, and I look back at her, and we both know Cin's not going to answer something pointless for me like "he's a semi-ex-Randian secularistic rational skeptic" etc. Now I was raised Catholic and this is a Catholic hospital. But Cin and I were married in her church, Methodist. So Cin just answers, "Methodist." What?! NO WAY I'm gonna be called a Protestant! We Catholics

(cultural ones, anyway) have to keep our roots alive! I'd rather not-be-Catholic than not-be-Protestant! So I mumble through my soggy ice pack, "Catholic!" and the lady looks at me patronizingly, "Oh, no, honey, you don't have to be Catholic to come here." Like she's caught the little Protestant lying to get into the uppercrust Catholic hospital. To which I firmly said, "I AM Catholic!" So there. That really made her believe me. Meanwhile Cin's rolling her eyes, as if to say, you are getting your lip sewed up, why do you care what box this menial clerk marks on an irrelevant form? Well, 4 hours later, at about 2:30, our doctor, a Boy George look-a-like, finally attends to me, gives me a damn tetanus shot (that arm still hurts), and sews me up. [It always sucks when you are asked by the ER when you last had a tetanus shot, and you can never remember exactly, so they always give you one just to be sure.] I mean, here I am, stitches in my lip, probably a permanent scar which will hopefully enhance my looks a la Harrison Ford's chin scar, and paying multi-thousand dollars in upkeep on the damned poodle that did it. I figure that in the future, if it scars and I am questioned about it, I can just say, "Let's just say it was because of a bitch named Sophie,



and leave it at that."

[Posted at 09/24/03 11:14 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### **[Toward a Theory of Bullying](#)**

Okay, that's too grandiose a title. But as I mentioned briefly in [my entry](#) in Walter Block's [Libertarian Autobiography series](#), I think one reason I developed libertarian views is "my strong sense of outrage at injustice, which probably developed as a result of my hatred of bullies and bullying. I was frequently attacked by them as a kid, because I was small for my age, bookish, and a smartass. Not a good combination." A couple years ago I had a conversation with some libertarians about this, and brought up bullying--many of them had had similar experiences. Maybe there is a common theme here. Which leads me to my main point here: it's astonishing, to me, that bullying is permitted and laughed off as some natural kiddie thing. Even in good schools, bullies exist, and they mercilessly prey on smaller, weaker, meeker kids. We are talking serious violent crime here: assault and battery. Physical violence. Beatings. Theft. Why is there no outcry over this? Why is it tolerated? I am not fond of the over-litigiousness of modern American society, but if my boy were attacked by another kid in school, I would sue the attacker and his parents for assault and battery. It's outrageous. I just don't get why there are so many bullies: why don't they teach them never to be cruel to the weak and innocent and defenseless. Followup: Lew agreed with the bullying point, and pointed out that "The creation of the kid culture, separate from parents and

other family members, encourages this sort of evil. Thanks, public schools. We will never know the proper educational organization until we allow freedom. Mothers cooperatives, etc. As it is, the government defines what a school is." For a partial explanation, see [Against School: How Public Education Cripples Our Kids, and Why](#), by John Taylor Gatto. Followup 2: One reader writes: "This blog got my attention right away. Not pretending to be a psychologist, but having been bullied and done a little bullying myself as a child, let me offer this explanation: a bully bullies because he can. The humiliation of another enlarges the bully in his own mind (and there only). He picks his victims purely on the basis of risk. That is, the lower the risk to himself the easier the target. (Sounds like a few chicken-hawks we know in D.C.) "The bully is essentially a coward. But the answer with childhood bullying (and probably with occupied states) isn't litigation or bureaucratic intervention, just plain old self-defense. The easiest way to back down a bully is good right cross to the nose, and that's exactly what I'd tell my own kid. One shot and he won't be bothered again. Very laissez-faire I think. "The problem with our cowardly lions on the Potomac is that they face no personal risk to their own lives, liberty, and property. Until they do they'll continue to stalk the global schoolyard in search of easy prey." I agree in part. However, I think it's incorrect to think that self-defense is "the answer." Certainly, kids should be taught self-defense. But sometimes the kid is too small or weak. And in high school, we are talking seriously possible harm now. It's akin to organized crime. What interests me most, however, is not the psychology of bullies--there are many reasons some people choose to be thugs, and as they are not excuses, they are not that interesting to me--nor techniques for self-defense, but why libertarians don't see bullying as aggression. Surely, you wouldn't say, to women, that "the answer" to rape is self-defense? Surely, they should defend themselves if they have to, but far better to prevent it and if they do it, you arrest and hang 'em. Why does a bully get away with it? In my view, if a kid bullies, he ought to--quite literally--be arrested and imprisoned for a time, and punished with severe pain. And if he does it again, he should be imprisoned for a long time, if not ejected from society. I am quite serious. They are criminals, pure and simple. There is no excuse for it.

[Posted at 09/30/03 11:48 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [The Unidirectionality of Conversions](#)

Several times I have noticed something about "conversions"--political, religious, what have you. It seems to me--and I suspect other libertarians have had similar thoughts from time to time, though I don't recall seeing this written about before--that it's an indication of the objective superiority of a view if conversions are almost always *to* that position, and rarely *away from* it. The most obvious case would be libertarianism and socialism. You almost never hear of someone, once they become a libertarian, all of a sudden becoming a socialist. Whereas, many people, if they are sincere, ethical, and searching for politically sound views, will become libertarians to one degree or the other. This seems to be true, to varying degrees, of conversions of muzzy-headed liberals to "conservatives"--as people get older or wiser, many become more conservative. Do you ever hear of conservatives becoming more liberal? Arianna Huffington is the exception that proves the rule. When the occasional person does go the other direction, it's usually to a more apathetic or mainstream approach, but not usually to leftism. E.g. an anarchist, a la Roy Child, may revert to minarchism. But to statism? Even Nozick, a semi-minarchist (I think), sort of renounced his earlier "hard core" libertarianism, but never made it clear what he reverted to; it seems unlikely he became a democratic socialist but stayed silent about it. Moreover, when someone does abandon a superior ideology, they often reveal they never really understood it but just jumped on it for faddish reasons, as evidenced by their mischaracterizing the ideology, much like its ignorant opponents do. Liberals have to mischaracterize what libertarians really believe in order to oppose it. While, Now I am not adopting a version of the Whig view of history, but there does seem to be a general one-sidedness, or directionality, to a given ideology, *when* it is objectively, and significantly, superior. In the case of libertarianism itself, it

seems to me the fact that libertarians almost *never* convert to socialism, but leftists, liberals, and mainstreamers often moderate their leftism or even see the light of libertarianism, is a striking indication of how superior our view is. I've noticed this in other fields too, e.g., within Christianity--Catholicism versus Protestantism. In my--admittedly limited--experience, anti-Catholics usually badly mischaracterize its doctrines. But often a sincere, searching non-Catholic Christian, bouncing from one Protestant denomination to the other, finally sees what the Catholic church really teaches, and converts. Whereas, when a Catholic converts to fundamentalism, it's either for convenience (e.g., marriage) when he is not that "into" either one anyway; or they reveal that they never really understood the Catholic doctrines very well in the first place, and thus succumb to anti-Catholic distortions of RCC doctrines. I'm *not* claiming here that this proves RCC is "superior" to fundamentalism, but it's just an example, from my own personal experience, that illustrates the unidirectional-conversion rule I noted above. There are undoubtedly other examples, probably Chicago-to-Austrian economics, etc.

[Posted at 09/25/03 11:30 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### ["You want a piece of me?"](#)

It's odd, but when I read the first paragraph of [this story](#), I sort of get a glassy-eyed smile on my face, because I can't help picturing Al Franken substituted for the dog. Don't ask me why. "WAYMART, Pa. - A woman being viciously attacked by a large dog said she was saved from further harm when her 13-year-old daughter distracted the canine by screaming "You want a piece of me?" and kicking it repeatedly in the head." [Thanks to Tim Swanson for the link.]

[Posted at 09/25/03 03:08 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]


### [Diversity Cookies](#)

[University Shuts Down Anti-Affirmative Action Bake Sale](#) reports that SMU "shut down a bake sale Wednesday in which cookies were offered for sale at different prices, depending on the buyer's race or gender. [] The sale was organized by the Young Conservatives of Texas, who said it was intended as a protest of affirmative action. [] A sign said white males had to pay \$1 for a cookie. The price was 75 cents for white women, 50 cents for Hispanics and 25 cents for blacks. [...] The group sold three cookies during its protest, raising \$1.50." Interesting. So they sold three cookies, raising \$1.50--but they were \$1 for white males, so there had to be at least one minority customer. There are three possible customer-lineup arrangements that would generate \$1.50 in sales, based on 3 cookies sold: 1 White Male + 2 Blacks, or 1 White Woman + 1 Hispanic + 1 Black, or 3 Hispanics Ain't diversity great? [Thanks for the math correction from Phillip Winn--my earlier permutations overlooked that exactly 3 cookies were sold]

[Posted at 09/25/03 04:48 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [You Better Not Rear-End Me!!](#)

Recent design patent for a "Holy Bible trailer hitch cover". Now I ask you: do you think this product is marketed more towards Protestants, or Catholics? To ask it is to answer it. This has redneck written all over it, which correlates more with Baptist types than with Catholics. And they say *Catholics* are idol worshippers. Pshaw! (No, I'm not Protestant-bashing, this is just for fun, people!) ([Download full patent](#);

 bible-hitch.jpg

other [silly patents](#))

[Posted at 09/26/03 11:57 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

### **[Re: You Better Not Rear-End Me!!](#)**

Re my [previous post](#), a reader writes, "C'mon Steve never been in a RC bookstore? FYI they are filled w/ tacky yard art & glow-in-the-dark blessed virgins! At least we dont put little statues of John Calvin on the dash of our pick up trucks. Although now that I'm thinking about it..." Okay, okay, you got a point. (But dammit, it's Stephan--call me Steph if you want, but Steve is short for Steven or Stephen. People never mispronounce Stephanie as Stevenie do they? Auugghh!)

[Posted at 09/26/03 05:26 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### **[Anna Belle \(da poodle\) 'n Me](#)**

Anna Belle (da poodle) 'n Me [From about February 1999] So the other day, Cin's sister Amy and her family were visiting. On a fine Saturday morning, I decide to take my 6-year-old nephew, Thomas, and our standard poodles [Sophie & Anna Belle](#) for a walk to a park a few blocks fom our house. Well, I had to walk the dogs anyway, and it was an excuse to have a cigar. And I get brownie points w/ the wife and sister-in-law because it looks like I'm bonding with my nephew at the same time. A win-win. Also have a coffee travel mug full of beer--don't want my WASP neighbors to sneer at me. Or my wife and sister-in-law. After all, this is like 10:30 in the morning. Multitasking, man. Made cell phone on the way there, and have a comic book stuffed in my pocket, just in case I get bored. Fat chance. Arrive at the park. I tie



the dogs up to a table so I have enough hands free to fire up the cigar and drink the beer. Maybe even read the comic. Then Thomas acts up--damn, the kid wants attention; why'd I bring him?--so I give him Sophie to walk around the little jogging path in the park. Off he goes, tugging on Sophie's leash. But of course, he has difficulties so I need to interrupt my solitude at the table and go help him. I leave Anna Belle, our psycho poodle, tied to the table. I need a couple hands free for other things, plus I don't like her and she doesn't like me. She's terrified of me, in fact. I mean I can stomp my foot when she walks past me to go outside and she'll spray the wall with flecks of dog mess. She's been afraid of me ever since we got her, at 18 months old. She'd be raised as a show dog, and being naturally shy, I think that traumatized her. She bonded with the wife but her fear of me won't subside. Psycho dog, man. So I go over to Thomas to help him walk Sophie around this little park. I've got the beer in one hand and a lit cigar and leash in the other, and try not to glare at Thomas for ruining my little cigar-beer-comic moment. About this time, Anna Belle's abandonment fears kick in, and she worms her way out of the collar, unbeknownst to me. Although she hates me, she sees me and Sophie across the park, so naturally she heads towards the familiar. As I'm trying to puff the cigar with one hand and avoid spilling the beer in the other when Sophie pulls on the leash, I see a bit of movement out the corner of my eye. I look up, and see Anna Belle, about 150 feet away, running towards me across the park at about 40 miles an hour like a cheetah chasing a gazelle. I mean she is booking it. I had forgotten all about her--can only multitask so much, you know. The dog is loose. Uh oh. Time slows down, and I instantly realize she somehow escaped being tied to the table--maybe the leash broke. I also realize that although she is running toward me now (fear of abandonment), when she gets close she'll realize what she's doing and turn around and run away from me. She always runs from me, looking for Cindy. But that would mean her possibly running around the neighborhood and getting hit by a car, while I'd be unable to chase her anyway due to having 6-year-old Thomas and Sophie to watch. Cin would not be happy with if that happened, especially after she smelled cigar and beer on my breath. She'd find some way to blame it on those. So in that frozen moment of time I realize I have a delicate job of grabbing her when she gets close enough, before she runs away, but not making a move too soon and spook her early. As she approaches, still in slow motion, I start to prepare... keeping an eye on her I hand Sophie's leash, the beer-laden coffee mug and cigar to Thomas, telling him to hold them and don't move, as I start to crouch, ready to spring... I know, I'll just grab her collar. That usually calms her down. Once you have that, she obeys. She gets about 5 feet away and starts to sit down in her terrified way, and I gingerly approach her ... and she gets the spooked-horse white-eye-rolling they get when they see a bear, and she starts inching up to run away--and I lunge for her, and grab the collar--but there's no collar there! That's how she got out--she had backed out of it when she was tied to the table. So there's nothing to grab this wiry psycho dog by. So basically I semi-tackle her and grab her neck, which makes her go completely crazy. I mean she is snarling, trying to bite me, trying to get away, and I'm wrestling her down, pulling her by her ears, etc., hair is coming out of the ears, she is crapping all over herself, it's flying up in the air. I'm trying to avoid her snarling bites and to not hurt her, all without letting her go. Time returns to normal speed as I reach a point of equilibrium and have her pinned to the ground like a high school wrestler, and hold her still until she calms down, in a position where she can't escape but also can't bite my face off. The only sound is the soft noise of little turdlets that she'd sprayed into the air thudding onto the grass around me, and Thomas, who is holding Sophie and my cigar and beer, yelling "Poo Poo! Poo Poo! Poo Poo!" Eventually I have Thomas set down the adult paraphernalia and go retrieve Anna Belle's leash and collar from the picnic table. Safely back at home, I delivered a sufficiently edited version of the story. Have I mentioned my growing aversion to poodles? \*\*\* Coda: Sophie died at 3.5 years of age, about 2 years ago. After my wife got tired of my boo-hooing for a month, she dragged me out once again to Candy Land Farm up in Spring Texas, where we bought the best one yet, my little

 Boudreaux Kinsella

buddy Boudreaux, a white male standard poodle.

[Posted at 09/27/03 01:30 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Re: Karen & Ryan Music Hour--A Technological Note](#)

Re Karen's 2000-CD music collection--I've got my eye on the *sweet* new [RCA RD2840 Lyra Personal Jukebox MP3 Player](#). For just \$299 (price sure to drop soon), you get a walkman-sized 40GB MP3 player. That's enough to hold about **1200 CD's worth of music**--! A competitor is the [Archos 20GB Jukebox](#), which might be preferable if it came in larger capacity, as it probably will any day now. With one of these babies, you can rip your entire CD collection (unless you're a fanatic like Karen with 2000) to your hard drive, then store it on the handheld player, with tons of your own playlists. Attach it to a [wireless adapter](#) and you can play the songs on any stereo with an FM radio receiver within 10 to 30 feet. Going on a road trip? Don't take 10 to 20 CDs along... take your *entire CD music library*, in the palm of your hand.

[Followup: Karen De Coster reminded me of the [Apple iPod](#), for which she has a preference over the others. And apparently it now comes in a 40GB model, too--but at \$499, much more expensive than the RCA Lyra and Archos devices. In addition, I've always hated Macintosh and Macintosh fans, and devices designed to "make it easy" for techno-illiterates--usually it doesn't, it only restricts your ability to find a fix when the inevitable bugs occur. Second followup: comments from readers who use the new generation of Macs lead me to wonder if maybe it's worth switching and joining the cult. What can be worse than the continual crashes that Windows users face?] P.s.: who the heck is Julie London? Link, clue, description? Little help, man.

[Posted at 09/29/03 02:02 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Libertarian Rock](#)

And don't forget the Ayn-Rand influenced Canadian rock trio [Rush](#) (Steve Horwitz's [Rush page](#)). E.g., check out the fantastic lyrics to the Tolkienesque-libertarian [The Trees](#), a clever anti-egalitarian metaphor (and great song), along the lines of Vonnegut's [Harrison Bergeron](#): *There is unrest in the forest There is trouble with the trees For the maples want more sunlight And the oaks ignore their pleas The trouble with the maples (And they're quite convinced they're right) They say the oaks are just too lofty And they grab up all the light But the oaks can't help their feelings If they like the way they're made And they wonder why the maples Can't be happy in their shade There is trouble in the forest And the creatures all have fled As the maples scream 'Oppression!' And the oaks just shake their heads So the maples formed a union And demanded equal rights 'The oaks are just too greedy We will make them give us light' Now there's no more oak oppression For they passed a noble law And the trees are all kept equal By hatchet, axe and saw* Also, the concept-album [2112](#) is loosely based on Ayn Rand's novel *Anthem*, replacing lightbulb with guitar; and the song [Anthem](#) is explicitly individualist. The wonderful [Red Barchetta](#), from their best album, *Moving Pictures*, glorifies the liberating freedom of the automobile, against a backdrop of a future dystopia where cars have been outlawed. (And I can't help but link to the beautiful lyrics of [Losing It](#), though it has little to do with libertarianism.) (More Rush [lyrics](#).)

[Posted at 09/29/03 05:11 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Tax Tip](#)

Though I hate the custom of tipping, it's easy to do, if you know basic arithmetic. 20%, a generous tip, is easy to figure: just take a tenth (knock off a zero--e.g., \$50.00 becomes \$5.00) and double it--\$10. Voila, 20%. For 15%, just do 10% (\$5) and 20% (\$10), and go half-way between them: \$7.50. (I know, I know, trivial math to you engineers out there, but lots of libertarians are just liberal arts majors :) But the final bill you receive is usually after-tax, 8.125% here in Texas. I don't want to pay a tip on a tax, so I usually back off a bit from my 20% estimate. E.g. if you get a \$50 bill, that means only about \$46 of the bill was the actual food bill. So you want to tip 20%, figure 20% of \$50 (\$10), and back off a bit, say knock a tenth off, so that you tip \$9. And notice, \$9 is about 20% of \$46. If you figure the 15%, or 20%, on the after-tax price, you are tipping on taxes.

[Posted at 09/29/03 06:17 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Re: Midwives!](#)

In Brian Jennings' [comments](#) about midwives, he writes, "Incomprehensibly to both of us, home birthing and the use of midwives in place of OB/GYN's seems to be regarded as the province of the Left, falling in line with hippy/vegetarian/New Age trends. [...] Reputable research continues to confirm that the more comfortable the mother is during the birth, the fewer the complications." Two words: epi-dural. Which can only be given in a hospital. Is it more comfortable to be at one's home, but with pain; or to be in a hospital, but with the pain relief of the epidural? I dunno, but I know how all the women I know would vote...

[Posted at 09/30/03 09:56 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Re: Midwives](#)

Lew, does this mean I should take my baby off Baby Ambien? But he's sleeping sooooo good through the night. :)

[Posted at 09/30/03 10:09 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Cheer Up](#)

Some time ago I mentioned to Lew that I tend to agree with his "take" on so many issues--political, economic, even cultural--to a very high degree, except I do not always share his optimism about the potential for liberty and improvement in society. He asked me a simple question, that took me off guard: "Do you watch much television?" I admitted I did, but then he pointed out that the world as portrayed by modern TV is much sicker and more twisted than the real world. There are many more decent, hardworking, basically honest and good people out there, than you would think, from watching too much TV. Good point. So -- tune out, turn off, and cheer up!

[Posted at 10/01/03 02:32 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [More on Bullying](#)

In response to my [post](#) about bullying, a reader writes: "I like almost all of your columns and you

[Posted at 09/30/03 01:07 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Re: Bullying](#)

[Kirkwood](#): "Lawsuits over bullying? Whatever happened to defending yourself with your fists?" I'd say, whatever happened to not feeling sorry for people who are sued when they are actually responsible for damage done to others. Whatever happened to taking the side of victims--without exception--over that of the violent thugs, predators, and other outlaws of society? Self-defense, and other measures are not mutually exclusive. What's wrong with suing someone legally responsible for damage to you or yours? I've yet to see a principled, libertarian-based argument against the notion that bullying is a clear instance of exactly what libertarianism opposes: violent invasion of rights, which should not be tolerated. Aggression should be countered with punitive force and restitution should be made. The degree of the punishment and amount of restitution, should of course take into account [proportionality concerns](#), but that's just a detail. But let's err on the side of the victims. I have an idea: expel the thugs among us and put them in school with other like-minded thugs and let them beat the hell out of each other. Fine with me, let's separate the the riff-raff thug children of jock parents from civilized children of civilized parents. If the parents of a thug get sued by the parents of one of his many victims, instead of whining about it, they ought to figure out how to teach him that thuggery is intolerable. Another followup: another reader writes: "Stephan, you ask, "Why is there no outcry over this? Why is it tolerated?" "Gatto [writes](#), 'Children are made to see, through school experiences, that their classmates are so cruel and irresponsible, so inadequate to the task of self-discipline, and so ignorant they need to be controlled and regulated for society's good. Under such a logical regime, school terror can only be regarded as good advertising. It is sobering to think of mass schooling as a vast demonstration project of human inadequacy, but that is at least one of its functions.' "The problem of bullying is a symptom of the failure of both compulsory-schooling (as distinct from education; thank you, Mr. Clemens) laws and unilateral-personal-disarmament ("gun control") laws. Compulsory schooling violates the principle of freedom of association; restore the freedom of (non-)association, and the problem of bullying "withers away". "I also think being bullied amplifies and

focuses one's desire simply to be left alone, so libertarianism's attraction for the bullied might be described as "'leave me alone" writ large'. "> Certainly, kids should be taught self-defense. But sometimes the kid > is too small or weak. "Well, right there is an explanation for why so many kids bring guns to school. "I have long thought that the reason "an armed society is a polite society" is very simple: because in an armed society, those who are impolite are dead, at the very least. "> If the parents of a thug get sued by the parents of one of his many > victims, instead of whining about it, they ought to figure out how to > teach him that thuggery is intolerable. "I agree completely; sadly, I fear that the more likely response will be the same as that of most businesses -- blame lawyers for the problem instead of their own behavior, and then hire other lawyers to "game the system" to shield them from consequences instead of changing their behavior."

[Posted at 09/30/03 02:57 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [The Morality of Acquiring and Enforcing Patents](#)

As one of the few registered patent attorneys who [oppose patents](#) --and on principled, pro-private property, grounds, not for utilitarian or anti-industrialist reasons (in fact, the only other anti-patent registered patent attorney I know of is law professor [Michael Davis](#), who, if memory serves, is a leftist) -- I get my share of the "hypocrisy" charge. How can I help companies acquire patents, if I know the patent system is unlibertarian. Is it "immoral" or unlibertarian to patent your invention? A few comments. First, even if I'm hypocritical, it does not mean my argument against IP is wrong. It's ad hominem. Second, consider how patents are used. First, one invents something. Then, a patent application describing the invention is prepared and filed with the [US Patent Office](#). Then, two to three years later, the patent office might issue a patent to the inventor. Once he has a patent, it gives the inventor the right to prevent others from making, using, or selling whatever invention is claimed--by filing a lawsuit to stop this, if necessary. Often, a company--say, a small laser company--will obtain a bunch of patents in this manner. What for? Well, quite often, they sit in the company's vault. If the company gets sued by a competitor for infringing one of the competitor's patents, the laser company sifts thru its stack of patents, and if it finds one or two that its competitor might be violating, it countersues. If both the claim and counterclaim have merit, the plaintiff might back down; maybe they'll settle by cross-licensing to each other. Even if it is immoral to sue someone with your patent, it is not immoral to use patent defensively. Consider guns--they can be used both defensively and offensively. Because they have both a legitimate, and illicit, use, it is not per se a threat to own--to have-- a gun. Its the same with patents. Merely having a patent is like having a gun: you can use it for a legitimate (e.g., defensive) purpose, or against an innocent defendant. So is it immoral, or hypocritical, to be a patent attorney, if it is true that the patent system is unlibertarian? It is not immoral to give clients advice about the actual system they exist in. It is not immoral to obtain patents. It is not immoral to give opinions on the whether your client's products infringe a given patent. It is not immoral to negotiate a license agreement giving your client permission to make its products without being sued for patent infringement. But what about actually suing another company, without provocation, for infringing one of your client's patents? It may well be immoral, from the libertarian point of view, to aid and abet a company in suing another company for patent infringement -- although I would argue that in most cases, the defendant company's management and shareholders by and large support the existence of the patent system as well as the federal system that generated it, and that the defendants in effect consented to, or waived their right to complain about, patent infringement lawsuits. (Likewise, I have no problem with taxes in general--taxing Democrats is fine by me. They asked for it. Only problem with it from my perspective is it is giving funds to a dangerous group, but I don't feel too sorry for the "victims.") Incidentally, it is similar for copyright--except that you have a copyright in things you write *automatically*, by virtue of federal law--there is NO need to register a copyright, or to stamp a copyright notice, on your

works, in order to have a copyriht. As soon as you put pen to paper, you have a copyright in your work, whether you register it or not, whether you mark it "

[Posted at 10/01/03 10:15 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

### [Dr. Laura Tells Women: Just Do It](#)

[This was passed on to me, not sure where it appeared. No comment, it can speak for itself. --SK] Dr. Laura Tells Women: Just Do It Wednesday, October 01, 2003 By Barbara Hoffmann NEW YORK

[Posted at 10/01/03 04:14 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

### [Libertarian group chooses New Hampshire as 'free state'](#)

Here we go again with another [libertarian scheme](#). A couple friends have already emailed or called me to ask me if I'm moving up there. Damn, maybe we need to change our name to propertarians or something, to avoid the association. Links to other [libertarian "new nation" schemes](#).

[Posted at 10/01/03 04:15 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

### [iPod People](#)

Okay, okay--since my [post](#) about the Archos and RCA audio players, and my disparaging comments about Macintosh cultists, I've been barraged with comments educating me, from Karen De Coster and others, about the superiority of iPods and Macs. I must admit, I hate Windows so Mac can't be worse. So now I'm wondering if I should get a PowerMac and an [iPod](#)! They look extremely cool, though more expensive. I guess you gets what you pays for.

[Posted at 10/02/03 08:39 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

### [Scooter](#)

Re "[Scooter](#)" [Libby](#)--it just proves what I've always said--never trust anyone whose name requires quote marks, especially extremely stupid names like "Scooter", "Skip", "Chip", "Tipper," etc. Don't ya think, when he got to college, he would have tried to shake that name off?

[Posted at 10/02/03 11:43 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

### [Working Anarchy](#)

Want an example of a working anarchy, without resorting to ancient [Iceland](#) or [Ireland](#)? How about the Roman Catholic Church? It is a [political entity](#) under international law (the Holy See--technically, the [State of Vatican City](#)). As far as I know, it imposes no taxes, instead collecting money voluntarily from the one billion Catholics around the world; and does not impose its jurisdiction on unwilling participants--its "citizens," so to speak, are the one billion Catholics living under the jurisdiction of others states. So who says voluntary government is impossible?

[Posted at 10/03/03 01:42 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

## [Fresh Air](#)

[Great Grover Norquist interview](#) on NPR's *Fresh Air* with host Terry Gross. Norquist, of [Americans for Tax Reform](#), "talks about freedom, the role of government, and taxation in a half-hour interview on NPR." Right off the bat he corrects Gross's use of "us" as in "tax cuts cost us money". No, he explains, tax cuts cost *the government* money; they save *us* money (overlook his weakness for vouchers). (See also this NRO article, re Paul Krugman's attacks on Norquist, [Krugman](#))

[Posted at 10/04/03 03:26 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Re: Liberventionists](#)

Lew's [post](#) reminds me of one of his columns many years ago, probably in the venerable *Rothbard-Rockwell Report* or [The Free Market](#), where, offhandedly mentioning some Congressman, he glibly listed the Congresscritter's affiliation thusly: "Rep. Smith (R--Lockheed)". I always smile when I remember that line. (Incidentally--one of my favorite "introductory" books on free market issues is Lew's [The Free Market Reader](#).)

[Posted at 10/06/03 11:23 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Uh oh!](#)

Try The [Lifeline Calculator](#)--answers the question, "how long will you live?"

[Posted at 10/08/03 03:52 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Top 10 Celebrity Bigmouths](#)

[Top 10 Most Outspoken Stars in Hollywood.](#)

[Posted at 10/08/03 08:22 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]


## [Grin and Share It](#)

[Good article](#) on what the post-file-sharing MP3 world might look like--and how the quality of music and film might improve, as the market for "blockbusters" dissipates and people once more produce art for art's sake....

[Posted at 10/07/03 12:14 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [The Power of Nature...](#)

Awesome photos of Hurricane Isabelle..... [Correction: Drat! I've been had! Reader Mark Coleman kindly informed me that this is an [urban legend](#)--whatever those pix show, it's apparently not a hurricane.]

 Hurricane Isabel.jpg



 Hurricane Isabel2.jpg

[Posted at 10/07/03 04:07 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## **Bullets**

Chris and Charley--okay, okay, point taken. Sheesh. I don't want to imply that we should not regret lemming-like teen suicides. We should. It is very sad. Yes, it is callous to pretend not to care a whit about the mental torment these disturbed young people must obviously be in. I agree. But it does not mean we can't put it in perspective and give appropriate weight to various tragedies, ranging from totally innocent, helpless victims of violent crime, down to self-destructive, but still sad, actions. As a libertarian, I suppose I sympathize first and foremost with genuine victims--that is, those whose rights are violated by violent criminals. Far more so than for "victims" of their own actions. Suicide, it seems to me, is usually aimed the living--the motivation is to hurt others, to ruin their lives. It's a destructive, hateful action. These are people who are willing to be very malicious to others. Not saying that does not make them pathetic, but are they as worthy of pity as genuine, blameless, innocent victims of violent crime by others? I don't know, it's a judgment call, I suppose. It's probably natural to evaluate news of tragedies befalling others, by wondering whether it's just an unfortunate event--or something that could happen to anyone, i.e. some possible danger. When you hears of a tragedy, it is natural to wonder if it's potentially applicable to yourself--whether there are grounds to worry. If you hear of someone getting murdered or robbed in their home, you might get chills, mentally putting yourself in their place. You know it could happen to you. But when you hear of some daredevil falling off a cliff while rock-climbing or whose parachute didn't open--granted, it's unfortunate, but you can breathe , "I can easily avoid that--just don't climb mountains!" Those

unfortunate souls sentenced to years in jail for minor drug crimes--again, it's terrible, but on the other hand, easy to avoid--just don't do illegal drugs. See, there's a safe harbor. When you hear of some kids killing themselves in stupid, hateful stunt, again, granted, it's unfortunate, but not alarming--all you have to do to avoid such a fate is ... not kill yourself. To be clear, I don't at all mean to imply teen suicide is a good thing; it's usually a horrible tragedy, and very sad. As for whether "anyone's death--even that of a stranger, even a misfit--is necessarily a loss to society, there's probably something to this. Although, surely, there are *some* people we are simply "better off without." I'd rather every murderer and rapist would have offed himself when he was young, than to have lived to become a menace to the truly innocent, for example. This all reminds me of a case (*People v. Skiles*, 115 Ill.App. 816, 827, 450 N.E.2d 1212, 1220 (1983)), which mentioned the reported exchange "many years ago between the Chief Justice of Texas and an Illinois lawyer visiting that state. 'Why is it,' the visiting lawyer asked, 'that you routinely hang horse thieves in Texas but oftentimes let murderers go free?' 'Because,' replied the Chief Justice, 'there never was a horse that needed stealing!'"

[Posted at 10/08/03 04:45 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Fun & Games at the Patent & Trademark Office](#)

This [order](#) regarding the discipline of a patent attorney by the PTO for allegedly improper voicemail messages makes for funny reading... One of the voicemails, and similar episodes, can be [found here](#).

[Posted at 10/09/03 03:56 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Intellectual Property and Consistency](#)

One thing that is striking about advocating intellectual property rights--rights in non-scarce things--is that one is inevitably bound up in a self-contradictory position. For although they want to say that non-scarce things (like ideas, inventions, etc.) are "just as much property" as are scarce things like physical resources, they always, when it comes down to it, want to **enforce** IP rights *against scarce resources*. In other words, to make IP rights "real"--you have to step down from the abstract realm and enter the real world. If you infringe someone's patent--they get to take some of your money. Or they can get a court order to stop you from using your own tangible property in a certain way. But remedies against IP rights are never remedies only in the intangible realm. They are always made real, made concrete, by putting them in terms of real things. But if non-scarce things are "just as good" and "just as much property" as are scarce things--why don't they just "enforce" their IP rights *against non-scarce things*? After all, that should be good enough. But they never do this--implicitly acknowledging the insubstantiality of these imaginary things. On the notions of of scarcity, aggression, property, norms, and justification, see Hans-Hermann Hoppe's [Theory of Socialism & Capitalism](#), especially pp. 5-6 & 8-18; also related references [here](#). Articles arguing against the legitimacy of intellectual property, namely copyright and patent, are [here](#).

[Posted at 10/09/03 11:40 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Manscaping and Ruminations](#)

Well Karen, it's all well and good to have a "manly man," but, as every good Randian knows, he better not be *too* manly, i.e., have a beard. Facial hair means the guy has something to hide, you see (as you have mentioned [in your blog](#)). But if "not too perfect" guys are "in," that's great news for moi! Turns out I'm even color blind. On a tangent--re khakis--I hear these [Bill's Khaki's](#) are supposed to be great. Daddy gets

to try himself a pair. I hope [Jeff Tucker](#) will approve--khakis do seem to be on his approved list, although I can't imagine wearing them with anything but a short-sleeved shirt, which apparently is a no-no. Oh, what the heck, just makes me less perfect, and apparently, less is more, right? One more tangent, re your mention of manscaping. How about these women with tongue-studs, tatoos, and assorted body piercings. Now what one does with her own body is her own business, but it doesn't mean I can't observe to my friends that such habits are correlated with sluttiness. My wife says I'm a fuddy-duddy because I even think that women wearing anklets or toe rings is correlated with, shall we say, loose sexual morals. My thinking is that a woman willing to publicly flout conventional dress standards is broadcasting the fact that she probably is more willing than average to "be wild" or to "try anything once," etc. But what do I know. I'm not perfect. One more thing, while I'm on a roll. Why is Uma Thurman regarded as such a beauty? Look at her. I mean she was supposed to be the hot one, and Jeanine Garafolo the ugly one, in the movie Truth about Cats and Dogs, but really, Garafolo is prettier than Thurman. How did Uma get that reputation for being hot? I think it all goes back to her baring her admittedly ample and young bosom in the scene in bed with John Malkovich in Dangerous Liaisons. Don't know how I remember that. Ahem.

[Posted at 10/10/03 09:15 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Panhandling Middle-Class Kids](#)

Maybe it's just me, but I can't stand when kids--typically elementary school students--embark on these little panhandling routines to beg for money from family, friends and neighbors. For example selling magazine subscriptions, or World's Finest Chocolate, or raffle tickets, or wrapping paper, etc. Since when did begging become an activity for the middle class? Seems gauche and tacky to me. I just paid \$10 for a coupon from a co-worker, for his son's school. It lets me get a Domino's pizza free when I buy one--can use up to 20 times, over the next year. Forgetting that I get such coupons for free in the mail all the time anyway, this is what these stupid fundraising inevitable become--the parents do the work for their kids. I don't want my kids going around panhandling. One time, a few years ago, on a nice Saturday afternoon, my doorbell rang. It was some little kid, maybe 13-14 years old. Selling magazine subscriptions "to help him pay for college." I said, "No thanks." Incredulous, he says, "B-b-b-but, don't you want to help me go to college?" I say, "No, not really, that's your parents' job." After closing the door, I bump into my wife, who had an incredulous look on her face, as if to say, "Dang, that was kind of mean!" I'm thinking to myself,--why? why is it mean to refuse to give money to some panhandling middle-class kid? Look, I'm all for eleemosynary giving. I support the Mises Institute and my private Catholic alma mater, for example. But should self-sustaining middle-class parents in effect have their kids ask for their education expenses from their neighbors?

[Posted at 10/13/03 05:10 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Patenting God's Love](#)

A [US patent](#) has been filed for "Process of Love." The ENTIRE text is as follows: "[0001] This invention resulted from my combining God's gift of reincarnation with love. [0002] In Chapter 4 of the London translation of the Holy Bible, paragraph 8 says "He that loveth not knowth not God; for God is love." and paragraph 16 says "And we have known and believed the love that God hath to us. God is love; and he that dwelleth in love dwelleth in God, and God in him." [0003] The scope and extent of my invention is defined in the following claim: [0004] 1. The process of combining God's gift of reincarnation with love resulting in immortality." This is just a published patent application and no doubt will never issue as a patent (for one, it's not enabled). Cute. But this idiot paid \$375 just for the privilege of seeing it published.

[Posted at 10/13/03 05:14 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

### [Apriori in the comics](#)

From an email by Roderick Long on the Mises list-- "Today's comics page brings an exchange that nicely captures the dispute between a priori method and empirical method. From the strip *Arlo and Janis*: JANIS: I'm home! Want to see what I bought? ARLO: Sure! JANIS: I've got three of the *cutest* little tops! ARLO: Only one can be "cutest." JANIS: You haven't even looked at them!" Full comic on Long's "unblog" [here](#).

[Posted at 10/14/03 11:58 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

### [I wonder if they'll wear brown shirts?](#)

[Clark Calling for Civilian Reserve Corps](#) [Courtesy [Paul Comeaux](#)]

[Posted at 10/14/03 12:21 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

### [Yet more on panhandling kids...](#)

[McMacken is right](#), we should be polite even when declining to give money to those asking for it--especially innocent (and manipulated) children. I did not [mean to imply](#) that I slammed the door in the kid's face while he was in the middle of talking. I first told him no, not interested, as one does to a telemarketer calling one's house; when he persisted, I explained why, politely, but firmly--that no I didn't want to help him go to college since that was his parents' job. Then I closed the door and got back to my Saturday. My wife was incredulous that I was so blunt and honest with the kid, not that I terminated the conversation--whenever someone comes knocking on the door begging for money--usually some homeless guy claiming to represent a fundamentalist church and asking for money to help "stop drug addiction"--she stays out of sight and lets me be the bad guy. Hey, division of labor. I do not at all mean to bash charitable giving; of course, it's a good thing to do (and no, it's not just "morally neutral, at best," as [Randians would say](#) (more on Rand below)--obviously, it's genuinely good to be generous and helpful to those in need). So I don't mind being asked to help nonprofit groups or needy children. There is no other way for them to survive without monetary assistance given by those who are able to help. What I find inexplicable and rude is middle-class or richer parents in effect asking their fellow middle-class neighbors to help pay for the educational expenses of their own children. What's next, do I need to make an occasional car payment on the fancy sports cars some parents stupidly give their teenage kids? [Rand wrote](#): "My views on charity are very simple. I do not consider it a major virtue and, above all, I do not consider it a moral duty. There is nothing wrong in helping other people, if and when they are worthy of the help and you can afford to help them. I regard charity as a marginal issue. What I am fighting is the idea that charity is a moral duty and a primary virtue." Only Randians would be so anal that they would feel a need to *justify helping others*; they actually seem to feel almost guilty for wanting to be decent neighbors. "There is *nothing wrong in helping other people*"--whoa ho, how generous, Miss Rand! Don't bend over backwards, now! I have no idea if charity is a "primary virtue." But common sense indicates that decent people should help each other out, so yes, it does seem like a moral duty. Of course, this does not imply that it should be a legally enforceable duty or legally enforceable claim by those in need. But a moral duty? Sure, why not.

[Posted at 10/14/03 12:30 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

## [Copyright and Free Speech](#)

[Clooney's Drudge-ry](#) -- reports that Matt Drudge may "go to court and file a cease-and-desist motion if "K Street" continues to use his likeness and images of his Web site." Great. Thanks to intellectual property law, e.g. copyright, Drudge can prevent another show from featuring or discussing him or using images of his webpage. Another example of how IP rights let the IP owner control others' property. What's next--can't show someone reading the *New York Times*? Or instead of featuring New York City in a movie, does it have to be Gotham City or Metropolis? Followup: Woops, scratch that--as Kurt Kober writes: "It can't be Gotham or Metropolis, or the DC Comics lawyers would swoop down. I recommend "Genericopolis" but then, that's MY intellectual property, so if you use it, I'm gonna have to serve notice." How about Galambosopolis?

[Posted at 10/16/03 10:22 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Flash Mobs, or, People Obviously Have Too Much Free Time](#)

[runnin' with the pack](#) describes the new phenomenon of "flash mobs"--a bunch of strangers get secret instructions by email and gather unexpectedly in public places to do strange things. "In Minnesota, for example, hundreds of people gathered at an electronics store at the Mall of America, watched Lord of the Rings on monitors and asked store employees for popcorn. In Boston, hundreds crammed into a store and said they were looking for birthday cards for their friend "Bill." And in Rome, more than 100 mobbers gathered at a bookstore to ask for different, non-existent titles." It makes me realize another disadvantage of laws that provide for maximum working hours. Tangent--The argument for tax subsidized college is that students "need" the financial assistance of subsidized tuition to be able to afford to go. But bars--which charge lots of money for alcoholic drinks--thrive around colleges. Obviously students have excess cash. Shouldn't they at least spend all their excess cash, above necessities, on education? Otherwise we, the taxpayers, are in effect paying for these students to get hammered and party on. So I propose that public university tuition be raised until college bars start to go out of business. Hey, it would be a start.

[Posted at 10/16/03 04:56 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Southernisms](#)

Just talking to one of my South Louisiana Cajun/semi-redneck friends. I was mentioning to him one of my totally nutso friends here in Houston. "Man," he says, "sounds like he needs to go see the talkin' doctor!"

[Posted at 10/16/03 09:44 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Ben-Gay](#)

So the wife, baby, and poodles are in Louisiana for a week, while I'm here in Houston earning nickles. Meanwhile, my buddy Joey, of [Joeyscouters](#), well, I need him to come over and fix my damned Epson scanner problem. So I offer to buy him a steak dinner followed by PC repair time. Well I end up grilling for him since it's nice weather here... and after cigars and libations we end up in my study, him whizzing away solving my PC problems. This is good. My PC is a step closer to PC health. Uh oh. Joey's getting his little backache. So, before you know it, here I am, standing in my study 11:00 p.m. on a weeknight, while wife, baby, and poodles are in another state--giving a Ben-Gay back massage to my computer whiz buddy, to keep him planted in that seat and typing away. Is that wrong?

[Posted at 10/16/03 10:17 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## **Baseball**

[Ralph](#)--though I don't follow baseball I do face the following about once a month, when I am checking out at a store or something and the clerk gets a gander at my name on the credit card--"Say..., Kinsella, .... isn't that...." "yeah yeah, the guy in the Field of Dreams movie, Ray Kinsella" I interject, trying to speed up checkout time. Then I brace for the inevitable followup question -- "are you related?" What?--to a fictional character? However, it is based on WP Kinsella's novel. There are Kinsellas all over Ireland (same Celtic root as for Kinsley), but we're fairly uncommon here. We're all related, if we go back far enough, eh?

[Posted at 10/17/03 01:48 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## **Google and IP**

[Google case could clip search engines' wings](#) reports that "A French court has ruled against the internet search engine Google in an intellectual property rights case that may have far reaching technological and financial implications for internet search firms, which process tens of millions of queries a day." The court "fined Google

[Posted at 10/20/03 11:43 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## **Get the most out of your Google**

[20 Great Google Secrets](#). For the Google Geek

[Posted at 10/21/03 12:06 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## **Encouraging Inventiveness**

Thank goodness we have the patent system to encourage innovation and protect intellectual creation! Here are a couple of recent patents: [Vision facilitation apparatus and method](#) (i.e., a monocle); and [Method to improve peri-anal hygiene after a bowel movement](#) (putting gel on toilet paper to aid in wiping). Don't try these at home, folks--you could be sued since patents have a "presumption of validity"! The '942 patent is a particularly good example of how granting patents in non-scarce things, such as methods or recipes, grants others partial control of the property of others, including their bodies--here, this dude Putman in theory could get an injunction prohibiting you from putting your own gel on your own toilet paper. The PTO has ordered these patents to be reexamined... still, it's pathetic they were ever allowed. More [wacky patents](#). (Courtesy Martin Meder.)

[Posted at 10/21/03 03:44 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## **Thoughtcrime**

Good [article](#) on the problem with IP by Roderick Long.

[Posted at 10/22/03 10:10 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Sandefur on slavery and the civil war](#)

In [Sandefur and Federal Supremacy](#) I made the point that according to Sandefur's argument,

[Posted at 10/22/03 11:10 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [REFLECTORIZATION FEE](#)

And I thought the little add-on fees and taxes on telephone bills were bad. I just renewed my Texas auto registration--you can now do it [online](#). Here are the fees: WINDSHIELD STICKER 40.50 INSURANCE FEE 1.00 REFLECTORIZATION FEE 0.30 CNTY ROAD BRIDGE ADD-ON FEE 10.00 CHILD SAFETY FUND 1.50 AUTOMATION FEE (LARGE CNTY) 1.00 MAIL IN FEE 1.00 SERVICE FEE (NON-REFUNDABLE) 2.00 Total 57.30

[Posted at 10/22/03 05:51 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Re: Sandefur and the War Between the States](#)

In response to my [recent post](#) about Sandefur's theory of revolution, Sandefur posts [this response](#) on another blog. He writes: "Unilateral secession is unconstitutional and illegal. The President of the United States is charged with the Constitutional duty to see that the laws are faithfully executed. If people resist him at point of arms

[Posted at 10/23/03 10:51 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Sobran on Sandefur](#)

Another followup to the [blog debate](#) with Sandefur: I had hazarded a guess that Sobran was joking when he said billions of lives are worth expending to save a single slave. In private correspondence with Sobran, he elaborated (reprinted below with permission): "I was joking -- I wasn't going to let him outbid me in the anti-slavery game. I was prepared to go as high as one billion and seventeen, but he dropped out. "There has to be a sense of proportion in everything. Ultimately you may have the right to kill to protect your property, but this is a right you might waive now and then. Lincoln never really explained why maintaining Union sovereignty was worth a half-million deaths. Instead he switched to the holy cause of ending slavery and blamed those deaths on God's wrath. Odd that the Almighty didn't see fit to punish slavery so severely in other countries. "I suppose Sandefur could justify similar extremes against, say, monarchy. Why not? He reasons like a man threatening to shoot people for walking on his lawn. "To me one of the most interesting and neglected aspects of the Civil War is the suppression of dissent in the NORTH. Lincoln really cracked down on those who believed in the right of secession. David Herbert Donald says the period was the worst for civil liberties in US history. An understatement. Lincoln couldn't afford free discussion. I think he owed his re-election to the silence he imposed, with the help of a lot of the usual thuggish "patriots." As I say, Jefferson qualified as a traitor on his terms."

[Posted at 10/23/03 03:31 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Punishing Politicians](#)

From Rothbard's great article, [H. L. Mencken: The Joyous Libertarian](#): In discussing how to punish guilty

public officials ("jobholders"), Mencken said, "What is needed is a system (a) that does not depend for its execution upon the good-will of fellow jobholders, and (b) that provides swift, certain and unpedantic punishments, each fitted neatly to its crime." Mencken's proposed remedy "provides that any [citizen]...having looked into the acts of a jobholder and found him delinquent, may punish him instantly and on the spot, and in any manner that seems appropriate and convenient

[Posted at 10/23/03 04:29 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 


## [Mises and Rothbard in Le Monde](#)

[Translations](#) by Roderick Long.

[Posted at 10/24/03 10:38 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Hoppe, Korea, Molinari, and Private Defense](#)

[Hans Hoppe](#)'s wonderful new book, [The Myth of National Defense: Essays on the Theory and History of Security Production](#), has just been published. It's must-reading. Many of the papers were produced for and presented at the Twenty-Second International Conference on the Unity of Sciences, on the [Military and Police--Public or Private?](#) committee, in Seoul, Korea, February 2000. H<sup>3</sup> chaired the panel and brought a Austro-anarchists with him -- Block, Hummell, Stromberg, Huelsmann, and others. He let me tag along but I was too lazy to finish up my paper for inclusion in the book ... but it's still great, probably the better for it! :) H<sup>3</sup> dedicates the book to **Gustave de Molinari**. Roderick Long maintains the [Molinari Institute](#) website, which has, in its [online library](#), a translation of Molinari's seminal 1849 article [The Production of Security](#), along with other interesting works. Check it out.

 defense.jpg

[Posted at 10/24/03 10:46 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Next: Women of LewRockwell.com?](#)

[N.C. Ladies of Liberty Pinup Calendar...](#)

[Posted at 10/24/03 12:26 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Stromberg on Molinari](#)

[Speaking](#) of Molinari--the indefatigable Joseph Stromberg has a great piece on him, [Gustave de Molinari on States and Defense](#) back in the July 2000 issue of his always-interesting column, [The Old Cause](#).

[Posted at 10/24/03 04:05 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Re: Punishing Politicians](#)

Regarding [Mencken's proposal](#) for punishing bureaucrats--Brett Middleton writes, "This is in regard to





your lewrockwell.com blog entry on 10/23, in which you describe Mencken's proposed justice system for those who take it upon themselves to punish a public official. If you'd like to see an example of a similar system in (fictional) action, I suggest that you try to find a copy of H. Beam Piper's short novel "[Lone Star Planet](#)". I think you'd appreciate the trials held in the "Court of Political Justice."

[Posted at 10/25/03 01:34 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [PaleoToy](#)

Just kidding. But I'm planning on buying one of these cool [Zero Blasters](#) for my nephew for Xmas. Blows 2-6" diameter Vapor Rings up to 14 feet away... only \$19.95!

[Posted at 10/27/03 05:53 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Re: PaleoToy](#)

Bob's bazooka story reminds me of all the insane things I did as a boy. We would tape Coca-Cola cans together, using a can opener to cut holes in the bottoms so there is an air chamber from top to bottom; put a tennis ball in the top and squirt lighter fluid in the bottom. Light it and =BOOM!= tennis ball cannon. The singed fur on the ball was wicked. Or we would tape a steel BB to the primer on a 12 gauge shotgull shell, tape a thin stick to it so it would fall BB-first when thrown up in the air, and throw it over a concrete driveway and dive for cover. Sometimes we'd empty the pellets out of the shell first, sometimes not. And then there's firebreathing with gasoline siphoned from Dad's buick, stupid ramping tricks on bicycles, jury-rigged go-cart engine contraptions, inventive uses of drills and buzz-saws and wrist-rockets, playing chicken with tractors, attempting to ride cows, etc. I'm (a) surprised I'm still alive; and (b) glad I'm gonna raise a city boy.

[Posted at 10/27/03 09:32 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [The Taxman](#)

Maybe it's just me, but I find it bizarre that when I pay my property taxes I have to make out the check to an individual--"Paul Bettencourt, Tax Asector-Collector". My income taxes go to the IRS, not to some individual.

[Posted at 10/28/03 09:28 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [It's not funny](#)

Modern Americans are extremely irreverent, but I don't recall ever hearing a single joke about 9/11. I can't think of any other event that Americans don't joke about. There are jokes about Jesus, blonde jokes, Polack jokes. I remember, shortly after the shuttle Challenger disaster in 1986, you started hearing tasteless jokes. But not about 9/11. Of course, I'm not saying jokes should have been made, but the fact that they weren't, despite our irreverence and lack of respect for other sacred cows, is perhaps indicative of how deeply angry the terrorist attacks made most Americans. So it's no wonder Bush was able to steamroll the nation into war.

[Posted at 10/30/03 09:20 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Fantastic Insights](#)

A recent issue of Marvel Comics' *Fantastic Four* includes some remarkably Austrian-libertarian dialogue. In a terrible battle, Reed Richards--Mr. Fantastic--has banished the FF's arch-nemesis, Doctor Doom, to Hell. The FF decide to take over Latveria, the Romanian-like country Doom has ruled as dictator for decades. Reed is surprised that the populace are afraid of him and do not instantly believe his revisionist, anti-Doom propaganda. As Benjamin Grimm--aka The Thing--tells Reed: "I dunno. Y're smarter'n Doom was. You always were. But government ain't a science ya' can learn like ... I dunno ... *astronomy*. Ya can't figger out human behavior on graphs 'n charts. I don't gotta remind you o' that." Reed's wife, Sue Storm--Invisible woman--chimes in, "Exactly. [...] you're treating this like an intellectual exercise. These people aren't a social experiemtn. And Latveria isn't your laboratory." The Thing: "We got what we wanted. Latveria's free. Who're we not ta let it find its own way?"

[Posted at 11/02/03 11:03 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Re: It's not funny](#)

Re my [post](#) about the lack of jokes about 9/11--well, I was wrong, sort of. There are apparently some jokes out there, as some sick puppies were happy to prove to me. However, none of the ones I saw that were jokes by and for Americans -- e.g., those on [The Onion](#) -- were making light of the event itself or making fun of the victims. The only ones I saw that did this, seemed to be told by and to foreigners. Which confirms my point--the Americans themselves took it so seriously they were ripe for the leviathan that follows crisis...

[Posted at 11/03/03 04:29 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Modern Constitution](#)

Afghan's [draft constitution](#) "envisages a strong president elected directly by the people", and also provides for "equal rights to education and a state health service." It's great we liberate people to make the world safe for socialism.

[Posted at 11/03/03 04:47 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [We're all unique](#)

So are numbers. There is an interesting (if non-rigorous) "proof" that all integers are "interesting"--unique, special. Here is the proof. We start with 1, which is obviously interesting since it's the first number. 2 is the first even number, so it, too, is interesting. 3 is the first non-unity, odd prime. 4 is the first non-prime. And so on. Now, you can prove that all integers have to be interesting by using proof by contradiction. Assume there are some interesting integers, and some non-interesting ones. Let the first non-interesting one be X, and thus the number before it, X-1, has to be interesting. But how can X not be interesting--it's the very first non-interesting number, which of course makes it special. Ergo, there can be no non-interesting integer, because there would have to be a first one which is necessarily interesting by virtue of this fact. There cannot be a first non-interesting number, and therefore there can be none. Uhhh... ain't that interesting? Hello? =tap tap tap= Is this microphone on?

[Posted at 11/04/03 12:49 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Lannyism](#)

Considering buying a rental property, and was reminded of one of the sayings of my ex-boss, Lanny Yeates--he has some great ones, which I call Lannyisms. The one I was reminded of was: "A working wife is worth three rent houses."

[Posted at 11/04/03 10:17 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Celebs' Quick Slim-Down Diet Secrets](#)

How does lovely Ashley Judd [keep in shape](#), for example? "Judd only drinks room-temperature water, believing that cold H2O is more difficult to digest, and she eschews milk. The University of Kentucky Phi Beta Kappa graduate also drinks wheatgrass juice (tastes bad, heals well) and hot water with lemon, and blesses her food with Tibetan sayings." 'Nuff said.

[Posted at 11/05/03 10:12 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Defaming Reagan](#)

All the dittoheads are in an uproar about *The Reagans* miniseries, and are cheering now that CBS has decided not to run it. But I don't get it. CBS sold it to Showtime, who will run it. What's the difference? (a) CBS runs it, and gets advertising revenue. People see it. or (b) CBS sells it to Showtime, and gets the fee paid by Showtime; and Showtime runs it. In both cases, CBS produced it, and is causing it to be aired and making a profit off of it. What's the difference whether the profit is from advertisers, or from Showtime? I don't get why selling the series to Showtime gets CBS off the hook with the dittoheads. Oh well, I guess the mind of the boycotter is not always clear.

[Posted at 11/05/03 12:07 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Re: Cato Opposes Tax Cuts \(Again\)](#)

Tom, in your [post](#) about Catoite Adam Thierer and others opposing tax cuts--what do you expect from a utilitarian (note in [this article](#) the utilitarian argument in favor of intellectual property: without IP, "some individuals would be discouraged from producing important goods or ideas").

[Posted at 11/05/03 02:22 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Bilateral Investment Treaties: Investors and Property versus the State](#)

Interesting recent article on Bilateral Investment Treaties (BITs), [Arbitrating over BIT claims](#), by attorneys Mark Friedman and Gaetan Verhoosel. I found this comment interesting: "BITs typically contain a

[Posted at 11/08/03 02:14 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [More on Bullying](#)

In a [previous post](#) ([followup1](#), [2](#), [3](#)) I mentioned my aversion to bullying and my perplexity that it is not viewed by parents and libertarians as what it is--outright aggression. The thuggish bullying student and his

parents should be sued if not incarcerated. I got a surprising amount of flack for this perspective, none of it coherent or libertarian or on-point. The criticism amounted to the cro-magnon "we already have too many lawyers and lawsuits" or "kids should be taught to be men--if a small kid gets the crap beat out of him repeatedly by a gang of thugs, that's bound to be good for his character in the long run." I stand by my original opinion 100%. Nothing that was said to me caused me to rethink a word. Which is rare. Anyway, this min-rant is but a prelude to the events told here: [Violent School Bus Beating Caught On Video](#). Yeah, this one was caught on video--how many others aren't? Gee, I wonder. The story reports that "The beating suspect was arrested by police and charged with battery and disruption of an educational institution and he could be expelled." I suppose those who dismiss the criticism of bullying with a neanderthal wave of the hand would say the parents and police here are "overreacting". Harrumph.

[Posted at 11/08/03 09:51 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Congrats to the Fat Lesbian](#)

[Rosie O'Donnell wins](#). "They thought I would just fade away," Rosie O

[Posted at 11/12/03 04:19 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Help!](#)

One of the most annoying things about MicroSoft products is if you make the mistake of accidentally striking the F1 or help key, e.g. in Word. Then you have to wait about 30-60 seconds while everything freezes, as it launches the creaky help interface. God. Everytime I accidentally hit F1, I cringe. I think MicroSoft must have whole department devoted to analyzing the dozens of "error reports" my various crashing programs send to MS every month.

[Posted at 11/13/03 04:35 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [What's a Bubba to do?](#)

Ah, my home state: [Not Quite Bubba vs. Bubba: Louisiana Governor's Contest Defies Stereotypes](#). A few excerpts: "LAFAYETTE, La., Nov. 13 -- The Republican candidate for governor in Louisiana is Bobby Jindal, a wunderkind son of Indian immigrants, dark-complexioned Rhodes scholar and health policy wonk. The Democrat is Lt. Gov. Kathleen Babineaux Blanco, a soothing Cajun grandmother easily flustered in debates. "What's a Bubba to do? "Listen, man, we're looking at a guy who's not even from this country! And then we're looking at a woman!" said Jubal Vallot, 38, a handyman in Lafayette sporting tattoo-spangled forearms, a Chevy pickup truck and a fist-size clump of keys at his belt. "He hooted and shook his head at the outlandishness of the selection. [...] "Jindal has managed to appeal to deeply conservative Louisianans like Vallot, the handyman, a self-confessed Bubba who twice voted for white supremacist David Duke in the '90s -- and said he'd vote for him again if he could. (Duke currently resides in federal prison.) "It's hard to believe I'm even going to look at this man -- at first he almost looked to me like an Iraqi," Vallot said, speaking of Jindal. "But I tell you, he talks so smart, and he's hitting the hammer right on the nailhead." "

[Posted at 11/14/03 05:30 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Ever wonder why people hate lawyers?](#)

Tibor Machan's article [Scalia's Folly](#) comments on Justice Antonin Scalia's joshing/disparaging comments about libertarians in a recent case, as [reported in Slate](#). The case, *Olympic Airways v. Husain*, is about what the term "accident" means for purposes airline liability (Article 17 of the Warsaw Convention provides that airlines are liable for death or injuries, resulting from an "accident.") and what happens if that accident happened simply because nothing happened, even if, as a result of the nonaccident, someone actually dies. In January 1988, Dr. Abid Hanson was traveling with his family on an Olympic Airways flight from Cairo to Athens to New York. Severely asthmatic, but unaware that there was smoking on international flights, Hanson was given a seat only three rows up from the airplane's smoking section. His wife asked the flight attendant to move him up in the cabin, and the flight attendant told her to sit down. Later, his wife repeated the request, and the flight attendant told her the flight was full (a lie). Then the smoking and socializing started behind them, the cabin filled with smoke, Dr. Hanson began to suffer, and his wife again asked that he be moved forward. The flight attendant refused again, saying he was free to ask some other passenger to swap seats. Dr. Hanson collapsed as he walked to the front of the plane, trying to get some air, and despite epinephrine injections, CPR, and other measures performed by another physician traveling in his party, he died shortly thereafter. Hanson's wife sued the airline under the treaty that governs international flights

[Posted at 11/14/03 05:40 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Conservative Crack-up](#)

[An interesting piece](#) by W. James Antle III in the American Conservative that asks, "Will libertarians leave the Cold War coalition?" The article quotes Jeff Tucker and also mentions Lew Rockwell and Hans-Hermann Hoppe. Other related Antle pieces: [Conservative-Libertarian Split: Liberals Get It, Conservatives Don't](#); [Big government conservatism alienates libertarians](#); [The Conservative-Libertarian clash: Values and the free society](#); and [GOP = Goldwater's Old Party?](#).

[Posted at 11/16/03 09:25 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Re: Conservative Crack-Up](#)

Following up on [this post](#) about James Antle's recent article about libertarians and conservatives--I mentioned to him in private email that it is curious that some conservatives were on the pro-war side during Cold War, but are now on the libertarian side, e.g. Pat Buchanan (and some libertarians are now on the neo-con side!). I was curious if Antle had a theory on why this is the case. My guess was that his view is that it was genuine defense then, but now is Wilsonian nation building etc. Still, why can some conservatives, like Buchanan, see the difference, but others cannot? His reply, reprinted with permission, follows: "The Cold War did of course separate libertarians from conservatives, though not to the extent that has been evident in the War on Terror. Until the Vietnam war, many if not most of the libertarian critics of the Cold War were those who were never absorbed by fusionism at all, chiefly the students and admirers of the late Murray Rothbard. One irony of this is that many Rothbardians are more culturally conservative than the Randians and other mainstream libertarians more at home collaborating with the conventional right. "The question you raise is an interesting one to which there is probably more than one answer. I think many conservatives would argue that the Cold War represented a more tangible challenge by an identifiable Soviet foe, while the War on Terror has degenerated into an open-ended conflict against a foe not clearly defined. But some of it also has to do with the perceived compatibility of dismantling the New Deal state at home with rolling back communism abroad. Today's conservatives superficially invoke the same principles, but in fact favor the projection of government power through "conservative"

welfarism at home and nation-building abroad. "Of course, many conservatives come to different conclusions in this debate because they differently motivated. JP Zmirak had an excellent piece, also published in The American Conservative, pointing out that many on the right hardened conservatism into an ideology during the Cold War in an attempt to come up with a system of thought and politics to compete with communism. Some conservatives today want to defend these abstractions; others are interested in preserving their particular country, communities and civilization. The latter tend to be the ones opposed to the current neoconservative foreign policy project. The return of conservatism to rootedness and an attachment to both the particular and actual people, cultures, traditions and customs is the driving force behind what is called paleoconservatism. We have seen even many conventional Cold War conservatives, like Pat Buchanan, become heavily influenced by it."

[Posted at 11/16/03 01:30 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Hate Crime](#)

As [this article](#) reports, voice-recognition technology appears to have a bias against Southerners. We should sue!

[Posted at 11/17/03 02:39 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [International Law & Natural Law](#)

Interesting law review article: [The Persistent Spectre: Natural Law, International Order and the Limits of Legal Positivism](#) (courtesy Joe Stromberg)

[Posted at 11/17/03 03:25 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [What I Want for Christmas](#)

One thing my house is missing is a line of scrimmage.

[Posted at 11/30/03 10:42 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Epiphany](#)

I just realized that, like Michael Jackson, I'm on my own recognizance.

[Posted at 11/30/03 10:48 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Unexpected Development](#)

As a child, I never thought I'd turn into the type of adult who would use words such as "legume".

[Posted at 12/01/03 03:03 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Bubba Cubed](#)

[MAN CHANGES NAME TO BUBBA BUBBA BUBBA](#)

[Posted at 12/01/03 05:01 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Jury Nullification](#)

James Ostrowski has an excellent article today on Mises.org, [What's Wrong with Juries](#). He writes: "Why have juries largely failed in their intended function? There are some obvious and some less obvious reasons. First, juries have been stripped of their rightful, historical power [to judge the law](#) as well as the fact. For example, juries with the power to nullify unjust laws routinely acquitted those charged with violating the Fugitive Slave Law. A jury that must follow the law as explained by the judge, would have been *forced* to convict the liberators." But have juries really been stripped of their power to judge the law? We still have double jeopardy, which prevents any defendant acquitted by the jury from being tried again by the state for the same crime. The effect of this is that a juror still has the practical power and right to judge the law--all he has to do is refuse to convict. I am not a litigator, as Ostrowski is, but as far as I am aware, jurors are not really "forced" to convict. The judge just does not tell them of their (practical) right to nullify the law. So as far as I can tell, the problem is not that jurors don't have the right to nullify the law. They do. The problem is that they are ignorant. Why are they ignorant? Because the judge does not inform them; and because they are generally ignorant of constitutional, legal, or other rights. In part because of the horrible government-influenced/run education system, in part because of human nature. And most people, even if aware of their right, would not exercise it in most cases, e.g. drug or tax evasion convictions--because they think these laws are justified. That's how they get enacted in the first place--most people are knaves, low-quality individuals who are *willing* to trample the rights of their fellow men. In short, we do have now, in place, a constitutional "right" to jury nullification. The problem is too many citizens are ignorant and/or stupid, and too statist-minded to dare think they know better than their master-lawmakers. I'm afraid we are living in the best of all possible worlds.

[Posted at 12/01/03 06:41 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Memory Gap](#)

In this age of [Moore's Law](#), with [iPods](#) holding 40GB of space, and more and more memory being crammed into smaller and smaller devices, with even greeting cards having microchips with entire tunes stored therein--in an age when we remember with nostalgic fondness, back in the 80s, when our PCs had 64kb--why O why does my new cordless telephone STORE ONLY 50 NUMBERS? My cell phone holds 200 for goodness sake.

[Posted at 12/01/03 11:43 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Merry Bush Xmas](#)

bush-xmas-card-1993-thumb2.jpgIf you're an FOB--friend of Bush--he sends you an Xmas card every year. For example, if you had given him a little chinga back in 2000, you'd have received 3 Christmas cards by now. Larger images: [outside of card](#); [inside of card](#).

[Posted at 12/02/03 12:45 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Presumed Innocent?](#)

Wendy McElroy has an excellent column up today on FoxNews, [Media Fails Public in Jackson Case](#), in

which she distinguishes between the legal presumption of innocence and public opinion. As McElroy notes, "There is no presumption of innocence in the court of opinion. That's a legal principle: A criminal defendant may not be convicted unless guilt has been proven beyond a reasonable doubt, with the accused bearing no burden to prove innocence." However, "The court of opinion can convict anyone on any basis. Issues of common decency certainly apply but everyone quite naturally speaks from their own concerns and opinions. This is healthy. This is human." This is a careful distinction not always maintained even by libertarians, who seem to think even aggressors are "innocent until proven guilty." No, an actual aggressor is not innocent; he has just not been proved guilty yet. The presumption of innocence is merely a way of saying the state has the burden of proving someone deserves punishment; it does not imply that a criminal is "innocent". The presumption of innocence is merely prophylactic and is meant to protect the actually innocent, not the actually guilty. If you catch someone red-handed committing a crime, we can presume they are guilty. This is in fact why self-defense is permitted--the victim is a direct witness to the crime being perpetrated, and need not "presume" that the criminal is "innocent". If it were possible to push a button and infallibly cause every criminal to explode at the moment of committing a crime, without due process, without a presumption of innocence, without mercy, this would be perfectly fine. The law sometimes prophylactically protects actual criminals as the price of limiting the powers of an even greater criminal--the state; but libertarians should not take this to mean the criminals are somehow innocent just because the state has been rendered unable to convict.

[Posted at 12/02/03 03:38 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Re: Merry Bush Xmas](#)



[bush-xmas-card-2001.jpg](#) In addition to the Bushes' [2003 Christmas card](#), here are the ones they gave out in 2001 and 2002: **2001 card:** [front](#); [back](#); [inside](#). **2002 card:** [front](#); [back](#); [inside](#).

[Posted at 12/02/03 11:47 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Re: The Problem with Atheists](#)

Assuming [you are right](#), Norman (from one Norman to another), about the flaws with atheist libertarians being they tend to be narrow and utopian... what's an atheist with paleolibertarian sensibilities to do? Not sure if you are claiming these problems are a tendency or necessary. If it's a mere tendency, it does not affect a given individual. It's like these studies of statistical "correlations," such as, people who play scrabble tend to have better love lives. That does not mean you can start playing scrabble to improve your love life--it might be that people that tend to have good love lives also tend to have the same interest that make you tend to like to play scrabble more than average. Likewise, a given atheist may be a utopian or narrowly selfish/libertine type, or not. If he is, his paleolibertarian status is marred because of these



qualities; if not, then not. So if it's just a tendency, it's not very controversial, just a slightly interesting, but not very useful, observation. (And frankly, my guess would be that most pot smoking types would tend to be religious, if only of the New Age variety, than atheist.) If it's a more categorical pronouncement, that one basically *cannot* be a true libertarian if you are atheist; that to be paleo means you must, ultimately, be theist; that there is some inconsistency, or tension, between the two--well, that's more provocative claim, but its accuracy is doubtful. What is necessary, IMHO, if an atheist or agnostic is to be a good paleolibertarian (and my recollection is that Rothbard was a prime example of this--agnostic that is), is that he not be the moral relativist, cynical, nihilist type of atheist, but must somehow embrace a set of strong moral values compatible with those shared by sincerely religious people.

[Posted at 12/03/03 12:42 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Re: Jury Nullification](#)

In response to my [previous blogpost](#), a reader writes: "If the prosecutor gets the idea that the prospective juror knows about jury nullification, that prospective juror will never be empanelled. I wasn't picked when I was subjected to jury duty and I only suggested that I didn't trust Police Officers to tell the truth." Yes. But it does not mean jury nullification is dead. It only means the citizens have to be intelligent, ejumacated, ethical, courageous, principled, and resourceful in order to exercise the right. So long as there is double jeopardy, we have jury nullification in place, to one degree or another. A couple years ago I was part of a 60-member jury panel in Houston. We were subjected to voir dire from the prosecutor and the attorney for the defendant--a grandmotherly woman being prosecuted for possession of many kilos of cocaine in the trunk of her car. Very long mandatory sentence. Of the 60 or so prospective jurors, I recall at least a dozen or so of us, during voir dire, admitting we could not vote to put this woman in jail for 30 to life even if she was proved guilty. So, we were all dismissed. I doubt any of us were using it as an excuse to get out of jury duty. I think we were all sincere.

[Posted at 12/03/03 02:36 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Reason and Liberty](#)

No, not the two magazines. The connection. In my view being moral and libertarian is completely reasonable. Careful application of reason is both necessary and sufficient to justify libertarianism. This is our starting point. We have a rational, justifiable set of politico-ethical beliefs. Certainly, we don't want to say libertarianism is *irrational*. So when we talk about the interrelationship between politics and atheism or religion, the question is simply: which is rational, supported by reason, compatible with the reasons underlying libertarianism? No doubt the leftist/libertine sort of atheism, at least, suffers from irrationalism. Many of these types do reject God not because of carefully developed, sincere reasoning, but for ulterior motives or rejection of Authority. I.e., they do not *like* the idea that someone might know more than them, or that there might be immutable standards of right and wrong to which they objectively should conform. So they stamp their feet like little brats and reject it. This is indeed irrational--it is believing something to be the case because one wants it to be true (or not), rather than because there are good reasons for it. But the juvenile rejection of authority is not, I believe, the only path to atheism. There are quite rational bases for it too. To the extent it is the more rational position, it of course has to be compatible with libertarianism, which is also supported by reason. When it comes to religion, there is certainly an irrational element there, to say the least. But if you analyze, say, certain careful Christian reasoning (I am thinking of Catholic reasoning such as the "No Rational Basis" section of [this article](#)), there is more careful reasoning there than even the paleo-atheist, perhaps influenced too much by Rand's religion-hostility,

might suspect. At the least, as Rothbard recognized, the moral teachings and natural authority and cultural importance of religion should not be hostilely rejected out of hand, as is many atheists' habit. Whether non-religiously-hostile atheism, or well-grounded religious views, is more compatible with reason, is a separate question (and not really a political one). But in my view, reason and rationality is the *standard* that must be used to decide the question of which is more compatible with libertarianism. (And I don't see how someone can deny this without falling into contradiction: to deny it is to employ some reason and to admit the efficacy of reason; so it would be simply self-contradictory to use reason in an attempt to show that reason is not the applicable standard.)

[Posted at 12/03/03 12:33 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Even More things not to do to a first-time Mom](#)

In addition to the [things mentioned previously](#), or [this](#), do NOT do the following. When your baby hardly ever cries but cried a lot when he got his first round of inoculations at 2 months old, so much that the wife cried and asked you to take him in for the second round of inoculations at 4 months old, so she does not have to hear him crying, don't do this: (a) call your home voicemail on your cell phone just as the nurse is giving the first of 4 shots, thereby leaving the [crying on your voicemail](#); and then (b) call your wife later that day from work, telling her there is a voicemail message someone left for her on the home telephone that she needs to check. Coda: when your wife asks you later, "did you cry when you heard him crying?" don't say, "No, I was too busy taping it."

[Posted at 12/03/03 12:59 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Objectivists, Neocons, and Liberals](#)

[Ann Coulter vs. Al Franken](#), by Harry Binswanger. "Summary: The value of Ann Coulter's book (abstracting from its flaws) is not in its concretes, but in the ideas that the concretes illustrate. Yes, Coulter is savage, overstates, ridicules, and sometimes oversimplifies. But she has a mind. Al Franken does not. She sees the big picture of what's going on in this country. Franken not only doesn't, he twists the picture..."

[Posted at 12/03/03 03:48 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Patently Funny](#)

IP cartoon someone sent me.

 IPcartoon.JPG

[Posted at 12/05/03 05:49 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Liberals and Free Speech](#)

Further confirmation of the proposition that liberals are at least as bad on civil rights as conservatives: the liberal Justices of the Supreme Court tend to be worse than the others on free speech and related matters. In a [decision](#) handed down today, the Supreme Court upheld key parts of the Campaign Finance Law. "Justices John Paul Stevens, Sandra Day O'Connor, David Souter, Ruth Bader Ginsburg and Stephen Breyer signed the main opinion barring candidates for federal office, including incumbent members of Congress or an incumbent president, from raising soft money." ([More info](#) about the case, *McConnell v. Federal Election Commission*.)

[Posted at 12/10/03 11:03 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Bush the Jurist](#)

A friend of mine send me this quote by Bush, from an [article](#) about the Iraq contract flap: "Bush scoffed at a question seeking his reaction to German Chancellor Gerhard Schroeder's statement on Thursday that international law must apply to the awarding of the contracts. "International law? I better call my lawyer," [Bush] said." My friend commented, "I disagree with lots of things Bush has done, but I just love the guy. This quote is priceless." I can't say I completely agree, but something about the quote is a bit amusing. Maybe it's just that it pokes a stick in the eye of the utopian one-worlders. Maybe it's that at least we don't have a lawyer in the White House right now. Maybe it's the thought of French and German leaders hearing of Bush's retort and sputtering with indignant outrage trying to think of a way to respond.

[Posted at 12/12/03 12:07 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Randians on the War Between the States](#)

In an email exchange I remarked to Roderick Long, "Come to think of it, the Objectivists seem to be

strangely silent on the question of the Civil War." Long replied, "Actually not so silent -- the [Ayn Rand Institute](#) has come out for the South (they endorsed Tom's book [on Lincoln]!), and the [Objectivist Center](#) has come out for the North. (This is somewhat puzzling, since the Ayn Rand Institute is far more imperialist/warmongering than the Obj. C. on most issues.)" As for TOC, see this [soft-on-Lincoln piece](#) by David Mayer. I couldn't find the endorsement of DiLorenzo on ARI's site, but did find [this comment](#), in opposing reparations: "Slavery was evil, but America atoned for it during the Civil War

[Posted at 12/12/03 02:22 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Joy to the World](#)

Peggy Noonan's Sunday column, [Joy to the World](#), opens thus: "First, let's just be happy. Let's feel a burst of joy. "Let's not be boring people who Consider the Implications. Let's not talk about the domestic political impact. For just a day let's feel the pleasure history just handed us." Why, Peggy, why? She gives no reason whatsoever for this suggestion.

[Posted at 12/15/03 11:06 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [The Conservative Cookie Rebellion](#)

Excellent Wendy McElroy [column](#) about the hysterical reaction of liberals to Affirmative Action Bake Sales put on by conservative student groups to expose the absurdity and unfairness of affirmative action.

[Posted at 12/16/03 11:19 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Such is politics--](#)

and a late 30-something's eyesight--that, when I mistakenly read the Drudge Report headline, [Deer Wanders Through D.C. Subway Station!](#) as "DEAN Wanders Through D.C. Subway Station!," it didn't seem that outlandish.

[Posted at 12/16/03 11:16 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Bush on Freedom](#)

Bush [says](#): "I believe, firmly believe

[Posted at 12/17/03 11:18 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Ebert on LOTR](#)

"That it falls a little shy of greatness is perhaps inevitable. The story is just a little too silly to carry the emotional weight of a masterpiece." How can [Ebert call it](#) silly? Did he see the march of the Ents? That was wicked cool. But at least he gives it 3.5 stars. [Others](#) aren't being shy in handing out top marks. I have not seen it yet, but will go ahead and give it 4 stars.

[Posted at 12/17/03 04:11 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Small Victory](#)

[Record Industry May Not Subpoena Providers](#) (Thanks to Tim Swanson) Addendum: [Blow to online music piracy fight](#): "Attempts by the record industry to fight music piracy on the internet have suffered a double setback. ... A US court said that the recording industry's methods to find music swappers are not allowed by the law. ... In a separate ruling, the Dutch Supreme Court decided that the popular file-sharing program, Kazaa, is not breaking the law. "The Recording Industry Association of America had issued hundreds of subpoenas to force internet providers, such as Verizon, to identify customers suspected of file-swapping. "But Verizon argued that existing copyright law did not give the recording industry the power to force it to hand over names and addresses of their subscribers. "A three-judge panel has now agreed with its interpretation of the law, overturning an earlier ruling that had approved the use of subpoenas. [...] "There was more bad news for the record labels, this time from the Dutch Supreme Court. ... It ruled that the world's most popular file-sharing program, Kazaa, was not breaking the law. ... The Dutch court said that the developers of the software could not be held responsible for how individuals used it."

[Posted at 12/19/03 11:54 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]


## [Humor and Diversions](#)

(since I have nothing to report on the Chaldean front.) [Real men](#) from Manly Web. Funny [article](#) on Saddam--the Ba'athist who won't bathe--by Mark Steyn. [Brian's Quotes-n-Junk](#) -- e.g.: "Hello, this is God. Whenever I'm in Pittsburgh -- which is all the time, since I'm omnipresent -- I listen to all the radio stations at once, including WRCT. --Promotional spot heard on a college radio station" "I know how to spell banana, I just don't know when to stop" "Tell a man that there are 300 billion stars in the universe, and he'll believe you.... Tell him that a bench has wet paint upon it and he'll have touch it to be sure." "All men are mortal. Socrates was mortal. Therefore, all men are Socrates. --Woody Allen" Breasts suck babies in reverse universes. I can see stopping a car for a dog. But a cat? You squish a cat and go on. I think we're overcomplicating life. --Iowa Democratic State Senator James Gallagher Luke, I'm yer father, eh. Come over to the dark side, you knob. --Dave Thomas, "Strange Brew" Bumper sticker seen on the stealth bomber: IF YOU CAN READ THIS, THEN WE WASTED 50 BILLION BUCKS. --David Letterman I feel Clinton's opposing the Vietnam War isn't an issue, and I probably would have done the same. As far as Clinton supposedly cheating on his wife, what do people think he's going to do? Be president of another country while he's president of ours? --Tom R., age 12, Woodstock, IL I am Homer of Borg. Resistance is fut.... mmmm... donut!

[Posted at 12/19/03 11:09 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Res ipsa loquitur.](#)

One of the first mileage signs encountered on I-10 when entering Texas from Louisiana. Texas is big--and

 Beaumont El Paso Mileage signs.JPG

Texans want you to know it.

[Posted at 12/27/03 10:53 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Nuggets on Patents](#)

From the pages of the Pennsylvania Bar Association's IP Section newsletter, the "Did you Know" column, which I contributed to a few times, years back, when I was an editor--a couple of little pieces, one a funny excerpt from Tuccille's It Usually Begins with Ayn Rand on Galambosians and IP, the other debunking a myth about the end of invention. [view file](#) [PDF].

[Posted at 12/30/03 01:21 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Combo #5](#)

This little [Flash video](#) is cute and catchy; from [this site](#).

[Posted at 12/31/03 11:07 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Walter Block on Road Socialism](#)

Articles related to privatized roads etc. recently posted on [WalterBlock.com](http://WalterBlock.com):

- "Road Socialism," *International Journal of Value-Based Management*, 9 (1996): 195-207
- "Compromising the Uncompromisable: Speed Limits, Parades, Cigarettes," *Asian Economic Review*, Vol. 40, No. 1 (April 1998): pp. 15-29
- "Theories of Highway Safety," *Transportation Research Record*, #912, pp. 7-10

[Posted at 01/02/04 11:20 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Patents, Prescription Drugs, and Price Controls](#)

As a libertarian, of course, I'm opposed in general to price controls. But a limited case can be made for a version of price controls in the case of prescription drugs. Hear me out. Medicare is of course an unjust, unlibertarian program that amounts to wealth transfer from taxpayers to Medicare recipients. Expanding Medicare to include prescription drugs exacerbates the amount of theft. What makes the additional theft even worse are the artificially high prices charged by pharmaceutical companies for their drugs--artificially

high due to the patent monopoly and FDA regulatory process. What this means is that the federal government is spending billions of taxpayer dollars on prices inflated by federal government laws. It's ridiculous. If the feds insist on stealing out money to purchase drugs for seniors, the least it can do is buy them at the cheapest possible price. One way to do this would be to simply issue compulsory licenses to generic drug manufacturers for any patented drug covered by Medicare. (The feds can [license](#) third parties to manufacture patented articles, without patent infringement liability; this was [threatened](#) in the Cipro anthrax drug a couple years ago. Yes, the feds have to pay "compensation" to the patent holder, but the level of compensation is bound to be less than the monopoly profits normally reaped by Big Pharma.) This could be done selectively, for patented drugs for which an "exorbitant" price is being charged. In short, Big Pharma would be told: "Lower your price or we will short-circuit your patent." Unfair, some might argue. Why? Drug companies are not entitled to the patent monopoly in the first place. So how is it a violation of their property rights for the government to threaten to take it away unless prices are lowered? Any drug company would be free to ignore the threat and compete on the free market (i.e. without patent protection). Couple other comments: There is no reason to restrict this "price control" technique to drugs purchased by Medicare--it could be used to de-inflated patent-monopoly-inflated prices across the board--Medicare, and other drug customers, would all benefit. Second, even if there is a utilitarian case for patents, there is no reason for a one-size-fits-all policy--the "reward" need not be so high in all cases. So, there could be a commission or board which looks at each patented drug and determines a "fair" rate of return and limits profits to that amount--on pain of losing the patent. Also, of course, all FDA barriers to drug reimportation should be removed; and abolishing the FDA would also help lower drug prices. Yet another approach would be to lower the patent term from approximately 17 years to 5 or so years for pharmaceuticals (and/or adopt a "utility model" type of patent system used in some other countries, where the patent term is shorter than the normal "utility patent" but it's easier to obtain the patent--for the utility patent, both novelty and non-obviousness ("inventive step") must be present; for the utility model, the invention need only be novel.) Or as a patent attorney friend writes, "If you have to deal with the patents I'd rather see a bidding process. For example a person seeking a patent could disclose their invention subject to a confidentiality provision. Then the govt. and the inventor could bid for patent term. Govt could say "I'll give you a 2 year monopoly for that stupid idea." Drug co. could say "What, no way. I can't live on that I need at least 20 years." Then they meet in the middle, or not as the case may be. The same process could be used for all inventions not just drugs."

[Posted at 01/05/04 01:20 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Objectivism v. Anarchy](#)

Email from Bob Bidinotto: For decades, arguments have raged between advocates of limited government and of anarchism, AKA

[Posted at 01/07/04 09:48 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Recent Liberty](#)

In the January 2004 *Liberty*, Leland Yeager has a piece, "Monarchy: Friend of Liberty", which cites [Hoppe's Democracy: The God that Failed](#) favorably. Interestingly, *Liberty* previously published [a piece](#) by Tom Palmer critical of monarchy. I guess *Liberty* is okay with a pro-monarchist argument if the case, like Yeager's, is sufficiently utilitarian. (See previous discussion re the Palmer article on the LRC blog [here](#) (NSK); [here](#) (Tom D), and [here](#) (Lew).) In the same issue of *Liberty*, law student Greg Newburn has a strange "Harangue", "Time to Get Real," arguing for a pragmatic strategy for achieving liberty, in which

he mentions libertarian theorists and scholars Hoppe, Tom Palmer, Tom DiLorenzo, etc., apparently as examples of eggheads who are no longer relevant. He argues that the libertarian movement is "a joke," and writes, e.g., "When you get right down to it, libertarianism is a political punch line. If Hans Hermann Hoppe [sic--there is a hyphen between the first 2 names] isn't being mocked by political scientists for arguing that democracy is "the God that failed," (or calling Gary Becker an "intellectual criminal," or saying that Chicago School economists are "worse than communists," or ...), then "Bureaucrash" is being mocked by college kids across the country for coming up with yet another lame "counter-protest" in the futile effort to take liberty "to the streets." Methinks Newburn's little efforts are also "futile" ... and though his neutral, uncommitted style leaves it ambiguous as to whether he himself also views Hoppe, DiLorenzo, et al., with scorn, or only reporting that others do, it seems that he is endorsing it a bit. Moreover, he is confused when he attacks sound, radical, theoretical arguments for liberty, and Libertarian Party strategy/success in the same breath. He ends up endorsing Ron Paul as the model of political strategy we should adopt. But a "Paulist" need not dismiss the important insights of Hoppe, DiLorenzo, and others. Ron Paul himself is certainly not an anti-intellectual rube, so I'm not sure why Newburn implies his pragmatic strategy has to be.

[Posted at 01/08/04 09:25 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [IP in Chiner](#)

From Ron Liebermann: "Here is an [interesting article](#) on Intellectual Property rights in China. The interesting part is the apparent attempt by the Chinese government to criminalize the sale of normal production equipment to "unauthorized" persons."

[Posted at 01/08/04 10:26 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Re: IP in Chiner \(nothing could be finer\)](#)

From Colin in Shanghai: "Hi Stephan, I just read the interesting [article](#) about China's enforcement of IP laws, that [you mention](#) on the LRC blog. The article paints a very unrealistic picture of the 'so called' enforcement of IP laws here. Having lived in Shanghai for over 3 years I've watched the pirated DVD industry explode and become ever more open and easily obtained. Prices have dived from 10RMB (US\$1.20) to 6RMB (US\$0.80) per DVD and quality continues to improve. There must be at least 50,000 people employed in selling DVDs in Shanghai alone, just 1/80th of China's population. It would be hard to overstate the influence that Sex in the City, in particular, but also shows like Friends and Ally McBeal are having on the Chinese. It is the best thing for English learning that has ever happened to the country. The report above is just lip-service to the powerful industries that the Chinese government must please in order to fulfill its WTO obligations.

[Posted at 01/09/04 09:30 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [The Nerve](#)

Thirteen-year-old "surfer Bethany Hamilton [returned to competition Saturday](#), just 10 weeks after losing her left arm in a shark attack." She "placed fifth in her age group in the Open Women Division of a National Scholastic Surfing Association meet at Banyans." But she "rejected any special treatment, said Bobbi Lee, NSSA Hawaii Conference director." "I offered to give her more time (between heats) or put her in a more favorable heat," Lee said. "She refused. She said she wanted to be treated like anybody



else." The nerve! How DARE she not take advantage of the therapeutic state's munificent gifts like the Americans with Disabilities Act? She sounds like a pesky individualist, merit-oriented, achiever type. She probably bought herself a Homeland Security Department file with that brazen stunt.

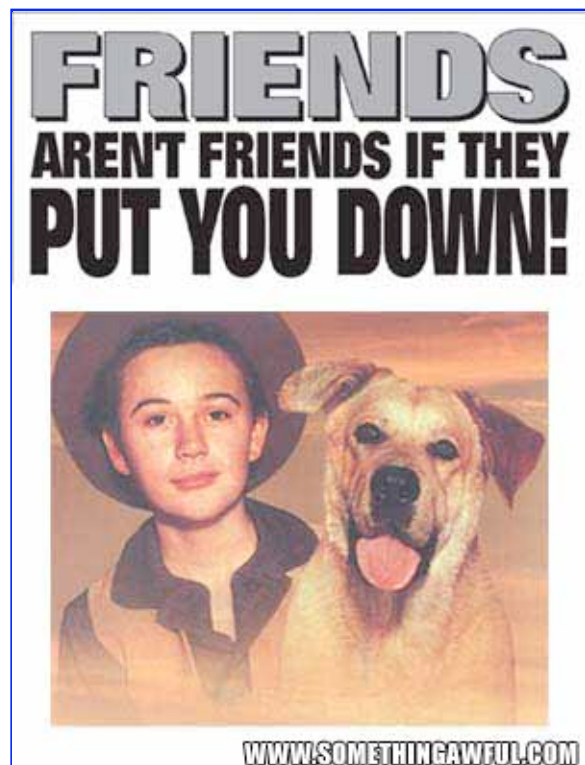
[Posted at 01/11/04 01:02 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [The Meaning of Anarchy](#)

Butler Shaffer has an interesting article on LRC today, [What Is Anarchy?](#). It almost preempts an article on my to-do list, "What It Means To Be An Anarchist"--but I have some other points to make that Butler didn't. In any event, Shaffer makes the insightful point that we are in "anarchy" with our neighbors. Also of interest is the JLS article by Alfred G. Cuzan, [Do We Ever Really Get Out of Anarchy?](#), which argues that even the government itself is in anarchy, internally--the President does not literally force others in government to obey his comments, after all; they obey them voluntarily, due to a recognized, hierarchical structure. Government's anarchy is not a *good* anarchy, but it demonstrates anarchy is possible--indeed, that we never really get out of it.

[Posted at 01/13/04 11:31 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Unacceptable Humor](#)



(blame Tim Swanson)

[Posted at 01/13/04 04:19 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Progress!](#)

[U.S. To Give Every Iraqi \\$3,544.91, Let Free-Market Capitalism Do The Rest](#) (from the hilarious The

Onion)

[Posted at 01/13/04 06:09 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [The Stupidest Thing I Have Ever Heard Of](#)

[BBC to broadcast silent orchestra](#)

[Posted at 01/13/04 07:13 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [It's the Glycemic Load, Stupid](#)

From latest issue of *NewsWeek*: [Going Beyond Atkins](#). "There's no question that carbs can make you fat. But are bunless burgers the best alternative? Here's a healthier, and tastier, way to cut carbs". Says "many experts now believe that Atkins was at least half right in condemning carbohydrates" -- but that the real key is to eat foods with a low glycemic load (good carbs) and shun those with a higher glycemic load (bad carbs). (The article also points out that Atkins theory is just a revival of William Banting's "Letter on Corpulence, Addressed to the Public," published in London in 1863.)


[Posted at 01/14/04 02:24 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Virtual Keyboard](#)

Technology is cool: [Virtual Laser Keyboard Hitting the Market](#) ([link2](#)). Cool idea, maybe better than the little playtoy Palm thingies in use now, but still won't work well, with no tactile feedback. My view is none of this will really catch on until robust, easy, semi-smart voice-recognition becomes ubiquitous.

[Posted at 01/14/04 03:50 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Gotta Love This Soldier](#)

 Hillary Clinton With Soldier.jpg

(Courtesy Jeremy Sapienza)

[Posted at 01/14/04 11:36 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Reason Blog on Anarchy](#)

Re Karen's post about the [Reason blog](#) discussion of anarchy and Butler Shaffer's article, [What is Anarchy?](#), I've posted my own reply, which I repeat below in case some joker takes it down. "Most libertarian opponents of anarchy appear to be attacking a straw man. To be an anarchist does not mean you think anarchy will "work"; nor that you predict it will or "can" be achieved. It only means you believe (a) aggression is not justified; and (b) states necessarily employ aggression. Anyone who is not an anarchist must either believe (1) aggression is justified; or (2) states do not necessarily employ aggression. View (2) seems plainly false. States tax their citizens, which is a form of aggression. They outlaw competing defense agencies, thus also employing aggression. As for (1), well, socialists and criminals also feel aggression is justified. But I have yet to see anyone--criminal, socialist, or anti-anarchist--show how the initiation of force against innocent victims is justified. Conservative and minarchist-libertarian criticism of anarchy on the grounds that it won't "work" or is not "practical" is just confused. Anarchists don't (necessarily) predict anarchy will be achieved--I for one don't think we will. But that does not mean states are justified. Consider an analogy. Conservatives and libertarians of both stripes would all agree that private crime (murder, robbery, rape) is unjustified, and "should" not occur. Yet no matter how good most men become, there will always be at least some small element who will resort to crime. Crime will always be with us. Yet we still condemn it and work to reduce it. To my claim that crime is evil and unjustified, it would just be silly and non-responsive to reply, "but that's an impractical view, since there will always be crime." The fact that there will always be crime--that not everyone will voluntarily respect others' rights--does not mean that it's "impractical" to oppose it; nor does it mean that crime is justified. Likewise, to my claim that the state and its aggression is unjustified, it is disingenuous and/or confused to reply, "anarchy won't work". The fact that not enough people are willing to respect their neighbors' rights to allow anarchy to emerge, i.e. the fact that enough people (erroneously) support the legitimacy of the state to permit it to exist, does not mean that the state, and its aggression, are justified. Other utilitarian replies

like "but we need a state" do not contradict the claim that states employ aggression and that aggression is unjustified. It simply means that the state-advocate does not mind the initiation of force against innocent victims--i.e., the criminal/socialist mentality. As there are criminals and socialists among us, it is no surprise that there is a degree of criminal-mindedness in most people. But none of that means the criminal enterprises condoned by the masses are justified.

[Posted at 01/16/04 03:11 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Dyslexic Anarchists of the World--Untie!](#)

Lots of good emailed comments on my LRC article today, [What It Means To Be an Anarcho-Capitalist](#)--surprisingly, universally in agreement so far. E.g., this one by Frank Van Dun: "Before I exceeded my disk quota on the server, I had the following remark on my website: 'An anarchist does not want to rule others and does not want others to rule him. Nothing is so despicable as half-an-anarchist.'" BTW, the debate on related topic continues on the [Reason Blog](#).

[Posted at 01/20/04 01:42 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Mars and Schwimpes](#)

Who says going to Mars is bad for capitalism? Not [Long John Silver's](#): "IF NASA FINDS CONCLUSIVE EVIDENCE OF AN OCEAN ON MARS, AMERICA EATS FREE GIANT SHRIMP [...] LONG JOHN SILVER'S FIRST TO CAPITALIZE ON MARS EXPLORATION WITH OUT-OF-THIS-WORLD OFFER, SETS SIGHTS ON FIRST SEAFOOD RESTAURANT ON MARS"! (Schwimpes is how some people in my home state pronounce "shrimps".) (Link courtesy Tim Swanson.)

[Posted at 01/20/04 01:48 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Anarchy Reigns](#)

... on the [Reason blog](#) discussing [anarcho-capitalism](#). Reproduced below is my most recent entry, in reply to Robert Bidinotto's latest post (Bidinotto's remarks surrounded by > and <: >In light of the comments following my previous post, let's recall that the core moral argument by anarchists was not that anarchism is "not as bad" as government; it was that government is inherently aggressive, while anarchism is not. >Isn't it fascinating, then, that when challenged on an inherent moral contradiction within their theory, anarchists suddenly switch their argument to: "Oh, but government is far worse!" (Says one: "What I find striking is almost every criticism minarchists hurl against anarchy, applies also to minarchy."< That was me--and it was meant to point out the criticisms of the minarchists are flawed criticisms, since the criticisms apply equally to minarchy. It was not switching ground. >Now, now, folks: let's stick with your original MORAL contention. Your MORAL rationale for anarchism is that it does not inherently entail aggression (initiation of force), while government inherently does. >Specifically, the moral claims of anarchists are that (1) government must compel involuntary taxation to sustain its activities, (2) government initiates force and coercion to outlaw "competing" protection agencies and legal systems, and (3) anarcho-capitalism avoids both moral problems. >Here are my summary replies: >(1) There is no inherent reason why a government that's limited only to bare-bones justice functions will require taxation to exist. The necessary services of government--police, laws, courts--could be funded voluntarily, on a fee-for-service basis, along with such supplemental mechanisms as lotteries.< No "inherent" reason? Okay. Fine. If you only advocate a government that does NOT have the power to tax, maybe we anarchists

would have no problem with it. If someone advocates a state that can tax, anarchists are against it. If they advocate something called a state, but that can't tax, it is less problematic, maybe not problematic at all. However, it is not unfair here to point out that no limited state -- certainly not a tax-free one (other than the Vatican, which depends on voluntary donations, but which I suspect Objectivists do NOT want to hold up as an exemplary government) -- has ever existed. This is indeed relevant -- because it makes it clear that if someone advocates a state, they cannot avoid advocating taxation, since all states as at least a practical matter do tax. >(2) Governments do not need to outlaw "private protection agencies"--and in actuality, they don't. We already have an abundance of private detectives, security police, mediators, arbitrators, bodyguards, prisons, etc., all operating legally and in parallel to the governmental system. >However, government does require that all such individuals and agencies conform to, and operate within, a single, overarching framework of law.< It is the recurring assumption of Objectivists that there has to be a "single" or "final" or "authoritative" (read: government or state issued) "source" of law. Why? Why is a "single" source more likely to lead to just results? Why is it axiomatic that this be the case? Why is it not at least POSSIBLE that equally good, or better, justice, might be obtained in some kind of plural system than one having a "single" or "final" decision-maker? Isn't justice more important than finality? Isn't substance more important than form? Further, what in the world makes people think that a "final" (read: one-world state) decision maker will, or even CAN, have a reliable system for generating just results? Every "monopoly" system we know of does NOT do this. > Why? Because you can't allow "market competition" over the very definitions and meanings of such basic legal principles as "justice," "rights," "aggression," "self-defense," etc. < Here is where it is relevant, to point out that the criticisms minarchists hurl against anarchists apply to them too. When a given society-state per minarchists' dreams is developing, it must have some way of arriving at the "correct" "meanings" of basic legal principles. Various people have input into this. There is "competition". What makes any minarchist think the state would happen to stumble upon the RIGHT set of principles to enforce uniformly and finally upon all within its domain? Why is it more LIKELY that a state would happen to develop just principles, than those that would be adopted by private justice agencies? This just makes no sense to me. I suppose the minarchist would reply, "because that's what we are ADVOCATING--that a state be formed with X,Y, and Z libertarian principles." Well the anarchist could equally well say, "but we are in favor of private agencies that also abide by X, Y, Z libertarian principles." >You can't have a viable, peaceful society with each competing individual, demographic group, street gang, religious faction, et al., deciding, unilaterally and subjectively, who is a "victim" and who a "criminal"--then claiming the "sovereign right" to ignore the contrary legal claims, rules, definitions, principles, and verdicts of everyone else.< I do not understand the proof for this claim. Evidently the minarchist believes justice is somehow possible, in a state system, even though it is subject to the same "problems"--e.g., in a given state, or when it is developing, there are competing factions; there are individuals trying to decide things "unilaterally and subjectively", and someone could claim the "sovereign right" to ignore the contrary legal claims, rules, definitions, principles, and verdicts of everyone else." If states are immune from this criticism, why are private justice agencies subject to it? >Most of the saner anarchist theorists concede that a "just" agency or even an "innocent victim" has the right to forcibly respond to an "aggressor." But in the marketplace, which is governed solely by profit incentives who will define who is the "aggressor" and who the "victim"?< But what is the government motivated by? The profit motive? or something else? altruism? benevolence? some divinely inspired rulers who we can trust completely? If human nature is such that we would support and indeed insist upon government officials who abide by libertarian principles when setting up the government--why do we assume that the same individuals, when evaluating the standards of justice of their justice agencies, would be radically different? If they won't stand for government tyranny, why would they stand for private agency tyranny?? It just makes no sense. > Which "private defense agency" has the final authority to enforce its definitions against those used by other competing agencies--or against

individual "hold outs" who disagree--or against all those who proclaim a "sovereign right" to "secede" from that agency's determination?< Again, why must there be a "final" authority? The libertarian is interested in justice, not in finality for finality's sake. If the standard is that anarchy is not perfect, agreed, it is not. Nothing is. States certainly are not--even minarchist states would not be. Minarchist states' justice functions could make mistakes. They could even apply the wrong standards. They could fail to prevent some crimes. They could fail to punish some crimes. I.e., in ANY society, some crime will OCCUR--it will not be prevented. It might not even be caught later. I.e., sometimes, there will be travesties of justice. Sometimes, criminals WILL get away with it. If there are two justice agencies involved in a given crime situation, one would think they could work out some kind of solution or compromise. If not, justice just won't be done in that case. So what? Why does any system, to be just, have to be 100% infallible and efficacious? This is an impossible standard, and ignores the reality that humans have volition and CAN and WILL sometimes commit crime. So if a criminal, or criminal gang, or criminal agency, somehow escapes punishment from some justice agency (e.g., it "secedes"), this is just a case where the criminal got away with it. This will happen in ANY justice system, of necessity. I fail to see the relevance re anarchy's moral standing.>When "push comes to shove," the "private defense agency" faces a basic choice. Either (a) it uses coercion to enforce its verdict upon the "hold out" (or upon the opposing "competitor agency"), or (b) it fails to enforce its verdicts.< Holdouts are different from competing agencies. Suppose a criminal is loose, and has robbed customers of agency A and B. A catches and imprisons him. B wants him to execute him. A might refuse to release him. That does not mean A is a criminal; it just means there is only one criminal to go between them and A got him first. A and B MIGHT fight, true, but it is unlikely (for various fairly obvious reasons). If B's customer attacks A's customer, and agency B refuses to punish its own customer and refuses to turn him over to A's agency for punishment--yes, B would start to be seen as a rogue agency. But at worst, this is, again, only a case where justice was not done; but justice is never guaranteed to be done (if it were, there would never be crime, period). Moreover, similar things are possible even in today's multi-state world; so the only way to avoid this, if it is really the serious problem minarchists say it is, is to have a one-world state (a serious charge which Bidinotto does not address). But in my view such a result is unlikely in anarchy anyway: A and B would have agreements with each other about extradition, nepotism, etc.--it would make for good business sense and justice; and it would help attract customers. Etc. (Keep in mind too even in today's society: we have a multilayer government, both vertical and horizontal/geographically; sometimes the feds, or states, all want a criminal; sometimes they work it out w/ extradition, sometimes they don't. This is not some flaw of the justice system, but rather, one of the consequences of the fact that someone committed multiple crimes.)>If (a), then the "private defense agency" is coercively "eliminating the competition"--that is, it's behaving as a "legal monopoly on force," in exactly the same way that anarchists find morally intolerable when a government is doing it.< Not necessarily true. If agency A subdues B with force, b/c B is harboring criminals, in principle, this is not unlibertarian. This is different from a state outlawing on principle any competing defense agency. For example, no state would ever allow a private agency to arrest a state official on grounds that he is helping to promulgate/enforce unlibertarian laws.>If (b), however, then the agency's pronouncements are toothless and impotent. In that case, all that anyone need do to evade the private agency's criminal laws, verdicts, and sentences is simply to ignore them.< But this is such an empirical judgment it is not so easy to just pronounce upon. Let's think. The minarchist society will NOT be achieved UNLESS most individuals improve their understanding of liberty, rights, economics, etc. Minarchy presupposes most people are more libertarian. Otherwise we could not get there. So while we're presupposing away--consider: in today's society, most people are pretty decent; they would not steal their neighbor's car even if they could get away with it. They voluntarily respect each others' rights. If people were several levels more moral--say, if they were moral enough to support the kind of minarchist government Bidinotto et al. favor--is it really such a leap of imagination to think that maybe, just maybe, that in anarchy they would

not patronize "bad" agencies? Or that the problem of crime would be so low (most people would not voluntarily commit one, after all), so marginal, that the PDAs that exist would really have a pretty minor function. Say 999 out of 1000 people are law-abiding; and 1 is a bad guy. If he is spotted, or caught, why is it inconceivable that the 999 good guys--and their agencies--would not find some reasonable way to deal with him? (Yes, by force.) Why do minarchists think it's possible to transform human nature enough to achieve minarchy, but not possible to go one small step further, to a situation where very little crime-prevention is needed anyway? Galt's Gulch in *Atlas Shrugged*, if you read it closely, is virtually anarchistic. >To repeat, it's really either/or. Either "private defense agencies" enforce their laws, or they don't. If they do, then they're coercively imposing their private legal systems on their competitors--and there goes their claim to morality.< I find this wording ambiguous. If they impose justice on criminals, no problem. If there is a rogue agency--one applying non-libertarian principles--then it's just a criminal, basically. If there are multiple "libertarian" agencies--all applying "just" rules--then why do we automatically assume they would have to attack each other if there is a dispute? Why wouldn't justice-agencies, which arise in a society where almost everyone already agrees upon libertarian principles, and applying primarily libertarian principles themselves, -- why wouldn't they try to have a peaceful way to solve a dispute? If A and B disagree about how to handle a given criminal case or defendant--why wouldn't they submit the case to some neutral third party, like agency C? That would help them retain their reputation for being "peacelike" and civilized, for example. In fact A, B, C, and others would probably tend to have inter-agency agreements that establish ways of dealing with such cases. Why is there an assumption that multiple agencies MUST go to war? I know Rand opined that this must be the case, but I never found her reasoning on this very careful or sincere, or sound. >But if they don't enforce their laws, then criminals will remain free to prey with impunity upon innocent individuals--and there goes the neighborhood.< Imagine 5 agencies in a city the size of Houston. If between them a given criminal gets away scot-free, that is not a fault of anarchy, but a fault of the fact that crime is possible. Even in a state system, crime happens, and sometimes criminals get away. So I suppose you are talking about a problem where 2 or more agencies disagree about how to handle a given criminal-? or case? Assuming the agencies themselves are not criminal and not fighting one another, seems like the most likely WORST case is that a more lenient (or more unjust--looser evidence standards, etc.) agency is the one who catches and convicts a given defendant. But even in this case--why is it automatically the case that the agency that does do the punishing is going to have an "unjust" verdict? Why can't it be that all the agencies have different systems, yes, but all within an acceptable range? And even if the "worst" (most inept; most unfair, whatever) agency is the one who gets to hold the trial-- why is this any worse than what happens in a state system--namely, a given court system with given rules hears the case! Why do we assume that the typical private agency's substantive rules and procedures will be less-just than those that a state would have? If anything, it's the other way around. >Again, the moral case for anarchism is not that it is LESS BAD than government, or that governments HISTORICALLY have not acted properly. The basic anarchist claim is that anarchism is inherently non-aggressive, while government is inherently aggressive.< No, that is MY argument. I think it is also a good argument that all government has been terrible, and that there is no reason to expect any state ever to be limited. Given this, one could argue that a state-less society might be better than the only other real alternative--a LARGE state society. >There is nothing "immoral" or "aggressive" about an institution having the final authority to render and enforce just verdicts, according to objective procedures and rules of evidence.< Yes, there is, because "final" implies it can just rules/objective procedures. In fact, it seems that the only way you can justify this outlawing is to INSIST there be ONE agency with FINAL decision making authority. But this begs the question, no?--since this means a state. >Experience tells us that criminals do not respond to suggestions.< Agreed. That is why people would employ force-wielding agencies to protect them. >And experience also tells us--or most of us--that to protect individual rights, society needs a single agency that retains the ultimate power to

enforce justice for all.< This desire for "a single agency" in "society" implies only a one-world state will do. Moreover, how in the world can "experience" teach us we need a "single" agency, when we have never had one, we have always had a plurality of states. And experience does not even teach us that "a single agency" within a given geographic region is needed to "enforce justice for all"--since STATES NEVER DO, NEVER HAVE, NEVER WILL ENFORCE JUSTICE FOR ALL. This is what experience teaches. I will say this. If Bidinotto is right that the case for anarchy is flawed--and he may be--all this means is that justice is IMPOSSIBLE to achieve. We will never achieve it, because anarchy won't do it (according to Bidinotto), and states won't do it either (according to experience and reason), since states will never stop exceeding the bounds they should stay within.

[Posted at 01/21/04 11:18 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Gospel Clown](#)

 lovejoy2.jpg

On the one hand,



I love [this](#). On the other hand, it frightens and confuses me. First saw this a couple years ago--a friend saw a flyer stuck on the wall of a Chinese restaurant. Ever since it's been on the ledge of the whiteboard in my office. Every day... Lucy stares at me.

[Posted at 01/22/04 05:04 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [More on Anarchy](#)

Re [recent discussions](#) of this topic--Fran

[Posted at 01/23/04 02:46 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [What's So Bad About Slavery?](#)

A thought: nothing is wrong with slavery *per se*--a criminal who is imprisoned as a result of a crime is in essence enslaved. The problem with slavery--e.g., of Africans in the antebellum US--is that the slave is enslaved not as punishment for a crime but because of some other irrelevant action or status (e.g., being black). But this is the same problem with all positive laws that outlaw peaceful behavior, e.g. tax laws, drug laws, and so on. Yet most opponents of African slavery do not oppose all victimless crime laws. That is, they are not against slavery. They are happy with actual criminals (aggressors) being enslaved (as are we libertarians); and they have no problem with enslaving other non-aggressors, who happen to violate whatever arbitrary positive laws are on the books. They are not anti-slavery at all. They simply seem to oppose one narrow *ground* for slavery--that is, they are against enslaving people based on the blackness of skin, but don't seem to have a problem with other arbitrary and unfair "grounds".

[Posted at 01/23/04 02:53 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Steal This Article](#)

Just kidding. [The Tyranny of Copyright?](#), Robert Boynton, *NY Times*.

[Posted at 01/24/04 06:15 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [The Dean Yell](#)

[Raauurraauhhgg!](#) ([slower](#); [backwards](#); [other links](#)).

[Posted at 01/24/04 07:27 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Re: Revisionist Physics](#)

Followup to [this post](#) about Lewis Little's physics theory of elementary waves (TEW). A report of a purported breakthrough in the TEW. According to Dr. Little, "I am pleased to announce that the TEW explanation for double delayed choice experiments has now been worked out ... I welcome comments." [EXPLANATION OF THE INNSBRUCK DOUBLE DELAYED CHOICE EXPERIMENT](#) By Lewis Little ([link2](#)).

[Posted at 01/26/04 01:14 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [The Eagle Is Grounded](#)

Recent IP snippets: [The Eagle Is Grounded](#), by Thomas Goetz, *Wired*. "While America works to protect intellectual property, everyone else is innovating" Also: [Dash for booty spurs ugly war with ugg boots](#) (Links courtesy of Tim Gillin)

[Posted at 01/30/04 06:14 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Libertarians and Intellectual Property--yet again](#)

From the [Reason blog](#): "Lawrence Lessig is on the right side of [this little spat](#) with Cato's [Adam Thierer](#)

[Posted at 01/31/04 11:42 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Real anarchists versus left "anarchists"](#)

The [Fake Anarchists and Libertarians](#) describes Anarcho-capitalism: "Most anarchists who have heard this term think it is an oxymoron. The anarchist movement has a tradition dating back over a hundred years of opposition to capitalism. This new concept, "anarcho-capitalism" as it's called by its proponents, flies in the face of this history. It is probably better described as "libertarian capitalism," which is similar to extropianism and contemporary party libertarianism in the United States. These are the folks who want to liberate themselves from government, but still want to be YOUR boss." In listing "Anarcho-capitalist" Websites, it refers to it as "Fake anarchism from boss-loving rich white boys who have never had to work a sh\*\*ty job in their lives." The implicit reasoning: I have a bad job and dislike my boss; therefore, it is morally justified to steal his property. [Link from Jeremy Sapienza]

[Posted at 02/09/04 04:29 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Yankees and Pie](#)

Apropos Tom DiLorenzo's remark in [The Myth of the Morally Superior Yankee](#) that "The word "Yankee" gained popularity in the early to mid nineteenth century to describe a particular brand of New Englander: arrogant, hypocritical, unfriendly, condescending, intolerant, extremely self-righteous, and believing that he and his were God

[Posted at 02/11/04 12:52 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Gay Marriage](#)

On the one hand, I am amazed at the degree of opposition some conservative/libertarian types have to gay marriage. It'll "weaken marriage"--? Whose? Not mine. Say you're given a choice: prevent an increase in taxes, or prevent gay marriage from being recognized. Easy choice! (Prevent tax increases, just in case you are on the fence.) On the other hand, the problem with gay marriage is that it's just the thin end of the wedge: the gays will use it next to argue that homosexuality should be included in all the antidiscrimination laws. The whole issue is confused. Part of it is because the leftist minority is disingenuously using this as a tactic to increase gay rights, e.g. to affirmative action, anti-discrimination laws, etc. And partly it's because people are not clear on the terms of dispute. For many it comes down to mere semantics. For example, a conservative libertarian friend is opposed to gay marriage. But he

admitted, he has no problem with the state enforcing agreements between people--two gays, two sibligs, a rock band--and calling it a civil union. If two people want to form a union whereby they pool their assets and liabilities, have power of attorney over each other in critical medical or death situations, why shouldn't such agreements be enforced? So my friend's only problem is if the statute legalizing such agreements refers to the union as "marriage". I.e., the objection is just to the label the state happens to use. Thin gruel, it seems to me. My view is agreements should of course be enforced. The labeling of the ontology of the relationships protected by the legal system should be left up to tradition and individuals--to private society. Gays would probably try to have "marriage" ceremonies; the civil union would be one legal result flowing from this. Gays and enlightened liberals and other moral relativists would then refer to such gay couples as "married." They would try to nudge others to do the same--much as ethic jokes have been pushed into the closet and certain official labels like African-American or visually impaired have been foisted on us and others, like black or colored or blind, are frowned upon. Whether mainstream religions or mainstream (hetero) people would adopt the gays' denoting of this relationship as "marriage" has nothing to do with law or the public policy debate. I can say I am "married" to my dog. No one is obliged to treat this seriously. Etc. It's not a legal issue. Nor a political issue. Nor a libertarian issue. One final comment. Bush wants to constitutionally define marriage as between one man and one woman. But if this is the case, doesn't it mean bigamy can't be a crime? After all, bigamy is marriage to multiple partners; but if marriage is only marriage between one man and one woman, bigamy is just impossible, legally. Clearly bigamy is a type of marriage, albeit an illegal one. The definition of marriage is broader than what's legally permitted. Bigamy is funny (not funny-funny, but strange-funny). It's not illegal to live with multiple women. Nor to refer to them as your wives. It's illegal to apply for the official status with multiple wives. You see how the state here subtly equates its dictates with reality. But presumably, if we "define" marriage as a union of one man and one woman, bigamy would still be regarded as illegal. Yet if two men attempt to marry, it just will be ignored, and treated as a non-event. So the federal attempt to officially "define" marriage has this result: a man (trying to) marry a second woman is illegal; but a man marrying another man is not (because it is not given status). How's that--the traditionlists penalize heterosexual bigamy more than they do homosexuality. Methinks they are all confused; they should stop relying on the state to define what is or is not marriage; and should drop all causes secondary to that of lowering taxes and spending.

[Posted at 02/12/04 11:05 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Re Gay Marriage](#)

I agree with [Lew's](#) and [Dan's responses](#) to my [post](#). Dan's comment is correct: "There is no good reason that I can see for libertarians to support gay marriage." By the same token, there is no good reason to make opposition to it the highest priority. And there is no reason not to acknowledge that there is nothing unlibertarian, in principle, with the contractual regimes established by two or more individuals being recognized legally; nor with recognizing that it should be up to private civil society, not the state, to decide how to conventionally label a self-described "homosexual marriage" relationship.

[Posted at 02/13/04 11:01 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Bradford of Liberty on Rights](#)

Some may recall that a few years back R.W. Bradford, editor of *Liberty*, argued that the age of "moralistic" or "rights-based" libertarianism a la Rotbhard and Rand, had passed, and had evolved to a superior pragmatic or consequentialist view (I'm recalling from memory here). That is, he dismissed the non-aggression principle as some kind of simplistic, undefendable position. So it's kind of interesting how

Bradford tries to use the non-aggression principle in the latest (March 2004) issue, in support of his anti-war position. In a reply to a pro-war libertarian, Bradford writes:

You propose that the libertarian ethical imperative against initiating force is incomplete, and suggest that it ought not to apply "in the world of nation-states." My view is that the non-initiation principle ought to be considered a general ethical rule, rather than an ethical imperative, so we have no real argument here. I should add, however, that I do not share your proposal that nation-states be exempted from it. It seems to me that states should be bound *more* tightly by it than should individuals.

I.e., the non-aggression principle is not really a rigorous, real principle for libertarianism; at best, it is some kind of suggestion or rule of thumb. And yet, this "non-rule" should be applied more strictly against states than against individuals. What? Why? If it's just a suggestion, or rule of thumb, what does it mean to apply it more stringently...? Does he mean that it's a real ethical imperative when it comes to states? This is yet another example of why [ethical skepticism is inevitably self-defeating](#). Those who engage in normative arguments, ultimately, have no choice but to adopt some normative, moral views. Rights-skeptics and similar types thus either (a) fall into contradiction when they start to utter moral or normative opinions; or (b) if they want to remain consistent, must just keep their mouths shut and not enter the moral fray.

[Posted at 02/15/04 10:36 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Long on Anarchy](#)

Re a [recent debate](#) about anarchy, a new entry from Roderick Long: "For those who've been following my online debate on anarchism with Robert Bidinotto, my latest contribution is available [here](#)."

[Posted at 02/16/04 09:12 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Re: Cash Family](#)

Hardman [asks](#), "I'd like to hear an anarchist response to this in regard to intellectual property. I'm familiar with the normal stance based on a definition of property (requires scarcity), and have always felt that it, like many definition-based arguments, was too tidy

[Posted at 02/17/04 09:52 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Why do we rile them?](#)

It's understandable why we are bothered by the statists around us: our rights are violated on a daily basis. We are taxed, regulated, threatened with jail for engaging in victimless crimes. But why are statists so hot and bothered by us? Get into a discussion with a mainstreamer and if he finds out you oppose public education, or high taxes, or welfare, or anti-discrimination laws... they go apoplectic. But why? **They are getting their way**. Yes, I might bitch about taxes--but the advocate of the state and its programs and its power to tax is *getting my tax dollars*. I am not able to resist. I am only able to gripe about it. Why does this bug them so much. Must their victory be so complete? Or is there a gnawing guilt there? If we were to achieve a taxless, peaceful, libertarian society, and some yahoo came along griping about the good old days, how we should have taxation--no doubt people would cock an eyebrow or two and view him as an

amusing oddity. But get riled up? Why? We'd be living in libertarian paradise. Probably too busy living life retired at the age of 32 to bother with political argumentation any more. One reader writes: "I was pondering this point myself today. Leftists have won every single major cultural battle/decision of the last 50 years with the exception of the recently overturned partial birth abortion. Yet every year brings a more vile, demanding and insulting version of the left. The only answer I can come up with is that leftism must have a thread of a pathology running through it that refuses to rest and treats each new step leftward as a missed opportunity to make 2 steps leftward. ....puzzling"

[Posted at 02/17/04 11:10 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### **Re: Why do we rile them?**

Re [this post](#): Several readers have written interesting responses, including this one: "Why? Because there are two distinct types of human brains. The first, Mentalist, is designed to control and manipulate other human beings for reproductive and survival advantages. The second, Mechanist, foregoes controlling other humans for controlling and manipulating things. "When you challenge a method of control, government, you are challenging their method of operation, and consequently, them personally. It is worse if they benefit from it, real or perceived, and have an interest in politics. "I think it was E. O. Wilson who said that human history would be reinterpreted in terms of genetics in the first couple decades of this century. Below is an excellent article that provides some groundwork. "[Mentalism and Mechanism](#): the twin modes of human cognition, by Christopher Badcock."

[Posted at 02/19/04 12:02 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### **Recess Appointments**

From a recent [Federalist Society](#) press release about recess appointments of federal judges: "RECESS APPOINTMENT OF WILLIAM H. PRYOR JR. February 20, 2004 President George W. Bush used his executive authority to recess appoint 11th Circuit nominee William H. Pryor Jr. As a result of this intrasession appointment during the Senate's current 11-day recess, General Pryor will serve on the Federal bench through congressional adjournment in 2005. For a comprehensive explanation of what constitutes an intrasession appointment, the difference between an intersession appointment (Charles Pickering) and an intrasession appointment (William Pryor), and the appropriate length of a recess for an intrasession appointment (the current recess is 11 days long), please click [HERE](#) to read a Federalist Society white paper titled, "Judicial Recess Appointments: A Survey of the Arguments."

[Posted at 02/20/04 03:58 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### **Subsidiarity and San Francisco**

Regardless of the substantive merits of whether a particular state or state sub-unit "should" "recognize" "gay marriage"--no right-thinking libertarian ought to be in favor of the feds--or even California--forcing San Francisco to abandon its recent policy of marrying gays. You can say the SF government should not exist; should not marry gays; should not be in the business of marrying anyone. But that does not imply that California or the Feds should have the power to do anything about it (and in the case of the Feds, constitutionally, they do NOT have the power to do anything other than to refuse to force other states to give full faith and credit California's gay marriage policy). IMHO, libertarians who are against gay marriage should not make the mistake of abandoning decentralization by endorsing the feds' interference

with local government policies on this issue.

[Posted at 02/20/04 04:33 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### ["a cooked dough product having a light, flaky, crispy texture"](#)

For those curious about the actual patent process, [Chef America, Inc. v. Lamb-Weston, Inc.](#) is an interesting and short recent case. This is a typical example of how patent attorneys describe reality and how federal judges handle patent disputes. The case concerns U.S. Pat. No. 4,761,290 ([PDF version](#); USPTO [version](#)), owned by plaintiff Chef America. The patent covers

[Posted at 02/21/04 01:10 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Gay Marriage Amendment](#)

From an [article](#) on the proposed Gay Marriage Amendment: "Bush plans to endorse language introduced by Rep. Marilyn Musgrave (R-Colo.) that backers contend would ban gay marriage but not prevent state legislatures from allowing the kind of civil unions and same-sex partnership arrangements that exist in Vermont and California. ... "Musgrave's proposal, called the Federal Marriage Amendment, states: 'Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution or the constitution of any State, nor state or federal law, shall be construed to require that marital status or the legal incidents thereof be conferred upon unmarried couples or groups.'" This is bizarre. First, what would happen to bigamy statutes which prohibit one man marrying two women? One reading of the amendment would be that marriage is "defined" so that bigamy cannot exist--after all, it's not just "a" man and "a" woman. So would bigamy now be decriminalized? Second, even this wording does not seem to prohibit "gay marriage". Suppose Louisiana passed a law permitting gays to marry. They are not being required to do it by a judge or the feds; they just do it. Does this amendment mean that even a clear law letting gays marry can't be "construed" to mean what it says? And what is "marital status"? Does it refer to the status that society confers upon marriage? If so, how can the Constitution affect it? Or does it simply refer to the \*label\* used in the state statutes? After all, even its drafters admit civil unions could be permitted--these could be identical to marriage in every way except the label used in the title of the statute. In sum, this proposed amendment seems to do the following: it prevents judges from forcing states to include gays in their marriage laws. But it does not seem to prevent states from having civil unions, or even from enacting their own marriage laws. Nor does it seem to do a good job at making it clear that one state's gay marriage laws need not be given full faith and credit by others. A better amendment would be simply: "No State may be required by the Federal government, including Federal judges, to recognize gay marriage, nor to give full faith and credit to gay marriage laws of Sister States." An even better amendment would be: "The Federal government shall have no power to tax." Let's keep our eyes on the ball, people! N.B.: I am of course NOT calling for or endorsing a constitutional amendment or convention--I don't trust any of these bozos.

[Posted at 02/24/04 02:31 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Re: In Defense of Dr. Atkins](#)

Re Karen's [post](#), "Every lifestyle guru that comes along steals from Atkins - every single one of them. Carb talk is all the rage, everywhere you go, because Atkins put it on the map." Carb talk is all the rage; so much so that there is now even talk of a "[low-carb backlash](#)"! I admit I can't tell which of the varying

theories--sugarbusters, Atkins, South Beach--is the soundest, but as I noted in a previous [post](#), one recent article points out that Atkins theory is just a revival of William Banting's "Letter on Corpulence, Addressed to the Public," published in London in 1863. I wonder if I should get on the Banting diet!

[Posted at 02/25/04 11:55 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Impeach Jefferson!](#)

A French-German Tulane law student acquaintance of mine (he speaks nine languages--I only speak about 0.7), Frederic Sourgens, sent me his Inn of Court brief where he argues for the impeachment of President Jefferson for undertaking the unconstitutional Louisiana Purchase. A bit rough, but fun... [Download file](#). After 30 pages of legal reasoning, it concludes: "**President Jefferson must be removed from office because of his blatant disregard of the Constitution constituting a high misdemeanor of state and high treason against the United States.**"

[Posted at 02/26/04 04:47 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Re: Is every conservative organization insane?](#)

[Thom](#), this reminds me of one reason I quit the Federalist Society. While they are more conservative and even more free market than most lawyers, the ones I've met have been woefully non-intellectual, ignorant, and completely unlibertarian. I remember a few years ago I was at a luncheon w/ some fellow members of the Houston chapter. I was sitting next to one guy who is an extremely intelligent lawyer, at a big firm, very well educated from some posh New England law school, etc. Trying to draw some interesting conversation out of him--he was kind of quiet and reserved, and I was not sure of how conservative, or libertarian, or whatever he was--I finally asked him something like, "Well, which political philosophers would you say you admire?" The answer stunned me, almost left me speechless: "Oh, I'd say Newt Gingrich." 'Nuff said.

[Posted at 02/28/04 12:08 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Bullying](#)

I must say the pro-bullying [comments](#) are baffling. They seem either confused or unlibertarian to me. [Kantor](#) is quite correct here: "Marcus wrote, "Obviously fights can get out of hand, just as bullying can..." From a libertarian perspective, bullying is inherently out of hand". Sure, there is minor bullying and more severe bullying; just as there is minor and major aggression. But giving someone a "wedgie" is not some trivial, minor event. A large kid grabbing, roughing up, manhandling a small kid in this way is a clear-cut, significant act of aggression and cause severe emotional torment in the victim. A bunch of beer-swilling, frat-boy, jock types who watch pro football and throw their empty beer cans at the mom's chihuahua sitting by the TV might yuck it up about this and guffaw about little puny kids getting wedgies--but this is not the stuff of libertarian discourse. Kirkwood [writes](#): "The sense I get from some posts is that some bloggers believe those of us who don't think bullying is a big problem also believe we excuse it. Not true. We just don't think the acts or their consequences rise to the level of serious philosophical discussion. In other words, all this is a little silly." This reply does not counter the assertion that bullying is immoral and aggressive, and a crime. What is clear is that libertarianism opposes aggression--whether minor or major--and that clearly, bullying is a type of aggression. What is strange about bullying is that it is one sub-class of aggression that is overlooked by most people and blown off as if it is "no big deal"--including

some of the posters here. Now libertarianism can distinguish between minor and more severe acts of aggression by having the proportionality requirement for punishment; but it is not clear that bullying is per se trivial or minor aggression. In fact it is typically *significant* aggression. Kirkwood continues, "You can have all the theoretical and ideological debate you want about aggression and how its violates libertarian principles, but your average bully isn't really concerned about this or that libertarian axiom, and the kid who loses his lunch money can't whip out a copy of "For A New Liberty" and explain to the bully why he's wrong." But this is completely irrelevant. The same could be said to a rape victim or murder victim--that their little theories about why rape or murder is "wrong" won't be listened to by the perpetrator. Of course they won't; perpetrators are animals, which is why we should deal with them as such--e.g., locking them up, shooting them, etc. But that does not mean we who are purportedly on the civilized side of the fence should dismiss the rightful claim of a victim that aggression against them is wrong. This is what being a libertarian is all about: being willing to stand up with the victim and proclaim that aggression, while sometimes unavoidable, *IS WRONG!*

[Posted at 03/03/04 08:33 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [From Bad to Worse](#)

Government-granted monopolies on inventions and original "works" (i.e., patent and copyright) are [bad enough](#); now it might be extended to "[collections of information](#)," i.e., databases. Does government do anything well, other than break things and kill people?

[Posted at 03/12/04 01:12 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [The Nuclear Weapon of Digital Rights Law](#)

From PC Magazine: "Few examples of technology-related federal legislation have stirred up more controversy in recent years than the Digital Millennium Copyright Act (DMCA). Now the European Union is considering a similar, yet far more sweeping act that could extend to virtually all kinds of intellectual-property protections. Critics describe these proposals as "nuclear weapons of IP law enforcement." A coalition of over 50 civil-liberties groups is opposing the draft legislation, which is titled the European Union Directive for the Enforcement of Intellectual Property Rights. March 8 through 11, the European Plenary will consider whether to pass EUDEIPR into law throughout Europe. [More is available here](#)"

[Posted at 03/12/04 01:34 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Capitalist Pig](#)

Pretty libertarian article, "[Life, Liberty and the Pursuit of Wealth](#)," in *SmartMoney*, by Jonathan Hoenig, of Capitalistpig Asset Management.

[Posted at 03/16/04 02:49 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

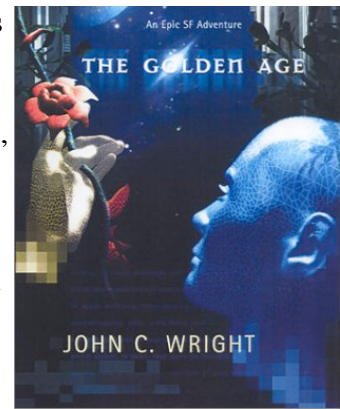
### [The Golden Age](#)

Some of the best fiction I've read in some time, maybe ever, definitely just about the best sci-fi I've ever read: [The Golden Age](#) trilogy, by John C. Wright.





If you liked Atlas Shrugged and like hard sci-fi (e.g., fans of Gregory Benford's Galactic Center saga; Dan Simmons' Hyperion novels; Orson Scott Card's Ender books; and Vernor Vinge's Fire Upon The Deep), you'll like this. It's sci-fi by an obvious libertarian and proponent of individualism and free-market, if not Austrian, economics (some of the mini-speeches about the necessity of money even in an advanced society a million years down the road, are very impressive), but it's not "libertarian sci-fi" of the jokey, preachy, or humorless (no offense, Ayn Rand) type. Highly recommended. Interesting interviews with Wright: [here](#); and [here](#).



[Posted at 03/24/04 09:55 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [The "Arab Problem"](#)

The following informal memo ([Download file](#)) was passed on to me by a pro-Israel, pro-war attorney. Apparently this is what passes for sober wisdom among neocons; this is the kind of thing they are apparently passing along to each other in secret, wink-wink emails. The piece is, as far as I can tell, anonymous, but draws on [Colonel Ralph Peters](#) views. The memo breathlessly argues that "our enemy" is basically Arab culture. As it suggests: "We're facing a 14th century culture engaged in a 14th century war against us. The problem is that they are armed with 20th century weapons, which may eventually include nuclear weapons. ... It may sound strange to say, but what we have to do is to take the 14th century culture of our enemies and bring it into the 17th century. Once we've done that, then we can work on bringing them into the 21st century, but that will be much easier." I'm reminded of Rothbard's proposal to repeal the [Twentieth Century](#) (unlike the William Buckley/National Review crowd, who advocated that conservatives "[stand athwart history. yelling Stop.](#)") So it seems to me that instead of bringing Arab culture from the 14th to the 21st century, we should meet them halfway, around the 18th or so. What the hell, [let's make it the 16th.](#)

[Posted at 03/26/04 11:00 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Block Online](#)

One of the great uncles of libertarianism, Walter Block, now has a website up and running, [WalterBlock.com](http://WalterBlock.com), which has recently been updated to include [online links](#) to dozens of his hundreds of publications. A cornucopia for libertarians.

[Posted at 03/26/04 09:33 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Free book about books being free](#)

[Scholar Distributes Book Online for Free](#): "Lawrence Lessig, an influential scholar who advocates greater consumer rights to use copyright works, is making his latest book available for free on the Internet. "The book, "Free Culture," explores technical and legal restrictions that publishers and other large media corporations use to control information and keep it from the public domain. Lessig says the process limits creativity. "Lessig, a law professor at Stanford University, argues that making information more widely available can make business sense. His publisher, The Penguin Press, agreed to make the book available online to demonstrate the point."

[Posted at 03/28/04 06:49 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Intellectual Property Resources](#)

Per Jeff Tucker's request, since he gets frequent requests from readers for IP-related resources--listed below are links to several IP-related articles, including those available on LewRockwell.com, Mises.org and selected others: **Property/Rights-based Arguments**

- [Against Intellectual Property](#), Spring 2001, Vol. 15, no. 2 *Journal of Libertarian Studies*, Stephan Kinsella
- [In Defense of Napster and Against the Second Homesteading Rule](#), September 4, 2000, *LewRockwell.com*, Stephan Kinsella (summary version of some of the arguments presented in "Against Intellectual Property")
- [The Morality of Acquiring and Enforcing Patents](#), Stephan Kinsella
- Murray N. Rothbard, [Man, Economy, and State and Power and Market](#), Scholars Edition, liv, 745-54, 1133-38, 1181-86
- Murray N. Rothbard, *The Ethics of Liberty*, pp. 123

[Posted at 03/29/04 01:22 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [re: How 9/11 Could Have Been Prevented](#)

Oh, no, [Tom](#), I hope we don't get a Department of Homeland Information Sharing... because you know that would draw in a bunch of Hayekians and spontaneously corrupt them.

[Posted at 03/29/04 01:44 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Press Expertise on IP Law](#)

According to [Woman challenges Trump 'You're fired' trademark](#):

WASHINGTON, March 30 (Reuters) - Chicago pottery merchant Susan Brenner has a message for real-estate mogul Donald Trump: in the Windy City, she'll do the firing.

Capitalizing on the success of his reality-television show, "The Apprentice," Trump has sought to trademark the phrase "You're Fired!" for use on clothing and casino equipment.

But the copper-maned mogul might want to tread carefully in the Chicago area, where Brenner says she has emblazoned the phrase on plates, mugs, birdhouses and other items in her suburban ceramics studio since 1997.

[...] For Brenner, "You're fired" is a clever pun on the process of painting and glazing ceramics in her Northbrook, Illinois, studio, said attorney Marvin Benn. [...] Brenner is entitled to local trademark protection even though she has not filed an application with the U.S. Patent and Trademark Office, Benn said in a telephone interview. [...] Had she filed a patent application, she would be entitled to nationwide protection, he said.

And here I thought, all these years, that *patent* applications were for inventions, *trademark* applications were for, well, trademarks. Just goes to show you--the press is as good at IP law as they are at economics

and politics. What an idiot. And this example should be of interest to those libertarians who think that, while patent rights, and maybe even copyright, may be problematic, "of course" the state should protect trademark rights.

[Posted at 03/30/04 10:40 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Sage Chronicle](#)

Tony Deden's latest Sage Chronicle [blog](#), as usual, has some interesting posts, e.g. [Unemployment Musings](#), and [There is no inflation. Part 1](#).

[Posted at 04/10/04 11:22 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [But who will win the war?](#)

The Institute of Electrical and Electronics Engineers (IEEE, of which I used to be a member) [wins a battle](#) against federal censorship. The IEEE has members all over the world and has dozens of journals and publications. It publishes papers from all over the world. In 2001 IEEE became concerned that the Department of the Treasury

[Posted at 04/13/04 09:47 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Hey, don't ask if you don't want an answer](#)

An attorney for some Bell companies sent a survey to my company (we make lasers for telecom applications) to ask about our "philosophy" on the regulation of the telecom industry. Choices were: "... as a general proposition my company believes that the best way for regulators to help stimulate new products and services by a multitude of suppliers is to -- A. subject all participants in a given telecom service market to the same regulatory oversight and reduce government telecom regulation considerably from what exists today; or B. reduce government oversight of non-Bell-company participants in a given telecom service market but maintain or increase the regulatory controls on Bell companies..." How about [Download file](#) none of the above?

[Posted at 04/13/04 03:33 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Defying Leviathan](#)

[Hans-Hermann Hoppe: Defying Leviathan](#), by Andy Duncan: good review of *The Myth of National Defense*, edited by Hoppe. ([Other reviews/discussions](#) of *The Myth of National Defense*.)

[Posted at 04/13/04 04:58 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [NO CHILD LEFT BEHIND](#)

From the [PatNews newsletter](#), comes this funny post from a reader: "PTO ALMOST ALLOWS TRADEMARK ON NO CHILD LEFT BEHIND LOGO "Greg, "I recently heard that some person, sensing money to be made, very nearly was successful in trademarking the Department of Education's logo of the No Child Left Behind act. It was nearing final acceptance by the PTO until the Ed Dept got

wind of it and intervened. I guess the fame of No Child Left Behind has escaped the trademark office. "FBI doesn't talk to the CIA. DOE doesn't talk to the PTO. Exactly why am I paying taxes this week?" They may be referring to [this trademark application](#), not sure. For some strange reason, this reminds me of the joke, "Q: Why did the little Greek boy, who had run away from home, return? A: He couldn't bear to leave his brothers behind."

[Posted at 04/16/04 10:14 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### **[Constitutional rights?](#)**

William Peterson, adjunct scholar of the [Mises Institute](#) and Heritage Foundation, has a Washington Times [book review](#) about Randy Barnett's latest book, *Restoring the Lost Constitution: The Presumption of Liberty*. Some libertarians may have difficulty with Barnett's views about the 14th Amendment. Peterson sums up, "Also, the 14th Amendment requires that the privileges or immunities of citizens shall not be abridged. So it sets tight textual limits on the exercise of the states' police power

[Posted at 04/20/04 04:38 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### **[Just what Iraq needs--beefed up intellectual property law protection](#)**

Where would Iraq be without America's munificence-- According to the [PatNews](#) newsletter, the following, sent by an anonymous Patent Office examiner, was on the PTO's Intranet: "Assignment Iraq "Linda Lourie, an Attorney-Advisor in the USPTO's Office of External Affairs has begun an assignment in Iraq to assist the Coalition Provisional Authority (CPA) in rebuilding that nation's intellectual property offices. "Attorney-Advisor Lourie will be working within the commercial law section and will focus her efforts on bringing Iraq's IP law in compliance with international treaties and modern standards. .... [Iraq is in the Paris Convention, not Berne] "Developing strong intellectual property protection in Iraq is a high priority for the Coalition Provisional Authority, particularly since it will encourage foreign and local investment in IP dependent industries. Ms. Lourie expects to be in Iraq for three to four months."

[Posted at 04/25/04 10:59 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### **[Jack Valenti defends IP ... sort of](#)**

[Real Dialogue: The Tech interviews Jack Valenti](#) -- it's hilarious to see Jack Valenti scramble and squirm and try to defend the Digital Millennium Copyright Act. He comes off like a buffoon. (Thanks to Tim Swanson.)

[Posted at 04/28/04 05:03 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### **[Maybe I'm Just Not a Good Utilitarian ...](#)**

but I don't understand this: [Iraqis polled: War did more harm than good but worth it](#). If it was "worth it", doesn't that imply the benefit was greater than the harm? And if so, doesn't this contradict saying that more harm than good was done? Sigh. This sophisticated utilitarian reasoning is just beyond dis heah Cajun.

[Posted at 04/28/04 05:09 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Re: Spammers face "mail fraud" charges and 20 years in the federal pen!](#)

[Barnwell mentions](#) the draconian sentence imposed on spammers by federal anti-spam legislation. The law is clearly unconstitutional since the Constitution nowhere authorizes the feds to regulate such activity. But in principle, in my view, spam is a crime. As found (correctly, in my view) in the now-classic case [CompuServe v. Cyber Promotions](#), "where defendants engaged in a course of conduct of transmitting a substantial volume of electronic data in the form of unsolicited e-mail to plaintiff's proprietary computer equipment, where defendants continued such practice after repeated demands to cease and desist, and where defendants deliberately evaded plaintiff's affirmative efforts to protect its computer equipment from such use, plaintiff has a viable claim for trespass to personal property." Why is this consistent with libertarianism? Because the owner of property (such as a PC) has the right to control it, which means the right to exclude others from using it. Sending an email to someone is a means of using the PC--it causes things to happen with the PC. It is analogous to knocking on someone's door. Normally, this is permitted by the owner; and in many contexts, this permission or license is implied by the context. E.g., my neighbor does not trespass if she walks on my sidewalk and knocks on my front door to borrow a cup of sugar. My consent for such innocuous uses of my property is implied. Yet it can be revoked: e.g., I can erect a fence or "no trespassing" sign, or I can tell my neighbor she is no longer welcome on my property. If she then knocks on my door she has committed trespass, since she is now using my property without permission. Similarly in the case of spamming: especially where warned not to spam, someone is using the victim's computer without their permission; and I would argue there is an implied denial of consent to send unsolicited commercial email, just as there is implied lack of consent for a dozen of my neighbors to hold an Amway meeting on my front lawn. Coda: Gil Guillory's Mises blogpost, [dissent on spam](#), raises some good points. Gil may like getting spam, but I get probably 300 a day lately, and it is becoming a serious problem. It is not so easy to simply delete them. Second, in a free market, I would envision ways of publicizing your preferences as to whether you do, or do not, consent to receive unsolicited faxes, emails, even mail. After all, when someone shoves a letter in my mailbox I have to dispose of it, which costs. I regard all the tons of snail mail I get as littering on my property.

[Posted at 04/29/04 10:46 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Legitimizing the Corporation](#)

Marginal movements tend to draw their share of [nuts and cranks](#); unfortunately, libertarianism is no exception. In addition to claims that we don't (not "shouldn't" but "don't") [owe income tax](#), or "[that hiring an attorney](#) means abandoning personal sovereignty before the law, or that having a yellow-[or gold-]fringed flag in a room means you are under martial [or admiralty/maritime] law," there are also a fair number of libertarians who view the **modern corporation** with suspicion. They are concerned that the corporation is viewed as a "person" and believe, erroneously, that corporations shield corporate employees from liability for negligence. I usually find that the opposition to corporations comes from leftists, or, if libertarians, from ignorance of contract and corporate law.... most people don't even realize that if a FedEx truck runs you over negligently you can sue the driver. They think he is immune from suit or something. But it is the other way around; if a FedEx truck negligently hits you, it is of course the driver that is responsible. His employer is responsible for its employee's own negligence and liability only because of the doctrine of [respondeat superior](#); but if the employee is found to be non-negligent, the employer-corporation is off the hook too. This is in fact why corporations usually defend their employee and themselves when sued for the employee's actions. But opposition does not always stem from ignorance of the law or leftism: for example, one critique comes from two libertarian-Austrian attorneys: "De-legitimizing the Corporation: An Austrian analysis of the firm", Jeffrey F. Barr & Lee Iglody,

[Austrian Scholars Conference 7](#), March 30-31, 2001, Auburn, Alabama. Robert Hessen's (a Randian) *In Defense of the Corporation* is a good defense of corporations. He shows that they don't require privilege from the state to exist; they can be constructed from private contracts. One of Hessen's [articles](#) nicely summarizes some of his views. Some excerpts are pasted below. My view is that corporations are essentially compatible with libertarianism. As for voluntary debts being limited to the corporation's assets; this is no problem since the creditor knows these limitations when he loans money. What about limited liability for torts or crimes? As mentioned, the person directly responsible for a tort or crime is always liable; sometimes the employer (which is often a corporation) is also liable for the employee's actions, via *respondeat superior*. Who else should be responsible? In my view, those who cause the damage are responsible. Shareholders don't cause it any more than a bank who loans money to a company causes its employees to commit torts. The shareholders give money; and elect directors. The directors appoint officers/executives. The officers hire employees and direct what goes on. Now to the extent a given manager orders or otherwise causes a given action that damages someone, a case can be made that the manager is causally responsible, jointly liable with the employee who directly caused the damage. It's harder to argue the directors are so directly responsible, but depending on the facts, it could be argued in some cases. But it's very fact specific. Perhaps the rules on causation should be relaxed or modified, but this has nothing to do with there being a corporation or not--for the laws of causation should apply to any manager or person of sufficient influence in the organization hierarchy, regardless of legal form of the organization (that is, whether it's a corporation, partnership, sole proprietorship, or what have you). Excerpts from the Hessen [article](#)--

The actual procedure for creating a corporation consists of filing a registration document with a state official (like recording the use of a fictitious business name), and the state's role is purely formal and automatic. Moreover, to call incorporation a "privilege" implies that individuals have no right to create a corporation. But why is governmental permission needed? Who would be wronged if businesses adopted corporate features by contract? Whose rights would be violated if a firm declared itself to be a unit for the purposes of suing and being sued, holding and conveying title to property, or that it would continue in existence despite the death or withdrawal of its officers or investors, that its shares are freely transferable, or if it asserted limited liability for its debt obligations? (Liability for torts is a separate issue; see [Hessen, pp. 18-21](#).) If potential creditors find any of these features objectionable, they can negotiate to exclude or modify them.

Economists invariably declare limited liability to be the crucial corporate feature. According to this view the corporation, as an entity, contracts debts in "its" own name, not "theirs" (the shareholders), so they are not responsible for its debts. But there is no need for such mental gymnastics because limited liability actually involves an implied contract between shareholders and outside creditors. By incorporating (that is, complying with the registration procedure prescribed by state law) and then by using the symbols "Inc." or "Corp.," shareholders are warning potential creditors that they do not accept unlimited personal liability, that creditors must look only to the corporation's assets (if any) for satisfaction of their claims. This process, known as "constructive notice," offers an easy means of economizing on transactions costs. It is an alternative to negotiating explicit limited-liability contracts with each creditor.

Creditors, however, are not obligated to accept limited liability. As Professor Bayless Manning observes; "As a part of the bargain negotiated when the corporation incurs the indebtedness, the creditor may, of course, succeed in extracting from a shareholder (or

someone else who wants to see the loan go through) an outside pledge agreement, guaranty, endorsement, or the like that will have the effect of subjecting non-corporate assets to the creditor's claim against the corporation." This familiar pattern explains why limited liability is likely to be a mirage or delusion for a new, untested business, and thus also explains why some enterprises are not incorporated despite the ease of creating a corporation.

Another textbook myth is that limited liability explains why corporations were able to attract vast amounts of capital from nineteenth-century investors to carry out America's industrialization. In fact, the industrial revolution was carried out chiefly by partnerships and unincorporated joint stock companies, rarely by corporations. The chief sources of capital for the early New England textile corporations were the founders' personal savings, money borrowed from banks, the proceeds from state-approved lotteries, and the sale of bonds and debentures.

Even in the late nineteenth century, none of the giant industrial corporations drew equity capital from the general investment public. They were privately held and drew primarily on retained earnings for expansion. (The largest enterprise, Carnegie Brothers, was organized as a Limited Partnership Association in the Commonwealth of Pennsylvania, a status that did not inhibit its ability to own properties and sell steel in other states.)

External financing, through the sale of common stock, was nearly impossible in the nineteenth century because of asymmetrical information

[Posted at 04/29/04 02:06 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### **[The Enlightened Bar](#)**

A couple years ago I clipped some pages from recent *Texas Bar Journal* issues that had me shaking my head. I planned to write up a little article for Lew on it, but never got 'round to it and there was not enough for an article anyway. Glory be, the Internet and blogs makes it possible now. I just came across it cleaning out some old paper files, so [here it is](#). "The Back Page" is interesting because here, in a magazine for Texas' tens of thousands of lawyers, one would expect news about law or lawyers, tips for lawyers, etc., but the headlines on that page include: "Attorneys Answer Call for Cell Phones" (donating old cell phones for battered women to help prevent domestic violence); "Siebert, Cisneros to Headline TMCP [Texas Minority Counsel Program]," and "Lawyers Provide Legal Help to Flood Victims." And see the July 2001 Executive Report, "Protecting the Best Interests of our Children," full of 3rd grade civics class platitudes about public education and democracy. Why should I be surprised? Just because it's Texas doesn't mean the legal establishment isn't liberal and rotten to the core. This is the same journal to which I submitted an article back in July 1993--"Oilfield Indemnity and 'Separate Insurance' Provisions in the Wake of Getty Oil"; I got a letter back saying that accepted my article for publication and it might take 9-12 months, but that if I qualified for the "Affirmative Action Plan for Legal Publications Policy"--i.e. if I proved I was black or Hispanic--they would publish it within a couple months. In other words, if you're white, you get moved to the back of the bus. I was so offended by the rudeness that I withdrew my article and published it elsewhere.

[Posted at 04/29/04 02:54 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### **[Corrigan joins Sage Capital](#)**

From [Tony Deden](#), in the most recent SageChronicle: "Join us in welcoming to our firm long time colleague and friend [Sean Corrigan](#) who joins us today as Investment Strategist. After months of weighing out the benefits of leaving the glamorous world of writing and explaining economic theory in television debate for the more understated and secretive world of a Swiss investment manager, we are all happy for this decision and look forward to his intellectual and practical contributions, not to speak of his irreverent wit." [Full announcement](#)

[Posted at 05/01/04 05:12 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Democracy: The God That Failed -- en Espa](#)

Hans Hermann Hoppe's [Democracy: The God That Failed](#) is now also available in a Spanish translation under the title *Monarquía, Democracia Y Orden Natural. Una Vision Austriaca De La Era Americana*. The book has been translated by Prof. Jeronimo Molina (University of Murcia), who has also written a Spanish introduction. The book can be ordered by [email](#).

[Posted at 05/03/04 12:33 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [More on Spam](#)

Interesting response to my [previous post](#) about spam: "I would extend your

[Posted at 05/03/04 10:39 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Battles are Ugly When Women Fight](#)

Karen's [post](#) about women in war calls to mind the comments of one of my favorite writers, C.S. Lewis, in the classic *Chronicles of Narnia*. In *The Lion, the Witch and the Wardrobe*, chapter ten, "The Spell Begins to Break," the children are on their way to meet Aslan (who represents Jesus) at the Stone Table (Calvary). The spell of the White Witch (Satan) has been weakened by Aslan's sacrifice, the snow begins to melt, and Father Christmas returns to Narnia to distribute his gifts. But the Witch will not give up without a battle:

"Peter, Adam's Son," said Father Christmas. "Here, sir," said Peter. "These are your presents," was the answer, "and they are tools not toys. The time to use them is perhaps near at hand. Bear them well." With these words he handed to Peter a shield and a sword

[Posted at 05/05/04 11:06 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Social Justice U](#)

[socialjusticeu.jpg](#) It's a bit amusing that [Walter Block](#) is now apparently teaching at [Social Justice University](#), aka Loyola New Orleans. Coda: Aaron Gunn writes: "Don't know if you noticed, but the sweater message is a randomly rotating pic with other messages, including: Catholic Humanism University and Critical Thinking University. I'm furiously refreshing the page to see if I can get it to show me the one that says 'How Mind Splittingly Idiotic Can We Get? University.'"

[Posted at 05/07/04 12:30 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]



## [Property in the Law](#)

Browsing through an old law school text recently (by Professor A.N. Yiannopoulos of Tulane), I noticed with interest the [following comments](#) on nature of property rights: "Property may be defined as an exclusive right to control an economic good, corporeal or incorporeal; it is the name of a concept that refers to the rights and obligations, privileges and restrictions that govern the relations of man with respect to things of value. People everywhere and at all times desire the possession of things that are necessary for survival or valuable by cultural definition and which, as a result of the demand placed upon them, become scarce. Laws enforced by organized society control the competition for, and guarantee the enjoyment of, these desired things. What is guaranteed to be one's own is property." This practical-legal definition dovetails nicely with libertarianism's more political-philosophical theories of property and rights, e.g. those in Hans-Hermann Hoppe's [A Theory of Socialism and Capitalism](#) (e.g., chapters 1 and 2, esp. pp. 5-6 & 8-18, discussing notions of scarcity, aggression, property, norms, and justification; and chapter 9, "The Ethical Justification of Capitalism and Why Socialism Is Morally Indefensible", esp. pp. 130-145). I've written on this in [Defending Argumentation Ethics](#); and on the civil law versus the common law in [Legislation and the Discovery of Law in a Free Society](#).

[Posted at 05/11/04 11:55 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Bushism](#)

I heard on Fox News this a.m. that there is a new Bushism making the rounds, in addition to strategy, one of my favorites--"misunderestimate," as in Gore underestimated me. Gotta love it. Gotta love this poem, composed, according to [Snopes](#), of actual quotes from George W. Bush: MAKE THE PIE HIGHER by George W. Bush I think we all agree, the past is over. This is still a dangerous world. It's a world of madmen and uncertainty and potential mental losses. Rarely is the question asked Is our children learning? Will the highways of the Internet become more few? How many hands have I shaken? They underestimate me. I am a pitbull on the pantleg of opportunity. I know that the human being and the fish can coexist. Families is where our nation finds hope, where our wings take dream. Put food on your family! Knock down the tollbooth! Vulcanize society! Make the pie higher! Make the pie higher!

[Posted at 05/12/04 09:37 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [IP out the yin-yang](#)

[The yin and yang of copyright and copyleft](#), by Arrow Augerot

[Posted at 05/12/04 10:25 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Walter Block smorgasbord](#)

From your friendly neighborhood [WalterBlock.com](#) webmaster: online versions for literally dozens of Professor Block's articles have been added to his [publications page](#) tonight. Thanks, in part, to the scanning and coding efforts of his tireless Loyola assistant Charles Long.

[Posted at 05/12/04 11:11 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Hoppephobia by Rothbard](#)

An oldie but a goodie recently posted on HansHoppe.com: [Hoppephobia](#). Published in the March 1990 *Liberty*, this was a reply to "The Argument from Mere Argument," Loren Lomasky's "hysterical review of Hans-Hermann Hoppe's *A Theory of Capitalism and Socialism*. More discussion of Hoppe's "argumentation ethics" [here](#). You got to give the Hoppinater his props.

[Posted at 05/13/04 03:05 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Aim High](#)

[A worthy aspiration for most humans: To be like your own dog.](#)

[Posted at 05/13/04 03:04 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Hoppe on Time Preference](#)

Classic article by Il Hoppster now available online: [Time Preference, Government, and the Process of De-Civilization - From Monarchy to Democracy](#), *Journal des Economistes et des Etudes Humaines*, Vol.5, 2, 1994; also published in John Denson, ed., [The Cost of War](#) (New Brunswick: Transaction Publishers, 1997).

[Posted at 05/14/04 10:11 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Hoppe on Rothbard](#)

And yet another Hoppe classic just put online: [Murray N. Rothbard: Economics, Science, and Liberty](#), in: Randall Holcombe, ed., [Fifteen Great Austrian Economists](#) (Auburn, AL: Ludwig von Mises Institute, 1999), wherein one Austrian giant who stands on the shoulders of another Austrian giant writes an article commenting on said other other Austrian giant, and in which, the giantness of said one Austrian economist makes [certain detractors](#) look like morons.

[Posted at 05/14/04 11:11 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Day of the Long Knives](#)

After some problems, not to speak of the whole Mark Skousen [debacle](#), the venerable [FEE](#) seems to be on the right track. But an interesting PC episode has been on my mind recently. The November 1996 issue of *The Freeman* contained a [Book Review](#) by Hans-Hermann [Hoppe](#) of *The Failure of America's Foreign Wars* (edited by Richard M. Ebeling and Jacob G. Hornberger). In the review, Hoppe pointed out

[Posted at 05/20/04 10:50 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Federal Rights and Federal Power](#)

Lew recently linked to a great [Brian Doherty column](#) on the Americans With Disabilities Act. Doherty has a great line: "Studying the language and reasoning of the decisions, concurrences, and dissents in *Tennessee v. Lane* shines a light on a weird constitutional alchemy whereby citizen's rights morph into government powers

[Posted at 05/23/04 11:44 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Yet More on Galambos](#)

Tim Swanson's [blog](#) linked to Isaac Waisberg's [blogpost](#) regarding the nonsensical nature of the owning-a-word mentality. Waisberg links to a Harry Browne *Liberty* [article](#) on Galambos. What a crankish nutball. Browne writes: "A few years later, I realized that the inability to conduct controlled, repeatable experiments made it impossible to transfer the methods of the physical sciences to the social sciences

[Posted at 05/24/04 12:02 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Green Nukes](#)

I've long maintained that you can be a true environmentalist only if you are [pro-nuclear](#). Nuclear fission is the only real, long-term, currently-available solution to our energy needs. Despite breathless, irrational hysterical to the contrary, nuclear is safer and more plentiful than other sources, pollutes less than all others, and would be cheaper if not demonized. But so-called environmental activists, at best, are silent on the nuclear issue. It's been clear for some time that we WILL eventually go nuclear. Either that, or we will die. And since I believe the survival instinct can outweigh even whatever stupid gene makes people socialistic, we will eventually someday have to revv up nuclear fission plants once again. Now, finally, some green has sense, and also [admits this](#).

[Posted at 05/24/04 12:33 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Proof the Economy is Still Bad](#)

Electrical Engineer [hawking himself](#) on ebay (thanks to [Tim Swanson](#)).

[Posted at 05/24/04 03:41 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [ALOHA! LET MY PEOPLE GO](#)

It's about time the [Kingom of Hawaii](#) be liberated from the [American Occupation](#).

[Posted at 05/24/04 04:50 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Exponential Progress](#)

Despite my love of sci-fi and love-hate for technology, I've always been skeptical of the wide-eyed "gee-whiz the future will be so advanced" claims of the futurists. I enjoyed Kurzweil's [The Age of Spiritual Machines](#), but he argues, breathlessly, that we will have exponentially increasing technological gains. Written in 2000, he predicts various leaps in technology by 2010, 2020, and so on. For example, computers will exceed the memory capacity and computational ability of the human brain by the year 2020 (with human-level capabilities not far behind). Fat chance. The future dystopias and utopias always show older items like today's clothing, furniture, houses, cars, etc., all replaced by gleaming brushed-nickel-facade hyperplastic. This is just stupid. I know people with 20 year old color televisions (their mom's or grandma's console with the prototype remotes or the rotating changer with the variable UHF knob) and 30 year old cars. They don't throw stuff away, even if a "better" replacement is available for

cheap. I can't remember what Kurzweil's predictions were for 2010. But they were radical. "Everything different," blah blah blah. Hey, it's just around the corner. I predict people will still have crashing PCs, 7 versions of their address files on different systems, all uncoordinated and lost. When you buy a new cell phone the minimum wage idiot at the counter will scratch his head and tell you he does not think you can transfer the address book from the old one to the new one. Etc. An article on the [Future of Windows](#) buttresses this point (and after all, points need buttressing, do they not? Do I hear an amen?). As the article points out: "Microsoft's initial plans for Longhorn were ambitious. Last year, Bill Gates described the next Windows as a "technological breakthrough" ... Considering all the attention it's been getting ... you'd think the new Windows was going to change your life tomorrow. But you'd think wrong. ... Although a beta version of Longhorn was originally due later this year [i.e., 2004], that target slipped to next year [2005] as the company shifted programmers to bolstering Windows XP's security .... Now, Microsoft says, Longhorn won't show up on new PCs or store shelves until 2006. ... Facing real-world development deadlines, however, Microsoft executives have started to scale back their Longhorn ambitions, saying that Longhorn will not deliver all of its planned improvements, and Gates's complete vision--Longhorn with all its bells and whistles--might not reach PC users until 2009." Hmm, the world's most successful and pervasive software company. They schedule a software upgrade for 2004 ... then 2005, wait, 2006, umm, might be 2009 before we see it. Yeah, the future is just around the corner, Ray. **Coda:** John Bartel writes: "It is wise to exercise skepticism about a technologist's claim of imminent revolutionary change. "An example from the field of artificial intelligence is illuminating: "\* In the 1960's, artificial intelligence researchers predicted that they could build a computer ten times smarter than a human being. \* In the 1970's, they predicted they could build a computer as smart as a single human being. \* In the 1980's, they predicted they could write a program that would do as well as a human expert in a specialized field. \* In the 1990's, they predicted they could create "expert" systems that would aid humans in making decisions. "Needless to say, none of these predictions came true. The interesting problems invariably turn out to be much more complex than expected, and the capabilities of our technologies are quite primitive in comparison. "One would hope that such a dismal track record would build some humility and perspective, but those are rare traits today. "As a footnote to the above story, it is amusing that one of the complaints of the artificial intelligence experts is that the human experts in medicine, pharmaceuticals, etc., are unwilling to spend time with the computer types trying to build "expert" systems. The human experts were more interested in extending the boundaries of knowledge and working on real problems than to waste endless hours answering clueless questions in an attempt to build human insight into lifeless machines." **Coda 2:** Gil "The Gilster" [Guillory](#) writes: "Keeping in line with subjectivism, what the heck would exponential progress be, anyway? By some (false) measure, maybe we are undergoing exponential progress. "I saw a great show on food tv this weekend, "[Kitchens of the Future](#)". It was mainly filled with "futuristic" footage earlier periods showing what the kitchen of the future might look like. This was punctuated with some current incarnations of the same. (Microsoft and MIT and Phillips have kitchens of the future with lots of obviously useless stuff.) Hosted by Alton Brown." Re the first point--yes, this is correct. However even by their own standards the futurists have a miserable record. Their technical predictions usually do not come true or only come true much later than predicted.

[Posted at 05/26/04 12:07 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☺]

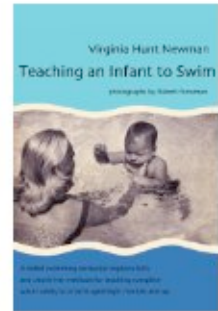
## [Sexual Politics](#)

Fantastic column by [Wendy McElroy](#) this week, [Death by Theory?](#), which describes the tragic story of a boy raised as a girl, based on the feminist-inspired, utopian, pseudo-scientific view that "gender [is] not determined by DNA but by environment."

[Posted at 05/26/04 09:35 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Girls and Monkeys](#)

I'm reading a wonderful little book, Virginia Hunt Newman's [Teaching an Infant to Swim](#). Published back in 1967, it's a bit anachronistic. I came across the following explanation which implicitly makes the analogy: girls are to boys as monkeys are to humans: "Baby girls usually learn more rapidly than boys of the same age because they are more advanced in co-ordination and balance. Although the boys don't learn as rapidly as the girls, they will be better than the girls later on. "... a two-year-old monkey has a reasoning ability far beyond that of a human being of the same age. ... Later on, the monkey's intelligence levels off, whereas the child's continues to grow. When each has reached adulthood, the man has far surpassed the monkey in brain power. The same contrast is true in the physical development of boys and girls. The baby girl is more advanced than the boy. In adulthood most men are stronger and have better co-ordination and balance than women." I have a feeling she would not dare write this in today's politically-correct age! Nor would she say that boys will be "better" than girls at swimming.



[Posted at 05/29/04 08:15 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Laws in Space](#)

Interesting [short piece](#) by attorney [Adam Freedman](#) (whose book [Elated by Details](#) looks interesting) on space law--what laws govern activities in outer space.

[Posted at 06/03/04 04:24 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [World Investment Court](#)

Not nearly as ominous as a world criminal or government court, a [world investment court](#) may be on the horizon. The idea is to provide a forum to appeal arbitral decisions of disputes between foreign investors and host states. The article also mentions the doomed Multilateral Agreement on Investment (MAI) (discussed previously in [this post](#)).

[Posted at 06/03/04 04:52 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Hendrie and Lincoln](#)

[hendrie\\_lincoln.jpg](#) Interesting to see allegedly "liberal" but pro-Bush, pro-War radio talk-show host [Phil Hendrie](#) flashing these words of Lincoln, not in condemnation but in support. Hendrie is usually funny, but his Morton Downey, Michael Savage-esque vein-pulsing, beet-red-forehead-screaming, table-pounding type of jingoism leaves one cold. Not as bad as the smarmy faux-libertarian Bill Maher, admittedly. I don't know anything libertarian about that guy except he thinks it's "silly" to outlaw mary jane.

[Posted at 06/04/04 11:27 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Reagan, RIP...](#)

My guesstimate is that at least \$500K a year was spent on secret service protection (figure 7 or so agents, costing at least \$70K a year each in salary and support). How much does that come down to per person? Probably 100 million of our 270 million citizens pay taxes; so on average those of us gainfully employed were paying about a penny a year for Reagan's protection; higher-income types were paying, say, five to ten cents a year.

[Posted at 06/06/04 11:56 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [World's Dumbest Smart Criminal?](#)

Myron Tereshchuk, who broke into MicroPatents' computers and staged [an inept attempt to extort](#) them for \$17million.

[Posted at 06/21/04 11:18 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Grading the Flags](#)

[Grading nations' flags. A, B, C, D, F....](#) (Courtesy [Paul Comeaux](#))

[Posted at 06/21/04 11:36 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Fleming on Woods](#)

As Tom Woods [recently noted](#), though he was too polite to name names, [Thomas Fleming](#) and [others](#) at *Chronicles* (related posts: [1](#), [2](#), [3](#)) have attacked his published views on Austrian economics and some economically illiterate pronouncements of certain popes. Woods's exquisitely brilliant and eloquent [response](#) speaks for itself. But Fleming, who is genuinely brilliant on some issues, like other conservatives (no offense, Pat Buchanan) sometimes flails when he goes out of his depth, as here: Fleming writes:

Even major economic thinkers on basically the same side

[Posted at 06/23/04 11:34 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Re: Woods, Storck, Fleming et al.](#)

Regarding [Professor King](#)'s comments on my [post](#), another thing comes to mind. Suppose a person interested in economics also adheres to the Roman Catholic doctrine of papal [infallibility](#). This means you believe when the Pope speaks *ex cathedra* (from the Chair of Peter), solemnly defining a dogma concerning faith and morals to be held by the entire Church, it is impossible for the pronouncement to be incorrect. Thus, it may be relied upon concerning one's own moral conduct. Now, clearly some pronouncements by the Pope are, under this doctrine, infallible; others are not. How do we know whether a given pronouncement is *ex cathedra* or not? There has been much written on this, but wouldn't it be reasonable, to recognize that a given pronouncement *cannot be*, indeed must not be, one of the *ex cathedra*, infallible pronouncements, if it is known to be false? If I, as a mathematician, know that pi is greater than 3.14, and the Pope declares it to be exactly 3.14, then I know not only that the Pope is incorrect; but also that his statement was not *ex cathedra*. Likewise, if the Pope makes some statement based on fallacious economic reasoning--e.g., he espouses some kind of socialist system as being more efficacious or efficient than capitalism at achieving prosperity--then this statement also cannot be

infallible. The point is, if we know something is false, we know it cannot be infallible; so having knowledge, gained through reason, can be used as a simple test to determine whether a statement is *ex cathedra* or not. No doubt there are more sophisticated, established tests for determining when a papal decree or teaching is infallible or not. But this is a simple one, useful in some circumstances. Storck et al., by claiming that obviously false propositions are infallible, are in fact undermining the idea of infallibility. In any event, they are trying to take a shortcut to establishing truth--trying to use authority, rather than grapple with the substance of Woods's economic views. They do not even mount a serious argument trying to show that or why socialistic-economic pronouncements of certain popes are indeed *ex cathedra*; they just seem to assume this, because it would shut up Woods. And this is the tactic modern socialists are increasingly adopting: the "shut up" tactic. As the collapse of communism and spectacular failures of the welfare state have become more visible and manifest, it has become ever more difficult for liberals to argue for outright socialism with a straight face, and increasingly difficult for them to justify their socialistic policies such as affirmative action, antidiscrimination laws, minimum wage, political correctness, and so on. Therefore--since they have virtually no arguments left anymore; the failure of their policy prescriptions has become too obvious-- they have increasingly, in their desperation, increased their tone and resort to *ad hominem* and attempts to literally silence the opposition by force. Thus, the modern phenomenon of being labeled racist or anti-semitic at the slightest, mildest challenge to prevailing mainstream orthodoxy (to the extent where if someone is called a racist or anti-semitic, the *prima facie* conclusion has to be that the person is probably *not*), and the resort to antidiscrimination laws and their penumbras and emanations which indeed exert a severe chilling effect on free speech. The "liberals" are the biggest threat to free speech, yet have the chutzpah to pretend to be defenders of liberalism.

[Posted at 06/24/04 10:45 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### **[Re: Re: Woods, Storck, Fleming et al.](#)**

In response to recent [posts](#) concerning Tom Woods and the folks at *Chronicles*, [Scott Richert](#), Executive Editor of *Chronicles*, wrote to tell me that I was incorrect to "have claimed that Storck, Fleming, and I regarded papal encyclicals on Catholic social thought to be 'infallible.' None of us has said that; we do not believe it." He then asked that I "withdraw" my claim and to "make a public apology for misrepresenting our position." While I find this entire exercise a bit too over-indulgent, I'll try to respond. But let me first emphasize that I respect Fleming and *Chronicles*, and none of this is meant personally. Now it seemed to me obvious that when [Storck](#) and [Fleming](#) attacked Woods's pro-capitalist views *on the grounds that* they are somehow incompatible with Church "teaching", the Church teaching in question was supposed to be some kind of unchallengeable, established-as-true Catholic *dogma*--i.e., infallible. It seems to me that unless the "Church teachings" in question are indeed infallible, then the dispute between Storck/Fleming and Woods is merely economic and has nothing to do with the Church. Therefore I assumed Fleming and Storck view the Church teachings that Woods disagrees with as *ex cathedra*. According to Richert, none of them hold this view. But his demand for apology is unwarranted, for no harm was intended if I indeed did, mistake their view; at worst, their own ambiguity led to their view being misconstrued. I have no idea what it means to "withdraw" something already said--it's not as if there is some big statement-deed-registry office in the sky who keeps track of these things--but I will be happy to state "for the record"--if any of these gentlemen do not "regard papal encyclicals on Catholic social thought to be 'infallible,'" then I retract stating this as a fact. Yet it seems to me they are trying to have it both ways. For their attack on Woods is based not on economic substance or arguments but on the incompatibility of (pure) capitalism with certain Church teachings. This only carries weight only if the Church teachings have some kind of authority to guarantee they are right. To my mind, this must be infallibility. I am unaware of some intermediate "infallibility-lite" status. Yet Richert denies they are saying the teachings are infallible. So

which way is it, guys? Are the teachings infallible (in which case, show how they are matters of faith or morals); or if not, what's the big deal with contradicting these teachings? After all, if you say something true that contradicts a non-infallible, possibly-false "teaching," you are in the right, no? So the question then simply becomes, are Woods's economic-related views correct, or not? Are they sound? No appeal to authority makes any sense at that stage of inquiry. Now far be it from me to accuse them of holding a view which an editor of a magazine with which they are associated insists they do not. But I may be excused for quoting some comments of theirs that can perhaps excuse my error. Storck writes,

the hallmark of dissenters and heretics throughout the ages has been precisely to take some human science, theology or philosophy often, elevate it above the teaching magisterium of the Catholic Church and pose the false quandary: If I accept such and such a teaching of the Church I must go against my God-given reason. But since reason is from God, I cannot contradict it. Therefore I must reject this teaching of the Church.

Storck here mentions the "magisterium" of the Church; and implies that a Catholic should not go against the "teaching of the Church", which, to me, implies the teaching must be infallible. If Storck does not mean this, then he is speaking of non-infallible teaching, in which case, there is nothing at all wrong, from the point of view of Catholicism, with Woods disagreeing with it. I for one would be happy to see Storck clearly and explicitly state precisely what is the basis of his critique. As for Fleming, in his piece he writes,

Second, the issue is not about Papal infallibility, and those who say it is are, as usual, lying. Popes make mistakes all the time, and, as I pointed out in my column, even Councils of the Church have had to reverse direction from time to time. The basic question is whether or not the Church is guided by the Holy Spirit over time. If it is, then the foundational principles of the Church in theology and ethics are true. If not, it is time to find another religion.

[...]Catholicism requires a certain amount of patience and humility, and if I am going to be asked to **reject the infallibility** of the Church, I am certainly not going to replace it with the infallibility of non-professional economists.

Now Fleming first denies it's about infallibility. However, he then implies that the Church's teachings on economics--even the non-capitalist oriented ones--are "guided by the Holy spirit"; foundational principles of ethics that are true. I am not sure what this is; it seems to be some kind of intermediate "infallibility lite" standard. And what can it mean when Fleming implies that adopting free market economics means "**reject[ing] the infallibility of the Church**" As with Storck, I regret if I have mistated or am misstating Fleming's views; but if so, I am not quite sure what they are, in this respect. Some final comments (some drawn from private correspondence with Woods). Fleming et al. say these teachings are not infallible. However, if they're saying it represents 2,000 years of traditional thought, then almost by definition that makes it infallible by virtue of the ordinary Magisterium. For example, Paul VI's *Humanae Vitae*, on contraception, is not ipso facto infallible -- nowhere does he say, "As Pope, I bind you all with this infallible statement" (that would be the extraordinary Magisterium at work) -- but because it follows an uninterrupted line of thought, it is considered infallible. Additional knowledge has come to light over the years that must influence these questions. Fleming is not quite correct when he says that the usury teaching changed only because conditions changed. Theologians had begun to realize that certain factors made certain loans not immoral; these factors became more and more numerous until finally, the prohibition essentially withered away. That is what Woods is suggesting should happen here. Consider the case of Galileo: Fleming's views here would justify Urban VIII's treatment of Galileo. Hadn't 1500 years of



tradition opposed Copernicanism? Hadn't all the Fathers interpreted the Bible to imply a stationary earth? In a [follow up](#), Fleming writes,

I am still waiting for a libertarian to respond to my challenge. Can they show that their liberal-individualist ethic is represented either in the New Testament or in the authoritative teachings of the Church? In the Beatitudes, for example, or in Christ's admonition to the rich young man, in the writings of Augustine and Thomas on the obligations of charity? If they were not sunk in the mire of 19th century liberalism--a dead tradition of thought, if ever there was one--they might be able to understand what the issue is. Come on, boys, we are waiting for a single rational argument that is not simply a recital of liberal platitudes.

I personally don't base my libertarian principles on statements in the New Testament, but rather on the simple notion that committing violence against other individuals requires justification; on the idea that peace, cooperation, civilization, and prosperity are preferable to their opposite--war, mayhem, strife, struggle, animal-like hand-to-mouth life, rape, murder, theft, conflict. I don't care to see if I can find statements justifying this in the NT; but it seems to me Jesus would choose the former over the latter. The bottom line is if someone "opposes" libertarianism, that means he does endorse the propriety of aggression--the initiation of violent force against peaceful neighbors--in some cases. It's that simple. Fleming writes:

Third, the issue is not about economic liberty or private property. The Church has consistently defended both. But it is only in the Modern Age that property rights became absolute, while other moral considerations had to be bracketed as matters of private opinion--a position to which the Church has never subscribed.

My first comment is--the Church never subscribed to absolute property rights? What about Roman law? In any event, note here, Fleming apparently thinks property rights are not "absolute," presumably because "other moral considerations" outweigh them or something. But this is just euphemistic or sterile language to disguise the naked truth, which is simply, that Fleming is in favor, in some cases, of institutionalized aggression against the bodies and/or private property of peaceful, innocent individuals. (If he is not, then he is a libertarian.) Why Fleming thinks there is some kind of burden of proof on those who endorse, advocate, and strive for peace, cooperate, prosperity, and civilization to prove that it is morally permissible to be in favor of these things is beyond me. It's reminiscent of the Randian's hand-wringing attempts to find some basis for benevolence--as if you should feel guilty for wanting to be nice to your neighbors unless you can prove it's permitted. Rather, the view of those consistently in favor of peace and cooperation and prosperity is not really that those willing to commit, or endorse, aggression have the burden of justifying it; rather, their view is that criminals, like animals, disasters, disease, and forces of nature, which, while unfortunate and a cause of tragedy, misery, and impoverishment, are merely technical problems that those who oppose aggression must try to find ways to combat and protect against.

[Posted at 06/24/04 09:32 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Godwin's Law](#)

[Usenet] "As a Usenet discussion grows longer, the probability of a comparison involving Nazis or Hitler approaches one." There is a tradition in many groups that, once this occurs, that thread is over, and whoever mentioned the Nazis has automatically lost whatever argument was in progress. Godwin's Law thus practically guarantees the existence of an upper bound on thread length in those groups. However

there is also a widely- recognized codicil that any intentional triggering of Godwin's Law in order to invoke its thread-ending effects will be unsuccessful. (Courtesy [Paul Comeaux](#))

[Posted at 06/25/04 09:07 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Nonaggression & Restrictive Covenants](#)

I agree with [Tom](#)'s and [Jeff](#)'s recent posts. On a related topic, Scott Richert of Chronicles recently posed a simple hypothetical to try to suss out the libertarian view. I have [replied](#).

[Posted at 06/28/04 02:21 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [UN Looking Better All The Time](#)

With the danger of the UN turning into a one-world government looking remoter all the time (if anything, the US is more likely to do this), the UN is looking more attractive, if only as a brake on US bellicosity and imperialism. The latest praiseworthy action by the UN is the ruling by its top court, the International Court of Justice (sometimes called the World Court) that the [West Bank barrier is illegal](#). In [this case](#), the ICJ was asked "to urgently render an advisory opinion on the following question": "What are the legal consequences arising from the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, as described in the report of the Secretary-General, considering the rules and principles of international law, including the Fourth Geneva Convention of 1949, and relevant Security Council and General Assembly resolutions?" The court ruled today "that the barrier Israel is building in the West Bank breaches international law and cannot be justified by Israel's security concerns. 'The wall ... cannot be justified by military exigencies or by the requirements of national security or public order,' said Judge Shi Jiuyong of China. 'The construction of such a wall accordingly constitutes breaches by Israel of its obligations under the applicable international humanitarian law.'" The advisory opinion, "Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory," should be posted [here](#) later today, after the completion of its reading of the opinion. Israel has already said it would ignore the [ruling](#). I will be curious to see how my former teacher, the brilliant (and, if I am not mistaken, Jewish) [Judge Rosalyn Higgins](#)--the British member of the Court--votes in this case.

[Posted at 07/09/04 11:08 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Re: World Court ruling on West Bank Wall](#)

Re my [earlier post](#): Still waiting for the [advisory opinion](#) to be posted, but someone alerted me that War Nut Daily has an [article](#) claiming that a leaked copy of the opinion reveals: "Fourteen votes favored the decision and the sole opponent was the American Judge, Thomas Buerghenthal." If correct, even the (Jewish) British judge, Rosalyn Higgins, voted against the wall. Interestinger and interestinger. Coda: The [advisory opinion](#) is up. It, and some of the separate concurring opinions (including that of Judge Higgins) are quite interesting. There is also a summary available.

[Posted at 07/09/04 11:40 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Bassani on Jefferson](#)

The article "Life, Liberty, and ..: Jefferson on Property Rights" by Marco Bassani, in the [latest issue](#) of the Journal of Libertarian Studies, is absolutely fantastic. Articles like this make the JLS well worth reading. This article is bound to be a classic; Bassani is a master of his material; a superb writer; and powerfully backs up his contentions. It joins my list of all-time favorite articles, which includes many by [Hoppe](#), such as "Murray N. Rothbard and the Ethics of Liberty," "Banking, Nation States and International Politics," "How is Fiat Money Possible?-or, The Devolution of Money and Credit," "In Defense of Extreme Rationalism," and "On Certainty and Uncertainty, Or: How Rational Can Our Expectations Be?"; and others (that would only interest international lawyers) such as [The Importance of "Nutshells"](#) and [From Concessions to Service Contracts](#).

[Posted at 07/11/04 02:00 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Self-Evident Rights](#)

Re-reading Bassani's great article on Jefferson, about which I [recently blogged](#), I note an interesting quote by Jefferson, from one of his letters. In the letter Jefferson speaks about the self-evident status of certain truths (such as those mentioned in the Declaration of Independence):

These axioms are so self-evident that no explanation can make them plainer; for he is not to be reasoned with who says that non-existence can control existence, or that nothing can move something.

Now what I find interesting is that it is clear that a criminal determined to attack a peaceful man's body or property is also "not to be reasoned with". It simply is pointless to try to rationally dissuade someone who does not care about justifying his actions or about the victim's life. Therefore, it would seem to follow that, since criminals (aggressors) are "not to be reasoned with," then the rights which the criminal is invading are by this token "self-evident". Put it this way: if I claim I have a right to be secure in my person and possessions, why do I need to prove it? To whom do I need to prove it? Either to fellow civilized men, or to those determined to invade these supposed rights. but if the former, no proof is necessary, since these fellow men share my belief in individual rights; and if the latter, any proof is pointless since they are directed, as it were, at the equivalent of animals. One does not talk a tiger out of attacking him.

[Posted at 07/12/04 12:38 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Hoppe on Everything](#)

[Hans-Hermann Hoppe: A Unified Theory of Everything](#): a nice, spirited book review, by Andy Duncan of Hoppe's classic [A Theory of Socialism and Capitalism](#).

[Posted at 07/12/04 11:44 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [How Dare you Re-Sell Your Book!](#)

Or so is the implicit concern of many quoted in [Online Battle of Low-Cost Books](#). Publishers and author activists are getting concerned that "Amazon.com [may be] becoming the Napster of the book business", with its growing sales of used books. When you find a book on Amazon, used books--very cheap--are often listed next to the new book. And the author (and publisher) make no additional royalty or revenues from sale of the used book. One publishing consultant frets,

Used books are to consumer books as Napster was to the music industry .... The question becomes, "How does the book industry address its used-book problem?" There aren't any easy answers, **especially as no one is breaking any laws here.**

Well, we'll just have to do something about that! After all, laws are easy to make, just pass 'em! Can't have authors not getting a royalty when someone buys a copy of their book, it might reduce authors' incentives to write. My prediction: the libertarian Cato Institute will soon come out in favor of a [federal law \(2\)](#), based on the [Civil Rights Act of 1964](#) and the [14th Amendment \(2, 3\)](#), that outlaws the re-sale of a used book unless the author gets a cut. JUST kidding.

[Posted at 07/12/04 04:39 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Strange Logic of Capital Punishment](#)

Supreme Court cases have ruled that it is unconstitutional--cruel and unusual punishment--to execute a [mentally retarded](#) or [insane or mentally incompetent](#) person. The reasoning for these prohibitions is a bit vague, but the idea is that the state may not kill someone who is unable to appreciate the punishment being carried out. Given this it really seems to make no sense that the state could ever carry out an execution, since the death is not instantaneous. For example, if a criminal is lethally injected, no doubt it takes several minutes, or many seconds, for him to die. At first he is unconscious; then when some amount of poison has been administered, he is no doubt injured to a certain point where he is equivalent to a retarded or incompetent person. If the injection were to stop at that point, where the criminal was allowed to survive but he would have suffered brain damage so that he is incompetent, it would presumably be unconstitutional to resume the execution at a later point, since it would be execution of an incompetent. Why then can the execution proceed if there is not a break?

[Posted at 07/14/04 09:58 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Metapost Re: Bush or Kerry?](#)

Re Jesse Ogden's [query](#), "Does it even matter who wins?" I'm not sure, but I'm pretty sure it doesn't matter whether it matters.

[Posted at 07/14/04 01:28 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Correspondence with an Iraqi Attorney](#)

I'm working with an Iraqi attorney on a project. In email I gingerly made the offhand comment, "hope all is going well for you." He replied wryly, "Well, it

[Posted at 07/14/04 10:08 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Defense of Marriage](#)

Your boy David Frum has a [post](#) about the lack of a "federalist" approach in both opponents and deponents (sayeth not) of the Federal Marriage Amendment. He writes, "For the sake of clarity, at least, we should understand what the senators who vote

[Posted at 07/14/04 10:30 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## **Re: Defense of Marriage**

Re my [post](#) about the Defense of Marriage amendment to the Constitution, a couple of people pointed out that the proponents of the Amendment think it prevents states from having gay marriage, and point to the first sentence in the proposed amendment, "Marriage in the United States shall consist only of the union of a man and a woman." I agree that many proponents, at least the ones I have heard--as well as opponents--seem to think the Amendment prevents states from having gay marriage. Now the proposed amendment is certainly poorly drafted. No doubt it would be clarified before being ever seriously considered. To repeat, the [version](#) I found states:

Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.

Now does the first sentence prevent a state from legislatively providing for gay marriage? I do not think so, for a few reasons. First, if it did, why are the other sentences necessary? Why say that a state constitution or the federal Constitution shall not be construed to require gay marriage? After all, this amendment is to be in the Constitution itself, and if the first sentence prohibits all gay marriage, then of course the federal Constitution can't be "construed" to require it; and it would not matter if a state constitution did, for it would be in conflict with the federal. Therefore, these other sentences would be superfluous. But by standard constitutional interpretative techniques we have to assume they are in there for a reason, this implies the first sentence does not automatically do anything like this. So it is kind of precatory, but has no effect on its own. And consider this. Suppose this amendment is enacted. Now California enacts a civil union statute, that says that any two people co-habiting may sign up for a civil union, in which case they will inherit from each other "as if" they are married, can make decisions for each other, can bind each other in debts, have community property etc. Or, instead of saying "as if" they are married, the statute could simply list all the rights and obligations, and these could mirror those in force for married couples. This would not be unconstitutional, would it? It would not violate the amendment, would it? I think it would clearly not. Then gay couples start signing up for the civil union. Some of them will no doubt call themselves "married", and have "marriage" ceremonies. Some of their friends, maybe even employers, will refer to civil-union-partners as "spouses." Now this private use of language is not illegal, or unconstitutional, is it? Now: Suppose the next year the California legislature simply changes the TITLE of the civil union statute to "Homosexual Marriage Act." That's all they change. Surely, it cannot be unconstitutional for an otherwise unconstitutional act to be LABELED a certain way by the legislature, can it? And if it was, the legislature could get around it by simply adopting a non-binding "comment" to the statute and by adopting the habit of referring to it as the "California Homosexual Marriage Act of 2004". Surely it can't be illegal or unconstitutional for California legislators to adopt an informal, shorthand label for the act, can it? \*\*\* This gets to the heart of the problem with both sides of the gay marriage debate. They are not clear about whether they are debating substance or semantics. In my view, no conservative or libertarian can have a principled objection to a state recognizing civil unions; it's just a matter of contract, after all. Therefore, the entire debate seems to be what label should be used in the title of the statute. Does it really matter whether a statute is LABELED "marriage" or "civil union"? Who cares?

[Posted at 07/15/04 11:16 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [More on Raico](#)

Lew's [post](#) about Raico's great article reminds me of the funny episode about Cato and Palmer versus Raico and the Kaiser. Posts [1](#), [2](#), [3](#).

[Posted at 07/15/04 02:42 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [China on IP](#)

China [decided recently](#) to rescind Pfizer's (Chinese) patent for Viagra. An official from China's patent office reportedly said, "We are very cautious when we grant a patent, because a patent means a market, and that can mean allowing the monopolization of a market." The article noted that the "Viagra pill costs about one yuan (US\$0.10) to make but Pfizer sells them in China for 98 yuan a tablet. ... The entry of local producers is likely to see the price drop to 22 yuan a pill." Just what China needs, more reproduction. Anyway, a step in the right direction from the point of view of property rights.

[Posted at 07/18/04 10:03 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Lew, Smoking, and Kids](#)

Lew, you're right about [smoking being cool](#)--and as I pointed out in my [very first LRC article](#) back in 2000 (and still the one that generated the most hate mail), it shouldn't be illegal for kids to smoke! p.s.: Unlike in 2000, I now have a kid, and have not changed my mind...

[Posted at 07/21/04 12:20 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [The Trouble with Feser \(on Libertarianism\)](#)

Ed Feser's recent article, [The Trouble with Libertarianism](#) (blogged [here](#) by Stephen Carson), like your boy [Jonah Goldberg](#) and one-hit neocon wonder [Francis Fukuyama](#), has to misconstrue libertarianism in order to attack it. He sets up straw men that are easily knocked down. But the libertarianism that he attacks is not the libertarianism I know. First, note his definition:

"Libertarianism" is usually defined as the view in political philosophy that the only legitimate function of a government is to protect its citizens from force, fraud, theft, and breach of contract, and that it otherwise ought not to interfere with its citizens' dealings with one another, either to make them more economically equal or to make them more morally virtuous.

This is not too far off, but I would say libertarianism is, at its [essence](#) ([2](#)), simply based on the preference for peaceful interaction and opposition to violent conflict with our neighbors. In short, it is opposed to aggression, the initiation of force against others; or worded differently, the unconsented to use or invasion of the borders of the bodies or property of others. As a consequence of this, we naturally oppose institutionalized aggression, i.e., the state, or at least seek to keep the state within strict limits and to only a few, narrowly-defined functions. But what makes Feser's argument an attack on a straw man is his insistence that libertarianism is correct because it is "genuinely neutral between diverse moral and religious worldviews." Not only tradition or natural-law based versions of libertarianism, but also contractarianism and utilitarian strands of libertarianism "fail to be neutral between moral and religious

points of view." I find this utterly bizarre. Of course libertarianism is not "neutral." True, we support a political ideal that does permit individuals freedom to pursue a diverse variety of modes of life. But it does not permit, say, axe-murdering, if that happens to be your gig. No, we aren't neutral about that, sorry to say. It of course is opposed by its nature to those who want to use the institutionalized force of the state to outlaw non-aggressive behavior that they don't like. Libertarians are opposed to aggression. We favor voluntary, peaceful, cooperative interaction between people. So we are not neutral as between the entrepreneur and the criminal, the saint and the socialist, the victim and the aggressor, the civilized man and the savage. We are not neutral at all. I, for one, am not. I hate the latter, and love the former. I would stamp out the latter, for the sake of the former. The criminals are a wretched excuse for humanity, but really just a technical problem. Our fellow, civilized kith and kin are what life is all about. To emphasize: note that nothing Feser says about us not being "neutral" in any way justifies the initiation of violent force against one's peaceful neighbors.

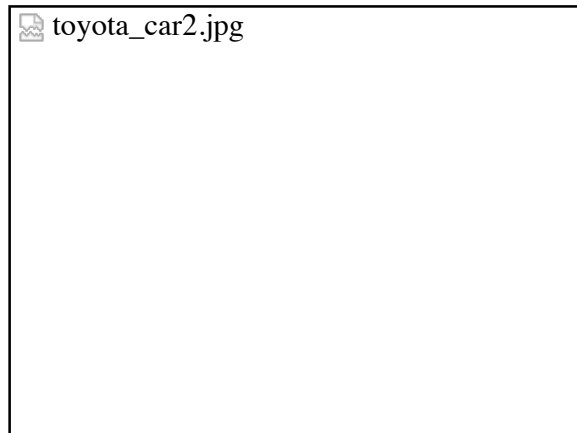
[Posted at 07/27/04 10:38 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Reason on Trademarks](#)

Hanah Metchis has a decent [article](#) in *Reason* on some absurd extensions of [trademark law](#). Metchis discusses Geico's suit against Google for trademark infringement because Google sells targeted ads that might display a competing insurance company's ad or site when a user searches for "Geico". Of course, it's not surprising that things like this happen when inherently ambiguous and arbitrary rights are granted in "intellectual" property; such rights [necessarily infringe](#) on individuals' rights to their tangible property.

[Posted at 07/24/04 10:35 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [More ridiculous patents](#)



A [car with expressions \(patent\)](#)! Wow, what a novel idea! I bet no one ever thought of that before. Herbie [Herbie the Love Bug](#) and



[Speed Buggy](#), where are you? BTW, claim 1, a model of clarity, reads:

A vehicle expression operation control system for controlling an expression operation of a vehicle, comprising:

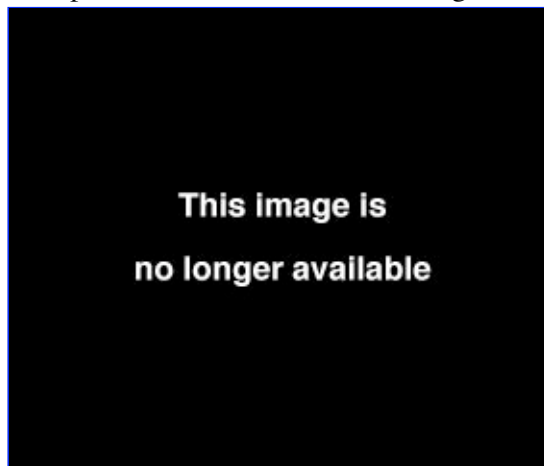
a vehicle condition detecting device for detecting condition of the vehicle, including a state of operation of the vehicle or a state of operation of a device equipped to the vehicle; and

a reaction control device for determining a reaction of the vehicle based on the condition of the vehicle detected by the vehicle condition detecting device to control performance of an expression operation corresponding to the reaction determined, wherein the expression operation corresponds to an expression timing chart to produce a controlled expression state of a plurality of expression states for a controlled time interval.

[Posted at 07/26/04 01:43 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

### **[The Trouble with Democracy](#)**

These people can vote. The CNN caption reads, "New Mexico delegate Frances Williams wears a hat



illustrating her state's history."

[Posted at 07/27/04 10:49 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

### **[Re: The Trouble with Feser \(on Libertarianism\)](#)**



Mr. Feser replied to my earlier [blogpost](#). His reply, reprinted below (with permission), and my response to it, follows:

Dear Mr. Kinsella,

A friend directed me to your reply to my article. Unfortunately, like others who've criticized it, you don't seem to have read it very carefully. Some comments on your comments:

1. I didn't "attack" libertarianism. Rather, I attacked the claims that (a) libertarianism is neutral between comprehensive doctrines, and (b) that there is a common core to all the main theories usually classified as "libertarian." All of this leaves open the possibility that some doctrine usually classified as "libertarian" is true; indeed, I am personally inclined to accept some version of Aristotelian-natural law based libertarianism, combined with insights drawn from Hayek (though these days I'd probably prefer the label "classical liberal" or, with Hayek, "Burkean Whig," to the label "libertarian," which, partly for the reasons I discuss in the article, is often extremely misleading). Moreover, someone familiar with my other writings on libertarianism -- as I know you are, since you once sent me a nice note about one of my articles -- would realize that "attacking libertarianism" wasn't quite what I intended.

2. Yes, I realize that no libertarian claims that his view is neutral between every single worldview, however bizarre, any more than Rawls does. (Obviously, ax-murdering is, as you say, out.) What I said was that libertarians generally take their view to be neutral between the main worldviews represented in contemporary pluralistic societies: this sort of thing is usually what is meant by the claim that a view like Rawlsian liberalism or libertarianism is "neutral," and it is this claim that was my target. (For an example of this sort of libertarian claim to "neutrality," think of Nozick's concept of the minimal state as a "meta-utopia" in which different visions of how society should be ordered can be tried out.)

3. It is simply no good to say that "non-aggression" etc. is the core to all versions of libertarianism, because the real question is what counts as "aggression" -- after all, NO ONE, libertarian or otherwise, claims to be in favor of aggression, so what is the point of appealing to "non-aggression" as if it answered all questions? In fact it doesn't answer anything, because what counts as aggression can only be determined once we've first determined what rights we have and why we have them. Does abortion count as aggression? Does refusing to legalize same-sex marriage count as aggression? Does outlawing stem-cell research count as aggression? Different versions of libertarianism will give very different answers to these questions, because they have very different conceptions of rights.

The point of my article was to suggest that the differences between these versions of libertarianism are often far more important and interesting than the similarities. Libertarians of a Lockean, Aristotelian, or Hayekian bent are, in my view, miles away from libertarians of the contractarian or utilitarian type. Indeed, I would go so far as to suggest that the latter are closer to modern liberals and the former closer to modern conservatives than the two camps of libertarians are to each other. That many libertarians don't see this is, I think, a consequence of their not paying sufficient attention to the very different implications that the foundations one gives libertarianism might have for what counts as "libertarianism." (If you want to see just how radically different the Aristotelian-Hayekian sort of libertarianism is going to be from other varieties, once its implications are consistently drawn out, you might find of

interest my article "Self-Ownership, Abortion, and the Rights of Children," forthcoming in the Journal of Libertarian Studies.)

Best,

Ed Feser

My reply is as follows. First, let me make it clear that I meant no disrespect to the Fesinator, nor that I uncharitably construed his words. But after all, his article was entitled "The Trouble with Libertarianism," hardly something a diehard, hardcore, irascible libertarian like me can be expected to resist responding to (see, e.g., my responses to previous attacks on libertarianism by [Jonah Goldberg](#) and [Francis Fukuyama](#)). I do not think it matters much whether Feser's argument is characterized as an "attack" on "libertarianism" per se or not. The main question for me is: has Feser set forth any arguments that show that the main libertarian case is wrong? If he does not, his title is inapropos and frankly, I am (qua libertarian) completely uninterested. If he does not assert or maintain that libertarianism is flawed or incorrect, then I withdraw my response. If, on the other hand, he does for whatever reason claim that libertarianism is flawed, then I feel compelled to take issue with this. I disagree with this. Now the question in this case is, what is his argument? As I said in my previous post, his main argument seems to be that libertarianism somehow rests upon the idea that it is "neutral between comprehensive doctrines" and also "that there is a common core to all the main theories usually classified as 'libertarian.'" I'll be honest that this country boy's eyes glaze over when philosopher and humanities types use terms like "neutral between comprehensive doctrines" or even "common core." In fact this makes my trigger finger itch. Just kidding. I went right to what I saw as the heart of the matter, when I read this, so I'm sorry Feser thinks I didn't "seem to have read it very carefully." The bottom line to me is: does Feser mount any kind of case against the primary libertarian belief? This belief is, as I noted, that the unconsented-to use of another's body or property--what is commonly referred to as *aggression*--is unjustified. It has nothing to do with being "neutral between comprehensive doctrines". Nor does its justification. So to be honest, I find Feser's attack to be completely beside the point. That is why I did not delve into the details (that, and I am short on time). I really don't mind if Feser wants to prove libertarianism is not "neutral between comprehensive doctrines", any more than I mind if he wants to prove libertarianism "has no position on the length of the universe." This is because the *principled opposition to aggression* does not rely in the slightest upon being "neutral between comprehensive doctrines". In fact, as I said before, this view is NOT "neutral." It is anti-aggression, and pro-victim. Let's make it even clearer. To disprove libertarianism's central contention--that aggression is unjustified--one must actually try to (a) show that aggression is actually justified (in some cases); or (b) show that what we view as aggression (e.g., murder and other private crime; or activities of the state such as taxation, regulation, conscription) is not actually aggression. I honestly see no other logical alternative. Now I ask you: Does Feser's demonstration (if it is that) that libertarianism is not "neutral between comprehensive doctrines" show either thing? Of course it does not. Feser may be interested in this and indeed it may be an interesting thing to show, but I fail to see how it shows that aggression is justified; or that the state does not necessarily employ aggression. Accordingly, I conclude that our view that aggression is unjustified and the state is inherently aggressive (and therefore unjustified) is simply not challenged by Feser's opinion or observation that libertarianism isn't "neutral between comprehensive doctrines"! Of course, I am focusing with a monomania on aggression. But then, I am a libertarian. Shall I apologize for that? To whom? The savages? In the words of The Mighty Thor, *I say thee ... NAY!*

[Posted at 07/28/04 10:22 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Stalking and Threats as Aggression](#)

The [looney chick that stalked](#) Catherine Zeta-Jones provides a good example of why stalking should be a punishable offense; why it is a type of aggression. As discussed in pp. 68-69 of [this article](#), the section on Standing Threats (p. 80) of [this article](#), pp. 65-66 of [this article](#). Certainly, under the "are we better off with or without her" test, this stalker chick should be put in jail. (Pat Tinsley and I will address some of these issues in great detail in a forthcoming paper, "Causation and Aggression".)

[Posted at 07/29/04 11:56 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [How I Know Kerry Will Win](#)

Because, for just a short while--maybe 30 seconds--the other night, watching various speakers at the Democrat Convention, even I felt a brief tug of hope, "hey, maybe they *can* improve things ... maybe they can improve the economy, improve our standing in the world, make us get along better..." Then I snapped out of it, and shuddered. If they can suck even me in, a lifelong hater of Democrats and other socialists...

[Posted at 07/29/04 03:17 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Re: The Trouble with Feser \(on Libertarianism\)](#)

Following up on recent [blogposts](#): The Fesinator wrote me back:

Thanks for your note, and for your latest comments on the Rockwell blog. My impression from what you say is that we probably don't disagree here about anything of substance. My article was intended to criticize, not libertarianism, but rather certain claims about libertarianism, such as the claim that it is, as Rawls's position aims to be, "neutral" between "reasonable comprehensive doctrines." (I know the jargon is ugly, but discussions of this issue since the time Rawls wrote have tended to adopt it, so I'm afraid I'm stuck with it.)

I gather that you don't necessarily disagree with this point as long as it does not entail that your own version of libertarianism is false -- and as far as I can tell, it does not entail this, any more than it entails the falsity of the Aristotelian and Hayekian versions of libertarianism I favor.

If you wonder whether there are libertarians who do care whether libertarianism is "neutral," though, you might check out Will Wilkinson's [reply \(2\)](#) to my article on TCS. Wilkinson seems to think it is desperately important to defend the claim that libertarianism is neutral in this Rawlsian sense, so my article was by no means directed against a view that no libertarians are committed to. I plan to respond to Wilkinson in another TCS piece.

As I wrote Ed back--if all Ed is discussing is whether libertarianism is "neutral" in some sense, that is fine but it simply does not interest me--at least, not qua libertarian. All I care about--qua libertarian--is whether the claim that aggression is unjustified (and I do believe the content of "aggression" is well understood), is true or not. And, of course, applications of this, details, investigations into what aggression is, in the gray or difficult issues, etc. Wilkinson does go on about "Liberal Order and Liberal Neutrality" but my eyes tend to glaze over at this stuff. I don't see how showing there is some kind of "neutrality" in libertarianism is either necessary or sufficient to justify it. In the end, libertarianism is about being civilized: about

co-existing peacefully with one's neighbors; cooperating with them rather than violently struggling with them; respecting their stuff rather than trying to take it and treating it like it's yours. Now we have this to a certain degree; we have a certain amount of voluntary respect for others' rights already, otherwise we would not have obtained the degree of prosperity and civilization we do have. Now the question of why or how or whether this view is justified is an interesting one; so is the question of to what degree it is followed, or could be followed, or will be followed; and the question of what things can be done or will be done to achieve a higher compliance with the libertarian idea; and so is the issue of what is one's personal ethical obligation in terms of devoting part of one's own life to strategizing, activism, rhetoric, etc. But none of these are libertarianism per se. To be a libertarian is to endorse the simple proposition that peaceful interaction is preferable to violence. It does not mean one believes we have liberty; or that perfect liberty will ever be achieved. It does not commit one to being some irritating activist who thinks it's his duty to vote a certain way or "fight" for liberty. It does not mean that one even thinks that true liberty is possible.

[Posted at 07/29/04 03:52 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### Re: The Monster Kerry

Re Norm's [post](#)--sure, Kerry's a monster. But he's [gonna win](#). Let's face it, the country has become ineradicably in the thrall of egalitarianism, political correctness, and redistribution of wealth. The hounds have been loosed; there is not even any pretense any more that redistribution of wealth and socialism is bad, that economic reality matters. Do a thought experiment. Picture Carter (vs. Reagan). Picture the prissy, lispy, sneering, stiff, scary Gore. Remember the goofy, wobble-headed, effete, above-it-all Dukakis. Now picture Kerry. He is not like the others. He is not goofy. He has experience and gravitas. And who is he up against?--that doofus Bush. Mark my words. Kerry will win. Big. Face it. Get ready for tax increases, cave-ins to immigration, an administration riddled with token but incompetent minorities preening with their newfound power and position. Get ready for a new generation of liberal judges. I'm not happy about it. I'm almost embarrassed to say I would prefer Bush to win. But Bush would be better on taxes, and much better on federal judge appointments. Other than this, Kerry should not be much worse than Bush.

[Posted at 07/29/04 10:56 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### De Jure Belli ac Pacis

*On the Law of War and Peace*, Dutch jurist Hugo Grotius's classic 1625 treatise on international law, is [available online](#). This translation is inferior to the more recent one by Louise Loomis, but still great. Bush should read this!

[Posted at 07/30/04 05:38 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### A different sort of oligarch

From The Economist, an article on the astonishing new Georgian minister of economics: [Face value: A different sort of oligarch](#): *Having got rich in Russia, Kakha Bendukidze now wants to be the world's most capitalistic politician.*

He [Bendukidze] says that Georgia should be ready to sell

[Posted at 07/31/04 01:48 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [It's Usually the Government's Fault](#)

[340 people were killed](#) in a supermarket fire in Paraguay. The reason--security staff locked doors to prevent customers from running out without paying. Doubtless the owner and guards are to blame. But would this have happened in a free society? Unlikely. In a capitalist society theft would be radically lower, if only because things would be cheaper and people would have more money. There would be much less concern about shoplifting or theft. See, you can almost always find a way to blame government for tragedies. In this case, government socialism and regulation impoverish people, making theft more likely and making everyone distrust each other, making it more likely the guards would be ordered to bar the doors even in an emergency situation.

[Posted at 08/02/04 11:13 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Iraqi Law](#)

For those with a legal bent--I've arranged for an [Iraqi law firm](#) to provide a chapter elaborating on Iraq's rapidly-changing commercial laws for a [legal treatise](#) I edit. Here's an [excerpt](#) of an unedited draft of the chapter.

[Posted at 08/02/04 03:16 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [IP versus Innovation](#)

*Wired* article: [The Eagle Is Grounded: While America works to protect intellectual property, everyone else is innovating](#) (thanks to Tim Gillin).

[Posted at 08/03/04 09:46 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Badnarik to the Bone](#)

A [piece](#) on the LP convention in the August issue of *Liberty* reports on the nomination of "dark horse" Michael Badnarik. On the one hand, he has some pretty good, or at least interesting, ideas: "He proposed that convicted felons serve the first month of their sentence in bed so that their muscles would atrophy and they'd be less trouble for prison guards and to blow up the U.N. building on the eighth day of his administration." I love that punishment idea--it's totally stupid but at least it's creative! On the other hand, Badnarik being a Libertarian, he apparently believes "that the Federal Reserve System is privately owned." God, save us from [the conspiracy nutballs](#). But--for his desire to punish criminals, he's got my vote!

[Posted at 08/09/04 11:41 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [LaRouche Rockwell?](#)

How any former [LRC columnist](#) Gancarski could ever think there is a connection between the crypto-socialist Lyndon LaRouche and libertarian LewRockwell.com is beyond me (or between the one-note Birchers and LRC, for that matter). This is just bizarre. I think Gancarski needs to follow the advice

imposed on speakers at the Democrat convention to not be so "bug-eyed".

[Posted at 08/09/04 02:02 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Todd Needs A Liver](#)

Ah, the multiple and various [uses of the web](#)! I saw this billboard in Houston this morning. I need to register "www.StephanNeedsADrink.com"

[Posted at 08/10/04 12:04 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Next music revolution?](#)

[Recording music](#) from [radio stations](#) on the web... (Courtesy [Paul Comeaux](#))

[Posted at 08/10/04 02:10 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Re: Larouche Rockwell?](#)

Re my [previous post](#) about Gar-something's allegations that we are mixed in with those batty, crypto-socialist, meandering, incoherent, cult-of-personality (and what a boring personality) Larouchies--it's rather strange that they'd be [attacking us](#)! (Link from Jeff Tucker on Mises list.)

[Posted at 08/10/04 08:59 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Penn & Teller](#)

I recently watched, at random, one of the episodes of the Showtime series, [Penn & Teller: Bullsh\\*t](#). So happens the one I picked was a hilarious episode on why recycling is stupid, ineffective, inefficient, pointless. I think Penn is a libertarian too. They are sort of like the foul-mouthed John Stossel--a combo of Stossel, George Carlin, and the Amazing Randi.

[Posted at 08/12/04 02:41 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Long on Anarchy, Short on Government](#)

Roderick Long's Mises U talk on anarchy is on [his blog](#). I've heard that one anarchist expert said it's the best speech he's ever heard on the subject.

[Posted at 08/13/04 10:07 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [DiLorenzo on Capitalism](#)

Tom DiLorenzo's book, [How Capitalism Saved America : The Untold History of Our Country, from the Pilgrims to the Present](#) has an impressive ranking of 2,160 on Amazon right now. (And his last one, [The Real Lincoln](#), published last year, still has a ranking of 10,771!) The Publisher's Weekly review notes, "What's beguiling is DiLorenzo's single-mindedness." Ha! This is the mainstream/leftist way of saying "principled, consistent".

[Posted at 08/13/04 02:36 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## **[Top 5 Blogs and Sites](#)**

Since time is short and there are a practically infinite number of web sites and blogs, it might be interesting to try to see what are the top 5 blogs and top 5 sites visited regularly by LRC aficionados. I asked Jeff Tucker for his top 5 (or so), he listed these: [Mises](#), [LRC](#), [Catallarchy](#), [FEE](#), [Antiwar.com](#), [Acton](#), [Google news](#), [Economic Data-FRED II](#), and [Notre Dame's Latin/Grammar aid](#). To most of those I would add: [Amazon.com](#); [Drudge](#); [RefDesk](#); [The Onion](#), and [CNN](#) and [FoxNews](#).

[Posted at 08/18/04 04:44 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## **[Nature of Law and the State](#)**

Great quote by the Misenator, in [Omnipotent Government](#), called to my attention by Jeff Tucker: "*The total complex of the rules according to which those at the helm employ compulsion and coercion is called law. Yet the characteristic feature of the state is not these rules, as such, but the application or threat of violence.*". Beautiful. Just beautiful. Cuts through all the law professor mumbo jumbo about the allegedly hard-to-pin-down nature of law.

[Posted at 08/18/04 04:56 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## **[Re: Bassani on Jefferson -- and Latest Journal of Libertarian Studies](#)**

I recently [mentioned](#) the wonderful article on Jefferson by Marco Bassani in the latest JLS. Thanks to the Mises Institute, this issue--including Bassani's [article](#)--is now online. Contents of JLS Volume 18, no. 1 (Winter 2004):



[Volume 18, no. 1 \(Winter 2004\)](#)

[Posted at 08/18/04 11:03 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## **[Five Indispensable Tips for Law Students and New Lawyers](#)**

Good [short article](#) (except for the "use a mindmapping program daily"--give me a break). I like tip # 5 best. Lawyers need it.


[Posted at 08/19/04 08:30 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## **[Kerry's The New Soldier](#)**

Kerry's 1972 book, The New Soldier, is [out of print](#) and hard to find (\$500 on ebay). Kerry's refusal to grant reprint permission is to no avail, alas; it is now [online](#).

[Posted at 08/26/04 03:06 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Hurt on the Job?](#)

 [kerry-ambulance-small.jpg](#)

[Posted at 08/27/04 05:23 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Fred and Gottfried on Jews](#)

I loved Fred Reed's recent LRC piece, [Stop Writing Me About the Jews](#), as well as Paul Gottfried's followup, [Fred Reed and Me](#). It was predictable that the Jew-obsessed would go apesh\*t about this, and sure enough, [they](#) have--[Reading Reed](#), [Fred's Fallacies](#) and [More on Fred](#). What [nutjobs](#). These guys can't see an obvious fact: if there had never been any Jews, we would still have a welfare-warfare semi-socialist state. The state is our biggest problem. Ergo, the Jews are not the cause of our problems. Simple. It's the socialism, stupid. And why do we have socialism? Because most people are socialistic to some degree. Duh. And it's their fault. Individual responsibility and all that. P.s. to Jew-obsessed nutjobs out there: please don't write me about the Jews.

[Posted at 08/28/04 01:17 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Spam and a Cup of Sugar](#)


My neighborhood, West University Place, is a small, self-contained little island of a city within Houston. It's only about 2 square miles; but it's fairly densely packed, about 10,000 families. Unlike Houston proper, West U has zoning. And most of its residents like it this way including, I confess, yours truly. A [recently passed](#) ordinance (sec. [15.011](#)) prohibits door-to-door soliciting in several cases: too early or too late; for any unregistered solicitors; or where the homeowner has a "no soliciting" sign posted. Now it's been [amended again](#) to provide for a "do-not-disturb list," which lists addresses of residents who have indicated that commercial soliciting is not welcome. Now personally, I like these rules. But are they libertarian? It seems to me they are. Property owners have the right to exclude, or to permit ("license"), others to enter or use their property. There is normally a presumption that neighbors and others with



peaceful purposes in mind can walk up to your door and knock on it, e.g. to borrow a cup of sugar. They have implicit license. There is a presumption in an area based on conventional usage and tradition, etc. But I can change this, e.g. by telling someone they are unwelcome or posting a sign. And there is no implicit permission for girl scouts to knock on my door at, say, 4:00 a.m. to sell me cookies; in such conditions the presumption is the other way around. This ordinance seems to me to largely reflect libertarian principles. It prohibits soliciting too early or too late. It prohibits soliciting those who have made it clear they don't welcome it--they don't give permission for this use of their property (by means of a sign or signing up to a public, easily accessible list). It even makes an exception for those under 14 years of age, because most of us would not want to keep our neighbors' kids from coming by to ask for donations to the Little League or selling girl scout cookies. Of course similar comments could be made about spam (as [I have done before](#)). If you have a publicly accessible or known email address, the presumption is people can email you to send you a message. But you could rebut it for a specific person, like someone stalking or harassing you. Because sending an email to me is a way of [using my computer](#), since it causes certain physical things to happen to my computer. Therefore you have to have my permission, at least tacit, to send me email. In my view, there should be no need to sign up to a "do-not-spam" list, since the presumption should be that [nobody wants all that spam](#), unless they explicitly welcome it.

[Posted at 08/30/04 03:16 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Hoppe in Korean](#)

A [Korean version](#) of Hans-Hermann Hoppe's *Democracy: The God That Failed* is now available from  the [Korean Center for Free Enterprise](#); it can be ordered from the [Kyobo book store](#).

[Posted at 08/31/04 10:47 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Compulsory Kiwi Voting](#)

A Kiwi lawyer friend of mine, [Andrew Simpson](#), and I were talking, he agreed, "that Bush moron has got to go," and then he asked me if voting is compulsory here. I asked him what he meant, and he explained that it's mandatory in New Zealand. If you don't vote you get a fine in the mail, about \$45. Unbelievable. What a terrible law. Coda: Writes Rob Stove from Melbourne: "Alas, it isn't only New Zealanders who are forced by law to vote or face draconian fines. We Australians must do so as well. I have repeatedly informed Americans of this national disgrace, and even the most statist among them have expressed disbelief: "You are kidding me, right?" (Conversely, what passes for the Australian "right" - i.e. the First Church of John Howard Messiah - regards compulsory voting with either bleary-eyed indifference or, more often, active approval.) "Even distributing one's own leaflets supporting minor parties at election time was, eight years ago - and probably still is - punishable by jail here, as the [case of Albert Langer](#) attests. (Langer is a former card-carrying Communist blowhard turned neocon blowhard, so most LRC readers will have precious little time for him. But jail?) "A nice passage from historian Geoffrey Blainey, about the only intellectual in Australian public life who has dared condemn this form of dirigiste bullying, is germane: "The introduction in 1924 of compulsory voting ... was the idea of an obscure Tasmanian senator, Herbert Payne, who held the belief - since disproved - that it would quickly lead to a 'wonderful improvement in the political knowledge of the people'. ([A Shorter History of Australia](#) [Melbourne, 1995], p. 178)."

[Posted at 09/01/04 11:40 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Paleos for Zell](#)

In view of his [dueling challenge](#) to Chris Matthews, he must be the darling of the white-glove, agrarian, rebel-flag-worshipping paleoconservatives.

[Posted at 09/02/04 11:24 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Creative Tax Avoidance](#)

Well, I should say, evasion. Tax avoidance is legal; tax evasion is not. It occurs to me that unpatriotic, unscrupulous, greedy, selfish, individualist types, since they are so creative in trying to find ways to avoid paying the taxes that they legally and morally owe, could try a strategy such as the following, which of course I as a good lawyer and libertarian would never recommend; quite the contrary, keep on the lookout for this horrible way to cheat the state out of your money: Say you are physically injured by someone, and sue them, and receive monetary damages. In this case, the money damages [might not be taxable](#) (2, 3), since it compensates for an injury and is designed to "make you whole" or put you back where you were before--rather than a substitute for income, which is taxable (no offense, [nutballs](#), 2). Anyway, this is my understanding, even though I'm not a tax attorney (but I do play one on TV). So suppose you have a small business (and are a horrible, evil person who would actually cheat the government out of your money) and have a salesman who makes a base salary of \$100K a year. You want to give him a big commission this year, say \$300K. Well the \$300K will be taxed at a high level. So, what you do is--evil you--have the salesman sue you for some tort (say, he claims you beat him up), and then you settle for \$300K. Tax free! O! it saddens my heart that there are probably actually people out there who actually want to cheat the state out of their money. That they would be so creative shows how desperately greedy they are.

[Posted at 09/03/04 10:37 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Lawyers: The Problem?](#)

Re my Creative Tax Avoidance [post](#), a correspondent and I had this exchange:

HE: The problem with the scenario is it requires lawyers, and they take an even larger percent than the gov't, ne c'est pas? ME: Well, you could make it more complicated and kill the lawyer.

HE: no, no, no...Shakespeare has villains recommending that in HENRY VI Part 2, act iv: scene ii... **much more effective will be to take Kant's advice and recognise that an officer of the court serving in either the legislature or the executive branch is a conflict of interest and be forbidden.** Someday I'll push this as an initiative in [my] state and we'll call it the "restoration of the rule of law" act. ME: Interesting, never heard that before. Ban lawyers--members of the judiciary in a sense, as they are "officers of the court"--from serving in the other two branches on separation of powers grounds. I like it! However, the crafty critters would no doubt get around it by finding a way to simply suspend their law license while in the legislature or executive branch. HE: Suspend, no resign, so they must take the bar again... but anyway, sometimes a light touch is enough... create a sense that a lawyer in the other branches is as odd as a gentleman fitter in a lingerie shop... and give people the means to vent against lawyers each election, and see how many get elected against the opponents who point out "he is a lawyer"... the lawyers have overplayed their hand pretending to be indelibly

different...let it stick.

I like it. My fellow lawyers by and large disgust me with their totally unwarranted arrogance and pretense that they have some special insight into what **policy** should be simply because they are trained to navigate the current messy legal system. In law school we lawyers have the usual judge- and congresscritter-made legal rules drilled into our heads in courses like torts, constitutional law, etc. Now knowledge of the current legal landscape is essential, but lawyers too often confuse what is with what should be. For example over the decades the Supreme Court has developed the doctrine that even if the Constitution provides a specific prohibition on what government can do, such as censor free speech (First Amendment), the federal government can still validly and constitutionally infringe the right, so long as you can show that there is a "compelling state interest". Now this is the highest test, and admittedly the way the Court construes it, usually federal laws and acts don't satisfy this test. Other laws that do not infringe fundamental rights only have to pass the "rational basis" test, which is easy to pass. These ridiculous tests and concepts are nowhere to be found in the Constitution, of course. Nevertheless, these standards are undeniably part of modern American constitutional law, and the lawyer needs to be familiar with them. Nothing wrong with that. But what I have found to be one of the most annoying things during and since law school, is when an attorney drops that phrase to normatively justify a given policy. For example if you--as a citizen, as a libertarian, whatever--state that the feds have no right to outlaw drugs, or to redistribute income, or establish a minimum wage, whatever, often a mainstream (i.e., socialistic) lawyer will say, "Sure they do, *since they have a compelling interest* in regulating that activity." I find this so disingenuous, smarmy, and ignorant, as to want to smack him. The lawyer here is doing several things. First, he is simply trying to dishonestly use argument by authority to win the debate, by using lawyerly jargon that most laymen are not familiar with. This is despicable. But second, and worse, he is revealing his ignorance and stupidity, and/or his disingenuity, by responding to a *normative* statement with a recitation of what the current legal standards are. It would be about as coherent and honest to reply to someone condemning Nazi Germany's anti-Jewish laws and actions, with the point that the law was valid since Hitler--the lawgiver of that time--authorized it. It's basically equivalent to stating that every given law is valid, simply because it is the current law. It's legal positivism run amok, which is, of course, a disease most lawyers have. Far from being more competent than the average person to decide what policy and law should be, as they pretend, lawyers are much worse than the average layman at this, given the brainwashing in socialistic, state-supporting propaganda and legal rules they are subjected to in law school. A minority of us have the fortitude, integrity, and intelligence to realize the difference between what the law is and what it should be, but most lawyers are despicably socialistic. I guess I'm a self-hating lawyer!

[Posted at 09/05/04 12:07 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## **[Re: Lawyers: The Problem?](#)**

Correspondence re this [post](#): An Army attorney in Afghanistan writes--

Bravo on your recent post. I'm a Chicago area lawyer who went to law school in my mid-30s and struggled with the issues you raise. As a reserve officer involuntarily called up and stationed in Afghanistan, banning lawyers from serving in the executive branch sounds good to me.

To look on the bright side, the experience is interesting. I'm the Operations (or Ops for short) Officer for a brigade level organization, which at full strength would have a few thousand

soldiers assigned. Over here we're not at that strength, but we retain the number of slots and authority to fill each slot at the various rank required in the event we do go to full strength. I work directly for the Commander and with subordinate commanders, coordinating mission essential details, such as force protection issues. I am up to my eyeballs in perimeters, guard towers, stand-off distances, "wire", minefields (leftovers, not new ones by us), concrete and "Hesco" barriers, entry control points, X-ray machines, MP canines, etc. We have people from our organization in 5 locations in Uzbekistan and Afghanistan, so I get to visit each location, inspect their security measures, coordinate improvements, and since nothing really ever happens unless the boss knows about it, report on all these activities and improvements to "CJTF76" (Combined Joint Task Force 76, the 25th Infantry Division headquarters that runs the war here in Afghanistan). [...] As we're Illinois Guardsmen who have been called up, we'll be out here a full 12 months. We're coming up on the 6 month mark, or "hump day" shortly. [...] I have been an admirer of Lew's work and that of the Mises Institute for probably the last 15 years, and am an avid reader of LRC, Mises.org. and books by Mises, H3, Rothbard, etc. Aside from a recitation of schools I've graduated from and licenses I hold, if I were to give one achievement that would sum up my credentials it would be the fact that my wife and I home schooled our children for nine years before we put them in a private church-run school (I think home schooling says a lot about the willingness to break with the state).

Someone else writes:

You're bang on with your "Lawyers: The Problem?" post. As a law student that will resume studies this week, I'll be subjected to the same collectivist b.s. that the large majority of professors hammer into you from day 1. Speaking as perhaps the lone libertarian in the school it's an uphill battle against an overwhelming statist crowd (which is by and large the mushy left and "dispicably socialistic").

An attorney friend writes,

On further reflection, I don't think that it's lawyers per se that are the problem. I've never believed that law school had much to do with it. Law school just tends to draw a disproportionate no. of people with this particular mental defect. Basically, they're stupid and mostly ignorant, but since they're lawyers they're convinced they must be smart and well educated.

In reply to my question, "Do you think there was a time when lawyers really were smart and educated? And that we lost it and are riding on reputation from days of yore? Or that they never were really smart..?" he replied, "Educated maybe, smart, probably never. The business model of being a lawyer has always been more or less the same sucky model."

[Posted at 09/07/04 01:13 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Poetic Justice](#)

The RIAA has apparently [been sued](#) for patent infringement by Altnet. It's really sad when an entity that uses illegitimate federal intellectual property law (copyright) to sue innocent victims is itself sued under illegitimate federal intellectual property law (patent). And this, ladies and germs, is why it's [not necessarily immoral or unlibertarian](#) to work to acquire IP rights, or even to sue others for infringing those

rights.

[Posted at 09/10/04 09:38 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Gun Rights Idea](#)

A pro-gun rights attorney friend just sent me this email:

Following up on this [assault weapons craziness](#) in the news [the hysteria over the imminent expiration of the federal assault weapons ban], whaddya think of this proposed legislation I just came up with. For the safety of our law enforcement personnel (and the public at large), we should pass a common sense federal law that: (a) reduces the use of assault weapons in crime, and (b) preserves the 2nd Amendment rights of law-abiding citizens. The proposed law would REQUIRE that any person, during the commission of any federal or state crime (at least a felony), use ONLY a pistol having less than 10 rounds in each magazine, or a less lethal instrumentality. Some sarcastic legislator should propose this, just to see what the arguments against it might be. "You can't legislate against criminals, they don't obey the law anyway". BINGO! If criminals can't be legislated against, repeal ALL gun control measures. Obligatory response: "Gasp! What are you, some kind of gun nut?!!"

Of course, my main objection to such a law would be that it is not authorized in [Article I, Section 8](#), so it's [ultra vires](#)...

[Posted at 09/10/04 04:06 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [The Sky is Falling!](#)

This article [Speeches ignore impending U.S. debt disaster](#) ominously mentions a fiscal looming fiscal catastrophe due to a budget gap estimated at *\$72 trillion* (thanks to Rob Moody for the link). On one hand, this indeed looks bad, very bad. On the other hand, the sky-is-falling-crowd never seems to have their predictions borne out. They never take into account the entrepreneur and the market, and their circumventing the clumsy state. And then you have the silver lining crowd--the libertarian cheerleaders who always think a revolution is around the corner, and the subset of those who think impending sky-is-falling will be the trigger. So they actually seem to see signs of hope in such bad news, much like fundamentalists keep seeing signs of Armageddon in events in Israel. These libertarians are the "the worse the better bunch", but the worse the worse, a wise man told me.

[Posted at 09/13/04 10:18 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Out of the Mouths of Babes](#)

Reading about the Montessori approach to education, I came across this explanation of the "Peace Table" in *The Montessori Way* ([PDF](#)). In this [approach](#) (2), children address conflicts and disputes at the Peace Table, rather than by fighting. The idea is to find peaceful solutions to conflict. In more intractable or complicated disputes, the students can request a mediator. Peace treaties are crafted and the children record the agreement in a binder. "A ringing bell signals the agreement, bringing classroom work to a momentary standstill as students pause to applaud an act of peace." [Conflict-avoidance](#) is the [essence](#) of civilization (2, 3; 4), this is quite amazing and libertarian.

[Posted at 09/14/04 12:32 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Poetic Justice again](#)

[National Review sued by Muslim for libel](#). They fight it and win; the 'slim is ordered to pay atty fees but he can't afford it, so NR is now begging for donations to pay their \$60K legal bill. I.e., "Please help us pay our bills we owe to rich, liberal, \$400/hour attorneys because we chose the expensive, principled route. These libel laws are just horrible. Of course, as mainstreamers, we don't oppose the existence of libel law." (Thanks to Albert Gunn for link.)

[Posted at 09/13/04 12:35 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Betting on Bush](#)

I have bets on [Kerry winning \(2\)](#) w/ Ralph Raico, Chris Sciabarra, and others, but the [market is with them](#) at this point. But I still think Kerry will win; demographics just get tougher ever year for a non-democrat. The immigration act doomed us. Coda: A reader just wrote: "You may be correct on Kerry. Colorado now seems to be a "battleground" state because of an increasing Hispanic population. New Mexico is solidly Kerry already and Nevada may also fall into the Kerry camp because of Hispanics. And although the Cuban-American in Florida population leans Bush, other Hispanic groups are heavily Democratic leaning." Vive la mexico!

[Posted at 09/14/04 01:38 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Wong is Wight!](#)

The only good thing about politicians is the entertainment value. Houston like other areas is being gradually ... riddled (is that a PC word) with various minorities including Asians. One of them is Martha Wong, who is running for re-election to the Texas House of Representatives. That nice Change family across the street has a sign up in their yard, "Vote WONG!" Bless 'em. They gave us a nice little toy for our boy, after all. I don't go for putting signs in my yard, bumper stickers on my car (well, when in college I had "Nuke the Gay Unborn Russian Whales" up, but have since matured 2 or 3 percent), or wearing tee-shirts with slogans. It just seems ... gauche. In any event I got a Martha Wong flyer in the mail today which gave me a chuckle. Those Chinamen--excuse me, that's not PC, I mean *Chinawomen*--are very humorous. The flyer says, hilariously, "**BE RIGHT, VOTE WONG**"

[Posted at 09/14/04 10:18 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Todd Got His Liver \(On\)](#)

The [wonders of the web](#). Todd [got his liver](#).

[Posted at 09/14/04 11:09 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [The Civil War](#)

Lincoln expert Tom DiLorenzo refuses to use the standard Yankee term "Civil War". He usually calls it The War to Prevent Southern Independence, but has also used The War for Southern Independence on

occasion. [This article](#) by Southron Joseph Cole explains:

The American War of 1861-1865 has been referred to by numerous different names: The War of the Rebellion - the official US government name during the war. The War of Insurrection - another popular Yankee name. Lincoln frequently referred to the "insurrection". The Civil War - the most well known and continuously used. By most Southrons the War is referred to as the either The War for Southern Independence or The War of Northern Aggression. As a compromise, the term War Between The States is often used.

As the author points out, the first three names are inappropriate because the CSA "was a legally established government representing the interests of several sovereign states which had legally seceded from a voluntary alliance with several other sovereign states known as the United States of America. Secession from the USA was not made illegal until after the war." The term "The War Between the States" is also incorrect since the war was fought between the CSA and the USA, which were alliances of independent sovereign states; the war "was not fought between the individual states, i.e. Virginia was not at war with New York, Pennsylvania was not at war with Florida, etc." Cole says The War for Southern Independence is correct if, but it implies "that the Confederacy started the war, in order to achieve independence, which it did not." He also believes that The War of Northern Aggression is also correct, since the USA attacked the CSA. "However, this implies that the Southern States were just the hapless victims. While they were victims of a criminal attack, the cost to the attackers for their subjugation was very high. This cost was not just the human casualties of war, but the destruction of the American culture, way of life, and the loss many of the basic freedoms previously guaranteed by the US Constitution." Therefore, Cole prefers the term "War for Southern Independence." Myself, I prefer, Clyde Wilson's term War to Prevent Southern Independence, as DiLorenzo also seems to. War for Southern Independence does make it sound as if we started the war to obtain independence. But this is not true. First we seceded, which gave us independence. The North attacked us to prevent this. If there are any other good alternative labels I've missed, send 'em on.... stephan - at - kinsellalaw dot com.

[Posted at 09/15/04 11:08 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Future of Copyright](#)

[A science-fiction author thinks about copyright](#): Cory Doctorow is thinking about control of information and technology as the deciding factor

[Posted at 09/15/04 11:55 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Down with Supremacists!](#)

What looks to be an interesting new book from Phyllis Schlafly, [The Supremacists: The Tyranny of Judges and How to Stop It](#).

[Posted at 09/15/04 12:03 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Re: The Civil War](#)

More on [this post](#). (BTW, [Tony](#), I don't give a rat's glutius about whether a term "turns people off" or doesn't "promote discourse". If I cared about that, I wouldn't be a libertarian.) Some readers offered some

interesting suggestions. Johan Ridenfeldt reminds me, Walter Block (who is fleeing Ivan as I type) called it "[the First War of Southern Secession](#)". Another favorite (from Burger King Markus) is: 1776 Revolution: the War To Switch Mercantilist Masters (NSK: this could also be used to describe the Civil War) 1860-something: the **War Of Yankee Bloodlust**. Daddy likes! Burger King also wrote:

Once I realized that the American "Civil War" hadn't been a civil war, I started calling it the **War of Secession**. It's short and people know what I'm talking about, even if they're puzzled at first that I don't use the standard name. What I don't like about any of DiLorenzo's preferred names is that they immediately take a stand on the "Civil War" -- one with which I now agree -- and that keeps any dialog or debate partners from using them. War of Secession seems neutral, while it also disarms the associations with "Civil War". [NSK NOTE: I don't care about "keeping dialog open" etc. I like to use the best term, period. If it turns off some people then it saves me the trouble of wasting time talking to PC, humorless idiots.] Similarly, when Robert LeFevre convinced me (through Mises.org/Media) that the "American Revolution" wasn't a revolution, I started calling it the War of Independence, as it had once been known. Again, people know what I'm referring to without getting their defenses up. Now the War of Independence was also a war of secession, and the War of Secession was of course a war for independence, but I have yet to encounter any confusion from my use of those terms. And in fact, I like that descriptive cross-over because it helps eventually make the point that the two wars had strong parallels, with mercantilists on the anti-secession side both times and for similar reasons.

An anonymous chap writes,

The key is to use a name that tells the truth without sounding too contrived. For accuracy, how about something like **The Yankee Invasion of America**? But my favorite, which I picked up from a Southern friend, is **The Late Unpleasantness**. It concedes nothing and it's catchy. It doesn't make the listener defensive.

*Again, I don't see the benefit of not making someone defensive. Screw that touchy feely stuff.* Now John whose last name is allegedly Bolstad writes:

I enjoyed your blog posting on names for the "Civil War". I can think of a good reason for not using "The War of Northern Agression": it doesn't uniquely identify the war! About 20 years ago I went to Mexico City, and toured the history museum. They referred to the Mexican-American war as the "War of Northern Agression".

Some character purportedly going by the monicker of Tony Pivetta wrote:

How about

[Posted at 09/15/04 03:02 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Great Ideas](#)

[Courts may be stripped on pledge](#) -- discusses the attempt by some House Republicans to try to prevent the Supremes from overturning legislation related to the pledge. The idea is to simply strip the Court of jurisdiction over certain matters, using a neglected provision in the Constitution: [Article III, Section II](#), which provides:



*The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;--to all Cases affecting Ambassadors, other public ministers and Consuls;--to all Cases of admiralty and maritime Jurisdiction;--to Controversies to which the United States shall be a Party;--to Controversies between two or more States;--between a State and Citizens of another State;--between Citizens of different States;--between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects. In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, **the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.***

This is, IMO, a very good idea. Strip away. (No offense, [libertarian centralists](#) [2, [last 4 Gene Healy articles here](#)].) Note: As explained [here](#):

Article III, Section 2, clause 2's reference to cases in which 'a State shall be Party' does not include suits by citizens against states. See [United States v. Texas, 143 U.S. 621](#), 643-44 (1892) ('The words in the constitution, 'in all cases . . . in which a state shall be party, the supreme court shall have original jurisdiction' . . . *do not refer to suits brought against a state by its own citizens or by citizens of other states, or by citizens or subjects of foreign states, even where such suits arise under the constitution, laws, and treaties of the United States, because the judicial power of the United States does not extend to suits of individuals against states.*') (emphasis added). The Eleventh Amendment provides that 'The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.' U.S. Const. Amend. XI.

This is why a suit by a citizen against his own State based on a claim of violation of federal constitutional rights would not be a case where a "State is Party" and original jurisdiction. So, e.g., a lawsuit challenging the pledge, or an abortion law, or a state's hetero-only marriage laws, even if the state is being sued, is a case of appellate, and not original, jurisdiction. It's not a case where a "State [is] a Party" because that language refers to paragraph 1 situations, which do not include a citizen suing his own State. Therefore jurisdiction for a citizen suing his own State can only be based on a claim "arising under" federal law or the Constitution, and thus a case of appellate jurisdiction. For further discussion see [these annotations](#). See also [this discussion](#), which notes that original jurisdiction is very narrow, and . So anything else is appellate and can be regulated. According to the Findlaw [summary/annotations](#), after the Eleventh Amendment, "those cases to which States were parties were now limited to States as party plaintiffs, to two or more States disputing, or to United States suits against States". Thus, if a citizen sues his State on some kind of Constitutional grounds, where the Supreme Court might have a chance to innovate and strike down the state law based on invented rights, the suit can't be one of original jurisdiction since the State is not a plaintiff, nor a 2-State dispute, or a US vs. State suit; therefore, the Court has jurisdiction based on the suit arising under federal law or the Constitution, which is appellate.

[Posted at 09/16/04 11:24 AM by [Stephan Kinsella](#) on [LewRockwell.com](#) 

[On Reducing the Supreme Court's Jurisdiction](#)

Following up on my [previous post](#) endorsing the idea of Congress using [Article III, Section 2](#) of the Constitution to limit the Supreme Court's jurisdiction over certain issues. A curious [retort](#) has been posted elsewhere. The writer accused me of "puffy analysis" and being a "dainty liar" and of making an "exhaustive attempt[] to divert from the usually damned clear language of the US constitution." And I committed the apparently unacceptable action of finding and quoting pertinent Supreme Court cases on point. I think the author is confused when he assume my, and Supreme Court jurisprudence, assumes "that the 11th amendment refers to citizens suing their own states." We are not assuming that at all. Let me try again. First, the Constitution, [Art. III, Sec. 1](#), specifies that the "judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish." Accordingly, Congress did establish the inferior (federal appellate and trial) courts. But the Constitution itself creates the Supreme Court. Art. III, Sec. 2 lists what its judicial Powers are--i.e., what types of cases it has jurisdiction over. This is the first paragraph. The second paragraph says that the Supreme Court has "original jurisdiction" in some of these cases. In the other cases, the Supreme Court has appellate jurisdiction only; Congress can restrict this jurisdiction. So in theory, Congress could abolish (or never have formed) any of the federal appellate or district (inferior) courts, and could remove from the Supreme Court all appellate jurisdiction and leave it only with original jurisdiction. Now the question here is, what if Congress tries to remove the ability of the federal courts to hear cases concerning, say, the pledge or abortion laws or the Ten Commandments etc. Now in many of these cases, a citizen will sue his State based on infringement of his Constitutional rights. For example, a woman might sue a state if it outlaws or regulates abortion, on the grounds that it violates her Constitutional rights. Or a gay Texan might [sue Texas](#) in federal court to have its anti-sodomy law overturned as unconstitutional. If these cases are heard under appellate jurisdiction, then Congress could simply remove the Court's jurisdiction. That would prevent the Court from overturning, say, Texas' anti-sodomy law. So do such cases fall under original or appellate jurisdiction? Well, para. 2 says: "In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction..." At first glance, the types of cases I noted above, where a citizen sues his own state, would seem to fall under original jurisdiction, since a State is a Party. But this analysis is mistaken. Para. 2 is simply dividing the cases *where there is jurisdiction*--as listed in paragraph 1--into either original, or appellate. It is not creating or granting more jurisdiction. And in paragraph 1, ***no jurisdiction is granted for suits of a citizen against his own state***. It does grant jurisdiction for cases "between a State and Citizens of another State"--but that was later overturned by the [11th Amendment](#). In other words, the Supreme Court is simply not granted power to hear cases where a citizen sues his own state (or even another state, after the 11th Amendment). Therefore, since there is no jurisdiction at all over these cases, it cannot be original jurisdiction. When the second para says there is original jurisdiction in cases "in which a State shall be Party", that would have to refer to the Cases listed in paragraph 1, where a State would be a party, such as one state suing another State (or, before the 11th Amendment, to a case of a citizen suing another State). But note that para. 1 also says that "The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States..." This is how a citizen can sue his own state for violation of his Constitutional rights, since the claim arises under the Constitution. But this is not one of the types of Cases for which there is original jurisdiction; therefore, it is a case of appellate jurisdiction. Now, this was my own reasoning, drawing on my hazy recollection of this topic from law school. And, it turned out, after I had come to this conclusion on my own, that the Supreme Court has said the same thing, in several cases. In [Texas v. White](#), the Court reasoned:

The words in the constitution, 'in all cases ... in which a state shall be party, the supreme court shall have original jurisdiction,' **necessarily refer to all cases mentioned in the preceding clause in which a state may be made of right a party defendant, or in which a state may**

**of right be a party plaintiff.** It is admitted that **these words do not refer to suits brought against a state by its own citizens or by citizens of other states, or by citizens or subjects of foreign states, even where such suits arise under the constitution, laws, and treaties of the United States, because the judicial power of the United States does not extend to suits of individuals against states.**

Now I know we don't always agree with the Court, but they do sometimes have a decent analysis of the Constitution. This is one of those cases. Further, since this is a case where this interpretation would promote liberty, by restraining the Court's ability to invent new, unlibertarian, positive rights and/or to further erode federalism, I fail to see why libertarians would be aghast by it.

[Posted at 09/17/04 12:06 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [More on Restricting the Supreme Court's Jurisdiction](#)

Re [these posts](#)--Jim Sheehan writes:

Your argument is well-supported by J. Kennedy in [Alden v Maine](#), a recent case. Kennedy makes clear that sovereign immunity derives from the Constitution, and the immunity that the states retained upon ratification.

Stephan, correct me if I am wrong, but Alden appears to go even farther than you do, does it not? It looks to me like the Constitution never gave the SC appellate OR original jurisdiction in suits by individuals against their own state. I believe the doctrine of *ex parte Young* (1908) has been used to abrogate state sovereignty by authorizing suits against state officials. I question whether *Young* is valid, but that is a separate question.

This all sounds about right. But I think Alden and sovereign immunity have to do with private suits against the state for damages. E.g., for breach of contract, that kind of thing. States have to consent to such suits. There are some exceptions, e.g. you can sue government officials directly. But states can also be directly sued by individuals, even if they don't consent, presumably in the [Lawrence v. Texas](#) case. This may be because of the Fourteenth Amendment, or maybe because the case alleges a violation of federal law by the State. I am not sure. The Alden case intimates this, when it says:

Sovereign immunity, moreover, does not bar all judicial review of state compliance with the Constitution and valid federal law. Rather, certain limits are implicit in the constitutional principle of state sovereign immunity. [...] We have held also that in adopting the Fourteenth Amendment, the people required the States to surrender a portion of the sovereignty that had been preserved to them by the original Constitution, so that Congress may authorize private suits against nonconsenting States pursuant to its

[Posted at 09/17/04 11:50 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Re: On Reducing the Supreme Court's Jurisdiction](#)

3L Clay Rossi sent me this interesting comment re recent [posts](#):

When I was a first year [law school] we did cover some of the ramifications of withdrawing selected areas of jurisdiction from the federal courts and/or Supreme Court. If everyone still

abided by the rule of law, there would be no question about Congress' ability to do it. However, the statist will not go down without a fight. The former dean of my law school ( a neocon con law professor of some repute) told me that the counter offensive against limiting federal jurisdiction has already been planned -- i.e. the Supreme Court will strike down the any act of Congress which seeks to limit jurisdiction as unconstitutional on the grounds that the limitation on the jurisdiction is a violation of the due process rights of the people who would have be able to seek redress in the federal court system before the restriction. So in other words, the Supremes will hold that their own concept of what the words "due process" mean as higher and greater than the plain meaning the enumerated powers of Congress found in the Constitution. That sound like par for the course.

Regarding [recent posts](#), Rossi also has these comments on the substantive issue at hand:

The way I understand the agument is a follows. The sovereign right of immunity from suit is a basic principle which predates the Constitution. The language of Art. III sec 2 is said to have been drafted with the presumption that jurisdiction where the state was a party against the claim of a person was only found where the state had consented to the suit. The 11th Amendment clarified this position, however, the sovereign right of immunity of the state against one of its own citizens is still implicit, not explicit in the 11th amendment. The 14th Amend., through the ratification process by the states, is said to act as an explicit waiver of a state's sovereign immunity against suit by its own citizens. However, this waiver is only triggered by 14th Amend. sec 5's appropriate legislation clause. It may then be deduced that if the waiver may only be triggered in legislation where Congress manifests its intention to trigger the waiver "clearly and unambiguously" in the legislation, then the waiver is limited to those things which Congress may rightfully legislate upon. Congress may rightfully legislate the parameters of federal appellate jurisdiction, but Congress is not given the power to legislate the areas of original jurisdicton. Since the Congress has no ability to legislate on original jurisdiction, the 14 sec 5 waiver trigger is only applied to appellate jurisdiction matters.

This is interesting and kind of persuasive. Original jursidiction by definition is that which the Supreme Court has automatically; not only if Congress doesn't limit it. Appellate jurisdiction, by contrast, is that which Congress can limit. Since the 14th Amendment specically allows Congress to provide, or not provide, jurisdiction to hear certain cases under the 14th, it's appellate by definition. In any event it can clearly be restricted, under the 14th Amendment even if not under Art. III. Further--see this [definition](#). Let's take the case where, say, Lawrence sues Texas. He sues in state courts. Then it's appealed to the Supreme Court. This alone seems show that it's not original jurisdiction. It's appealed from state court. So it has to be appellate jursidiction.

[Posted at 09/18/04 03:21 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Death by Remote](#)

This [page](#) links to what it calls a "neat video" from the gun camera of an AH-64 Apache attack in Iraq, and then does some juvenile math calculating how much damage was done to the victims by the gunfire.

[Posted at 09/20/04 09:26 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Re: Stalking and Threats as Aggression](#)

Re previous [post](#): Here's [another example](#) of why standing threats ought to be punished as crimes. In my view, if the facts of this story (where a 17-year old planned to bomb his high school) bear out, life in prison would be fine with me, under the "are we better off with or without him" test.

[Posted at 09/20/04 12:55 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Free Phone Service](#)

More miracles of the Internet: [Skype](#).

[Posted at 09/20/04 02:25 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Conservatives and Liberals](#)

As a libertarian, I of course accept the view that conservatives and liberals are really very similar--that there's not a dime's worth of difference. Maybe a nickel's worth. Anyway, the difference is not zero. One difference I have noticed is how differently liberals and conservatives view wins by their opponents. If Kerry wins (as I still [predict he will](#)), conservatives won't like it, but they won't be perplexed: some people are simply liberal. They didn't like Clinton being President, but they don't feign surprise and shock when they actually meet a liberal. They know some people are liberal. However, ones gets the impression leftists are always baffled that anyone decent could ever vote for a Republican. They are still sputtering in incomprehension about Bush's 2000 win. The seem to hang around such cloistered, effete, smug liberals in enclaves like NY and Hollywood and DC that they simply don't know anyone who is conservative. Hence their bug-eyed promises to move to France if Bush wins; their instant labeling of conservatives as racists, anti-semites etc. The liberals are simply so self-righteous (despite being more totalitarian, intolerant, and fascistic in general than conservatives, even on their pet issues like free speech) and smug in their superiority, back-slapping over AIDS fundraisers and thinking they are "smarter" than conservatives; that anyone who is a conservative is simply an uneducated redneck hillbilly cracker ... that they think their candidate is "obviously" better; so obvious that you have to be depraved--racist, misogynist, anti-semitic, selfish--not to see it. So if Bush actually wins, one silver lining will be the total outrage, incomprehension, and befuddlement on the faces of liberals the next morning. And taking pleasure in the fact that liberals self-congratulate themselves on being so smart but on really being too stupid to realize that Bush is really a liberal too.

[Posted at 09/23/04 12:45 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Immigration Idea](#)

How about this compromise: we remove all barriers to immigration except one: we charge a fee. I propose we charge somewhere between \$1 million and \$10 million per family. That way you guarantee you get fairly decent (non-criminal, educated, successful, civil, etc.) quality immigrants. If, say, 100,000 families (about 400,000 people, say) immigrate per year and pay \$1 million each, that's \$100 billion per year.

[Posted at 09/22/04 05:20 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Re: Immigration Idea](#)

[Dale](#)--I want the [\\$100 billion](#) to be distributed pro-rata to taxpayers as a refund. Look, it's simple. If we have open borders America will be devastated in a matter of years. Therefore there have to be restrictions based on some criteria. Why not one like this, that improve the quality of, and reduces the number of, immigrants, and helps lower my overall tax bill.

[Posted at 09/23/04 12:36 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Anti-Semitism in America](#)

I have an attorney friend, whose last name is, let's say, Rosenberg. It sounds Jewish, but he's not. As a joke, the other day I emailed him "Happy Rosh Hashana". Later he told it happens quite often that people mistakenly think he's Jewish, but he rarely corrects them, since it helps land clients. For example, just the other day some Jewish guy who needed a lawyer in this field was flipping through the yellow pages for attorneys in his town and decided on my friend because of his name. So he didn't disabuse the guy of the false notion that he was Jewish. So here we have a gentile who **avoids** correcting others' false impression that he is Jewish. An interesting indicator as to whether anti-semitism is really a significant problem in America.

[Posted at 09/23/04 10:19 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Terrorism and Photocopiers](#)

My company is looking into leasing a new bus-hub photocopier/scanner/printer from Konica Minolta. As I reviewed the [rental agreement form](#), I noticed a curious new provision related to terrorism. Because we all know the potential of photocopiers to be used for nefarious uses. It reads:

IMPORTANT INFORMATION ABOUT THE PATRIOT ACT EFFECTIVE OCTOBER 1, 2003 To help the United States Government fight terrorism and money laundering, Federal law requires us to obtain, verify, and record information that identifies each person or business that opens an account or establishes a relationship. What this means for you: when you open an account or establish a relationship, we will ask for your name, street address, date of birth, and identification number, such as a social security number or taxpayer identification number. For businesses, we will ask for the business name, street address and tax identification number. Federal law requires us to obtain this information. We may also ask to see your driver's license or other identifying documents that will allow us to identify you. We appreciate your cooperation.

[Posted at 09/23/04 02:45 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Self-hating neocons](#)

[Blame It on Neo](#), by Julia Gorin (subtitle: *Don't call me a "neocon" unless you are a friend.*) is the most bizarre thing I've ever seen in the *War Street Journal*. The article says explicitly that the word "neocon" is a substitute for "kike".

When a member of the enlightened classes, or Pat Buchanan, makes reference to a "neocon," what he's saying is "yid." That's right, "neoconservative," particularly in its shortened form, when employed by a nonconservative (or by Buchananites) and therefore meant derogatorily,

is the modern, albeit more specific, word for "kike" ....

And the article then lays down the law:

So let's go over the rules: Just because we call ourselves "neocons," it doesn't mean you can. Of course, if you're right-leaning and don't intend the word disparagingly, you get a pass.

This is simply amazing. The article is poorly written and argued, and so blatant in its hysterical attempt to stifle criticism, and falls flat in its transparent attempt to pretend to be humorous. I am dumbfounded the WSJ would publish this. (But, then again, they employ one of the most despicable humans in public life, Al Hunt.) It is amateur and juvenile. The article is so over the top and strangely breezy in some ways, and indicates the author "performs with RightStuffComedy.com", probably to provide a "humorous piece" cover for the shockingly blatant PC pronouncements. But it's plain that they want to outlaw the word neocon! You'd never know it's their own self-describing term. Seems to me the real meaning is: we are exempt from criticism, you bigots, because of who we are. I.e., as an acquaintance observed, it's supposed to be funny, but her intent, and theirs, is deadly serious. DO NOT SAY NEOCON. We've turned it into a pejorative--or, rather, they have--and they can't stand it.

[Posted at 09/23/04 05:14 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Palmer on Hoppe](#)

Tom Palmer has engaged in yet another [attack](#) on Hoppe, this time in response to Hoppe's [brief comment](#) about immigration policy. There are several problems with Palmer's piece. First, the entire point of his post is that Hoppe's immigration theory would have excluded Hoppe. But this is not an argument at all. It is perfectly possible for Hoppe's theory to be right even if it would have excluded him. It is also possible for Palmer to drive on public roads on the way to work yet still advocate that roads should be private, is it not? So what if the proper immigration theory would not have allowed Hoppe to emigrate to America? Should he (and we) base our immigration views around how it would have affected Hoppe himself? Is this about Hoppe now? (In fact, Hoppe's immigration proposed policy would not exclude Hoppe, but that is irrelevant.) **Ad hominem/hypocrisy** Maybe Palmer is trying to say Hoppe is a hypocrite, for taking advantage of an immigration policy he himself disagrees with. But even if Hoppe is a hypocrite, his argument might be sound; thus this would be an *ad hominem* argument, in a post in which Palmer himself has the chutzpah to criticize Hoppe for "quickly resort[ing] to arguments *ad hominem*...." Elsewhere Palmer calls Hoppe "inimitably kooky," "zany," and "Nevada

[Posted at 09/24/04 11:42 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Another Point for France \(Income Tax Withholding\)](#)

A friend who just returned from a visit to Paris told me he loved it there and that someone told him they don't even have income tax withholding there, as we do here. I was dubious, since I assumed France has even higher taxes than here and would have by now enacted withholding. But I checked with some French attorney colleagues and an American friend who lives there, and they confirmed that no, there is no withholding. As my friend said:

Yes, your friend is right. it is the individual

[Posted at 09/24/04 04:00 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Cato on Federalism](#)

While preparing the recent [post](#) on Tom Palmer's attack on Hoppe, I see Palmer recommends the Cato article [The Federal Marriage Amendment: Unnecessary, Anti-federalist, and Anti-democratic](#), by Dale Carpenter. I've posted before on related issues here: [Gay Marriage Amendment](#); also [Subsidiarity and San Francisco](#); and [Re Gay Marriage](#). I tend to agree with most of Carpenter's points, namely that there should be no federal restriction (constitutional or otherwise) on what a given state does about same-sex marriage. Carpenter argues that it's unlikely that same-sex in marriage would spread to other states by virtue of courts in the other states recognizing gay marriage under the "full faith and credit clause." He's probably right. And if that happened, we could always amend the Constitution then to make it clear that no state has to recognize other states' same-sex marriages. But what I find interesting is that when it comes to gay marriage, Cato finally gets religion on the issue of federalism. This is the same Cato that has no problem with the illegal 14th amendment being ridiculously construed to permit federal courts to strike down state laws that violate the Bill of Rights. (See: [1](#), [2](#), [3](#); and the last 4 Gene Healy articles [here](#).) Cato's Roger Pilon (whom I respect, especially for his rights theory--

[Posted at 09/24/04 04:00 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [No Treason's Chattering Punks](#)

[Stephan Kinsella Ought To Shut His Stupid Cake Hole](#), which rants and raves over my [post \(2\)](#) suggesting selling citizenship rights. Apparently this has been seriously contemplated before: [Study finds Americans against selling citizenship rights](#) discusses a proposal to do this, apparently at about \$50,000 per immigrant. Some advocates maintain that: "Selling citizenship or permanent residency would attract ambitious, skilled and energetic people confident in recuperating their investment in citizenship rights within a reasonable period of time...." "The cost of getting a green card would raise about \$40 billion a year if 800,000 people paid to enter the country [presumably at a cost of \$50K each]." Apparently this was provoked by an article by Shaheen Borna & James M. Stearns, two professors of marketing in Ohio, "[The ethics and efficacy of selling national citizenship](#)," JOURNAL OF BUSINESS ETHICS, 2002 (vol. 37, pp. 193-207). Who knows, maybe \$50K would be more reasonable than the \$1million I mentioned. Even \$50K would be high enough to help select high-quality immigrants, and restrict numbers to reasonable levels. I have heard some other countries do sell citizenship rights, but find only spotty stuff on the web about it: e.g., the [Kingdom of Tonga](#); [Dominica, Grenada and the four South Pacific nations \(Kiribati, Nauru, Tuvalu and Vanuatu\)](#); [Cyprus](#); and some [libertarians](#) apparently have proposed it before.

[Posted at 09/24/04 09:52 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Re: Palmer on Hoppe](#)

Re this [post](#)--Palmer and others have chimed in in the comments section of his own [posting](#). Palmer's continual fantasy-land smears of good people are truly embarrassing. For him. Incidentally, Palmer never answers the question of whether he is in favor of open borders or not. He writes, "The empirical evidence strongly indicates that immigrants to the U.S. are net taxpayers to the welfare state, not net recipients." This may be true; but this is *given* current immigration laws which *do* restrict immigration. If you open the borders up and we get 10, 20 million immigrants a year, are you so confident of that prediction? Oh, hell, let's just try and see, what do we have to lose? As to whether he favors open borders, he answers:

Overall, I favor freedom of movement unless good reason can be shown to restrict it. I see no



good reason to restrict immigration in the manner that Hoppe advocates, and I believe that his arguments are risible. There are, it's true, serious issues concerning both welfare benefits and the franchise. My response is not to cut back on freedom of movement, but to cut back on the welfare state; I would be willing to accept a first step toward that goal by specifying that immigrants are ineligible for state benefits. And I believe that the franchise should be limited to those who show an understanding of and make a credible oath to support the fundamental rights and liberties on which the country was founded. There is no obligation to arm people with the power of the vote, but there is an obligation not to stop people from freely offering their goods and services to willing purchasers.

Well, yes, we realize you are in favor of allowing immigration *if* there are no state benefits. But since that is not the real world, the question remains: are you in favor of open borders NOW? If not, then you favor restricting immigration, to some number below what it otherwise would be, and using some selection criteria to decide which applicants are accepted. In this, you are identical to Hoppe. It's interesting how the libertarians who vilify the anti-open-border libertarians rarely say they are for open borders. The anti-open-border libertarians point out that they are opposed to open borders in today's world due to problems that would arise due to the welfare state, etc. Their opponents simply say "I'm in favor of abolishing the welfare state." Well, yes, so are we. The question remains, given the welfare state, do you open the borders? Their answer is always, "we should abolish the welfare state." They "fight the hypo," as we call it in law school. I'll join the game: sure, I'm for open borders--if and as soon as we dismantle the modern state. I suspect that most of those who attack the explicitly-open-borders libertarians are also against open borders. I suspect Palmer himself is, but he does not want to admit it, because then he would be putting himself in the same camp as those he wants to vilify. Notice also how the anti-open-borders libertarians are also accused of racism, nativism, etc. You know, nowadays, with PC run rampant and when merely opposing affirmative action gets you called a racist, by and large when someone is accused of racism nowadays, my first assumption is that he is not, and that the accuser is bankrupt of any substantive criticism and is resorting to his little nuclear bomb that has worked so well in decades past, but which is losing its fizzle as all the PC types shoot their wads. And notice also that most of the holier-than-thou, hand-wringing types who vaporize about us being nativists and racists usually support regimes like Israel which have explicitly racist and religious states and immigration policies. Curious. Palmer also ridicules Hoppe's argumentation ethics: "That

[Posted at 09/25/04 09:55 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Hoppe on Lavoie](#)

Concerning recent [posts](#) and yet another of Tom Palmer's [complaints](#) about Hoppe's decade-old criticism of Don Lavoie (RIP), Hoppe has just posted a recently-rediscovered copy of his short, but brilliant (my adjective) [Comment on Don Lavoie](#) from the 1994 Mont Pelerin Society. This short, informal essay highlights one of the best things about Hoppe: his unflagging, crystal-clear focus on reality and rationality, and his unwillingness to be snowed by hermeneuticians and other proponents of relativism and epistemobabble. Other salient and pathbreaking work by Hoppe, one of the foremost economic, philosophical, and social geniuses of our time, can be found [here](#), including:

- [In Defense of Extreme Rationalism: Thoughts on Donald McCloskey's The Rhetoric of Economics](#)
- [On Certainty and Uncertainty, Or: How Rational Can Our Expectations Be?](#)
- [Economic Science and the Austrian Method](#) (a defense of deductivism against its opponents)
- [Time Preference, Government, and the Process of De-Civilization - From Monarchy to Democracy](#)

- and related material in books such as [A Theory of Socialism & Capitalism](#) and [The Economics and Ethics of Private Property](#)

[Posted at 09/26/04 02:00 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [DeCoster on Palmer and Cato](#)

Concerning recent [posts](#) (2, 3) -- Karen DeCoster has a [couple](#) of [posts](#) on related matters.

[Posted at 09/26/04 11:38 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Hoppe on Coase](#)

In a recent external [thread](#) Hoppe was accused of being ignorant of Coase and the Coase Theorem. Hoppe actually has nice criticisms and discussions of Coase here: [Economics, Philosophy, and Politics](#); and in this [excerpt](#) from a chapter in a forthcoming book. See also: Walter Block: [Coase and Demsetz on Private Property Rights, Ethics, Efficiency, Coasean Property Rights and Psychic Income: A Reply to Demsetz](#), and others listed [here](#).

[Posted at 09/27/04 10:59 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [On Selling Citizenship](#)

Re recent [posts](#) (2, 3) about selling citizenship: here's a link to the article by Shaheen Borna & James M. Stearns, [The ethics and efficacy of selling national citizenship](#), J. Bus. Ethics 2002 (vol. 37, pp. 193-207).

[Posted at 09/27/04 01:49 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Kramer on the Constitution](#)

[The People Themselves](#) by Larry D. Kramer, dean of Stanford Law School, looks interesting. Looking for someone to do a book review of it for the [Journal of Libertarian Studies](#). Preferably, but not necessarily, a lawyer or law student. Email me at stephan -at- kinsellalaw dot com. **(Nevermind: Signed someone up already.)**

[Posted at 09/27/04 02:11 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [License to Breed](#)

[Court: Deadbeat Dad Can Have More Kids](#) -- The Ohio Supreme Court on Wednesday overturned a judge's order that a man avoid having more children while on probation for failing to pay child support. The court ruled 5-2 in favor of Sean Talty, saying his sentence was too broad because it did not include a method for lifting the ban if Talty caught up with his child-support payments. Talty, 32, has seven children by five women. He was required to make "reasonable" efforts to avoid conception during his five-year probation after being convicted of not supporting three of the children.

Well it may not be the predominant libertarian view, but if I had to side here, I'd go with the lower court.

This guy should be banned from having children. I'm sure this'll give the chattering punks at [Not Reason](#) and libertines something else to chatter about. I am tempted to favor banning anyone without a job from having kids, but I guess that's over the line. I also differ from most libertarians in believing that by creating a child you incur enforceable obligations to the child, such as child support, etc. Libertarianism does not oppose "positive rights"; it simply says they have to be voluntarily incurred. One way to do this is by contract. Another is by trespassing against someone's property: by doing this you incur liabilities, obligations toward that person. If you pass by a drowning man in a lake you have no enforceable (legal) obligation to try to rescue him, nor should you; but if you push someone in a lake you have a positive obligation to try to rescue them. If you don't you could be liable for homicide. Likewise, if your voluntary actions bring into being a baby with natural needs for shelter, food, care, it's akin to throwing someone into a lake. In both cases you create a situation where another human is in dire need of help and without he will die. By creating this situation you incur an obligation to provide for those needs. To hell with hedonistic, libertine, atomistic, non-reality-based libertarianism if it robotically monotones that the child has no rights.

[Posted at 09/29/04 01:09 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Re: License to Breed?](#)

[Jesse](#)--well, if you think about it, three generations of imbeciles *are* enough, aren't they? Just kidding. I'm just making a general point, and of course realize how flawed the state's courts are. The general point is that you can incur a positive moral and legal obligation to a child by procreative actions, and that I side with the child, whom I view as the victim, rather than deadbeat parents. I will say that although you are right that state courts are likely to abuse their power over deadbeat dads, there's an easy way to avoid being ensnared in that net. Namely, don't be a deadbeat dad. Just because it's unwise to empower state courts to decide such matters does not mean the deadbeat dad deserves sympathy. The state is not the only malfeisor on the block. At least I'm resisting the temptation to favor criminalizing fornication among the unemployed. BTW I used to oppose my home state's regime of forced heirship, whereby you must leave part of your estate to your children; you cannot disinherit them except for a few enumerated [reasons](#) (some funny or antiquated, such as (6) The child, being a minor, has married without the consent of the parent. (8) The child, after attaining the age of majority and knowing how to contact the parent, has failed to communicate with the parent without just cause for a period of two years, unless the child was on active duty in any of the military forces of the United States at the time). The Louisiana Constitution was amended a few years back to provide that forced heirship only lasts till the kid is 23 years old, but still, the idea behind it is that the parent has a positive obligation to care for the child he brings into the world. Louisiana also has the [covenant marriage](#) which bugs libertines and liberals. CODA: a reader writes:

Stephan, I am with you in your anger. If this guy has a right to dump his children off on the welfare system, then I should have a right as a taxpayer to make him stop producing more of them. It's no different than the EPA stopping polluters. PS, Of course, this view only makes sense if you believe he has a right to produce children to be raised at taxpayer expense, which I contend he certainly should not. Ahem.

[Posted at 09/29/04 03:42 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Smart Homes](#)

Dvorak is hilariously skeptical of "smart home" technology in his latest: [Bad News? Blame Intel and](#)

[Microsoft](#). Funny (intentionally?) comments include:

Microsoft and Bill Gates are also into this digital "smart home" idea. Each new iteration of software promotes the idea of the Media Center, along with notions such as the networking of music around the house. These are all pursuits of the idle rich. The idea that I can tell my PVR to record a movie while I'm driving around in the Benz has little to do with normal reality. This has everything to do with people having too much money and being unable to figure out what to do with it.

Except for the very wealthy, and bored and compulsive engineers who have to wire stuff constantly, nobody cares about a smart home. Even people who are well off and could possibly afford some of these smart-home amenities seldom care. I have a two-story house. I have a thermostat upstairs and one downstairs. They are manual clunkers. I adjust them by hand. I walk upstairs to do it. I don't need to do it from the computer, I'm at the computer too much already. I need to walk around more. I am not alone in this thinking. Above all, I do not need to be streaming MP3 files from my computer over the wireless net to the kitchen so I can listen to songs from the computer everywhere I go. What kind of nutjob needs that sort of thing? What is the point? Do I have to be inundated with commercial music everywhere I go? How about a set of wind chimes? Those work if I need a lot of racket 24/7. And they are a lot cheaper. And to those who will write in to the forum telling me I'm an old coot who "doesn't get it," you can take a flying leap. I'm in the majority here. You're not. What seems to have happened is that too many folks at Intel and Microsoft have too much money and are advanced enough in the companies' hierarchies to influence the direction of product development. "What people want are smart homes!" "I want to be able to listen to my entire MP3 collection anywhere I go!" "I want to be able to start a pot of coffee while driving in my car." These are all decadent needs that contribute nothing to society. All BS. If Intel and Microsoft would push their technologies without getting involved in these "benefits," we'd all be better off.

This curmudgeon and techno-phobe agrees! (Link courtesy [Paul Comeaux](#))

[Posted at 09/30/04 12:41 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [McCosker on Kinsella on Palmer on Hoppe](#)

Yet [more](#) from Karen De Coster on [l'affaire Palmer-Hoppe](#).

[Posted at 09/30/04 09:42 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Sex, Puppets & Controversy](#)

After reading Roger Friedman's [tantalizing review](#) of the new movie 'Team America': Sex, Puppets & Controversy, I'm dying to see it.

Try to imagine, if you will, a movie that in its first few minutes offends just about everyone who's watching it. Then you have "Team America: World Police," the new outrageous and controversial new comedy from Trey Parker and Matt Stone, the creators of "South Park."

Even as we speak, several prominent Hollywood actors may be calling their lawyers to check

on slander laws. GLAAD is certainly drafting a press release condemning the film, and North Korean madman Kim Jong II may have a case as well. [...] "Team America," as you may know, is performed by marionettes

[Posted at 10/05/04 01:42 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Re: Libertarian Unity?](#)

Re Stephen Carson's [post](#) about the Institutes Mises and Cato: In Roderick Long's [post](#), Long--whom I greatly admire and like--tries to play conciliator. I agree with him that both Institutes have spread the libertarian message. But I disagree with his equating smears of the Mises Instituters as being anti-semitic, racist, etc. with the simple criticism of Cato for cozying up to DC statistis. For one, there is little disagreement among libertarians that, say, Giuliani or Cheney are indeed non-libertarian statistis. Whether it makes strategic sense or not to "cozy up" to them is a different question, but it's hard to deny that these men are indeed mainstream, pro-big-government, non-libertarian Beltway establishment types. By contrast, it is simply untrue--and at the very least least controversial and debatable--as well as vastly more harmful, hateful, and dangerous, to imply, say, that Joe Sobran is anti-semitic. Foaming at the mouth that someone is anti-semitic and homophobic is obviously not in the same league as *truthfully* pointing out the clearly non-libertarian credentials of honored guests of a libertarian organization (or would any libertarian seriously argue Dick Cheney is libertarian?). Especially when these wild-eyed charges are ridiculous and false. Hurling charges of antisemitism and bigotry at a group of people that explicitly disavow this, and among whom travel many Jews and other diverse people, is despicable, wild-eyed, and pathetic. Long also writes: "But I do think each side has been, in its own way, a powerful force for libertarian education..." I doubt many Mises Instituters would deny this is true about Cato. But you won't get such an admission from Catoites. I think Long is wrong to imply the treatment has been symmetrical. In fact, it is not. And while his comments will certainly cause him no problem with the Mises crowd, I would not be so sure this is true of the other side--for by their lights, Long is consorting with theocratic homophobic antisemites and thus Randianly "sanctioning" it. *Don't sanction the sanctioners!* and all that.

[Posted at 10/05/04 11:14 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Compulsory Retirement Savings](#)

I'll admit to toying with the idea of compulsory retirement savings. At least, it would be an improvement over the current ponzi-scheme. Even if I were forced to save, say, 10% of my income in a private account, at least it would be mine someday. Turns out Hong Kong has such a system, called the Mandatory Provident Fund (described in this [Cato Journal article](#)). I heard of this system today, from a colleague in Hong Kong is leaving to return to his home country. He informed me that there's "a ridiculous amount of bureaucracy to go through to leave here." He said he had to pay a US\$20K income tax bill before leaving. I was surprised--what if you just leave? I can't imagine red tape to *leave* a country. He said if he leaves without jumping through the bureaucratic hoops and paying the tax they say he owes, he won't get his "superannuation" money back--i.e., the money he'd been forced to save. In other words, even though it's nominally in a private account, it's really in the government's control. We must get the government out of ALL retirement savings.

[Posted at 10/06/04 01:55 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Authors Beware!](#)

John Kay's FT [column](#): "In order to get their work published, many academics sign one-sided contracts with publishers who demand the full copyright to their intellectual property." Among the comments about this that were received on one discussion list: "In my experience publishers' contracts are drafted by very experienced lawyers who seek to deprive the author of all possible rights. The only route available to the author is to say "no" to the unacceptable clauses, employ a good negotiator to ensure these are excluded (serious oil industry professionals, even non-lawyers, who have experience in negotiating contracts with difficult governments are the best on this; the only fee required would be a good dinner), and stick to your rights. Never, ever give in." - from an author - journalist - writer Humorous addenda: In 1991-92 I was in the LL.M. program at University of London. I was auditing some class taught by this Indian international law chick, trying to decide whether to take it. I've always been the type (big surprise) to have no fear of raising my hand to ask the stupid question everyone in class wants to ask but is afraid of asking for fear of looking dumb. So this chick keeps saying, if you take this class you may want to read the FT. I had an idea she meant the *Financial Times*, but was annoyed by her presumption, especially since the class comprised lawyers and law students from all over the world--Europe, Africa, Asia, whay have you, and I figured a goodly number of them would not know what FT means but would be too meek to ask. So I raised my hand, and in a loud Southern accented voice, said, "Excuse me, Ma'am, but whut is the FT"? Laughter, but she told me. An American attorney from Wisconsin, Matt, whom I later became friends with, said he shrank in his seat, rolling his eyes at his fellow American.

[Posted at 10/06/04 11:06 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Pentagon Strike & Conspiracy Theories](#)

[Video](#) questioning whether American Airlines Fligh 77 hit the Pentagon on 9/11, or whether it was some kind of missile or commuter plane. Personally I find these conspiracy theories hard to swallow, but interesting nonetheless. Coda: Dave Terry points me to [this link](#) debunking the conspiracy stuff. And [Kent Snyder](#) pointed me to this Washington Post article: [Conspiracy Theories Flourish on the Internet](#).

[Posted at 10/06/04 01:57 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Horwitz on us](#)

Horwitz's [comments](#) on Rod Long's [post](#). Lighten up, Steve.

[Posted at 10/07/04 03:23 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [The Rothbard Wing of the LP](#)

Scott Olmsted's [Libertarian Party Rothbard Caucus](#) ...

[Posted at 10/12/04 10:52 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Armchair Generals](#)

Mark Steyn in a [column](#) even the Telegraph pulled, tells us how a proper kidnapped Brit should behave himself when faced with execution. Stiff upper lip and all that. (Thanks to [Paul Comeaux](#) for the link.)

[Posted at 10/12/04 11:27 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Bush's Debate Notes](#)

[Pretty funny](#). Note # 8 is my favorite. (Thanks to [Paul Comeaux](#).)

[Posted at 10/12/04 09:15 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Another Classic from Hoppe](#)

[The Ethics and Economics of Private Property](#), in the [Elgar Companion to the Economics of Private Property](#), Ed. Enrico Colombatto (London: Edward Elgar, 2004) ([text version](#) on LewRockwell.com)

[Posted at 10/12/04 10:47 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [The Perils of Utilitarian Thinking](#)

As I've [argued before](#), the utilitarian justifications that underlie most arguments in favor of intellectual property are deeply flawed. As I [noted](#) previously,

even the strongest patent rights in the world simply might not give enough extra profits to justify the generation of some "really useful" [products, such as] drugs. So by using the standard utilitarian reasoning underlying [the] advocacy of patent law [...], why not let some administrative commission dole out taxpayer-funded subsidies to the pharmaceutical industry.

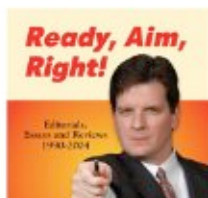
I.e., if patents are justified on the grounds that they are necessary to give incentives to "innovators" to allow them to make enough profit to invest in innovation (via the monopoly price the patent allows them to charge), and if the patent system is simply a government-created and administered system designed by the government to achieve this result, then why not cut to the chase and simply have the government give tailored tax-funded subsidies to "deserving" innovators? I concluded "I better shut up. They might not realize I'm being sarcastic." My fears were not unfounded. [Intellectual property and its discontents](#), by Tom Giovanetti, points out that certain

activists [... ] want to radically change how pharmaceutical innovation is accomplished. They propose that governments should nationalize intellectual property, levy new taxes to fund R&D, and then incentivize R&D through prizes administered by new government-sponsored enterprises or, even better, international nongovernmental organizations (NGOs) staffed by technocrats unaccountable to voters.


(Thanks to [Kent Snyder](#) for the link.)

[Posted at 10/14/04 11:08 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Ready, Aim, Right! and Bay of One Hundred Fires](#)



Lots of my friends are publishing lately. Jack Criss, longtime friend of mine, Lew's, and the Mises Institute, has published a new book, [Ready, Aim, Right!](#), which collects his best columns over the last 15 years, published in various Mississippi business publications. Criss, a libertarian, neo-Objectivist, and cultural conservative, is currently

 [Rothbard-Criss](#)  
small--click for  
larger image



publisher of the [Metro Business Chronicle](#), and was a popular libertarian AM radio talk show host in Jackson from 1987-1992, where he interviewed and met a host of libertarian

 [Rothbard-Criss](#)  
small--click for  
larger image

and other intellectuals, including Murray Rothbard (see picture, right), Lew Rockwell, William F. Buckley, Jr., Robert Bork, Jesse Jackson, Leonard Peikoff, Michael Kinsley, Fred Barnes, Charles Murray and Allan Bloom. Libertarians, Missippians, and cultural conservatives will enjoy Jack's analyses. In addition to Jack, my first boss, respected oil & gas lawyer [Lanny Yeates](#), has published his first novel, [Bay of One Hundred Fires](#) ([Brazos Valley Press](#)). It's a lawyer-military-terrorism thriller centered on an imaginative and interesting terrorist attack on America. He even based one of the main characters on me (the Louisiana lawyer with advanced electrical engineering degrees). Fans of Clancy, Nelson DeMille, and lawyer thrillers take note!



[Posted at 10/15/04 02:00 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Return of the Name](#)

This may be old news, but I just realized, since I no longer subscribe--FEE's [flagship magazine](#) has had its name restored. Originally called *The Freeman*, its [name was changed](#) few years back, when [Donald Boudreaux](#) was president, to *Ideas on Liberty* (for craven PC reasons, in my view). When Richard Ebeling was appointed president of FEE in May 2003 (after the [Mark Skousen debacle](#)), he apparently brought back the old name, with the interim name tacked on as a subtitle: *The Freeman: Ideas on Liberty*. Good! (Hard to tell exactly when the change happened, since the title to all issues online has apparently been retroactively changed to the current title.) (More [FEE discussion](#).) Coda: I was just informed Huebert had already [blogged](#) on this.

[Posted at 10/15/04 04:27 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Another Point in Favor of Kerry](#)

Bushies attack Kerry for not having generated major legislation during his 20 years in the Senate--for only enacting trivial things like declarations of [world population awareness week](#). As if generating legislation is synonymous with producing wealth. If Kerry's done nothing in the Senate except giving Jackie Robinson a posthumous award and naming a federal building or two, that counts in his favor...

[Posted at 10/18/04 02:18 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [The Incredible Abundance of the Market](#)

Last night, sitting on my [mosquito-free](#) back porch, having a bourbon and a cigar, listening to Rush, with my poodle at my feet, as my baby slept peacefully upstairs, phoning a few libertarian pals, late into the night as is my occasional wont, I mentioned to one of them, [Tim Swanson](#), one of my favorite memories, namely the delightful appetizer commonly served on the Isle of Capri, Italy, for example on the terrace of one's hotel before venturing out for a proper meal, that being a small tray of nuts, fresh green olives, and potato chips, served with a selected beverage, such as a gin and tonic. And as I mentioned this to him I began to crave that. And a small hope began to grow... I checked my pantry and fridge and found: a can of delicious macadamias from Hawaii; a bag of nice Boulder potato chips from Colorado; a jar of stuffed Spanish queen olives; and to top it off, some nice Edam cheese from Holland. The world's bountiful



cornucopia at the fingertips of the modern American! Aside: I recall with amusement that I asked the waiter to make me a dirty martini. He was confused so I told him to mix in some olive juice from the jar... whereupon he explained they only have fresh olives, not jarred olives. So they have no brine-olive juice with which to make a dirty martini! Small price to pay for those fresh olives.

[Posted at 10/19/04 09:15 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Virtual Freedom of Speech](#)

[The Virtual World as a Company Town - Freedom of Speech in Massively Multiple Online Role Playing Games \(entire paper\)](#) -- may interest some (though it's written from a mainstream law perspective).

[Posted at 10/19/04 03:24 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Mac on O'Reilly](#)

Wendy McElroy has an [interesting comment](#) on the O'Reilly sex harassment case. (Aside: as Sean Carter wittily [observes](#), "Yet, as a great man once said, "Let he who is not fantasizing about the hot chick in the marketing department cast the first stone."")

[Posted at 10/19/04 05:02 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Re: Open Borders](#)

Bob--[you say](#) "Northern India also had open borders, and suffered a Muslim invasion that, little-known to the rest of the world, was the worst genocide in history." Gasp! This reveals you to be a terrible anti-semite! Don't you dare say that's the worst genocide in history, you are committing a [hate crime](#)! And you committed the unpardonable sin of mentioning the term "genocide" without also mentioning the Holocaust. Out of an abundance of caution, and to stave off the hate-police, let me state, for the record: murdering people who happen to be of the Jewish faith is bad. There. Are the censors happy?

[Posted at 10/20/04 09:33 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Sex and Patents: More Patent Nonsense](#)

From a report from Greg Aharonian's [PatNews](#): **DOES THE PTO EVEN KNOW ANYTHING ABOUT ... SEX?** The following is a real patent that just issued. [...] United States Patent [6,805,663](#) Method of shared erotic experience and facilities for same What is claimed is: 1. A method of sharing erotic experiences comprising the steps of: providing a building with a plurality of compartments and entertainment viewable from inside the compartments; (Greg note: a hotel that shows softcore pornn videos) admitting participants to the building and the compartments; (Greg note: a hotel with doors) starting the entertainment viewable from inside the compartments at a prescribed time; (Greg note: using the hotel's pay-per-view system to select the softcore pornn) starting a stimulation device for sexual pleasure in each of the compartments at a prescribed time; and, (Greg note: a hotel with vibrating beds and pay-per-view) transferring sounds from the participants between the compartments. (Greg note: a hotel with vibrating beds, pay-per-view and thin walls) Or a massage parlor - or a XXX peep show. Is the PTO totally clueless about everything, even sex?

[Posted at 10/21/04 01:31 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## **Bureaucrats = Fish Food**

Pete Canning pointed me to this story: [Police kill India's 'Robin Hood'](#), about India's most wanted criminal, **Veerappan**, who was recently "shot dead in an hour-long gunbattle with police in a jungle in southern India," after having "eluded authorities for decades." "He was accused of killing 120 people, **many of them police and forestry officials**, and of making millions of dollars from poaching elephants and smuggling sandalwood, which is used in the perfume industry. [...] He often boasted of **beheading his victims and once said he cut up his victims and fed them to fish**." As Pete said, you can't be too bad if you kill government bureaucrats and feed them to the fish. He suggested we start using Veerappan as a verb, as in, if some bureaucrat offends you, say, "I'm gonna go **Veerappan** on him."

[Posted at 10/21/04 05:20 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## **Randians for Bush**

ARI Objectivist [Harry Binswanger](#) urges people to vote for Bush. What is interesting is Rand was also so obsessed with abortion rights that she despised Reagan because of this single issue; if I recall, she thought no Objectivist could support Reagan, even though from her perspective he was far superior to democrats (in his rhetoric, at least) on economic liberties, because of his anti-abortion stance. Now Bush is as anti-abortion as was Reagan, and certainly not more free-market oriented, so it's interesting to see an orthodox Randian endorse Bush. Reagan's pro-capitalist positions were not enough to outweigh his opposition to abortion; but Bush's pro-war views are. I guess this shows the Objectivists are more pro-war than they are pro-capitalism.

[Posted at 10/22/04 08:36 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## **Long Life Cigarettes**

One of the Taiwanese chinamen I work with was smoking and I took a closer look at his unfamiliar looking cigarette box. I was astonished to see it was a box of "[Long Life Cigarettes](#)," apparently the national brand in Taiwan. Amazing. I have no doubt that the feds would never permit such a name to used over here.

[Posted at 10/22/04 03:34 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## **Teresa Kerry's Taxes**

Good column by [Michael Kinsley](#) on the dumbed-down War Street Journal. As a friend told me, Kinsley reveals that the WSJ's editorial department acts as if they had never heard of tax-exempt bonds. They thought they were some arcane device you needed slews of tax lawyers and accountants to invest in. If Bush had any ability to articulate his 100 IQ thoughts, he would point out that when Kerry raises taxes on those making more than \$200K a year (couples? individuals?), it likely won't fall on billionaires like Teresa Heinz Kerry who have so much money they invest a lot of it in tax-free bonds and such. She'll likely continue to pay 12% because she is not making all her money from W-2 wages. But successful professional schmucks who are earning salaries of \$200k to, say, \$500K or so--some lawyers, doctors, businessmen, traders, brokers, salesmen--they'll feel the pinch. Kerry would raise taxes on the middle-rich.

The poor would continue to pay nothing; the lower-middle and middle class would pay a fairly trivial percentage compared to what the upper-middle successful professional schmucks would pay; and the hyper-rich would continue to pay 12%. I can see why his wife is letting him run. Coda: Hans Van Slooten pointed out to me this [Vdare article](#) by Steve Sailer, in which Sailer examines a variety of information to conclude (fairly persuasively) that Bush's IQ is likely 125-130 and Kerry's is likely around 120. Let me clarify that I do not mean to imply, as liberals do, that smarter is better, or that liberals are smarter than conservatives. Bush probably has an IQ above 100 (but is remarkably inarticulate and unable to express himself). Bush's problem is certainly not his lack of intelligence. I also don't mean to buy into the bizarre, implied notion of Bushies that there is something wrong with a billionaire paying only 12% tax; or that it is Teresa's fault that she only paid that much. She didn't write the law. What is fair game is to expose the liberals' hypocrisy in advocating raising taxes on "the rich" when in fact their changes would soak only the middle-rich, but not the hyper-rich.

[Posted at 10/25/04 12:00 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [\*\*Libertarians and Conservatives Bibliography\*\*](#)

Those who found Jude Blanchette's excellent [Libertarians and Conservatives: An Annotated Bibliography](#) of interest may also want to check out Federalist Society's [Conservative and Libertarian Legal Scholarship: An Annotated Bibliography](#) for some other (many, more mainstream) works.

[Posted at 10/27/04 05:12 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [\*\*Block on Hoppe\*\*](#)

Recently posted on HansHoppe.com: Walter Block's [review](#) of Hoppe's [The Economics and Ethics of Private Property](#) ([other reviews](#)).

[Posted at 10/28/04 01:52 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [\*\*Hoppe: \(not\) Greek to Me\*\*](#)

With the addition of the [Greek translation](#) of the Introduction to Hans-Hermann Hoppe's [Democracy: The God that Failed](#), Hoppe's works has now been [translated](#) into at least **fifteen** languages--and this is just counting the ones available online, and not counting English.

[Posted at 10/28/04 01:43 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [\*\*Homeland Security: Keeping us safe from Rubik's Cube knockoffs\*\*](#)

Greg Aharonian's [PatNews](#) reprints a story from The Oregonian about Homeland Security agents showing up to force the owner of Pufferbelly Toys to remove Rubik's Cube knockoffs from her store shelves on the grounds that it violated the Rubik's Cube patent (turned out later the patent was already expired). Full story: [Feds create puzzle not found on toy shelf](#) The owner of Pufferbelly Toys in St. Helens worries when Homeland Security agents show up on official business The Oregonian, Thursday, October 28, 2004 ASHBEL S. GREEN Nothing about running a small store called Pufferbelly Toys prepared Stephanie Cox for a cryptic phone call from the U.S. Department of Homeland Security. "It's all very surreal, quite honestly", Cox said Wednesday. "I thought it was a prank when I first heard. I couldn't understand why

Homeland Security would be investigating a tiny toy store in St. Helens." The call came in late July or early August. A man identifying himself as a federal Homeland Security agent said he needed to talk to Cox at her store. Cox asked what it was all about. "He said he was not at liberty to discuss that," she said. They agreed to meet in early August, but the agent later canceled. Cox thought the matter had blown over when the agent called back Sept. 9 to say he was coming out there. "I was shaking in my shoes," said Cox, who has owned Pufferbelly Toys for more than four years. "My first thought was the government can shut your business down on a whim, in my opinion. If I'm closed even for a day that would cause undue stress." The next day, two men arrived at the store and showed Cox their badges. The lead agent asked Cox whether she carried a toy called the Magic Cube. She said yes. The Magic Cube, he said, was an illegal copy of the Rubik's Cube, one of the most popular toys of all time. He told her to remove the Magic Cube from her shelves, and he watched to make sure she complied. The whole thing took about 10 minutes. After the agents left, Cox called the manufacturer of the Magic Cube, the Toymith Group, which is based in Auburn, Wash. A representative told her that the Homeland Security agents had it wrong. The Rubik's Cube patent had expired, and the Magic Cube did not infringe on rival toy's trademark. John Ryan, corporate counsel for the Toymith Group, said Homeland Security, which includes Customs, routinely blocks shipments of products from overseas that violate intellectual property rights, such as patents, copyrights and trademarks. "That's fine. That's not an outrageous federal act by any means," Ryan said. "But we certainly were surprised that a federal agent approached a toy store owner and frightened them." Virginia Kice, a spokeswoman for Immigration and Customs Enforcement, said agents went to Pufferbelly based on a trademark infringement complaint filed in the agency's intellectual property rights center in Washington, D.C. Kice also said Homeland Security officials routinely investigate such complaints and follow up if they determine they are valid. "One of the things that our agency's responsible for doing is protecting the integrity of the economy and our nation's financial systems and obviously trademark infringement does have significant economic implications," she said. After gaining assurances from Toymith officials, Cox put the Magic Cube back on the shelf soon after the agents left. Six weeks after her brush with Homeland Security, Cox is still scratching her head. "Aren't there any terrorists out there?" she said.

[Posted at 10/29/04 08:31 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### **[Intellectual Property versus Self-Ownership](#)**

As I have pointed out previously, IP rights such as copyright and patent in effect grant the holder the right to control the property and bodies of other people (see p. 44 of [this article](#); p. 862 of [this article](#)). This is illustrated by the case of Samuel Beckett and his 1953 play "Waiting for Godot" (discussed and parodied in [Waiting for Opradot](#), by [PatNews](#)'s Gregory Aharonian). As Aharonian points out,

Beckett denied women the opportunity to act in productions of Waiting For Godot, because "they don't have prostates", a request the Beckett estate has enforced using the moral rights clauses of copyright laws. For example, in 1992, a French court convicted a director of violating Beckett's moral right by staging Waiting for Godot with two women as the leads, contrary to Beckett's stage directions.

[Posted at 10/29/04 10:49 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### **[How Stupid are Europeans?](#)**

After the lesson of the US Civil War--which is that if you want a right to secede from a "voluntary" union

you better be **VERY EXPLICIT**--still, they have [signed a draft EU Constitution](#) that is not crystal-clear on this. True, [Article 59](#) covers "Voluntary withdrawal from the Union". It provides:

1. Any Member State may decide to withdraw from the European Union in accordance with its own constitutional requirements. 2. A Member State which decides to withdraw shall notify the European Council of its intention; **the European Council shall examine that notification**. In the light of the guidelines provided by the European Council, the Union **shall negotiate and conclude an agreement with that State, setting out the arrangements for its withdrawal, taking account of the framework for its future relationship with the Union. That agreement shall be concluded on behalf of the Union by the Council of Ministers, acting by a qualified majority, after obtaining the consent of the European Parliament**. The representative of the withdrawing Member State shall not participate in Council of Ministers or European Council discussions or decisions concerning it. 3. The Constitution shall cease to apply to the State in question from the date of entry into force of the withdrawal agreement or, failing that, two years after the notification referred to in paragraph 2, **unless the European Council, in agreement with the Member State concerned, decides to extend this period**.

Note the bolded "weasel-word" language. If any rich state, say France, Germany, or Britain, tries to leave, a majority of poorer states could stop it by simply indefinitely "extending" the period that the EU Constitution applies to the State desiring to leave. As [this article](#) notes,

It was always the case that a member state could leave by simply repealing its own legislation [TELL IT TO SOUTH CAROLINA! --SK]. Now there is a formal procedure designed to show that the EU is a voluntary association. However a departing member would have to agree terms so there is an **implied threat** that it would **not be that easy**. This clause is presumably designed **never to be used**.

See also [discussion of "exit clause" proposal](#); [more comments on the "exit clause"](#); and [Europa info page on the EU Constitution](#).

[Posted at 10/29/04 04:05 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## **[Another Bush Prediction](#)**

Interesting Election Prognostications by Greg Aharonian of [PatNews](#): - LAST MINUTE OBSERVATIONS ABOUT THE ELECTION Six indicators not favorable for Bush to win: 1) highly liberal Boston's Red Sox won the World Series 2) highly conservative Washington's Red Skins lost their last game 3) highly liberal San Francisco's UCal Berkeley Bears are ranked #4 4) stock market lower than it was two months ago 5) internecine Republican warfare 6) Economist chooses Kerry over Bush; Tampa Bay Trib chooses none For 1), 2) and 3) to happen within a few weeks? The fates going liberal? The Earth starting to spin in a new direction? Overlapping multiuniverses? Indicator 4) is one of those coincidental indicators that seems to work a lot, like correlations with sports games. Two months ago, the Dow was at 10298. Friday, it closed at 10027, favoring Kerry. The Dow has to pick up 300 points on Monday to favor Bush, which is a lot of points unless the Saudi's cut the price of oil in half as a pre-Christmas present to the US. Indicator 5) is the weirdest. If you watched the Sunday pundit shows, it is becoming apparent that a fair number of Republicans are becoming worried that the Republicans will retain complete control of Washington after the election, and undermine true conservatism with whatever undermines true

conservatism. Indicator 6) also not good news for Bush - the Economist editorially is a milder version of the Wall Street Journal - English conservative - as opposed to the very conservative Tampa Bay Tribune, which is very conservative. The Economist is endorsing Kerry (cover: incoherent beats incompetent), the Tribune endorsing neither candidate. For the patent and copyright law worlds, it doesn't matter who wins or what party controls Congress. Neither care about the quality of the IP system except as a source of money to siphon off. My prediction: for this election, Republicans are still nastier and Bush will win.

[Posted at 11/01/04 08:03 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Silver Lining?](#)

If Bush wins, you could argue it means that the candidate *perceived* as being pro-free market to some degree is still able to beat the explicitly socialist candidate. That is, it's somewhat heartening that not everyone simply votes for redistribution of wealth--a sort of runaway democracy result which I've always feared. It means that despite minorities becoming a larger percentage of the population, there's still no avalanche in favor of outright welfarism and socialism. Maybe it means the clear-cut collapse of communism has instilled as sort of common wisdom the idea that the market is basically essential. Or maybe I'm getting desperate here, trying to find a silver lining.

[Posted at 11/01/04 10:56 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Dutch America?](#)

Someone just recommended this to me: [The Island at the Center of the World : The Epic Story of Dutch Manhattan, the Forgotten Colony that Shaped America](#), by Russell Shorto. Looks quite interesting.

[Posted at 11/01/04 11:10 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [New Block](#)

Walter Block's [online publications page](#) has been expanded and reorganized as of today--it's a (growing) treasure-trove of Austrian and libertarian material. If you are aware of any Block publications online that are not listed here, [email me](#).

[Posted at 11/01/04 01:59 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [State and Religion](#)

Often you hear even libertarians say that the First Amendment protects your right to free speech and to freedom of religion; or that the Second Amendment protects your right to bear arms. This formulation is irksome. First, it assumes the rights apply to the states and the feds; and second, it ignores the fact of private crime. As I've [pointed out](#) before, the US Constitution was designed primarily to provide various structural limitations on *federal* power, not on state power. Thus the First Amendment limited only the feds, not the states. Most mainstreamers and even libertarians just assume, for example, that a state law establishing religion would be "unconstitutional". They are completely ignorant of the background of the Constitutional federalist scheme and our history. In fact, several states had state-supported religions at the time of the founding and for years after the Bill of Rights was ratified in 1791. [For example](#), "Congregationalism remained the official, state-supported religion in Massachusetts until 1833," and

[Virginia collected taxes](#) to support the Anglican church; see also As post 30 by Kevin Curry [here](#). To say that a right is protected by its being enshrined in the federal Constitution simply ignores the fact that a right can be invaded by a private criminal, by the state, or by the feds. Specifying a right in the federal constitution is meant to protect that right from being invaded by the feds. Provisions in state constitutions are meant to protect that right from being invaded by the state itself. And provisions in state criminal law (and the state's police forces etc.) are meant to protect that right from being invaded by private criminals. So it is just confusing to say that the listing of a right in the federal constitution gives or protects a certain right; at most, it is an attempt to prevent that government--the federal--from invading that right. But it does not prevent private criminals, for example, from violating your rights; for that, you need a police force and laws aimed at criminals. Most libertarians, for example, would say you have a right to not be murdered. If the state convicts and executes you for a crime of which you are innocent (or for a victimless crime), that is one type of murder. Therefore we would support limits in the state's constitution designed to prevent the state from murdering its own citizens--due process rights, limits on victimless crime laws, proportional punishment requirements, presumption of innocence, rational laws of evidence, and so forth. Given that we are under the jurisdiction of both the federal and our state government, and are thus endangered by each, we would presumably want similar protections built into the federal constitution as well. But the limits placed on the federal government's actions in its founding document would not protect your "right to not be murdered" in general; it would only be aimed at preventing the feds from murdering you. The provisions limiting the state's power in its own constitution would be aimed at preventing the state from murdering you. But even if these provisions worked perfectly, they would not stop a private criminal, or a foreign state, from murdering you. To protect your right to life against these interlopers, you need police and army. Therefore, it's just confusing to say that the First Amendment "protects your right" to free expression. It does not. It protects your right to free expression from being infringed by the feds; that is all. Further, it is really irrelevant whether the Second Amendment meant to cover a "personal" right to bear arms or not. Even if the anti-gun nuts are right, all this means is that the Second Amendment does not enumerate a right to bear arms. But the Ninth Amendment says that this fact cannot be construed to deny or disparage other rights. That is, the mere fact that a right is not listed in the first 8 amendments does not imply that the right does not exist. In other words, if the Second Amendment does not contain a right to bear arms, this does not mean the right is not "there". In fact, the federal government is nowhere empowered to regulate gun rights, which means the right to bear arms (against infringement by the feds) is provided by the limited and enumerated powers structure of the Constitution itself. Of course this point is lost when we think of rights in the Constitution as being some kind of general rights applicable to the states too, since the states do have plenary police power--they have authority to legislate in general, e.g. to regulate firearms, so viewing the protection of rights as absence of authority to legislate at the federal level does not work as well at the state level. Therefore the attempt to apply rights in the bill of rights to both state and federal governments has led to confusion and, ultimately, to the loosening of enumerated-powers limits on the feds.

[Posted at 11/02/04 10:08 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## **[Theo Van Gogh, RIP](#)**

I just spoke (free--via [Skype](#)) to a Dutch attorney friend. He said the headlines over there are all about the murder of filmmaker Theo Van Gogh, the great-grandnephew of painter Vincent van Gogh. Apparently he was killed by a muslim angry about a film of Van Gogh's critical of Islam's treatment of women. My friend told me two interesting things. First, that at least the headlines of the murder will trump all the US election headlines that would otherwise take center stage. Second, that most Dutch seem hostile to the idea that it was a Muslim who killed Van Gogh. Jeez, I didn't realize the Europeans were as politically correct as we

are.

[Posted at 11/02/04 02:15 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Klein's Colleagues](#)

[Pete Klein's](#) have [decorated his office door](#) to rib him about not voting.

[Posted at 11/02/04 04:06 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Poor Lefties](#)

Hilarious article: [On the Avowed Left Coast, a Feeling of Being Left Out](#). My favorite part is the term "stunned disbelief." A few snippets:

SAN FRANCISCO, Nov. 3 - They were feeling the blues here on Wednesday, a city so deep in the blue that President Bush managed just 15 percent of the vote in an election he won nationally by more than 3.5 million votes. While the American heartland found great comfort in the president's re-election, there was melancholy and **stunned disbelief** in San Francisco and other cities along the avowedly left West Coast.

Given the gravity of things, there was really only one thing that Wilder Schmaltz, a 25-year-old Portland artist who had refused to remove the anti-Bush button from his lapel, felt he could do. He called a friend and headed straight to the Red and Black Cafe, an all-organic, wheat-free, vegetarian coffee and food shop, which is run as a collective and is a popular hangout of the Socialist Party USA's candidate for president, Walt Brown. "I figured that in this place we wouldn't run the risk of being around any cheering Republicans," Mr. Schmaltz said. Upon entering the cafe, Mr. Schmaltz, who is Jewish, grabbed off the cafe's bookshelf "A Beggar in Jerusalem," by Elie Wiesel, and read it glumly over a bowl of vegetarian chili. "Something Jewish will do me good right now," he said. At the next table, Tchula Z, 33, an artist and part-time barista at her sister's coffee shop, who uses only Z as a last name, said she woke up Wednesday, learned that Mr. Bush had won and "smoked a cigarette and freaked out." [...] Down the coast in Santa Monica, another place often referred to as a people's republic, the mood was no better. A man named Jerry Peace Activist Rubin sat in his stockings in his dark apartment, flummoxed and disoriented, taking condolence calls from well-wishers and rank-and-file left-wingers. Mr. Rubin is the real-deal California liberal - part-time vegetarian, cat lover, sensitive to cigarette smoke. He says he has never owned a car, never had a credit card or a driver's license; he lists peace activist as his occupation. Mr. Rubin had been convinced that after four years of the Bush presidency, the country would come around and see things as he and other far-left coasters see them. Instead, he admitted with bitterness, the election appeared not to be a repudiation of Mr. Bush's foreign and economic policies, but rather values associated with hippies, gay activists, atheists and double-latte liberals who populate his city and many others on the lip of the Pacific Ocean. "Maybe I'm on the wrong side of the culture war," Mr. Rubin said.

[Posted at 11/04/04 10:01 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [We're Sorry](#)



Liberals [apologize to the world](#) (thanks to [Paul Comeaux](#)).

[Posted at 11/05/04 05:44 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Forget Bush](#)

Maybe Democrats can use this amazing new "memory erasure" [technique](#) to help forget the pain of the Bush victory.

[Posted at 11/05/04 11:20 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [JOURNAL OF LIBERTARIAN STUDIES VOL. 18, NO. 2 \(SPRING 2004\)](#)



[Volume 18, no. 2 \(Spring 2004\)](#)

THIS ISSUE FEATURES AN exchange of views among Walter Block, N. Stephan Kinsella, and Frank van Dun. At issue is nothing less than the foundation of libertarian jurisprudence. The Spring 2001 *JLS* ([vol. 15, no. 2](#)) was a symposium on libertarian legal theory, and included Block

[Posted at 11/07/04 03:33 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [El Problemo with El Democracy](#)

For El Espanol readers: an abbreviated Spanish version of Hans-Hermann Hoppe's [Down With Democracy](#) has been published as [Problemas de la democracia](#), *La Revista de Libertad Digital* (also published in [El Lbero Americano](#) and [Venezuela Anal](#))

[Posted at 11/07/04 04:05 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Patently Silly](#)

[Patently Silly](#) displays, well, silly patents. Look, for example, at #3 on the list, Scented Doll With The Appearance Of An Aged Person, US Pat. No. [6805607](#). Where would we be without the PTO "encouraging" invention? (Other [humorous patents](#).)

[Posted at 11/08/04 10:29 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Copyright and Freedom of Speech](#)

As I pointed out [recently](#), IP rights such as copyright and patent in effect grant the holder the right to control the property and bodies of other people. The Internet is becoming an essential tool for the spread of knowledge and information. So it is not surprising that copyright is hampering individuals' ability to do this. This NY Times article, [One Internet, Many Copyright Laws](#) shows how copyright law can lead to confusion and bullying tactics by states and copyright holders that discourage the publication of books and other materials on the Internet. It demonstrates how the US is pressuring other states, such as Australia, to

adopt ever longer copyright terms to prevent works still copyrighted in the US from falling into the public domain in other countries. A copyright term of 70 years past the author's death is simply ridiculous. At the very least, the term should be shorter and in case of any doubt (difficulty in finding the copyright holder of older, out of print works to ask permission to reprint), reprint permission should be presumed.

[Posted at 11/08/04 10:41 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Amazon and Poetic Justice](#)

Amazon has been [sued by Cendant](#) for violation of its patent for "System and Method for Providing Recommendation of Goods or Services Based on Recorded Purchasing History". Cendant claims Amazon's "recommendations" feature infringes its patent because it tells customers who are interested in an item what other products were purchased by customers who bought the same item. Ridiculous. Poor Amazon--yeah, the same one that [sued Barnes and Noble](#) for infringement of its ridiculous one-click patent. I really weep for them.

[Posted at 11/08/04 05:11 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Can we shoot nihilists?](#)

Interesting [post](#) by your boy Burger King Marcus--with a funny cartoon, titled "The Dangers of a Cowboy Philosophy," which shows a guy being shot before completing a sign, "Shoot first and ask questions lat..." The shooter says, "Yeah, I guess he was just askin' for it..." This was apropos my comment that "ethics is for the ethical," and my comment in note 14 of [this article](#), "[...] another way to respond to a rights-skeptic would be to shoot him. If there are no rights, as he maintains, then he cannot object to being shot. So, presumably, any rights-skeptic would change his position and admit there were rights (if only so as to be able to object to being shot), or we would soon have no more rights-skeptics left alive to give us rights-advocates any trouble."

[Posted at 11/09/04 03:12 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Online Learning, Public Schools, and Bullying](#)

[Online Learning Has Schools Nervous](#) explains that public schools in Colorado are getting worried about losing students to online schools, "because losing a student means losing accompanying state funding. ... If I lose two kids, that's \$20,000 walking out the door," said Dave Grosche, superintendent of the Edison 54JT School District." So--good for online schools. One drawback, however, is that students going to class online don't get the beneficial and essential learning experience of being bullied. (Sarcasm intended. See [Toward a Theory of Bullying](#), and followup posts: [More on Bullying](#), [Re: Bullying](#), [More on Bullying/a>, and Bullying](#).)

[Posted at 11/10/04 02:12 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Spanks for the Memories](#)

[Business Owner Arrested After Allegedly Spanking Two Employees:](#)

The owner of a shaved ice business was arrested after two employees claimed he spanked

them for making mistakes at work. Paul Eugene Levengood, 57, was charged with two counts of sexual battery after the 19-year-old women complained. One of the women told police that on her first day at the Tasty Flavors Sno Biz, Levengood made her sign a statement that said: "I give Gene permission to bust my behind any way he sees fit." [...]

Police say one of the women reported that on Oct. 30, her fourth day on the job, Levengood called her "into the back room of the store" after she forgot to put a banana in a smoothie drink. She said that as punishment Levengood "bent her over his knee and spanked her behind 20 times." She said that a day earlier he "snapped a photograph of her behind" as she reached for a bottle on a shelf.

Now look, the guy, like a good libertarian, actually had them agree in writing to the terms of employment ahead of time. What else was he *supposed* to do? Geez, what's this world coming to?

[Posted at 11/10/04 05:54 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

### [Brazil and Drug Patents](#)

What we should do: Follow [Brazil's lead](#) (link courtesy [Reason blog](#)): "[The new minister's] first approach was to go to the key patent holders, the US pharmaceutical giant Merck and the Swiss firm Roche, and ask for a volume discount. When the companies said no, Serra raised the stakes. Under Brazilian law, he informed them, he had the power in cases of national emergency to license local labs to produce patented drugs, royalty free, and he would use it if necessary. Merck immediately caved, but Roche stood its ground until August 2001, when Serra prepared to make good on his threat by drawing up the required paperwork. It was the first time a poor country had even come close to breaking a drug patent - and Roche, stunned, returned to the bargaining table with a newly cooperative attitude. In return for Serra's agreement to play nice, the drugmaker would reduce the price of its drug in Brazil to less than half what it was (and less than Brazil's cost to go it alone)." It's absurd for the feds to whine about high drug prices when they are the result of the FDA regulatory process combined with the government-granted patent monopolies. The government grants a patent-monopoly to a company, and threatens to take it away unless the company lowers its price to one closer to the market price. Even better, simply shorten the term of, or abolish, patents for pharmaceuticals.

[Posted at 11/11/04 11:44 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

### [Imagine there's no heaven...](#)

[Courts on the Edge of Financial Crisis](#) reports: "Imagine a federal judicial system in which courthouses are open every other week, there is a five-year wait for a jury trial and no oral arguments are permitted on appeals." Yeah, imagine that. One branch down, two to go.

[Posted at 11/12/04 10:47 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

### [Liberals vs. Conservatives](#)

It seems to me that one benefit of Bush winning is that the liberals are much more entertaining in defeat than conservatives would be. If Kerry had won, conservatives would not be happy, but they would not pretend to be shocked at the very thought that some people are liberal. Conservatives know there are

liberals out there, people who disagree with them. Liberals, by contrast, either simply cannot even understand how anyone could be a Republican; or, what's worse, they pretend bafflement as a disingenuous argumentative technique. In any event, I have long maintained that liberals are by and large worse than conservatives not only on economic issues, but also on personal rights and tolerance. This fascinating article, [Political Poseur: Pretending to be a Republican in Blue California](#) demonstrates just this--a reporter dressed in a Kerry-Edwards tee-shirt in a visit to Red territory; and in Bush-Cheney garb in Blue territory. He is basically treated with indifference by Republicans, but with ridicule and hatred by Democrats. The liberals are far more political and intolerant than conservatives, despite their holier-than-thou claims to be superior in this respect and others. See also: [Wear Bush Gear in Manhattan, Get Spit At](#) and [Um, You're Right. \(Not Really.\) What makes liberals think they have the right to decide what's acceptable to say?](#).

[Posted at 11/12/04 11:25 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Did you hear the one about Yasser Arafat?](#)

Arafat has a dream that he is going to die so he goes to see a medium who might be able to explain the circumstances of his death. The medium gazes into her crystal ball and declares, "You are going to die on a Jewish holiday." Arafat replies, "Which one?" The medium responds, "It doesn't matter. Whatever day you die will become a Jewish holiday." (From Reason [blog](#).)

[Posted at 11/12/04 12:16 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Re: Left Socialists vs. Right Socialists](#)

[Anthony](#)--by saying the liberals are worse than the conservatives on tolerance, personal freedoms, I don't mean to deny that the conservatives might be worse overall for liberty given, e.g., war etc. (although, most previous wars were democrat wars). I suppose I am thinking more of the personal attitudes of individuals I know and see, and the actual domestic policies they advocate. The rabid liberals I know, and see, are completely irrational and simply hate Bush even though he is very similar to Kerry. An anti-war, Dean type democrat, I can respect; but a pro-war-Kerry supporting one is just ridiculous in accepting Kerry while going apoplectic about Bush. They support affirmative action and antidiscrimination and other ridiculous laws that actually penalize people for voicing their views, and they don't even recognize "commercial" free speech, so they are worse on free speech. Some of them are advocating a draft for egalitarian reasons. They are worse on taxes. They are worse on federalism. They are better on almost nothing: do they support drug decriminalization? No. They are only better in minor areas no one cares about, such as making sodomy legal once more, a type of criminal law that is rarely enforced. People like Michael Savage are so incoherent they are hardly conservative. Savage is just a pure idiot; he is the Morton Downey Jr. of talk radio. Like Bill O'Reilly, he has no philosophy at all, no coherent set of views. I find it kind of amusing to observe and classify various famous people, like Hollywood types, try to enunciate their little political views. For example, you have people like, say, Bill Maher--he is obviously very intelligent; but he is also very uneducated. He tries to go a long way with moxy and the fact that as uneducated as he is, he is smarter than most of his guests. Then you have people like Al Franken and Michael Moore, who are both stupid and ignorant. Then you have O'Reilly, who is moderately intelligent but probably slightly more knowledgeable than Maher, but who has sort of a grab-bag philosophy. Maher is a grab bag too, but a bit more coherent--sort of left neo-libertarian-ish. What is O'Reilly? I have no idea. Then you have your blowhard conservatives, like Sean Hannity and Rush Limbaugh and I don't know, Tony Snow. Actually Rush is more coherent and smarter and educated than those in his crowd; basically a

moderate-to-neocon type Republican. You have your fairly "honest" commentators, like, say, Andrew Sullivan, or Michael Kinsley. Then you have Ann Coulter--she is very intelligent and pretty well educated, at least, and certainly stands up to liberals; I think of her as the Frankenstein monster created by liberalism's outrageous, ridiculous excesses; in a sense, she represents the red America that voted against the condescending, [coastal snots](#) and [opponents of normalcy](#) of the Democrat party. At the bottom (or top?) of my hate pile are people like the lefties on Capital Gang--Mark Shields, Margaret Carlson, and worst of all, the execrable, smug, evil, knowingly-liberal Al Hunt. And James Carville. These people are smart and educated, and promulgate failed leftist claptrap with no apologies. In the end, whether you hate liberals or Democrats more (woops, Republicans) is probably not objectively provable. To paraphrase the great Woody Allen, the heart hates what the heart hates.

[Posted at 11/12/04 02:06 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### **[The Back of the Bus](#)**

I saw the excellent movie *Ray* a few weekends ago--about Ray Charles's life. There's a scene where as a young man he has to take a bus, and he has to sit in the back with the other blacks. Now this got me to thinking. Any modern liberal would say that if a bus line--even a private one--requires blacks to sit in the back and whites in the front, that this is racist and discriminatory, and should be outlawed. Yet during the *filming* of *Ray*, isn't this just what happened? The director set up a bus with a sign saying "Colored" and mounted it on one of the rear seats, and then told all the black actors to sit in the back, and the white ones in front. Yet liberals would not denounce this as racist. Why not? It's indistinguishable from the other case mentioned above. The only difference is in the *motivations* of the the director, and the private bus line owners. But this means that racial discrimination is okay if it is well motivated. Does this mean that if some of the bus lines in the 1950s had "good motives" then it was okay? Liberals make no sense.

[Posted at 11/16/04 11:19 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### **[The Iraqi Solution](#)**

To respond to the daunting problem of terrorist kidnappings and assassinations in Iraq, the only real solution that comes to mind is something along these lines: decree that for, say, a year or three, all males of terrorist age (17 to 40 or so?), either in all of Iraq or in the trouble areas like the Sunni triangle, must wear at all times an unremovable [location tracking device](#). Failing to have one would be a crime. This way, for a given terrorist, if he has the device and commits an act of terrorism, he could be connected to it and also located. If he does not have it, he would be conspicuous and would stand out from his device-wielding "innocent" fellow Iraqis. Of course, this draconian measure would be a massive violation of individual rights. This is similar to, say, the drug war in the US: the only way to really succeed at it would be to set up a system that violates rights. That should tell us something.

[Posted at 11/17/04 01:25 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### **[The Nuke Doctor](#)**

Interesting [article](#): "Friday night on the Discovery Channel in Canada (but not in the U.S.), Canadian filmmaker Michael Jorgensen will make the case that in February 1950, Capt. Theodore F. Schreier, who was from Madison, risked and ultimately lost his life in a single-handed attempt to keep U.S. nuclear weaponry and secrets from falling into enemy hands. The documentary is called "Lost Nuke," and it

promises to be a stunner." Coincidentally, the article quotes Canadian nuclear expert Dr. [John Clearwater](#), a curious fellow who was down the hall from me in King's College Hall in London in 1991-92, when Clearwater and I were fellow King's College London students (he went by the pseudonym John Strangelove back then). [Picture](#) of Clearwater and me in London--he had opposite sides of his mustache and beard shaved off for some weird Canadian reason. (Clearwater has written some [books](#) (2) on Canada and nuclear weapons. ) Thanks to link from [Matt Schemmel](#), a fellow law student in London who noted Clearwater's name.

[Posted at 11/18/04 10:45 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Hunting by Internet](#)

Article about a [brilliant idea](#): controlling a remote-controlled rifle or gun via the Internet, to shoot animals, targets, etc. (Thanks to Pete Canning for the link.)

[Posted at 11/17/04 01:52 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Incredibles and Rand](#)

Well, all the Objectivists are going apesh\*t with excitement at the apparently somewhat Randian theme of *The Incredibles*. I mean, not as excited as they would get if, say, a Rush Limbaugh or Sean Hannity put Rand in the index of their latest book (Randians just love it, they quiver with joy, when Rand gets even the slightest mention in the mainstream press, as if it validates her minority views), but excited nonetheless. Neo(?)-Objectivist [Chris Sciabarra](#) (a friend) and David Brown write about it. And an email from Objectivist painter [Quent Cordair](#) breathlessly notes:

### **MORE ON THE INCREDIBLES**

Having seen previews for the film, I was chagrined to be anticipating yet another undercutting of the concept of Heroism, likely a mediocre tale of overweight has-been superheroes trying to get back into the swing of things, providing the public the opportunity to laugh at the previously exalted who turn out to be "no better than the rest of us" -- yet another "cutting down of the tall poppies," as the Aussie saying goes. Yes, I was going to skip this one. But having seen the movie in the theater twice now (the first time in fourteen years, since *Strictly Ballroom*, that I've returned to a theatre to see a movie a second time) I'm very pleased to report that the only person in this project who is proven worthy of being chopped down is the bonehead in marketing who misrepresented the essence of this sparkling, brilliant story, perhaps fearing that the modern American public wouldn't show up to witness "na

[Posted at 11/18/04 03:00 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Curse you, Raico!](#)

As [noted previously](#), I had bets on Bush v. Kerry with with Ralph Raico, Chris Sciabarra, and someone else. I lost. Sciabarra will hold me to a slice of pizza whenever we happen to be in the same city. But Raico won't relent! He's demanding his \$20. He threatened to sic his Uncle Carmine on me, and ominously cautions, "You don't want to know any details about Uncle Carmine." I offered him some [Enstrom's toffee](#) (best candy I ever put in my mouth) but he wouldn't hear of it. So I have had my bank mail a check to Raico posthaste, but let this be my public testimony that if any evil should befall me, look

ye first to Raico!

[Posted at 11/23/04 11:12 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Judge Sparks](#)

As reported by Greg Aharonian's [PatNews](#), federal district judge Sam Sparks got fed up with some IP lawyers' behavior in a trademark lawsuit. The judge says, e.g., "The Court simply wants to scream to these lawyers, "Get a life", or "Do you have any other cases?" or "When is the last time your registered for anger management classes?" ... If the lawyers in this case do not change, immediately, their manner of practice and start conducting themselves as competent to practice in the federal court, the Court will contemplate and may enter an order requiring the parties to obtain new counsel." Full text of the PatNews report below: 120041130 District court judge ridicules patent lawyers Another federal district court judge is tired of some IP lawyers acting like children. Attached for your amusement is his tirade in a trademark case. A PDF of the court order is at: [www.bustpatents.com/samsparks.pdf](http://www.bustpatents.com/samsparks.pdf). A look at the docket for the case indicates the following law firms are involved: [...]. Greg Aharonian Internet Patent News Service  
===== IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION KLEIN-BECKER and BASIC RESEARCH LLC Plaintiffs vs. Case No. A-03-CA-871-SS WILLIAM STANLEY and BODYWORX.COM Defendants  
----- Order BE IT REMEMBERED on the 21st day of July 2004 and the Court took time to make its daily review of the above-captioned case, and thereafter, enters the following: When the undersigned accepted the appointment from the President of the United States of the position now held, he was ready to face the daily practice of law in federal courts with presumably competent lawyers. No one warned the undersigned that in many instances his responsibility would be the same as a person who supervised kindergarten. Frankly, the undersigned would guess the lawyers in this case did not attend kindergarten as they never learned how to get along well with others. Notwithstanding the history of filings and antagonistic motions full of personal insults and requiring multiple discovery hearings, earning the disgust of this Court, the lawyers continue ad infinitum. On July 20, 2004, the Court's schedule was interrupted by an emergency motion so the parties' deposition, which began on July 20, would and could proceed until 6:30 in the evening. No intelligent discussion of the issue was accomplished prior to the filing and service of this motion, even though the lawyers were in the same room. Over a telephone conference, the lawyers, of course, had inconsistent statements as to the support of their positions. On July 20, 2004, the Court entered an order allowing the plaintiffs/counter-defendants until July 23, 2004 (two days from today) to answer a counterclaim. Yet, on July 21, 2004, Bodyworx.com Inc.'s lawyers filed a motion for reconsideration of that Court order arguing the pleadings should have been filed by July 19, 2004. The Court simply wants to scream to these lawyers, "Get a life", or "Do you have any other cases?" or "When is the last time your registered for anger management classes?" Neither the world's problems nor this case will be determined by an answer to a counterclaim which is four days late, even with the approval of the presiding judge. If the lawyers in this case do not change, immediately, their manner of practice and start conducting themselves as competent to practice in the federal court, the Court will contemplate and may enter an order requiring the parties to obtain new counsel. In the event it is not clear from the above discussion, the Motion for Reconsideration is DENIED. SIGNED this the 21st day of July 2004. SAM SPARKS United States District Judge

[Posted at 11/30/04 11:19 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Trademarks and Free Commerce](#)

Here's an [example](#) of how trademark law can interfere with private property and free trade.

[A] district court judge recently dismissed BarnesandNoble.com's summary judgment motion in a case brought by Halfpricebooks.com. Halfpricebook.com sued Barnes in 2002 for infringing its trademark "Half Price Books." The judge's opinion allows Half Price's suit to proceed on the grounds that BN.com could have overstepped fair-use rights.

According to the judge, "While BN.com's name is displayed on each and every page (of its Web site), a reasonable jury may find that the usage of 'Half-Price Books' on the webpage is sufficiently prominent to suggest that there is an affiliation between HPB and BN.com.... Therefore, HPB has directed the court to sufficient evidence in the record from which a reasonable jury could find in its favor on the issue of fair use." One attorney commented: "Trademark law should not prevent the truthful description by a competitor of the price of their books.... When there's such a collision, free speech usually wins."

I agree with the first part of the attorney's statement, but not the latter.

[Posted at 11/30/04 02:26 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [JOURNAL OF LIBERTARIAN STUDIES VOL. 18, NO. 3 \(SUMMER 2004\)](#)



[Volume 18, no. 3 \(Summer 2004\)](#)

[Posted at 12/01/04 02:08 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Man without a Hobby](#)

[Man Without A Hobby](#), the interesting memoirs (I read it in draft) of libertarian and neo-Objectivist scholar [Tibor Machan](#), co-founder of *Reason* magazine. A longtime friend, he published my first academic libertarian [article](#) in his journal [Reason Papers](#) way back in 1992. He is also dapper--he can get away with wearing an orange shirt with white tennis shoes and dress slacks better than anyone I know. Machan's [libertarian bio](#) is also quite interesting. Coda: Franklin Harris writes, "You forgot the orange socks. No one can wear orange socks and a safari jacket like Tibor." So maybe I got the orange clothing item wrong. But I can't forget that brilliant, Howard-Roark-Hairian orange!

[Posted at 12/02/04 02:54 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Federalism and Libertarians on Eminent Domain](#)

[Center Urges U.S. Supreme Court to Protect Property Rights](#) notes the friend-of-the-court brief filed with the U.S. Supreme Court by the presumably libertarian Center for Individual Freedom and Pacific Legal Foundation. Seizing property by eminent domain ("condemnation" or a "taking") is considered constitutional if (a) it is done for a public purpose, and (b) adequate compensation is provided. The brief argues that the Supreme Court should prevent local governments such as cities from seizing private property under the guise of promoting economic development--i.e., that such takings are not really for a



"public purpose". The problem with the brief is that it accepts the view that the federal Constitution's due process limits on eminent domain apply to the states as well as to the federal government. But this flies in the face of federalism. I've discussed the importance of federalism before--in [Supreme Confusion, Or, A Libertarian Defense of Affirmative Action](#), [Sandefur and Federal Supremacy](#), and [In Defense of Evidence: Against the Exclusionary Rule and Against Libertarian Centralism](#)--one of these in response to Timothy Sandefur, one of the authors of the brief. Of course state or city action that takes private property is unlibertarian. It is theft. This is true even if the owner is compensated and the taking is for a public purpose; and it is certainly true if adequate compensation is not paid or if the taking is not for a public purpose. However, the brief accepts the logic that the Fifth Amendment--which originally limited only the federal government, not the states--has been "incorporated" by the 14th Amendment to apply to the states. First, note that the [Fifth Amendment](#) states: "[no person shall] be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." This was part of the Bill of Rights enacted in 1791, two years after the Constitution was ratified. It is universally accepted that these limits and others in the Bill of Rights limited the federal government and not the states. For example several states in 1791 actually had established religions (e.g., Congregationalism), and were not in violation of the First Amendment, which only prohibited the Feds from establishing a religion. In fact, for the Fifth Amendment's limits to "apply" to the states in effect is a type of grant of power to the feds to enforce this limit as against the state. I.e., to say any of the rights in the Bill of Rights apply to the states means the Bill of Rights--meant to *limit* the power of the new federal government--is really a grant of power to the feds. This is absurd. The theory now is that the [14th Amendment](#), which followed the War to Prevent Southern Independence and does apply to the states, "incorporates" most of the rights in the Bill of Rights and applies them to the states. This theory, which in my view is groundless, confused, unlibertarian, and undermines federalism--an important structural feature that limits federal power--is endorsed by "centralist" libertarians such as Sandefur and Roger Pilon of the Cato Institute (see my articles linked above for more detail on all this). The theory of incorporation--not even invented until about [50 years](#) after the 14th Amendment was illegally ratified--is especially absurd in the case of the 5th Amendment. This is because the 14th Amendment itself provides, "nor shall any State deprive any person of life, liberty, or property, without due process of law." I.e., it has a Due Process clause. It prevents states from violating due process rights. Yet the Fifth Amendment, as noted above, provides, "[no person shall] be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation". I.e., it protects due process rights. But if the 14th Amendment "incorporates" the Fifth Amendment, it already protects citizens' due process rights from state infringement; so why would the 14th mention the due process right again? Moreover, what is even worse is that the theory of incorporation says that the "due process" clause of the 14th amendment is what does the incorporating! It is a clearly "procedural" right yet it is ridiculously said by the Supreme Court to protect "substantive due process". So we have the "due process" clause of the 14th Amendment being used to invent a federal right against the states to "substantive" rights, which includes the Fifth Amendment which already had a right to due process! It just makes no sense whatsoever. It is clearly just a federal judicial invention with the aim of seizing more power against the states. The Center states "'The Constitution does not allow the government to use eminent domain to take property and sell it to the highest bidder in a play to pocket greater tax revenue,' said Reid Alan Cox, the Center

[Posted at 12/05/04 03:30 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Cure for the Post-Election Blues](#)

For those upset about the Bush win, some tips for coping from Jurek Martin, in the Financial Times: [No](#)

[cure for post-election misery, just distraction.](#)

[Posted at 12/06/04 10:42 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## **[The Ten Least Successful Holiday Specials of All Time](#)**

[The Ten Least Successful Holiday Specials of All Time](#), by Jeff Scalzi. Funny stuff (sorry, I forget who sent me the link). Some of my favorites: *The Mercury Theater of the Air Presents the Assassination of Saint Nicholas* (1939) *Ayn Rand's A Selfish Christmas* (1951) *The Lost Star Trek Christmas Episode: "A Most Illogical Holiday"* (1968)

[Posted at 12/06/04 12:18 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## **[Re: Woods on Hannity](#)**

As [Lew mentioned](#), Thomas Woods appeared on [Hannity & Colmes](#) tonight, to discuss his new book [The Politically Incorrect Guide to American History](#). My wife and I saw it. I proudly proclaimed, "there's my Mises bud!" and even she said, "Wow, he just spanked that liberal dude." Indeed Woods was impressive. He educated a seemingly open-minded Hannity about FDR's actions making the Great Depression worse; and he totally spanked the know-nothing, bromide-spewing Alan Colmes.

[Posted at 12/06/04 11:15 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## **[Block on Restitution](#)**

A recent addition to Walter Block's [online publications page](#): [Taking the Assets of Criminals to Compensate Victims of Violence: A Legal and Philosophical Approach](#) (with Roy Whitehead), *J. Law in Soc.*, vol. 5:229 (2003).

[Posted at 12/07/04 11:53 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## **[Putting Humans First](#)**

The uber-prolific Machaniac's latest book, [Putting Humans first \(ad copy\)](#). "*Putting Humans First* passionately argues for the primacy of human life in the natural world and the corresponding justice of humans making use of animals; it disputes the concept of "animal rights" and "animal liberation." It shows human beings to be very much a part of nature, though not, ordinarily, of the wilds. Given their nature, Machan argues that human beings not only can, but ought to use nature to serve their own needs."

[Posted at 12/08/04 10:30 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## **[TiVo does not want you to TiVo](#)**

[TiVo This! A company in crisis unleashes the grammar police](#). Ridiculous. Yet another example of IP law--in this case, federal trademark law--run amok (or do I repeat myself). I bet TiVo is in trouble. My new \$6/month DVR from my cable company works great, and unlike TiVo, it's automatically set up (don't have to spend hours configuring it), records in HDTV (without paying \$\$\$\$\$ as for TiVo HDTV), and is automatically integrated w/ my HDTV cable service).

[Posted at 12/14/04 03:32 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## **Some Minorities Get No Respect**

**Rebel Without a Cause of Action**: "A man who was fired for refusing to stop displaying Confederate flags in his workplace has lost his bid to revive an employment discrimination suit that said he was discriminated against on the basis of his religion and his national origin as a "Confederate Southern-American." "[One judge] found that the lower court was correct to dismiss the suit "because 'Confederate Southern-American' is not a legitimate national origin classification" under Title VII. ""Where one cannot trace ancestry to a nation outside of the United States, a former regional or political group within the United States, such as the Confederacy, does not constitute a basis for a valid national origin classification," Scirica wrote." Of course, the idiot should have taken the bumper sticker down when asked to do so. Sony owned the parking lot. It had the right to set the rules. Period. Further, it's simply pathetic for an allegedly proud Confederate to resort to statist-victimology and run whining to the illegitimate national government. I dub him an honorary yankee. Not only that, bumper stickers are sooooo white trash, no matter what they say, though I admit I had one in law school reading Nuke The Gay Unborn Russian Whales. And why someone needs to bring his toothless, hillbilly good-ole-boy confederacy worshipping into the workplace parking lot is beyond me.

[Posted at 12/14/04 05:00 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## **Re: Happy Bill of Rights Day -- The Problem with the Fourteenth Amendment**

**Norman Singleton** is correct to note that "the Bill of Rights may have contributed to the growth of the state by enshrining the notion that the government could do anything so long as it did not violate one of the rights explicitly protected in the Bill of Rights, in place of the original intent to limit the government to those functions explicitly granted it in the main body of the Constitution." Not only that, but the Bill of Rights, which was originally intended to limit the scope of the federal government and to reinforce the idea that the federal government was one of strictly enumerated powers (as opposed to having general police power, like the states), has not only been ignored selectively by the federal government in limiting its own power (e.g., federal gun laws and federal economic regulations such as the minimum wage)--and even worse, the Bill of Rights has perversely been used by the federal government as a *grant of power over the states*, thanks to outrageous interpretations of the Fourteenth Amendment. Discussions of abuse of the Fourteenth Amendment--even by some libertarians--can be found in these articles and posts:

- [In Defense of Evidence: Against the Exclusionary Rule and Against Libertarian Centralism](#) (with Patrick Tinsley)
- [Supreme Confusion, Or, A Libertarian Defense of Affirmative Action](#)
- [Federalism and Libertarians on Eminent Domain](#)
- [Barnett and the Fourteenth Amendment](#)
- [Federalism and Libertarians on Eminent Domain](#)
- [Constitutional rights?](#)
- Gene Healy's [Against Libertarian Centralism](#) ([more Healy](#))
- [Several articles](#) discussing the Fourteenth Amendment on my "texts" page.

[Posted at 12/16/04 01:10 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [The Bad Bill of Rights](#)

[Gregory](#) wrote: "Overall, the Bill of Rights has rarely been used to rationalize actions that are problematic to principles of federalism, and when it has, the power grabs would have likely come anyway. The 14th Amendment, Commerce Clause, and other provisions are used, and when the Bill of Rights has been cited, it has usually been more of a secondary argument that I think the federal courts have not relied on all too much." It seems to me that when state laws are struck down by the Courts as violating provisions of the Bill of Rights (as "incorporated by" the 14th)--such as [4th amendment cases](#)--then the Bill of Rights is indeed "rationalizing" (or justifying) federal action that clearly abrogates federalism. Gregory also says, "The feds are too afraid to

[Posted at 12/17/04 12:15 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [The future of technology](#)

One vision of the future of presented here in this interesting [11 minute movie](#) by Japanese company NTT DoCoMo. The movie "portrays the kind of technological advances that could transform our world over the next ten years. The events depicted are fictional, but the potential of NTT DoCoMo's cutting-edge technology is very real. Our third-generation (3G) FOMA service is already operational throughout Japan; and by 2010, we hope to have fully brought our vision of advanced mobile communications to fruition..." This ain't sci-fi....

[Posted at 12/26/04 01:00 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [The Source of Wealth](#)

In completing the manuscript for a [book](#) I'm finishing up concerning government expropriation of private property, I dug up one of my favorite Hoppe quotes which pithily and masterfully summarizes the means of acquiring wealth:

One can acquire and increase wealth either through homesteading, production and contractual exchange, or by expropriating and exploiting homesteaders, producers, or contractual exchangers There are no other ways. Both methods are natural to mankind. Alongside an interest in producing and contracting there has always been an interest in non-productive and non-contractual property and wealth acquisitions. And in the course of economic development, just as the former interest can lead to the formation of productive enterprises, firms and corporations, so can the latter lead to large-scale enterprises and bring about governments or states.

Just wonderful. This appears in Hans-Hermann Hoppe, "[Banking, Nation States and International Politics: A Sociological Reconstruction of the Present Economic Order](#)" *Review of Austrian Econ.*, 4:1 (1990) at 60-61. As [discussed](#) by Rothbard in *The Ethics of Liberty*, German sociologist Franz Oppenheimer sets out a similar distinction; he pointed out that there are two mutually exclusive ways of acquiring wealth: either by production and exchange, which he termed the "economic means"; or by confiscation of others

[Posted at 12/27/04 04:25 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Is it time for Atlas to Shrug?](#)

From [Drudge: "UN official slams U.S. tsunami aid as 'stingy'... Developing..."](#): last I heard the US had pledged \$15M, more than any other nation. If it were not unseemly to compare the mafioso US state with Rand's heroic Atlas, I'd suggest it shrug.

[Posted at 12/28/04 02:10 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Leftist Censorship](#)

I've long maintained that the left is worse on most issues than the right--worse on both economic *and* personal liberties. Worse on free speech, for example. They oppose "commercial" free speech rights; they advocate speech codes, affirmative action and antidiscrimination laws that muzzle free speech. And with the manifest collapse of outright socialism in the 1990s and the more and more evident failures of their policies--as they run out of excuses and arguments in favor of interventionism--the resort more and more frequently to this retort: "*Shut up!*" Case on point: the [January 2005 issue](#) of *Corporate Counsel* (a magazine for in-house attorneys) has a [letter to the editor](#) from Veta Richardson, Exec. Director of the [Minority Corporate Counsel Association](#), in which she attacks *Corporate Counsel* for an August 2004 story ([Law.com version](#) of the August 2004 article) which commented on the affirmative action practices of some large corporations. First, she denies that affirmative action efforts discriminate against or exclude white men. As she puts it, "I can assure you that the exclusion of white men is not on anyone's agenda." Whew! Thank goodness for *that*! Now I see there is simply no cause for worry. Second, she objects to the illustration accompanying the article (I attached it to the end of her [letter](#)): She claims it contains a "customized illustration that is repugnant, divisive, and misleading. It is also a gross misrepresentation of corporate diversity efforts. The women and minority lawyers are depicted as dancing and high-fiving and dressed in garish unprofessional attire. All of the white male lawyers are depicted as gray, glum, and outcast. The illustration is so racist, sexist, and incendiary that your editors owe an apology to your readers and advertisers, many of whom are equally appalled that you would publish something that offensive." Now, take a look at the illustration. The white men are glum because they are being passed over by minorities; or, at least, have lost their allegedly privileged status. Is this racist to depict? The clothes of the minorities don't appear all that garish to me; and they are celebrating because they are being showered with affirmative action preferences by the corporations. Isn't this what Richardson wants? Why shouldn't minorities celebrate when they achieve a victory? Moreover, what is somewhat amusing is if you go to the [MCCA website](#), you immediately hear a groovy jazz tune playing. Most law firm sites are very staid and conservative; this is definitely out of the mainstream and more "garish" and playing to minority stereotypes than the illustration in question. The editor responded and subtly chastised Richardson for so casually dropping the r-bomb: "a charge of racism is powerful. It has the power to end reasoned discourse, either by silencing the recipient or by rendering him or her furious as to be unable to respond with anything but invective. We believe in open discussion and a fair airing of all sides of issues." Also, the MCCA's magazine, *Diversity & the Bar*, is distributed by *Corporate Counsel* as a supplement to it. I guess nothing is enough for these parasites and whiners. Richardson does not. What incensed her the most was *Corporate Counsel*'s decision to publish letters to the editor from two opponents of affirmative action, one of them Roger Clegg, general counsel of the Center for Equal Opportunity--she claims *Corporate Counsel* "stepped way outside the bounds of responsible editorial discretion by publishing" Clegg's letter. These people are shameless. You can almost hear her yelling to critics, "*Shut up! Shut up! SHUT UP!*"

[Posted at 12/30/04 01:03 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [How the Democrats Could Win](#)

Not that I want them to. But I am amazed at the left's stupidity. Why they need to anchor their image to the vapid Hollywood and libertine types is beyond me. Their basic thrust should be some kind of mildly populist, redistributionist, soft-socialist but culturally conservative platform. The democrats could slough off the unnecessary negatives, and win big, by adopting something along the following: 1. Fiscal conservatism: namely, balanced budget. This could be done by -- 2. increasing revenue (raising taxes a bit), and simplifying the tax code (exempt everyone making less than \$50K a year), and 3. Cutting some costs--namely, cut the military in half, bring the troops home, and stop intervening. 4. Repeal Roe v. Wade, and favor decentralism. You can still oppose laws banning abortion on a state level. It's unlikely every state would ban it, so worst case, a pregnant Louisiana girl could go to California for an abortion. They should strongly support adoption. These two moves would help them a lot with their natural, conservative, blue-collar base. 5. Universal health care for all: keep a private system, but give medical vouchers sufficient to pay for the deductive and high-deductible catastrophic insurance premium. 6. Social Security declared what it is: welfare. Change the system where everyone is guaranteed a certain minimum welfare check past age 70 (i.e., means-test it); then require 10% of every paycheck be saved by the employee in an employee-owned 401k type account. Not that these would be good things, but they could help them get more votes.

[Posted at 12/30/04 03:50 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Risky Voting](#)

Maybe I'm missing something. But if there is a big danger of insurgents murdering people in Iraq when they go to the polls to vote later this month... why don't they just let them vote ahead of time by mail? Boy, would that irk the terrorists.

[Posted at 01/04/05 03:47 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Church, State, and Foreign Aid](#)

Lefties always carp that the US should give more taxdollars to the UN, to needy foreign nations, etc. Now to my knowledge, the US is one of the strictest in adhering to separation of Church and State. So it seems clear that many of the foreign states or organizations to whom we give aid do not have our "wall" separating church and state. I.e., foreign aid does end up going to religious groups, and/or states that themselves subsidize or are otherwise involved in religion, or that have an established religion (by the left's hair-trigger standards). Now, liberals go nuts if the US government subsidizes a church or even a church school. Yet they turn a blind eye to the support of religion effected by our subsidy of foreign states.

[Posted at 01/04/05 11:46 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Future of Computers](#)

Interesting column by Dvorak: [The Next Great Breakthrough](#). He argues that the PC has stagnated; voice recognition seems further away now that it did in 1980; even OCR is really still not that good, not as good as humans. His criticism is good (except his 32 year cycle idea is just ridiculous). I've long thought we need real artificial intelligence to have good OCR and voice recognition. But AI is a loooooong way away, if ever (we don't even have artificial stupidity yet). His prediction is a non-predicition--sounds like a horoscope, so vague. (Thanks to [Paul Comeaux](#) for the link.)

[Posted at 01/05/05 01:00 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## **Business and State**

Rand said big business is America's most persecuted minority, or something like that. Bah. They are in bed with the state big-time. As reported in [Tech Firms Aim to Change Copyright Act](#),

Several of the world's largest high-tech corporations plan to urge Congress today to force Internet service providers to crack down more aggressively on their users who swap copyrighted software, music or video files online.

The move is a significant escalation in the campaign by the software and entertainment industries to squelch widespread file sharing by millions of users through services such as Kazaa, Grokster and Morpheus. If successful, it could reshape a long legal tradition of shielding phone, cable and other communications companies from liability for the actions of their customers.

(Thanks to [Kent Snyder](#).) Full version below for those who don't have a WashPost login. washingtonpost.com Tech Firms Aim to Change Copyright Act ISP's Liability for File Sharers at Issue By Jonathan Krim Washington Post Staff Writer Thursday, January 6, 2005; Page E01 Several of the world's largest high-tech corporations plan to urge Congress today to force Internet service providers to crack down more aggressively on their users who swap copyrighted software, music or video files online. The move is a significant escalation in the campaign by the software and entertainment industries to squelch widespread file sharing by millions of users through services such as Kazaa, Grokster and Morpheus. If successful, it could reshape a long legal tradition of shielding phone, cable and other communications companies from liability for the actions of their customers. Although members of the Business Software Alliance, including Microsoft Corp., International Business Machines Corp., Intel Corp. and Adobe Systems Inc., have not suffered losses from illegal file sharing as great as the entertainment industry's, they believe the problem will only worsen as technology improves and more people get high-speed Internet access. Generally, the only way for companies to learn the names of suspected file traders is to file a lawsuit, a step technology companies would prefer to avoid, said Bruce Chizen, chief executive of Adobe, which makes the popular Photoshop editing program. The Recording Industry Association of America has so far sued 7,700 file swappers in hopes of scaring away others, a strategy that has angered many music fans. Instead, Chizen and BSA officials want Congress to secure the cooperation of Internet service providers by amending the 1998 Digital Millennium Copyright Act, which was designed to address potential copyright violations in the electronic age. They say changes are necessary because the original statute was enacted before services took root allowing computer users to swap songs, software and other digital material on a massive scale. The campaign to modify the law is part of a broader effort by the BSA to address a variety of copyright and patent issues. In a report to be released today, the group outlines its concerns but offers no specifics on how the 1998 law should be changed. But in an interview, Chizen and BSA Executive Director Robert Holleyman said Internet service providers should no longer enjoy blanket immunity from liability for piracy by users. Without cooperation from Internet providers such as America Online, Verizon, Comcast Corp. and others, Chizen said, it can be difficult to track down the names of file swappers, who often can be identified only by their numeric computer addresses. Under current law, communications companies have to provide the names of the account holders who match those addresses only if they receive a subpoena as part of a lawsuit targeting a user. "If they [online providers] don't have to, they don't want to do the work," Chizen said. Holleyman and Chizen said they want to work with Internet providers to reshape the law, but that did not calm ISP officials and privacy

advocates. "The best policy is not to have the service provider become Big Brother," said Sarah B. Deutsch, associate general counsel of Verizon, which has successfully challenged RIAA efforts to compel the company to turn over names of suspected file sharers even when no lawsuits have been filed. Deutsch said Internet providers willingly cooperate with content owners within the bounds of the law. Now, she said, "BSA wants its own shortcut, at the expense of consumer privacy and the ISPs." Mike Godwin, legal and policy director for Public Knowledge, a digital rights advocacy group, called the BSA interest in amending the digital copyright act a "terribly bad idea." He said the country has long kept communications services as neutral conduits, free from obligations to monitor how people use them. "We already don't ask the phone companies to go after people who engage in infringing performances of songs over the telephone," Godwin said. America Online spokesman Nicholas J. Graham agreed, saying that maintaining the principle of "safe harbor" from liability for communications providers is vital. Chizen acknowledged that striking the right balance would be a complex task, but said, "We can't ignore it any longer." The BSA also proposed changes to U.S. patent law. The technology industry is facing spiraling litigation costs over patent rights, which the BSA said threatens to stifle innovation. One problem is that as patents have proliferated, a new kind of business has emerged in which companies seek to enforce patents solely to make money, not to use the technology. Even when the patents are not likely to stand up in court, companies often settle with the patent owners rather than go through costly legal battles. The BSA wants administrative procedures to allow third parties to be able to challenge patents after they are granted, and to limit damage awards for willful patent infringement. Other critics of the system argue that too many patents are granted, especially for software, and that the system is weighted in favor of large companies and against small inventors.

[Posted at 01/06/05 11:39 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [The UNICEF Tsunami](#)

On a local radio station an ad has been running in which states something along [these lines](#): "The tsunami disaster has taken countless thousands of lives, nearly half of them children. Working together with UNICEF, we can help the surviving children by creating our own tsunami: a tsunami of compassion, aid, and hope." *A tsunami of compassion?* So, there are good tsunamis as well as bad? Imagine similar wording for other disasters--"we can help the surviving children by creating our own tornado: a tornado of compassion, aid, and hope". Or, "we can help the surviving children by creating our own bubonic plague: a bubonic plague of compassion, aid, and hope". How about, "we can help the hemopheliac drug users by creating our own AIDS plague: an AIDS plague of compassion, aid, and hope". Or, finally, "we can help the surviving 9/11 victims by creating our own hijacked aircraft: a hijacked aircraft of compassion, aid, and hope".

[Posted at 01/10/05 04:55 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [RED NEWS](#)

[REDNEWS: COMMUNIST AND SOCIALIST NEWS, UPDATED 24 HOURS A DAY](#). "RedNews.org is an experimental website bringing complete daily news about communist and socialist movements, insurgencies, parties and governments from around the world." I am not sure how I got on this mailing list... but I guess it just goes to show you, some people never learn.

[Posted at 01/10/05 05:54 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]



## [The Idiot O'Reilly](#)

During a debate tonight on Fox's O'Reilly Factor with Sister Helen Prejean about the death penalty, Bill O'Reilly stated that murder should be a federal crime; having the feds control murder prosecutions is "better than the states," he said. Funny that liberals say O'Reilly is conservative.

[Posted at 01/11/05 11:47 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Let a Thousand Googles Bloom](#)

Lessig [argues](#) that " Copyright reform is vital to the spread of culture and information"--since the threat of copyright lawsuits and uncertainty as to copyright ownership for many works may hinder the ability to digitize and put online the millions of books out there, as Google plans to do. Lessig argues: "The solution is obvious enough: Clean up the copyright system." He proposes a system where copyrights have to be registered, like patents and federal trademarks, and as copyrights used to require, instead of merely being automatically granted as is the case now; and for registration renewals renewed every five years

[Posted at 01/12/05 02:15 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Amazing Invention](#)

Light strands on modern trees are supposed to stay lit even if a bulb burns out. The theory is the burnt out bulbs should still present a circuit path, even when they burn out, rather than an open circuit. But still, sometimes, the entire string of lights goes out. I spent hours this Christmas trying to fix two burnt-out light strands on our huge, pre-lit, artificial tree, to no avail. I called the manufacturer and they said they could repair it if I shipped it back, but it would be simpler for me to purchase [Lightkeeper Pro](#) for about \$15 from Lowe's or QVC. I was skeptical but went to Lowe's, who was out; so ordered one from QVC. I got it. This morning I plugged in the tree. I removed one of the unlit bulbs and pugged the socket into the Lightkeeper Pro thing. I pulled the trigger, and all the lights came on. Then I disconnected it and put the bulb back in. Apparently it somehow "shocks" the circuit back into life. It's truly amazing.

[Posted at 01/15/05 10:56 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Dennis Killer](#)

I used to like Dennis Miller. But since his Republican transformation, he's become increasingly uninteresting. On a recent show he opined that the long delay before Scott Peterson faces the death penalty is intolerable; therefore, he advocated, on live TV, that Peterson's fellow inmates should "shank" him. Here we have it: a TV pundit on live TV urging lowlifes to execute a fellow prisoner that the pundit is "sure" is guilty. My God.

[Posted at 01/17/05 03:12 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [ACLU's Dystopian Pizza Ordering Scenario](#)

Can be found in this [faux recording](#) of a guy ordering a pizza sometime in the distant future, when the pizza company knows just a little too much about the customer....

[Posted at 01/18/05 05:45 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Wallace Quote](#)

Some spam I received had this quote in it: "Why does the Air Force need expensive new bombers? Have the people we've been bombing over the years been complaining?" --George Wallace

[Posted at 01/19/05 12:46 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Divided Division](#)

This is funny: [Poll: Nation split on Bush as uniter or divider](#). And it's not even an Onion headline.

[Posted at 01/19/05 05:06 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Democrats and Social Security Reform](#)

Drudge [reports](#) that Democrats are pouncing on [statements](#)

[Posted at 01/24/05 10:52 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [re: Democrats and Social Security Reform](#)

Lew, yes, I agree. Thomas also seemed to endorse a VAT to pay for social security, and had a number of economically illiterate comments in addition to the one you noted--such as his comment that we should try to raise revenue not from income, but from some other type of tax that does not harm productivity/jobs.

[Posted at 01/24/05 12:02 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [re: Democrats and Social Security Reform](#)

Tom, you [said](#), "Here's a possibility: Democrat opposition will be bought off by promising them a VAT large enough to finance some kind of socialized health care, their Big Pipe Dream." Don't you think that language "bought off" is awfully hurtful, divisive, and cynical? How dare you impugn the motives or our public-spirited statesmen-leaders?

[Posted at 01/24/05 02:40 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Comments from an Iraqi Attorney](#)

I was corresponding this week with an Iraqi attorney I'm working with on a certain project. Regarding the upcoming elections, he had this to say--"Well, I

[Posted at 01/25/05 04:47 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Let The Wolves Fight Each Other](#)

John Podhoretz this morning on Fox News noted how suspicious it is that ex-KKK member, Democrat

Senator Robert Byrd, opposed senate confirmation of Thurgood Marshall, Clarence Thomas, and Condoleeza Rice, all blacks. Now despite the fact that Byrd's opposition at least to Thomas and Rice is probably not racial but merely petty political reasons; despite the fact that Rice and Podhoretz are not without flaws; despite the fact that playing the race-card is generally despicable ... I found this attack on Byrd to be delicious. If it's untrue it makes it even more delicious. Let the Democrats suffer from the mindless, groundless racism accusations that they are responsible for hurling at normal people all the time. Bush's apparent new strategy to use the race card--blacks receive less Social Security benefits than whites--to make Democrats squirm is also one silver lining.

[Posted at 01/26/05 10:17 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [The Mormon Nickel](#)

I heard some Mormom say recently that he keeps a nickel jar on his desk--whenever a visitor makes the lame joke about how many wives does the guy have, he makes them drop a nickel in the jar. I think I might adopt that for various slurs we white, male, Southern, libertarians get. If someone asks a stupid question about Mardi Gras, for example--drop a nickel. "So you think we should just let the poor starve, do you?" -- drop a nickel.

[Posted at 01/26/05 10:48 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [So-Called Libertarian Girl](#)

What is libertarianism coming to? One "Libertarian Girl"--of DC, natch--favors a [tax on breast implants](#) because it "harms others" because it's a "negative sum game." Jesus Christ. She also believes [Roe and Lochner](#) were great "libertarian" decisions--nevermind that it's at least arguable that abortion is in fact murder or a crime; and nevermind that these decisions were unlawful and unlibertarian in that they were mere unconstitutional dictates of the federal courts telling the states what to do with makeweight arguments based on the illegal and unlibertarian 14th Amendment.

[Posted at 01/26/05 11:20 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Proposed California Law Would Criminalize File Sharing](#)

From my former partner [Eric Sinrod](#): "A recently introduced California bill would criminalize and impose fines and jail time for developers and distributors of file-sharing software who do not exercise "reasonable care" in preventing use of that software in an unlawful manner."

[Posted at 01/26/05 01:05 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [re: Socialism Under the Seas: The Latest Neocon Adventure](#)

Now, [Tom](#), what in the world do the poor need [manganese nodules](#) for? Let them eat cake!

[Posted at 01/26/05 02:24 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Rand, Again](#)

New Rand biography is out; a [book review](#) of it; and William Marina's [brief comments](#) thereon.

[Posted at 01/27/05 05:09 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Birth father rights](#)

Wendy McElroy has characteristically insightful [commentary](#) on the terrible, heartwrenching recent case of a 3-year-old boy ordered by the court to be separated from his adoptive parents and returned to the biological mother who surrendered him at birth. I saw a news report on this last night. As an adoptee, and father to a baby boy, watching the little boy ripped from the arms of his parents (yes, his parents) by force of the state and given to a bunch of white trash bums he does not know was almost unbearable. McElroy has some excellent commentary, and she may have a point when she writes: "Whether the rights of Evan's biological father were in fact violated remains a point of debate in this specific case, but overall, a good argument can be made for the opposite view: By ignoring the father's rights at the outset of an adoption proceeding, courts set the stage for this kind of needless tragedy." McElroy repeats the notion that "Before an unwed woman can put a child up for adoption, the father should be given the opportunity to raise his child". Well, I suppose this can be argued. Myself, I am partial to the notion that if you go fornicating with some woman who is not your wife, you have no right whatsoever to block her giving the baby up for adoption, if she so chooses. It is in the best interest of the baby, clearly, to be raised by married, loving, adopted parents than an irresponsible, fornicating sperm donor. And at the very least, if the sperm donor is to be given notice and a chance to stop the adoption, if he does not explicitly choose to do so within a short time period--say, two weeks--for whatever reason, even if he did not receive actual notice, then the adoption should be final and irrevocable.

[Posted at 01/28/05 11:30 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Illegals](#)

[Mexico threatens Arizona over anti-illegals measure](#): "Official says challenge in international courts possible to block voter-passed Proposition 200". "The Mexican American Legal Defense and Educational Fund has challenged Prop. 200, saying it is 'an illegal, impermissible, unconstitutional state attempt to regulate immigration policy, which is a fundamental function and responsibility of our federal government. Proposition 200 is mean-spirited and un-American.'" I, for one, am completely offended that the Mexican American Legal Defense and Educational Fund has demeaned the dignity of Prop. 200 by calling it "an illegal". How insensitive! How callous! We should not call laws "illegals", it just invites people to treat them with disrespect, to objectify and denude them of their humanity.

[Posted at 01/28/05 12:08 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Lawyers aren't Always Bad](#)

### [Lawyer's](#)

[Posted at 01/28/05 05:27 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [The Future of American Welfare Reform?](#)

[No job no excuse for turning down sex work](#) (Thanks to "Evil Paul" for the link) "A 25-year-old waitress

who turned down a job providing "sexual services" at a brothel in Berlin faces cuts to her unemployment benefit under laws introduced this year. "Prostitution was legalised in Germany two years ago and brothel owners - who must pay tax and employee health insurance - were granted access to official databases of job seekers. "The waitress, an unemployed information technology professional, was willing to work in a bar at night and had worked in a cafe. She received a letter from the job centre telling her that an employer was interested in her "profile" and that she should ring them. Only on doing so did she realise she was calling a brothel. "Under Germany's welfare reforms, any woman under 55 who has been out of work for more than a year can be forced to take an available job or lose her unemployment benefit."

[Posted at 01/31/05 02:59 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [O'Reilly and Randians](#)

Randians who saw O'Reilly tonight must be in a tizzy. Though he pronounced "Ayn" correctly, in discussing critics of the Iraqi election, he lumped the Ayn Rand Institute in with "other anti-war" groups. He mentioned left-wingers, international lefties, and the "right-wing" Ayn Rand Institute as all opposing the elections in Iraq. I think he was referring to their [view](#) that we should not liberate Iraq *out of compassion for Iraqis*, but rather only in our self-interest, something like that. The Randians are far from anti-war, so this must have appalled them. Those Randians are so CUTE when they get angry.

[Posted at 01/31/05 11:54 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [I'm just a caveman IP lawyer](#)

In my [Against Intellectual Property](#) article, I try to illustrate the absurdity of patents with an example of a caveman, Galt-Magnon, who builds the first log cabin and wants to stop others from doing so on the grounds that it's his invention (pp. 32-33). Coincidentally, I just learned of a 1960s book, "The Evolution Man, or How I Ate My Father," by Roy Lewis ([book review](#)), "which probably describes the first [fictional] murder for intellectual property... The father of a prehistoric horde of wannabe-humans invents fire making. While the father has an "open-source" concept of intellectual property, the son wants to sell the invention to other hordes, give out licenses and make cross-licensing deals. Finally, the father has to die..." (Quotes from a post by a reader of Greg Aharonian's [PatNews](#) newsletter.)

[Posted at 02/01/05 12:28 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Re: The Ignoramus Division of Randianism](#)

Tom, as a former semi-Randian (actually, I still agree w/ the basics of her political views, other than her silly art views, ), I agree with you completely. I think Rand made a great contribution. I devoured her novels. I think what was best about Rand was that she advocated a lot of things we libertarians now take for granted at a time when it was very unpopular and rare to say so. She was very good at criticism; and she had a backbone. Instead of us freedom lovers and individualists cowering, and being defensive, she went on offense. She said to be proud to be an individualist and an advocate of reason and liberty. She proclaimed that each man has a right to live for himself. She did not waste a lot of time to pragmatic or consequentialist or utilitarian arguments--she asserted *righteously* that we are in the right, and morally superior. I think this is what attracted, and converted, many people. Of course none of this meant she was the infallible genius her followers claimed she was. I believe she let her fandom go to her head. She felt compelled for some reason to elevate even her personal preferences into moral absolutes, like her views on

music, art, cigarette smoking, capes, etc. Any grownup can disregard that silly stuff and appreciate what she was good for. She was of course stubborn and wrong on some issues. Anarchy and libertarians, for one. Galt's Gulch was state-less; I believe she realized her philosophy implied anarchy but she disliked it for some reason so reacted crazily against it. Here's the problem Objectivists never answer. Logically, they have to favor one-world government, as there is currently anarchy between nations. But they never do. So somehow, they believe order is possible between international actors, despite the presence of a global superstate. But it's not possible for people. As if states are better than people. Bah. Silly. Rand herself had Galt say that no man may start the use of force. This is quite simple, and quite good. A state necessarily initiates force, and thus commits aggression, as I have elaborated in this article: [What It Means To Be an Anarcho-Capitalist](#). If an Objectivist endorses any state, he either thinks some aggression is okay, or that states don't necessarily employ aggression. One or the other. Which is it? As Rand would say: blank-out.

[Posted at 02/01/05 12:43 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Horwitz et al. on Woods](#)

My [reply](#) to yet another recent attack on Woods, this time from the cocktail party libertarian crowd.

[Posted at 02/02/05 04:15 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [The Passion of Ayn Rand's Defenders](#)

ARI is coming out with a book, [The Passion of Ayn Rand's Critics](#), attacking Nathaniel and Barbara Branden, each of whom revealed salacious information about Rand in their respective bios.

[Posted at 02/03/05 04:01 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Social Security Reform](#)

Some of us "radical" (read: principled) libertarians are sometimes accused of refusing to compromise, refusing to accept incremental movements toward liberty; that we would only accept a magical "push of the button". Of course, this is not true. I want the income tax abolished, but I would view a reduction in the marginal tax rates as an unambiguous improvement by libertarian standards. The problem lies in reforms that do not clearly and unambiguously improve the situation, however minutely; but that might even make things worse, at least for some people. For example, moving to a "flat tax" of 20% (with no deductions at all) would be a good thing for me, and maybe even "overall" (whatever that means), but it would amount to a punitive tax increase on people making, say, \$25K a year, who pay almost no income tax now. Such a reform would decrease rights violations for some, and increase it for others. Likewise, talk about shifting from income to VAT or sales tax is dangerous; the problem is not the form, but the level. A sales tax would not replace the income tax; it would add to it. The voucher system is problematic not because it is not a whole solution, but because it is not even moving in the direction of more liberty; it would actually expand the number of education welfare recipients, and further increase the state's control over currently private schools. Similarly, one significant problem with the proposed social security reform is not that it does not go far enough. If it made an incremental, unambiguous improvement in terms of liberty and rights, I would favor it. But both the current system and the proposed new system are going to be terrible. I can't really rely on receiving benefits from the system, whether it's reformed or not; and even if I got to invest a paltry 4% of my income up to the new FICA income cap (currently about \$90K but likely to increase, as noted below), that would only be at most about \$6-7K a year--in a conservative,

government limited set of investments. That's just noise. However, the the new plan will almost certainly result in an increase in the limit of income subject to FICA. I.e., my taxes will go from 6.2% of \$90K to 6.2% of say, \$130K at least (for now--probably unlimited thereafter). This means at least an additional \$2400 or so of taxes for me, and another \$2400K for my employer (which in the end, acts as a tax since it reduces wages). I.e., the cost to anyone earning decent money will be roughly \$3-4K a year in extra taxes, just for the privilege of putting \$7K of my own money into a government-controlled investment account (you can already put \$15K into 401k which has more flexibility, and up to about \$40K into a SEP-IRA if you have a business with enough profit, so the \$7K in a much less attractive account is not that great a deal). I would rather they just leave the current FICA tax in place, with no increase; means-test social security benefits, and label it what it is: welfare; and increase the limits on how much you can put into a 401k pre-tax. That way at least the dreadful tax would not increase as much and working people would stop stupidly relying on SS benefits being there when they retire.

[Posted at 02/04/05 12:40 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [George Will the Anti-Federalist](#)

Well, I shouldn't say anti-federalist, since the true anti-federalists were better federalists than modern day so-called federalists (for that reason when I could still stand being a member of the Federalist Society, I kept telling other members we ought to be the Anti-Federalist Society). A better term for Will is non-federalist. In his column from a few months back, [Despotism in New Long](#), Will states:

The question is: Does the Constitution empower governments to seize a person's most precious property -- a home, a business -- and give it to more wealthy interests so that the government can reap, in taxes, ancillary benefits of that wealth?

Will just does not get it (despite all those brains). The Constitution does not "empower" state governments to do anything. They preceded the Constitution of course! Rather, The Constitution created and empowered the federal government to do only enumerated things; and it limited the states only in a few, narrow areas. I am starting to think almost no one--even most libertarians--understands federalism, and that this may be our biggest problem. What is depressing is our Founders understood it better 215 years ago than even most libertarians do now. Even with their advanced understanding, society still devolved to its current state. That tells me that even if we improve overall understanding of economics and liberty, it won't matter much. Sigh.

[Posted at 02/04/05 03:14 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Jefferson on Federalism](#)

In a recent discussion, a libertarian in favor of an expansive reading of the 14th Amendment and the power of the federal government to "supervise" the states asked, "In a federal system, the federal government has restrictions placed on its powers, but it also has powers to protect rights. Otherwise, what justification could there be for it at all?" In other words, the writer argues that if the federal Constitution lists a right, this is not only a limitation on what the federal government can do, but also a *grant of power* to the federal government to prevent other states from violating the listed rights... including not only constituent States like Texas but other states like Mexico or Canada or Ghana. So get this: the recognition of rights in the document authorizing and limiting the federal government, meant to serve as a backup way of ensuring that the federal government does not claim to have the power to infringe these rights... has

been morphed--by libertarians, no less!--into a *grant of power* to the feds! I am reminded in this regard of a [great letter](#) by Jefferson to Joseph C. Cabell, which makes a strong case for decentralization of power and federalism (maybe even a subtle argument for anarchy, much as has been said of Mises being a near-anarchist -- e.g., the comments by [Rothbard](#), and [McGee](#)). (Thanks to Michael Smith for link to Jefferson letter.) The letter reads:

Thomas Jefferson to Joseph C. Cabell 2 Feb. 1816 Writings 14:421--23 No, my friend, the way to have good and safe government, is not to trust it all to one, but to divide it among the many, distributing to every one exactly the functions he is competent to. Let the national government be entrusted with the defence of the nation, and its foreign and federal relations; the State governments with the civil rights, laws, police, and administration of what concerns the State generally; the counties with the local concerns of the counties, and each ward direct the interests within itself. It is by dividing and subdividing these republics from the great national one down through all its subordinations, until it ends in the administration of every man's farm by himself; by placing under every one what his own eye may superintend, that all will be done for the best. What has destroyed liberty and the rights of man in every government which has ever existed under the sun? The generalizing and concentrating all cares and power into one body, no matter whether of the autocrats of Russia or France, or of the aristocrats of a Venetian senate. And I do believe that if the Almighty has not decreed that man shall never be free, (and it is a blasphemy to believe it,) that the secret will be found to be in the making himself the depository of the powers respecting himself, so far as he is competent to them, and delegating only what is beyond his competence by a synthetical process, to higher and higher orders of functionaries, so as to trust fewer and fewer powers in proportion as the trustees become more and more oligarchical. The elementary republics of the wards, the county republics, the State republics, and the republic of the Union, would form a gradation of authorities, standing each on the basis of law, holding every one its delegated share of powers, and constituting truly a system of fundamental balances and checks for the government. Where every man is a sharer in the direction of his ward-republic, or of some of the higher ones, and feels that he is a participator in the government of affairs, not merely at an election one day in the year, but every day; when there shall not be a man in the State who will not be a member of some one of its councils, great or small, he will let the heart be torn out of his body sooner than his power be wrested from him by a Caesar or a Bonaparte. How powerfully did we feel the energy of this organization in the case of embargo? I felt the foundations of the government shaken under my feet by the New England townships. There was not an individual in their States whose body was not thrown with all its momentum into action; and although the whole of the other States were known to be in favor of the measure, yet the organization of this little selfish minority enabled it to overrule the Union. What would the unwieldy counties of the Middle, the South, and the West do? Call a county meeting, and the drunken loungers at and about the courthouses would have collected, the distances being too great for the good people and the industrious generally to attend. The character of those who really met would have been the measure of the weight they would have had in the scale of public opinion. As Cato, then, concluded every speech with the words, "Carthago delenda est," so do I every opinion, with the injunction, "divide the counties into wards." Begin them only for a single purpose; they will soon show for what others they are the best instruments. God bless you, and all our rulers, and give them the wisdom, as I am sure they have the will, to fortify us against the degeneracy of our government, and the concentration of all its powers in the hands of the one, the few, the well-born or the many. The Founders' Constitution Volume 1, Chapter 4, Document 34 <http://press-pubs.uchicago.edu>



/founders/documents/v1ch4s34.html The University of Chicago Press The Writings of Thomas Jefferson. Edited by Andrew A. Lipscomb and Albert Ellery Bergh. 20 vols. Washington: Thomas Jefferson Memorial Association, 1905.

[Posted at 02/05/05 02:43 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [re: Where is David Horowitz](#)

Norman asks where is David Horowitz in the Hoppe academic freedom affair. I suppose it's unpredictable what he will do here; he is the @#%\$! who [accused](#) Pat Buchanan of anti-semitism and racism. More of the same. Yawn. These thin-skinned industrial whiners have shot their wads. No one listens to their cries of wolf any more. No more smart bombs left, boys.

[Posted at 02/10/05 03:10 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Nuke Me](#)

As reported in Greg Aharonian's [PatNews: Fergus Gibb's 'granite coffin' may finally reconcile us to the beauty of nuclear power](#) from the Daily Telegraph (subscription required--entire article posted below), "reports on a new solution to handling nuclear waste proposed by Dr. Fergus Gibb, a geology professor at Sheffield University. His solution is to drill very deep holes into the granite of the continental crust, about 5000 meters deep. At such depths, the Earth is already quite hot, about 900 centigrade. Containers of nuclear waste would be buried at the bottom of the holes. All of the heat sources together melt the nuclear wastes, which resolidfy in time, thus entombing the rocks in deep earth, giving plenty of the time for the nuclear wastes to lose their radioactivity. Water does not circulate in rocks below about 4500 meters, minimizing the a form of leakage plaguing other proposed storage facilities." "There are a lot of challenges drilling that deep, but oil companies already have much experience in depp drilling. A fair number of patents have issued in this area, but it seems there are room for more. Indeed, one patent 6,238,138, proposes the basic idea of deep disposal of nuclear wastes without consideration of these melting effects. [These patents can be looked up [here](#)] 6,802,671 Installation for very long term storage of heat-generating products such as nuclear waste 6,495,846 Apparatus and method for nuclear waste storage 6,238,138 Method for temporary or permanent disposal of nuclear waste using multilateral and horizontal boreholes in deep isolated geologic basins 6,211,424 Advanced vitrification system 5,850,614 Method of disposing of nuclear waste in underground rock formations" The entire article: **Fergus Gibb's 'granite coffin' may finally reconcile us to the beauty of nuclear power** By Adam Nicolson (Filed: 13/11/2004) Nuclear power is the only form of electricity generation that will keep us happy. It does not contribute to global warming. It does not spread itself in ugly swaths across remote hillsides. It is by far the safest form of power generation ever devised. It can satisfy large energy demands from an increasingly energy-hungry world. It reduces dependence on oil supplies from the Middle East. Its own raw material is enormously abundant. And yet you have only to mention nuclear power for long, gloomy faces to shake long and gloomily over the list of nuclear tombstones: Windscale, Three Mile Island, Chernobyl, the Irish Sea the most radioactive in the world, Karen Silkwood, the China Syndrome and now, added to that list, Yucca Mountain, the place in Nevada where the American government has decided to bury large quantities of nuclear waste, a proposal that now seems dangerous because ground water percolating between the seams in the rock will leach out the radioactivity and spread it in a hellish slew of deformed babies and pale-faced mothers across the beautiful landscape of Nevada. The nub, of course, is the waste. It was waste that got all over Karen Silkwood. It is reprocessing waste that has caused all the problems at Sellafield. It is waste that is focused on by all the anti-nuclearist greens and it is waste that has meant

governments have been wary for the past 20 years of doing anything about nuclear power. Waste, though, is not a technical problem, or at least does not need to be. It is a political problem, founded on irrational fears of nuclear power. It is those political fears that have starved research into the technical solutions of the necessary money. An English geologist has come up with one of the most ingenious ideas yet suggested. Dr Fergus Gibb, a specialist in igneous rocks at Sheffield University who has done mould-breaking research into the beautiful columnar dolerites of the Hebrides, has suggested that the really high-grade nuclear waste should be returned to the earth and allowed, in effect, to melt itself back into the rocks from which the nuclear ores were originally mined. Gibb's idea has a brilliant circularity about it. The very heat that nuclear material generates, which is at the heart of much of the difficulty of storing the waste at all, could actually be put to use. His idea is to drill enormously deep holes right into the granite of the continental crust, perhaps 5,000 metres down, at the bottom of which it is quite hot anyway: about 900C. Add some canisters of high-level nuclear waste and the whole bottom of the shaft turns molten. The waste is then "engulfed", in Gibb's word, by the surrounding rock, which would resolidify in a matter of weeks. The waste would be entombed for millions of years until erosion would again expose it. By then the nuclear material will have lost its potency. Gibb calls his solution "the granite coffin". If this is for real, then it turns the entire nuclear debate on its head. Gibb, with his colleague Philip Attrill, has reproduced in the laboratory the heat and pressure conditions in molten granite five kilometres down. They found that the rock did indeed resolidify within a few weeks. There is undoubtedly a problem in drilling a hole through granite deep enough for the safety margin required and big enough (about 40cm across) to take the canisters of waste. There are also problems in handling the extremely dangerous material he has in mind. But those problems do not sound insuperable. About 400 holes are needed for the current British stockpile of some 2,000 cubic metres. But once it was done, it would be done. There would be no maintenance. Water does not circulate through rocks below about 4,500 metres and so there would be no Yucca Mountain problem. Processed nuclear waste would be reintegrated with the Earth, where it would form a tiny fraction of the nuclear material already there. Prominent, serious-minded greens such as James Lovelock are now perfectly clear about a set of things: the phenomenon of global warming is a reality; it has within it the seeds of its own acceleration; the burning of fossil fuels is to blame; the end result of that warming will be massive grief for the poor of the world and a general diminution of the planet. The melting of the sea ice in the Arctic Ocean will turn the North Pole from ice-white to sea-black and the far north will no longer cool the world, but warm it. What about renewable energy sources: the beautiful geothermal power stations in Iceland; the windmills on which the Scots and Danes are so keen; the wave and tide-stations? They, it seems, are nothing but vanities, half-decorative eyecatchers like the temples and obelisks that 18th-century grandees placed around their pet landscapes. The elegant landscape decorations of Stowe or Castle Howard had nothing to do with the real world of commerce, empire and war that paid for them. Those clean energy systems are also nothing but a kind of would-be Arcadia. And as for the perennial green wish that people would use less energy: that, more than ever, seems like hoping for rivers to flow uphill. Only nuclear power has the capacity, the responsiveness and the cleanness to address this nest of problems. And Fergus Gibb's granite coffin may well be the key.

[Posted at 02/10/05 12:54 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Return of the SCHWARTZ](#)

Peter Schwartz, Objectivist nemesis of libertarianism (and [Walter Block](#)), is still kicking: he'll be on CSPAN2 to discuss [On Ayn Rand's "The Virtue of Selfishness: Why Achieving Your Happiness Is Your Highest Moral Purpose"](#). I would say be sure to catch it, but I'm sure Schwartz would not want to sanction a sanctioner of a sanctioner .... or something.

[Posted at 02/11/05 02:31 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Re: Social Security Reform](#)

Well whaddaya know. As I [predicted](#): "the new plan will almost certainly result in an increase in the limit of income subject to FICA. I.e., my taxes will go from 6.2% of \$90K to 6.2% of say, \$130K at least (for now--probably unlimited thereafter)". Today's news: [Bush: Raising income cap possible for Social Security](#). I really hate being right this time.

[Posted at 02/17/05 01:10 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## ["Political Correctness"](#)

Tucker tells me he thinks the term "PC" is no longer accurate. I am not sure what term to use instead, e.g., to refer to "PC" type libertarians. I like the Rothbard term "Dimwit and Serioso" libertarians. They are, after all, by and large humorless drones. "Totalitarian/egalitarian" libertarians comes to mind too. Also possibly applicable is one I started using, "Cocktail Party" libertarians. I kind of like that one. The type who want to impress the Beltway cocktail party set. I refer of course to the type that call you a bigot if you burp; the kind who think you are a neo-Confederate holocaust denier and slavery sympathizer if you happen to believe Lincoln was a murdering tyrant engaged in an unconstitutional war. The "hair-trigger" libertarians. The ones who laughingly pose as Randian-style Grand Inquisitor types. What is the best term for these people?

[Posted at 02/17/05 05:04 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Re: "Political Correctness"](#)

Re [this post](#), a reader writes:

I have some proposals for what to call statist "libertarians": "pseudolibertarians" "lapsed libertarians" as analogous to lapsed Baptists "cigar store libertarians" Better yet, you could call them what they really are and preserve the meaning of the term libertarian.

Another: "How about proto-conservatives" ([respek](#) to Jaime Purcell) Alan Turnin: "My term for such "libertarians" is, in honor of the neo-"conservatives," is to call them neo-"libertarians." It seems a propos." "They've also come out of the closet calling themselves: '[imperialist libertarians](#).'" Respek to Matt Casselman. "What about "illibertarian"? Implies "illiberal" and "ill." Or "despotarian"? Respek to Steve Lalanne.

[Posted at 02/18/05 09:41 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Latest on the Hoppe Case](#)

This is an anonymous post on Heinrich's blog. It seems authentic but I am not sure, since to my knowledge it has appeared only there, which is odd. FWIW:

[MESSAGE FROM PRESIDENT HARTER](#) (Anonymous) 2005-02-19 01:26 (link) Many of you have followed the recent news reports regarding a complaint filed against UNLV

economics professor Hans-Hermann Hoppe. This matter has finally reached the level of presidential appeal, and I have completed my review. As a result, I have directed that the letter of instruction and related materials be withdrawn from Professor Hoppe

[Posted at 02/19/05 02:07 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Re: In Case You Were Wondering](#)

Woods's [post](#) is a fantastic and courageous. It's about time we quit caving in to the [dimwit-Serioso](#) libertarians and other politically-correct language fascists. Who do these clowns think they are? These intolerant, brainwashed yuppies are in no position to cast down judgments and demand apologies, backstabbing, crawfishing (how we Cajuns say backtracking), explanations, and disproofs of negatives ("prove you're not a racist!"). These people pretend to be unimpeachable inquisitors; but they are really just shrill, desperate, sanctimonious pests, who are becoming increasingly irrelevant. The day is coming once more when these parasites of political correctness will need to establish their reputations by actually achieving something other than proving loyalty to the state's moral codes by chanting in unison with its PC wailings. These entities deserve no replies; they are in no position to demand explanation of behavior they deem to be politically incorrect. As [Vernon Dozier](#) would say, they can all go to the land of hades!

[Posted at 02/20/05 10:53 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Re: the introversion of the iWorld](#)

[Ryan](#), in your reply to [Karen](#) ([her response](#)), you write, "I've found that overall, it's extroverts that rely on technology to provide nonstop entertainment. Among commuters, especially, it seems that extroverts, who are incapable of amusing themselves without a lot of sensory clutter, are horrified by the thought of sitting alone in an airport or on a bus, etc. without somekind of constant stimulation until they can get back to the TV or the pub. Extroverts are particularly bored by their own company so must rely on music, game boys, and other diversions to pass the time." As somewhat of an extrovert, I'm not sure I follow this reasoning or agree with it. I am amazingly bored if I have nothing to do, say, when waiting in line or in a dentist's office. I prefer to read something. Wanting to "do" something does not mean it has to be flashy lights and video games; but I don't see that it means you are "bored with yourself". This comment seems to imply a mature person is happy to sit and stare at the walls and amuse himself with his own imagination. Nonsense. And busy people whose time is at a premium do talk on the cell phone and make calls when possible--e.g., when driving, etc. If my wife is on the phone I will go ahead and make a call I need to make on my cell, so that when she is done my call will be done too, so we can spend time together. This seems perfectly rational to me. I'm not sure what it has to do with being an extrovert; it seems, to me, to be more correlated with being active and busy.

[Posted at 02/23/05 03:47 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [re: Distinctions](#)

[K-dog](#), I quite agree about the cell phone bubbleheads. But this is just a matter of common courtesy, to avoid speaking too loudly or intrusively or in inappropriate circumstances. I prefer myself to read a book or magazine in such cases. But non-yuppies are often annoyed at yuppies using cell phones even for legitimate reasons. Though there are cell phone bubbleheads, there are also many "busy people whose time is at a premium" who use cell phones to make calls they would otherwise have to make while

shackled to a landline, or not be able to make at all.

[Posted at 02/23/05 04:25 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Hoppe matter 'closed,' not over \(Rebel Yell\)](#)

Rebel Yell - News Issue: 2/24/05 -----

[Hoppe matter 'closed,' not over](#) By Laura Tucker UNLV considers the matter of Professor Hans-Hermann Hoppe officially closed, but the UNLV graduate who filed the original complaint intends to pursue the matter through different means. UNLV president Dr. Carol Harter had the nondisciplinary letter of instruction and related materials removed from Hoppe's file last Friday. In addition, she said in a statement, "UNLV considers this matter closed." Controversy ensued when a student filed a complaint against Hoppe for describing the spending habits of homosexuals. In describing an economic theory of time management, Hoppe said homosexuals tend to not plan for the future, contending they do not usually have children. Michael Knight, the 2004 UNLV graduate who filed the complaint against Hoppe last March, said he felt uncomfortable because Hoppe was "making the students laugh," and he did not feel he could disagree with Hoppe at the time. In her statement, Harter did not give an opinion on Hoppe's comments, but she did say that UNLV "understands that the freedom afforded to Professor Hoppe and to all members of the academic community carries a significant corresponding academic responsibility." "Teaching is of its nature and origin provocative," Harter stated. "Faculty are called upon to challenge students, to push them to a greater understanding, and to encourage them to question the current base of knowledge and, in so doing, to create new knowledge." Hoppe could not comment on the situation, as the settlement is currently being discussed. Knight was not happy with the university's decision. "There had to have been politics involved," he said of Harter's decision. Knight plans to go to the next CSUN meeting on Monday, Feb. 28 to present his case to the student body. Knight said he has evidence from different things Hoppe has written that proves the professor's educational endeavors are influenced by his personal beliefs about homosexuals. "A lot will be revealed at the student senate meeting," Knight said. Right now, Knight said, he is being motivated to expose the "truth" of what happened, which he feels has not yet been presented. He hopes that future students who feel uncomfortable in class will know that they too can complain to the university. Knight said he agrees with academic freedom, but that professors have an "academic responsibility to present facts," which he still contends Hoppe did not do. In response to the news that Knight would be at the meeting, Hoppe said in an e-mail: "As for Mr. Knight's claim - my entire life's work is almost completely visible and available on my Web site, for everyone to see - [www.HansHoppe.com](http://www.HansHoppe.com). I doubt that Mr. Knight has read more than a few second-hand quotes, and I am not aware that he is a mind-reader." Michael Amesquita, the student senate president, said in an e-mail regarding Harter's statement, "This, in my opinion, is a sign that the university would rather fold in the face of adversity than risk a battle to uphold their standards, Code of Conduct, and most importantly to defend our students when it is clear that biased opinions are being mixed with facts and taught as truths. Where was his peer review?" Gary Peck, executive director for the Las Vegas chapter of the American Civil Liberties Union, told the Las Vegas Sun that Harter's statement did not clearly absolve Hoppe, nor did it say Hoppe's comments were protected by academic freedom. The ACLU had been working with Hoppe to remove the letter from the professor's file. Hoppe's attorneys told the Review-Journal that the professor would like an apology and a year-long sabbatical, in which Hoppe can conduct his research. Hoppe told the Las Vegas Sun, "Obviously, the university is not interested in justice." CSUN meets every Monday night, except holidays, in the Moyer Student Union, room 201 at 6 p.m.

-----  
[Posted at 02/24/05 11:42 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [UNLV supports instructor \(Badger Herald\)](#)

[UNLV supports instructor](#) Badger Herald by Sundeep Malladi Thursday, February 24, 2005 The University of Nevada decided Friday to dismiss a letter of instruction and all related materials from the file of an economics professor accused of homophobic comments made during one of his classes. Dr. Hans-Herman Hoppe was accused last March when now-graduated student Michael Knight wrote a complaint to the UNLV administration. According to Knight, Hoppe described homosexuals

[Posted at 02/24/05 11:45 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Feminists Get Hysterical](#)

[Great piece](#) by Heather Mac Donald. Respek to Bill Marina.

[Posted at 03/03/05 09:38 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Please Join Me In Apologizing...](#)

I apologize today for being white. I apologize for having a sense of humor. I apologize for not apologizing earlier, and for any deficiencies of this apology. I apologize for owning slaves. I apologize for not being a bigot, since it deprives bigot-hunters of the pleasure of being right. I have renamed my [personal blog](#) "THE DAILY APOLOGY: The Libertarian Blog of Stephan Kinsella". Please join me in this catharsis. It's ... cathartic. P.s.: I apologize for using the word catharsis twice. I mean three times.

[Posted at 03/03/05 03:21 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Re: Please Join Me In Apologizing...](#)

I also apologize for being a lawyer. And, er..., for being a self-hating lawyer. And... for stealing the "self-hating" term from the [dimwit-Seriosos](#).

[Posted at 03/03/05 03:50 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Healy on States' Rights and Libertarian Centralists](#)

In Gene Healy's [blog post](#) about Liberal Federalism, he notes, "I'd like to think that the Republican assault on federalism would lead to a resurgence of *decentralist liberalism*" (emphasis added). As I commented there-- it would also be nice to see a resurgence of decentralist *libertarianism* too. Healy, a [Cato Senior Editor](#), is a great opponent of "libertarian centralism": see Healy's great articles: [States](#)

[Posted at 06/07/05 11:29 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Locke \(not John\) on Libertarianism](#)

Reading [Marxism of the Right](#), in the March 14, 2005 issue of *The American Conservative*, by Robert Locke [respek to my bud Tony Diehl], I could not get much past the first paragraph without feeling the impulse to annotate. Opens Locke, "Free spirits, the ambitious, ex-socialists, drug users, and sexual eccentrics often find an attractive political philosophy in libertarianism, the idea that individual freedom

should be the sole rule of ethics and government. Libertarianism offers its believers a clear conscience to do things society presently restrains, like make more money, have more sex, or take more drugs." Wow. In the first two sentences, he equates "the ambitious" with hippies. Wow. Yeah, I always lump together those who "want to make more money" with those who want to "have more sex, or take more drugs." (What hetero male does not "want to have more sex," by the way? Are "conservatives" eunuchs?) What could inspire Locke to mix the hippies and the yuppies is a mystery. If conservatives were neither hip nor successful, I could understand this mistaken equation... but I didn't think they were such professional failures and losers. And, he makes the the mistake of conflating rights with right. As libertarians tire of pointing out, to say you have a right to do something (like drugs, hedonistic sex, ... or make money) does not mean it is morally right to do so. One has a right to insult one's mother, but in most cases it is immoral. And the first sentence of the second paragraph: "There are many varieties of libertarianism, from natural-law libertarianism (the least crazy) to anarcho-capitalism (the most)...." Here he acts as if these categories are mutually exclusive. But a goodly (to use a word sure to please paleocons) number of anarchists are anarchists because they adhere to a strict version of natural rights. Is Locke confused, or would plowing ahead through the rest of the paragraphs clear it up for me? I guess I will never know. Coda: Dan McCarthy apparently has a rejoinder to Locke (though not mentioning him by name), [In Defense of Freedom](#). And I had a few more thoughts on Locke's article (I couldn't help skimming a bit more of it). Jonah Goldberg made some similar fallacious comments about libertarianism; I took him to the woodshed in [On Jonah Goldberg](#)

[Posted at 03/07/05 11:39 PM by [Stephan Kinsella](#) on [LewRockwell.com](#) 

### [Rothbard and Galambosians](#)

Discuss patents and the topic of Galambos is sure to come up, as it predictably did [here](#). Here is a little story I heard one time about Rothbard and a certain author who shall remain nameless. This author published a book, and sent Rothbard a \$100 check, noting that as a Galamosian, he felt he owed it, since Rothbard was the source of all his ideas. Rothbard returned it, noting that he didn't agree with Galambos's notion that you could own ideas, but if the author did, he owed Rothbard all his royalties, not just \$100. Funny!

[Posted at 03/08/05 11:16 AM by [Stephan Kinsella](#) on [LewRockwell.com](#) 

### [Constitutional Structures--Finnish Idea](#)

As many libertarians are aware, there are a variety of constitutional structures and mechanisms designed to reduce or slow the inevitable growth of the state (on the inevitable growth of the state, see on this Hoppe's various works on monarchy and democracy, at [www.HansHoppe.com](#)). Some of the structures include having a written constitution, horizontal separation of powers (tripartite system of legislature, executive, and judicial) and checks and balances, enumerated powers, a bill of rights, vertical separation of powers (federalism), etc. Others measures could include a requirement to cite the specific grant of authority in any federal statute; jury nullification; explicit recognition of the power of concurrent review (each branch can "veto" laws it things unconstitutional); and right to exit (secession) and emigrate. Supermajority requirements... and the right of the states to overturn Supreme Court decisions are other ideas. Sunset laws (statutes expire unless renewed) and jury trial requirements (combined with double jeopardy), and having a decentralized common-law type system instead of a legislation-based system have also been used or proposed. (I have summarized and discussed various other measures in a couple of articles--[Taking the Ninth Amendment Seriously](#) (Conclusion section), and [Legislation and the Discovery of Law in a Free](#)

[Society](#) (p. 175-177).) Recently, in reviewing the draft chapter on Finland's e-commerce laws for a legal treatise I edit, I came across the following interesting constitutional provision:

The Constitution provides for a possibility of enacting limited exceptions to the Constitution by passing legislation observing the procedure of enactment used for amending the Constitution. In this manner, the legislator can avoid an issue of unconstitutionality arising with regard to legislation that is in its substance contrary to the Constitution. Such laws do not, however, acquire the high normative status of constitutional amendments, but are like ordinary laws; they can be repealed in the general enactment procedure. Under normal conditions, the above procedure is not widely used; indeed, the Parliament has stated the procedure shall be used "only under quite exceptional circumstances and for very pressing reasons".

What this means is that if the legislature wants to enact a statute that is unconstitutional, instead of having to actually amend the Constitution (with supermajority and other procedural requirements), the legislature can pass the questionable statute with the same supermajority and other procedural requirements otherwise required to amend the Constitution, and that law itself will be constitutional but it will not be viewed as having more fundamental normative implications than it would if it were put in the Constitution itself. Also, unlike amendments to the Constitution, it can be repealed in the same way a normal statute could be. I don't know if it's a good idea or not but it is interesting, and would seem to be one way of reducing the mischief of amending the Constitution. OTOH, Congresscritters are mighty creative at finding ways to circumvent the Constitution.

[Posted at 03/10/05 11:42 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Senators have a Knack](#)

for having colorful names (or am I reversing cause and effect)? They names range from imposing (Lincoln Chafee), to ominous (Arlen Specter) to silly (John Sununu), to Frat-boy-ish (Chuck Grassley), to ultra-WASPish (John Rockefeller) [List of Senators](#). I think my favorite "Senator" sounding name is Saxby Chambliss (R-GA). If you were named Saxby Chambliss as a kid, you would have to know some day you'd be a Congresscritter!

[Posted at 03/10/05 01:40 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Rand: Let](#)

An interesting, moderate defense of Rand by Tibor Machan. \*\*\* Let

[Posted at 03/14/05 09:45 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Bush and Social Security](#)

Lew has a [great column](#) today about the Republican Social Security fiasco. I think there may be one silver lining. Many Republicans are bemoaning Bush's tactical decision to attack Social Security reform before tax reform; they say he should have first tried to reform the tax code, and now, if he fails at Social Security reform, he may have used up his political capital and also fail at tax reform. To my mind, if a Bush fails to reform the tax code, that ain't all bad!



[Posted at 03/16/05 11:20 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Louisiana and Castro](#)

Louisiana's democrat governor [Kathleen \(Babineaux, no less\) Blanco](#) has drawn heat for a recent [trip to Cuba](#) (including [flak](#) from [LRC columnist](#)). And now a fellow Louisianan forwards me this [letter \(2\)](#) from Florida Congressman [Mario Diaz-Balart](#). While the hubbub over her lunch with Castro and her comments that she did it "out of respect for the Cuban president" is over my head, I fail to see what is wrong with Blanco trying to "build[] bridges with the Cuban people" or trying to "position[] Louisiana for dealing with Cuba after the transition." What is amusing is the Congresscritter's letter ends with: "trade with Cuba ultimately helps a terrorist thug and does nothing to help free the Cuban people from Castro's communist vice-grip." Umm ... unlike American's 43-year old [trade embargo](#)?

[Posted at 03/16/05 04:39 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [The Daily Apology](#)

My new blog, [The Daily Apology](#), a place where we evil Westerners, Southerners, etc., can [apologize](#) as often as need be to the mavens of political-correctness to expiate our sins.

[Posted at 03/21/05 01:17 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Murphy's 1964 Reading List](#)

While scanning files in the process of going paperless, I came across a one-page [READING LIST](#), "Suggested by C. H. Murphy, Jr., to El Dorado High School students during National Library Week, April, 1964. I can't remember where I got it, but reviewing it, we can see the times certainly have changed. Most college kinds now have not read much of the material listed on it. But at least they have advanced video games and cell phones. (And here is a *National Review* [Reader's Guide for the Intelligent Layman](#) I was sent a long time ago.)

[Posted at 03/23/05 08:42 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Schiavo again](#)

FWIW, my take on this is as follows. First, I do tend to agree with [Hornberger's comments](#). One need not glorify the state's judicial system to hold this view (in fact, I tend to agree with libertarian law professor [John Hasnas](#)'s view, in [The Myth of the Rule of Law](#), that ([my summary](#)):

Despite common belief to the contrary, there is no such thing as

[Posted at 03/30/05 03:24 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [re: Schiavo and the Pope](#)

Tom, [good points](#). As I said, I had not followed a lot of the details so was not sure what backed up the "sleazy" allegations, but the facts you recite sure do seem sleazy. I also agree that feeding tubes are different than respirators; but some of the logic of many of the "pro-life" crowd would oppose detaching

someone from a respirator as well as removing a feeding tube. Also, from my libertarian view, the feeding tube is not the issue--the difference between the pope and Schiavo is that the pope is not brain dead. It seems rather obvious that most people would want to go on living even if they had to use a feeding tube, so long as they were still mentally alert etc.; but that most people would not want to go on living if they were effectively brain dead like Schiavo. I am always leery of conspiracy theories so have been skeptical of the offhand comments that she is really alert etc. I have no reason to assume that she is actually mentally alert and this fact has been ignored by the umpteen layers of courts that have examined this issue. Moreover, Pius XII's comments that stopping artificial respiration "is never more than an indirect cause of the cessation of life" would it seems to me, also apply to removing a feeding tube--that is, the removal of a feeding tube per se is not murder, it is indeed allowing her to die. Tom, I also of course do not disagree that government courts are a problem--and inefficient and unjust--but the arguments by conservatives and libertarians against the Schiavo decisions to allow the husband to remove the feeding tube do not seem to rest upon the fact that it was government courts that decided this. In fact, had private courts decided the exact same thing, most of the conservative and libertarian arguments I have heard would still apply. Which implies that the problem many people have is not that it was government courts that decided this--but with the result. It is second-guessing. I do agree that there are "dubious" aspects to this. But I have no reason to assume that this was not taken into account by the various courts that have looked into this matter. "Killing someone by starvation" sounds bad, but as libertarians, we of course agree that people have a right to die if they wish; so if it is killing, then it is consented to (assuming that is their wish) so it is not objectionable for a libertarian. I quite agree with Tom that the purpose of courts ought to be "to protect our natural rights to life, liberty, and the pursuit of happiness." But giving effect to a person's own wishes it seems to me is respecting their rights. Allowing the parents to keep her alive when (it is determined that) she would not have wanted to be is in fact a violation of her rights. So again--this all comes down to a merely factual dispute about what her actual wishes were, or would have been. The fact that the courts are government courts does not in and of itself mean their factual determinations were flawed. It does not mean the (sleazy) husband's testimony is not evidence; and it does not change the quite obvious fact that *almost no one* would want to be kept alive in such circumstances. I wouldn't. I assume you wouldn't. (This assumes she is indeed effectively brain dead--another factual matter.) Moreover, as far as I can tell, according to Pius' standards, there is a moral distinction between killing and letting-die. Finally, it is indeed be horrible for a conscious person to starve to death, but for a brain dead person is it really so horrible? It's not as if she experiences any of it (or so I assume).

[Posted at 03/31/05 09:03 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### **[Oh, don't tease me, you rascal!](#)**

[Koran scholar: US will cease to exist in 2007](#)

[Posted at 03/31/05 09:54 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### **[John Edwards, Goofball](#)**

A few weeks ago I paused my DVR, and John Edwards was frozen [edwards\\_goofy.jpg](#) in this goofy expression, so I had to snap it.

[Posted at 04/05/05 10:28 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### **[IP Trends](#)**

A Swedish libertarian buddy, Johan Ridenfeldt, pointed me to [this article](#) (in Swedish), which describes libertarian (liberal) arguments against intellectual property, and also includes a review of the debate in Nyliberalen (The Neoliberal). He wrote, "I find this very positive. I'm involved (somewhat) in politics, and I have noticed that most of the libertarian young ones agree with us on IP [i.e., that it is problematic and unlibertarian]. This was not the case when I first started quoting you back when your [Against IP article](#) was in draft [in 2000 or so]. I used to post and recommend your working paper draft, and back then I was pretty alone in my views." I have noticed a similar trend. The younger, Internet generation seems to be much more receptive to the notion that there are no property rights in information and ideas. Whether this is because they are more open minded, more libertarian, or anti-big-business, I am not sure. I have noticed that most of the older types are much more resistant to challenges to IP. Coda: Jim Newland writes:

Sheesh, Stephan. I'm an old fogey and even I know the answer to this one. It's because they've grown up in the digital era, with its easily traded and downloaded electronic files. The impossibility of actually owning an idea or anything else nonmaterial is brought into sharp focus with the ubiquity of the internet. For instance, in the case of videogame pirates, they ask how they can be accused of stealing something when the original product remains with its original owner. This starts them thinking about the whole idea of intellectual property and the notion that one can somehow own something as ephemeral as a thought.

And a college student writes,

The reason is actually pretty simple. The RIAA just sued my roommate and about 10 other kids here at [my college]. The younger generation is anti-IP because we love free file sharing and hate getting sued.

[Posted at 04/05/05 03:37 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [What's a Libertarian?](#)

An AIM conversation with David Gordon resulted in us agreeing upon the following: A necessary and sufficient condition of being a libertarian, is having co-authored an article with Walter Block. Block himself, of course, is excluded from this definition.

[Posted at 04/06/05 03:01 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Liberty and Bock](#)

In the May 2005 *Liberty*, Alan Bock posts a reflection entitled "The Felon Vote," discussing how several states "permanently disenfranchise anybody convicted of a felony. Others make it so difficult to regain voting privileges that it almost amounts to permanent disenfranchisement." To which, the proper libertarian response is the sarcastic, "well boo hoo". Bock's conclusion? The Rah-Rah comment that "*depriving people of the privilege [of voting] doesn't do much to give them a sense of having a stake in the system.*" Oh, for God's sake, give me a break. Does this even need a comment?

[Posted at 04/10/05 02:53 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Sandefur and Washington](#)

Also in the May 2005 *Liberty*, Tim Sandefur has a review implicitly praising the views of Jefferson and Washington, and criticizing Joseph Ellis, a snide biographer of the latter. I've disagreed with libertarian Sandefur a couple of times before regarding Lincoln and the Civil War: [Sandefur and Federal Supremacy](#) and [Of Legal Fictions and Pro-Lincoln Libertarians: Reply to Sandefur](#) (see also the LRC posts [Sandefur and the War Between the States](#), [Federalism and Libertarians on Eminent Domain](#) and [Smartass Sandefur Disses Kinsella](#)). A question I would post to the Sandefurs of libertarianism--those who admire Jefferson and Washington and other Founders, but who also support Lincoln's constitutional and moral right to invade the South: if you had asked Jefferson, or Washington, while, say, they were President, if they believed the Constitution authorized them to conscript soldiers and attack certain Southern States, to keep them from leaving the Union, and to kill hundreds of thousands of American citizens--what would they say? It is obvious Jefferson and Washington would have vehemently denied such a right. In fact, had anyone proposed that such a power be put in the Constitution, it obviously would never have been ratified. This gedankenexperiment is a good way to easily see that the original understanding of the Constitution clearly would not have authorized Congress to go to war against seceding states. Which shows that any libertarians who advocate such a constitutional right have to adopt something along the lines of the "living constitution"--that is, no constitution, no limits--mentality advanced by power-hungry leftists and socialists.

[Posted at 04/10/05 02:59 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Nuclear Spring?](#)

As I have [previously noted](#), true environmentalists are pro-nuclear. And, as nuclear fission is the only real, long-term, currently-available solution to our energy needs, we *will* eventually go nuclear. It is inevitable. Some greens have begun to acknowledge this fact, as noted previously; and now comes a *NY Times* guest editorial advocating nuclear power because it is cleaner. It also contains dumb jabbering about global warming, the need to conserve, and so on, but at least even the lefties are starting to recognize factual reality here. Nuclear [links](#); [Petition](#) in support of nuclear power.

[Posted at 04/11/05 09:23 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Re: Nuclear Spring -- Thermal Depolymerization?](#)

Michael Smith wrote me about the thermal depolymerization process of [Changing World Technologies, Inc.](#) ([Global Village News article](#); recent [Fortune article](#); [Wikipedia entry](#)). This process allegedly turns waste--e.g., from turkey processing plants, into crude oil. Its proponents claim we could replace all of the oil we currently import by using only our agricultural waste. I was and remain skeptical--too many "cold fusion" scams--but I will admit this does seem at least potentially promising... Coda: [The GVNR article](#) notes that the process "will accept almost any carbon-based feedstock. If a 175-pound man fell into one end, he would come out the other end as 38 pounds of oil, 7 pounds of gas, and 7 pounds of minerals, as well as 123 pounds of sterilized water." I.e., you could fuel thermal a depolymerization machine with people. Mark Fulwiler remarks, "at last---a good use for politicians!" Coda II: Physicist Howard Hayden, of [The Energy Advocate](#) (successor to the late, great Petr Beckmann's great, late journal [Access to Energy](#)),

I have my doubts about a process that takes ANY carbon-based feedstock and turns it into a single chemical Even petroleum, which contains thousands of different --- but related --- chemicals emerges from a refinery as a range of output from heavy oils (for asphalt) to

methane. Usually, heat tends to cause polymerization. I have no expertise in organic chemistry, but DE-polymerization by a thermal process sounds fishy, though it might work for some chemicals. That much said, I have my doubts about the numbers. I doubt that every bit of biomass produced in the US --- if it were simply burned, using all of its energy --- could produce as much energy as we use.

*Scientific American* is of course a politicized magazine on energy and climate, so take the following with a grain of salt, but... from Mr. Smith's email to me:

In the December 2003 issue, *Scientific American* designates CWT the top company in the energy category, for devising a method for turning solid waste into oil. CWT

[Posted at 04/12/05 10:01 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Re: The Enlightened Bar](#)

A while back I [posted](#) about political correctness infesting the Texas Bar. I noted there that back in 1993 I submitted an article entitled "Oilfield Indemnity and 'Separate Insurance' Provisions in the Wake of *Getty Oil*" to the *Texas Bar Journal*, which is distributed to tens of thousands of Texas attorneys. I got a letter back saying my article had been accepted for publication, but that it might take over a year to publish it--but "**If you are a member of a recognized minority group, your article may be published in accordance with the affirmative action plan for legal article.**" I.e., if I proved I was black or Hispanic, they would publish it within a couple months. In other words, if you're white, you get moved to the back of the bus. I was so offended by the rudeness that I withdrew my article and published it [elsewhere](#). I could not find the original correspondence when I made the referenced post, but I have just found [the exchange](#).

[Posted at 04/13/05 01:14 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Our Utopian Founders?](#)

[Tibor Machan](#)'s latest column, "[Why American Politics Has Gone Nuts](#)," he inquires into the reason for "the utter corruption of the nature of American government." Machan contrasts the current state of affairs from the system established and envisioned by the Founders. When they "embarked upon establishing the country, they laid out a vision about its basic ideals and ideas," as stated in the Declaration of Independence. The government's job was to secure "certain unalienable rights

[Posted at 04/14/05 11:08 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [On Double Standards](#)

Interesting *U.S. News & World Report* article by John Leo, [Double-standard trouble](#), which notes that "The Republican threat to invoke 'the nuclear option' to break the Democratic filibuster over judicial nominations has brought a mother lode of double standards. For example, law Prof. Erwin Chemerinsky of Duke coauthored a strong antifilibuster law article in 1997 when Republicans were obstructing Democratic court nominees but a strong pro-filibuster argument to meet the current debate."

[Posted at 04/18/05 12:20 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Re: Nuclear Spring](#)

Re [this post](#) about the greens beginning to grudgingly acknowledge some of nuclear power's advantages over other forms of energy, [Swanson](#) points me to this interesting *Forbes* piece, [The Silence of the Nuke Protesters](#). (See also this post: [Nuke Me](#).)

[Posted at 04/19/05 11:28 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Out of the Mouths of Babes...](#)

[Wendy McElroy](#) has profiled a remarkable young woman, Queen Silver, in her book [Queen Silver: The Godless Girl](#). Queen (1910-1998) was a child prodigy who became a leading freethinker, feminist, and Socialist. What I found fascinating was the short segment, "Our Peace Plan," from [">2Q 1924 issue](#) (p. 12) of the magazine Queen published and edited (and presumably wrote much of), *Queen Silver's Magazine*, which McElroy kindly sent me some time ago:



OUR PEACE PLAN Since it has become the fashion for everyone to present to the public a sure cure for world war, we hereby offer our never-fail plan for ending wars of all kinds. 1. Put all the kings, presidents, and congressmen who advocate war, state and city officials who are in favor of war, in the front ranks of the military forces. Along with them, put all the editors who advocate war, and all the preachers who pray for war. 2. If a referendum on the question of war or peace be put before the people, draft for military service all who vote for war, and exempt all who are opposed to war. Those who want war should do their own fighting. 3. Confiscate, for military use, all the property of those who vote for war, or engage in battle. 4. Pay no wages or salaries to any soldier, sailor, or officer.

Maybe we can forgive her her socialism. (This theory is a bit reminiscent of that advanced by Walter Block in his 2000 talk, "[Toward a Libertarian Theory of Guilt and Punishment for the Crime of Statism](#)" (forthcoming). Aside from her socialist views, wow, does she sound like Ayn Rand in her speech "Morality Versus Religion" (audio available [here](#)).

[Posted at 04/20/05 11:37 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Federalism](#)

[What's federalism among friends?](#): Good piece by Bruce Fein nicely summarizing both the Democrat and Republican flouting of federalism. (Thanks to Kent Snyder.)

[Posted at 05/10/05 09:48 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Filly-Buster](#)

Too bad the Senate reached a deal on the filibuster of judges issue. I was hoping the Republicans would abolish the filibuster rule. Not so that they could get more judges through--but because the Democrats had threatened to shut the Senate down if the Republicans did it. Darn.

[Posted at 05/24/05 02:08 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Libertarian Centralists and Europe](#)

I suspect the [libertarian centralist opponents of federalism](#) are secretly upset that the EU Constitution has [gone down to defeat](#). After all, what self-respecting, politically-correct, egalitarian libertarian could fail to support a new central state being formed that could forcibly suppress "bad" things like "opponents worrying about loss of national control and identity to a stronger, unaccountable EU bureaucracy at the heart of a superstate" and "anxiety about mostly Muslim Turkey possibly becoming an EU member". The Netherlands voters were worried about "losing control of immigration rules that have been tightened to stem an influx from Muslim countries amid ethnic clashes". Certainly any good libertarian has to favor setting up a stronger central state that can strike down "bad" laws and practices of the constituent states. Without a stronger EU state, there will no doubt be some cases where member states will get away with illiberal laws that might have been nullified by an EU Supreme Court. Gasp! How can any decent libertarian be in favor of bad national laws? Surely, we must support an ever-larger central state in order to be in favor of liberty. Er, [mustn't we](#)? Aside: re Lew's [post](#) about the European Union Constitution allowing secession, as I [noted previously](#), if any rich state, say France, Germany, or Britain, tries to leave, a majority of poorer states could stop it by simply indefinitely "extending" the period that the EU Constitution applies to the State desiring to leave. More discussion [here](#).

[Posted at 06/02/05 12:33 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Powell on WWI](#)

Jim Powell has a characteristically excellent [article](#) today on LRC about WWI. It is especially good on factors that led up to WWI. Powell's article can be supplemented with the excellent discussion of WWI in Hans-Hermann Hoppe's [Introduction](#) to his book *Democracy: The God that Failed: Studies in the Economics and Politics of Monarchy, Democracy, and Natural Order*, where Hoppe emphasizes the disastrous consequences of America's actions in WWI--how America's intervention transformed the war from an old-fashioned territorial dispute into an ideological conflict of good against evil, a war "to make the world safe for democracy and free of dynastic rulers"... which then degenerated into a total war... which prevented the European war from being "concluded with a mutually acceptable and face-saving compromise peace rather than the actual dictate", with

Austria-Hungary, Germany and Russia [remaining] traditional monarchies instead of being turned into short-lived democratic republics. With a Russian Czar and a German and Austrian Kaiser in place, it would have been almost impossible for the Bolsheviks to seize power in Russia, and in reaction to a growing communist threat in Western Europe, for the Fascists and National Socialists to do the same in Italy and Germany. Millions of victims of communism, national socialism, and World War II would have been saved. The extent of government interference with and control of the private economy in the United States and in Western Europe would never have reached the heights seen today. And rather than Central and Eastern Europe (and consequently half of the globe) falling into communist hands and for more than forty years being plundered, devastated, and forcibly insulated from Western markets, all of Europe (and the entire globe) would have remained integrated economically (as in the nineteenth century) in a world-wide system of division of labor and cooperation. World living standards would have grown immensely higher than they actually have.

[Posted at 06/08/05 12:01 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Re: The Irreplaceable Jeff Tucker \(Tucker's Rules of Thumb for Living\)](#)

Re Woods's [post](#), the following is from a never-finished column... I might as well post it here--  
**Tucker's Rules of Life for Living** Over the past few years, I

[Posted at 06/17/05 12:19 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Yet More Copyright Woes](#)

[Copyright-Worried Photo Labs Spurn Jobs](#) -- photo printers are now afraid to print pix that look "too good" or "too professional," for fear it might be a scan of a professional pic whose copyright is owned by the photographer (thanks to Manuel Lora). Yet another example of a pernicious outcome of treating non-scarce things as if they are property. ([Related report.](#)) Notice that in the last several years there has been a parade of horror stories about unintended or absurd effects of patent and copyright law... and almost all the stories universally illustrate bad effects of such laws.


[Posted at 06/17/05 02:38 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Kinsella Book Tag](#)

K-dog [book-tagged me](#), so here goes: **Total number of books I own:** Who knows. Many, many. Walls of them in study, others in boxes. But of late I've been on a scan-go-paperless purging kick. I'll look at a book and wonder if there is a more than 1% chance I'll ever need to consult or cite it (often it's out of date or there are online things that are better now), or re-read it (rarely), or want my kid to read it. That leaves me with classics and history and favorite novels. So who knows, who cares. **The last book I bought:** Vin Suprynowicz's [The Black Arrow](#). **The last book I read:** Reading [The Black Arrow](#) now. I can't say it's high literature, and after reading the sex scenes, I have an inkling why Laissez-Faire Books [decided not to carry it](#) (not that I am taking sides!)--but in any even I am halfway through and it is keeping me interested enough to keep going. Since I have a 2 year old, most books I've read lately--and I have about 15 I'm part-way through--are on Montessori education (e.g., [Montessori from the Start : The Child at Home, from Birth to Age Three](#)), [positive discipline](#), how to [teach your kid to read](#), and some history by [Robert Nisbet](#) and also [Digby Baltzell](#). **Five books that mean a lot to me:** Egads, lists like this annoy me. For one, no book "means a lot to me," really. They are just fricking books. But, okay: 1. C.S. Lewis' Chronicles of Narnia. Beloved. 2. Stephen R. Donaldson's Chonicles of Thomas Covenant. Beloved. 3. Super Baby Food, by Ruth Yaron. Don't ask. 4. Rand's various stuff. 5. Hoppe's work, esp. A Theory of Socialism and Capitalism. And of course, Hazlitt, Bastiat, Rothbard, Mises, and others, including The Free Market Reader, ed. by Rockwell and Rothbard. **Tag five people and have them do this on their blogs:** 1. Tibor Machan 2. Jeff Tucker 3. Hans Hoppe 4. Walter Block 5. Tom Woods

[Posted at 06/21/05 11:18 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Lew and Heroic Burgers](#)

Some things tend to stick in your memory. For some reason, I can never forget Lew's brilliant [tribute to the hamburger](#). These stirring words always make me want to drive down to the Whataburger and chow down: 


And what a glorious thing the hamburger is. It combines meat, grains, cheese, and vegetables



into a simple, delicious package for quick and enjoyable consumption. It seems so easy, yet the efficient production of the hamburger, in all its details, is of infinite complexity. Only the coordinative powers of a market economy could possibly produce it.

[Posted at 06/19/05 11:17 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Teens and Interventionism](#)

Looking on Google images for Jughead pic for another post, I came across this one from 1969. Funny.  It shows the radio announcing the government hopes to create summer jobs for millions of teenagers; Jughead, lounging by the pool with Betty and Veronica, asks why they can't leave well enough alone. Neither government, nor teens, have changed much since 1969, I guess.

[Posted at 06/19/05 01:09 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Re: 'The Greatest American of All Time'?](#)

If forced [to choose](#) between "Benjamin Franklin, Martin Luther King, Jr., Abraham Lincoln, Ronald Reagan, George Washington"--I suppose one has to go with Doctor King. After all, unlike the others, he was not a state agent or mass-murdering tyrant, nor did he play a role in starting a utopian experiment that [has led](#) to our current federal behemoth.

[Posted at 06/20/05 10:04 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Re: Great Americans by State--Louisiana](#)

I'd say arguably the greatest Louisianan is not Louis Armstrong, but [Edward Livingston](#) (1764-1836). As noted by professor Yiannopoulos, in his great essay [The Civil Codes of Louisiana](#):

The introduction of the common law system was opposed by the native population, but the leader of the opposition was Edward Livingston, a New York lawyer who immigrated to Louisiana in 1803. Livingston, the statesman and jurist, was a convert to the cause of the civil law. He studied Roman and Spanish law after his arrival in New Orleans and became convinced that the civil laws system was by far superior to the common law that prevailed in all other sister states. He devoted his time and energy, therefore, to the preservation of the civil law system in his new home state. In this he was successful, and, moreover, he contributed greatly to the formation of the Louisiana tradition of codified laws.

As a Louisianan and "civilian," I've always admired Livingston. Incidentally, [Yiannopolous](#) himself, as well as [Sa](#)

[Posted at 06/21/05 10:24 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [What's next? In-Soul-mints? Groan.](#)

From my good buddy [Jack "Crisis" Criss](#): [In-Souls](#): "Inspirational Scripture Shoe Inserts -- Designed to aid in the daily prayer, meditation and growth of a strong spiritual relationship with Christ." As their slogan goes, "Stand on the Word of God." Jack wrote, "I thought this was a joke at first. Then the puns

started coming: Faith on your feet; For fundies with the fungi; etc. MAKE IT STOP. PS. Isn't this some sort of blasphemy??" My only thought is that this is bound to be Protestants. But you never know.

[Posted at 06/24/05 10:10 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Re: Time's Laughable Lincoln Whitewash](#)

[Tom](#), Barack Obama might not have fallen prey to the Lincoln myth completely--at least [here](#) he says, "I cannot swallow whole the view of Lincoln as the Great Emancipator ... As a law professor and civil rights lawyer and as an African-American, I am fully aware of his limited views on race. Anyone who actually reads the Emancipation Proclamation knows it was more a military document than a clarion call for justice." The article continues:

And as for what Lincoln may have thought about Obama's election to the Senate in 2004? "He may not have dreamed of that exact outcome. But I like to believe he would have appreciated the irony," Obama said.

[Posted at 06/27/05 08:46 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Reason papers now online](#)

[Aeon Skoble](#), editor of *Reason Papers*, makes this [announcement today](#):

I am proud and pleased to announce that *Reason Papers* has a new website, the chief virtue of which is the full-text PDF archives. *Reason Papers* was founded in 1974 by [Tibor Machan](#), and I took over editorship in 2000. **All of issues 1-25 are now available for download or on-line reading in the**

[Posted at 06/29/05 12:20 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Kelo and the Taggart Tunnel Disaster](#)

I've not read Rand's Atlas Shrugged in years but I recall the scene of the Taggart Tunnel Disaster (where the incompetents allow a coal fired train to go into a tunnel, killing all the people aboard), where Rand highlights a few of the victims' own participation in the general irrationalism of the times, I suppose to show that ideas have consequences. Something similar occurs to me re the Kelo case. I don't know who the Kelos are, but is it relevant? Does it matter? Let's say we find out they are democrats. Or, regular Americans who believe in the typical things. Including, of course, the notion that the government needs the power of eminent domain. If this is the case, is it really a violation of their rights for the state to take their land? Or, at the very least, doesn't their plight go way down on the list of things we have to gnash our teeth about? Am I saying that only libertarians are true victims of state violence? Well, yeah, kinda.

[Posted at 06/29/05 05:04 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Objectivists and Humor](#)

Ah, I don't mean to dog those lovable little Objectivists--they are cute in their own way. Some might even call me one. But I can't help that the following occurred to me--in a recent Objectivist list I implied

Objectivists don't have a sense of humor. One of them tried to loosen up and show I was wrong, and said something like, "Dayaamm Stephan!" and then tried to be funny, but failed. It reminded me of almost Johnson great quote: "A woman's preaching is like a dog's walking on his hind legs. It is not done well, but you are surprised to find it done at all."

[Posted at 07/01/05 09:21 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Kelo fallout](#)

While I'm all for the move to have [Justice Souter's house condemned](#)--not in retaliation for his role in the [Kelo decision](#), but because he no doubt supports eminent domain law, and because of his unlibertarian decisions in the past--not all the fallout from Kelo is good. [House Votes To Undercut High Court On Property](#) (thanks to Kent Snyder for link) wants to tie federal funds to a state's eminent domain policy. Is this something libertarians should cheer? Let's see: the feds steal money from citizens of a state, and say they will return some of it to the state government if the state will adopt a given policy. Yeah, sounds real libertarian to me.

[Posted at 07/01/05 10:00 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Machan on Kelo](#)

My friend Tibor Machan has a column, [Some Libertarian Confusion about Kelo v. New London City, CT](#), criticizing [my article](#) on *Kelo*. Unfortunately, Machan's critique itself is confused. [Note: Machan's short column linked above was apparently subsequently deleted and replaced by this [newer version](#).] First, Machan states that I justified *Kelo*'s ruling based "on the view that government has no authority to take private property in any case, including for public use (which the Fifth Amendment to the US Constitution sanctions, provided compensation is provided), and if it does engage in taking, it is better to do it for a genuine private than a nonexistent public use." But I did not justify *Kelo*'s ruling; I simply argued that the constitutional result would have been for the Court to have refused to strike down the state law for lack of constitutional authority to do so. The Court in *Kelo* upheld the law by applying the Fifth Amendment to the states and then giving it a bizarre interpretation--which I criticized: as I noted, "the Court

[Posted at 07/04/05 10:50 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Reason on Who Should Reign Supreme?--or, Justice Kinsella](#)

Reason Online has a feature, [Who Should Reign Supreme?: Reason asks libertarian legal experts: Who are your favorites](#)

[Posted at 07/04/05 01:31 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Keeping my Eye on Napolitano](#)

I think I like this guy--Judge Andrew Napolitano, the Fox News commentator whom I mentioned in a [previous post](#). As I mentioned, what first impressed me was a [Reason article](#) where he said he would nominate Ron Paul to the Supreme Court. The following is also impressive, from a [Reason interview](#):

Napolitano: First thing we should do [to end "constitutional chaos"] is abolish the 16th

Amendment. That would make the income tax unconstitutional, which is what it was until we enacted the 16th Amendment (even though we had two income taxes before then). That of course would starve much of the federal government out of existence. [...] I would change the third word of the Constitution from people to states because it was the states, not the people, who enacted the Constitution. And I would put the word expressly back in the 10th Amendment [before delegated], which is where it was until it was removed by a political maneuver before the final document was sent to the states for ratification. I would define the word regulate in the Interstate Commerce Clause in its true meaning, which is

[Posted at 07/05/05 01:20 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Constitutional Futility](#)

Blast from the past--[Constitutional Futility](#), a great article by Tom DiLorenzo on federalism, the Constitution, and Jeffersonian views.

[Posted at 07/07/05 11:08 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Mogambu on Kelo](#)

Perceptive, funny [comments](#) putting [Kelo](#) in perspective, by The Mogambo Guru at *The Daily Reckoning*:

I am surprised at the hostile reaction to the Supreme Court ruling in *Kelo v. New London*. The crux of the case is, using their analogy, that the state can take property from A to give it to B because B will pay higher taxes. The people don't like that? Hahahaha! I shake my head in wonder! This is the exact same loathsome Leftist lunatic philosophy that has permeated everything for the last half century! But now, NOW, they are upset? The government is continually taking something away from you, whom I will refer to as A, to give it to some other guy, whom I will label as B. But now, just because it is their houses on the line, people are getting upset? Hahahaha! What morons!

But you never hear WHY New London is making this grab for people's property. The reason is, obviously that the morons of New London, like moronic governments everywhere, have persisted in electing Leftist morons to their government, and that government of morons (GOM) has spent the last half century spending every dime they can get their hands on, and raising taxes to get MORE money to spend, and promising the moon to everybody. Now they need money. They need lots of money. Lots and lots of money. But taxes are already so onerous that they can't raise them any more. And why do they need so much money? They have provided for legions of city workers who are, like all government workers everywhere, grossly overpaid and under-worked, and who have benefit packages so outrageously generous that they are not even available anywhere in the private sector, and they are under-funded. They have promised lifetime pensions to everybody that ever sat on the City Council, or worked for the government, or even merely walked by City Hall one day when they were handing out generous pensions to everybody in sight. They have continuously built parks and playgrounds and recreational facilities and gymnasiums and nature trails and museums and swimming pools and erected a multitude of public buildings, and staffed all of them to the max. They have responded to the egregiously bad performance of their educational system by paying the bad teachers and administrators more and more and more, instead of firing them.

They have created local entitlement programs and welfare programs and before-school breakfast programs and after-school latch-key programs and school-crossing guard programs and assistance programs of every stripe. They have whole fleets of new cars and trucks for city employees. They have issued general obligation bonds and revenue-anticipation bonds by the truck full. And now they have, like the butthead citizens who elected these dimwits, spent their way to the literal edge of bankruptcy. And so the people are upset? Hahahaha! The state has debased and destroyed their money, but they are not upset about that. The state has grown itself to be, literally, half the entire economy, but they are not upset about that. The state has now installed so many taxes on so many things that they have driven up prices, but they are not upset about that. The state has indebted every citizen alive, and citizens who are not even born yet, so heavily that the debt cannot ever be paid back, but they are not upset about that. The state has encouraged that all the retirement accounts of everyone be put into the stock and bond markets, and they have lost money for years, but they are not upset about that. The state has gradually eaten away at every liberty, piece by piece by piece, but they are not upset about that. They have allowed the Constitution to be gutted, bit by bit by bit, but they are not upset about that. But maybe force them to move out of their houses, and they are, all of a sudden, upset about that! Hahahaha! Perhaps Vox Day, in an essay on WorldNetDaily.com, encapsulated it best when he wrote, "Merely substitute a few terms in describing the system and it becomes clear that the Supreme Court has established a neofeudal oligarchy, where all land is held in the name of the federal government-king, governed by his local government-nobles and worked by taxpayer-serfs. Should one serf fail to produce a satisfactory harvest of crops-tax revenues, the noble can take the land from one serf and give it to another who promises to produce a more abundant harvest. "This is a major expansion of the eminent domain concept, and I can confidently predict that the redefinition of the constitutional term 'public use' will soon be as stretched beyond recognition as the now-meaningless phrase 'interstate commerce,' (as has) the Orwellian term that now covers things that do not cross state lines (and thus are not interstate) and have not been sold or exchanged for other goods (and thus are not commerce)."

[Posted at 07/07/05 11:49 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

## **[St. George Tucker on the Constitution and Federalism](#)**

Thank God for the Internet. Must-reading for all interested in federalism and related issues surrounding [Kelo](#) and other constitutional issues is: St. George Tucker, [View of the Constitution of the United States with Selected Writings \(1803\)](#). As Tom DiLorenzo mentioned to me in a private email about this:

The indispensable resource for [the pro-federalist] argument is St. George Tucker's book, *A View of the Constitution*. It lays out the Jeffersonian interpretation of the Constitution, which was replaced by the centralizing, big government, Lincolnite interpretation after 1865. Clyde Wilson's [foreword](#) brilliantly summarizes the importance and context of the arguments. The first chapter of the book [[Of the Several Forms of Government](#)], as well as the first part of the next chapter [[View of the Constitution of the United States](#)] contain a lot of his essential ideas and are really all that is needed. The "libertarians" you are debating are completely ignorant of all of this. They are only aware of the New England reinterpretation of the founding that was invented in the post-1865 era. That's why they worship The Federalist Papers, unlike Tucker, who was highly suspicious of them despite the fact that a few of the articles were solid. [Reclaiming the American Revolution: The Kentucky and Virginia Resolutions and](#)

[Their Legacy](#), by William J. Watkins Jr. is an updated version of this argument. It is excellent.

Tom is right. This material really demonstrates that the modern libertarian centralists who smear advocates of federalism as being covert racists and apologists for slavery, are just idiots, and really ignorant of the subject they claim to be experts on. Note also: Tucker [proposed the abolition of slavery in Virginia](#) in the 1790s--just to rebut ahead of time any claim of these dimwit-Seriosos that Tucker's work was "an apology for slavery," which is the boring, monotonous refrain of all these PC, smearblogging jerks.

[Posted at 07/07/05 12:05 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Healy versus Bolick and the Institute for Justice](#)

Yet another blast from the past. In the December 1999 issue of *The Freeman*, Gene Healy published [States](#)

[Posted at 07/07/05 12:36 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [The Iraqi Bill of Rights is Here!!](#)

Thank God! The [draft of the Iraqi Bill of Rights](#) just shows America is helping to spawn liberty in the mid-east. For example, the neo-con pro-Israeli hawks will no doubt love these provision: "Any individual with another nationality (**except for Israel**) may obtain Iraqi nationality after a period of residency ... An Iraqi may have more than one nationality as long as the nationality is **not Israeli**." Sheesh. Other choice provisions, which sound like they were [written by the UN](#):

- Social justice is the basis of building the society.
- The state must ... implant moral values ....
- The state shall guarantee for women the appropriate services related to pregnancy, childbirth, and the period after childbirth and provide her free health services as well as adequate nutrition while she is pregnant and nursing.
- Iraqi citizens have the right to enjoy security and free health care.
- The state is responsible to support the provision of work opportunities for all qualified and pay monthly salaries for all unemployed for any reason until opportunities are provided in the case of disability, handicap, or illness until the malady ceases.
- There is no tax or fee except by law [note: well, that's a relief!]. The basis for taxes and public expenditures is social justice [oh, goody, better than some other ... basis].
- All natural resources and the [resulting] revenues are owned by the people. The state shall preserve them and invest them well. [Well, heck, we ought to just require American mutual funds to "invest well". That would be a good idea, no?]
- Citizens may not own, bear, buy, or sell weapons, except by a permit issued in accordance with law.
- The state shall guarantee the realization of social and health insurance for the child from his birth until he completes his university studies.
- The state shall guarantee the realization of the social guarantee necessary for citizens in case of old age, disease, inability to work, or if they are homeless, orphans, widowed, or unemployed. It shall provide them social insurance services and health care and protect them from the talons of ignorance, fear [shades of Woodrow Wilson!], and want, providing them with housing, and special programs to train them and care for them.
- The state and regional governments shall combat illiteracy and provide their citizens with the right of free education at the various stages.

- There is no censorship on newspapers, printing, publishing, advertising, or media [hey, this sounds alright!... but wait: ] except by law. [uh oh]

[Posted at 07/08/05 12:39 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

## [Fourteenth Amendment Resources](#)

In addition to the information and references linked [here](#), I have just put online several important works by Raoul Berger, as well as others such as his opponent Michael Kent Curtis, [here](#). These include the following (some significant ones, IMO, are in **bold**):

### **Books**

- **Berger, Raoul, [The Fourteenth Amendment and the Bill of Rights](#) (1989)**
- Berger, Raoul, [Government by Judiciary: The Transformation of the Fourteenth Amendment](#) (1977)
- Berger, Raoul, [Federalism: The Founder's Design](#) (portions)
- **Quirk, William J. & R. Randall Bridwell, [Judicial Dictatorship](#) (1995) ([How High The Court?](#), book review by David Gordon)**

### **Articles**

- [Fourteenth Amendment & Selective Incorporation](#) -- summary, links -- by Jim Allison
- Amar, Akhil Reed, Articles on the Fourteenth Amendment by Akhil Reed [Amar](#)
- **Berger, Raoul, [Incorporation of the Bill of Rights in the Fourteenth Amendment: A Nine-Lived Cat](#) (1981)**
- **Berger, Raoul, [Incorporation of the Bill of Rights: A Reply to Michael Curtis' Response](#) (1983)**
- Boyle, F.W., [Just What Rights Do You Have in the U.S.](#), 1998, [another](#) on incorporated rights; and excerpts from a chapter on [Fourteenth Amendment](#) from his book [The Rape of the Constitution](#)
- Curtis, Michael Kent, [The Fourteenth Amendment and the Bill of Rights](#), Conn.L.Rev. 1982
- Curtis, Michael Kent, [Further Adventures of a Nine Lived Cat: A Response to Mr. Berger on Incorporation of the Bill of Rights](#), Ohio.St.L.J. 1982
- DiLorenzo, Thomas J., [The Truth About the 14th Amendment](#)
- Healy, Gene, [The 14th Amendment and the Perils of Libertarian Centralism](#) (2000/5/5) (I believe this was presented to the Law and Economics panel at the Mises Institute's Austrian Scholars Conference 6, March 25, 2000)
- [Summary of Kentucky and Virginia Resolves](#)
- [Jefferson's Draft of the Kentucky Resolutions : October - 1798](#)
- [Kentucky Resolution : 1799](#) (Jefferson)
- [Virginia Resolution : 1798](#) (James Madison)
- [St. George Tucker on the Constitution and Federalism](#)
- [The States](#)

[Posted at 07/08/05 10:40 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

## [Another Example of Anarchy](#)

In addition to ancient Iceland and Ireland, Rothbard describes [Pennsylvania's Anarchist Experiment: 1681-1690](#), a great buried treasure. Great that Jeff Tucker and the Mises Institute have made this available.

[Posted at 07/08/05 03:18 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [The Appeal of States](#)

In replying to a recent email I was reminded of some notes I made previously on an "extreme federalist" theory of mine that I came up with in law school. The outline is below, along with elaboration in the email reply.

**The Appeal of States** Under the "[independent adequate state grounds](#)" doctrine,

If a state court decision rests on "independent and adequate state grounds," then regardless of how the U. S. Supreme Court resolved the federal issues presented in the case, the result of the case would remain unchanged. The Court has said that were it to accept jurisdiction in such a case, it would be rendering an advisory opinion in violation of the Constitution's command that the federal judicial power is limited to real cases and controversies.

So if, say, in Connecticut the state high court were to have ruled that the New London taking was unconstitutional under the state takings clause and the federal takings clause, then even if the state court gave the wrong interpretation to the federal clause, there would be no reason for the feds to hear it--even if they overturned the state court ruling on the federal takings provision, the state court ruling against the taking would still be the same since it has independent and adequate state grounds to make this decision. It has always bugged me that a state agency can appeal to the federal courts a state court's interpretation of the federal constitution that is broader than the federal courts' interpretation. It does not seem proper to me that a state is able to review a decision of its own state supreme court, in federal court--even if there is a federal question. Let's say the state court throws out the conviction on the grounds that the state law violates the federal First Amendment. Yet the U.S. Supreme Court does not itself interpret the protection of the First Amendment as broadly. Today, the prosecutor can appeal to the Supreme Court. I am aware that prior to about 1913 (I think) that the Court did not typically hear such appeals, because there was no federal right denied. But this was not on jurisdictional grounds. In my view, the court has no jurisdiction to overturn a state supreme court holding which broadens a federal constitutional provision. The main reason for my view is that the Constitution does not prevent states from protecting individual rights to a higher degree than the minimum level set by the Federal Constitution. Indeed this is why the adequate and independent state grounds doctrine does not permit appeal if the state broadened the individual right in some other way, e.g. by its own constitutional provisions. All the commentators today (except, as far as I can tell, Donald Bell) seem to question whether or the indep. & adequate state grounds is justifiable in restricting federal jurisdiction. But they all seem to take it for granted that, IF there is a state supreme court that rules in favor of a state individual citizen on federal constitutional (or legal) provisions, THEN there is federal question jurisdiction. It is that presumption that seems incorrect to me. I'd go so far as to say it is an unconstitutional exercise of jurisdiction for the Supreme Court to overturn a state court's holding in this regard. That is because it simply does not violate the Constitution for a state to expand individual rights--no matter how the state does it. For example, if a state



enacts a mere statute or even a state constitutional provision protecting freedom of speech very broadly, this will not be reviewed by the Supreme Court. Nor, if the state prosecutor refuses to prosecute someone engaged in speech activity. Nor, if a common law rule were to develop. But what if the voters (or state legislators) vote for a state constitutional amendment or law based on their belief that the First Amendment is broader than the Supreme Court says it is? Why is that not reviewable, but it is reviewable if the state supreme court does it? What if I as a juror believe the first amendment is broader than the Supreme Ct says it is, and thus I refuse to convict a defendant. My grounds for refusal cannot be reviewed by the supreme court. Nor if I vote in favor of a state measure based on my interpretation of the First Amendment (which is at variance with hte feds). I just do not see why it is the Feds business how a state decides to make policy, or how it expands individual rights protections. IF it does it by common law, by prosecutorial policy, by jury nullification, by state law or constitution, by referendum--all those are okay; but a court can't do it. Makes no sense to me. The distinction is arbitrary. To put it starkly, a state court freeing an individual for any reason, simply does not violate the federal constitution because nothing in the federal constitution requires states to jail citizens. Thus, if a decision of a court against a prosecutor cannot violate the constitution, why is it a "federal question"? Why is it reviewable and reversible by the Court? Why does it have jurisdiction at all?

Now what reminded me of this was the following question that someone emailed me:

It would be interesting to know how the U.S. S.Ct. would have ruled if the Conn. S.Ct. had upheld the trial court on the grounds that it violated Art. 1, Sec. 11 of the Conn.Const. - "The property of no person shall be taken for public use, without just compensation therefor" - and New London, rather than Kelo, had appealed on the basis that its right of eminent domain under the U.S. Const. was greater than its right of eminent domain under the Conn. Const. In *Pruneyard*, the U.S. S.Ct. said that states could confer more expansive rights in their constitutions than were conferred by the U.S. Const. By implication, states could not confer a less expansive right than that conferred by the U.S. Const. (In *Pruneyard* both parties were private.) New London might argue that it had greater rights under the U.S. Const. than under the Conn. Const. That is essentially the position of the U.S. SCt in *Pruneyard*. That decision was logically inconsistent because it was, in part, a case involving different rights in conflict - property rights v. free speech rights.

My reply follows:

I'm not sure I follow the twists and turns of your question. I assume you are saying the trial court ruled against the taking but the Conn S.Ct. overruled that, in essence saying the taking was consistent with both the Conn and Federal takings provisions. If that is what you mean--then you are asking, if the Conn S Ct had overturned the takign on the grounds that it violated the STATE provision, then could New London have appealed it. I think the answer is a clear no. It is clearly permissible for states to give greater protections than teh fed constitution. Now I suppose that since the 2 provisions had diferent wordings, New London could try to argue that a broad interpretation by ConnS.Ct of the Connecticut taking provision is tantamount to an identical construction of the federal takings provision, and thus the constructions was subject to federal review. But I think that would not work. If the Conn S. Ct had struck down the New London taking based on BOTH the Connecticut and US takings provisions, I think here, again, the Court probably would not hear it. Why? Because there is

an equal and independent STATE ground to uphold the state ruling. It would not matter if the state court gave too broad a construction to the federal provision, because even if the S.Ct overturned this, the state decision would not change since it would still hav overturned the state law on state constitutional grounds. Now: if the Conn S. Ct had overturned the conn taking based solely on its interpretation of the federal takings provision, then the law is that the S.Ct can review it, since it has jurisdiction over "federal questions." Coincidentally, I have written before (informally--no full article yet, but I have contemplated one)--on this very last topic. In my strict, or "extreme," federalist view, in this case the S.Ct should have NO jurisdiction. The reason is because the Constitution at most places LIMITS on what the states can do. As is recognized, this is exactly why the states are able to have GREATER protection of rights. But my view is that the state can provide greater protection in a number of ways. It could have its own constitutional provision, that is tighter than the feds'. Or, it could have its own courts construe its own constitutioanl provision, that is worded identially to the feds', in a braoder fasion. Or, it could have its police simply refuse to enforce certain laws. Or, its juries might regularly overturn certain convictions. Or, the prosecutors might not act on it. Or, there might be a statute protecting the right. Or, a common law rule. What busienns is it of the feds how the states give greater protection of rights? So it seems to me another way is for hte state to give a broader construction to the fed's own provisions. NOtice this is one branch of gov't striking down the law of another branch of government for SOME reason. From the point of view of the feds, and the victim, the state is a black box that is acting as if the victim has greater rights than the feds recognize. This is permissible--so what does it matter WHY? Why is it even the feds' buseinss? In short: I believe state agencies should NEVER be able to appeal an action of their OWN GOVERNMENT to the feds--even if it is based on the calim that the sttae government (court, whatever) gave "too broad" a construction to the federal provision. Consider this: suppose a state prosecutor BELIEVES the First Amendment gives greater protection to, say, commercial speech, than the Supreme Court has interpreted it. So he refuses to prosecute based on his own belief in the First Amendment's meaning. Surely the Supreme court couldn't review this. Why then, if a court does something similar? Or what if the legislators in the state enact a law to grant braod protection to commercial free speech \*because the legislators believe\* the First Amendment really means to do this and the Supremes have misconstrued it. Would their legislation itself be challengable just becaus it was based on an opinion of the legislators as to the meaning of the federal Constitution? The point is: it violates the Constitution for a state to do something it prohibits. It does not violate th Constitution for the state to grant more rights than the Constitution grants. So no matter how this is done, why shoudl the fds have jurisdiction? THEY should hear a case where the state is a party only to ensure the state is not violating the constitution. It does NOT violat the constitution for the state to have a certain view of the Constitution and to act on it.

[Posted at 07/09/05 02:22 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## **[The Filibuster](#)**

I thought the Republicans said that the filibuster had never been used before to block a Supreme Court nominee, or indeed even a federal judge. Therefore there were justified in threatening to remove the filibuster when democrats made the "unprecedented" move of using it to block Bush's federal judicial nominees. Well I'm re-reading [Closed Chambers: The Rise, Fall, and Future of the Modern Supreme Court](#), the interesting and well-written (if mainstream) book by [Edward Lazarus](#), one of Justice Blackmun's former clerks (sometimes we neo-confederate types read stuff other than defenses of slavery).

On p. 100, he notes, in 1968,

Chief Justice Warren had tendered his resignation to President Lyndon Johnson and was set to setp down as soon as a successor was confirmed. Johnson nominated Justice Fortas to be the next Chief, but his confirmation stalled when conservative senators (furious over Fortas's record in criminal cases and buoyed by allegations of impropriety) launched a successful filibuster. In October 1968, with his nomination doomed, Fortas had Johnson withdraw his name."

Hmm. If I read this right, the Republicans filibustered the elevation of a sitting Supreme Court Justice to Chief Justice, not the nomination of a new Justice. But still, it makes the Republicans whining about Democrat filibusters just that.

[Posted at 07/10/05 03:46 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Doherty on Kelo](#)

Another libertarian who doesn't get it. Brian Doherty's [piece on Kelo](#) (pasted below, as this site requires registration) maintains, "A justice who believes in limits to government power is just what we need." This is what centralist libertarians, and others who fail to recognize the importance of federalism and limited federal powers, repeatedly do: they refer to "the government" when speaking of what the federal courts can supervise. By wanting federal judges to "limit the government" or "governmental power", one includes both federal and state governments. It makes sense for a federal judge to refuse to enforce an unconstitutional federal law; after all, he has an oath to uphold the Constitution, so cannot be part of any action by his (federal) government to violate it. But to review state government action and laws, this self-same federal judge needs to assume federal power over the states. And since the very Constitution that he should not violate in the case of an unconstitutional federal law delegates only a narrow set of powers to the federal government, the federal judge's oath to uphold the Constitution requires him to refrain from striking down state laws when that would require him to seize power not enumerated in the Constitution. In other words, the limits in the Constitution *require* a federal judge to strike down, in effect, unconstitutional federal law, and also requires him to recognize he has no jurisdiction over many (unlibertarian) state laws. To call for a judge to "believe in limited government power" lumps in state and federal power, thereby asking the judge to treat dissimilar situations in the same way. It is a call for the judge to, on the one hand, follow the Constitution (or a libertarian interpretation of it) to strike down bad federal law; and to disobey the Constitution to strike down bad state laws. Want to bet, if you give judges the discretion to disobey the Constitution in one case, they'll do it, oh, I don't know, maybe in other situations? Again, Daddy feels compelled to trot out one of his favorite [quotes by Mises](#): *No socialist author ever gave a thought to the possibility that the abstract entity which he wants to vest with unlimited power*

[Posted at 07/10/05 04:27 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Re: Kelo, Federalism, and Private Property](#)

[Bill](#), I agree with your remarks completely. I did not mean in [my article](#) to imply that I defended *Kelo's* holding or reasoning. You are right about its ruling being problematic. I only stated that the Court should have refused to overturn the New London taking (which is what the Court did, though for the wrong reasons), and I did criticize its terrible reasoning. As I wrote,

My own view is that although the Court

[Posted at 07/10/05 08:17 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Copywrong](#)

So a grocery store in Canada [mistakenly sells 14 copies](#) of the new Harry Potter book a few days before its official release this Saturday, July 16. So last week a British Columbia Supreme Court judge "ordered customers **not to talk about the book**, copy it, sell it **or even read it** before it is officially released at 12:01 a.m. July 16." Yeah, copyright is just another type of property right.

[Posted at 07/12/05 03:43 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Eminent Domain Moratorium](#)

As reported on the [Reason blog](#),

Responding to popular outrage over the U.S. Supreme Court's recent decision upholding the use of eminent domain for economic development, Connecticut legislators and Gov. M. Jodi Rell are calling for a moratorium on the practice until the legislature can decide whether it should be permitted. The moratorium would prevent forced transfers of property from one private owner to another that are aimed at generating jobs and tax revenue.

Political action at the state level? I don't understand. I didn't think it was possible. I thought only the benevolent federal government could ever do anything to vindicate rights. Well golly gee, it looks like maybe such abuses CAN be tackled on a local level. So maybe [I was right that the Supremes should have dismissed Kelo](#) on the grounds that the 5th Amendment simply does not apply to the States.

[Posted at 07/12/05 04:39 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Has Drudge Become The Onion](#)

Sometimes I wonder if I'm living in an alternate reality. Take these Drudge headlines today, for example:

- Houston Rapper, the 'Arabic Assassin', Loses Job Screening Airport Luggage...
- Interrogators forced male suspect to wear bra...
- Football gangs plot 'revenge'
- ARCTIC POLLUTION LINKED TO BIRD DROPPINGS...
- Woman Grows Penis...

Do we live in a National Enquirer world now?

[Posted at 07/14/05 11:53 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [The Free Radical on Kelo](#)

Re the [Kelo brouhaha](#): The Free Radical has a post, [Kinsella and Kelo](#). Daniel Franke writes:

Kinsella bases his argument upon a refutation of the long-standing doctrine of incorporation,

which holds that the constitutional protections guaranteed to the people at the federal level are also binding upon the states. His case here, which takes a strictly legal rather than philosophical perspective, is persuasive.

Well, that's my main point. That, and that that federalism is a useful way to limit the central state, and therefore worth preserving and fighting for.

However, Kinsella goes on to assert that libertarians should actually *welcome* the Kelo ruling; that so long as the evil of eminent domain (which the two of us agree is simply theft) must be endured, that takings for private use are no worse than, and arguably preferable to, takings for public use. It is at this point that I dissent from Kinsella

[Posted at 07/15/05 05:43 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Peculium](#)

Reading Alan Watson's [Roman Law and Comparative Law](#), I came across this passage, describing the status of slaves in ancient Rome:

A slave could own no property, but from early times it was customary to give the slave a *peculium*, a fund that he could administer as if it belonged to him. Technically, this sum belonged to the master, but to some extent it was treated as a separate estate with which the master did not interfere except for good reason. [p.40]

It occurred to me that our property and income today is basically merely a *pecunium*--since the state presumes the right to take as much of it as they want, leaving a discretionary amount to us serfs, at their pleasure. Further proof that taxation enslaves. And as I have pointed out [here](#), the state does technically "own" our property--I have noted this before in [this law review article](#) (endnote 59),

It is interesting to note one (only apparent, as will be seen below) theoretical difference between the civilian and common law conception of real property ownership, concerning the right of the sovereign (king or state) to ultimate ownership of land. In Louisiana,

[Posted at 08/11/05 01:06 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [The Power to Tax...](#)

is the power to destroy. So sayeth Chief Justice John Marshall in [McCulloch v. Maryland](#) in 1819. Likewise, I have always wondered why people moan about minor liberties at the margin--the right to not have to see a biblical statue on the courthouse lawn; the right to be a loser doing drugs--given that all this is trumped by the state's unchallenged power to literally kill and enslave its citizens. I am talking about the power of conscription, whereby the state kidnaps young men and forces them to be slaves, and often to die, for it. Given that the State has the power and purported right to do this, are we surprised it sometimes thinks it's okay to nudge taxes up from 49% to 50.1%? If the State has the power to kill, *a fortiori*, it has the power to tax, outlaw drugs, damage marriage and religion, etc. I was reminded of this, in this article: [Treasury Department Claims Power to Seize Gold, Silver--and Everything Else, GATA Says](#) (thanks to Tim Swanson). As the article notes,

Having just gone through a controversy about a Supreme Court decision about government's

power of eminent domain, most Americans may be surprised to learn that the Trading With the Enemy Act and the International Emergency Economic Powers Act could expropriate them instantly and far more broadly without any of the due process extended to parties in eminent domain cases. All that is needed is a presidential proclamation of an emergency of some kind -- and of course Americans lately have been living in a state of perpetual emergency.

So we can see that the whining about the marginal changes from the Kelo case ([1](#), [2](#)) is a bit out of place. The danger of expropriation posed by Kelo is nothing compared to the simple exercise of federal might following decades old legislation. Far too many libertarians and conservatives who kvetch about Kelo inconsistently support the federal power of emergency expropriation; or at least support "vigorous" federal war and related powers, and thus cannot really complain or be surprised when this power is used to take property. But even those who oppose both emergency economic and war power and Kelo need a better sense of proportion. Yes, it's bad that states can expropriate property (while paying compensation); but worse is the power of the state to enslave and murder its citizens (why is this not an expropriation deserving of payment of "just compensation"?), or to proclaim its emergency economic and war power, or, when it comes down to it, to initiate taxation, which is the power to destroy. If the State could not tax or conscript, it would be unable to do many of the things that bug libertarians. And so long as it has these powers, this situation itself is the very problem; not the particular details of how it happens to wield its power from day to day. *It is not how we are regulated that is the problem; it is **that** we are regulated.*

[Posted at 08/23/05 02:40 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Libertarian Rambo in the Big Easy](#)

Check out the blog "[The Interdictor](#)" by my friend Michael Barnett--a libertarian/Internet entrepreneur and ex-special forces dude (the blog's motto: "You are alive because I tolerate you.") Michael (son of Walter Block's Loyola colleague, Austrian economist William Barnett) works for the large domain name registrar Directnic.com, based in New Orleans. They are holed up in their offices on the 10th-11th floors of their office building in downtown New Orleans, still working and trying to defend themselves from the mob. Since they have the only Internet access in N.O. still working, they are broadcasting a live feed <mms://204.251.3.10:1847> and also updating a blog about the New Orleans disaster (which has been apparently been covered on CNN and other media). Barnett and his guys are patrolling their local area and witnessing "Lord of the Flies" type scenes of destruction, looting, etc.

[Posted at 08/31/05 09:31 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Katrina and Private Charity](#)

As a Houston resident with family in Ascension Parish and Baton Rouge Louisiana, here are some of the things I've been hearing--

- Baton Rouge churches are opening their doors and becoming refugee shelters, providing food and shelter;
- Baton Rouge Catholic schools are going to take in kids from New Orleans so they won't miss a year or more of school;
- Houston and Texas public schools are apparently considering doing this too;
- Sam's Club, where a relative works, is undertaking a huge effort to help their own employees from

- New Orleans--letting them sleep on the floors, giving them money, diapers, food, clothing
- The Superdome Crowd--probably largely populated by residents of New Orleans' welfare housing--is being relocated to the Astrodome here in Houston
  - As Harold writes, "Everyone also seems to be forgetting walmart as well. The "horrible" "evil" corporation has donated a million dollars and is giving out 400,000 meals a day for free, 1000's of bottles of water, portable showers, the list goes on. Its a shame capitalists are such "evil people" to the media, but are the first to jump in line to help in disasters.

[Posted at 09/01/05 09:44 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [More on Immigration and Open Borders](#)

Re my LRC column [A Simple Libertarian Argument Against Unrestricted Immigration and Open Borders](#), I've already received many comments, most, surprisingly, positive. One thoughtful reader writes to tell me he is concerned that the argument could be used to justify all sorts of unlibertarian laws. For example, the State could say citizens can only use the roads if they agree to submit to taxation and narcotics prohibitions. Let me quickly summarize my thesis and then reply to this. My basic idea is that the citizens are the true owners of public property, and should have some say-so over how the state uses that property. Their interests and preferences should be taken into account. This will result in a greater degree of restitution, and thus an overall smaller degree of net harm, to them. Now obviously all their preferences cannot be simultaneously satisfied, but it seems reasonable, other things being equal, for the state to try to use the property in reasonable ways (like a private owner would) so as to result in partial restitution being made the citizens, or as many of them as possible. Obviously a greater degree of restitution (a better use of the property) made to a larger number of citizens is "better" (even from a libertarian standpoint) than a smaller degree of restitution (a more wasteful use of the property) made to fewer citizens. This does not imply there is an "optimal" usage of state property (other than to privatize it) but it does imply some uses are clearly worse than others. And it also implies that not every rule that ends up reducing usage by outsiders (immigrants) is necessary or inherently unlibertarian. And yes, I share the concerns that this can be abused and it could be used to impose illiberal regulations on us. Gray areas and slippery slopes are a problem, but that is the unavoidable problem accompanying a state-run society. Given such a society, I see no reason we have to throw up our hands and say that any (second-, third-, or fourth-best) rule of property usage is just as good as any other. I threw in a lot of ceteris paribus in my argument. Given public ownership of property, which is already an offense, a rights-invasion, is it not libertarian to at least prefer certain public uses (and rules) to others, namely, those rules that don't further victimize people, and/or that return to them some benefit to partially compensate them for the damage done to them by the public system in the first place? And is it not sensible then to ask, what would a private owner do? to determine a better public use of property? Sure, this can be limited, and can only go so far, because the state is **not** a private owner. For example: a private road might **not** discriminate against outsiders--it might allow immigrants to move on the roads to property of willing participants. But the private road would also charge a fee (which is a way of filtering out some people); and would only take people who had a destination to go to (a willing invitee); and would not be imposing affirmative action and anti-discrimination requirements on citizens, so that its trafficking immigrants would not be a costly action. And consider this too: whose rights are violated if the state does not permit immigrants onto roads? The immigrant's rights? How so? This is a resource collectively owned by the citizens of the U.S. Whatever rule "they" adopt, I don't see how the outsider has a right to complain. So I don't see that it violates immigrants' rights to not be permitted to use a U.S. public resource. So whose rights are violated? arguably, those citizens who want to use the roads to transport immigrants to their own property. These citizens are "part owners" of the road and are unable to have it used in the way they wish. But for every

citizen like this, there are 99 others who do **not** want the roads open to all--because that means dumping tons of immigrants onto public services and having the right to sue for discrimination and having access to everyone's neighborhood *due to* the network of public roads. So if the open borders citizen has his way with the property, then 99 of his neighbors have their rights violated, because the road is being used the way 1 guy wants but not the way 99 others prefer. So there is no way to avoid violating someone's rights, since the property is public and it has to be used one way. It seems to me it is reasonable to use the property in this case the way 99 prefer, instead of the one prefers. Now, as I stated in the article, if the state let only the military use the roads, that would harm the citizens by failing to let them use the roads. The state could theoretically enforce all kinds of bad "law"--taxes, drug laws--by saying to citizens: you may use the roads **only** if you agree to submit to taxes, drug laws. However, notice that this is just a conditional grant of usage of the property. I would not agree that is a good use of it--it's tantamount to saying only the government can use it. Given that the citizens own it, it's reasonable to allow the citizens to use it (with orderly rules, like speed limits) instead of to ban them from using it. If you prevent citizens from using it, that is reducing the restitution. So I would say that conditioning a citizen's right of use the roads to establish de facto unlibertarian laws is reducing the restitution, and increasing the state aggression and harm, so I would oppose it. But denying an **outsider** the right to use the roads is not the same at all. Bottom line: any libertarian who disagrees with me here must do so on one of two grounds: (a) there are no second-best rules; the state may not impose *any* rules at all; or (b) there are second-best rules but they require the state not discriminate against outsiders in the rules set on public property. I reject (a) because it means you can't prefer a peaceful use (a park or library) over a tyrannical one (IRS office, nuclear weapons facility); and it means you can't prefer a reasonable use that gives some benefit back to citizens (public roads with reasonable rules and usable by citizens) rather than a wasteful use that provides no restitution (roads with no rules at all; or usable only by the military). And as for (b), the critic would need to set forth a theory of second-best usage of property. I tried to sketch some of these factors: prefer a peaceful to a criminal use; prefer a reasonable use along the lines of what a private owner would do, and taking into account the level and degree of restitution and the preferences of citizens. If someone has a better theory, let's hear it. Coda: Email from a reader:

Stephan: I'm surprised you're surprised about all the positive comments on your recent essay. There seems to be a disconnect between people I would consider at the "top" of the libertarian community (academics, writers and political activists) and "rank-and-file" libertarians. Perhaps more people (not necessarily you) realize that the cause of liberty is hampered by the importation of millions of people with no tradition of limited government. These new arrivals (the ones here legally) owe the blessing of US residency not to the locality where they live but to the District of Columbia. I think the libertarian arguments against immigration can be summarized as follows: 1. Mass immigration is a form of rent-seeking. Employers can increase their margins and off-load the increased infrastructure and various non-monetary costs on others. 2. Government is enforcing compulsory association. "Civil rights" laws and welfare benefits mean that those who do not want immigrants around are forced to abide and pay for them. 3. Government is importing more welfare-warfare state constituents. 4. Government is deliberately changing the native culture over the wishes of its own citizens. Substantively, there is no difference between the US open borders policy and the American Indians de facto open borders policy. 5. Open borders are a tragedy of the commons. 6. Government is inflating citizenship and residency in the US, as it did with college educations. Prior purchasers of these assets now see them devalued. Few people realize that prior to a Supreme Court ruling in the 1850's, immigration was a matter for the individual States, where the expense of immigration is actually borne. Keep up the good work.



[Posted at 09/01/05 11:54 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Another flaw of public education](#)

They cannot be selective. See [Fleeing Katrina for Texas and a place to learn](#), which reports:

Texas schools get ready for temporary students ... Educators statewide started scrambling Wednesday to find classroom space, supplies and teachers for the roughly 10,000 evacuee students who are expected to enroll in Texas schools during the weeks and months that it takes to rebuild New Orleans and other communities devastated by Hurricane Katrina. ... Houston-area schools could see the largest influx of refugee students. About 5,000 school-age children are expected to move into the Astrodome today, and thousands of other Louisiana youngsters are already settling in at Houston hotels, shelters and homes.

Now I am all for helping the refugees. I hear Catholic schools are going to squeeze in Louisiana N.O. kids, etc. And I do not begrudge refugee New Orleanians from placing their kids in Houston public schools out of desperation. But parents with their kids in public schools in Houston will no doubt scream bloody murder, as the parent-teacher ratio gets diluted, and as some "undesirable" elements start to mix into their schools. Well, I have no pity for them. They support the public school system and are willing to sacrifice their children's moral health by sending them there. If they are not subject to the logic of the public school system, so be it.

[Posted at 09/01/05 10:26 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [New Rouge](#)

My peeps in the Baton Rouge area tell me that b/c of the influx of New Orleanians, some are calling it "[New Rouge](#)". Coda: see, e.g., this Houston Chronicle piece, [Capital city struggling with inflow](#) (Sept. 3, 2005).

[Posted at 09/05/05 05:31 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Tulane Hypocrites](#)

So Tulane--now underwater, I presume--hosts the notorious Tulane Environmental Law Clinic. Notorious and hated by business in Louisiana for its incessant [anti-industrialist campaigns](#). So, what do you want to bet these little do-gooders are all in favor of New Orleans polluted floodwaters being drained and pumped into Lake Pontchartrain? Surely, they don't want their beloved leftist do-gooder clinic to continue to be shut down by the floodwaters--so here we have the spectacle of liberal environmentalists having to be in favor of mass pollution in order to save property in which they have a personal interest. I see.

[Posted at 09/07/05 09:30 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Re: Will Mary Landrieu be shipped off to Gitmo?](#)

[Ryan](#)-- I saw Mary Landrieu's disgusting performance on This Week, when she adopted the pose of the distraught caretaker of her "beloved people" and threatened to punch the President if he or others criticizes the New Orleans' police's handling of the prisoners there. During a flyover of the levee break, she pointed

to the crane working away, saying tearfully, "that's just pitiful!" and said, affecting her best one-of-the-people illiterate Louisiana hick accents, "Please, Mistah President, puh-leaze, stop yo' foto ops and just come look at what ah'm tran tah show ya." As if that lizard is not engaged in a photo op. Anyway, Ryan, as Wesley Pruden [points out](#), her comment may indeed be a federal crime--threatening to assault the President. Pruden put his finger right on it when he said Landrieu "seems to think she's cute when she's mad". I thought the same thing when I saw her ham-fisted performance. What a disgusting Congresscritter she is.

[Posted at 09/07/05 09:38 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Democratic Demise in Louisiana?](#)

A somewhat incoherent, but interesting, [screed](#) arguing--I think--that Hurricane Katrina will result in the devastation of the local Democrat political machine's control over Louisiana. The author writes:

Katrina marks the end of the Democratic party in its current incarnation. Some day you will be able to measure time as "Before Katrina" and "After Katrina". The last great Democrat capital of the old south has fallen to an outside force, a force of lawyers and officials that will make life hell for the political machine that has run the state and city for generations, there is no "win" here, only a "hold" and in the end they will have to give up. Louisiana in 20 years time will look like a smaller leaner version of Texas, friendly to business with low taxes and Democrats will only exist in force at the edge of college campuses, just as they do today in the once great Democrat stronghold of Texas. 30 years ago, Texas was Louisiana. Today Texas is an economic force that is capable of the highest growth out of any state in the union. An economy so strong that its taken to supporting 150,000 people from Louisiana in the blink of an eye. A large number of those people will go on to stay in Texas after the waters have been removed from New Orleans but all will be impacted by what they saw in Texas, and some will begin to expect it of their own government when they finally return to Louisiana. The Louisiana Democratic machine - is Dead.

[Posted at 09/10/05 02:20 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Supreme Court Nominees and Pre-Judging Cases](#)

What is this nonsense about nominees for a seat on the Supreme Court [refusing "to answer questions calling him to pre-judge](#) possible future cases," such as abortion? When a Justice on the Supreme Court actually votes on a given case, doesn't that "pre-judge" how he would decide similar future cases?

[Posted at 09/13/05 04:26 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [On former lefties](#)

In my [entry](#) in Walter Block's Libertarian Autobiography series on LRC, I noted,

Unlike many libertarians who dally with socialism before seeing the light, I have never been attracted to leftism. Indeed, although I of course welcome former pinkos to our ranks, I

[Posted at 09/13/05 05:15 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Walter Blockiana](#)

A longtime Canadian friend of Walter Block's wrote me an amusing story about the Blockster the other day; here is an edited version.

I have known Walter for about 20 years. We hooked up initially when I was involved in politics. I was part of a group of libertarians who ran what would be the rough equivalent of the state Young Republican apparatus. A bizarre situation where the Rothbard wing of the youth faction actually took control and maintained that position for years. In those days, we would bring Walter out to speak to various events. A few of the stories are quite funny. I will tell you only one so as not to impose upon your time.

In the mid-80's, probably in 1985, we brought Walter up to Simon Fraser University for the first time. It was to be a debate. That was the first time he and I met. He was debating two lefties. We were used to dealing with politicians in those days and, being good little political organizers, we stacked the room. It was a room full of about 200 of us, with a few token socialists, who got in late, stuck in the back of the room. We basically have every seat covered. Anyway, Walter arrives ready to be (and I am sure looking forward to being) booed and hissed as usual. Polite and quiet applause when they introduce socialist number one. Polite and quiet applause for labour organizer two. Then they introduce Walter and the place goes ballistic. People are standing on chairs, chanting his name, going wild and I am thinking, "hey, our man is well taken care of here. We have stacked the place." I look at Walter triumphantly to see how he is responding to our organizational capabilities. (Our politicians, understand, would be basking in the glow.) All I see--not kidding--absolute bewilderment in Walter's eyes, a look of concern, bordering on panic, as he nervously starts looking around behind him to try and figure out what exactly is going on. Clearly, he was not comfortable with the crowd cheering his every word, interrupting his talk with applause. This was not a man used to applause at a left wing Canadian campus.... He looked... I'm not sure quite sure really how to describe his reaction and how he looked ... he actually seemed almost disturbed by the events as they unfolded. At one point he even asked the crowd to stop cheering for him. Anyway, that is where we first met. It was quite funny. You had to be there to really appreciate it.

[Posted at 09/13/05 10:04 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Re: The Irreplaceable Jeff Tucker \(Tucker's Rules of Thumb for Living\)](#)

I [previously listed](#) some of Tucker's "Rules of Thumb for Living". Yesterday he served me up another doozy. He was raving about the new version 1.5 of Firefox--it has "movable tabs," wow. I told him I was not interested yet, since it is just the beta version. "*LIFE is a beta version!*" he yells at me, obviously having pondered this before. 'Nuff said.

[Posted at 09/13/05 10:26 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Looting and Houston Hurricanes](#)

Well well. After Katrina devastated New Orleans and Houston took in the lion's share of evacuees, now Rita threatens Bayou City, aka Houston, my adopted home town. On the radio yesterday I heard Chris

Baker, a funny local talk show host, discussing conversations he has heard from homeowners who are loaded for bear in case the looters come--"Some of them are *hoping* for looters," he observed. He's probably right. Kinda funny. Wife and I started thinking of leaving Houston several days ago, despite the some scoffing of friends who thought we were overreacting. We booked a hotel room in Dallas a couple nights ago--one of the last ones, I think. Austin and Waco and San Antonio were already booked (Special Olympics in Waco; Austin City Limits Music Festival in Austin; both events, I am sure, will be affected). We left yesterday at around 3pm--earlier than most. We decided to go to family's home outside Baton Rouge, La.; the normally 6 hour drive took just slightly longer. Some slowdowns; not too bad. As we figured, not many people were not (yet) going east on I-10 out of Houston--most are going north on I-45 or 59. East takes you to Louisiana--N.O. is kaput and Baton Rouge has no vacancies--N.O. evacuees are there, plus there is an LSU football home game this weekend. I-10 is now a different animal. Anyway, we are here in Ascension Parish, just hoping Rita does not surprise us and follow us, and hoping we have a home, and a city, left to return to. One amazing thing about this is how technology has changed everything. My wife is a petrochemical trader for a major company; I am lawyer for a small high tech company. We can both do our jobs remotely, if need be. Driving to my dad's, since he has no internet connection, I called him on the way and asked him to go to the local cable company and rent a cable modem. When I arrived, I spent 15 minutes self-installing it and voila', for \$10 for the modem and \$40 for a month of service, we have broadband here in podunk. Maybe telecommuting--and 3 day weekends?--will come into their own. Hear hear!

[Posted at 09/22/05 09:39 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☎]

## [Hillary on the Supreme Court](#)

Hillary [comes out against](#) Roberts:

The nomination of Judge John Roberts to be Chief Justice of the United States is a matter of tremendous consequence for future generations of Americans. It requires thoughtful inquiry and debate, and I commend my colleagues on the Senate Judiciary Committee for their dedication to making sure that all questions were presented and that those outside of the Senate had the opportunity to make their voices heard. After serious and careful consideration of the Committee proceedings and Judge Roberts

[Posted at 09/22/05 09:39 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☎]

## [Houston and Martial Law](#)

As posted previously, I evacuated from Houston on Wed. before the main exodus and nightmarish traffic snarls started (but feel free to call me a "Rita Refugee"; I won't be offended). A friend who was trapped there finally got out this morning; the road to Waco was finally clear, as of early this a.m., he said. Apparently in the meantime there is some variant of martial law being imposed, as a relative still in Houston told me that even though the roads are now open people are not permitted to leave their homes--it seems to be a type of martial law called "shelter in place". If you hit the Interstate now you get arrested. Makes sense--as soon as the roads clear up, you can't leave--with over 12 hours until the storm hits. Addendum: [Linda Schrock Taylor](#) wrote me--

That term "shelter in place" seems to be a new Homeland Security fad. The middle school where I teach had to do it a week ago. A pretend accident 'happened' down the road with a

tanker truck full of bad chemicals. The pretend gases were being blown by pretend winds to the school. We had to take the kids into the halls and pretend to tape up every opening in the school to keep bad air from entering. No one asked what would happen once hundreds of kids used up available oxygen and were breathing only carbon dioxide.... I wonder if the Feds expect the people left in Houston to tape all openings against water and wind, then sit in hallways as we had to do? Damn stupid to force them to stay there and possibly die when they could very well be on the roads.

[Posted at 09/23/05 02:20 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Wendy's Biases](#)

Wendy McElroy's latest column, [The Culture War's Battle of Lexington](#), discusses a dispute in Massachusetts between a public school and a parent over whether the school should teach his 5-year-old son about homosexuality. Earlier this year his son brought home a "Diversity Bookbag" from kindergarten, which included "Who's In a Family?" which depicts same-sex parents alongside others. The parent complained and was eventually "arrested for criminal trespass when he refused to leave school property without an assurance of parental notification of lessons with sexual content in the future. He is now barred from school property, which precludes him from attending events open to other parents or being a voice on school committees." What I found interesting about McElroy's piece was her extremely insightful and very libertarian list of "biases" or crude guidelines she employs where there is a "need to make a snap judgement" about who has the better side of a given dispute. Writes McElroy:

My preliminary bias is:

- Against the first one to call the police (if no violence occurred);
- Against anyone whose income depends on the outcome;
- Against someone who attaches a broader agenda or shifts the ground of discussion;
- For anyone who argues rather than insults;
- For those calling for a private resolution.

My preliminary bias can easily dissolve in the presence of a compelling fact to the contrary.

[Posted at 09/28/05 10:35 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [New Libertarian Cartoon](#)

[Govert](#).

[Posted at 09/30/05 10:36 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Texas is Kinky](#)

[Kinky Friedman](#) is my choice for governor in Texas in 2006. Yeah, he's a bit populist/soft-socialist, but so what? Is he any worse than the demopublicans? And he's funny, and Jewish. His logo is, "Why the hell not?"

Kinky Friedman is an author, a musician, a humorist, an animal activist and a personality. He

[Posted at 10/05/05 04:51 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## **The Supremes on the Supremes**

Casey Khan [asks](#), "So now my question to our legal experts like Stephan and Professor Shaffer: on a Federal level is the concept of stare decisis valid under this Constitution of enumerated powers? The obvious answer would seem to be no, especially for us humble layman. It would seem that under the Federal Constitution that it is a power that may be reserved for the States and local jurisdictions but not the Federal." Stare decisis just means that the courts are reluctant to rule contrary to a previously established case's holding. This rule makes perfect sense in a decentralized court system such as the common law or Roman/civil law, or in some private law system. In a system dominated by legislation it makes less and less sense, since the primary job of judges becomes not to find the just outcome in a given dispute, but to interpret and apply an inherently ambiguous legislature-decreed statute. In the case of the Supremes at least they do admit that stare decisis has less weight when it comes to constitutional decisions, as opposed to mere interpretations of federal statute. If they make a mistake interpreting a federal law, the reasoning goes, Congress can simply revise the statute by simple legislation. So even if the Supremes make a mistake construing a federal statute, it's okay to stick with this decision (stare decisis) because Congress can fix it if they don't like it. But Congress cannot easily override Congress's construction of the Constitution--think *Roe v. Wade*. For this reason the Supremes are more willing to overturn Constitutional cases. The problem, in my view, lies in legislation itself--including the special form of legislation known as a written constitution. Judges should not be construing legislation; they should be deciding disputes on the basis of developed principles of justice, not on the decrees of a bunch of bureaucrats. Another problem, at the federal level, is the Supreme Court has arrogated to itself not only a seat at the table as an equal--that is, able on its own to judge the constitutionality of a given federal law or action, alongside and equal to the Congress and President; which would be called "concurrent review"--but the doctrine of judicial supremacy, which means they are the sole and final arbiter of what the Constitution means. Of course, this is exactly wrong: at most, the Supremes were to have one of three voices in construing the Constitution (and this is not even counting the role the states ought to have, under Jefferson and Madison's theory of nullification). If the Supremes' construction of the Constitution were not the "final word" then it would not really matter so much if they abided by stare decisis. For if their interpretation of the Constitution--whether based on stare decisis or not--was out of line, the other two branches, or the states, could refuse to go along with it. I suspect that with genuine concurrent review and federalism, the Supremes would be much more cautious in stretching the plain meaning and purpose of the Constitution; it might lead to constitutional crisis. So I do not see stare decisis as being a power itself; it is just an internal rule of decision adopted by the Supreme Court. It in itself is not the problem; the problem is the Supreme's tendency to make the wrong decisions in the first place, not their tendency to stick with a past decision; and the problem lies also in the power of judicial supremacy--judicial dictatorship--assumed by the feds. For more on this see, e.g, re Jefferson and Madison and the Kentucky resolves and the issue of federalism [here](#); [concurrent review](#); Quirk & Bridwell's [Judicial Dictatorship](#); and [problems with legislation](#) as a means of enacting law.

[Posted at 10/14/05 09:50 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## **Dam Nukes**

I've written before about the [advantages of nuclear power](#) (see also the posts [Nuclear Spring](#), [Thermal Depolymerization](#), and [Nuke Me](#)). As the late, great Petr Beckmann ([brochures of Petr Beckmann's Einstein Plus Two](#), [interviews](#), [related dissident physics material](#); [more Beckmann/dissident physics links](#))

pointed out, nuclear is not only the cleanest it is the safest form of energy. Soft energy sources such as solar, wind, and hydroelectric are dirtier and more dangerous. For example hydroelectric dams may collapse, flooding and killing literally tens of thousands of people in the man-made valley outside the dam. Case in point is the [recent evacuation](#) of the area around the dam in Massachusetts. Incidentally, LFB is promoting [UNDEREXPOSED: What If Radiation Is Actually GOOD for You?](#), by Ed Hiserodt who, from what I can tell, promises to be another great champion of scientific reason and industrial progress-- Beckmann's successor? See, e.g., his little article [Plutonium Twaddle](#). Kudos, Ed!

[Posted at 10/18/05 02:16 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Randanarchists](#)

Don't exist, apparently. Here's [Capitalism magazine](#) trotting out the tired, old, weak arguments against libertarian anarchism. Notes the headline in typically breathless and stark Randian prose, "Anarchism is not a form of capitalism; anarchism is a form of collectivism, where individual rights are subject to the rule of competing gangs." This is ridiculous. As I have [previously noted](#), to be an anarchist simply means you (a) recognize that aggression is not justified; and (b) recognize that the state necessarily commits aggression. Now Randians claim to believe in individual rights and to oppose the initiation of force--aggression. So if they are not anarchists they must believe that states do not necessarily employ aggression. But they admit that the "government" they favor "is an agency with a monopoly on the power to legally use force in a specific geographic area". A monopoly on the power to legally use force means that this government has outlawed similar agencies. To outlaw is to use force against. If this force is initiated, it is aggression and a violation of rights by Rand's own admission. Now the Randians can argue that it is for some reason *necessary* that the state use force at least to the extent it has to outlaw competitors (even those who are not themselves aggressors), and perhaps to fund itself (taxation--who really believes a lottery will suffice?), and perhaps to expropriate private property (see, e.g., the endorsements of eminent domain by neo-Objectivist [Tibor Machan](#) (2) and Objectivist [Michael Kelly](#)). But just because they view it as "necessary" *does not mean it is not aggression*. It just means that, like conservatives and liberals, they prefer some value above conflict-free interaction and peace; they are willing to break a few eggs to make an omelette. How can Objectivists deny that one self-proclaimed defense agency's outlawing another is not aggression? Yes, they can plead their case that it's necessary--necessary aggression, that is, but how they can pretend it's not aggression, I cannot fathom. In my view anti-anarchist Objectivists cannot have it both ways: they cannot be principled opponents of aggression while opposing anarchy. To seriously oppose anarchy they have to favor some aggression. There is no way around this. (Some Objectivists might counter by resorting to the tired refrain that "oh but you are context dropping". Egad, context has its place but the overuse of this concept by Objectivists makes me sick of ever hearing it again. They will often attack libertarians' opposition to aggression by saying that it's context-bound and requires an entire philosophy to defend and uphold the individual rights that are correlative to the opposition to aggression. In other words, they imply that libertarians cannot coherently mount a case in defense of individual rights, or against aggression; indeed, we cannot even coherently *define* aggression, without adopting the whole of Rand's philosophy, hook line and sinker--presumably this includes her pet preferences on music, capes, cigarettes, and the obvious fact that a woman "should not" be, or even want to be, President, which preferences she held up as more than this. Yet, this harping on the necessity of "context" and Rand's entire philosophy just to define what force *is* flies in the face of this key statement by her alter ego, John Galt: "*Whatever may be open to disagreement, there is one act of evil that may not, the act that no man may commit against others and no man may sanction or forgive. So long as men desire to live together, no man may initiate*

[Posted at 10/18/05 04:42 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [I've never really liked Joan Rivers very much,](#)

... but I've changed my mind. [This exchange](#) is priceless--she does not bow down before silly, PC charges of racism and displays some cojones: On a BBC radio talk show, Jackie Collins, the Hollywood novelist, was talking about a mixed-race character in her new book. Then Darcus Howe, a Trinidad-born social commentator, started talking about his new documentary about his relationship with his 20 year-old son, Amiri, and whether it was racism or his faults as a father that were to blame for the difficulties his child had been through.

Rivers, 72, broke in, saying: "I'm so, so bored of race. I think people should inter-marry. Everybody should be part this, part that and part everything. Race doesn't mean a damn thing. Everybody should just relax, take the best of their cultures and move forward." Purves suggested that was a "very American approach" but Howe disagreed, saying: "That's not an American approach. America is one of the most savagely racial places in the world." And then he later suggested: "Since black offends Joan

[Posted at 10/20/05 07:58 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Re: Everything you need to know about Judge Alito -- Or, Good and Bad Judicial Activism](#)

Peter--the Barnett quote in [your post](#) is apt. If "judicial restraint" means a Rooseveltian judicial deference to unconstitutional New Deal legislation, then judicial restraint is not a good thing. From the libertarian point of view, the federal Constitution as written is fairly libertarian, at least compared to the leviathan state into which the original central government has morphed. It is for this reason that we want judges to adhere to the strict text of the Constitution: because it is a way to help hold the federal government to its original, more-limited scheme. "Originalism" then--or opposition to activism--has primarily an *instrumental* value (as I argued in this *Hastings Constitutional Law Quarterly* [review essay](#)--which I wrote, coincidentally enough, after the journal approached me, at Professor Barnett's suggestion). *Because* our Constitution is relatively libertarian, we want the federal government to abide by the limits the Constitution places on it. In such a context, activism is likely to be a lead to unlibertarian results because it will mean invention of new powers or relaxations on the limits placed on the state. We can [hardly be surprised](#) that the judicial branch of the state tends to decide in a pro-state manner; but to the extent judges feel bound by the text of the Constitution, the state's growth will be somewhat impeded (albeit, one disadvantage of such a system is that giving some lip service to the ["rule of law" cover or myth helps to legitimize the state's actions](#)). In my view, the libertarian must have a coherent and sound view of the federalist nature of the Constitution in order to have a sensible view on "judicial activism". First, it should be recognized that the federal Constitution establishes the federal government and grants it only certain limited and enumerated powers; and for good measure--"[out of abundant caution](#)" (2; 3, pp. 76-77)--it places various (usually redundant) limits on the federal government, e.g. in the Bill of Rights. Judges take an oath to abide by the Constitution, and are members of one of the three co-equal tripartite branches of the federal government. They therefore have a constitutional *obligation* to refuse to enforce, to refuse to go along with or be part of--that is, to strike down--any federal law or action that is not authorized by the Constitution. Accordingly, a federal judge striking down a federal law that is not authorized by the Constitution is not being activist; he is merely doing his duty. He is not inventing law or rights; he is refusing to exercise a power not granted to the feds. And so, for example, Justice Thomas was right in



[Raich](#) to refuse to stretch the interstate commerce clause to find a power granted to Congress to regulate purely local growth and consumption of marijuana. (I discuss some of this in my [article](#) on the *Kelo* case.) Liberals call this "activism" but it is not. There is nothing wrong with a federal judge refusing to enforce a federal law that is not authorized by the federal Constitution. Liberals are purely results-oriented, unprincipled, and confused. They are socialists and for that reason do not want judges imposing constitutional limits on the federal government; so they slander it with the now-pejorative term "judicial activism." Conservatives, while having (in my view) better intentions, are if possible even more confused than liberals. When judges expand the scope of rights in the Bill of Rights to strike down (federal or state) laws on the basis of these rights--such as abortion laws, sodomy laws, etc., conservatives call this "activism". Conservatives are confused on both the nature of federalism, and the nature of the constitutional limits on the federal government. It is true that if the federal government were one of general police powers, limited primarily by listings of rights in a Bill of Rights, then if a federal judge were to overturn a federal law on the basis of a dreamed-up right not found in the Constitution, this could be called "activism". (This type of activism, however, I daresay most libertarians would not mind too much--infighting and squabbling among the three federal branches that impedes federal action is okay by me.) However, this criticism ignores two things. First, there is a ninth amendment that says the listing of rights in the Constitution is not exhaustive. This gives a plausible basis for a federal judge striking down federal laws even on the basis of unenumerated rights, so long as he has a reason for doing so--e.g., if he can show that the right is implied by others, historically part of our society, etc. Second, listed rights are technically irrelevant; the federal government is one of *enumerated powers*. Federal laws establishing a religion; censoring free speech, outlawing abortion, murder, or rape; criminalizing marijuana--all these would be unconstitutional simply because *there is no power* granted to the feds to regulate these fields. The federal judge need not invent a right to privacy or even read the Bill of Rights to strike any of these laws down. It does not take any activism or any invention of rights to overturn these *federal* laws. Review by federal judges of state government action and laws is quite another matter, however. For the federal judges to review and overturn state laws, the Constitution must grant a power to the federal government to do this. The big problem with our Constitution is that the feds have pushed the outer limits of the grants of power so much that they have virtually unlimited police power to regulate anything (like states). So the original primarily limit on federal power--the [scheme of protecting rights by means of the structure of limited and enumerated powers](#) (2, 3)--has fallen away. This has caused judges looking for ways to strike down federal laws to rely more and more on the back-stop mechanism: rights listed in the Constitution. Since the set of rights is incomplete, however, when judges find a limit on federal law that is not based on the text of an enumerated right, it looks like they are being "activists" and making it up. (They could find some basis for new rights in the Ninth Amendment, but this is largely ignored.) The problem with this is that it gradually makes the listing of rights in the Constitution appear to be a source of federal power--specifically, an authorization for federal judges to overturn laws that violate these rights. If there were no listing of rights and only a clearly spelled out enumerated powers scheme, it would be clear that a federal judge can strike down federal laws that are not authorized by a grant of power; and it would be difficult for the federal judge to use similar reasoning to strike down a state law on the same basis. After all, the state law does not need to be authorized by a grant of federal power; states are separate sovereigns and have plenary police powers, as defined by their own state constitutions. (As an aside: yet another problem with the idea that the protections of rights in the Constitution should "apply" to the States is this: The federal Constitution contains various "limits on federal power": these come in the form of listing of rights (e.g., the Bill of Rights); presumptions and rules of construction (e.g., the Ninth and Tenth Amendments, which emphasize the limited-powers nature of the federal government); and the failure-to-grant-a-power, i.e., the Constitution's [rights-protecting enumerated powers scheme or structure](#) (2, 3) itself. A federal law against murder is as unconstitutional as a federal law establishing a religion. Thus, there is a lack-of-

federal-power to regulate both murder and religion; implying that, from the federal point of view, there are in essence *correlative rights* to freedom of religion and even to engage in murder, in a sense. So if you apply these "limitations" to the States, you would have to strike down state laws against murder, rape, robbery -- they would be as unconstitutional as federal laws against murder. The entire federal scheme is designed to relate to a government of strictly limited and enumerated powers; it just does not make sense to use it as a way of limiting the states, which have plenary police power.) But when federal judges come to rely primarily on an incomplete and malleable set of rights to strike down federal laws, they tend to view them as independent grants of power. And then they use them to strike down "bad" state laws that violate these rights. In this way, the mistake of listing rights in the Constitution--rights which meant only to emphasize the limited nature of the feds' powers--has been turned on its head to actually end up granting power to the feds to oversee state action--under the guise of the doctrine of "selective incorporation" dreamed up decades after the Fourteenth Amendment's illegal "ratification." If you want an example of bad "judicial activism," it is precisely this: the Court's craven refusal to abide by federal enumerated power limits over the decades, letting Congress and the Executive Branch assume ever more powers; then falling back on the safety measure of rights, and inventing more and more of them, and then, applying them willy-nilly to both the states and feds, justifying this on a dishonest and incoherent theory based on an illegally ratified amendment which was meant primarily to prevent states from discriminating against freed slaves. Or, as I wrote [here](#),

In other words, the limits in the Constitution *require* a federal judge to strike down, in effect, unconstitutional federal law, and also requires him to recognize he has no jurisdiction over many (unlibertarian) state laws. To call for a judge to "believe in limited government power" lumps in state and federal power, thereby asking the judge to treat dissimilar situations in the same way. It is a call for the judge to, on the one hand, follow the Constitution (or a libertarian interpretation of it) to strike down bad federal law; and to disobey the Constitution to strike down bad state laws.

The bottom line, for me, is this. Barnett is correct that federal judges should not give Rooseveltian judicial deference to federal laws that are not authorized by an enumerated power in the Constitution. Federal judges should readily strike down federal laws that are unconstitutional--that violate our rights (rights implied in the enumerated rights, in the ninth amendment, or even in the [rights-protective scheme of enumerated powers](#) (2, 3) of the Constitution). But this position should be mistaken--as I believe it is by many libertarians who fail to adequately distinguish between the Constitution's limitations on the feds, and the states--as implying that federal judges should be equally "activist" in reviewing state laws. To be "activist" in reviewing federal laws is a federal judge's *job*; it is required by his oath. A federal judge who is an activist in this way--a "federal law activist", if you will--is following his oath by refusing to aid and abet the federal government from acting beyond its power, or *ultra vires*. However, for a federal judge to be "activist" in reviewing state laws *violates* his oath, because this requires him to act beyond his constitutional powers. In short, what we should be in favor of is federal judges always respecting the limited nature of federal power, in all their decisions. In reviewing federal law, this means overturning laws that are not clearly authorized by an enumerated power. In reviewing state law, this means refusing to overturn state laws where there is no clearly delegated power to do so. **Further Info**

- [More Fourteenth Amendment and Federalism resources](#)
- [Libertarian Centralists](#)
- [A Libertarian Defense of](#)

## [Re: Food Snobs](#)

[Karen](#) and [Anthony](#)--re the Zagat comment--I am reminded of a very liberating exhortation I heard one time: the wine is for us; we are not for the wine. So if you want a nice red wine with your fish--don't feel guilty, have it! Re the snob list--some good points but, come on, mashed potatoes from a box are amazingly good; and green can parmesan is a reasonable substitute if no fresh stuff is around. I agree also with preferring butter over its substitutes; but I cannot shake the trauma I received when over 15 or so years ago I saw the stupidest bumper sticker I have ever seen in my life: "Cooks who use *butter* make *better* cooks." It soured me on the whole notion of being a walking slogan--I removed the "Nuke the Gay Unborn Russian Whales" bumper sticker from my car; hate to wear "message" tee shirts. Just seems so ... gauche. One other utterly annoying food snob bit of common wisdom is the idea that "they can't make \_\_\_\_ here like they do at home" (Louisianans are good are repeating this boring bromide). Hmm, well, let's see, are the laws of physics different in Massachusetts than in Louisiana? I think no. You can get basically the same ingredients nowadays in any civilized place, so yes, you *can* make it *here* like they make it *there*. (Hoppe and I once had a dispute when he insisted, to my scoffing, you can't get good chocolate in the US--"not like they make in Europe". I almost broke with him over this, but then remembered I was not a Randian.)

[Posted at 11/05/05 09:17 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Happy Marriage](#)

I mean, gay marriage. Has apparently gone [down to defeat](#) here in Texas, by 75% to 25%. (Hey, don't blame me, I didn't vote.) We've hashed over this topic [before](#) on the LRC blog, but I have mixed feelings about this. On the one hand, I sometimes wonder if we are putting up too much of a fight on this one. Why not give this one to them--costs us little, and we can save our ammo for the real battles. The complaint that gays marrying "weakens" normal marriage sounds awfully wussified--it ain't hurting my marriage. But there are disadvantages to caving in to the lefty-gay lobby on this one. As I see it, gays have two primary motivations for wanting gay marriage. One is the efficiency and convenience of establishing a consensual two-person regime where there are automatic, default, and established rights such as co-ownership, support-rights upon termination of relationship ("alimony"), inheritance presumptions, medical visitation and consent proxies, and so forth. This is understandable. The other motivation--the primary one, it appears to me, for most gays--is to use the power of legal institutions to force mainstream heteros to treat gays as of "equal" status to hetero unions. Even this is a bit understandable, but not justifiable. The primary advantage, to my eyes, to keeping marriage heterosexual is that it maintains an obvious, significant legal discrimination against homosexuals. The advantage of this is that it will make it difficult for gays to try to add themselves to the roster of "minorities" who deserve anti-discrimination and affirmative action protection of the law. After all, if it's legitimate, and routine, for states to deny homosexuals the status of "marriage," then it must be okay to deny them the protection of anti-discrimination laws. If marriage law can legally discriminate on the basis of sexual preference, then private employers can, too. No doubt the gays view it the opposite way: if they can have gay unions treated legally the same as hetero ones, then that removes one barrier to their arguing for inclusion in antidiscrimination laws. To me, this is the chief danger of gay marriage: it makes expansion of antidiscrimination law more likely. (Despite the fact that homosexuals blatantly discriminate among themselves--in hiring and promoting fellow gays, etc.) In my view states ought to offer civil unions that offer most of the practical deficiencies gays complain about--allow any two or more people to establish a contractual civil regime that defines their rights vis-a-vis each other. If this is done, it takes most of the wind out of the gay activists' sails. They will then not find it as easy to camouflage their real agenda--using

the law to force Christians to treat them as equals; and as a stepping stone to outlawing even private discrimination against gays. (Incidentally, I agree with Texas's attempt to refuse to be forced into accepting homosexual marriage status conferred in other states; but one problem with the new Texas constitutional amendment is that it appears to prohibit civil unions as well, since it prohibits recognition of relationships "identical or similar to marriage," which it defines as "the union of one man and one woman". So the Texas law would appear to prohibit the recognition of civil unions, which I regard as a violation of the individual right to contract.)

[Posted at 11/08/05 11:32 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

### [Gotta love those neocon Catholics](#)

Here's Peggy Noonan, [comparing](#) Pope John Paul II to ... Abraham Lincoln. Sad.

... John Paul II lived, arguably, the greatest life of the 20th century, and I think his life was marked by more than the usual number of occurrences that seem fateful, even prophetic. ... There is also the interesting fact of those who seemed to know, along the way as he lived his life, that he was a man of great destiny. His predecessor, John Paul I, said he would be pope. The day he was made cardinal of Krakow, a little girl told him he would be pope. One of his best friends had an epiphany and told him he would someday lead the church. And there were of course the prophecies of saints that a light out of Poland would come at a crucial moment to head the church. It's all uncanny. But I have noticed that the great are not uncommonly surrounded by those who have a presentiment of their destiny. Lincoln was like this.

Addendum: "Keith, a student at Umass Boston", writes:

Mr. Kinsella, in response to your blog post maybe Ms. Noonan would be interested to know that Pope Pius IX, author of the Syllabus of Errors and maybe the greatest Pope in all of history was an unabashed southern sympathizer. When Jefferson Davis was imprisoned after the war the Pope sent him hand-woven crown of thorns. He was also quoted at the time by an Englishman as saying that, "all his sympathies were with the Southern Confederacy and he wished them all success." Indeed most Catholics were remarkable in the South for their loyalty to the Confederacy. I was watching EWTN the other day and the priest said that the agnostic Abraham Lincoln was the most prayerful president in all of U.S history. Does he know the Poet Laureate of the CSA was a Catholic priest? Guess not. And there's so much more. Just goes to show you that evangelical protestants aren't the only ones seduced ! by the religion of Americanism.

[Posted at 11/23/05 12:51 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

### [Why Can't Our Politicians Be Like This?](#)

[Nutty but harmless cranks](#) who worry about UFOs and "intergalactic war", rather than mainstream, "sane" types who tax and bomb at will.

[Posted at 11/25/05 01:03 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

### [Extreme Federalism](#)

Shades of the [Kentucky and Virginia Resolves](#) -- this [critique](#) of Supreme Court Nominee Samuel Alito is premised on a simple, radical, and, in my view, sound theory of the Constitution. The main drawback of this piece is that it's a bit nitpicky re Alito's comment that his job is to interpret the Constitution. Look, I agree with the author that neither the Court nor the federal government should have the final or sole authority to construe the Constitution, especially vis-a-vis the States' interpretation. It is true that the Constitution should be viewed as compact among States and the federal government as merely the agency created by this compact; and so only the parties to the compact--the States--should be able to construe its terms, not the very agent created by it. However, the compact does create a Supreme Court and two other branches that are supposed to be bound by the Constitution; and the Court's job is necessarily one of interpretation. It is definitely preferable for a Supreme Court Justice to try to interpret the Constitution *instead of* reading into it what he wants; and of course when the Court hears any cases it is authorized to hear under the Constitution, it is unavoidable that the Justices do some construing or interpreting, if only to decide if they have jurisdiction in a given case. And the piece also seems to pettifog over the definition of "rights"--when it harps on the fact that the Bill of Rights did not "create" any Constitutional rights, but rather only recognize that the federal power does not extend to breaching these pre-existing rights. Still, the article steers clear of [outright crankism](#) and gets it right, and in my view this interpretation of the Constitution would lead to a vastly preferable outcome from a libertarian and Constitutional perspective.

[Posted at 11/25/05 01:32 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [The Incredible Power of Blogs](#)

Just a few months ago, I [urge the repudiation of the Iraqi debts](#) on the Mises Blog, and before you know it, [Japan follows my advice](#). Wow. As a somewhat technically illiterate friend once remarked, "Isn't the blog wonderful?"

[Posted at 11/25/05 02:03 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Rand and Patience](#)

The brilliant Roderick Long put his finger on it in his blogpost [A View to a Kill](#): he crystallized what I have long sensed about Rand but had been unable to put into words: that one of her flaws, one trait that helps explain some of her ill-thought-out views, is her *impatience*. Notes Long:

In general Rand tended to be rather cavalier with questions of *casuistry* (the application of moral principles to hard cases)

[Posted at 11/29/05 01:07 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Best Libertarian Blog](#)

LRC is a nominee in [this contest](#) at the Liberty & Power blog.

[Posted at 11/29/05 11:15 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [The Next Big Thing](#)

May be synthetic diamond. Forget the potential impact on the jewelry market--its potential for computer

and industrial uses is astounding. See this fascinating article, [The New Diamond Age](#).

[Posted at 11/30/05 10:55 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Proof Minarchy Won't Work](#)

Well, not a proof exactly. But as I [noted in comments](#) on a Liberty & Power blog post the other day, the U.S. federal government actually was granted *even fewer powers* than a minarchist state would have. For example, it has no power to outlaw murder. And despite this, it has far exceeded its bounds and become clearly tyrannical. Does this not indicate that a minarchist state, with even broader powers (in some respects) than the federal government, would also exceed these powers?


[Posted at 11/30/05 01:10 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Kelo and FEE](#)

The [latest issue](#) of FEE's The Freeman is focused on the [Kelo](#) case (2). From what I can tell of the articles available online and from what others have told me, most of the pieces take the libertarian-centralist view that the Supreme Court should have struck down the state eminent domain practice. No decentralists among the FEE-ers? Update: Someone scanned the whole issue for me (woo, copyright violation! Don't tell Wikipedia); as far as I can see the various commentators on the Kelo decision do not even acknowledge that some libertarians might oppose the federal Court interfering in state action on decentralist grounds. Speaking of this: In Tibor Machan's [recent column](#) (2) on the Ninth Amendment, he says, "The correct way to view the issue raised by the Ninth Amendment is to see the US Constitution as mainly enumerating limited powers for **the government** ..." Not to pick on Tibor, whose work I respect and admire. But what he does here is very common among libertarians who seem to have little appreciation for federalism and decentralism: they routinely say "the government" when speaking of the limitations in the federal Constitution. This is rampant in the series of articles in The Freeman mentioned above. The phrase "the government" is used generically to refer to government in general--states and federal. But it is used in the Constitution context, which really applied to the federal government, not "the government" in general. They do not seem to be aware that by using the term in this way they implicitly agree that limitations in the Constitution on federal power then apply to state governments--which is tantamount to a *grant* of power to the feds to monitor the states. And then of course, "the government" covers other states around the world, like, say, Iraq. Of course, the Constitution must then empower the feds to police all the other states in the world.

[Posted at 12/06/05 04:18 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [The C-Word](#)

 Christmas trouble.jpg

[Posted at 12/06/05 06:06 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Heroic Higgs v. "diZerega"](#)

Oh, this is hilarious--see Robert Higgs's [replies](#) to befuddled diZerega's [whining](#) about Higgs rejecting one of diZerega's articles for The Independent Review. Higgs's comments have a dry wit and are laced with hilarious sarcasm. Poor Gus really comes off poorly in this interchange.

[Posted at 12/07/05 03:03 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [New Block article online](#)

[Toward a Libertarian Theory of Guilt and Punishment for the Crime of Statism](#), presented at the The Rise and Fall of the State seminar, Ludwig von Mises Institute, Auburn, AL, Auburn University, Oct. 6, 2000.

[Posted at 12/08/05 01:45 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [New Israel](#)

My October 2001 *LewRockwell.com* article, [New Israel: A Win-Win-Win Proposal](#), which proposed relocating Israel to U.S. public lands such as Utah or the Anwar area of Alaska, provoked the expected accusations of anti-semitism (as well as objections from anti-semites). Since then I've noticed a few similar or related proposals:

- [How 'Bout Relocating Israel to Mexico?](#), by [Ken Layne](#), *FoxNews* (April 2, 2002);

•

[Posted at 12/09/05 01:24 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Cato and Rothbard](#)

For some time, the Wikipedia [entry for the Cato Institute](#) bore the [statement](#) that the Institute was: "Founded in San Francisco, California in 1977 by Edward H. Crane and Murray Rothbard (who was later purged from Cato), and initially funded by Charles G. Koch". Apparently Cato didn't like this. On Dec. 7, 2005, Will Wilkinson, a [Cato employee](#), [edited the entry](#) to delete the mention of Rothbard as one of Cato's founders. His [explanation](#) was that he was "Elimat[ing] extraneous, innacurate, and editorializing material." I suppose this implies the mention of Rothbard as being a founder of Cato was inaccurate. But it is not. As I noted in the entry and on the comments page, Rothbard was one of the founding members (one of the original 3 board members in fact) and even came up with the Cato Institute's name. See, e.g., [this piece](#) by David Bergland, a prominent libertarian (Rothbard was "a founding board member [of Cato] who even named the institute"); see also chapter 5 of Justin Raimondo's biography of Rothbard, [An Enemy of the State](#), which details the Cato Institute's origins; and Rothbard's [article](#) about his purge from Cato. In any event, the information has since been restored.

[Posted at 12/09/05 05:25 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Tookie Will Live](#)

I predict Ah-nold will save the Tookster. Update: Ummm, nevermind.

[Posted at 12/12/05 03:25 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Re: Selling Op-Eds](#)

[Casey](#)--yes, I think you have a point--for more on this, see [Cato Tugs Stray Back Onto the Reservation](#).

[Posted at 12/16/05 10:56 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Cato-Bandow and the Temptations of Power](#)

The Liberty & Power blog is [now discussing](#) the Cato-Bandow [scandal](#). As I noted in a comment there--Lew Rockwell presciently wrote, way back in 2003, a post entitled [Why the Beltway Loves Libertarians](#), where he wrote: "If you want a protectionist argument made, so much better to get a free-trader to do it. Here Cato's Doug Bandow oppos[ing] free trade in pharmaceuticals." This was during the Cato drug reimportation controversy--for more on this see [Protectionist Cato?](#) and [Cato Tugs Stray Back Onto the Reservation](#). See also Tom DiLorenzo's 2003 post, [More on Cato's Protectionism](#). The danger of corruption from the government is one reason I was a bit trepidatious when I read that The Objectivist Center recently decided to [relocate to DC](#). Hopefully, they will resist entangling alliances.

[Posted at 12/17/05 03:21 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Re: Bandow, Cato, and Drug "Reimportation"](#)

[Bill](#), I don't think the drug reimportation debate was a "fraud". You may be correct that increased reimportation from Canada would only drive Canadian prices up. But that is not the point. The point is you had a prominent libertarian arguing against importing a good simply because it was a way to get around patent rights. The point, [for me](#), was that this illustrated that recognizing invalid property rights



can only undermine real property rights. Moreover, it is entirely possible Canada would simply import more drugs in response to greater reimportation back to the US; it is not so clear to me that lowering an artificially high monopoly price (that is, one set high due to patents) is the same as making the drug artificially cheap. If the Canadian price control lowered the drug's price to below what could be charged with the benefit of a patent monopoly, but still higher than would be charged in a free market, the manufacturers presumably still make a nice profit--which is why they sell their drugs in price-controlled regimes in the first place. So it is not obvious to me that if Canada's demand for pharmaceuticals increased--for whatever reason--it would not be able to purchase additional units. As for Bandow's line of argument re drug reimportation, it is clearly protectionist, in my view. Bandow was advocating federal policy that prevents US consumers from buying pharmaceuticals from Canada. In Bandow's [article](#), he wrote:

More seductive, however, is the idea

[Posted at 12/18/05 10:27 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### **[Objectivists on Bandow](#)**

Well there are many things that could be said re the Bandow scandal--that it was unethical; that it is overblown; that it is sad; that it is unsurprising given the temptations from being in the Beltway... but leave it to the Objectivists to find the dumbest analysis, using cliched pet Objectivist terms: In [this post](#), an Objectivist implies that Bandow's error has something to do with his "Christian libertarianism," and that this comes out of "the moral subjectivism common in the libertarian movement". Oh Please. When I read those stock-phrases like "moral subjectivism" and the tired old repetitions of Rand's little pet personal preferences and opinions about libertarians and Christians, my eyes glaze over.

[Posted at 12/18/05 12:41 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### **[Re: Hey, this stuff is great!](#)**

[Jeff](#), can't go wrong with jambalaya (my [hometown](#) is allegedly the "jambalaya capital of the world"), but this recipe is one of my all-time favorites and unlike anything you've tasted: fairly easy, and utterly delicious: [Chicken Big Mamou Pasta](#). Strangely enough, I found it at the Magnolia Cafe in Philly when I lived there. Trust me on this one.

[Posted at 12/18/05 11:44 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### **[Callahan on Intelligent Design: On Religion in Government Schools](#)**

Gene Callahan has a good article on why intelligent design should be included in school curricula--presumably government schools--even though it is badly flawed. As someone who thinks ID is indeed not a genuine attempt at serious science, my first reaction is to disagree. But, on second thought, here's where I come down: government schools should teach Christian parents' kids that Satan is Lord; and should teach secular parents' kids that Jesus is Lord. If they want to use government schools, let 'em suffer. I can just hear Walter "[let the smelly bum use the library](#)" Block cheering me on in the background.... Yeah, usually I oppose the "worse is better" approach (the worse is usually, er, worse), but in this case, let 'em suffer. Update: Tibor Machan, in his recent column, [Federal Judge Dictates Content of Biology Course](#), notes:

Here you have it, the result of government education: Academic freedom is dead

[Posted at 12/20/05 12:06 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [2005 Winner: Michael Barnett](#)

From PCWorld's [Winners and Losers of 2005](#):

WINNER: The Survival Blog of New Orleans Operating from the offices of Web host DirectNIC in downtown New Orleans, the Interdictor blog kept posting during the worst of Hurricane Katrina, powered by a 750-kilowatt diesel generator and a fiber-optic hookup. Blogger Michael Barnett and his colleagues slept in the air-conditioned room where they kept the servers, and blogged throughout the crisis. The Interdictor's live Webcam offered some of the first images of the city following the disaster, and the blog has continued to cover the region's recovery and rebuilding.

[Posted at 12/20/05 02:51 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Breaking, Broken, Broke: Silly Objectivist Tendencies](#)

As [noted previously](#), Objectivists often use cliched and oddly stilted pet Objectivist terms and turns of phrase, such as "moral subjectivism". I've long found these and other Objectivist tendencies to be amusing, or silly, including: psycho-epistemology (she sure has a nice set of psycho-epistemology!); over-use of "altruism"; overkill on the "Kant is the ultimate evil" thing; over-use of--em-dashes--and *italics*; "second-handers"; over-use of "qua"; boorish, in-your-face insistence on using "man" as much as possible to represent both genders; saying, "Observe: " at the beginning of a sentence; the classic "whim-worshipper"; Frank is my "top value"; "stolen-concept fallacy"; and, one of my favorites, "blank-out". This whole dour, humorless, serioso, robotic cult of personality has arisen around her. The more I read Objectivists trot out their ridiculous stock phrases, the more I realize this aspect of the philosophy is really inapplicable to the real world. Who *talks* like that? Who even *thinks* like that? Who goes around talking about "psycho-epistemology" or saying their husband is their "top value"? What the hell is a "top value"? Jeez. In my view, this cliched, robotic reasoning is useless and off-putting. Last but not least, is the Objectivists' habit of O-So-Officially "Breaking" with people. In my experience, people tend to drift apart if they no longer like each other or find other interests more compelling. There is no official moment of "breaking". But not for Objectivist. They act as if there is some official record book of relationships (which squares with the Objectivists' obsession over having an Official Final Authority to settle disputes--can't have the messy unpredictability of a private market solution); and the act of "breaking" implies that the status of your personal relationships are so important to others you have to Officially Notify them of it. Give me a break. Lo and behold, it turns out that this Objectivist chick Diana Hsieh recently felt the need to do the same thing: she "officially" recants her previous criticisms of the orthodox Ayn Rand Institute, and "breaks" with David Kelley's The Objectivist Center. Jeez H. In a post entitled, appropriately enough, [A Public Statement](#), she writes:

Some of you may wonder why I am disassociating myself from TOC in such a public fashion, rather than merely drifting away in private discontent like so many others over the years.

No, I don't wonder--it's b/c it's common among Objectivists to "announce" their "decision" to "break" with someone in such a serioso fashion.

For these and other reasons, I am pained by the end of my ten year relationship with IOS/TOC.

Okay, hereby noted; will the Official Secretary of Rational Relationships please record in the Official Record Book of Official Relationships that Ms. Hsieh has Officially Broken with IOS/TOC. Egads. This chick used to be anti-ARI; now she has switched, and Officially Denounces her pre-ARI work as "pseudoscholarship." Objectivists are not even worth taking seriously if they continue to trot out these weird, robotic phrases and engage in these bizarre habits. BTW, lest people think I am just bashing Objectivists indiscriminately, let me say I believe I am actually an Objectivist if you go by the short summary of her views, on politics, metaphysics, epistemology, and ethics. I just don't go for the dour, humorless, robotic cult of personality that has arisen around her. And you know what, I don't even feel guilty about it--the face without pain or fear or guilt, and all that, ha ha.

[Posted at 12/20/05 02:52 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Libertarians and e-Gold](#)

A friend of mine was going to buy a PC from Onixstyle.com, but it turns out they only [accept e-Gold payments](#). He asked me if I knew anything about it; I told him all I knew was a few years back I wanted to buy some book from some European libertarians, and they insisted I use a stupid e-Gold account. I assume the guys at Onixstyle are also pro-gold libertarians. Now I like pro-gold libertarians, of course, but these guys who insist on a ridiculous, gimmicky, and inconvenient payment method are mixing business with their pet political views. I told my friend about my experience: I went thru the hassle of opening the stupid e-Gold account; finally got it done; then ordered the book; there was a tiny bit of gold left over, not enough to hassle with getting out, so now every fricking week for the last 4-5 years I get stupid e-Gold emails begging me to take care of it. What a hassle. My friend decided not to order from them even though they had a very good price. What is wrong with libertarians? Addenda: Someone wrote me this, in response to this post:

These guys are canoeing upstream without a paddle against Gresham's Law. Why would I trade away something as valuable as gold for a PC when I can trade away paper money for those goods. Besides, currently the transaction costs (which include hassle) of using fiat money is far lower than using gold, e-gold, norfeds, etc. One day gold may become generally accepted as exchange medium, but not now. I think the problem with a lot of libertarians is that they're just dorks, plain and simple. I used to chide [certain free market think tank interns I know], "you love to talk about free markets, but if you were thrown in the middle of one you wouldn't last 10 seconds." Many libertarians like this just lack street smarts and any kind of work ethic.

[Posted at 12/20/05 03:10 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Unhappy Mexicans](#)

[Mexico Retaliates for Border Wall Planx](#). Yeah, I can just hear them now: "Why, you gringos... you're really making us mad...! You better stop it, or, or -- um..., we won't illegally immigrate into your country...! Uh, waitasec..."

[Posted at 12/20/05 04:25 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Objectivists on IP](#)

A comment on an [Objectivist blog](#) claims:

speaking of IP, Greg Perkins has written a very powerful critique of the libertarian opposition to Intellectual Property rights for the February issue of [Axiomatic](#). I don't think it will shut the libertarians up, but it will put their arguments to rest.

I await with baited breath.

[Posted at 12/20/05 06:04 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Bandow Responds](#)

[The lesson Jack Abramoff taught me](#)

[Posted at 01/04/06 02:00 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Objectivists and Libertarians on Intelligent Design Case](#)

Predictably, Objectivists, and some libertarians, are cheering the [decision by a federal judge](#) ordering a Pennsylvania public school not to teach "Intelligent Design" as an alternative to evolution. See, for example, Objectivist Harry Binswanger's ringing [endorsement](#) of the decision. Now, unlike many conservative libertarians, I tend to think that Judge Jones was correct in his scientific conclusions that evolution is a genuine science and ID is just a religious viewpoint masquerading as a scientific theory. But even assuming this aspect of Judge Jones's decision is well-reasoned, there are two significant problems with the results in this case. First, the holding is that the teaching of ID by a state public school violates the establishment clause of the First Amendment to the Constitution. This, however, is ridiculous, as I have pointed out [elsewhere](#): for one, the First Amendment only limits what Congress can do, not states; and the argument that the [Fourteenth Amendment](#) "incorporated" the First Amendment and "applied" it to the States is without foundation. Second, the [First Amendment](#) protects freedom of religion and prevents the establishment of a religion. Teaching ID in a public school as one alternative to evolution does not establish any kind of official state religion--clearly some references to religion or God or religious views by public officials does not rise to the level of "establishment" of religion, given the prevalence since the early days of this country of references to God on money our money and in the very Declaration of Independence, the use of chaplains in the military and prayers in Congress, etc. What whimps atheists have become--being "offended" at the existence of a statue in a courtroom lobby; they remind me of wussy existentialists who feel "nausea" at the idea of contemplating the existence of objects outside themselves. Get a life.

[Posted at 01/05/06 03:39 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Vouchers in Florida](#)

Sigh. No one can get anything right. As reported [here](#), "the Florida Supreme Court today struck down a voucher program for students attending failing schools, saying the state constitution bars Florida from using taxpayer money to finance a private alternative to the public system." The mainstream opponents of vouchers are wrong in their criticism: the problem with vouchers is not that it establishes a religion (it

doesn't) or that it "undermines" public education -- it actually expands public education (that's part of what's really wrong with vouchers), and anyway, the goal of state funding of education ought to be to educate kids, not to do it by a particular method; further, if vouchers would eradicate public school somehow, this would be a plus. And the libertarian supporters of vouchers, like Clint Bolick, quoted in the article, are in favor of a system that will expand educational welfare, increase government control over and further corrupt private schools, and further entrench and legitimize the notion of public education (in general). Next thing you know, the libertarian centralists will ask the federal courts to overturn the Florida Supreme Court, on the grounds that denying kids an "adequate" public-funded education is unconstitutional. I better shut up. They might not realize I'm being sardonic.

[Posted at 01/05/06 05:51 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [My Inner Geek](#)

I got a "16.96252% - Geek" ranking on this funny and perceptive [test](#). My science, computer, sci-fi background, and love of trivia cost me some points, but luckily I've never been into role-playing games. I remember in law school one of my classmates, John Green if I recall, kept telling my friend and me about this "Warhammer" game he played. I asked him if he and his opponent put the little figures in sand piles and threw marbles at each other's men, trying to knock them over, like I used to do with army men when I was 10--he shouted, "No!!" in geeky horror. Anyway. Slow day.

[Posted at 01/06/06 06:25 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Re: More a Geek Than Stephan?!?!](#)

[T-Boy](#), sorry you scored higher than me on the geek scale. It could be, I admit, that my score is inaccurate, since I didn't take it myself--I wrote a program in Turbo Pascal to do it for me.

[Posted at 01/09/06 11:02 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [On Social and State Power](#)

[Charles](#), in law school I heard a lot about how "market power" is equivalent to force. Therefore we have laws against "contracts of adhesion" (or "flypaper" contracts), so-called because the "victim" has "no choice" but to sign the "take it or leave it" contract offered by some company with a lot of "market power." Now in your post there is a lot I agree with, but I am reminded of the erroneous liberal conflation of market power with state power (force) in your comment:

I suspect the reason the residue of cultural Leftism resonates as that there are a whole lot of people, many of whom live in Blue-state urban areas, who find "social power" as oppressive as any state power they could face. I am one of them.

I'm not sure what you mean by "social power" or "oppressive," but if by social power you mean some kind of influence that is not based on aggression; and if by oppressive you mean "violation of rights" (since you use it in comparison with state power, which is oppressive in a violent, aggressive way), then your statement does not seem consistent with libertarianism. For it would basically be implying that rights can be violated by both aggression, and by non-aggression--some generic concept of "oppression" which includes both real force and state power and violence, and other, non-violent means. But since rights are

enforceable, force may be used against this oppression. Which would mean your statement implicitly endorses the idea that force can be used against non-force; i.e., that aggression is permissible. As I said, I don't think this is libertarian.

[Posted at 01/12/06 11:47 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Eloquent Bush](#)

[This faux-documentary](#) about Bush's flubs and speaking gaffs is hilarious.

[Posted at 01/13/06 12:39 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [I break for Randians](#)

Okay, bad pun. I refer here to their [odd, pompous, self-important, silly habit](#) of offically "breaking" with people who were once in the fold but who start to think for themselves. But I guess, like Muslims, it's worse to be a former Randian than never to have been one at all. As Rush (another favorite group of young Randians) say, "[For you the blind who once could see/The bell tolls for thee](#)". Now our own [Skip Oliva](#) is the latest to be "broken" with by Official Objectivists. On the Center for the Advancement of Capitalism's Rule of Reason blog (are Objectivists *trying* to parody themselves with the stilted, cloying, predictable overuse of such Randian catch-phrases?), some Nicholas Provenzo character [washes his hands](#) of the Skipster. Oliva's sin? A former supporter of the CAC, he has--gasp!--published on LewRockwell.com. Treason! Heresy! Writes P-dog:

...I must publicly indicate my disappointment that in the time since he left CAC, Mr. Skip Oliva, a former policy expert, has chosen to become a contributing writer to libertarian organizations such as lewrockwell.com and the Ludwig von Mises Institute. ... The logical outcome of the libertarian position

[Posted at 01/17/06 10:24 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Holzer, Animal](#)

Re [Holzer \(2, 3\)](#)--note that he's that rare Randian, an [animal rights advocate \(2\)](#). So let's see, as a Randian we can presume he is pro-abortion, believing it's not even immoral to abort a mere "piece of protoplasm," as Rand, the former piece of protoplasm, put it; ... so it's okay to kill fetuses, nuke innocent children, and torture possibly innocent suspects. But animals have rights! Whooppee!

[Posted at 01/19/06 10:41 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Libertarian Activism--comments](#)

LRC must be getting ever-more-popular, because I am seeing an increase in the number of replies to my latest LRC piece on [libertarian activism](#). Most of the replies have been favorable, e.g: one of many:

As a recovering activist/do-gooder I whole-heartedly thank you for writing this fine article. The brevity and clarity of it will provide me with a far better tool than my normal rambling to explain to others why I now detest all activists, and the harm their unprincipled actions cause.

Thank you for your efforts to share the light of a principled existence.

However, some of the comments I've received from activists have been amusing--they illustrate the activist myopia I critique in my article. Humorously, one lady, with the "VICFA Voice, the monthly publication of the Virginia Independent Consumers and Farmers Association (vicfa.net), an all-volunteer grass-roots group," wrote me "because of my perception of the lack of willingness of libertarians in general (not the ones in our group) to ACT to change what they oppose." Ha--did she even read my article? Activists have such myopia they think even anti-activists are activists! One correspondent wrote, "My problem with Anarchocapitalist models is that they offer no proof that if the proposed enforcement mechanisms actually work," My reply:

Again; you activist types can't help but imposing "what works" as a standard to critique substantive normative assertions. It's very exasperating that you don't even seem to be aware there is a difference.

Another wrote me to argue how successful Milsted has been in Libertarian activism. My reply:

Any activist success does not gainsay my points. In fact, to point to them in this context, as you do here, seems to illustrate my point that activist types just can't separate strategical concerns from questions of truth and right and wrong.

This guy also scolded me for "making blanket judgments" and said that Milsted's effect has been positive, to which I said:

These are unconnected statements which are set forth as if they are related. First, I don't know what a "blanket judgment" is or what you mean; or why you oppose them. I am not a California relativist hippie who "doesn't like labeling, man." And in any event, whether he is successful strategically, is wholly irrelevant and has nothing to do with your hortation to avoid "blanket judgments." If you are trying to say some of my comments were too broad or inaccurate, go ahead and explain why.

In response to him comment that I don't "like" what I read in Milsted, I replied:

It's not that I don't like it; it's that it is flawed and is arguing for socialistic measures (taxes). I am a libertarian, not a socialist. I am also not one of the starry-eyed activist types. that is not my gig. I have seen nothing to show that Milsted offers much on topics that interest me--rights and legal theory, and the like. That is not to criticize him; we just have different interests. I'm glad he's had political success; but in the realm of theory, which is what I was criticizing when he ventured, I disagree strongly with his reasoning and method and conclusions. Sorry to label this so plainly.

He told me Milstead is "about trying different things that move us in the right direction to see what works." I replied:

That empiricist mindset is not surprising; I think it is correlated with the activist types. The principled types tend to have more of an apriori or deductive or normative framework. Anyway, I don't think of people being "about" things. Not my way of communicating or conceptualizing things.

Then he said "We should move in the direction of privatizing all types of security, but we need to get that concept on the roadmap before we can get closer." My response:

You activist types speak in terms of what is next; the "roadmap"; etc. Do you not even see how mired your (plural) thinking is in such concepts? There is nothing wrong with activism in general; but be aware of the difference between tactics employed to achieve political goals, and positions on truth and right and rights. Yes, we need to have priorities and do "certain things first"--like have jobs and normal lives, and not believe there is some altruistic duty to delude oneself into thinking one is "making a difference" by devoting a large portion of one's life, time, and resources to a futile attempt to ever-so-slightly increase the chance that we will have a very small and very temporary decrease in the rate of increase of tyranny, for the benefit largely of our socialist-advocating neighbors who don't deserve it. If that's your hobby, fine. In a way, it's mine, but I realize I'm in it for the fight, for the process; not because I delude myself that liberty is just around the corner.

He also criticized my critique of Milsted because it is "widening the divide" instead of "bridging the gap between theorists and activists"; that I should not "excommunicate" Milsted; my response was:

You see, it is the activist mindset that leads you to judge my substantive comments on the grounds of whether it widens the gap, etc. Are you saying my substantive comments and reasoning are *wrong*? Or that I should not utter them in public? BTW I did not excommunicate Milsted; I have no power to do so and I would not anyway. And let's be clear here: if anyone did anything wrong, it was Milsted, for using his perch to call for institutionalized theft. If you want to get indignant, get indignant at him. He is advocating criminality; I am criticizing him for it. Think about what you are doing: you are blaming the victim; instead of criticizing the statist you are criticizing his libertarian critic! Saying we "need everyone to man the oars" is such an activist mentality. I tend to think in terms of what I and my family "need". I am not a sacrificial beast whose life is to be spent in a futile attempt to marginally benefit others. Have we libertarians turned into altruists? Do it if you want; but exhortations like this imply we libertarians have a duty to be activists. We do not. Our only libertarian duty is to avoid endorsing or employing aggression.

Re my comments about engineers: some have gotten their back up about it. I have pointed out to them that I am a (former) engineer as well, and know many of them; and while they are preferable to attorneys, and are good in their jobs, and while libertarian engineers are fine by me, I am not talking not about engineers doing engineering. I am talking about their m.o. when they try to develop political views. (and I speak here of non-libertarian engineers; they think you can do-it-yourself and concoct an entire philosophy by brute force; after all, they are smarter than the liberal arts majors, why do they need to waste time reading them?) Gary Hunt perceptively commented, however:

Good article! I know what you mean about engineers. I am an architect so I work with them on a regular basis. Their thinking is what many architects describe as linear. In other words, "The shortest distance between two points is a straight line". However, quite frequently the straight line is not the best solution. I also disagree with Milsted's contention that sometimes "the economies of scale" justifies the theft for defense, roads ect.... It appears he has not worked in the real world. My experience has been that public works projects cost significantly more than private ones. In fact I know a contractor who bids on many government projects. His method of bidding is to price it as if it were a private job then double the price. He gets a



lot of government work. Thanks again for the good article.

Another perceptive comment about engineers from Max Schwing (Karlsruhe):

Dear Mr. Kinsella, I understand your point of view and it tends to be coherent with mine about engineers in general, because we have been indoctrinated into approaching problems from a rational and planning point of view. Therefore we tend to think that we can solve anything by applying mechanical principles to them, especially when it comes to political problems or societies at large. I think it is best said that engineers would like to "engineer society" (Brave New World - style ?!). However, I also know engineers who are looking beyond this view on society and are also interested in the "human or social arts" (as they are called in Germany). But to persuade an engineer of it, you have to take the economics way of doing it, because we are largely more open to such arguments, than we are to general philosophical ones. I am studying mechanical engineering, so I am closest to the future engineers in Germany and despite that Germany is a social-democratic country, those young bright students are divided between the two big socialist parties (CDU and SPD). Somehow, engineers still think of the world and society as a mechanical device. So, we are somehow struck in the 19th century, when it comes to society. But still there is hope to get them to the liberal side.

My buddy Robert Capozzi also has a gadfly-ish blogpost about this [here](#); your boy Milsted replies [here](#). \*\*\* Robert Kaercher replies to Milsted in a separate piece [here](#). \*\*\* Milsted's further reply, [Attack of the Hegelian Anarchists](#); and some blogposts: [A Priori Anarchists](#); and Kevin Rollins' post [Theory and Consequences](#); and [The Seen and the Unseen](#); and Capozzi's [You Can](#)

[Posted at 01/26/06 11:57 AM by [Stephan Kinsella](#) on [LewRockwell.com](#) 

## [Holy Copyright!](#)

Well, I have finally found one way in which the Holy See (Vatican) is not superior to the USA. The US, unlike many states, claims no copyright in any official works of the government or its agencies. Sad to say, the [Vatican has assigned the copyrights to papal texts](#) to the Vatican publishing house and "it appears the Vatican is determined to enforce the copyrights." For exmaple,

The Vatican sent a 15,000 euro invoice ... to Italian publisher Baldini & Castoldi for a small anthology of Ratzinger's writings published immediately after his election by journalist Marco Tosatti of La Stampa. It also dunned Piemme, another Italian publisher, for 5,000 Euro for reprinting John Paul II's nine-page final testament in a book by Andrea Tornielli, who writes for Il Giornale. Tosatti's case may end up in court.

I don't often side with fundamentalists, but I will admit I don't see anything in the Bible authorizing the Church to institute copyright law.... Still, the Vatican does not tax; it's supported by voluntary contributions. Overall, I think it has the edge over the USA.

[Posted at 01/27/06 04:50 PM by [Stephan Kinsella](#) on [LewRockwell.com](#) 

## [We're all libertarians now](#)

[According to David Boaz:](#)

... it could be that most Americans are, in fact, liberals and conservatives. Maybe Gallup is wrong, every year. But the exit polls on election day 2004 offer some confirmation. According to those polls, 17 million voted for John Kerry but did not think the government should do more to solve the country's problems. And 28 million Bush voters support either gay marriage or civil unions. That's 45 million who don't fit the polarized model. They seem to have broadly libertarian attitudes. In fact, it's no secret that libertarian voters make up a chunk of America. But you'd never know it from watching TV -- or listening to our elected politicians.

45 million Americans are "broadly libertarian"? Really? Wow. I never would have known it. After all, blacks are able to exert a great deal of influence on policy and votes with their minority voting bloc. Strange that the 45 million libertarians seem to make no headway. Could it be, hmm, that there are not anywhere near 45 million American libertarians? Methinks voting for Kerry while "not think[ing] the government should do more to solve the country's problems", or voting for Bush while supporting gay marriage/unions doth not a libertarian make.

[Posted at 01/31/06 03:25 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Quote of the Day](#)

*War is God's way of teaching Americans geography.* -Bierce (thanks to Tim Swanson)

[Posted at 02/01/06 11:07 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Orwellian Use of Patents](#)

As reported in [U.S. Army Grenade Patent Changed](#), the US Army obtained Patent No. [6,523,478](#) ([exact-copy PDF version](#)) for a "Rifle-launched non-lethal cargo dispenser" in 2003. According to the report, the patent as issued repeatedly said the "rifle-launched nonlethal cargo dispenser" could be used to disperse aerosolized agents including "chemical agents" and "biological agents." Some critics said this suggested the grenade was developed in violation of the Chemical and Biological weapons conventions and the U.S. Biological Weapons Antiterrorism Act of 1989, which prohibit development of devices to deliver biological weapons agents or using riot control agents as a method of warfare.

The Sunshine Project advocacy organization has argued the grenade should not be further developed and used. The weapon would be "practically useless in CWC compliant applications," said Sunshine Project co-director Edward Hammond. "This is not a riot control weapon."

So the Army said the language in the patent was "in error" and the Army attempted to get the Patent Office to issue a "certificate of correction" asking for "the term 'chemical/biological agents,'" used four times in the patent, to be deleted from the patent "because it is unnecessary and confusing." The Patent Office at first denied the request in February 2005; but then "reconsidered and approved the changes on Dec. 22, according to a page on the office Web site. The version of the document posted online has not yet been changed." Hammond noted that although they changed the patent, "It doesn't obviate the fact that they made the claim in the first place and presumably the weapon is capable of doing what they claimed."

[Posted at 02/02/06 10:58 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Cato: We're not Moonbats](#)

On the EconLog, Arnold Kling [writes](#):

As long as we're being iconclasts, why not get rid of all medical licensing? Instead of having the government decide who may perform a strep test or an MRI, leave the decision to the consumer. The latter idea is so radical that when I proposed including it in my book, **the folks at Cato said**, "You shouldn't say that. We don't want people to think we're moonbats." Yes, support for the free market has its limits.

Moonbats of the world, unite! (Thanks to Gil Guillory for the link.)

[Posted at 02/07/06 12:02 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [The Me-Too Left](#)

Liberal legal commentator [Edward Lazarus](#), author of the well-written *Closed Chambers: The Rise, Fall, and Future of the Modern Supreme Court*, has a column out entitled [href="http://writ.news.findlaw.com/lazarus/20060202.html"](http://writ.news.findlaw.com/lazarus/20060202.html)>The Liberty-Security Tradeoff: Virtually Everyone Accepts that Liberty Should At Times Be Sacrificed for Security, So Why Won't Progressives Propose How and When?. The piece--by its title alone--perhaps unintentionally shows that there is no difference in principle between the Republicans and Democrats. No wonder the left can't mount a principled opposition to war or the state's intrusiveness. They are not opposed to it in principle.

[Posted at 02/08/06 10:59 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Bidinotto v. Rockwellians on Supporting the Troops](#)

Discussed [here](#).

[Posted at 02/09/06 04:03 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Our Enemy, Hillary](#)

Drudge headline: [Hillary's Likely Challenger Says She 'AIDS And Abets Our Enemies'...](#) He's right--the feds and her fellow CongressCrittters.

[Posted at 02/13/06 10:47 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Big Brother--the Reality Show](#)

From [Houston eyes cameras at apartment complexes](#): and I am not, I repeat **not**, making this up:

HOUSTON -- Houston's police chief on Wednesday proposed placing surveillance cameras in apartment complexes, downtown streets, shopping malls and even private homes to fight crime during a shortage of police officers. "I know a lot of people are concerned about Big Brother, but my response to that is, **if you are not doing anything wrong, why should you worry about it?**" Chief Harold Hurtt told reporters Wednesday at a regular briefing. \*\*\* Andy Teas with the Houston Apartment Association said that although some would consider

cameras an invasion of privacy, "I think a lot of people would appreciate the thought of extra eyes looking out for them."

[Posted at 02/19/06 10:46 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Koether](#)

Agreed, Karen, he'll be missed. He once sent me a copy of his abridgment of Human Action; and he had designs on starting a new magazine, called *Think!* if I recall, that he was sure would sell. I guess he never got around to it. As for anecdotes, unfortunately I can't repeat some of the stories he told me. He was a delight and a treasure. What a guy.

[Posted at 03/24/06 12:54 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Re: I Break for Randians](#)

Previously I [noted](#) Objectivists' "[odd, pompous, self-important, silly habit](#) of officially 'breaking' with people who were once in the fold but who start to think for themselves." The [latest entry](#) is that of one William E. Perry, who has apparently broken with David Kelley's The Objectivist Center, and is announcing to the world at large that he is "no longer employed by, or affiliated with The Objectivist Center. ... I left because of a variety of issues. Most of them pertain to my growing disagreement with David Kelley

[Posted at 04/05/06 02:08 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [The Future of Ejumacation?](#)

[Megastudy's Academic Star Power](#) reports: "With cramming courses almost a necessity for college-bound Koreans, this company is raking it in by putting power profs on the Web". This is enabled not only by the Internet but by the increasing prevalence of broadband at the home. No doubt we are heading to a future where most homes are connected directly by optical fiber (meaning a [laser](#) in every household) to an all optical Internet of tremendous bandwidth (this phenomenon is known as FTTx, for fiber-to-the-home, -curb, -business, what have you). (Light travels faster than electrical signals propagated over copper wires, for example; light pumped down a fiber-optic cable can direct the light-based signal exactly where you want it to go; and use of tiny, grain-of-sand-sized semiconductor lasers as the light source used to send a modulated signal down a fiber permits the signal to travel long distances and permits dozens or hundreds of channels and wavelengths of light to be transmitted simultaneously down the fiber.) Maybe those yuppies saving \$500k in 529 plans for junior's education can spend \$50k instead on e-Harvard and use the rest for his wedding.

[Posted at 04/12/06 09:33 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Metro Modals](#)

Today on some talk show I heard the host refer to neocons as "metroconservatives"--a clever play on metrosexual. Made me think that a good term for left-Beltway libertarians would be "metro-libertarians". Or what Rothbard used to call "modals".

[Posted at 04/25/06 10:26 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Lionsgate Shrugs](#)

Ayn Rand's [Atlas Shrugged](#)--finally to be made into a movie? I'll get excited about this if someone can show me it means my taxes might go down.

[Posted at 04/27/06 11:38 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Newsflash: Matthew McConaughey and Penelope Cruz are Objectivists!](#)

They must be--as Objectivists for some bizarre reason [feel compelled to do](#), the famous couple are [Officially Declaring Their Separation As A Couple](#). (In one a recent unintentionally humorous blogpost, an Objectivist wrote, in a public post Officially, Publically Denouncing a Former Friend: "At that point, our friendship was effectively over, even if not yet officially so.") *Officially so!* Ha! I love it!

[Posted at 06/02/06 02:28 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## ["The" Libertarian View on Gay Marriage](#)

Compared to conservatives and liberals, libertarians tend to have more uniform views on a wide array of issues. This is probably because the libertarian view is more coherent and principled--and more correct--than the more ad hoc and ever evolving views of mainstreamers. There are issues where debate remains--anarchy v. minarchy; abortion; vouchers; immigration--but there is large agreement on a host of key political matters. Another issue that there seems to breed wide disagreement among libertarians is the issue of gay marriage. This seems like a strange matter to have strong disagreement over. I think the first question is, *is there* a libertarian view on gay marriage, any more than there is a libertarian view on whether capes are good or Beethoven is evil? It seems to me the only truly libertarian view of gay marriage is some kind of idealized standard--that is, what would be the legal status of gay marriage in a minarchy or anarchy. Arguably, in both, there would be no state sanction of marriage at all. Hetero couples would still "marry" and be regarded as such, but it would be a customary, traditional, or religiously-related union, with civil (e.g. contractual, testamentary, and mandatory) effects. In societies and cultures where homosexuality is not seriously scorned and penalized and is somewhat openly practiced by a minority of the populace, some gay couples would no doubt come to be regarded as "partners" as they are today; and perhaps some would try to call themselves "married" and use some kind of ceremony; whether this type of "marriage" would ever be regarded as "fully legitimate" by society at large, who knows. In any event, the libertarian can say that "the" libertarian view is that the state should get out of the way and out of the business of decreeing marital status, but it that all he can say? It seems to me that if we want to opine on the libertarianness of certain gay marriage policies or proposals in today's semi-state-run world, we need to keep in mind a few more or less clear-cut libertarian principles. First, if the state is going to be in the business of enforcing and recognizing contracts, estate successions, medical power of attorney, and the like, then if a number of individuals--whether it be, as I've [noted previously](#), two gays, two siblings, or a rock band--want to form some kind of civil or contractual union giving them certain succession rights, agency powers, and property/contract power/co-ownership rights, then this contractual regime ought to be recognized and enforced. Those conservatives who believe that even civil unions should be outlawed are just unlibertarian. There is no warrant for the state not recognizing the contractual aspects of any civil union. Second, it also seems obvious that there is a mixture of motives among advocates of gay marriage. I think two of the primary motivations are (a) to use the power of the state to try to "officially authorize"

the "normalcy" and "legitimacy" of homosexuality and homosexual unions, in turn to try to force society at large to see it as normal and acceptable; (b) to take part in various illegitimate welfare rights married couples have access to, like social security; and (c) to legally legitimize homosexuality and gay unions so as to remove one remaining obstacle to including homosexuality as a "protected minority class" who must have affirmative action and anti-discrimination law protection. All these goals are unlibertarian and illegitimate, in my view. One significant danger, I believe, of the state recognizing gay marriage is the last concern. So long as the state officially is able to discriminate against gays by not letting them be married, it's difficult for gay advocates to argue that they should be included in anti-discrimination and affirmative action law coverage. After all, sodomy is still illegal in some states, which makes it difficult to argue there is a constitutional right to engage in it or to not be discriminated against because of it. One other goal for gay marriage is to permit gay couples to easily and efficiently have the contractual aspects of their relationship respected and enforced: so that if one person is sick or incapacitated the other has medical visitation and decision-rights; inheritance rights; property co-ownership rights, and the like. This is about the only goal of the pro-gay marriage types that I think is supportable by libertarians. But for this, we don't need gay marriage, but only civil unions. My view is that we ought to have civil unions legally recognized, so as to solve the only real, legitimate grip gays have, and to leave the rest exposed as the naked political power grab that they are. \*\*\* In deciding what particular laws or legislation to support or condemn on libertarian grounds, however, we must also take into account various federalism-related issues. I would personally support a state law (or state constitutional amendment, perhaps) that enforced and recognized civil unions. (I would not favor the state's using the word "marriage" to describe this union, since it adds nothing to the benefits gays are really (libertarianly) entitled to, and threatens to carry out the unlibertarian goals (1)-(3) noted above.) However, I would not support a federal law recognizing civil unions (except for and to the extent there are federal law aspects to it), or forcing states to do so, for federalist reasons. I would oppose such a law. I would oppose even more strongly a federal law outlawing (at the state level) gay marriage or civil unions. The only federal law I can imagine supporting in this regard would be a law that limits federal judges from interfering with states in this regard.

[Posted at 06/06/06 12:07 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## **[The Property and Freedom Society: Standing Athwart History, Yelling Stop](#)**

[By Paul Belien, in the Brussels Journal.](#)

[Posted at 06/08/06 08:49 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## **[Gabb on Property and Freedom Society](#)**

The delightful, eloquent, and passionate English libertarian Sean Gabb has a nice piece out: [The Inaugural Meeting of the Property and Freedom Society: An Incidental Record](#); the Society's [website](#) will be up shortly.

[Posted at 06/14/06 12:39 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## **[New Form of Arbitration](#)**

Federal judge [orders lawyers](#) to settle a disagreement by playing "rock-paper-scissors". Ah, those playful federal judges, they just need to vent sometimes.

[Posted at 06/14/06 02:15 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Smokers' and Bar Owners' Property Rights](#)

Austro-libertarian attorney Joe Becker (also former chief legislative aid to Ron Paul) is in the news in [Suit seeks to snuff out Colorado's smoking ban](#).

[Posted at 06/16/06 11:50 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [On Blaming the Victim](#)

"Blaming the victim" is a disgusting attempt to implicate the victim of a crime as being partially responsible for the violence bestowed upon him by some thug. In [A Hurricane of Fraud?](#), the *LA Times* editorializes that "obsessing about the spending habits of refugees comes perilously close to blaming the victim." Do they even understand what the expression means? The "victims" of Katrina were victims of a hurricane, not a mugger or rapist. Claiming that these people in effect stole money from the taxpayers has nothing to do with the "blaming the victim" tactic, since the taxpayers are distinct from the hurricane.

[Posted at 06/17/06 11:31 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Objectivism Schism Form Letter](#)

I've [noted before](#) Randians' bizarre practice of "officially" "breaking" with one another ([other comments](#) on this). Now some Objectivists who actually have a sense of humor [have made up an "Official Solo Schism Form Letter"](#). Funny stuff. The letter is lampooning Objectivist nobody Diana Mertz Hsieh, who felt compelled to Officially, Publicly Break with a former Objectivist friend, the brilliant Chris Sciabarra (who is a decent, sincere, honest person who did not deserve to be treated like this), and to justify it by printing his private correspondence to her and a set of charges to any normal person would appear very bizarre (strange for a Randian, eh?). One of many critiques of Hsieh's dishonorable actions is found [here](#); [another](#). Correction: I have been informed that the letter was originally a spoof on Objectivist Lindsay Perigo and his site Solo; but that it works just as well with Hsieh, as Kelly's filling in the blanks for a letter to Chris shows (later in the thread linked). Update: Just came across the latest [Official Objectivist Denunciation](#): Andrew Bernstein of the Ayn Rand Institute has apparently been pestered into apologizing for having =gasp= published a short piece in the "Journal of Ayn Rand Studies". Bernstein's apology states "I deeply regret my thoughtless decision to contribute to this journal, and **hereby irrevocably repudiate any and all association with it.**" Well, then, Dr. Bernstein--it's official--and more than that, irrevocable! Thanks for letting us know! He goes on: "To all who are sincerely concerned with Objectivism, I apologize, and recommend a complete repudiation and boycott of this journal and of any and all of Mr. Sciabarra's work." Okay! I hereby repudiate and boycott Sciabarra. And now I take it back! ha ha, I forgot to make it irrevocable! \*\*\* A former Objectivist wrote me with this theory:

The only other thing I can say about the Club's obsession with excommunicating people is that it strikes me as an initiation ritual of sorts--like how the Cosa Nostra makes you whack a guy to "make your bones." It's also an obvious way of generating false self-esteem, which is something I see a lot of in O's. After all, most of their lives revolve around taking credit for the work of a dead philosopher who in turn borrowed heavily without attribution.

[Posted at 06/18/06 04:25 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Rather Bitter](#)

### [Statement From Dan Rather](#)

... I leave CBS News with tremendous memories. But I leave now most of all with the desire to once again do regular, meaningful reporting. **My departure before the term of my contract represents CBS's final acknowledgement, after a protracted struggle, that they had not lived up to their obligation to allow me to do substantive work there. As for their offers of a future with only an office but no assignments,** it just isn't in me to sit around doing nothing. So I will do the work I love elsewhere, and I look forward to sharing details about that soon.

[Posted at 06/20/06 04:19 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Humiliated Jeffersonians, or, Constitutional Sentimentalism](#)

[Claremontista](#) "Lincoln Fellow" [Timothy Sandefur](#)--with whom I've tangled previously on various issues related to federalism (see [Sandefur and Washington](#) and DiLorenzo's [followup](#); and [Sandefur on slavery and the civil war](#); man, gotta love the treasure trove that the LRC blog has become)--has a short piece in the July 2006 *Liberty* in which he recommends the book *America's Constitution: A Biography*, by the admittedly brilliant but mainstream law professor [Akhil Reed Amar](#). Writes Sandefur:

I know of no writer who understands the Constitution--including such subtle matters as divided sovereignty and the legal significance of the preamble--better than Akhil Amar. Given the **alarming number** of libertarians willing to **humiliate** themselves with such **concoctions as the "right to secede,"** it would be a real relief to see more of them sober themselves with this brilliant book.

Funny, in the same issue, [Sheldon Richman](#) recommends *Our Enemy, The State*, by Albert Jay Nock, writing:

Nock has no time for the "Founding Fathers," who were intent on leaving the British Empire so they could start their own exploitative "Merchant-State." The Constitution was the result of a "coup d'etat" in Philadelphia, where men who were supposed to make only marginal adjustments to the Articles of Confederation opted for a whole new system features a strong tax-collecting central government. thus was born America's Corporate State. Yet, for reasons that escape Nock, **constitutional sentimentalism** lives--even among libertarians. Go figure.

I like that term--"constitutional sentimentalism." Good one on ya', Sheldon. Why I brought up Richman's comments immediately after mentioning those of Sandefur, I have no idea. Total coincidence. Poor Nock humiliated himself by not getting with the program. He's so *dated*. A gentle suggestion to Mr. Sandefur: perhaps a Lincoln Fellow ought to "sober" up with a taste of Nock, a [Spooner](#) full of [Berger](#), and with some helpings of William Rawle, [A View of the Constitution](#), published in Philadelphia in 1825. "[Rawle's book is now principally remembered](#) because he expressed in it the view that any state of the Union could constitutionally secede if the unequivocal voices of the state's people so determined. Rawle's text was used for instruction at West Point when the men who came to lead the Confederate armies in 1861-1865 were cadets." Also "sobering" to those with constitutional sentimentalism under King Lincoln's spell would be Rothbard's "[Just War](#)" essay, Tom DiLorenzo's superb and instructive piece "[Constitutional Futility](#)". Also,



William Watkins's [Reclaiming the American Revolution](#), totally debunks the Jaffa/Straussian lies about constitutionalism so in vogue among some of our activist-centralist libertarians. And Mr. Sandefur might want to add to his reading list James J. Kilpatrick's seminal 1957 book, [The Sovereign States: Notes of a Citizen of Virginia](#) (Chicago: Henry Regnery Company, 1957). And let's not forget [Walter Williams](#). That is, if Sandefur can bear to read all these humiliated scholars.

[Posted at 06/23/06 01:03 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Foxconn](#)

[Lew](#), you're right about Chinese and Apple being smeared, as is [Foxconn](#), the great company built up by Taiwanese entrepreneur Terry Kuo, who is an amazing person and revered over there much like Gates is here. I thought [this line](#) from one of Foxconn's senior VP's:

It's hard to understand for many westerners but it's true that many of our workers are willing to work overtime to make more money. We don't force them to work overtime and won't allow them to work overtime for more than 20 hours a week.

This is true, and the quote is also funny in how diplomatic this guy is trying to be. What he's saying is, "You Americans are lazy but we still know how to work hard; how dare you condemn and criticize us for doing what you no longer can?"

[Posted at 06/23/06 11:52 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Visualize the end of Socialism](#)

[Cool video](#) showing how socialism will be wiped off the face of the earth.

[Posted at 06/23/06 11:50 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Block on Radical Libertarianism](#)

Walter Block's two-part article [Radical Libertarianism: Applying Libertarian Principles to Dealing with the Unjust Government](#), from the Spring 2006 & Fall 2004 [Reason Papers](#) is now available online. [Reason Papers #26](#) is also now online, which includes Block's [Libertarianism vs. Objectivism: A Response to Peter Schwartz](#). Selected articles from Issue Nos. 27 and 28 are also online, including Roderick Long's [The Justice and Prudence of War: Toward a Libertarian Analysis](#) and [Mere Libertarianism: Blending Hayek and Rothbard](#), by Daniel Klein.

[Posted at 06/27/06 02:53 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Bush and Property Rights](#)

I've seen some libertarian sneering about President Bush's [Executive Order: Protecting the Property Rights of the American People](#). Now there is much for the libertarian to criticize Bush for; but is it so terrible that the head of the executive branch directs the agencies under his control not to take property by eminent domain "merely for the purpose of advancing the economic interest of private parties to be given ownership or use of the property taken"? Sure, the Order has troubling exceptions. But an incremental step

in the direction of liberty is not something to whine about, is it? One such wag complained that Bush issued his decree "merely because he says so". And he also whined that a mere "Executive Order isn't much protection from arbitrary exercises of power. Hunh? What is wrong with the decree being because "Bush says so"? How could it be otherwise. And the complaint reeks of the [libertarian centralist](#) notion that only protection from the Supreme Federal Courts is good enough; that judges are somehow exalted and different from other federal employees. I guess Bush should have made the Order applicable to the States, contrary to the Constitution and federalism (which is a code word for racism for libertarian centralists). Too many libertarians actually trust the federal courts and paper constitutions; they buy into all the rah-rah Saturday morning civics-cartoons. To these neo-Randians and utopian idealists and stubborn activists, "America" really "was founded" to "protect individual rights"; this gives them an over-elevated view of the importance of the paper constitution and its enforcement by the philosopher-king judges. And in turn makes them sneer at other means of limiting government power: vertical separation of powers (federalism), and so on. If the President decides not to take property for private use, this is not "good enough"; it must be the courts who say so, darnit. There's just no pleasing some people.

[Posted at 06/29/06 01:18 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Objectivism as Reverse Pyramid Scheme?](#)

An Objectivist correspondent writes me:

Per your [recent post](#), I read Walter Block's article replying to Peter Schwartz. Unlike Block, I've never subscribed to the view that contemporary Objectivism is a cult. A cult is a social pyramid scheme where the leaders use coercion, even violence, to keep the followers in line. Cults do not, generally speaking, "excommunicate" their own members. That goes against the very purpose of a cult, which is to grow a following. Objectivism is almost a *reverse* pyramid scheme where everyone views themselves as the leader. An Objectivist once told me that the problem with Objectivism was that they all wanted to be generals, leaving no soldiers. I think he was spot-on. Rand's use of romantic fiction to spread her philosophy managed to inspire a lot of disciples, but they all fashioned themselves as Roark or Galt. There are no "middlemen" in Randian fiction, only prime movers and parasites. I think this is what leads to the practice of excommunicating people. It's less about ideology than it is about the banisher proclaiming his "leadership," much the same way Donald Trump fires people on television.

[Posted at 07/02/06 10:18 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [On Rabid Soccer Parents](#)

Karen, [your post](#) called to mind [Fun Fair Positive Soccer](#), a kids' soccer league near Houston, that one of my friends is involved in. Personally I've always despised the way too many parents at little league games etc. go completely bonkers, yelling from the stands, ruthlessly making it into some life or death competition, etc. FFPS has a system that limits what parents can do, to make soccer a positive experience for the kids, instead of making them pawns of their parents who are using them to vicariously re-live their own childhood. As FFPS states, they see "the main problem as parents who put too much pressure on the kids to perform and the programs that emphasized winning as the main focus. They developed a system so the kids could play and enjoy the sport without demands from adults to win or perform. They modified the rules and designed a process of 5 aside rules, equal play with a unique equal substitution system, balanced

teams, and parent training to ensure that it would be fair. The parents would behave and be positive so it would be really "Made For Kids". So, all players rotate to each position and every player plays equally each game; and parents are not permitted to yell things like, "KICK IT! KICK IT! KICK IT!!" Hey, the kid knows he needs to kick it. Or, if some hapless kid starts going the wrong way down the field, the parents are not permitted to say anything. It's up to the kids, players, and teammates. You know this has to drive the type-A former-jock soccer-dads nuts. But I hear the kids love it. I wonder, by the way, how many of those ex-jock over-excited types were into bullying when they were younger? A fair amount, I'd bet. Speaking of bullying, I wonder what the [libertarian defenders of bullying](#) (2, 3) would say about the recent videotaped [school-bus beating](#) (2, 3) of the 10-year old boy. Ah well, I guess it'll toughen him up. Let's give him another few doses of tough-love.



[Posted at 07/02/06 10:23 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Ken Lay, RIP](#)

Beleaguered Enron CEO--and until today, my neighbor--has [died of a heart attack](#) (or, as we say in Louisiana, he "caught a heart attack"). I have no comment, but just one prediction: libertarians will breathlessly proclaim, "The State Killed Ken Lay!" I don't know about all that. But hopefully, now, at least, he'll get a fair trial.

[Posted at 07/05/06 10:22 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Going Dutch on IP](#)

[Dutch Parliament says No to European criminal law against IP violations](#). Cool.

[Posted at 07/05/06 10:36 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### ["Coercion" is annoying, but coercion is neutral](#)

I must confess that one of my nits is the use by libertarians of the word "coercion" to mean "aggression." I suspect this is a habit inherited from Ayn Rand's repeated misuse of the term. Let's get it straight: we libertarians oppose *aggression*, i.e. the so-called "initiation of force", not force itself. To [coerce](#) is just to use force to make someone do something, to compel them. Coercion is just a type of use of force. Libertarianism is no more against coercion or force than it is against guns, which may be used for good, or evil.

[Posted at 07/06/06 02:43 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Raimondo on Horowitz](#)

One of my favorite reviews is that by Justin Raimondo in a 1994 [Chronicles](#), of David Horowitz's memoir *Radical Son*. I had read and enjoyed Horowitz's book, but something about it bugged me--in part, it was Horowitz's seeming attempt to justify his earlier dalliance with leftism, as if it was a noble pursuit of idealism, albeit misguided. Maybe it's because I've [never trusted former lefties](#), but in any event, I have

never seen anything noble about the ridiculous roboticness (no offense, [Randians](#)) of Commie activists and that entire activist milieu of Black Panthers and what have you. Anyway, in [David Horowitz and the Ex-Communist Confessional](#), Raimondo skewers Horowitz. Very enjoyable read. If you have read or plan to read Horowitz's book, you have to read this. Other Raimondo commentary on Horowitz et al.: [BUCKLEY GETS IT WRONG: National Review, the War Party, and the history of the freedom movement in America](#); [The Neo-Authoritarians](#); [A MAN NAMED MUHAMMAD: Imposing an agenda on the Maryland sniper](#); and Horowitz's [response](#).

[Posted at 07/06/06 10:27 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Punishing Criticism](#)

Yet another example of how the [State censors speech](#) by punishing you for making your views known. The potential liability in employment discrimination lawsuits makes businessmen reluctant to speak freely about gender matters, for example. And the potential for an IRS audit tends to make the wealthy careful about vocally criticizing the tax system's legitimacy, I would think. A recent patent case, [Nilssen v. Osram Sylvania](#) (N.D. Ill. 2006) provides another example of how criticizing the state's legitimacy can come back to bite you. In this case, the district court found Nilssen

[Posted at 07/07/06 10:31 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [More on "Coercion"](#)

[Dizzan](#), fair points. I can see the argument that the term coercion is not completely neutral and has largely negative connotations; and that maybe we generally should "oppose" it since it is generally unjust. But my point is mainly that I think it is misused as a synonym for aggression. Coercion, as I see it, is a set that intersects with aggression. That is, while some coercion is aggression, not all coercive acts are aggressive (e.g., threatening to harm an aggressor unless he returns to his jail cell); and not all acts of aggression employ coercion (if you simply murder someone, you have not used the threat of force to get them to do anything--it's not coercion, it's just aggression). Therefore, I think the use of coercion is yet another in a long string of libertarian imprecision and lack of rigor in defining terms. It's symptomatic of the tendency to over-rely on the use of metaphors and liberal-arts type language.

[Posted at 07/07/06 12:07 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Atlas Groans](#)

I don't plan to see *Pirates of the Caribbean: Dead Man's Chest*, but that's just personal preference--I just didn't like its silly predecessor. But my guess is Randians will hate this movie. Read the [">description](#) of the Johnny Depp character, Captain Jack Sparrow--you can just hear Randroids groaning. Sparrow is "a character so jaunty, seemingly drug-addled and crazily erratic

[Posted at 07/07/06 04:14 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Re: Christian Conservatives](#)

[Tom](#)--Oh, I don't know... could it be, that conservatives have an incoherent, irrational, and unprincipled agglomeration of ideas masquerading as a sophisticated political philosophy? I never have been able to

figure out exactly what a conservative--political or otherwise--is *for*. Take neocons, for example (please). Do they advocate today what their forbears did 20, 40, 60 years ago? Hardly. At least liberals can be *identified*--they are the wussified, modernized remnants of communism-socialism-leftism, which, despite its evilness and faults, at least *stands for* something; has some principles--collectivism, egalitarianism, revolt against nature, redistributionism, modernism, the replacement of religion with state-worship, and so on. To that extent [leftists are more like honest brigands](#); they are upfront about their rejection of the natural order (although admittedly, modern American liberals are more confused and less honest about it, than in Europe where people outright admit they are socialists; here, they use euphemisms like "progressive" etc.). But what is a "conservative" for? against? Depends on the year, I guess. Conservatives stand for nothing except cautiously going along with the mainstream, prevailing ethos, whatever it may be. I liken conservatives to FM soft rock stations--they play now what was considered cutting edge, alternative rock 15 years ago. Likewise, today's "conservatives" would never dream of touching social security, the Civil Rights act, etc., unlike their ancestors decades ago. They are similar to neocon or left libertarians, who almost faint at the mention of the right to secede, and can't help but ape the latest mainstream preachings about the Fourteenth Amendment and its universal guarantees of rights, etc. I received a reply to the above post:

In the absence of nation-state government, the institutions that will maintain a social order capable of defending individual responsibility, autonomy, and rights in property and contracts will be the conservative institutions of the family, the bourgeoisie, the Anglo-Saxon common law, and the Church. The sneering rejection of conservatism by the "anarcho-capitalists" places them firmly in the camp of the Marxists. What a juvenile and short-sighted position. For shame.

Let me respond to this as follows. I of course do not reject the conservative institutions of authority as you mention. See, e.g., Hoppe's great works on "natural order," e.g. [Natural Elites, Intellectuals, and the State](#), [The Political Economy of Monarchy and Democracy, and the Idea of a Natural Order](#); and his book [Democracy: The God that Failed](#). I'm also a founding member of the [Property and Freedom Society](#), the principles of which include:

As culturally conservative libertarians, we are convinced that the process of de-civilization has again reached a crisis point and that it is our moral and intellectual duty to once again undertake a serious effort to rebuild a free, prosperous, and moral society.

So I do not mean to sneer at traditional institutions or morality. But I was responding to the question by DiLorenzo of why modern conservatives can admire Strauss while pretending to diss Rand on the grounds of her atheism. It shows an inconsistency among today's conservatives caused by their abandonment of their traditional views combined with the inherent weaknesses of even original conservative political theory. It is conservative *political theory* which I find vague, diffuse, incoherent. It is modern so-called conservatives I find repellent: they have abandoned their natural true conservatism, in my view. To my mind, true conservatism corresponds roughly with classical liberalism. It is not perfectly libertarian, but it is largely admirable and undergirded by respect of a host of institutions which as you note are essential to civilized life. Today's neo-con punks and pro-war Reaganites who pretend to be conservatives are not, IMO. The conservatism worth having must be supplemented with a coherent, grown-up--i.e., coherent and rational--political and economic theory. In and of itself it is incomplete, and indeed supports fallacious political notions. Conservatism must shuck off the neo-cons and wise up to economic reality, and stop referring to Mises et al. as "dead Austrian economists." To recognize this is not to adopt the traditional institution-hating myopia of modern secular rationalists. \*\*\* My correspondent replied as follows:

I do agree. The essence of conservatism (what we must now call "paleo-conservatism") is the defense of the natural order. With all the libertines running around, my knee-jerk response to your post was to assume that you were allied with that camp. I also agree with your characterization of neo-conservatism as a mish-mash of half-complete ideologies. Neo-connnery is all about process and policy ends and at bottom, therefore, is completely unprincipled. Paleo-conservatism, by contrast, is based on the natural order: family, natural law, the iron laws of economics, etc. Our little misunderstanding, and the deliberate conflation of progressivism and conservatism that is neo-conservatism reminds me of the errors people make (intentionally and otherwise) when discussing Nazi Germany. Because the Nazis admired the old Prussian martial spirit and received money from the blue-blood Junkers, Nazism is often labelled a "conservative" movement. It was actually a lower-class movement that was about as radical a departure from the old German order as Bolshevism would have been. Same thing with the Straussian school: it preaches militarism and jingoism, which are the conservative values of discipline and self-reliance, and loyalty to kith and kin twisted to a perverted extreme.

Yes. So, while I admire (genuinely) conservative doctrines etc., I think even the older form of it--before it was corrupted by its modern neo-punks--had deficiencies that have to be cured by supplementing it with a more sophisticated and coherent economics and political ethics.

[Posted at 07/07/06 11:00 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Evicting Libertarian Party Principles: The Portland Purge](#)

[Evicting Libertarian Party Principles: The Portland Purge](#), by L.K. Samuels, is well worth reading. I did receive the following email:

Re: your post on the Portland Purge, I [...] was in Portland. I assure you that Samuels has many, many facts incorrect, for the record.

[Posted at 07/08/06 06:40 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [The Sovereign States](#)

I mentioned [in this post](#) James J. Kilpatrick's [The Sovereign States: Notes of a Citizen of Virginia](#) (Chicago: Henry Regnery Company, 1957), which I purchased on Tom DiLorenzo's strong recommendation. I'm half-way through it right now and ... wow. What an amazing book. Beautifully written and coherently and passionately argued. And very persuasive, and sound. Just take a look at this [brief excerpt](#) on the Kentucky and Virginia Resolves, and the federal judiciary. I guess Sandefur would say this guy humiliates himself--ha! \*\*\* I've also been told that [New Views of the Constitution of the United States](#), by John Taylor of Caroline, is very good (see reviews by [Monty Rainey](#) and [National Review](#). Yet another on my reading list.

[Posted at 07/13/06 09:21 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Reply to Feser on Block](#)

Ed Feser's recent [Contra the Rothbardians yet again: A Reply to Walter Block](#) is the latest entry in the

author's growing separation from libertarianism. I'm sure Block will reply, but I jotted a few notes down when reading his piece, and assemble some of them here. **Large Scale Public Actions and Contract Enforcement**. Feser writes:

I wrote only of large-scale public actions of a political or commercial type that have an inherent tendency to further the public legitimation of behaviors contrary to traditional morality.

A couple comments in response to this. First, this view would seem to argue that even private contracts between gays that attempt to mimic some of the legal rights married people have--such as rights of inheritance, custody of kids, visitation/hospital rights, power of attorney, including medical power of attorney and living wills, and co-ownership of real estate, etc.--would not be enforceable. The courts would be justified in both monopolizing law enforcement and justice and courts, and in refusing to enforce even private civil agreements between gays. I guess they get to hold hands, and that's about it. But as [I have argued](#), private contracts between gays ought to be enforceable. **The Trouble with Minarchy** Second, as indicated above, even if Feser's moderate limitations on standard libertarianism are limited to very visible/large-scale behavior, and limitations thereon by a local government--his views seem to require a state, at least at the local level. After all, in anarchy, how is he going to say that a local government could in some cases be justified in restricting some publicly immoral/corrupting behavior? In other words, Feser's views necessarily entail the existence of the state; so to that extent they are not libertarian, because libertarianism rejects aggression, and states require aggression. See my [What It Means to be an Anarcho-Capitalist](#); Gene Callahan, [The Most Crucial Gap in Politics](#). (NB: I think even when Feser was a libertarian he was a minimal-state type, not an anarchist.) **On Reluctant Aggressors** In my view, it's a bit curious that Feser has renounced libertarianism but then seems not to like it when implications of this--such as not being completely opposed to all forms of aggression (for this is what it means to be a libertarian)--are pointed out. I have noted this many times. Those who are not pure or complete libertarians are of course impure because they do not oppose aggression 100%; they condone it in some cases. This is why they are not libertarians; if they did oppose aggression consistently, they would be libertarians. But they say they are not libertarians, yet bristle at having it pointed out that they actually do in some cases condone aggression. I've seen this many times. For example, see some of my posts on the nature of aggression [here](#), such as Feser's [reply](#) to one of my replies (which was deleted from the L&P blog when I was banned for a while--but thank goodness for Google cache, eh?--see [1](#), [2](#), [3](#)), and my [The Trouble with Feser \(on Libertarianism\)](#). See also my post [Minarchists as State-Aggressors](#); and similar interchanges with or comments on non-libertarians such as: [Scott Richer and Thomas Fleming et al.](#) ([Fleming](#) again); one [Ralph Luker](#); [Jonah Goldberg](#). Notice how Richert et al. wriggle and squirm, trying to deny that they actually do condone aggression. It's kind of amusing. **On Taming Our Beasts** Feser writes:

UPDATE: It occurs to me that some readers might wonder whether what I say above about a community prohibiting

[Posted at 07/13/06 03:41 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Poor Harvard](#)

[Summers's supporters withhold \\$390 million from Harvard](#). Ha ha ha ha. I love to see liberals eat their own.

[Posted at 07/13/06 04:11 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## **Re: These People Must Be Stopped!**

[Tom](#), I too (as an IP attorney) find the copyright decision to be somewhat bizarre. In [Clean Flicks v. Steven Soderbergh](#), a "federal district court in Utah held that companies that "sanitize" ... motion pictures by removing sex, profanity, and violence, violate the motion picture studios' copyright." The court thought it was an easy case, apparently. So does this [law professor](#), who said "This case was about as straightforward a copyright case as there can be, and the court's determination is plainly correct". As the court wrote:

CleanFlicks first obtains an original copy of the movie from its customer or by its own purchase from an authorized retailer. It then makes a digital copy of the entire movie onto the hard drive of a computer, overcoming such technology as a digital content scrambling protection system in the acquired DVD, that is designed to prevent copying. After using software to make the edits, the company downloads from the computer an edited master copy which is then used to create a new recordable DVDR to be sold to the public, directly or indirectly through a retailer. Thus, the content of the authorized DVD has been changed and the encryption removed. The DVDR bears the CleanFlicks trademark. CleanFlicks makes direct sales and rentals to consumers online through its website requiring the purchaser to buy both the authorized and edited copies. *CleanFlicks purchases an authorized copy of each edited copy it rents.* CleanFlicks stops selling to any retailer that makes unauthorized copies of an edited movie. ... *CleanFilms maintains an inventory of the unedited versions of the copies it rents or sells to its members in a one-to-one ratio.* [italics added]

Note that CleanFilms buys one copy for every edited (sanitized) copy they rent. It seems to me, therefore, that this is just the digital version of physically removing parts of an analog movie on videotape. For example, suppose CleanFilms bought 1000 VHS tape versions of a movie, and physically removed lengths of tape that had nudity, then spliced it back together. Or, what if they just put white tape over the nudity-section of the film, or "erased" those lengths of tape, then re-sold the VHS tape. Or what if technology were developed that let them shoot a laser into the DVD and basically just blot out the sections of video that contained nudity? Could it be argued that any of this is copying or reproducing the movie? If not, why is the digital version of this any different? The fact that copyright law treats them differently shows how arbitrary and unjust it is.

[Posted at 07/14/06 03:28 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## **Randians on Taxes and War Crimes**

[Lew](#), regarding Bush's veto of the bill allowing federal funds to be used for stem-cell research, of course, expect the Randians to take the wrong, statist line on this. They don't oppose Bush for not being consistent, or for not preventing enough wastes of tax dollars; oh no, as Sheldon Richman [blogged](#), the Ayn Rand Institute *opposed* Bush's veto of the bill as "immoral" ! So devoted are Randroids to supporting the notion that unborn humans are "mere" "clumps of cells," that they are willing to support tax funding of scientific research. Richman has also recently pointed out that the Ayn Rand Institute also "[Endorses Slaughter of Palestinians](#)". You know, I used to think it was silly when Objectivists denied that the political part of their philosophy was basically libertarian. I take it back. They are no libertarians.

[Posted at 07/20/06 09:16 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 



## [The Great Blogosphere Brawl](#)

Fascinating [article](#) by Wendy McElroy about how an Internet feud between a right-winger and a psychopathic left-winger ended up making mainstream news.

[Posted at 07/20/06 10:09 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Re: The Tyranny of the Commons](#)

Anthony, [you wrote](#):

Government land is stolen land is unowned land. The taxpayers don't necessarily have any more claim to it than anyone else, depending on how the state first obtained it. If it can be clearly retraced back to original owners, that would be best. But I'd say the second best solution, short of having the land turned over to private ownership in as fair a way as possible, is to minimize state violence in the commons. I'd say the only thing that should be forbidden is the initiation of force. Feeding people is not initiating force.

A few points. First, what is the justification for your assertion, "Government land is stolen land is unowned land"? And what is your definition of unowned? How do you square it with your later comment that there might be "original owners"? If there are owners, it's not unowned, is it? And if the original owners sold the land to the state, or were paid compensation when it was taken, it seems to me the taxpayers and/or local community has a better claim on it than the original owner. (I discuss some related issues in [A Simple Libertarian Argument Against Unrestricted Immigration and Open Borders](#).) Your second-best solution is not bad, but I think it highlights that there is no single, objectively best second-best policy. That is your preference; other claimants on the land might have another preference. It seems to me that the land is definitely not unowned; it is better to regard as the owner the innocent people it was stolen from, or, if it was purchased or paid for with stolen funds, then the innocent people from whom those funds were stolen, namely innocent taxpayers. I will grant that it's a bit rich for the government which helps to cause poverty (and thus homelessness), and which in effect monopolizes "charity" or at least crowds out private charity with its welfare laws, wants to prevent private charity to alleviate the problem that government is responsible for. I'll grant you that. On the other hand, in a local town with a park, or some other resource, it seems reasonable that the residents who pay for it with their taxes might want to get some reasonable use-value out of it, which requires normal rules that might prevent practices that attract the homeless and maybe a criminal element. I can't see that libertarianism *requires* us to say that the libertarianly optimal second-best rule is no-rule-except-aggression-prohibition. Which means there is no optimal rule; but since it's obvious that not every rule is as good as others, then some criteria have to be used. A rule preventing converting a local park with typical park-uses into a homeless shelter/food distribution center does not seem like such a terrible rule to me--at least, not a clearly anti-libertarian one. OTOH, Gil and I are neighbors and friends, so we Houstonians have to stick together against you left-libertarians. :)

[Posted at 07/20/06 05:13 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Patty-Patty-Buke-Buke on the Israel-Lebanon Conflict](#)

Pat Buchanan, [No, this is not 'our war'](#) (BTW, Buchanan's nickname came from this [hilarious SNL skit](#) parodying The McLaughlin Group)

[Posted at 07/21/06 10:10 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Don't like liberals? OK, then give us back....](#)



This little poster ([discussion](#)) is trotted out by a bunch of do-gooder moronic liberals. I notice they don't offer to take back the income tax. Oh well, half a loaf. So... Okay guys: it's a deal!

[Posted at 07/24/06 04:32 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Sign of the Times](#)

I was in a large Barnes & Noble the other day with my three-year-old. He found a book he really liked, and said, "Daddy, would you order this for me?"

[Posted at 07/25/06 07:53 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Needing Torture](#)

On O'Reilly tonight, Bill was sparring with Democrat Congressman Gary Ackerman, who is on the House International Relations Committee. Discussing the double standard certain liberals have towards Israel--condoning more aggressive prisoner questioning than they would by the US--Ackerman said, "My view on terrorism is simple--I don't think that you should torture anybody who doesn't need it." Reminds me a bit of [the reported exchange](#) "many years ago between the Chief Justice of Texas and an Illinois lawyer visiting that state. 'Why is it,' the visiting lawyer asked, 'that you routinely hang horse thieves in Texas but oftentimes let murderers go free?' 'Because,' replied the Chief Justice, 'there never was a horse that needed stealing!'"

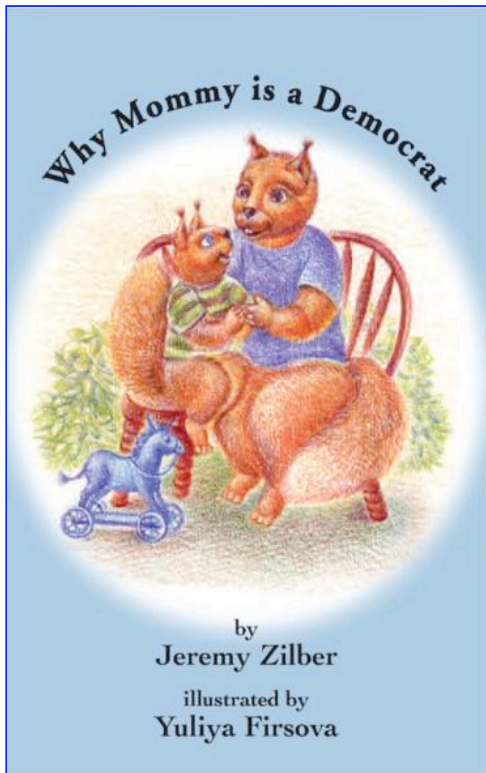
[Posted at 07/25/06 10:25 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Libertarian Thought Experiments](#)

(1). You're a prisoner in some Communist country, and the only meal you've been served (or will be served for the next month) is a plate of dry, saltless fries. You have the power to magically turn one of your fellow prisoners into salt. Who should be transmogrified in this way? (A) The socialist who's pregnant with twins; (B) The old man in a coma, whose assets will be cut in two by the estate tax if his plug is pulled; or, (C) The sentient dog who voted for Bush in this past election. The other questions are [here](#).

[Posted at 07/28/06 03:45 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Because she's a moron?](#)



[Posted at 07/28/06 03:54 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Stephen Colbert for President](#)

My belly is still aching. Anyone who can ridicule congresscritters like Colbert ought to be king.

[Posted at 07/28/06 11:58 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Greenpeace to advocate nuking the earth?](#)

[Scientist publishes 'escape route' from global warming](#) reports the emergency plan to save the world from global warming, by altering the chemical makeup of Earth's upper atmosphere. Professor Paul Crutzen, who won a Nobel Prize in 1995 for his work on the hole in the ozone layer, believes that political attempts to limit man-made greenhouse gases are so pitiful that a radical contingency plan is needed. ... he says that an "escape route" is needed if global warming begins to run out of control. ... Professor Crutzen has proposed a method of artificially cooling the global climate by releasing particles of sulphur in the upper atmosphere, which would reflect sunlight and heat back into space." Hey, if that doesn't work, why not use the phenomenon of [nuclear winter](#) to cool things down? You know, explode a few nukes, kick up dust, cool things down. Any takers? Greenpeace? Earth First?

[Posted at 07/31/06 11:33 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Clean Films and Government Permission](#)

In a [previous post](#), I noted the arbitrariness of copyright law in prohibiting editing a DVD to take out objectionable scenes, when presumably it would be legal to accomplish the same thing by other means--e.g., as I pointed out in a legal forum, by providing instructions to users to use to program a special DVD player that edits out the bad scenes "on the fly" in the user's home. Turns out there is such a service: [Clear Play](#) (thanks to Tom Woods for the link). You buy one of their DVD players, and load into it "filters" which you can download from the web with a subscription to their service. Amazingly, there was apparently some doubt about the right of consumers to do this, even for private use, so the [Family Entertainment and Copyright Act of 2005](#) was [passed last year](#) to amend the [Copyright Act](#) to make it clear that it is *not* a copyright infringement to use technological means (such as ClearPlay's DVD player

and filter service) to skip objectionable material, such as profanity, violence, or other adult material, in the audio/video works that they legally purchased. Gee, Congress, we're so grateful, so very grateful, that you are *permitting* us to *fast forward* and *skip* nudity, gore, and profanity, or other scenes we don't want to show, in our own homes, using our own DVD players. How generous of you. Is it okay if I skip commercials too, please? (Apparently, an [earlier version](#) of this bill contained "language that might make users and manufacturers of ad-skipping technology automatically liable for copyright infringement".)

[Posted at 08/01/06 03:51 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Lawyer Immunity](#)

Wendy McElroy's [Dancer's Suit Puts Corrupt Lawyers on Their Toes](#) is a fascinating account of a lawyer who might be liable for extortion due to the threatening way he demanded payment. The lawyer (Mauro) demanded that a famous dancer (Flatley), who allegedly sexually assaulted the lawyer's client, pay "seven figures", or he would sue and "ruin" him. Mauro and his client lost, but Flatley countersued both Mauro and his client for extortion. Sounding like a Congresscritter or judge, lawyer Mauro whined that his threats were "lawyer-to-lawyer communications that constituted a 'pre-litigation settlement offer' and, as such, they were protected by the First Amendment." Oh, boo hoo. Mauro lost in the trial court, and on appeal lost too: the appeals court said: "Mr. Mauro has effectively conceded and it is undisputed his speech and conduct are crimes. No prima facie showing has been made that Mr. Mauro's speech and conduct are anything other than unprotected acts of extortion." The case is now on appeal to the California Supreme Court.

[Posted at 08/01/06 11:38 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [V for Vendetta: On Objectivists and Nit-Pickers](#)

I saw [V for Vendetta](#) last night--[Huebert](#) is right. It's very good. (See also the positive reviews by [Butler Shaffer](#), [Anthony Gregory](#), [Thomas Luongo](#).) Sure, the movie missteps in some ways; it is a bit too compressed; a bit shaky on some explanations ... but it is trying, trying hard, to seriously do a serious film. Or, as my favorite film critic (next to [Mr. Cranky](#)) [Mark Kermode](#) might say, it is a "proper film" (in fact, listen to his review [here](#)). As for some of the critics, I must say I don't quit get their quibbles. They seem either trivial (focusing on irrelevant details like how the biological warfare really happened, or whether the love story between V and Evey is really convincing), or pettifogging. For example, one [Ross Levatter](#), writing in *Liberty*, complains that, instead of promoting the anarchist message that violent rebellion is justified even against a normal state, the movie "tries to justify the terrorist actions of V by pointing out that this is a *corrupt* government, which kills its own citizens". Um. Isn't that enough? Isn't it true that violent opposition to a corrupt government is a good thing? I mean, give me a break. (See also Colin Patrick Barth's [critical review](#) on LRC.) Worse is the reaction by Robert L. Jones, in his review "V for Vapid," in the April 2006 of [The New Individualist](#), a generally very good Objectivist magazine. Jones has some silly complaints--Hugo Weaving's acting is "stiff" (?); V moves too fast for someone who suffered burns over his body; V's "alliterative soliloquy containing forty-seven words beginning with the letter 'V'" sounds like "Snidely Whiplash doing a Jesse Jackson impression" (talk about snide!). He also complains that V has an "abiding and strident narcissism," as when he takes over the British broadcasting network to inform the people that it was he who had bombed the Old Bailey--not some scheduled demolition, as the government lies had stated. Can this really be an Objectivist making this complaint? Narcissism? Um... has anyone read a speech by a Rand character? Anyone remember John Galt taking over the radio networks to preach at them for three hours? But what really irks Jones is that the movie "fetishizes freedom through its

direct advocacy of anarchy". Jones seems upset that V blows up the Old Bailey and Parliament. According to Jones, this act is akin to the terrorist destruction of the World Trade Center and the murderous rampage at Columbine High School. What? Hey, why not throw in Howard Roark's [dynamiting of Cortlandt Homes](#)? My jaw dropped when I read this comparison. Here is an Objectivist comparing naked terrorist aggression against innocent victims, to justified attacks on the property of a totalitarian state! The movie makes it clear that V has a strategic purpose in dynamiting these state buildings: for symbolic reasons, to unite the populace and to spur them into action, to help burst the bubble of legitimacy the corrupt state was relying on, and because the state had coopted these symbols of justice and had corrupted them. This is clearly a Randian type of motive and theme.

[Posted at 08/02/06 12:16 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Switzerland: Home of the Free](#)

Interesting [article on Switzerland](#) by Zmirak (I would say "hat tip" to Manuel Lora, but only sissies say that).

[Posted at 08/03/06 09:35 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Capitalist Manifesto](#)

[Capitalist Manifesto](#): *A specter is haunting Europe. It's the gospel of free markets, loosed from chains.* By Stefan Theil in Newsweek International. "Hat tip" (ugh) to the usual suspects. [Digg it](#).

[Posted at 08/07/06 01:31 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [I wanna be illegal](#)

[A Maryland resident petitions his senator](#) June 7, 2006 The Honorable Paul S. Sarbanes 309 Hart Senate Office Building Washington DC, 20510 Dear Senator Sarbanes, As a native Marylander and excellent customer of the Internal Revenue Service, I am writing to ask for your assistance. I have contacted the Immigration and Naturalization Service in an effort to determine the process for becoming an illegal alien and they referred me to you. My reasons for wishing to change my status from U.S.Citizen to illegal alien stem from the bill which was recently passed by the Senate and for which you voted. If my understanding of this bill's rovisions is accurate, as an illegal alien who has been in the United States for five years, what I need to do to become a citizen is to pay a \$2,000 fine and income taxes for three of the last five years. I know a good deal when I see one and I am anxious to get the process started before everyone figures it out. Simply put, those of us who have been here legally have had to pay taxes every year so I'm excited about the prospect of avoiding two years of taxes in return for paying a \$2,000 fine. Is there any way that I can apply to be illegal retroactively? This would yield an excellent result for me and my family because we paid heavy taxes in 2004 and 2005. Another benefit in gaining illegal status would be that my daughter would receive preferential treatment relative to her law school applications. If you would provide me with an outline of the process to become illegal (retroactively if possible) and copies of the necessary forms, I would be most appreciative. Thank you for your assistance. Your Loyal Constituent, Pete McGlaughlin

[Posted at 08/10/06 09:20 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Re: Mel, Michael and Anti-Semitism](#)

Anthony--good [points](#), all. But I think Jackie Mason's [take on it](#) sounds about right. First, let's remember, (a) Mel was drunk; and (b) he apologized profusely afterward. By contrast, the statements of Moore, even if not as extreme, were not the result of drunkenness, and were not apologized for as far as I know. And compare the blatantly anti-semitic tirades of democrat Cynthia McKinney's "New Black Panther" moronic [defenders](#). Let's be clear: is there really any reason to believe Gibson is genuinely anti-semitic? I don't think so. Common sense says no. And let's also be clear: why is he hated by the left? Because they really think he's anti-semitic? Of course not. It's because of his brazen and uncompromising promotion of Christianity and his failure to capitulate to the left's agenda (as K-dog [has noted](#)). I feel sorry for Mel. My take is that he is a basically good guy, a sincere guy, and a bit messed up, and attacked unfairly probably hundreds of thousands of times with "anti-semitism" charges primarily because he dared to make a movie that is fairly faithful to the New Testament; so is it any big wonder that in a drunken rampage he rails at a group that has largely castigated him? That he in effect flips them the bird? Does it justify it? I don't know, and frankly, I don't care. My concern for justification has to do with rights violations, and Gibson didn't commit any, so his actions don't need justification, strictly speaking, as far as I am concerned. Does it explain it? Perhaps, somewhat. Does it excuse it? Probably not. It's not really my business. Nor that of Abe Rosenthal. Does it mean that the one-sided, overwrought, hyperbolic, predictable cries of anti-semitism lack a certain degree of credibility? Yeah. I think so. And while some neo-cons may be speaking out of both sides of their mouth defending Gibson and attacking any anti-Israel/anti-war leftists as being "anti-semitic," libertarians need not be hung by that albatross: the problem with the left is their smug, superior, dishonest willingness to [condone human evil even when it has become clear that good does not come out of it](#). The left are human trash, leaving a putrid stench that almost forces ones to close his eyes; and being criticized by them leaves no deep wound. One might say that an attack by the left gives rise to the presumption that the subject is a good guy. Bottom line: my hunch is Mel Gibson is a basically decent man, who tries harder than most to resist the stardom appeals, and who has resisted the leftist siren more than most; but who, like many, is a flawed person who made a stupid mistake, and apologized explicitly and without reservation for it. Who would you rather be left alone on a desert island with--Gibson, or the malevolent Michael Moore, or any run of the mill Democrat? Give me Gibson over your typical Democrat any day. Even if Gibson were somewhat bigoted in some of his internal views, this private moral sin pales in comparison to the actual aggression, violence, theft, crime and murder advocated by, and foisted on us by a state endorsed by, the left. If these evil sub-humans are irked by Gibson's tirade, maybe that's a silver lining. \*\*\* Follow up: Someone bristled at my "the left are human trash" comment. Let me ask: What would sadden you more: Mel Gibson; or, say, Michael Moore, Al Gore, or Al Franken dropping dead of a heart attack? Res ipsa loquitur (the thing speaks for itself).

[Posted at 08/10/06 09:24 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

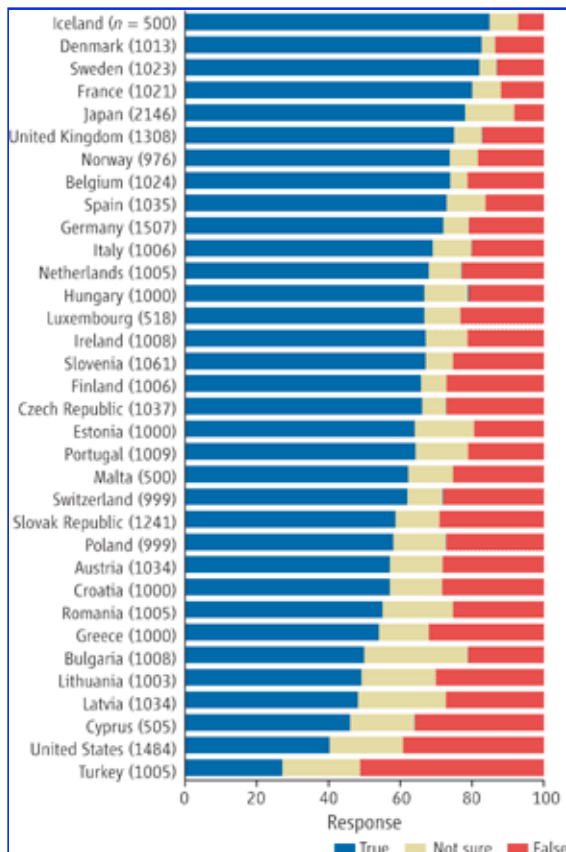
## **[Make Mine Freedom](#)**

Propaganda cartoon produced by Harding University, Searcy, Arkansas, 1948, warning of the dangers of socialism--which is refers to obliquely as "isms". It's a bizarre combination of pretty explicit anti-communist, anti-statist messages, plus a decent--if airbrushed--promotion of an idealized version of American capitalism, mixed in with endorsement of maionstream welfarism (unions, right to strike, etc.).

([Google video version.](#))

[Posted at 08/12/06 11:20 AM by **Stephan Kinsella** on [LewRockwell.com](#) 🗨]

### [America: Second Best?](#)



Of 34 countries surveyed. Or second best, depending on your perspective. The only country worse (better?) was Turkey. "Adults in each country were asked whether they thought the statement 'Human beings, as we know them, developed from earlier species of animals,' was true, false, or if they were unsure." In countries like France, Japan, UK--70% or so said "true". Bottom was Turkey, at around 27%; US next lowest at 40%. Apparently "genetic literacy has a moderate positive relationship to the acceptance of evolution in both the United States and the nine European countries. This result indicates that those adults who have acquired some understanding of modern genetics are more likely to hold positive attitudes toward evolution." (I come out on the "second worst" side of this issue.)

[Posted at 08/12/06 10:13 PM by **Stephan Kinsella** on [LewRockwell.com](#) 🗨]

### [Darknet!](#)

The heroic Swedes: [launching a "Darknet"](#) -- "a new Internet service that lets anybody send and receive files and information over the Internet without fear of being monitored or logged. In technical terms, such a network is



called a "darknet". The service allows people to use an untraceable address in the darknet, where they cannot be personally identified."

[Posted at 08/14/06 12:32 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## **[Re: The Revolution Picks Up Steam, Puts Down Cream](#)**

[Anthony](#)--umm... I did try Jeff's hot-water shave, and maybe even some other of his [Rules of Living](#), but... is it safe for me to admit... I'm considering laser hair removal? Permanent facial depilation, baby!

[Posted at 08/15/06 11:11 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## **[When I hear "mean-spirited," my trigger finger gets itchy](#)**

[Town Sued Over Strict Immigration Law](#) reports:

"This mean-spirited law is wrong for many reasons but the most obvious is that the city does not have the power to make its own immigration laws," Omar Jadwat, an attorney for the ACLU's Immigrants' Rights Project, said in a statement.

Oh. I didn't realize there was a "mean-spirited" clause in the Constitution. And since when did the ACLU only support laws that are authorized by the relevant constitution?

[Posted at 08/16/06 01:53 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## **[Van Dun on Argumentation Ethics](#)**

The brilliant and erudite Dutch libertarian legal theorist Frank Van Dun has a powerful, rich and provocative draft article: [Comment on R.P.Murphy](#)

[Posted at 08/22/06 04:58 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## **[God Might Disagree](#)**

According to [this report](#), virgins don't make good egg donors. Apparently the theory is "that somehow the lack of sexual experience made it harder to maturely make the egg donation decision."

[Posted at 08/22/06 06:36 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## **["Just because we're Muslim does not mean we are suicide bombers."](#)**

That's gotta be the [quote of the day](#). It might make a good teeshirt. But don't wear it on a plane. But a strong contender is [this one by Mencken](#): *Every normal man must be tempted at times to spit upon his hands, hoist the black flag, and begin slitting throats.*

[Posted at 08/23/06 10:12 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## **[Tax Protestors Win One](#)**

Admittedly, I often [criticize](#) the tax nuts who claim the income tax is somehow "not mandatory" or only applies to corporations. Well, as discussed [here](#), a federal court has ruled

that a small part of the federal tax code exceeds Congress's power to lay income taxes under the Sixteenth Amendment. The tax code, the court held, does tax as income compensatory damages for emotional distress and loss of reputation. But such damages aren't "income" for purposes of the Sixteenth Amendment ("The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration"), because they are not a gain but merely a compensation for loss; therefore, the court held, they can't constitutionally be subjected to the income tax.

I'm sure the income tax-skeptics will go bonkers over this, saying they are finally starting to win. I would not hold my breath.

[Posted at 08/23/06 02:15 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### **[Bush Loses Planet Under His Watch!](#)**

Pluto (1930-2006), [R.I.P. Pluto Gets the Boot - Solar System Shrinks to 8 Planets](#). What other President has ever lost an entire planet?!

[Posted at 08/24/06 11:54 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### **[Footnoting a "Him"](#)**

It is more and more common for journals, especially in leftist or PC fields like law, to insist on gender neutral language. In a law review article I published in 1997, I insisted on using the masculine form as generic. They grudgingly agreed, but actually dropped a disclaimer footnote on the first use of "him". It's a bit funny, a bit pathetic. See note 27 to [this article](#), which reads: "It is the general policy of the *Loyola of Los Angeles Law Review* to use gender-neutral language. The author, however, has chosen not to conform to this policy." See also [this post](#) about another political-correctness tussle I had with another law journal.

[Posted at 08/24/06 02:55 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### **[Of Orcs and Trolls: Elevated Constitutional Discourse](#)**

From the [oral arguments](#) in [eBay Inc v. MercExchange](#), a recent Supreme Court case:

JUSTICE SCALIA: By not occupying it, you mean including not licensing it to somebody else.

MR. PHILLIPS: Well, if you didn't license it -- and actually we have no relevant licenses here too -- that would be another factor that ought to be -- that ought to count in the mix. Again, it's not -- I'm not looking for a presumption the other way and I'm not looking for categorical rules that say that if you -- if you're a nonperforming entity, that you don't get a license, or even if you're a troll, as that term gets bandied around, that you're never entitled to a -- to an injunction. JUSTICE KENNEDY: Well, is -- is the troll the scary thing under the bridge, or is it a fishing technique? I -- I want -- (Laughter.) MR. PHILLIPS: For my clients, it's been the scary thing under the bridge, but -- (Laughter.) JUSTICE KENNEDY: I mean, is that what the troll is? MR. PHILLIPS: Yes, I believe that's the -- I think that's

what -- what it is, although you -- maybe we should think of it more as Orks [Orcs], now that we have a new generation, but at this point troll is the word that gets -- that gets used.

[Posted at 08/25/06 03:35 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Sandefur Humiliation Alert: The Heroic Judge Napolitano](#)

As [noted previously](#), according to the standards of Claremont "Lincoln Fellow" Timothy Sandefur, there are an "alarming number of libertarians willing to humiliate themselves with such concoctions as the 'right to secede.'" He recommends we "sober" ourselves with the brilliant book by non-libertarian, mainstream Ivy League law professor Akhil Reed Amar. Yes, that's what we libertarians need--a good dose of modern academic law professor thinking. So let's see. Sandefur's list must include those of us who appreciate the USA's federalist origins, such as Tom DiLorenzo, Tom Woods, yours truly, and many others who commit the crime of being honest and perspicacious enough to look at the issue with open eyes and with suspicion for the central state (or maybe not: he told me he doesn't view those in our crowd as libertarians but as paleoconservatives--hahahaha, this, coming from him?). But as noted in other posts ([1](#), [2](#), [3](#)), Sandefur's schoolmarm, cocktail-party, politically-correct "libertarian" standards would also condemn as "humiliated" such lightweights and constitutional ignoramuses as:

- John Taylor of Caroline
- Lord Acton
- William Lloyd Garrison
- [Ezra Heywood](#)
- Alexis de Tocqueville
- Richard Cobden
- Thomas Jefferson
- Albert Jay Nock
- Raoul Berger
- William Rawle
- Murray Rothbard
- Walter Williams
- William Watkins
- James J. Kilpatrick

In Tom DiLorenzo's [superb review](#) of the latest book by Judge Andrew Napolitano, *The Constitution in Exile*, Tom points out that the book contains a hard-hitting chapter, "Dishonest Abe: The Lincoln You Didn't

[Posted at 08/26/06 09:15 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [On Footnotes, Endnotes, and Barking Dogs](#)

Chatting with David Heinrich he offhandedly mentioned his preference for footnotes over endnotes. I agree. I've always despised endnotes. Endnotes are preferred by those who never read them, which is to say, by philistines, dilettantes, and poseurs. That said, I must admit I've always liked the following comments by [Bryan Garner](#), in [The Elements of Legal Style](#) ([page 93](#)). Garner notes that although footnotes can usefully refer you to other references, "you can hardly ignore, at the foot of every page, the notes that 'run along, like little angry dogs barking at the text.'" These days, the notes are more likely Great

Danes than chihuahuas." [Quoting S.M. Crothers, "That History Should Be Readable," in *The Gentle Reader* 172 (1903; repr. 1972).]

[Posted at 08/29/06 11:02 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [The Real Abraham Lincoln: A Debate](#)

The Independent Institute has the transcript and audio for this [great debate](#) between Harry Jaffa and Tom DiLorenzo. DiLorenzo is the clear winner, since he is right.

[Posted at 08/29/06 01:03 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Sacrificing truth on the altar of diversity](#)

[Sacrificing truth on the altar of diversity](#), by Jeff Jacoby. Recounts how children's textbook publishers are struggling to meet "diversity guidelines" which "require you to include pictures of disabled children in your elementary and high school texts." "How can you meet your quota of disability images if you don't have disabled models who are suitably photogenic?" Houghton Mifflin "keeps a wheelchair on hand as a prop and hires able-bodied children from a modeling agency to pose in it." It's also noted that "images of Chicanos can be passed off as American Indians from the Southwest, because they 'look very similar.' Similarly, Golden notes, a textbook photographer tells clients that since the 'facial features' of some Asians resemble Indians from Mexico, 'there are some times where you can flip-flop.'" Additionally, "pictures of authentic Hispanics who happen to have blond hair or blue eyes don't count toward the Hispanic quota 'because their background would not be apparent to readers.' In other words, rather than expose schoolchildren to the fact that 'Hispanic' is an artificial classification that encompasses people of every color, publishers promote the fiction that all Hispanics look the same -- and that looks, not language or lineage, are the essence of Hispanic identity.'" Aren't our "liberal" masters wonderful and tolerant of diversity?

[Posted at 08/30/06 11:07 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Re: Workers of the world unite...for liberty](#)

[Norman](#)--of course, we ought to condemn the "corporate state"--which [Richman](#) defines as "the systematic intervention largely on behalf of incumbent business interests that tamps down competition and squelches alternatives, including self-employment, for many workers." Yes, various government regulations harm the poor, and are favored by big business (e.g., minimum wage laws). (Here, Rand was sadly too idealistic in proclaiming "big business" to be "America's Persecuted Minority"--yes, it is, in a sense; but being an owner of capital does not make one an advocate of laissez-faire capitalism, unfortunately.) Sure, maybe we can impress lefties if we "emphasize how the current corporatist 'mixed economy' harms working people"--to the extent we agree that corporations and business should not receive favoritism and subsidies. But somehow I think joining forces with the left's corporation- and industry-bashing won't really help liberty. You often hear liberals say Republicans, if they oppose welfare, should also oppose corporate welfare. Of course this is true--but the liberal is merely scoring debating points by highlighting Republic hypocrisy. Do we really believe the liberal wants to get rid of both corporate and individual welfare? Of course not. I fail to see what good it will do to show them that we agree with them that corporations should not get special legal treatment or tax subsidies. The liberal is not against subsidizing corporations because he opposes tax subsidies per se; he is against subsidizing business because of a hatred for

industrialism and progress (here, I think Ayn Rand was more or less on target; see, e.g., her *The New Left: The Anti-Industrial Revolution*; see also Lew Rockwell's great [Anti-Environmentalist Manifesto](#), and his [My Vice: Hating the Environment](#)). And can you imagine a liberal calling shoplifters "monsters," as Rockwell rightly does in his caption ("Attention, Shoplifters: Stores are using hi-tech to fight these monsters") linking to [this story](#)--? And note, the liberal considers a tax break to be a subsidy. I fear joining in the left's corporation- and business-bashing will be analogous to advocating a national sales tax or flat tax to "replace" the income tax: if you do this, as [Rockwell notes](#), you'll just end up with both.

[Posted at 09/06/06 12:58 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Happy National Payroll Week!](#)

[Sigh](#). I guess Milton Friedman is celebrating.

[Posted at 09/06/06 09:14 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Yippee! Objectivist College Being Formed!](#)

Objectivist professor Gary Hull, a professor at Duke, [plans for-profit college with classic curriculum](#):

DURHAM, N.C. - Gary Hull thinks today's colleges are failing, and he believes he has a better way. Hull, who teaches at Duke University, plans to start a liberal-arts college in the fall of 2007. His plan is to operate it as a for-profit business, with investors, a copyrighted curriculum and a bottom line. ... Called Founders College, the school would offer programs in liberal arts and business and a classic curriculum in philosophy, history, economics and literature, Hull says. He hopes to start with 100 students the first year and build to 500 by the fifth year. Tuition would be about \$22,000 a year, Hull says, and the school would have no sports teams. ... At Duke, Hull is a nontenured faculty member and director of the university's Program on Values and Ethics in the Marketplace. He is a scholar of Rand, the novelist and philosopher who wrote "Atlas Shrugged" and "The Fountainhead." Her philosophy emphasized individualism, rational self-interest, capitalism and limited government. But Hull maintains there is no connection between Founders College and any particular philosophy or outside organization such as the Ayn Rand Institute, for which he has written articles.

This might not be a terrible idea--and it's good to see any challenge to the monopolistic educational establishment--but private conservative and religious schools have a hard enough time competing. If Founders College adopts a Randian secular "rational" hostility to religion and Christianity, that might make it even more difficult to find students. And of course it is crucial that it become accredited. One can only assume that accreditation is one of its goals. If not, it is probably a mistake: if a college degree is not accredited, one might as well save the money and time and become an autodidact. Interestingly, one of the reasons [George Reisman](#)--an intellectual giant; sincere, honest and passionate scholar of freedom; and true gentleman--was kicked out of the Ayn Rand Institute in one of its many purges, is apparently Reisman's [disagreement with Harry Binswanger's policy of discouraging graduate students in philosophy from pursuing their doctorates](#). As one account has it in [this forum](#),

And who was on the ARI Board of Directors that voted to pay the high salaries to Schwartz and Binswanger? Why, Schwartz and Binswanger, of course! Surprise! That's right. Schwartz and Binswanger voted, as members of the Board of Directors, to pay themselves high salaries

out of the ARI coffers, for teaching at the Objectivist Graduate Center. ... [Reisman] didn't want to pay Schwartz and Binswanger .... [Reisman] thought that the needs of the students at the Objectivist Graduate Center could be met just as well, and for far less money, by using local Objectivist graduate students and PhDs, instead of flying Schwartz and Binswanger across the country for seven weeks, and paying them fifty thousand dollars (about ten times what a typical college professor makes for the same amount of teaching). ... Of course, this wouldn't have put any money in the pockets of Schwartz and Binswanger, so George was declared to be "immoral," and kicked out of the ARI.

(See also, on this: [Why I do not support the "official" Objectivist "movement"](#); [George Reisman's Campaign for Capitalism](#); [Reisman vs. ARI \(Re: The Betsy Speicher Flip Flop\)](#)).

[Posted at 09/06/06 09:46 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### **[Re: Gizzary Hull \(on Objectivists and Randians on Charity and Benevolence\)](#)**

Tee-boy--re the Hullster--yeah, the Objectivists are utterly unbalanced and off their rockers on the issue of libertarianism. As I noted [here](#), their denunciations of libertarianism at first led me to avoid works by Rothbard et al., assuming Rand was right that they were "evil"; finally realizing that the "political" branch of Objectivism was basically (minarchist) libertarianism. (See, e.g., Peter Schwartz's [Libertarianism: The Perversion of Liberty](#) (naturally, due to Objectivists hyper IP stance, not online that I can find; see [this response](#) by Kevin McFarlane; and [this one](#) by Walter Block). And as I pointed out in the comments to [this post](#): Objectivists harp on the notion that without the full-fledged Objectivist philosophy, the concept of "liberty" is meaningless. But liberty is just a shorthand for describing the state of non-aggression. That is, it is based on the concept of aggression. And *even Rand believed that this was a simple, obvious phenomenon*:

Whatever may be open to disagreement, there is one act of evil that may not, the act that no man may commit against others and no man may sanction or forgive. So long as men desire to live together, no man may *initiate*--"do you hear me? No man may *start*--"the use of physical force against others.

This is Ayn Rand, in "Galt's Speech." Here it is very clear that Rand quite properly recognized that aggression--the initiation of force--is a fairly simple, elementary concept. Libertarians are those who believe aggression is not justified (as I have pointed out in [What It Means To Be an Anarcho-Capitalist](#)). Now Objectivists may think their the libertarian *justification* of this proposition is flawed (I think Rand's is flawed); but I think they are in trouble if they try to maintain that libertarianism *is not coherent*--it is as coherent as Objectivism's politics is, since both reason based on the coherence and fundamentality of the primary concept of aggression. In fact, as I pointed out in [A Libertarian Theory of Punishment and Rights](#):

[An aggressor] A might claim that our classification of actions as either aggressive or not is invalid. We might be smuggling in a norm or value judgment in describing murder as "aggressive," rather than merely describing the murder without evaluative overtones. This smuggled norm might be what apparently justifies the legitimacy of punishing A, thus making the justification circular and therefore faulty. However, in order to object to our punishment of him, which is just the use of force against him, A must himself admit the validity of describing some actions as forceful--namely, his imminent punishment. If he denies that any actions can be objectively described as being [coercive](#), he has no grounds to object to his

punishment, for he cannot even be certain what constitutes punishment, and we may proceed to punish him. The moment he objects to this use of force, however, he cannot help admitting that at least some actions can be objectively classified as involving force. Thus, he is estopped from objecting on these grounds.

On that thread, a Randian wrote,

Objectivism provides answers to these questions because it is systematic, and politics can only arise out of a proper metaphysics, epistemology and ethics. Politics (e.g., libertarianism) is not a primary.

Not buying it. And note this: any philosophy that is by and large composed of decent, benevolent, nice, charitable people--as I think Objectivists are, at heart--and that makes its followers feel so guilty about being benevolent and charitable that they think you need a whole book written just to give them moral permission to be nice to their neighbors... has something screwed up about it. You don't need a fancy philosopher's tome to justify being nice to your fellow man. It's just common sense. No agonized, handwringing guilt over it is needed. But of course, to realize this, they'd have to ditch Rand's flawed concept of "altruism" and that would lead to further unraveling of the tapestry. NB: I do not mean here to deprecate the [valiant effort](#) by David Kelley--whom I have always liked and respected--to square Objectivism with the virtue of benevolence. I criticize rather the very idea that one ought to feel guilty for being charitable and benevolent to others *unless one has worked out a justification for it*. This is implied in Rand's cavalier dismissal of the eleemosynary impulse, her barely disguised disgust for it implied in her *tolerance* (!) of it in her [views on charity](#):

My views on charity are very simple. I do not consider it a major virtue and, above all, I do not consider it a moral duty. There is nothing wrong in helping other people, if and when they are worthy of the help and you can afford to help them. I regard charity as a marginal issue. What I am fighting is the idea that charity is a moral duty and a primary virtue.

Get that? *There is nothing wrong in helping other people* -- why thank you Ayn! Now I have permission! My God, this is bad enough, to imply that it even needs to be said that there is *nothing wrong* with helping others! But she can't even say this without caveat: she has to add: "if and when they are worthy of the help and you can afford to help them." Now you have to agonize and wonder if your beneficiaries are "worthy" of the help or if you can really "afford" it (does this mean no student or non-retired or non-independently-wealthy person should ever donate to ARI? After all, until you have saved enough to retire on, every dollar should go to your own maintenance/investments, not to charity!). \*\*\* Update: See also Butler Shaffer's critique of Objectivism in chapter [LXXXIX](#)

[Posted at 09/06/06 01:47 PM by [Stephan Kinsella](#) on [LewRockwell.com](#) 

### [\*\*The Weekly Standard and an Objectivist Get One Right \(Eminent Domain\)\*\*](#)

Great article by Matt Labash in the 09/11/2006 *Weekly Standard*, [This Land Is Whose Land?](#), "In which Piscataway seizes the Halper family farm." Details Objectivist Logan Darrow Clements's attempts to have Supreme Court Justice Souter's home condemned because of his vote in the Supreme Court's June 2005 *Kelo* decision, and his attempt "film the forcible removal of a family from their property" in Piscataway, New Jersey. Great article, except for the comment that "Supreme Court justice Stephen Breyer, ... like Souter, voted the wrong way on *Kelo*...". Anti-centralists and Constitutionalists know this is [not quite](#)

[right](#).

[Posted at 09/06/06 11:46 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Ah, to relive high school again](#)



[Schoolboy snares Miss Universe Australia for school dance](#)

[Posted at 09/07/06 10:24 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Re: When bashing business advances liberty](#)

Norman, [you wrote](#): "However, I do believe we may be able to gain some converts among well-meaning leftists who sincerely care about helping low-income people..." Sorry, could you repeat that? I thought, for a second, you referred to "well-meaning leftists". There must be some computer glitch.

[Posted at 09/07/06 10:28 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Re: Sandefur Humiliation Alert: The Heroic Judge Napolitano](#)

Little Timmy, the faux-libertarian Lincoln idolator and lover of centralism who bizarrely wants to hold himself out as having the authority to lecture to us "lesser libertarians," [didn't like](#) my [post](#). This bizarrely smug, self-important twit has shown himself to not be worth responding to, except to note that he told me that Tom Palmer is the finest libertarian mind we have. Yes, I am not making this up! Need anything more be said?! *Ha ha ha ha ha ha ha ha ha ha ha ha ha ha ha ha ha ha ha!* ROTFL!

[Posted at 09/08/06 10:49 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Bomb bomp bomp, Another One Bites the Dust-a: Robert Ringer on The Survival of Western Civilization](#)

[The Survival of Western Civilization](#).

The past 25 years have been an intellectual tug of war for me. Morally, my soul is still attached to the notion that the keystone of libertarianism

[Posted at 09/08/06 03:05 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Re: We're Not Worthy](#)

[Tom D](#) and [Tom W](#), right on, my neo-confederate brothers. (Joke, joke, I KID the Timster.) For anyone with a passing familiarity with contract law or international law (not that [I know much about either topic](#) :), it's natural to view the Constitution as a compact--treaty--between sovereign states. The original States party to this treaty created, by means of this instrument, a new international legal entity the powers of which were defined by the Constitution. International law recognizes the creation of new states or even non-states with legal personality under international law, such as the United Nations, European Community, European Union, OAS, etc.--see, e.g., Ch. XXX of Ian Brownlie's seminal [Principles of Public International Law](#). Interesting, as Brownlie [notes](#) on pp. 59-60, regarding the status of "states" as



legal persons under international law:

The position of members of federal unions is interesting. In the constitutions of Switzerland and the German Federal Republic component states are permitted to exercise certain of the capacities of independent states, including the power to make treaties. In the normal case, such capacities are probably exercised as agents for the union, even if the acts concerned are done in the name of the component state. *However, where the union originated as a union of independent states, the internal relations retain an international element*, and the union may act as agent for the states. *The United States constitution enables the states of the Union to enter into agreements with other state of the Union or with foreign states with the consent of Congress.*[emphasis added]

Note the almost casual observation implicit here, that the international legal personality known as the USA under international law *originated as a union of independent states*--states that even to this day are able, under international law, to enter into treaties with foreign states (that Congress's consent is needed does not change the fact that they are sovereign "states" in the international law sense). In fact, this distinction makes a difference--as Brownlie observes, in other unions with "constituent" states, such as Canada, or Germany--that is, a union or state that did not arise as a union of independent states already having legal personality on the international law plane--if such a constituent state enters into a treaty, it is really acting merely as agent for the union, which is the "real" international legal personality. By contrast, where the union is a creation of independent states under international law (as in the US case), these states may still be parties to treaties in their own right, under international law. This commonplace observation under mainstream, standard international law principles of course supports the "compact" theory of the US union, as do standard principles of contract law. (The issue of delegation of powers by states to international legal organizations is also treated in detail in chapter 5 of [International Organizations and their Exercise of Sovereign Powers](#), by my good friend Dr. Dan Sarooshi (I met Dan when obtaining my master's in international law at King's College London and the London School of Economics; in fact, not only did we share the same student dorm (King's College Hall, in Camberwell), Dan and I both studied under Lady [Rosalyn Higgins](#), now Chief Justice of the International Court of Justice, who was then a law professor at LSE. What a pleasure. The woman is amazing. But again, let me reiterate, I know absolutely *nothing* about international law.) \*\*\* Note: Tom D, Timmy now has an addendum to his post admitting that he was wrong in saying that your writings were "almost the exclusive foundation for the book under review." He says he should have said "for the relevant chapter in the book under review." But then he says this "mistake" was "a completely irrelevant one, since this is the chapter relating to the subject at hand." What is funny about this is that it was DiLorenzo who told me about that chapter's reliance on his work, and knew I was going to blog it. He was not hiding it! Moreover, note this his reply is devoid of substance. It amounts to name-calling and ad hominem, and whining that no one is taking his little blog posts seriously enough. He calls me a "silly little man," which is, even if true, utterly irrelevant; he lies and says I don't "believe in considering the ideas of those who don

[Posted at 09/09/06 02:22 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## **[Re: Reuben deviationists](#)**

Okay [guys](#), I have to weigh in here: Sure corned beef sammiches are good ([Corned Beef Academy](#) is good, it). But if you are ever in the Philadelphia area (specifically, West Chester, in the western suburbs), the best Philly cheesesteak I've ever had is at [The Pepper Mill](#). (Also: [Murphy's Deli](#) makes a *mean* muffaletta.) But let me tell you, bruthuh: the world's best ham sandwich can be had at [Lea's Lunchroom](#) in

Lecompte, Louisiana. Das good ya cher! (Just found out tonight, googling, Mr. Lea was on the Johnny Carson show one time--[this video](#) is priceless!)

[Posted at 09/12/06 10:18 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [The Feds Finally Caught Up With Me!](#)

Look what they did to my [poor website](#). Okay, okay, I spoofed it--copied from a [site that really was shut down](#) by the FBI.

[Posted at 09/13/06 10:19 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

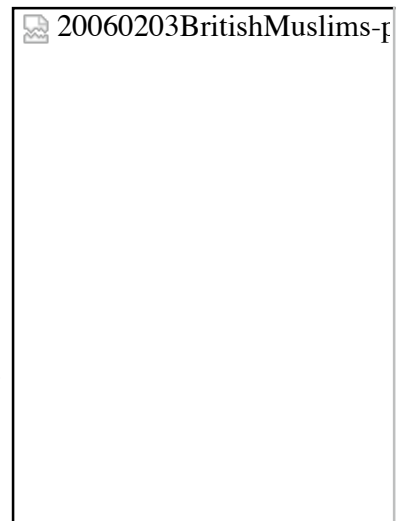
### [Islam: Don't call us intolerant--you won't like the consequences!](#)

From [Turkish Lawmaker Compares Pope to Hitler](#):

"Anyone who describes Islam as a religion as intolerant encourages violence," Foreign Ministry spokeswoman Tasnim Aslam said.

Uhhhhhhh. Anyway, this guy is starting to sound like the official [apology lobby](#) who always say an apology is never "good enough" and keep demanding more:

"We do not accept the apology through Vatican channels ... and ask him (Benedict) to offer a personal apology - not through his officials - to Muslims for this false reading (of Islam)," Grand Ayatollah Mohammed Hussein Fadlallah told worshippers in his Friday prayers sermon.



Good Lord.

[Posted at 09/15/06 10:37 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Re: Nicotine Nazis](#)

[K-Dog](#)--yeah smoking gets the nanny nazis going doesn't it? My very first LRC column, [Let Kids Smoke](#), drew more hate mail than any since, even the ones advocating [relocating Israel to Utah](#) or praising the [Kelo eminent domain](#) decision.

[Posted at 09/17/06 10:52 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Apple's Mean-spirited ad campaign](#)

Now usually the use of the term "mean-spirited"--usually trotted out by leftists who attack positions based on their emotions--makes my trigger finger itchy. But this [piece in Slate](#) about the [Mac v. PC television ads](#) is brilliant.

[Posted at 09/18/06 07:06 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Uh oh--is Gore getting smarter?](#)

[Gore says tax pollution, not payrolls](#)

[Posted at 09/18/06 08:59 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [re: Apple's Mean-spirited ad campaign](#)

Lew, given some email I've received from Mac cultists who for some reason took my post as Apple bashing, let me make sure I am clear that I've never been an Apple basher and my post was not meant to engage in this at all. I'm in complete agreement with [what you say](#). Our family has three iPods and I recently got a MacBook for my wife. I've long been an admirer of Apple's beautiful and clean design (for some reason I group in my mind companies like Apple, Bose, and Google). Even their packaging and boxes are beautiful ([funny video](#) mocking how Microsoft would have done the iPod packaging design). I'm tempted to go Mac myself and may. I also like Apple's triumph in the silly trademark lawsuit with Apple records, and how they come as close to the line as possible with FTC "made in XXX country regulations" which require them to label their products as "made in China"--their label and packaging states this, but states it boldly and proudly, along with: "designed by Apple in California." Not designed in America--but in California. I love that. (Annoying Mac cultist geeks now, that's another story.) I also like the ads--they are brilliantly done and funny. As the article [I linked](#) notes, the Apple

campaign is a marvel of clarity and simplicity. No slogans. No video effects. No voice-overs. And lots of clean, white space. It's like a bath of cool mineral water when these ads come on after a string of garish, jam-packed spots for other products.

But the author put his finger on some things about the ads I had noticed. One was that the PC guy is very likable and funny (and as the author notes--aren't nerds the "new cool"?). Even in the ad where the smart hipster is teaching the affable dweeb how to use "touche" properly, the Mac guy does come off as just a bit condescending, and the PC guy as the one you sort of want to identify with.

[Posted at 09/19/06 11:24 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [The Institute for Justice on our Munificent Constitution](#)

An [IJ](#) ad in the latest [Liberty](#) magazine highlights the case of a [Vietnamese immigrant harmed](#) by a local "sign licensing law". The ad has the victim saying, "Thankfully, our Constitution protects my right to earn an honest living." Really? I must have missed that clause. This ad implies the Constitution is some magnificent sacred document that we are lucky to have, instead of the centralizing, [disastrous result](#) of the [coup d'etat](#) ([2](#), [3](#), [4](#), [5](#), [6](#)) that jettisoned the Articles of Confederation. Of course, by pretending to limit the fed to only a few narrow powers, none of which include the power to regulate one's right to earn a living, the Constitution arguably protects this right from invasion by the federal government; but would one really expect [libertarian centralists](#) to strongly argue for lack of federal power? Why no, they need a broad grant of power to be able to supervise the states, which is what would be needed in this case, since the unlibertarian law at issue is a state law. See also:

- [Huebert on libertarian centralism](#)
- [Healy versus Bolick and the Institute for Justice](#)
- [Huebert on IJ and vouchers](#) (2)

- [Constitution Worship Undermines the Cause for Freedom](#), by Mizzanuel Lora

[Posted at 09/22/06 10:45 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Carville on Goldwater Suburbanites](#)

I recently saw the HBO documentary [Mr. Conservative: Goldwater on Goldwater](#). In a clip with the execrable, loathsome lefty [James Carville](#), he is discussing [Barry Goldwater](#)'s supporters [or maybe he was referring to the Goldwater Girls] in the 1964 Republican Presidential campaign (which presumably included Hillary Clinton): "They were very suburban ... very white ... very ... you know, the kind of people I didn't like very much, frankly." Update: [Gene Healy's take](#) on the documentary and the appropriateness of the Daisy ad.

[Posted at 09/24/06 10:42 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [The Great Risk Shift: The Assault on American Jobs, Families, Health Care, and Retirement](#)

From [Some Questions for Jacob Hacker](#) on the Oxford University Press blog:

[Jacob S. Hacker](#) writes in the preface to his new book, [The Great Risk Shift: The Assault on American Jobs, Families, Health Care, and Retirement](#)



[Posted at 10/02/06 02:58 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Jim Henley on \[Cato's\] Coulson's Confusion with the Facts \[re Iraq\]](#)

Cato domestic-policy people who [try to think about foreign](#) policy can be some of the [dumbest f\\*\\*\\*ers on the planet](#).

It's like seeing the actual Soviet Union in the 1970s and saying, "But the point is to bring about *full* Communism. *That's* when everything is paradise."

Which, you know, people actually said.

A [post by Jim Henley](#) ([linked by David T. Beito](#) on the HNN L&P blog)

[Posted at 10/03/06 10:31 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Court gets one right! \(Trademarks and Google\)](#)

Wow. [Court Rules Google's Use of Trademarks As Keywords Is Non-Infringing](#):

A federal judge in New York has just ruled that Google's practice of selling trademarks as keywords that trigger links to particular Web sites other than those of the trademark holders does not constitute infringement because Google does not actually "use" the trademarks within the meaning of the law.

Now, if only some court will throw out Apple's [disgraceful attempt](#) to own the word "pod".

[Posted at 10/03/06 04:14 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Serious Utilitarian](#)

From [Smart Heuristics](#):

A famous decision theorist who once taught at Columbia got an offer from a rival university and was struggling with the question of whether to stay where he was or accept the new post. His friend, a philosopher, took him aside and said, "What's the problem? Just do what you write about and what you teach your students. Maximize your expected utility." The decision theorist, exasperated, responded, "Come on, get serious!"

[Posted at 10/04/06 10:29 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

## ["Go Left, he said": How Jeff Tucker Saved My Life](#)

Or at least, my arm. I've noted before his nuggets of wisdom--his [Rules of Thumb for Living](#). The latest

concerns mouse usage. I've always had a bit of skepticism about people who whined about "carpal tunnel" syndrome. But over the last year my right arm has gotten worse and

worse, from typing and mouse manipulation. Jeff told me to switch to my left arm for mouse usage. I briefly tried it, about 6 months ago, and gave up. But the problem got worse; Jeff told me again recently to switch to the left hand, and that his switch was one of the best things he's ever done. So the last few days I've tried it, and have largely switched. At first I would give up and switch to the "good" hand when I got frustrated. But now I'm almost exclusively left-hand mouse. Still slower, and it's frustrating, but already I'm feeling better. And one advantage: your right hand can do the arrow keys while left can do mouse at same time. Jeff: I love you, man!!! Update: Jeff also highly recommends [this task chair](#). Followup: some replies:

If you ever get tired of using the mouse with your left hand, I would suggest a different solution that worked for me. Try a wireless optical or laser mouse, and use it on a book or other surface that you can put on your lap. This way you can keep your arm at your side and your hand resting comfortably on your lap. I used to get pain in my right arm, and this solution made it go away in about a week. Just a suggestion.

and

Use two mice, and make your right-hand one a rollerball.

[Posted at 10/05/06 10:15 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Libertarian Wiki - Resource and Link Guide](#)

I have for some time maintained a [web page with libertarian links](#). But, it's hard to maintain and is based on only one man's knowledge. I have moved the content of this page [to a wiki](#) so that other members of the libertarian community can help collaborate to improve this list of resources. To help edit and improve

the LibertarianGuide Wiki, first, [join Wikispaces](#) then join the [LibertarianGuide Wiki](#). The wiki is designed for libertarians--especially Austro-anarchist-libertarians. Feel free to encourage any libertarians you know to use or participate in the guide. [Contact me](#) with any questions.

[Posted at 10/10/06 01:14 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☺]

## [What's next--copyrighting food?](#)

### [Panicked chefs propose copyrighted food](#)

Megnut food blog points to a moral panic among chefs reacting to plagiarism of their recipes and presentation -- cooks who propose that they should be able to copyright food. Not that they should have a remedy for plagiarism, but that ways of preparing food should be owned, frozen in amber, usable only with permission

See also [Keep Recipes Free](#); and [Disney exec: Piracy is just a business model](#) (thanks to [Vince Daliessio](#))

[Posted at 10/10/06 03:45 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☺]

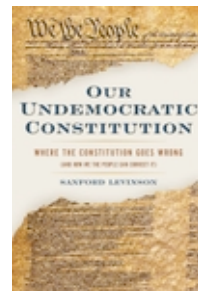
## [Top 10 Things Wrong with Mainstream American Law Professors](#)

The Oxford University Press blog--which is surprisingly interesting--had this entry: [Top 10 Reasons our Constitution is Undemocratic](#), by UT law professor [Sanford Levinson](#). That a law professor would think what needs highlighting as supposed defects in the Constitution is its "[undemocraticnessitude](#)" shows what is wrong with mainstream American law professors. Now not all of the issues he flags are bogus--some show real defects of the US constitutional system. But to draw the general conclusion that the Constitution is undemocratic implies there is something wrong with that. Anyway, here goes:

Sanford Levinson, author of [Our Undemocratic Constitution: Where the Constitution Goes Wrong \(And How We the People Can Correct It\)](#) is a professor at the University of Texas Law School. In [Our Undemocratic Constitution](#) Levinson takes a hard look at one of the most revered documents in American politics, the Constitution.

Levinson has kindly summed up his book for you Letterman-style. Check it out below.

1. Not every American citizen can hope to grow up to be President. ([Natural-born citizenship clause](#))
2. Not every American citizen can run for the [House](#) or [Senate](#) upon achieving the relevant age requirement (because of the requirement that one have been an American citizen for 7 years to run for the House and 9 years to run for the Senate)
3. [Wyomingites](#) have 70 times the effective representation in the Senate as do Californians. This means in turn that, as is the case currently, a party can win 3,000,000 more overall votes in collective races for the Senate and end up with only 44 seats and be treated as the "minority" party
4. The [Electoral College](#) regularly sends to the White House presidents who have not received a [majority of the vote](#) (and in some cases, who didn't even come in first past the post).



5. In case the Electoral College deadlocks, Wyoming would have the same influence in picking the president as does California (because of the [one-state/one-vote rule](#)).
6. Presidents can negate the will of substantial majorities in both houses of Congress by [vetoing](#) legislation, a far more serious "[countermajoritarian difficulty](#)" than judicial review of federal legislation.
7. A repudiated president can nonetheless make very important decisions, with significant impact on the future, during the hiatus between election and the inauguration of the successor.
8. We the People are stuck with incompetent presidents in whom the majority has lost confidence because of the iron cage of the fixed-term presidency, in contrast with systems where such leaders can be displaced by votes "of [no confidence](#)"
9. Thirteen houses of state legislatures in as many separate states can negate the desire of 86 legislative houses (74 of them in 37 states and then an additional twelve in the remaining states (since Nebraska is unicameral) with regard to amending the Constitution.
10. Should a disaster kill most of the members of the House of Representatives, there would be no way to replace them without elections. Should a [disaster](#) only disable most members of the House and Senate, there would be no way to achieve the constitutionally required quorum of a majority of the membership, which means an almost inevitable presidential dictatorship in such an eventuality should ever come to pass.

[Posted at 10/12/06 04:13 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Sigh. Remember when we used to push for free-trade zones?](#)

Now, the big news is: [China to Open "Infringement-Free Zone" in Beijing](#). Wow, Progress. Thanks!

[Posted at 10/12/06 04:41 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [The Real Foley IM Chats emerge!](#)

[This is really hilarious](#) (slightly off color). "Hat tip" (egads I hate saying that) to Anthony Gregory.

[Posted at 10/13/06 05:07 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Mencken on Punishing Politicians](#)

[Lew](#), the great Mencken quote reminded me of one of my favorite Mencken quotes: from Rothbard's great article, [H. L. Mencken: The Joyous Libertarian](#): In discussing how to punish guilty public officials ("jobholders"), Mencken said, "What is needed is a system (a) that does not depend for its execution upon the good-will of fellow jobholders, and (b) that provides swift, certain and unpedantic punishments, each fitted neatly to its crime." Mencken's proposed remedy

provides that any [citizen]...having looked into the acts of a jobholder and found him delinquent, may punish him instantly and on the spot, and in any manner that seems appropriate and convenient

[Posted at 10/17/06 12:42 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## **[Bell on Sandefur](#)**

Law professor Tom Bell [critiques](#) Tim "[a billion lives for a single slave's!](#)" Sandefur's latest [Lincoln idolatry screed](#). My comments to Bell's post are below, in case they get ... misplaced:

Professor Bell, Your comments are reasonable. Lucky [Sandefur's reply](#) was so measured--I was waiting for him to call you a neoconfederate or apologist for slavery. I too had a few civil email discussions with Sandefur in the past, and some substantive disagreements (e.g. [here](#), [here](#) and [here](#)) but eventually he adopted the Catoite line of attacking those who disagree with his Jaffaite Lincoln idolatry as "neo-confederates" and the like (see [here](#); some replies [here](#) and [here](#)). I guess Sandefur is too timid [read: cowardly] to call you a neoconfederate slavery-lover for your views, though he must be biting his tongue.

[Posted at 10/17/06 11:03 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## **[Neocons and War: Or, a bright spot at Cato](#)**

Gene Healy's Cato podcast (see the October 17, 2006 one in the [archives](#)) is a nice short dissection of how the neocons are not just pro-Iraq war, but pro-war in general.

[Posted at 10/18/06 06:05 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## **[Wicked Cool Animated Map of Middle East History](#)**

Fascinating [animated map](#) showing which powers have controlled the Middle East--5000 years of history compressed into 90 seconds.

[Posted at 10/23/06 02:58 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## **[Constitution, Schmonstitution](#)**

[Constitution, Schmonstitution: Legal Analyst Andrew Cohen Looks At Suggestions For Dumping The Document](#): including the views of Posner, Levinson (which I [noted previously](#)), Ackerman, and Labunski. As the author Andrew Cohen notes, the Constitution is not some Holy Writ--it was "a document conceived and drafted by rich white men during the political moment of their lives"; yet, as he also notes, "It does not need to be replaced, even temporarily, by an "emergency" document that would leave to far lesser men (and women) the task that Madison achieved."

[Posted at 10/24/06 10:48 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## **[Russo documentary free online: America--Freedom to Fascism](#)**

Libertarian filmmaker Aaron Russo's documentary [America: Freedom to Fascism](#) is now [free online at Google Video](#). Apparently it's an authorized version. Wow--Russo and Google are both heroic for doing this. I haven't seen it all yet, but I hear it's great and features Ron Paul. (Thanks to [Todd Andrw Barnett](#).)  
\*\*\* Update: Someone told me "I hear that it has a lot of money-crankism (saying the Fed is a private



bank) and resort to technicalities to say that the IRS doesn't exist and no one should pay taxes." If this is true, it's too bad.

[Posted at 10/26/06 05:25 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [One Improved Unit and the Power of Attraction](#)

Nice [comments](#) by Nock:

Albert Jay Nock was not a reformer and found offensive any society with a "monstrous itch for changing people." He had "a great horror of every attempt to change anybody; or I should rather say, every wish to change anybody; for that is the important thing." Whenever one "wishes to change anybody, one becomes like the socialists, vegetarians, prohibitionists; and this, as Rabelais says, 'is a terrible thing to think upon.'" The only thing we can do to improve society, he declared, "is to present society with one improved unit." Let each person direct his efforts at himself or herself, not others; or as Voltaire put it, "Il faut cultiver notre jardin."

Nicely complemented by [Leonard Read](#):

The Power of Attraction Attraction is the best answer to influencing others creatively. Daily experiences supply evidence to support this conclusion. If one would influence another to become a better cook or golfer, he should increase his own proficiency at cooking or golfing. He should attain a perfection, a leader ship, a head-of-the-class status that would attract others to draw on him. No person is influenced to greater creative activity on any subject by one who is inferior on that subject. Influence of one on another in upgrading materialistically, intellectually, spiritually--is by attraction only.

[Posted at 10/26/06 09:02 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Trouble in Paradise: Objectivists on Voting for Democrats](#)

As [blogged by Wendy McElroy](#), Rand's "intellectual heir" (snicker and eye-roll suppressed) Leonard Peikoff has announced why he's [voting for Democrats](#):

Socialism--a fad of the last few centuries--has had its day; it has been almost universally rejected for decades. Leftists are no longer the passionate collectivists of the 30s, but usually avowed anti-ideologists, who bewail the futility of all systems. Religion, by contrast--the destroyer of man since time immemorial--is not fading; on the contrary, it is now the only philosophic movement rapidly and righteously rising to take over the government.

Sigh. Peikoff is now favoring the left over the right, not because the right is (currently) more pro-war, but because they are... more Christian. Uhhh okay. Look at this prototypical Objectivist purple prose:

Given the choice between a rotten, enfeebled, despairing killer, and a rotten, ever stronger, and ambitious killer, it is immoral to vote for the latter, and equally immoral to refrain from voting at all because "both are bad."

Gotta hand it to 'em--these guys have a knack for overwrought, O-So-Serious writing. Apparently there is trouble in paradise, however. After excommunicating (say, isn't that a religious idea?) Rothbard, David

Kelley, George Reisman, and countless others, the Objectivist Phone Booth consists of Peikoff, Binswanger, Peter Schwartz, and a few other die-hards. But now Peikoff apparently disagrees with Binswanger: As one Objectivist notes:

Harry Binswanger endorsed withholding a vote for the Republicans. Is Leonard Peikoff saying that Harry Binswanger and Robert Tracinski don't understand Objectivism? I respect Dr. Peikoff, but I agree with Gus Van Horn that figuring out which party is the lesser of two evils is complicated and knowledgeable Objectivists can err either way.

Oh no! My masters disagree--what's an acolyte to do? I know--I'll be *uber*-magnanimous and grant that on this one issue, reasonable and non-evil Randoids can "err either way". (See also [this thread](#).) \*\*\* Update: for more commentary, see: Stefan Karlsson, [Peikoff Might Get Kind of Lonely](#); and ObjectiBlog, [Leonard Peikoff's DIM-Witted Hypothesis](#). Objectivist Robert Tracinski in September weighed in with [The Democratic Party Adds Nothing to the National Debate](#), and in the October 31, 2006 issue of [TIA Daily](#) (not online), wrote an article "'D' Stands for 'Defeat'", taglined "The Democrats Stand for Defeat, Not Just in Iraq, But in the War on Terrorism", in which he wrote,

Once again, a Republican election win will not guarantee anything but more muddling through in the War on Terrorism

[Posted at 10/31/06 11:32 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Australia To Tax Money From Second Life](#)

From Techdirt: [Australia To Tax Money From Second Life, But Can Money Spent On Your Avatar Be A Write-Off?](#)

[Posted at 11/03/06 12:43 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Top 10 Good Things About the Democrat Victory](#)

1. Libertarians did no worse than usual.
2. Now Republicans know what we feel like every election.
3. I was getting bored with the Republicans' antics. Now we have a new cast of characters. This is sort of like the occasional cast change at Saturday Night Live.
4. We won't have to hear the Republicans' stupid mantras about "family values" and gay marriage for a while.
5. The overwrought reactions, apoplexy, and hair-pulling some are displaying today helps you identify which of your friends are just a *bit too much* into the Republican Party (and activism in general).
6. The Dem'rats will get the blame for the upcoming recession.
7. The Rapture must almost be here.
8. The next episode of Battlestar Galactica is this Friday!
9. Leonard Peikoff will enjoy his coffee this morning.
10. It assuages the guilt of those of us who are not activists--it wouldn't have mattered! \*\*\* And yet more good things, sent in by readers:
11. Maybe this will shut up those annoying libertarians who say America is "basically a libertarian nation."
12. What? Huh? There was an election?
13. I can't wait to hear who Krugman blames for the economy now.
14. Given that the Dems have forgotten more about how to waste money than the Repugs have ever learned (even with Bush spending like a drunken sailor) the next few years of spending orgy should just about be enough to break the bank finally. (Oh cr\*p, am I stocked up on ammo?)
15. With the Dem'rats controlling the House, maybe the safety gate will be re-installed on the Oval Office -- every time Bush leaves, he says something stupider than the last time. (Wait. Maybe that's not so good.)
16. With so many Repugs legislators out of a job, more of them can finally fulfill a lifelong dream, and go hunting with Cheney.
17. Rumsfeld resigned.

18. Robert Gates, Bush 41's CIA director takes over Defense---adult supervision. 19. Bush will have to accomodate to Bakers' commission. 20. Democrats will have an opportunity to present their best suggestions...which will alienate voters. 21. Bush will have to answer for intelligence issues questioned by an hostile opposition. 22. The GOP leadership in both chambers will be shaken up. 23. Rick "Islamofascist" Santorum isn't Senator.

[Posted at 11/08/06 09:25 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Liberty Search](#)

A nice new search tool: [Liberty Search](#): does a google search on selected websites on classical liberalism and libertarianism. Very handy!

[Posted at 11/08/06 12:49 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Sullum on Borat](#)

In [Jacob Sullum's comments](#) on the Borat movie, he writes:

Because I live in the U.S. rather than [Russia](#), last night I had the opportunity to see *Borat*, which I highly recommend. In addition to making me laugh so hard I couldn't breathe (the look on former Georgia congressman Bob Barr's face during his brief encounter with Sacha Baron Cohen's Kazakh alter ego is by itself worth the price of admission), it made me sympathize a bit (a teeny-weeny bit) with the Anti-Defamation League's [concern](#) that people confronted by the outrageous anti-Semitism of Borat and his compatriots might not get the joke.

During the Running of the Jew, a traditional festival in Cohen's version of Kazakhstan, the townspeople chase a giant papier-mache figure that looks like a Nazi (or Arab) caricature of a Jew down the street. The Jew is followed by the Jewess, who lays a huge Jew egg that the children of the village attack with gusto, smashing it to bits. *It's pretty damned funny, but I couldn't help wondering if the rest of the audience at the theater in Dallas was laughing at it for the same reasons I was.* [italics added]

It's this last sentence that bugs me. Just seems condescending--"I am laughing at it for the right reasons, of course--but these Southern rubes? I'm not so sure...."

[Posted at 11/09/06 01:21 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Walter Block: Hilarious TV Appearance](#)

Recently Walter Block was on a TV show run by black power advocates. He thought they were going to discuss the Katrina hurricane disaster in New Orleans, but the discussion ended up focussing on racism and a variety of other issues. [Video](#); [audio only](#). It is one of the most surreal and fascinating viewing experiences I've had in a long time. I literally spit my bourbon out on my laptop 3 times. Such as when Walter had to answer the question about the turbo-diesel Chrysler; or the be-doo-ragged guy who insisted North Korea was doing better than South Korea--you can't be sure whether the guy is just confused, or whether that is actually his view. Walter is so into ideas, and so sincere, he's actually having a serious

intellectual conversation with these guys--and it's kind of interesting, as much as they fumble around and are uninformed by the kind of academic and economic and political theories Block just unabashedly hurls at them, they are somewhat sincere and earnest, and for the most part really listening to him, unlike most "normal" "mainstream" audiences or hosts. What a great video! Just fast forward past the first 15 minutes or so until Block starts talking. These and other Block TV and radio appearances and debates can be found [here](#). In addition to the one linked above, Block also highly recommends the one on WalMart and also his debate with Richard Epstein.

[Posted at 11/09/06 04:34 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## **Manners, Etiquette, and Law**

Interesting interview with Judith Martin: [Civility in a Democracy: A Conversation with Miss Manners](#). Her comments on the interplay and difference between etiquette, manners, morals, and law is fascinating:

Etiquette is older than law and even now divides the realm of regulating behavior with the legal system. There are a lot of problems with that these days because people keep trying to turn over matters of etiquette to the legal system, which doesn't handle them very well. ...  
Cole: You draw a distinction between etiquette and manners and morals, right? Martin: Yes. I also draw a distinction between manners and etiquette, manners being the principles which are eternal, and etiquette being the surface behavior, which varies and changes. Manners have a moral basis. Manners are to etiquette as morality is to the law. Matters of serious morality have to be handled by the law because etiquette depends on the consent of the people practicing it. It has no punishment other than social disapproval--on up to shunning--which can be powerful, but it's not as powerful as throwing someone in jail.

Reminds me of [Hazlitt's aphorism](#) "*manners are minor morals*".

[Posted at 11/15/06 12:01 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## **Physics promises wireless power**

Now [this is cool](#):

The tangle of cables and plugs needed to recharge today's electronic gadgets could soon be a thing of the past. ... US researchers have outlined a relatively simple system that could deliver power to devices such as laptop computers or MP3 players without wires. ... The concept exploits century-old physics and could work over distances of many metres, the researchers said.

When I don't hate technology, I love it! Update: Stephen Ng pointed me to this product that apparently already embodies this technology: [wireless extension cords](#)! (Ng says: It's not real, it was an April Fools joke. Look below where it says "Availability" on the right. Also note the weird warning at the end of the description.)

[Posted at 11/15/06 10:24 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## **Re: All Hail Retro**

[Lew](#), I really like the digital/programmable thermostats. In my last house, however, it was located in a bad position at the top of the stairs, so that it made the rooms either too cold or too hot. I found a fairly cheap wireless thermostat which let you put the sensor portion in the bedroom, so that it was measuring the right temperature. I will say, however, along the lines of your complaint, that I absolutely despise the automatic "thermostat" based A/C systems in cars nowadays. I've never had one that works right. I would much prefer the simpler type I used to have in my Toyota Corolla years ago: a fan control and a separate temperature control. Direct and simple. Also along these lines--for home audio systems, I dislike these fancy and hyper-expensive digital control systems with a little LCD readout for each sound zone; I much prefer a simple volume knob on the wall.

[Posted at 11/16/06 11:25 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [NASA the Asteroid Killer](#)

NASA has thought of a [new gimmick](#): It is

drawing up plans to land an astronaut on an asteroid hurtling through space at more than 30,000 mph. It wants to know whether humans could master techniques needed to deflect such a doomsday object when it is eventually identified. The proposals are at an early stage, and a spacecraft needed just to send an astronaut that far into space exists only on the drawing board, but they are deadly serious. A smallish asteroid called Apophis has already been identified as a possible threat to Earth in 2036. Chris McKay of the Nasa Johnson Space Centre in Houston told the website Space.com: "There's a lot of public resonance with the notion that Nasa ought to be doing something about killer asteroids ... to be able to send serious equipment to an asteroid. "The public wants us to have mastered the problem of dealing with asteroids. So being able to have astronauts go out there and sort of poke one with a stick would be scientifically valuable as well as demonstrate human capabilities."

[Posted at 11/18/06 12:34 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Napolitano, Guns, and 9/11](#)

The latest issue of the [Journal of Libertarian Studies](#) contains an excellent review by Bill Anderson of Judge Andrew Napolitano's book *Constitutional Chaos*. Anderson quotes Napolitano on gun control:

Just think what might have been avoided if law-abiding Americans had been armed on those ill-fated planes on September 11th 2001.

Aha, Judge, I gotcha! I found the flaw in your reasoning: if the passengers had been armed, the terrorists would never even *tried* to hijack the planes. Uhhh, waitasec...

[Posted at 11/21/06 01:18 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Re: I Can't Wait](#)

[Tom](#), re [Woods's](#) post: Since [it's "obvious"](#) to anyone with open eyes that the Bush Administration really was complicit in the 9/11 attacks... I guess this means Bush is a cultural lefty. So... for those who say libertarians should now ally with the left instead of the right, does that mean we should ally with Bush

after all? I'm so confused....

[Posted at 11/21/06 09:51 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

### [MPAA Lobbying for Home Theater Regulations](#)

The scary thing about this story: [MPAA Lobbying for Home Theater Regulations](#) is that you cannot initially tell it is a spoof. This piece "reports" that

The MPAA is lobbying congress to push through a new bill that would make unauthorized home theaters illegal. ... The MPAA defines a home theater as any home with a television larger than 29" with stereo sound and at least two comfortable chairs, couch, or futon. Anyone with a home theater would need to pay a \$50 registration fee with the MPAA or face fines up to \$500,000 per movie shown." ... "Just because you buy a DVD to watch at home doesn't give you the right to invite friends over to watch it too. That's a violation of copyright and denies us the revenue that would be generated from DVD sales to your friends," said Glickman. "Ideally we expect each viewer to have their own copy of the DVD, but we realize that isn't always feasible. The registration fee is a fair compromise.

[Posted at 11/28/06 12:36 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

### [Re: Tiger Woods -- Rothbardian?](#)

Dunno, [Bill](#)--all that would do is reward the owners, even if Tiger then fired the employees. If he does this, I'll start a new magazine and post some terrible things about Woods' wife--good exit strategy!

[Posted at 11/29/06 03:24 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

### [Uh Oh](#)

"If you want additional proof that we

[Posted at 11/29/06 03:34 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

### [Cato-Objectivists on Rawls](#)

Karen De Coster called to my attention "[Why Rawls is Great](#)," by [Objectivist philosopher](#) and Catoite [Will Wilkinson](#). I just don't know what to say. What's next? -- "Kantian Objectivists for Marx?"

[Posted at 12/10/06 02:24 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

### [Derbyshire on Immigration](#)

In [Libertarianism in One Country](#), Derbyshire explains why it makes sense for liberals, who favor the welfare state and aggressive multiculturalism, to favor expanded third world immigration; but argues that libertarians are nuts to want a more open immigration policy, since it's self-defeating. (Thanks to Justin Raimondo for the link). Derbyshire could have benefitted from including the thoughts on immigration of various explicit libertarians, such as [Hoppe](#), Rothbard (e.g., [Nations by Consent: Decomposing the Nation-](#)

[State](#)), [Block](#), and [others](#), and the [JLS symposium on immigration](#)--but still an interesting read.

[Posted at 12/11/06 01:29 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### **[My first Christmas card!](#)**

I've gotten a few dozen corporate "Holiday" cards this year. None of them dare mention the word "Christmas," of course. Today I finally got a real Christmas card--from a Romanian law firm. I guess PC has not caught up to Romania yet.

[Posted at 12/18/06 01:47 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### **[A Television Christmas](#)**

A Television Christmas, by the [melatones](#)--the band of our very own [Anthony Gregory](#) (who is the lead singer in this piece). "Once you hear 'A Television Christmas,' you'll never experience traditional christmas songs quite the same way." (Another of my melatones favorites is their cover of the M\*A\*S\*H theme [Suicide is Painless](#)--very original, raw sound.)

[Posted at 12/18/06 02:10 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### **[Hillary's Office in DC? The Outrage!](#)**

Drudge has a piece breathlessly entitled [Hillary Clinton plans to base '08 campaign headquarters around Washington instead of NY.](#) You know what, Drudge? I don't care where a presidential candidate has his campaign headquarters. It matters not whether he was a househusband, layabout, or filed for bankruptcy; or if he has a hairy neck or a large, persuasive cousin. And I don't care whether he has foreign affairs experience. I don't care if his daddy was rich or not. I don't care if she's a woman. I don't care if he's gay or divorced or single or has kids. I don't care if he has smoked pot or only inhaled. I don't care if my presidential candidate went to Yale, or nowhere. I don't care if he is good looking or looks like Elmer

Fudd. I don't care if he speaks like Obama or like George Bush. I don't care if he wins the majority of the country, or just the electoral college. I could not care less if he wears earth tones, or bell-bottoms, or hires that hot Naomi Wolfe chick. I don't care about his character, whether he's a "scoundrel," or a "[no-good, lying, cheating, racist, misogynous jerk](#)". I don't care if he stumbles like Ford or eats Big Macs. I don't even care if he puts [Swiss cheese](#) on his Philly Cheese Steak. It doesn't bother me if he likes the Dukes of Hazard, the L Word, or country music. And it don't matter whether he believes in evolution or creationism, God or Mammon. So long as he cuts spending and [lowers taxes](#).

[Posted at 01/10/07 04:45 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Ayn Rand - Mike Wallace Interview, 1959](#)

I have this old [VHS tape](#), but for those not Objectivism/libertarianism fanboys in the 1980s-90s, YouTube is great. (Link from Manuel Lora.

[Posted at 01/15/07 12:07 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Countries GDP as US States](#)

[Countries GDP as US States](#) "Fascinating stuff: Carl St

[Posted at 01/17/07 12:04 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [How The RIAA Is Like 17th Century French Button-Makers](#)

[History Repeats Itself: How The RIAA Is Like 17th Century French Button-Makers](#) (thanks to Scott Fields)

[Posted at 01/18/07 09:50 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Vinson & Elkins Dismissed from Enron Litigation - Banks Remain as Deep Pockets](#)

As reported [here](#) and noted in this [letter](#), the great law firm Vinson & Elkins (a firm I once clerked for, N.B.) has been dismissed from the Enron class action lawsuit.

[Posted at 01/30/07 03:55 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Soviet Calculation](#)

Who says calculation under socialism is impossible?

[Posted at 02/15/07 12:34 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Re: The Horrible Rudy](#)

[Anthony](#)--wow. Some of these Republicans sounds almost as bad as leftists, don't they! But you know, this can't hurt him: can you imagine any





other candidate--Republican or Democrat--attacking him for this? What word of it do they not all believe?

[Posted at 03/20/07 11:21 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Re: Hannity and Clone](#)

Yep, [Lew](#)--I guess Hannity has to foam and froth over C.S. Lewis now, too, who [believed that](#) "Battles are ugly when women fight."



[Posted at 04/05/07 11:59 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [The Libertarian Position on Guns at Virginia Tech](#)

Some are criticizing the Virginia legislature for [failing to pass a bill](#) that would have "prohibit[ed] public universities from making 'rules or regulations limiting or abridging the ability of a student who possesses a valid concealed handgun permit ... from lawfully carrying a concealed handgun.'" Some gun rights advocates are saying that this bill was designed to protect second amendment rights. But what it would have done is told the universities what policy to adopt. Does libertarianism condone taking away a university's right to choose its own weapons policy? It seems to me that the bill should not have passed; that whatever weapons policy the university wants is up to them. And can we say that a university (whether public or private) "ought" to allow guns on campus? There are many situations where a property owner might want to prohibit the possession of firearms. While I personally tend to agree with [Ron Paul that permitting guns](#) might be the best policy at a university, libertarians and gun-rights advocates need to be careful not become centralists on this issue. (Anarchists could also argue that public universities have no right to do *anything at all*, including prohibiting weapons possession (or even murder, I suppose), but that's a different argument and not the one most conservatives and libertarians are making.)

[Posted at 04/17/07 04:25 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Abortion and Thomas](#)

The Supreme Court decided today, in [Gonzales v. Carhart](#), that the federal Partial-Birth Abortion Ban Act of 2003 is not unconstitutional. The majority consisted of the usual suspects: Kennedy, Roberts, Scalia, Thomas, and Alito; the minority was also predictable: Ginsburg, Stevens, Souter, and Breyer. My first reaction is: darn, my favorite Justice, Thomas, sold out and failed to strike down the Act as he should have--not because of some nonexistent constitutional "abortion right" or "privacy right"--but because the federal government has no power to regulate such matters. Now Gregory's going to use this as an example of how the right is not really better than the left. But looking at Thomas's [concurrence](#), I see that he's still my favorite:

I join the Court

[Posted at 04/18/07 03:21 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Bullies and Responsibility](#)

If the Va. Tech psycho did this in part because [he was bullied](#), then those who bullied him are partly responsible. They should be expelled from society (civilization), at the very least. These are the feelings that motivated an earlier exchange on this topic: my post [Toward a Theory of Bullying](#); [More on Bullying](#); and [Re: Bullying](#); and Stephen Carson's [Bullying and Lawlessness](#); Karen De Coster's great post [Aggression is Aggression is Aggression is Aggression](#); and Tom DiLorenzo's post [The VMI-Approved Way of Dealing with Bullies](#). And this reminds me of why I send my son to a Montessori school: their focus on peace and conflict-avoidance: [Out of the Mouths of Babes](#).

[Posted at 04/20/07 12:05 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Re: Southerners](#)

[Lew](#), your post made me think of a comment I heard this week from [David Leebron](#), the President of Rice University here in Houston, during his speech at the [Center for Houston's Future](#). Leebron, who's originally from Philadelphia and worked and lived in New York for some time, said that he's been asked many times how it was to move from New York to Houston. His answer to them is: New York and Houston have a lot in common: both are very dynamic; both are very diverse; in both, nobody cares where you are from, or how or when you got there. The difference is, in Houston, they're actually glad you're here.



[Posted at 04/20/07 03:46 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Cox on Holzer on Thomas and Libertarian Centralism](#)

Stephen Cox has an excellent review in the latest *Liberty* of Henry Mark Holzer's recent book *The Supreme Court Opinions of Clarence Thomas, 1991*

[Posted at 04/23/07 11:15 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Ramsey on Will on Ron Paul](#)

Bruce Ramsey's article [The Next President of the United States](#), in the May issue of *Liberty*, states:

We like Ron Paul, but about the best he could do is be noticed for one idea. George Will did a column about him, which amounts to serious notice, and one of the writers at LewRockwell.com thought it was an attack on the idea of limited government, which it wasn't; but then it is difficult to satisfy some folks.

Ramsey's appears to mean by this Justin Raimond's related [column](#) on George Will's column, [linked on LRC](#) (see also [Lew's post](#) about Will's condescending column). So, Ramsey thinks Will is not against limited government and that this piece was not an attack on it? Consider Will's sneering comment "Even before the Founders' generation passed from the scene, the government was slipping off the leash that Madison said

[Posted at 04/23/07 11:43 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Egads, I hate Georgism](#)

Rothbard just demolishes Georgism in his [The Single Tax: Economic and Moral Implications and A Reply to Georgist Criticisms](#). I'm reading now Doherty's excellent book, *Radicals For Capitalism*, and I must say that when I read the parts about "early" or "proto-libertarians" being influenced by Georgism (or being Georgists), it drives me nuts. I think this is even worse than nutty Galambosianism; even worse than the outright socialism and leftism that some libertarians flirt with in youth before they get some sense. At least no one pretends socialism is libertarian. Why anyone would ever think Georgism makes any sense whatsoever, or is compatible with libertarianism, I have no idea. It has always seemed to me to be pure economic crankism and yet another form of socialism. In my view, our libertarian movement and philosophy should have nothing to do with Georgism.

[Posted at 04/25/07 10:58 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Digg Users Protest against copyright censorship](#)

Right now, there is an amazing [user-generated protest](#) going on at [Digg](#). Apparently Digg was pressured to pull a story featuring the HD DVD processing key, the hex code to unlock HD DVD movies, and the users, ticked off, are posting and digging story after story linking to [pages](#) that [feature the code](#). Update: Digg decides to fight. See Kevin Rose's post, [Digg This](#); also, Digg's DRM Revolt; [DVD DRM row sparks user rebellion](#)

[Posted at 05/01/07 10:39 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Re: Digg Users Protest against copyright censorship](#)

Re [the Digg user revolt](#), [Wired reports that](#)

Digg isn't the only major website pulled into the HD DVD hex-code controversy. ... On April 27, an unnamed user received a take-down notice from Google stating that one of his publicly available Google Notebook pages contained the sequence of hex codes used for decrypting HD DVD movies. His notebook item linked to a Digg page covering the banned code. ... Google's note stated that it would delete the user's entire notebook if the offending entry was not removed by April 30. Google also noted that it was doing this in compliance with the Digital Millennium Copyright Act, in response to a take-down notice it had received [from AACSLA]. Interestingly, the Google e-mail stated that the notice the company received would be posted to ChillingEffects.org.

I like that Google at least posts these notices to the heroic ChillingEffects.org site. Also interesting is that the [letter from AACSLA's attorney](#) itself lists the encryption key in the URL it lists for one of the offending sites! What I also find interesting, and perhaps somewhat ironic, is that the Proskauer attorney who sent the letter, [Charles "Chuck" Sims](#) (his name is redacted from the text version of the posted letter, but his email address is still present in the [image version](#)) is a pro-bono, nice-guy, pro-First Amendment do-gooder who has represented "The *New York Times* and The Discovery Channel in class action litigation testing the right to engage in newsgathering..." and other related freedom-of-speech defenses--and this guy is now listed on chillingeffects for representing a company trying to use the draconian and manifestly unfair DMCA to stop free speech. Can't blame the guy for his clients' positions, but still...

[Posted at 05/04/07 12:09 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [The crime of trying to copy](#)

[Gonzales wants Congress](#) to outlaw "attempted copyright infringement."

Attorney General Alberto Gonzales is pressing the U.S. Congress to enact a sweeping intellectual-property bill that would increase criminal penalties for copyright infringement, including "attempts" to commit piracy. "To meet the global challenges of IP crime, our criminal laws must be kept updated," Gonzales said during a speech before the U.S. Chamber of Commerce in Washington on Monday.

Jeez, is this Onion, or real news?

[Posted at 05/15/07 02:43 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [On Explaining and Justifying Criminal Action](#)

Tibor Machan recently weighed in on the Ron Paul-Rudy Giuliani controversy, first, in [Ron Paul on "Blowback"](#); second, replying to Pat Buchanan's subsequent [defense of Paul](#), in [Buchanan on Ron Paul](#)

[Posted at 05/21/07 10:22 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [If you don't say it, it's not true](#)

From Michael Barnett:

Here's [an example](#) of passive-aggressive agenda pushing by the MSM [mainstream media] post on something other than Ron Paul this time. A 14-year-old girl wins the National Geography Bee. No mention ANYWHERE in the AP article of the school she attended. No mention at all about her education. Now that immediately sets off my internal alarm bell. [Sure enough, homeschooled](#). I guess that detail just wasn't worth mentioning. That they suppress such information clearly demonstrates that the MSM has established a correlation between homeschooling and the total and complete domination of every math, science, spelling, and general education competition for youth. Wouldn't want the masses getting a whiff of that. They might actually love their kids and pull them out of public "schools".

[Posted at 05/23/07 05:03 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Does the ACLU still believe in free speech? Maybe not any more](#)

From Declan McCullagh's [Politech](#): Wendy Kaminer, who co-authors thefreeforall.net with longtime Politech subscriber Harvey Silverglate, has a provocative and well-argued op-ed in Wednesday's Wall Street Journal. Wendy asks whether the ACLU still broadly supports free speech, and answers the question in the negative: <http://opinionjournal.com/editorial/feature.html?id=110010111> Wendy points out that the ACLU has been silent on a key free speech case involving anti-homosexual statements that set an important (and awful) precedent before the 9th Circuit and was AWOL on the Muhammad "hate speech" cartoons. The ACLU has supported legislative restrictions on speech of pro-life groups offering abortion counseling. The New York Civil Liberties Union failed to criticize a New York City Council resolution condemning use of the "n-word." And so on.[1] It's true that ACLU litigators have done terrific work on


free speech cases before, and will continue to do so. It has represented me as a plaintiff in the 1996 CDA case, for which I will always be grateful, and has devoted countless resources to COPA as well. The organization boasts the most principled and ardent First Amendment lobbyists in Washington, who are willing to take controversial stands on things like outlawing morphed child porn (a stand later vindicated by the Supreme Court). But those attorneys and lobbyists ultimately report to a national board that seems to be growing more politically correct by the day. (Wendy was a dissident board member; I'm not sure if she's still on the board.) This is not exactly a new phenomenon. Liberals and progressives have long been split between their totalitarian-minded leftist wing that loves to enforce political correctness through "hate speech" laws and campus speech codes -- and those who recognize the social and political dangers inherent in banning speech that someone dislikes, and believe the answer to objectionable speech is more speech. The danger is that the ACLU's national board has been edging toward the former category, and the group will end up defending the speech rights only of liberals and liberal causes. That's fine, I guess, but it means those of us who believe conservatives, libertarians, religious folks, and so on also have free speech rights will have to look elsewhere for a more principled organization. The ACLU has always been selective in what sections of the Bill of Rights it takes literally, of course. Contrary to its claim to be "the foremost defender of the United States Constitution and the Bill of Rights,"[2] its national board asserts that Second Amendment protects an individual right to keep and bear firearms.[3] It certainly doesn't believe in a literal reading of the Commerce Clause, and the Ninth and Tenth Amendments that limit government power might as well not exist. The ACLU Foundation of Arizona has fought bitterly against laudable school voucher programs on behalf of monopoly public schools, and it has muzzled its own board members from criticizing the organization's policies.[4] But at least when it came to free speech, you could historically count on the ACLU defending the rights of everyone, not just lefties. Unfortunately, unless current trends reverse, that will no longer be the case. That brings us to groups like the Institute for Justice[5] and Harvey's organization, the Foundation for Individual Rights in Education[6], or FIRE. IJ has become what the ACLU could have been: a principled organization that believes in the entire Bill of Rights and stands up for both free speech and property rights, for instance in its work on eminent domain abuse. FIRE defends the free speech rights of liberals, conservatives, and libertarians on college campuses. And while groups like the Cato Institute and the Mises Institute aren't activists, their board members and staff actually take a broad, inclusive -- one might say a traditionally "liberal" -- view of free speech. The big question remaining, for those of us who actually believe that the First Amendment does not protect only the rights of progressive and liberal speakers, is whether the ACLU can be salvaged from the views of the majority of its board members. Articles like Wendy's, and a response by David French formerly of FIRE[7], are a step in that direction, if it's not too late.

[Posted at 05/24/07 03:46 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Why Lock It At All?](#)

A couple times recently I've had a lock on a suitcase ruined by the TSA when flying--if you lock it and they want to open it, they just use some bolt-cutter to remove it. In one case they didn't just cut the lock, they cut the zipper tab it was connected to as well, requiring me to have it repaired. Recently I bought a new suitcase. One of its selling points was that it came with a "[TSA Recognized Baggage Lock](#)". That way, the TSA can use its handy master key to open your luggage, without destroying the lock and zipper mechanism. Just great! I'm sure there's no potential for abuse there at all.



[Posted at 05/31/07 11:10 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 



### [A physics teacher begs for his subject back](#)

This [piece](#) makes clear the pathetic politicization of science. Even this mainstream physics professor has had enough of the way his discipline is being used for propaganda:

The number of questions [in the exam] that relate to global warming is appalling. I do not deny that pupils should know about the topic, nor do I deny its importance. However, it should not be the main focus of every topic. The pupils (and their teachers) are growing apathetic from overexposure. A paper question asked: `Why must we develop renewable energy sources.

[Posted at 06/08/07 01:41 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Revisiting a pre-Iraq War Libertarian Debate on "Pacifism" and Patriotism](#)

I recently stumbled across an old correspondence I had forgotten about with [J. Neil Schulman](#). It started with Huebert's great article, [A Great Institution in Freefall](#). This was in 2002, post-9/11, but before the Iraq war. In this piece, Huebert criticized [FEE's controversial plan](#) to have former New York Mayor Rudolph Giuliani as the keynote speaker and guest of honor at their annual trustees' dinner. In my blogpost [The Decline of FEE--Part II: Schulman's Reply](#) I commented on and criticized a [letter](#) Schulman wrote to Huebert in response. Schulman wrote a [letter](#) back to me, cc'ing dozens of the libertarians I didn't know, and I replied briefly [here](#). This debate spawned the [WarLibertarians](#) YahooGroup, which is now inactive but which has a lively set of initial discussion by pro- and anti-war libertarians. I continue to find fascinating Schulman's [letter](#). It was written in July 2002, before the Iraq war, in condemnation of libertarian "pacifists". Re-reading it tonight, I was thinking to myself, boy, I bet Neil's had second thoughts given the way the Iraq war has turned out. But a quick google search found Neil's [It](#)

[Posted at 06/14/07 09:39 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Re: Revisiting a pre-Iraq War Libertarian Debate on "Pacifism" and Patriotism](#)

Regarding my [post yesterday](#), someone clued me in on a bit of recent history in this regard that I had been unaware of: "I guess you missed all the excitement a few months back, when Schulman essentially destroyed the old Konkin email list (of which he was the moderator) by flaming and/or banning anyone who dared challenge his warhawkery -- thus prompting mass defection to a new list. There was lots of blogosphere discussion thereon:"

- Wally Conger's [Maintaining principles, changing banners](#)
- [comment](#) by "Jeremy" on the "paxx:blog"
- [is MLL dead?](#) on the freeman's interweblogosaur
- [Long Live Secession](#), on Roderick Long's Austro-Athenian Empire
- [The Readiness is ALL](#), also on Austro-Athenian Empire

[Posted at 06/15/07 10:01 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [On Excluding Ron Paul](#)

Re Tom Woods's [Excluding Ron Paul](#) LRC piece today -- Tom is on the road so called me to ask me to post the following for him: Ed Failor of Iowans for Tax Relief called Woods this morning, livid about Woods's LRC piece. Failor denied having lied--he says Duncan Hunter was among the original invitees but had not responded in the allotted time. Therefore, when Gilmore dropped out, they went back to Hunter. Tom is not altogether convinced by this explanation. If the Hunter people hadn't responded in time, and since we now know Ron Paul is a far more "credible candidate" (than Hunter), why not give Paul the chance Hunter passed up? That he called Tom at all probably means his office is being absolutely overwhelmed by Ron Paul supporters--keep it up! Update: A little birdie sent me this:

BUSTED! ED FAILOR, WHO EXCLUDED RON PAUL FROM THE IOWANS FOR TAX RELIEF DEBATE, WORKS FOR JOHN MCCAIN CAMPAIGN AS SENIOR ADVISOR!  
In addition, he's a financial supporter of McCain: Edward Failor Contribution List in 2008  
Name & Location Employer/Occupation Dollar Amount Date Primary/General Contributed To  
Failor, Edward D Mr. Jr. MUSCATINE, IA 52761 Iowans For Tax Relief/Executive Vic \$250  
03/31/2007 P JOHN MCCAIN 2008 INC. - Republican Failor, Edward D Mr. Jr.  
MUSCATINE, IA 52761 Iowans For Tax Relief/Executive Vic \$1,000 03/31/2007 P JOHN  
MCCAIN 2008 INC. - Republican <http://www.gwu.edu/~action/2008/mccain/mccainorgia.html>

[Posted at 06/20/07 09:51 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Go, Putin, Go](#)

One need not agree with [Putin's claims](#) that American crimes have been "worse" than [Stalin's crimes](#) to admire his calling a spade a spade. After President Bush sanctimoniously "unveiled a monument to the victims of communism in Washington" at which he "compared those totalitarian regimes to modern terror groups," Putin

suggested the United States' use of atomic weapons against Japan at the end of World War II was worse than the abuses of Stalin. He also cited the U.S. bombing campaign and use the defoliant Agent Orange during the Vietnam War. "We have not used nuclear weapons against a civilian population," he said. "We have not sprayed thousands of kilometers (miles) with chemicals, (or) dropped on a small country seven times more bombs than in all the Great Patriotic (War)"

[Posted at 06/29/07 11:32 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Hummel on Woods's Politically Incorrect Guide to American History](#)

[I just found this draft post I wrote about a year ago--had forgotten to hit the publish button--] A few comments on Jeff Hummel's lengthy JLS [review](#) of Tom Woods's [The Politically Incorrect Guide to American History](#) (Hummel's review essay is also reprinted [here](#)). First, Hummel opens by noting that P.I.G. "raised an amazing amount of furor," both among leftists and also some conservatives and libertarians. Woods's critics have engaged in "ad hominem attacks" and charges of guilt by association, as well as "venomous assaults" including "descending to the low of Klan baiting." After noting this, Hummel writes, "For all of this, Woods and his editors must share partial responsibility" and "I find it hard to

sympathize with the tone of surprised martyrdom he takes in online replies to critics." It seems to me that if one recognizes someone is the victims of such blatantly unfair and outrageous attacks, one ought not in effect blame the victim. Woods is not to blame for the admittedly "venomous assaults" against him. Nor is he to be blamed in the slightest for the "tone" he takes in defense against lowlife, venomous critics. Hummel goes on,

I therefore propose to focus exclusively on the book itself (ignoring Woods's past associations and other writings) and evaluate its historical interpretations on the basis of libertarian theory and values...

The parenthetical here makes a veiled insinuation that Woods's past associations are writings are somewhat racist or unsavory; Hummel adopts the stance of being magnanimous enough to overlook that for purposes of his essay. I utterly reject the smears and attacks on Woods by the PC chorus. Those who cry racism at the drop of a hat have cried wolf so many times and have such hypocritical, princess-and-the-pea standards that they have absolutely zero credibility. In fact, they have negative credibility, in the sense that when they charge someone with bigotry, racism, etc., the presumption is that the victim of these charges is probably *not* guilty of them. Hummel does something similar in his remarks about Trask (and also, to a degree, Woods) (p. 76):

What is reprehensible about the Reconstruction chapter is not its denigration of the Fourteenth Amendment but its apologia for the Black Codes adopted by the southern states immediately after the Civil War. Contending that these codes have been misunderstood, PIG favorably quotes an essay written by H. A. Scott Trask and Carey Roberts ... Nearly every one of the states' codes subjected blacks who were idle or unemployed to imprisonment or forced labor for up to one year, while "enticement" laws made it a crime, rather than simply a tort, to offer higher wages to a worker already under contract. In essence, the goal was to have government partly assume the role of the former masters by, in Foner's words, "inhibiting development of a free market in land and labor."

The excuse given by Trask and Roberts, as quoted by Woods (p. 81), for these provisions, is as follows:

Many [Black Codes] mandated penalties for vagrancy, but the intention there was not to bind them [blacks] to the land in a state of perpetual serfdom, as was charged by Northern Radicals, but to end what had become an intolerable situation-the wandering across the South of large numbers of freedmen who were without food, money, jobs, or homes. Such a situation was leading to crime, fear, and violence.

Sometimes the line is very fine between empathically understanding the motives of historical actors and morally exculpating their actions. If Woods, through the quoted passage from Trask and Roberts, has not crossed that line with respect to white Southerners, he has skirted dangerously close. The former slaves did wander across the South and flock to cities immediately after emancipation. Many southern whites found utterly irrational and ungrateful, on the part of a people they had considered less than fully human, this desire to exercise a newly acquired freedom by doing something never permitted before and to perhaps track down lost family members who had been sold away. That any American writing in the twenty-first century who claims to be an advocate of liberty could likewise view such



wandering as "intolerable" borders on disgraceful.

I fully agree that anyone who actually personally views the restrictions on rights of freed slaves as "intolerable," or who believes the black codes were justifiable, is abominable. (However, I am not sure why it is worse for an "advocate of liberty" to have such a view than anyone else. Evil views are evil views, no matter who holds or advocates them.) Yet there is no reason whatsoever to believe that Trask and Roberts, or Woods, actually themselves believe these aspects of the Black Codes to be justified or warranted. To assume otherwise ignores not only these authors' libertarian views (which would clearly conflict with the unlibertarian aspects of Black Codes!) but also fails to provide a charitable reading of these authors. Clearly they are explaining the sentiment of the times that gave rise to some of the objectionable (and terrible!) Black Code provisions--not endorsing it. That Hummel stays just this side of outright accusing them of endorsing racist laws--saying it "borders on disgraceful"--itself borders on disgraceful. Hummel also expresses his distaste for the popular style and presentation of the P.I.G. series, even though that very accessibility has meant the exposure of tens if not hundreds of thousands of people to more or less libertarian ideas, or at least those contrary to the received (socialist-mainstream) wisdom (I understand that Woods's book has sold well over 100,000 copies). Also, Woods's views on the American Revolution are obviously a legitimate interpretation of events, as Hummel more or less concedes: why else did Burke support the Americans and oppose the French? Is he, too, seeing the same imaginary differences Woods sees? Hummel writes: "Woods ends up wallowing in the constitutional fetishism of conservatives, worshipping the document (correctly interpreted, to be sure) as the sacred text of America's political religion." But the same could be said of any number of libertarians (e.g., Randy Barnett) who urge more faithful adherence to the Constitutional text as a means to achieve libertarian goals. In any event, what is wrong with looking at the original understanding of certain constitutional clauses? It's another argument for our side: here are the rules the regime *said it would abide by*, and it refuses to, twisting the words to mean nearly the opposite of what everyone was led to understand they meant. Why is this "fetishism"? And so what if Woods spends time pointing out that the First Amendment didn't apply to the states? Isn't that true? But Hummel asks: "Why harp on a detail that every competent historian, informed journalist, and educated citizen already knows?" Well--by this definition, there are about 37 educated citizens in America: how many historians outside of libertarian or conservative conferences know or will admit that the First Amendment originally didn't apply to the states? Is he serious? In other words, Woods is criticized here for (correctly) pointing out something because it is too well known to bother pointing out. Seems like a weak critique to me (especially when it is *not* well known.) Then Hummel says he doesn't care if secession is a constitutional right. ("Why should any libertarian care one whit whether secession was a legal right?") Who cares if he doesn't care? What's the relevance of that? It's a legitimate historical question, isn't it? (In fact, Hummel himself has "made the case for an unconditional right of secession in [his] own book on the Civil War".) Woods's point about the 14th Amendment being illegally ratified is more "constitutional fetishism" -- as if the regime's refusal to abide by its own rules isn't an interesting and important proselytizing point for libertarians. As for whether Woods misread Howard Beale ... I believe he only quoted one or two whole paragraphs from Beale's book. Beale's point is simply that people had things other than Reconstruction policy on their minds in 1866, and that the Radical victory in that election is not attributable to their position on Reconstruction. So I just don't get this critique. As for Hummel's point about neutrality laws--that libertarians should oppose them because they infringe on private individuals' right to engage in trade--sure, of course. But does that imply that neutrality laws are not a tolerable second-best alternative to full-scale interventionism? Again, where is the critique of Woods? Re Hummel's comments on Woods's views on Yalta: I think Hummel is misreading Woods. Woods did not argue that the U.S. could have done much to save Eastern Europe; he made only the smaller but still historically interesting point that FDR really doesn't seem to have cared one way or the other. In fact, libertarian Richard Ebeling has made the same argument: [Ebeling writes](#):

"Based on his comments to Cardinal Spellman and other Americans, and from his explicit giving of a free hand to Stalin in Poland and the Baltic States at the Teheran Conference, in fact FDR really did not give a damn whether the people in these countries got anything more."

Hummel goes on:

"Whether the moral right of secession is conditional or unconditional is a question about which libertarian political theorists disagree. I have made the case for an unconditional right of secession in my own book on the Civil War. [2] But Woods dares not go down that path. Because if the states have a moral right to secede from the Union, regardless of motives or grievances, then counties have an unconditional moral right to secede from states, and individuals from counties. This not only sanctions the Confederacy's 1861 firing on a federal fort in Charleston Bay but also John Brown's 1859 raid on a government arsenal at Harpers Ferry, which was merely an attempt to apply the right of secession to the plantation."

What a puzzling passage. Why would Woods "dare not" go down this path? Why does Hummel assume Woods would be against the Harpers Ferry raid--? Hummel also refers to DiLorenzo as a neo-Confederate (and an amateurish one at that). DiLorenzo is of course a respected libertarian-Austrian intellectual, and given that the term "neo-Confederate" has [pejorative connotations](#) that are untrue of DiLorenzo (e.g., the term usually implies someone is an advocate of agrarianism as well as a return to racist segregation if not chattel slavery), it is outrageous to apply this label to him. I would assume Hummel has had his share of "you're an apologist for slavery" accusations (someone who has "made the case for an unconditional right of secession" can hardly escape the wrath of the PC police); I would have thought that would have made him more careful about joining in. (This reminds me of David Horowitz, himself [unfairly accused of bigotry](#), wickedly and disgustingly [calling Pat Buchanan an anti-semite](#).)

[Posted at 08/06/07 01:25 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Long live the Hapsburgs!](#)

"[The Great Divide Revisited: Ottoman and Habsburg Legacies on Transition](#)", by Valentina P. Dimitrova-Grajzl (thanks to Mark Thornton for the link):

*"I show that the Habsburg successor states have institutions that are more efficient in a market economy than the Ottoman successor states."*

No surprise to [Hoppeans](#). Sad day for Palmer (see Raico's [Mises and Monarchy](#); also [Cato v. Kaiser](#) and [Raico Cleans Tom Palmer's Clock](#)). Update: Sudha R Shenoy adds: So the historical research was correct after all:

- D F Good, The Economic Rise of the Hapsburg Monarchy 1750-1914 (Berkeley 1975)
- John Komlos, ed, Economic Development in the Hapsburg Monarchy in the Nineteenth Century (1983)
- John Komlos, The Hapsburg Monarchy as a Customs Union, Economic Development in Austria-Hungary in the Nineteenth Century (Guildford 1983)
- Max-Stephan Schulze,

[Posted at 08/08/07 02:03 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Hollywood Treatment of Collapse of Communism?](#)

WWII ended 1945, and *The Best Years of Our Lives* came out in 1946. The War in Vietnam ended in 1975. *Apocalypse Now* came out 4 years later, in 1979. The 9/11 attacks were in 2001, and has already been the subject of *World Trade Center* and *United 93*, both out in 2006. The Iraq war is still ongoing, and I hear there are movies in the works about it already. The devastating Tsunamis of 2004 received miniseries treatment within a couple years. How strange, then, that two of the most significant events of the last hundred years--the collapse of communism as manifested in the fall of the Berlin Wall in 1989 and the ensuing reunification of Germany, and the collapse of the Soviet Union in 1991. These astounding events happened almost 20 years ago and still have not received any big-screen treatment, that I know of. Isn't that amazing? I, for one, would love to see a good movie or miniseries based on either of these two events, showing the bankruptcy of the communist system and the real reasons for its collapse. (Tibor Machan did recently recommend to me a novel, [Brandenberg Gate](#), set in East Germany during 1989.)

Update: Some comments from readers: All those movies have one thing in common: They're all America/American-centric. Unless there was some way to shoe-horn Americans into the protagonist roles, there's just no market for it. It might be sour grapes too... with the fall of the Soviet Union they couldn't be used as generic villains in action movies anymore (not that they didn't try, like the Val Kilmer version of *The Saint*). \*\*\* Personally I'd love to see a film about the Hamilton-Burr duel and the politics of early 19th century New York. But I may be alone in that wish. As for the Revolution, the biggest impediments to big screen treatment are (1) late 18th century warfare lacks the excitement of airplane bombings and automatic weapons; (2) American forces fared poorly for much of the war until the French got involved; and (3) the "bad guys" look and speak the same as the good guys. \*\*\* I think the answer is buried somewhere in the facts connected with Anne Applebaum's observations of the differences - there are ten or so, i think - between how our historians, intellectuals, media and opinion makers, and hence our society, deal with and view the Soviet socialist system, versus say the Nazi system. For instance, to this day, it is cool to buy and collect Soviet memorabilia, but in disgustingly poor taste to be interested in corresponding Nazi memorabilia. I think the left would like to quietly forget the failures and atrocities of Marx and Lenin, and a big part of forgetting is not creating movies to relive them. \*\*\* Your post on movies dealing with the fall of the Berlin wall cannot be complete without a mention of the Oscar winning [The Lives of Others](#), which was made by Germans. It chronicles the abusive Eastern German Government and the way it encroached on the privacy of everyday citizens. Hollywood at least recognized it as the best foreign language film of the year, in fairness. They were right to reward it as the film is the best thing that I have seen in the theater this year. \*\*\* Not exactly Hollywood, and not exactly what you're looking for, but... "[Goodbye Lenin!](#)" has some really charming moments, such as contrasting the available groceries in pre- and post-Communist East Germany. \*\*\* Read your blog and I recall a German (comedy) film regarding the collapse of East Germany. It is called

[Posted at 08/10/07 10:04 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☺]

## [The health of libertarianism](#)

Physician Ross Levatter, writing in the September, 2007 *Liberty*:

*The health of libertarianism* -- In a Wall Street Journal op-ed (July 17), libertarian legal theorist Randy Barnett concludes his [arguments against Ron Paul](#): "[Pro-war libertarians] are concerned that Americans may get the misleading impression that all libertarians oppose the Iraq war -- as Ron Paul does -- and even that libertarianism itself dictates opposition to this war. It would be a shame if this misinterpretation inhibited a wider acceptance of the

libertarian principles ...." Yes, absolutely. Perish the thought that anyone be misled into believing libertarians would oppose something as traditional and all-American as war. War, after all, is the health of a strictly limited government, structured to defend civil liberties and maintain peace and prosperity.

[Posted at 08/10/07 09:56 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [A Child's Guide To United States Foreign Policy](#)

Hilarious and brilliant: **Satire [A Child's Guide To United States Foreign Policy](#)** July 19, 2003 This piece is currently floating around cyberspace. Q: Daddy, why did we have to attack Iraq? A: Because they had weapons of mass destruction honey. Q: But the inspectors didn't find any weapons of mass destruction. A: That's because the Iraqis were hiding them. Q: And that's why we invaded Iraq? A: Yep. Invasions always work better than inspections. Q: But after we invaded them, we STILL didn't find any weapons of mass destruction, did we? A: That's because the weapons are so well hidden. Don't worry, we'll find something, probably right before the 2004 election. Q: Why did Iraq want all those weapons of mass destruction? A: To use them in a war, silly. Q: I'm confused. If they had all those weapons that they planned to use in a war, then why didn't they use any of those weapons when we went to war with them? A: Well, obviously they didn't want anyone to know they had those weapons, so they chose to die by the thousands rather than defend themselves. Q: That doesn't make sense Daddy. Why would they choose to die if they had all those big weapons to fight us back with? A: It's a different culture. It's not supposed to make sense. Q: I don't know about you, but I don't think they had any of those weapons our government said they did. A: Well, you know, it doesn't matter whether or not they had those weapons. We had another good reason to invade them anyway. Q: And what was that? A: Even if Iraq didn't have weapons of mass destruction, Saddam Hussein was a cruel dictator, which is another good reason to invade another country. Q: Why? What does a cruel dictator do that makes it OK to invade his country? A: Well, for one thing, he tortured his own people. Q: Kind of like what they do in China? A: Don't go comparing China to Iraq. China is a good economic competitor, where millions of people work for slave wages in sweatshops to make U.S. corporations richer. Q: So if a country lets its people be exploited for American corporate gain, it's a good country, even if that country tortures people? A: Right. Q: Why were people in Iraq being tortured? A: For political crimes, mostly, like criticizing the government. People who criticized the government in Iraq were sent to prison and tortured. Q: Isn't that exactly what happens in China? A: I told you, China is different. Q: What's the difference between China and Iraq? A: Well, for one thing, Iraq was ruled by the Ba'ath party, while China is Communist. Q: Didn't you once tell me Communists were bad? A: No, just Cuban Communists are bad. Q: How are the Cuban Communists bad? A: Well, for one thing, people who criticize the government in Cuba are sent to prison and tortured. Q: Like in Iraq? A: Exactly. Q: And like in China, too? A: I told you, China's a good economic competitor. Cuba, on the other hand, is not. Q: How come Cuba isn't a good economic competitor? A: Well, you see, back in the early 1960s, our government passed some laws that made it illegal for Americans to trade or do any business with Cuba until they stopped being communists and started being capitalists like us. Q: But if we got rid of those laws, opened up trade with Cuba, and started doing business with them, wouldn't that help the Cubans become capitalists? A: Don't be a smart-ass. Q: I didn't think I was being one. A: Well, anyway, they also don't have freedom of religion in Cuba. Q: Kind of like China and the Falun Gong movement? A: I told you, stop saying bad things about China. Anyway, Saddam Hussein came to power through a military coup, so he's not really a legitimate leader anyway. Q: What's a military coup? A: That's when a military general takes over the government of a country by force, instead of holding free elections like we do in the United States. Q: Didn't the ruler of Pakistan come to power by a military coup? A: You mean General Pervez Musharraf? Uh, yeah, he did, but Pakistan is our friend. Q: Why is Pakistan our friend if their leader is

illegitimate? A: I never said Pervez Musharraf was illegitimate. Q: Didn't you just say a military general who comes to power by forcibly overthrowing the legitimate government of a nation is an illegitimate leader? A: Only Saddam Hussein. Pervez Musharraf is our friend, because he helped us invade Afghanistan. Q: Why did we invade Afghanistan? A: Because of what they did to us on September 11th. Q: What did Afghanistan do to us on September 11th? A: Well, on September 11th, nineteen men, fifteen of them Saudi Arabians, hijacked four airplanes and flew three of them into buildings, killing over 3,000 Americans. Q: So how did Afghanistan figure into all that? A: Afghanistan was where those bad men trained, under the oppressive rule of the Taliban. Q: Aren't the Taliban those bad radical Islamics who chopped off people's heads and hands? A: Yes, that's exactly who they were. Not only did they chop off people's heads and hands, but they oppressed women, too. Q: Didn't the Bush administration give the Taliban 43 million dollars back in May of 2001? A: Yes, but that money was a reward because they did such a good job fighting drugs. Q: Fighting drugs? A: Yes, the Taliban were very helpful in stopping people from growing opium poppies. Q: How did they do such a good job? A: Simple. If people were caught growing opium poppies, the Taliban would have their hands and heads cut off. Q: So, when the Taliban cut off people's heads and hands for growing flowers, that was OK, but not if they cut people's heads and hands off for other reasons? A: Yes. It's OK with us if radical Islamic fundamentalists cut off people's hands for growing flowers, but it's cruel if they cut off people's hands for stealing bread. Q: Don't they also cut off people's hands and heads in Saudi Arabia? A: That's different. Afghanistan was ruled by a tyrannical patriarchy that oppressed women and forced them to wear burqas whenever they were in public, with death by stoning as the penalty for women who did not comply. Q: Don't Saudi women have to wear burqas in public, too? A: No, Saudi women merely wear a traditional Islamic body covering. Q: What's the difference? A: The traditional Islamic covering worn by Saudi women is a modest yet fashionable garment that covers all of a woman's body except for her eyes and fingers. The burqa, on the other hand, is an evil tool of patriarchal oppression that covers all of a woman's body except for her eyes and fingers. Q: It sounds like the same thing with a different name. A: Now, don't go comparing Afghanistan and Saudi Arabia. The Saudis are our friends. Q: But I thought you said 15 of the 19 hijackers on September 11th were from Saudi Arabia. A: Yes, but they trained in Afghanistan. Q: Who trained them? A: A very bad man named Osama bin Laden. Q: Was he from Afghanistan? A: Uh, no, he was from Saudi Arabia too. But he was a bad man, a very bad man. Q: I seem to recall he was our friend once. A: Only when we helped him and the mujahadeen repel the Soviet invasion of Afghanistan back in the 1980s. Q: Who are the Soviets? Was that the Evil Communist Empire Ronald Reagan talked about? A: There are no more Soviets. The Soviet Union broke up in 1990 or thereabouts, and now they have elections and capitalism like us. We call them Russians now. Q: So the Soviets ? I mean, the Russians ? are now our friends? A: Well, not really. You see, they were our friends for many years after they stopped being Soviets, but then they decided not to support our invasion of Iraq, so we're mad at them now. We're also mad at the French and the Germans because they didn't help us invade Iraq either. Q: So the French and Germans are evil, too? A: Not exactly evil, but just bad enough that we had to rename French fries and French toast to Freedom Fries and Freedom Toast. Q: Do we always rename foods whenever another country doesn't do what we want them to do? A: No, we just do that to our friends. Our enemies, we invade. Q: But wasn't Iraq one of our friends back in the 1980s? A: Well, yeah. For a while. Q: Was Saddam Hussein ruler of Iraq back then? A: Yes, but at the time he was fighting against Iran, which made him our friend, temporarily. Q: Why did that make him our friend? A: Because at that time, Iran was our enemy. Q: Isn't that when he gassed the Kurds? A: Yeah, but since he was fighting against Iran at the time, we looked the other way, to show him we were his friend. Q: So anyone who fights against one of our enemies automatically becomes our friend? A: Most of the time, yes. Q: And anyone who fights against one of our friends is automatically an enemy? A: Sometimes that's true, too. However, if American corporations can profit by selling weapons to both sides at the same time, all the better. Q: Why? A: Because war is good

for the economy, which means war is good for America. Also, since God is on America's side, anyone who opposes war is a godless un-American Communist. Do you understand now why we attacked Iraq? Q: I think so. We attacked them because God wanted us to, right? A: Yes. Q: But how did we know God wanted us to attack Iraq? A: Well, you see, God personally speaks to George W. Bush and tells him what to do. Q: So basically, what you're saying is that we attacked Iraq because George W. Bush hears voices in his head? A: Yes! You finally understand how the world works. Now close your eyes, make yourself comfortable, and go to sleep. Good night. --

[Posted at 08/11/07 10:44 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Selling Votes is Okay](#)

But selling pot or sex is not. Weird. [A judicial blessing for vote-swapping sites](#) reports that a federal appellate court has ruled two vote-swapping sites pertaining to the Bush-Gore 2000 presidential election could not be criminally prosecuted because it would violate the First Amendment. The sites, [voteswap2000.com](http://voteswap2000.com) and [votexchange2000.com](http://votexchange2000.com) urged people to swap their votes and provided e-mail means for accomplishing this objective. The purpose was to allow Gore and Nader supporters to swap votes so as to improve Gore's chances of winning the Democratic-pledged electors in swing states without diminishing Nader's percent of the national popular vote (which had to exceed 5 percent to qualify Nader's party for federal funding in future elections). Those federals never continue to surprise.

[Posted at 09/06/07 02:40 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Neocons Hate International Law](#)

Re [Eric's](#) and [Anthony's](#) comments about Paul on international law (Anthony wrote: "The fact that even many in the audience cheered Ron's comment on international law (the others probably ignorantly thought he meant the UN, not the great libertarian tradition of international codes of civilized behavior such as the law of neutrals and non-aggression) is heartwarming and breathtaking.") -- on a libertarian Republican email list, one of the posters criticized Paul for referencing international law--in particular Paul's condemning the war on Iraq because it was illegal under international law. Why would any liberty-lover oppose the rules of international law as another limit on the behavior of states? The rules of international law, being [based on "the general principles of law recognized by civilized nations"](#) (as well as on international custom and treaties), and far less corrupted by legislation than municipal legal systems [have become](#), are far more civilized and libertarian. A return to international law, just like a return to constitutional limits, would move any modern state in the direction of liberty. So the neocons just hate international law. They hate the idea of the state being limited by anything--a constitution, international law, whatever. They seem not to understand that the United States *is* bound by international law. They do not recognize the limitations it places on waging war, and that this is a good thing. They apparently are oblivious to the fact that all treaties, all international relations, are governed by international law--that without the international law principle of [pacta sunt servanda](#), for example, no treaties between nations would be binding--including treaties the US has signed. They apparently believe that a President, a country, should flout international law--that it should not abide by international agreements; that we should not recognize international law as binding. It's a wonder more neocons aren't anarchists, if they believe the [200 nations of the world](#) co-exist in an utterly lawless order.

[Posted at 09/06/07 02:58 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Boudreaux on Hoppe on Immigration](#)

A few thoughts on Donald Boudreaux's recent column [Libertarians & immigration](#). Boudreaux starts off:

One of the most bizarre developments in the past decade or so is the insistence by a small handful of people who parade under the banner "libertarian" or "advocate of free markets" that the state has both the right and the duty to limit immigration. The most popular version of the so-called libertarian case against immigration runs like this:

A couple of comments. First, he is clearly talking about [Hans-Hermann Hoppe](#), though he never mentions him. Why not name names and provide a link, so people can read it on their own and see what he's critiquing? (It's [pretty clear](#), though, that he is talking about Hoppe here.) Second, Boudreaux implies that the only libertarian position is completely open borders, no restrictions at all on immigration. He implies that only a "small group" of libertarians believe otherwise; and that this view is only a "so-called" libertarian opinion; that the tiny number of people who oppose completely unrestricted immigration in present-day America merely "parade under the banner" of libertarianism. In other words, he implies that there is no real debate about this in libertarian circles. There is; and more than that, it is more than a "small group" of libertarians who oppose unrestricted immigration--probably at least half, if not more, of libertarians would oppose unrestricted immigration. In fact, an entire *Journal of Libertarian Studies* symposium issue a few years ago ([Volume 13](#)) about immigration had only one open-borders advocate (as I recall)--Walter Block. The rest--Hoppe, Machan, Raico, Simon, Hospers, et al.--if I remember right, were *all* against completely open borders/unrestricted immigration. How can anyone argue that being in favor of some restrictions on immigration is clearly unlibertarian, and held by only a tiny minority of libertarians? I myself am extremely skeptical of any state involvement in immigration policy; and I do not claim that any of these libertarian opponents of unrestricted immigration are right--I am not appealing to an argument from authority or from numbers. But I do believe it is dishonest for Boudreaux to imply that this is a settled issue among libertarians; that only a few kooks hold the "outlier" idea that we should not have open borders; that only a "handfull" of libertarians disagree with the unrestricted immigration advocates. Boudreaux may be correct in his policy views; but he should not try to bolster his argument by falsely implying that most libertarians agree with him and that most do not agree with his opponents, or that there is no real dispute here. He continues:

Each private property owner has the moral right (and should have the legal right) to ban from his property, or to admit onto his property, anyone he chooses. In a free society, no one is coerced into unwanted associations with others. Therefore, because in a fully free society all land would be privately owned and government would be limited (at most) to keeping the peace, immigration policy in this society would be highly decentralized, in the hands of each of the many property owners. Each property owner would choose his own "immigration policy." But we do not live in a fully free society. We're stuck with a large and intrusive government, one that owns enormous tracts of land and public facilities. Given that excessive government is a reality that will not soon disappear, the best that citizens of a democratic society can hope for on the immigration front is that their overly powerful government mimics the immigration policies that a fully free society would adopt.

Because there would be no free admission in a fully free society--again, each private owner could chose to admit or not to admit anyone seeking to enter his property--there should be no free admission in today's less-than-free society. Indeed, say these "libertarian" skeptics of immigration, open immigration today is tantamount to forced integration. Citizens who do not

wish to associate with foreigners are forced to do so by a government that too freely admits foreign immigrants.

They are also forced by virtue of anti-discrimination and affirmative action laws. Why does he ignore this? As Hoppe points out [here](#):

If a domestic resident-owner invites a person and arranges for his access onto the resident-owner's property but the government excludes this person from the state territory, it is a case of *forced exclusion* (a phenomenon that does not exist in a natural order). On the other hand, if the government admits a person while there is no domestic resident-owner who has invited this person onto his property, it is a case of *forced integration* (also nonexistent in a natural order, where all movement is *invited*). ... By admitting someone onto its territory, the state also permits this person to proceed on public roads and lands to every domestic resident

[Posted at 09/14/07 01:35 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Robert Reich is EVIL](#)

Yes, we already knew this. But when I saw his column, [CEOs Deserve Their Pay](#), in today's *Wall Street Journal* (full version below), I thought, wow, maybe he's not a mental midget after all (ahem). Reich notes that today, "the typical CEO of a Fortune 500 company" earned "more than 364 times the pay of an average employee." While, "Forty years ago, top CEOs earned 20 to 30 times what average workers earned." Yes, argues Reich, "There's an economic case for the stratospheric level of CEO pay which suggests shareholders -- even if they had full say -- would not reduce it. In fact, they're likely to let CEO pay continue to soar. That's because of a fundamental shift in the structure of the economy over the last four decades, from oligopolistic capitalism to super-competitive capitalism. CEO pay has risen astronomically over the interval, but so have investor returns." Okay, fine. So Reich seems to have some sense. But hold on. He ruins it in his conclusion:



Martin Kozlowski

This economic explanation for sky-high CEO pay does not justify it socially or morally. It only means that investors think CEOs are worth it. As citizens, though, most of us disapprove. About 80% of Americans polled by the Los Angeles Times and Bloomberg in early 2006 said CEOs are overpaid. The reaction was roughly the same regardless of the respondent's income or political affiliation. But if America wants to rein in executive pay, the answer isn't more shareholder rights. Just as with the compensation of Hollywood celebrities or private-equity and hedge fund managers, the answer -- for anyone truly concerned -- is a higher marginal tax rate on the super pay of those in super demand.

Oh my God. He actually realizes that high CEO pay makes sense--and thinks the "solution" to this non-problem is just to steal their salaries. How evil is this guy? CEOs Deserve Their Pay By ROBERT B. REICH September 14, 2007; Page A13 According to research published recently by the Washington-based Institute for Policy Studies, the 20 highest-paid corporate executives earned on average \$36 million in total compensation last year. The typical CEO of a Fortune 500 company didn't do quite as well, but at \$10.8 million didn't do so badly -- that's more than 364 times the pay of an average employee. Forty years



ago, top CEOs earned 20 to 30 times what average workers earned. The trend has ignited a flurry of attention in Washington. Last year the Securities and Exchange Commission ordered companies to reveal more detail about executive pay, but it's still hard for investors to decipher what companies disclose. SEC chairman Christopher Cox recently complained that a typical remuneration report is "as tough to read as a Ph.D. dissertation." In April, the House approved a proposal for a mandatory "say on pay" vote by shareholders. Although the White House opposes it and it has little chance of becoming law, expect Democrats to hammer away at the theme this election year. Hold on. There's an economic case for the stratospheric level of CEO pay which suggests shareholders -- even if they had full say -- would not reduce it. In fact, they're likely to let CEO pay continue to soar. That's because of a fundamental shift in the structure of the economy over the last four decades, from oligopolistic capitalism to super-competitive capitalism. CEO pay has risen astronomically over the interval, but so have investor returns. The CEO of a big corporation 40 years ago was mostly a bureaucrat in charge of a large, high-volume production system whose rules were standardized and whose competitors were docile. It was the era of stable oligopolies, big unions, predictable markets and lackluster share performance. The CEO of a modern company is in a different situation. Oligopolies are mostly gone and entry barriers are low. Rivals are impinging all the time -- threatening to lure away consumers all too willing to be lured away, and threatening to hijack investors eager to jump ship at the slightest hint of an upturn in a rival's share price. Worse yet, any given company's rivals can plug into similar global supply and distribution chains. They have access to low-cost suppliers from all over the world and can outsource jobs abroad as readily as their competitors. They can streamline their operations with equally efficient software culled from many of the same vendors. They can get capital for new investment on much the same terms. And they can gain access to distribution channels that are no less efficient, some of them even identical. So how does the modern corporation attract and keep consumers and investors (who also have better and better comparative information)? How does it distinguish itself? More and more, that depends on its CEO -- who has to be sufficiently clever, ruthless and driven to find and pull the levers that will deliver competitive advantage. There are no standard textbook moves, no well-established strategies to draw upon. If there were, rivals would already be using them. The pool of proven talent is small because so few executives have been tested and succeeded. And the boards of major companies do not want to risk error. The cost of recruiting the wrong person can be very large -- and readily apparent in the deteriorating value of a company's shares. Boards are willing to pay more and more for CEOs and other top executives because their rivals are paying more and more for them. Former Home Depot CEO Robert Nardelli to the contrary notwithstanding, the pay is usually worth it to investors. The proof is in the numbers. Between 1980 and 2003, the average CEO in America's 500 largest companies rose sixfold, adjusted for inflation. Outrageous? Not to investors. The average value of those 500 companies also rose by a factor of six, adjusted for inflation. In 2005, for example, Exxon Mobil reported \$36 billion in profits. Its former chairman, Lee R. Raymond, retired that year with a compensation package totaling almost \$400 million, including stock, stock options and long-term compensation. Too much? Not to Exxon's investors, who enjoyed a 223% return over the interval, compared to the average 205% return received by shareholders of other oil companies, a premium of about \$16 billion. Raymond took home just 4% of that \$16 billion. As the economy has shifted toward supercapitalism, CEOs have become less like top bureaucrats and more like Hollywood celebrities who get a share of the house. Hollywood's most popular celebrities now pull in around 15% of whatever the studios take in at the box office. Clark Gable earned \$100,000 a picture in the 1940s, roughly \$800,000 in present dollars. But that was when Hollywood was dominated by big-studio oligopolies. Today, Tom Hanks makes closer to \$20 million per film. Movie studios -- now competing intensely not only with one another but with every other form of entertainment -- willingly pay these sums because they're still small compared to the money these stars bring in and the profits they generate. Today's big companies are paying their CEOs mammoth sums for much the same reason. If you assume shareholders

would rein in CEO pay, take a look at the United Kingdom. Since 2003, changes in British securities law have given investors more say over what British CEOs are paid. Nonetheless, executive pay there has continued to skyrocket, on the way to matching the pay of American CEOs. Companies listed on the London stock market have done sufficiently well that British investors don't care what CEOs are paid. Full disclosure with shareholder approval might make it harder for a CEO to claim to be worth it if his company's shares have lost ground during his tenure or risen no more than the average share prices of other companies in the same industry. But given the intensity of competition for star performers, disclosure and approval might cause CEO pay to soar even higher. This economic explanation for sky-high CEO pay does not justify it socially or morally. It only means that investors think CEOs are worth it. As citizens, though, most of us disapprove. About 80% of Americans polled by the Los Angeles Times and Bloomberg in early 2006 said CEOs are overpaid. The reaction was roughly the same regardless of the respondent's income or political affiliation. But if America wants to rein in executive pay, the answer isn't more shareholder rights. Just as with the compensation of Hollywood celebrities or private-equity and hedge fund managers, the answer -- for anyone truly concerned -- is a higher marginal tax rate on the super pay of those in super demand. Mr. Reich, professor of public policy at the University of California at Berkeley and former U.S. Secretary of Labor under President Clinton, is author of the just-published "Supercapitalism: The Transformation of Business, Democracy, and Everyday Life" (Alfred A. Knopf).

[Posted at 09/14/07 02:19 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### **[re: Boudreaux on Hoppe on Immigration](#)**

[Tom](#), (re my [previous post](#))-- yes, and, besides the prominent libertarians in the JLS symposium issue, and the ones you cite--Milton Friedman, Gary Becker, and Thomas Sowell--there's also [Stephen Cox](#), editor of *Liberty*; and, of course, Mises, who also rejected the idea of completely unrestricted immigration ([Omnipotent Government](#), p. 105):

"These considerations are not a plea for opening America and the British Dominions to German, Italian, and Japanese immigrants. Under present conditions America and Australia would simply commit suicide by admitting Nazis, Fascists, and Japanese. They could as well directly surrender to the F

[Posted at 09/15/07 01:28 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### **[Swinkels and Hoppe on the Tacit Support of the State](#)**

Koen Swinkels has a great article on LRC today, [Ron Paul and the Role of Ideas in Class Conflict](#). In the article he explains that

"The state depends for its continued existence on the enthusiastic support of only a few. It requires the acquiescence of many more. The few that are enthusiastic about the state are the ones that profit from it, such as politicians, bankers, bureaucrats, contractors, big corporations, mainstream media (MSM), intellectuals, lobbyists and unions. The profit comes at the expense of the many. This as the classical liberals explained is the only meaningful class conflict in society. The trick to keeping the many complacent is to deceive them into thinking they are actually not being plundered. This is achieved in at least three ways:

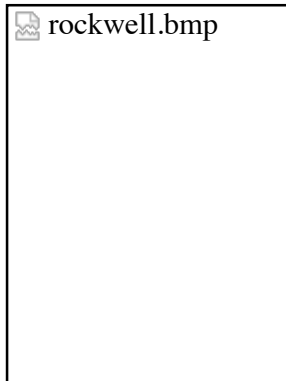
This includes intellectuals coming "up with theories justifying state institutions before or after they are created" as well as "Mainstream media and intellectuals ... drastically narrow[ing] the terms of acceptable debate by taking statism as a given." I want to note Hoppe's more systematic insights into how the state is able to manipulate the populace into tacitly supporting it. In his classic essay [Banking, Nation States and International Politics: A Sociological Reconstruction of the Present Economic Order](#), Hoppe notes (pp. 62-66) (I quote this brilliant passage at length):

as a state emerges, then, it does so *in spite* of the fact that it is neither in demand nor efficient. Instead of being constrained by cost and demand conditions, the growth of an exploiting firm is constrained by public opinion: non-productive and non-contractual property acquisitions require coercion, and coercion creates victims. It is conceivable that resistance can be lastingly broken by force in the case of one man (or a group of men) exploiting one or maybe two or three others (or a group of roughly the same size). It is inconceivable, however, to imagine that force alone can account for the breaking down of resistance in the actually familiar case of small minorities expropriating and exploiting populations ten, hundreds, or thousands of times their size. For this to happen a firm must have public support in addition to coercive force. A majority of the population must accept its operations as legitimate. This acceptance can range from active enthusiasm to passive resignation. But acceptance it must be in the sense that a majority must have given up the idea of actively or passively resisting any attempt to enforce non-productive and non-contractual property acquisitions. Instead of displaying outrage over such actions, of showing contempt for everyone who engages in them, and of doing nothing to help make them successful (not to mention actively trying to obstruct them), a majority must actively or passively support them. State-supportive public opinion must counterbalance the resistance of victimized property owners such that active resistance appears futile. And the goal of the state, then, and of every state employee who wants to contribute toward securing and improving his own position within the state, is and must be that of maximizing exploitatively acquired wealth and income by producing favorable public opinion and creating legitimacy. There are two complementary measures available to the state trying to accomplish this. First, there is ideological propaganda. Much time and effort is spent persuading the public that things are not really as they appear: exploitation is really freedom; taxes are really voluntary; non-contractual relations are really "conceptually" contractual ones; no one is ruled by anyone but we all rule ourselves; without the state neither law nor security exists; and the poor would perish, etc. Second, there is redistribution. Instead of being a mere parasitic consumer of goods that others have produced, the state redistributes some of its coercively appropriated wealth to people outside the state apparatus and thereby attempts to corrupt them into assuming state-supportive roles. But not just any redistribution will do. Just as ideologies must serve a

[Posted at 09/20/07 02:05 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### **[Re: Lew Rockwell's Twin Separated at Birth](#)**

[Karen](#), I've always thought Frank Gaffney was a close match. But his doppelgangers don't measure up to the real thing.



[Posted at 09/25/07 09:12 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ]

### [Atlas Shrugs Again](#)

[Atlas Shrugs Again](#), *Forbes*. An email from the Ayn Rand Institute to contributors reads:

We are pleased to report that the Ayn Rand Institute is featured in a prominent article on Forbes.com today, September 28, 2007. The article discusses the progress Objectivism is making in the culture, with the surge of interest in Ayn Rand, Atlas Shrugged and The Ayn Rand Institute.

[Posted at 09/28/07 03:12 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ]

### [A Lawyer for Romney](#)

[Karen](#), Jim--if Romney needs a lawyer, maybe he'll consult Cato's Vice President for Legal Affairs, PhD and lawyer [Roger Pilon](#), who maintains that it's not unconstitutional for the President to go to war without a declaration from Congress. See his 2003 article [The War Powers In Brief: On The Irreducible Politics Of The Matter](#).

[Posted at 10/11/07 03:27 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ]

### [Huckabride](#)

[Casey](#), a very intelligent libertarian I know, when I mentioned that Huckabee had visited my Texas company a couple of years ago with an Arkansas delegation to persuade Houston companies to relocate there, referred to him as "Huckabride." I love it.

[Posted at 10/19/07 02:08 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ]

### [Re: The Rise of the Libertarians](#)

[Lew](#), Kinsley's article is interesting and insightful, and frustrating and dishonest or confused at the same time. I like that he sees there is little difference between the Republicans and Democrats and identifies the real tension as between libertarians and communitarians--this axis makes much more sense than left/right.

I also like that he admits that "Communitarians tend to be bossy, boring and self-important, if they're not being oversweetened and touchy-feely" and that "Libertarians, by contrast, are not the selfish monsters you might expect." He also recognizes that libertarians are more tolerant of dissent than communitarians. He also makes an interesting and subtle point that the fascism that libertarians see as their opposite is represented in America by communitarianism (though it is not "infinitely" milder). And it's good that he acknowledges explicitly that "communitarians ... believe that group responsibilities (to family, community, nation, the globe) should trump individual rights." Bravo. I wish more (mild) fascists would be so honest about their anti-individualism. On the other hand, as you note that Rune

[Posted at 10/19/07 04:46 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Engineers' Syndrome](#)

I've noted before my dim view of the way many engineers tend to approach political theorizing. In [The Trouble With Libertarian Activism](#), criticizing one author's arguments against principle and anarchism, I observed "that many brash young libertarians of the activist flavor who are not all that interested in theory" are "often unfamiliar with the great body of libertarian literature and want to reinvent the wheel from a clean slate"--and that many engineers "take a similar pragmatic, isolated, almost anti-intellectual approach in their views on politics". I previously [suggested](#) that this is because engineers think they are "best and brightest," and because of the scientism that pervades engineering education, that they mistakenly believe that they can solve social problems by some kind of brute force empirical-practical engineering type solution. Interestingly, in a column today, computer/tech writer [John Dvorak](#) observes:

... Microsoft, once a software company, keeps entering businesses in which it has little or no expertise. Microsoft may be suffering from *engineers' syndrome*, something you run into all the time. This is quite amusing, even to engineers, who see it occurring in other engineers but never see it in themselves. ... The idea is that once you learn engineering disciplines, you project them onto endeavors other than engineering, since everything you ever do in life is actually some sort of engineering. While there is some modicum of truth to this notion, it's the leap of faith that pushes the idea into the absurd. What happens with engineers' syndrome is this: You start believing that since you're an excellent engineer in one specialty, then you're a friggin' genius in everything you do, because it's all the same, really.

What an excellent observation from Dvorak. Some related comments from two previous posts: [Yet More Galambos](#):

This reinforces what I've come to think about Galambos: he adopts the monist, scientific mentality which Mises showed to be flawed. He is like many engineers I've known: most are bright, but nowadays uneducated beyond calculus and applied engineering courses; yet they believe that, because they are the "best and brightest" they can solve social problems by some kind of brute force empirical-practical engineering type solution. The result is almost always embarrassing, totally devoid of any familiarity with philosophy or the relevant literature; it is just a step above the long-winded "I've-got-the-world-figured-out" diatribes by frustrated truck drivers who also think they have a system to win the lottery. Galambos was brighter and better read than most engineers, but he could not escape the pseudo-science of scientism into which engineers are immersed; he adopted the idea that we should find a "science" of liberty, with "science" used in the conventional, natural-sciences sense. Kind of a weird combination of California surfer-dude "hey-man" mentality combined with Carl Sagan wide-eyed love for

(natural)-science combined with the engineer's misplaced confidence in his ability to solve all human problems using engineering techniques.

... Writes [Tim Swanson](#): "So true. All of my roommates have been engineers as have most of my friends. Rather than reading any sort of economics text they simply come up with a "plan" utilizing some sort of top-down approach."

#### Libertarian Activism--comments:

Re my comments about engineers: some have gotten their back up about it. I have pointed out to them that I am a (former) engineer as well, and know many of them; and while they are preferable to attorneys, and are good in their jobs, and while libertarian engineers are fine by me, I am not talking not about engineers doing engineering. I am talking about their m.o. when they try to develop political views. (and I speak here of non-libertarian engineers; they think you can do-it-yourself and concoct an entire philosophy by brute force; after all, they are smarter than the liberal arts majors, why do they need to waste time reading them?) Gary Hunt perceptively commented, however:

Good article! I know what you mean about engineers. I am an architect so I work with them on a regular basis. Their thinking is what many architects describe as linear. In other words, "The shortest distance between two points is a straight line". However, quite frequently the straight line is not the best solution. I also disagree with Milsted's contention that sometimes "the economies of scale" justifies the theft for defense, roads ect.... It appears he has not worked in the real world. My experience has been that public works projects cost significantly more than private ones. In fact I know a contractor who bids on many government projects. His method of bidding is to price it as if it were a private job then double the price. He gets a lot of government work.

Another perceptive comment about engineers from Max Schwing (Karlsruhe):

I understand your point of view and it tends to be coherent with mine about engineers in general, because we have been indoctrinated into approaching problems from a rational and planning point of view. Therefore we tend to think that we can solve anything by applying mechanical principles to them, especially when it comes to political problems or societies at large. I think it is best said that engineers would like to "engineer society" (Brave New World - style ?!). However, I also know engineers who are looking beyond this view on society and are also interested in the "human or social arts" (as they are called in Germany). But to persuade an engineer of it, you have to take the economics way of doing it, because we are largely more open to such arguments, than we are to general philosophical ones. I am studying mechanical engineering, so I am closest to the future engineers in Germany and despite that Germany is a social-democratic country, those young bright students are divided between the two big socialist parties (CDU and SPD). Somehow, engineers still think of the world and society as a mechanical device. So, we are somehow stuck in the 19th century, when it comes to society. But still there is hope to get them to the liberal side.

[Posted at 10/24/07 03:20 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### **[Telegraph on Paul](#)**

The Daily Telegraph [ranks Ron Paul](#) as one of the top 100 most influential US conservatives.

[Posted at 10/29/07 11:33 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### **[TWiT and Slate on Paul](#)**

In a [recent episode \(117\)](#) of This Week in Tech, there's a funny exchange between mainstream goody-goody host Leo Laporte, who at first says he can't understand why online purchases should not be taxed like other sales. John Dvorak berates him and, as Leo admits in episode 119, finally changed Leo's mind. Laporte asks Dvorak if he likes Ron Paul; Dvorak says yes, but he's not going to vote for him. Shortly later, after thinking about it, Dvorak changes his mind. This occurs at about 17:00 to 21:15. Also of note, in the 10/25/07 [Slate Gabfest podcast](#) (27:25 to 29:00) John Dickerson talks about the possibility of Ron Paul "surprising" people in New Hampshire.

[Posted at 11/01/07 11:18 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### **[SlateV on Paul Ad](#)**

John Dickerson on a recent GabFest mentioned this Ron Paul ad and the criticism it garnered even from Paul supporters--Dickerson was cagey in his comments, but hinted he thought there was something brilliant about the ad. Maybe it's this--no publicity is bad publicity! Or it could be that the criticism of the ad seems to be that it's "cheap"--not expensively produced. I would think contributors don't mind this!

[Posted at 11/02/07 04:00 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

## **[Houston Hero Improves Quality of Human Race](#)**

There is 9/11 call of a guy in Houston watching 2 hoodlums robbing a neighbor's house. He asks the 9/11 operator if he should stop them; the operator keeps telling him no. The guy finally says, "I'm clicking my shot gun, I'm going to get them, I'm gonna kill 'em," then you hear him shoot them and kill them. The cops show up and find the two guys DAID in the road. The neighbors are in support of the guy. [This story](#) has the riveting 9/11 recordings. My favorite part from [this account](#): "They have not yet determined if the men were armed. ... Residents said they believe their neighbor did the right thing. 'We stand behind the man for protecting his neighbors and his own home,' neighbor Lauren Malone said. ... KPRC Local 2 legal analyst Brian Wice ... said he does not believe charges are likely." This guy should get a medal.

[Posted at 11/15/07 10:15 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

## **[Do People Secretly Think You](#)**

Re Jeff Tucker's [article](#) on table manners (the latest entry in his [Rules of Living](#)): he missed a couple of obvious ones among his list of the essential ones. One is that when you leave the table temporarily (say, to go to the restroom), you place your napkin on the seat, to indicate you are returning to it (you put it on the table if you are leaving). Another is: place your fork and knife at 4:00 on your plate to signal you're done (though nowadays waiters ask anyway since diners are not consistent). The other is this. The bread plate is to your left; the glass of water is to your right. People mess this one up all the time. An easy way to remember it is this trick: FOOD and DRINK. FOOD has four letters, as does "left"; so the food (bread plate) is on your left; DRINK has five letters, as does RIGHT--i.e. the water (drink) is on your right. Important rules for cosmopolitan libertarians!

[Posted at 12/01/07 11:09 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

## **[Re: Left-Libertarian Litmus Tests](#)**

[Lew](#), I'm reminded of a comment by Steve Wozniak in his fascinating autobiography, [iWoz](#). Woz explains that in the 60s and 70s, he hung out with the hippies in California, but they never really welcomed or trusted him since he wouldn't do drugs.

[Posted at 12/03/07 04:22 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

## **[An Open Letter to Pro-War Libertarians on Behalf of Ron Paul](#)**

To my fellow libertarians who happen to be war-mongers and Objectivists (or do I repeat myself?): I know you hate Ron Paul. He's against the Iraq war. And he's skinny, to boot. And a Christian. And likes babies. Yuck. But hear me out. I'm giving you a chance to save face. I know many of you are a bit embarrassed by your previous pro-Iraq war stance, and by being lumped in with the likes of Bill Maher and Christopher Hitchens. You want a way to save face, but still look macho. Here's why you are wrong to oppose Ron Paul for President. First, other than differing with you on war, you know you agree with him far more than with anyone else. So the main issue is war. Right? In your eyes, the "Islamofascists" are the real threat. You are usually smart enough to realize that anti-war libertarians are not really "isolationists," but when your neo-con buddies at the local goose lodge smear us all with that label, you quietly snicker as

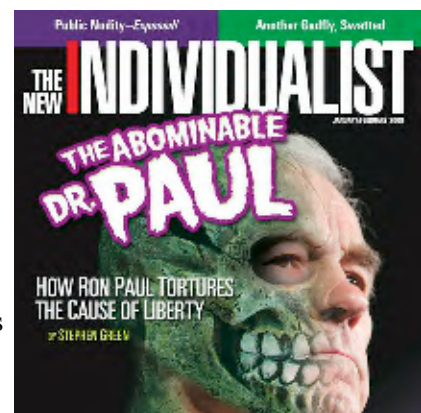


you quaff your ice wine. But you think we need a strong military, and need to actively patrol our borders--which is the entire globe, after all--to make sure the children, the savages, stay in line. Look, we real libertarians disagree with you. We think such a view is non-universalizable and wrong. Fine. But let's let that go. We'll go with your muscular, macho, pro-hockey loving libertarianism for a minute. It seems obvious that you only have two real choices. Both of them are inferior to a Paul presidency. First, let's assume the most gung-ho pro-war of the current Republican candidates wins--John McCain (or Giuliani, whatever). Now even McCain, in office, with the practical complications of dealing with a divided or Democrat Congress, won't be any worse--sorry, I mean "better"--than George W. Bush. Think about it: you guys always whine that our soldiers just need to have the "shackles removed" to "really win." What this means, of course, is that "collateral damage" of, say, ten times or more than what we currently inflict ought to be tolerated. Toss a mini-nuke into a village in Basra to kill a couple of suspected Islamo-fascists. If you kill 1000 "innocent" civilians, so what? Are 1000 Muslims worth one good Christian--I mean American--soldier's life? And so on. But let's face it. Even with macho, teeth-clenching, flinty-eyed McCain in office, he'll be hampered--just as George Bush and LBJ were--in prosecuting the war the way it "needs to be" done. The good ole' days of the Enola Gay are gone. So even if one of "your kind" gets in office, which is unlikely, he or she won't be able to prosecute war as it "needs to be" fought. All those pesky democrats and greens and "human rights" advocates and "world opinion" will get in the way. In other words, even if you are right, and we "need" to fight a certain type of muscular, global war against all the "rogue nations" and Islamo-fascist bad guys--it ain't gonna happen. So whether we have Ron Paul, or John McCain, as President--we aren't gonna fight the ass-kicking kind of war you really want us to fight. Just face it, and let's move on. But at least, if Ron Paul wins, although you get no gloating over our global ass-kicking, you at least get a payback: massive tax cuts and rolling back of unconstitutional federal programs that are sapping our vitality and American spirit. If McCain wins, he still loses the holy war (hampered by all the sinners--but still), and eviscerates the Constitution anyway. All pain, no gain. It's a no-brainer to me. And of course a Hillary or Barack is also worse, for you, than Ron Paul. Hillary, even if she's as macho as McCain, would also be unable to wage a war the "right way" (and she'd waste tax dollars in the failed attempt); plus she'd raise taxes and expand social programs. So here, too, Paul is a clear winner. Likewise with Barack: even if he were as much a pansy as Paul on military imperialism (which I doubt; remember his comments on Pakistan?), he would be still worse on domestic spending and social policy. Again, Paul is the clear winner. So no matter who wins, we won't kick global ass. Paul's the only one who at least gives you a kickback. So, until an Austrian economics savvy Attila the Hun with a magnetic personality enters the race, make yours Paul!

[Posted at 12/18/07 08:55 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Centralist, Pro-War Objectivists on Paul](#)

In [Ron Paul's "noninterventionism" fraud](#), my old friend, Objectivist Robert Bidinotto, concludes: "To paraphrase an old joke, then: Ron Paul is my second choice for President. ... My first choice is anybody else." Ha ha. But I doubt that would include, say, Lew Rockwell. :) Bidinotto's latest attack on Paul is the cover story by Stephen Green in Bidinotto's magazine [The New Individualist](#): the "Abominable Dr. Paul," portrayed as a B movie monster. Oh my. As Roderick Long [points out](#), "doesn't this mean that the Randians are giving Paul the same treatment that [Whittaker Chambers gave Rand](#)? All this story needs is the line "to a gas chamber -- go!" to complete the irony." Now we can't tell exactly what Green's article says about Paul, since it's DRM'd (odd that the



Objectivists would keep their expose of such a "menace" under wraps instead of trying to alert as many people as possible). But Bidinotto's previous comments and those in his blog entry detail a few of their problems with Paul. In his mini-essay appended to the blog, "HOW TO JUDGE POLITICAL CANDIDATES," Bidinotto sets forth a seemingly ad hoc set of criteria that seem to be reverse engineered to demonize Paul. First, he seems to imply that non-intellectual, non-philosophical, unprincipled candidates for office--those who "mainly promote themselves and a haphazard set of only loosely related public policy prescriptions," "pragmatic careerists like Hillary, Obama, Richardson, Romney, and Giuliani"--actually get a pass. They should be judged by a lower standard, precisely because they don't have any principles to judge them by. (And remember, by Bidinotto's "joking" comments above, he's rather have any of these people--or Nixon or Ford--than Paul.) But if you actually have principles, integrity, and character, even if you favor individual rights, limited government, and adherence to the Constitution, you are the worst of all--even worse than the execrable Huckabee:



"If consumed, Mike Huckabee's social conservative porridge would put the GOP flat on its back for a generation. But Ron Paul's deadly dish would put the Republican Party -- and the nation -- on life support."

In other words, according to Bidinotto, you are penalized *because* you have principles. (Reminds me of Rand's attack on Kantian idealism.) What exactly is so bad about Paul, in Bidinotto's eyes?

"But what of Ron Paul? He is arguably the most philosophical of all the candidates except Kucinich, and thus he must be judged not by his various specific positions and votes, taken in isolation, but by his overall guiding philosophy. That is what he has put at issue, front and center; so that is what I therefore believe we must assess. And that philosophy is a complete mess. In principle, it weds the following: the economics of laissez-faire capitalism (which I emphatically endorse); a religious-based conception of individual rights that leads him to appalling positions on the separation of Church and State, abortion, immigration, and certain other social issues; and, most dangerous of all, a platonic, utopian notion of "noninterventionism" in foreign policy: a view derived directly from his philosophical misunderstanding of the implications of individual rights, which would render America completely vulnerable to its enemies, destroy the security infrastructure at the foundation of international trade, and thus impoverish the nation."

It is clear that the primary objection of Objectivists to Paul is his foreign policy views and non-interventionism. The other criticisms do not seem to be very coherent or really what bugs the Randians (indeed, Bidinotto admits as much: "If Paul had chosen to showcase and emphasize only domestic and economic issues, where his views and arguments are much better, I might be far less harsh toward his candidacy. But Paul has chosen to make foreign policy, where his views are completely irrational, the centerpiece of his campaign."). What one wonders here is why an Objectivist--even one who is anti-noninterventionist--thinks someone other than Paul will be able to really "intervene" as the Objectivists think we should; clearly, [this is not a reasonable expectation](#)--so even those who are pro-interventionist ought to realize that there's no Great Randian Intervener on the menu, and at least settle for lower taxes and increased individual liberty as a consolation prize. And as noted, the other issues Bidinotto dashes off are not really what bugs Randians; it's foreign policy. I haven't heard Paul drone on about some "religious-based conception of individual rights", any more than, say that of the Founders whom the Randians admire. Paul speaks of individual rights and individual liberty; he speaks of the right of people to engage in behaviors he does not personally condone or engage in, such as prostitution or

drugs. What supporter of individual rights could find fault in that? What are his "appalling positions on the separation of Church and State, abortion, immigration"? On the first two, I assume Bidinotto is referring to Paul's federalism--his view that the Constitution does not authorize the federal government to regulate these matters. On this he is right. Bidinotto speaks of Paul's "utopian" notion of noninterventionism. But it is Objectivism that has long held a utopian view of the federal government: that is is (or at least, can be--remember Judge Narragansett?)--a benign protector of individual rights, and that it ought to have central control and "final say" of all legal disputes. The idea of decentralism and federalism, of having fifty state policies, strikes Objectivists as too untidy; not neat. It's my impression that many Objectivists have such an obsession with order that they would rather have the Supreme Court give the wrong answer, as long as it was final; better than the chaos fifty states' approaches (no wonder they abhor anarchy). The belief that a central state *can* get it right, and should be given the authority to at least try, is what is utopian, if not obsessive-compulsive, it seems to me. On abortion, Paul seeks to prevent the federal government from interfering in state laws regarding abortion, effectively overturning Roe v. Wade. Does Bidinotto defend the abomination which is Roe v. Wade? It is a clearly unconstitutional decision and policy. The federal Constitution does not empower the federal government to outlaw state laws that regulate abortion. If Bidinotto wants to oppose Louisiana's laws on abortion, he is free to do so. But as I recall, even Rand implied that late-term abortion is a type of crime. And does Paul even want to outlaw abortion? Not that I'm aware of. On [his site](#), he notes that he has never performed an abortion; he has "authored legislation that seeks to define life as beginning at conception, HR 1094"; he has sponsored legislation "which would negate the effect of Roe v Wade by removing the ability of federal courts to interfere with state legislation to protect life"; and he has "authored HR 1095, which prevents federal funds to be used for so-called

[Posted at 12/23/07 09:34 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### **[The Ron Paul Blimp](#)**

Nice [piece on the Blimp](#) and the guys behind it on SlateV.

[Posted at 01/01/08 08:40 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## **[Re: Censoring Ron Paul on Evolution](#)**

[Lew](#), a friend writes:

Ronald Bailey, who posted the edited video over at reason.tv, has written a [partial retraction](#). BTW, I disagree with him completely; Paul's views on evolution are pretty irrelevant, and given his opposition to Federal support of public schools, I seriously doubt that his view of evolution vs. ID/creationism would play any significant role in his appointment of judges. Although Paul's best response would have been "government should not be running schools in the first place".

[Posted at 01/02/08 01:05 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## **[McCloskey Hearts Edwards](#)**

"Semi-libertarian" (according to some libertarians) [Deirdre McCloskey](#) has [joined a group of socialist economists](#) (or do I repeat myself) who are publicly supporting He of the Expensive Coif--John Edwards.

"We support John Edwards because as economists, we seek effective public policy aimed at sustained growth, full employment, an end to poverty, and progress toward solving the major social and environmental problems associated with health care, education, trade, taxation and climate change."

In other words, more destructive social engineering. Some "semi-libertarian". Utterly disgusting. As she

[notes](#) ("admits?"),

"The oddest personal fact about me is that I was until 1995 "Donald." I have written on the matter, especially the account of my transition, 1994-98, *Crossing: A Memoir* (U. of Chicago Press, 1999; NY Times Notable Book). But that's merely the oddest instance of a longstanding insistence on finding my own peculiar

[Posted at 01/05/08 06:23 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [On Centralist Cosmotards \[Re: Local Opposition to the Central State's Border Fence\]](#)

Anthony, [good points](#). Your argument rightly draws upon and displays a healthy appreciation for decentralism and federalism. And of course, that's something the cosmotarian cosmotards cannot be expected to appreciate. They loooove it when big daddy federal government tells the bad ole states what to do.

[Posted at 01/16/08 07:00 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Amazing Internet Doctor](#)

And an [impressive website](#). If we had a free market in healthcare and no state intervention, we'd see more of this kind of thing.

[Posted at 01/17/08 10:09 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Legitimizing the Enemy](#)

The *Wall Street Journal* carried a curious--nay, astonishing--column by a libertarian today. In "[Listening to the Enemy](#)," Cato's [Roger Pilon](#) urges Congress to make the ominously-titled "[Protect America Act](#)" permanent, to keep the temporary law from expiring this Friday. Yes, I did a double-take too: he is *defending* the "Protect America Act." Libertarians have been opposed to this mis-named law for good reason. As one LRC columnist [put it](#), the Act "authorizes open-ended surveillance of Americans

[Posted at 01/28/08 07:45 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Re: Legitimizing the Enemy](#)

Regarding Roger Pilon's defense of the Police America Act (see my [Legitimizing the State](#); also Karen's [Cato-Tarianism](#) and DiLorenzo's [A Real Libertarian vs. Cato on the "Protect America Act"](#))--Reason magazine weighs in (on our side), with Kerry Howley's post [Spy if You Want](#). Even some Cato-ites are [bothered by](#) Pilon's position on this.

[Posted at 01/29/08 03:13 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Shame on The Google](#)

For apparently [threatening to call down antitrust law](#) upon Microsoft's head for its bid to buy Yahoo to

make it more competitive with Google in the Internet field. Hasn't Microsoft suffered enough? And can't Google make it on its own merit, without using the state?

[Posted at 02/03/08 04:59 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

### **[The Wrath of Koch](#)**

From "[Anarcho-Pacifist Films](#)" comes [Koch Hit 2: The Wrath of Koch](#), the latest in a series of funny mini-films dealing with conflict between cosmotards and real libertarians.

[Posted at 02/07/08 10:28 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

### **[Thanks, Stato!](#)**

[Senate OKs New Rules on Eavesdropping](#). Thanks for [boosting the state](#), guys. Well, look on the bright side--you won't be accused of being a "neo-confederate."

[Posted at 02/13/08 01:12 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

### **[A Couple of Memories of Buckley](#)**

First: I somewhere read Buckley's advice on writing fiction; and one point of his always stuck in my craw. If I recall, he said something like when you write a novel, you can always get away with one big coincidence, but never more. Ever since then, when reading a novel I come across the second coincidence, it bugs me. Second: In the "[Debate 1984: Socialism or Capitalism](#)", between capitalists-Objectivists John Ridpath and Leonard Peikoff, and socialist-Canadians Gerry Caplan and Jill Vickers, I've always vividly remembered one of the comments of Caplan, when he tried to denigrate the performance of Ridpath and Peikoff by comparing them to the performance of Buckley at some debate years before, when he was at the "height of his powers"--Buckley was, said Caplan, "Fay and insouciant, fresh up from Yale..." Something about that turn of phrase I just found marvelous (though I despised Caplan and his giggling co-idiot Vickers).

[Posted at 02/28/08 02:31 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

### **[Re: Cracking the Code](#)**

[Jim](#), say.... I'm starting to get the impression that it's [actually illegal](#) not to pay income taxes! And here all this time I've been paying them voluntarily. Whew!

[Posted at 02/29/08 09:22 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

### **[Go, Antigua, Go!](#)**

As I noted in a [previous post](#), Antigua got permission from the WTO to ignore US copyright law as compensation/retaliation for American bans on online gambling, in violation of free trade agreements. Antigua is now apparently threatening to act on its right. Good for them! See [Antigua Says It's Going To Start Ignoring US Copyrights \(For Real This Time\)](#).

[Posted at 03/20/08 09:00 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Buckley Defames Rothbard](#)

Flipping through the great Rothbard *festschrift* the other day ([Man, Economy, and Liberty: Essays in Honor of Murray N. Rothbard](#), ed. by Walter Block and Lew Rockwell; Hoppe's [review](#)), the Rothbard obituary by William Buckley, fluttered out. Buckley concluded snidely, "Yes, Murray Rothbard believed in freedom, and yes, David Koresh believed in God." Also attached was Florence King's brief comment on Rothbard, and John O'Sullivan's reply to Buckley's tasteless obit--and Lew Rockwell's devastating reply, "Buckley Defames Rothbard." Given recent (much more gracious) obits of/comments on Buckley by some Rothbardians ([Rockwell \(2\)](#), [Carson](#), [Gordon](#)), I thought it might be of interest to scan in the Buckley et al. materials on Rothbard. It's [here](#). Update: Burger King Marcus has transcribed the WFB piece, and Lew's response, [here](#).

[Posted at 04/02/08 12:43 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Catoites on Hamilton v. Jefferson](#)

Will Wilkinson [splains](#) why Hamilton is better than Jefferson. For one, Jefferson was "anti-cosmopolitan"! But of course! He was also "utopian" (does this mean principled)? He was also "sly, creepy, and an insufferable snob"--but wait, I'm confused, I thought he was NOT a cosmopolitan (aww, just FUNNIN' ya cosmotards). And golly, Jefferson was also a slaveholding racist--in contrast to Hamilton, whom Wilkinson says "was against slavery" -- although, as [wikipedia](#) notes, Hamilton "returned an escaped slave to a friend ... returned a fugitive slave to Henry Laurens of South Carolina ... may have owned household slaves himself ... and he did buy and sell them on behalf of others"; and no doubt, Hamilton would have been pleased as punch if one of his daughters had wanted to marry a black man--what else can you expect of a nineteenth century cosmopolitan? Wilkinson also declares Jefferson's Louisiana Purchase to be unconstitutional, as it surely was--yet I wonder, hmm, whether Wilkinson joins with [other Catoites](#) in favoring a strained interpretation of the illegal Fourteenth Amendment to grant powers to the feds that were never intended...? (Thanks to Huebert for the link)

[Posted at 04/08/08 11:04 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [LP Abandons Libertarianism, Constitution](#)

The Libertarian Party has issued a [press release](#) calling for "increased coordination and communication between federal and state law enforcement agencies in order to help to apprehend and convict child predators and those who engage in child pornography." While child abuse is obviously evil and unlibertarian, it is still bizarre that the LP would issue this release. To specifically call for the national police force to work more with state and local police is not just something radical libertarians would have trouble with. It is also unconstitutional. Under the Tenth Amendment, criminal justice questions--including murder, rape, arson, theft, child abuse, violence against women, drug policy, gun laws and the like--are to be handled by state and local governments, not the federal government. There is some gossip that this release was a stupid inner-party power play, to make radicals, including believers in decentralist law enforcement, feel uncomfortable in the party. By forcing this issue over the very emotionally charged issue of child porn, some people in charge of the party are trying to force anarchists and other radicals to admit they do not think the federal government should be involved in such questions. Specifically, they are [attacking one presidential candidate](#), [Mary Ruwart](#), over this and using it as an excuse to alienate

radicals. Ruwart--who spent 19 years as a pharmaceutical research scientist for Upjohn Pharmaceuticals and holds a PhD in biophysics--[says](#) she has been unfairly attacked and her words have been misrepresented in a smear attempt. Apparently the sell-outs and compromisers are trying to destroy her career. In any case, why should a presidential election even have anything to do with this? The 1996 and 2000 LP presidential candidate, Harry Browne, used to point out that "The Constitution recognizes only three federal crimes ♦ treason, piracy, and counterfeiting. The federal government has no Constitutional authority to deal with any other crimes." He convincingly argued that this was a reason even pro-life libertarians should oppose federal abortion laws. (And Ron Paul would argue that pro-Choice libertarians, for similar decentralist, Constitutional reasons, might oppose Roe v. Wade.) (See [Browne on prohibition and drugs](#); [Browne on abortion](#).) Would Harry Browne feel left out of what the Libertarian Party has become? David Nolan, the minarchist founder of the Libertarian Party, was outraged by the press release. [He wrote](#):

"The question is, how does society best protect its members from these bad things? And the LIBERTARIAN answer is 'rarely, if ever, by giving more power to governments, especially at the Federal level.' I am appalled at the national HQ staff putting out a press release that implicitly disowns one of our candidates over such a relatively minor issue. First, because that's not a proper role for paid staffers to assume, and second because several other candidates have taken overtly anti-Libertarian stances on a number of issues, and none of them have been shot at by the national staff for doing so. This whole fiasco just reeks of cronyism and witch-hunting."

This is why I hate political activism and electoral politics. The desperate attempts to seem respectable, the constant disingenuous smearing of more principled opponents as racists or pro-pedophiles, the selling out of even Constitutional government to hysterical federal wars on terrorism and child porn, and under-the-belt punches. It's all very disgusting.

[Posted at 04/28/08 02:30 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Time for a Purge?](#)

L. Neil Smith has written [Time For A Purge?](#), regarding those in the LP [who want the feds and states](#) to "cooperate" for the sake of protecting us all from the scourge of child porn. Neil notes:

the first priority of any real libertarian is to ensure everybody knows and thoroughly understands that anyone who refuses to take the Zero Aggression Principle seriously, as the central, indispensable tenet of the movement

[Posted at 05/05/08 08:14 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Randians praise Lincoln and TOTAL WAR](#)

From [NoodleFood](#):

On this Memorial Day, I would like to honor the three men of the American Civil War who understood the terrible need for *total war*: President Abraham Lincoln, General Ulysses S. Grant, and General William T. Sherman. Their vigorous prosecution of the war preserved the Union, the very first nation founded on the principles of individual rights -- and, at the time,



the only such nation. In so doing, they ended the most loathsome violation of rights ever known to man: chattel slavery. Without them, without the brave Union soldiers who fought under them, America would not exist today. So thank you, Msrs. Lincoln, Grant, and Sherman. We are forever in your debt.

Disgusting. I'm sure [centraloids like Tim Sandefur](#) (2, 3) secretly agree.

[Posted at 05/29/08 05:46 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Mises, the neo-Confederate pseudo-libertarian...](#)

[According to](#) pseudo-libertarian Lincoln-worshipping Jaffa-ite (1, 2) liber-punk Tim Sandefur.

[Posted at 06/11/08 12:04 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

### ["Libertarian" Judge Kozinski's Supreme Court Aspirations Rocked by Porn on his website](#)

See [Judge suspends obscenity trial after conceding his website had sexually explicit images](#), Los Angeles Times, June 11, 2008. "Alex Kozinski admits he posted some of the content. He says he didn't think the public could see the site, which is now blocked."

[Posted at 06/12/08 12:14 AM by **Stephan Kinsella** on [LewRockwell.com](#) 


### [Is That The Best Cato Can Do In Defense Of Copyright?](#)

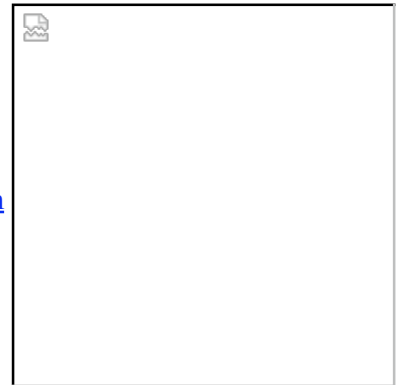
Techdirt: [Is That The Best Cato Can Do In Defense Of Copyright?](#). By the heroic Michael Masnick. 'Nuff said.

[Posted at 06/17/08 10:47 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Oklahoma declares sovereignty](#)

No offense, Lincoln-worshipping Jaffa-ite "libertarians." Update: I received this email from someone:

The Oklahoma Legislature adjourned on May 25th and that bill failed to pass. This is what Senator Corn's assistant sent to me yesterday: "The House passed the measure and sent it to the Senate. The Senate assigned it to the Rules Committee  which means it will just die for lack of a hearing. That committee rarely meets and when a bill is sent there, it is pretty safe to assume it will die. Leadership makes the decisions on what bills are assigned to which committee and heard, so I wouldn't know why they didn't like or feel that was a viable piece of legislation. "Susan Cochran, Assistant to Senator Corn" Here is a [link to the rules committee](#) and a [link to the leadership](#) that is responsible for the bill being sent to rules committee to die--these are the senators that need to be exposed as opposed to liberty and the constitution. The unfunded mandates of the U.S government are draining the states dry. This bill HR 1089 would have stopped the ability of the FEDS to send such unfunded mandates to



the state of Oklahoma.

\*\*\*

[Oklahoma declares sovereignty](#) Posted on June 15, 2008 by Lance I commend the state of Oklahoma for having the guts to stand up for the rights of the sovereign states. I am sure the Federal government is contemplating striking back. STATE OF OKLAHOMA 2nd Session of the 51st Legislature (2008) HOUSE JOINT RESOLUTION 1089 By: Key AS INTRODUCED A Joint Resolution claiming sovereignty under the Tenth Amendment to the Constitution of the United States over certain powers; serving notice to the federal government to cease and desist certain mandates; and directing distribution.

WHEREAS, the Tenth Amendment to the Constitution of the United States reads as follows:

◆ The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.◆; and WHEREAS, the Tenth Amendment defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more; and WHEREAS, the scope of power defined by the Tenth Amendment means that the federal government was created by the states specifically to be an agent of the states; and WHEREAS, today, in 2008, the states are demonstrably treated as agents of the federal government; and WHEREAS, many federal mandates are directly in violation of the Tenth Amendment to the Constitution of the United States; and WHEREAS, the United States Supreme Court has ruled in *New York v. United States*, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and WHEREAS, a number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the Constitution of the United States. NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 51ST OKLAHOMA LEGISLATURE: THAT the State of Oklahoma hereby claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States. THAT this serve as Notice and Demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of these constitutionally delegated powers. THAT a copy of this resolution be distributed to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Speaker of the House and the President of the Senate of each state◆s legislature of the United States of America, and each member of the Oklahoma Congressional Delegation. [http://www.okhouse.gov/51LEG/Leg\\_Votesxx.aspx?include=okh01983.txt](http://www.okhouse.gov/51LEG/Leg_Votesxx.aspx?include=okh01983.txt) [http://www.ok-safe.com/files/documents/1/HJR1089\\_int.pdf](http://www.ok-safe.com/files/documents/1/HJR1089_int.pdf)

(Thanks to Gil Guillory)

[Posted at 06/19/08 07:55 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

## **[The Great Gun Decision: Dissent](#)**

[Huebert](#) (and [Butler](#)), I think the decision is much more of a mixed bag. I agree that it is good that the Court finally explicitly recognized what the Second Amendment has always meant. The four dissenting

liberal "justice" are craven liars. They are not trying to be judges; it is obvious to anyone with a brain that the Second Amendment was meant to protect an individual right to bear arms from infringement by the federal government. And that is the problem with the decision. First, although the Second Amendment has [not yet been enforced against the states via the dishonest incorporation doctrine](#) into the [squalid Fourteenth Amendment](#), as Huebert notes, that may be next. Second, as [Kevin Gutzman notes](#), the Bill of Rights provides limits on the power of the federal government--not states, and not DC. So, as with the majority in the *Kelo* case, the dissent would have had the right result for the wrong reasons. In *Heller*, the majority is correct in how they construe the meaning of the Second Amendment; the liberals are blatantly, dishonestly wrong. But both sides incorrectly believe that the Bill of Rights applies to DC. Of course, pointing these things out is likely to cause some quasi-libertarians to [dissent](#) or [pitch a hissy fit](#). But what is despicable is that we think of the feds, and nine of their employees, as having the authority to determine what our rights are. For those who are shocked by the idea that the Bill of Rights does not apply to DC--well, most people are shocked that the Bill of Rights was never meant to, and [until judicial "innovation" in the 1920s](#), did not, apply to the states--consider the following: In 1789, the Constitution was ratified. It did not at that time contain a Bill of Rights. This was not added until 1791, two years later. No one at the time thought that in 1790 it would have been constitutional for the feds to censor speech, or ban private ownership of muskets. This is because the federal government was one of limited and enumerated powers, and there was simply no power granted to the federal government to legislate in these matters. The Bill of Rights was merely added as an exclamation point; it was supposed to merely be for extra caution, but really just redundant with the limited powers scheme of the Constitution. It was added at the insistence of the Anti-Federalists who just did not trust the federal government to not exceed its delegated powers (gee, I wonder why?). (See my [Supreme Confusion](#); [In Defense of Evidence](#); and [Taking the Ninth Amendment Seriously](#); also see McAfee, [A Critical Guide to the Ninth Amendment](#) (p. 66), [Federalism and the Protection of Rights: The Modern Ninth Amendment's Spreading Confusion](#) and [The Bill of Rights, Social Contract Theory, and the Rights "Retained" by the People](#).) But the point is the real point of the Bill of Rights is just an *additional limitation on federal power*. The federales have no constitutional authority to infringe on free speech rights *because that power is not granted*--not because the First Amendment mentions a right to free speech. The Bill of Rights was meant to be redundant and *irrelevant*. The primary mechanism to limit federal powers was not a listing of rights, nor even the Ninth Amendment; it was the *very scheme of limited, enumerated, delegated powers* that was meant to keep the feds from getting out of hand. Because of this scheme, the federal government does *not* have what is sometimes referred to as "plenary" or general legislative power, as most states (and as the individual States of the US do) do. In fact, it is because States do have plenary police or legislative power that is is more important that their powers are explicitly limited by a bill of rights. (Plenary police power is simply the general power to legislate. See, e.g., the 1920 US Supreme Court case [Rhode Island v. Palmer](#) (referring to states' "plenary police power") and [US v. Lopez](#) (quoting the 1819 case *McCulloch v. Maryland*: "The [federal] government is acknowledged by all to be one of enumerated powers. The principle, that it can exercise only the powers granted to it . . . is now universally admitted.", and quoting *Gibbons v. Ogden* for the proposition that "The enumeration presupposes something not enumerated"; and further stating: "The Constitution mandates this uncertainty by **withholding from Congress a plenary police power that would authorize enactment of every type of legislation**.) Now, it is true that Congress has today *assumed* very broad, almost plenary, legislative power by interpreting its power to "regulate commerce" [very broadly](#). And for this reason the Bill of Rights has assumed a greater role than it would have, had the feds not exceeded its limited delegation of powers. But back to my point. Under the original constitutional scheme, not only did Congress have no power to infringe various rights, it also didn't have the power to stop many types of rights violations, such as murder. Thus, a federal law outlawing murder would have been as unconstitutional as one outlawing drugs. This is one of the reasons it makes no sense to apply the

Ninth Amendment to *states* but makes sense to apply it to the feds: the open-ended nature of the "rights" of the Ninth Amendment corresponds to the limited powers scheme of the federal government. Since the feds only have limited powers, this means there is an infinite body of "rights" that serve as limits on its power: that is, everything the feds are not authorized to do, is like a "right" or limit on what it can do. But since states do have plenary legislative power, a concrete listing of rights--limitations on this broad array of powers--makes sense, but not an open-ended listing of rights as in the Ninth Amendment (because this an open-ended grant of power and an open-ended list of limitations on power conflict with each other; it does not make sense). I think all this buttresses Gutzman's argument that DC has to be treated, for purposes of the Bill of Rights, like a "quasi-state". Why? Because DC *has general legislative power*. Unlike the federal government, DC can [outlaw murder and rape and theft](#). But how can this be? After all, the federal government itself has no authority to outlaw murder. Yet DC does. So just as the Bill of Rights was never intended to apply to the states; and just as it makes no sense to apply the Ninth Amendment to the States, which have plenary legislative power, but only to a state that has limited power (like the feds)--so it makes no sense to apply the Bill of Rights to DC. Moreover, the precautionary nature of the Bill of Rights, their nature as just reinforcing already-existing limits on federal power, and the fact that in 1790, before the Bill of Rights, just as in 1792, after it, the feds would have equally been unable to enact a law banning murder or cocaine, shows that *the result of the application of the Constitution should be the same whether the Bill of Rights is present or not*. Let's take an example. Imagine (1) a federal statute banning murder, (2) a federal statute banning firearms, (3) a New York law banning murder, and (4) a New York law banning firearms. What would be the result in 1790, before the Bill of Rights? Well, both federal laws (1) and (2) would be unconstitutional, since the feds have no enumerated, delegated power to outlaw murder, or to outlaw firearms. But state laws (3) and (4) would not violate the federal constitution, since for (3), states have plenary legislative power and were supposed to be the ones protecting against crime; and for (4), the feds had no delegated power authorizing them to interfere with state law. What about in 1792, after the Bill of Rights? Again, the same results, since the Second Amendment only limited what Congress could do, not States. So we see that a proper interpretation of the limited powers nature of the Constitution means that the Bill of Rights is superfluous when analyzing the actions of either the federal *or* state governments. So let's pretend the Bill of Rights had never been ratified, and take a look at the DC gun ban issue. The results should be the same as if there were a Bill of Rights--to hold otherwise is to maintain that the purpose of the Bill of Rights was not to limit the States (since it did not limit the States originally) nor even the feds (since it was only redundant)--but to limit DC internal policy!--clearly an absurd position. So: under what grounds could the Court strike down a DC gun ban? It could not say it violated the Second, or Ninth, amendment, since those limits on federal power are not in the Constitution (in this hypo). So one would have to say that since there is no power granted in the Constitution to ban guns, DC, as a creature of the federal government, cannot ban guns. But by this argument, DC cannot outlaw murder either, just as the feds cannot. However, DC may outlaw murder, since it has broader legislative power than the feds have. But if it does, it also has the legislative power to ban guns, just as states do (from the perspective of the federal Constitution). In other words, the "limited powers scheme" that is meant to restrain the federal government, and make it unique in the world in being a state that does *not* have plenary power, clearly does not, and cannot, apply to a government that does have plenary legislative power. And since the Bill of Rights is only a reiteration of this limitation on federal power, it, too, does not apply to DC, just as it does not apply to the states. Ergo, we must conclude that DC is, in fact, like a state--a quasi- or pseudo-state, as Gutzman called it. The only argument I can think of that makes sense, would be to argue that DC itself is unconstitutional; but this seems belied by [Art. I, Sec. 8](#), of the Constitution, which does authorize the formation of the District of Columbia. Of course the District must have and was contemplated to have plenary legislative power, since there would be no State there to outlaw crimes like murder etc., and since Congress has no power to outlaw such crimes.

[Posted at 06/26/08 04:08 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Open Letter to Jason Calacanis](#)

Dear Mr. Calacanis, Re your post [Obama Baby Videos](#) I'm a big fan. A big fan. I'm also a libertarian who understands economics and despises the federal government and politicians. Just to let you know, just as when brainless Hollywood mouthpieces start yapping about things they are clueless about, turning off their fans--it also turns people like me off when people like you who we admire--for your intelligence, your achievements, your individuality, your integrity, your success--praise socialist wastes of space like Obama. If you are economically illiterate, or for some bizarre reason in favor of socialism and the misery, death, and impoverishment that it brings, it might be a good idea not to advertise it. If you think it's just a joke, it's not--politics is deadly serious. One of these two hoodlums--McCain or Obama--will be in charge soon. Shame on our country for supporting either of these bastards. One of your biggest fans--

[Posted at 06/26/08 10:53 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Re: The Great Gun Decision: Dissent](#)

[Huebert](#), I agree with almost all you say (except, why make this argument?--in an attempt to be honest, and to understand this wretched constitutional morass, and to expose it as inherently incoherent, morally bankrupt, and completely illegitimate; other than that, no reason). So I'll just note one thing here: as noted in [the decision](#), the "Respondent Dick Heller is a D.C. special police officer authorized to carry a handgun while on duty at the Federal Judicial Center." Look at all the libertarians cheering the vindication of the right to bear arms ... of a state agent. How heartening! Until this 5-4 decision, my heart ached at night thinking of the plight of poor state agents, defenseless in their homes...

[Posted at 06/28/08 01:25 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [The Myth of the Rule of Law](#)

Many libertarians are giddy about the men in black magnanimously giving temporary, limited, and conditional recognition of one tiny aspect of one of our rights--and seizing more federal power over the states in the process. Me, I don't trust anything the feds do. Anyway, all this reminded me of a [great article by John Hasnas](#), about which I plan to write more later. Here's a choice quote therefrom: "*The reason why the myth of the rule of law has survived for 100 years despite the knowledge of its falsity is that it is too valuable a tool to relinquish. The myth of impersonal government is simply the most effective means of social control available to the state.*" In this context, I also commend [The Squalid 14th Amendment](#) and [The 14th Amendment and the Perils of Libertarian Centralism](#) by the great [Gene Healy](#), now at Cato. More later.

[Posted at 06/29/08 09:34 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [The Squalid Bill of Rights: "will go a great way in preventing Congress from interfering with our negroes"](#)

Interesting information from brilliant constitutional law scholar Thomas B. McAfee, [The Constitution as Based on the Consent of the Governed--Or, Should we Have an Unwritten Constitution?](#), n.110:

Interestingly, although modern scholars have ridiculed what they took as a "federalism" reading of the Ninth Amendment, given that the text itself refers to "rights," in August of 1789, while the nation considered whether it ought to adopt the Bill of Rights, William L. Smith endorsed the Ninth and Tenth Amendments on the grounds that **"they will go a great way in preventing Congress from interfering with our negroes after 20 years or prohibiting the importation of them."** Letter from William L. Smith to Edward Rutledge (Aug. 10, 1789), reprinted in *Creating the Bill of Rights: The Documentary Records from the First Federal Congress 273, 273* (Helen E. Veit et al. eds., 1991).

This comment illustrates a couple of interesting things. First, that the Ninth Amendment had a *federalist* (federal-power-limiting) function, rather than the individual-rights function ascribed to it today. And, second, it's ironic that the Ninth is proclaimed by the politically-correct libertarian centralists, when it was here cheered by a slavery advocate... Interesting... See also Akhil Reed Amar, [\*The Bill of Rights: Creation and Reconstruction\*](#), at 123-24:

As Professor McAfee has shown, the [Ninth] amendment's legislative history strongly supports an enumerated-powers, federalism-based reading. The obvious counter-argument--chanted like a mantra by most mainstream scholars--is that this reading renders the Ninth Amendment wholly redundant of the Tenth [and thus they favor an individual-rights reading of the Ninth instead -- NSK]. To be sure, on a federalism-based reading, the Ninth and Tenth fit together snugly, as their words and their legislative history make clear; but each amendment complements the other without duplicating it. The Tenth says that Congress must point to some explicit or implicit enumerated power before it can act; and the Ninth addresses the closely related but distinct question of whether such express or implied enumerated power in fact exists. In particular, the Ninth warns readers not to infer from the mere enumeration of a right in the Bill of Rights that implicit federal power in fact exists in a given domain. Thus, for example, we must not infer from our First Amendment that Congress was ever given legislative power in the first place to regulate religion in the states, or to censor speech. ... **[T]he federalism roots of the Ninth Amendment, and its links to the unique enumerated-power strategy of Article I, help explain why no previous state constitution featured language precisely like the Ninth's--a fact conveniently ignored by most mainstream accounts.** ... by the 1860s the federalism reading of the Ninth Amendment had faced considerably, as many post-1791 state constitutions did echo the wording of the Ninth Amendment, but not the Tenth. And so clauses that originally dovetailed later came unglued; thus we now tell ourselves that the Tenth Amendment is about states' rights while the Ninth is about individual rights.

[Posted at 07/01/08 04:09 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [\*\*To Hell with Heller\*\*](#)

It's mind-boggling that some libertarians are so naive they think they can trust the Supreme Court to safeguard--sorry, to "establish," in the [words of the LP Chair](#)--our rights. They cheer on the central state that robs us daily as if it's some vindicator of our rights. But as [William Grigg noted](#), the Court only condescended to recognize a very narrow right to armed self-defense, but then put all sorts of caveats and limits on it, stating the many "permissible" ways the state may regulate it, "thereby redefining it as a State-conferred privilege." And it doesn't take 'em long, does it? Not even a week later, we have [Mullenix v. BATF](#), in which the federal court relied on the *Heller* decision to rule against a firearms dealer who wanted

to import a reproduction WW II-era German machinegun. No, the court said, Scalia made it clear that the Second Amendment is not "unlimited"; and that things like sawed-off shotguns and machineguns can of course be regulated! See also [U.S. v. Dorosan](#), decided on June 30, 2008, just days after *Heller*, holding that because *Heller* makes it clear that the right to bear arms is not unlimited, and may be prohibited in "sensitive places such as schools and government buildings," then "39 C.F.R. 232.1(1)[,] which bans possession of weapons solely on postal property is not unconstitutional as applied." [Update: On July 15, 2008, the federal court in *U.S. v. Gilbert* [confirmed that](#), based on *Heller*, the jury instructions given in a criminal case were correct, since *Heller* makes it clear that individuals "do not have the right to possess machineguns or short-barreled rifles, as Gilbert did, and convicted felons, such as Gilbert, do not have the right to possess any firearms."] So what does *Heller* stand for? Well, it makes it clear that gun limitations and regulations are perfectly permissible. Their only legitimate use--when the state thinks it's "reasonable"--is for self-defense against private criminals--not self-defense against public criminals--down with this whole right to revolution. So the ruling really helps entrench government power. And, of course, thanks to the perverse [incorporation doctrine](#), the Second Amendment will no doubt be applied to the states ... by the federal government. I.e., yet more power seized by the feds. So let's see: *Heller* has further eroded two of the most fundamental limits on the central state: the right to revolution, and vertical separation of powers (federalism). (thanks to Max Chiz for the links) Aside: Tonight I was reading the latest (August) issue of [Liberty](#), and noticed an ad by the [Institute for Justice](#) (2) on the back cover, featuring its founder, Chip Mellor, and [Bob Levy](#), one *Heller*'s lawyers, advertising their new book, [The Dirty Dozen: How Twelve Supreme Court Cases Radically Expanded Government and Eroded Freedom](#). What caught my eye was the ad text:

*We've challenged judicial activism where it invented new rights out of whole cloth. We've challenged judicial passivism where it refuses to protect rights that are clearly stated in the Constitution. And now we've written a book that calls for judicial engagement to protect our rights and limit government's power.*

More "judicial engagement," after detailing "Twelve Supreme Court Cases Radically Expanded Government and Eroded Freedom"? After *Heller* was so disappointing? Good luck, guys.

[Posted at 07/07/08 09:30 PM by [Stephan Kinsella](#) on [LewRockwell.com](#) ☞]

## [Heller and the States](#)

In response to my party-pooing [comments](#) about *Heller*, the D.C. gun case, Lincoln Idolator and Prim & Proper "Libertarian" Tim Sandefur [turns up his nose](#) at Gutzman's idea that D.C. is like a "pseudo-state" and thus is not subject to limitations in the Bill of Rights. The argument is that if D.C. is the entity that is legislating, it is not Congress legislating, therefore limits on Congressional power do not apply; for this reason D.C. is more like a quasi- or pseudo-state. Curiously, as I noted in [The Institute for Justice on the Wonderful Congress of 1866](#), in the April 2008 issue of IJ's [Liberty & Law](#), there appears Robert McNamara's article "Gun Ban Case Triggers IJ Brief For Individual Rights" (IJ's [amicus brief](#) in the *Heller* gun-rights case). In this article, McNamara rhapsodizes about the wonderful Fourteenth Amendment. One of his comments is very interesting for our present purposes:

*To us, though, the case presented an excellent opportunity to argue in favor of revitalizing the Privileges or Immunities Clause of the 14th Amendment of the Constitution.*

Now why, I ask, would the *Heller* case be a good case to revitalize the [Privileges or Immunities Clause](#)?

That clause, after all, limits what *states* can do ("No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States"). But this case was about D.C. .... which Mr. Sandefur authoritatively assures us is *not* a state.

[Posted at 07/08/08 12:44 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [The "deeply dishonest" opponents of the President...](#)

[According to Lincoln idolizing](#), [Bush-voting](#), [Iraq war armchair general](#), and *soi-disant* libertarian Tim Sandefur:

Christopher Hitchens has [a review here](#) of Douglas Feith's book War And Decision, which I'm currently reading. It is an **outstanding book, serious, scholarly, reasoned, and fair**, although of course Feith has an opinion which he makes clear. And Hitchens is right that **there is something deeply dishonest about the way the President's opponents** (i.e., the press) have refused to even note the book's existence.

This "outstanding" (and "serious," natch) [book](#), according to Hitchens, makes

it difficult if not impossible for people to go on claiming that, for instance: 1. There was no rational reason to suspect a continuing Iraqi WMD threat. Feith's citations from the Duelfer Report alone are stunning in their implications. 2. That alternatives to war were never discussed and that the administration was out to "get" Saddam Hussein from the start. 3. That the advocates of regime change hoped and indeed planned to anoint Ahmad Chalabi as a figurehead leader in Baghdad. 4. That there was no consideration given to postwar planning.

I suppose any "libertarian" who [supported the Iraq War](#) might want to seek partial redemption, but I'm reminded here of Ayn Rand's angry cursing of Nathaniel Branden after she discovered his lies and affairs: "*If you have an ounce of morality left in you, an ounce of psychological health you'll be impotent for the next twenty years! And if you achieve any potency, you'll know it's a sign of still worse moral degradation!*" Likewise, one would think that Sandefur, after having the terrible judgment to support the Iraq War, might refrain from commenting in public on libertarian matters for a while, or at least on matters of war. But, alas, no. No "impotence" there. See, e.g., more of Sandefur's "wisdom" in [How Libertarians Ought to Think about the U.S. Civil War](#), *Reason Papers Issue No. 28*:

Seeing the Confederacy through the lens of the Vietnam experience ... is misleading. First, it ignores the fact that, unlike in foreign policy where a nation may choose whether or not to intervene in a conflict, the Constitution requires the president to faithfully execute the law, including the Constitution itself. Second, such a view obscures the ultimate values of libertarian political philosophy. Although it is true that Americans do not owe a *duty* to intervene when other nations' rulers oppress their people, it is *not* true that other nations have the *right* to oppress their people. To say that another nation's oppression of its people is *none of our business* is similar to what Lincoln described as the perverse notion that *if one man would enslave another, no third man should object.* The United States (and every other nation) does have the right, though *not* the duty, to liberate oppressed peoples held captive by dictatorships [[like in Iraq!](#) -- SK]. **The federal government had the right, and the duty, to put down the Confederate rebellion.** War is a **terrible thing.** But libertarianism holds that it is justified at times, when undertaken in defense of individual liberty. As



Jefferson said, "all men know that war is a losing game to both parties. But they know also that if they do not resist encroachment at some point, all will be taken from them .... It is the melancholy law of human societies to be compelled sometimes to choose a great evil in order to ward off a greater ...." The Civil War was an awful conflict, **costing hundreds of thousands of lives. But the right side did prevail in that war**, and libertarians should stop doing themselves the great disservice of **defending a cruel and oppressive slave society**.

See also [this bloviating](#) about the Iraq War:

I'll be honest: it's profoundly frustrating for me, as a supporter of both the decision to invade Iraq and the decision to remain there, to find myself having to defend the reputation of a man who is undeniably engaged in egregious violations of the Constitution. The notion that a President can take prisoners on the battlefield, send them to a prison camp off shore, and then hold them there, apparently indefinitely, without a genuine trial, is beyond shameful. It is a brazen violation of both the Constitution and the ancient common law tradition which I hold dear. It is profoundly to be hoped that the Supreme Court's upcoming decision on this matter will help to set things straight. **Still, it is important to keep things a bit more in perspective.** Franklin Roosevelt's detention of the Japanese, and his use of military tribunals, was no less unconstitutional and illegal, and Roosevelt did a lot more else, besides. (At least Bush isn't drafting people.) **Yet it is still a cause for immense joy that we won that war.** Abraham Lincoln censored opposition press and adopted other violations of important constitutional rights, yet it is also cause for rejoicing that he led the United States to victory in that war. War is all hell. It is a most efficient destroyer of individual liberties. That's why libertarians hate it. But it would be a mistake to allow our frustration over such things to obscure our need and our desire for victory.

Sandefur also opines:

There are people who believe that "If the people in Iran or Iraq or wherever want to live in a brutal totalitarian dictatorship, then it's not our problem, and we shouldn't be meddling. This group can be broadly associated with **Murray Rothbard**, whose views on foreign policy are neatly summed up by his claim that America is "the single most warlike, most interventionist, most imperialist government in the world, and that the Soviet Union "adopted the theory of "peaceful coexistence"[which is] what Libertarians consider to be the only proper and principled foreign policy." It is against this group, primarily, that I've aimed my attacks on the anti-war crowd. This group, I think, is not only profoundly wrong, but are **not even properly described as libertarian**. ... If one begins from the premise of "self-determination" i.e., that a collective has the "right" to create whatever (even oppressive) political institutions it pleases, without interference from another collective well, then you end up making such arguments as that **the south was right in the Civil War**, and so forth. That may be a lot of things, but it is not libertarianism; it is paleoconservatism.

And here he is [sniffing that](#) those who oppose the Iraq war must really want "the other side" to win. And expressing [tut-tutting skepticism at accusations of bad behavior](#) by the central state's goons. My, my, how "respectable" Sandefur is. Notice that Sandefur scandalously equates anyone who opposed the legality and

morality of Lincoln's unconstitutional war as being a defender of slavery (like, say, famed abolitionist Lysander Spooner?--who nevertheless "denounced the Republicans' use of violence to prevent the Southern states from seceding during the American Civil War"; see also DiLorenzo, [Spooner's Fierly Attack on Lincolnite Hypocrisy](#)). This is a typical tactic of the "respectable" crowd of minarchists, neo-con libertarians, and quasi-libertarians. Similarly, Sandefur writes that anti-war opponents of Lincoln "end up making such arguments as that the south was right in the Civil War." This is not true at all. Real libertarians simply say that the US was wrong in the Civil War--as well as the CSA. They were both evil states. Sandefur, clearly not an anarchist--probably not even a minarchist--cannot see this, since he has to find some state to latch onto: it's either the USA or the CSA for Sandefur. For an anarchist, we don't have to make that choice. We recognize both states as evil and rights-violators (see, e.g., some of the resources linked below from LRC or Mises Institute writers<sup>\*</sup>). The CSA had no more right to tax and conscript its subjects than the USA did; and neither state had the right to condone slavery; nor did any slaveowners in either state have a right to engage in chattel slavery. Under my libertarianism, any pro-slavery legislator in either sorry government--or even any voter who endorsed slavery--is a criminal rights violator. Just because a libertarian does not endorse the USA's unconstitutional, immoral, criminal, unlibertarian, illegal actions does not mean we condone its enemy's actions either, as is plain to anyone with a lick of sense and a drop of honesty.

[<sup>\*</sup> : [Anthony Gregory](#):

I must admit I am somewhat more skeptical of "states rights" conservatives than I used to be ♠ they almost always end up favoring centralizing power in the end, whether we're talking about some of the anti-Union hypocrites who sought federal protection of slavery and then centralism within the Confederacy, or today's politicians who never seem to apply federalism consistently, especially once they have federal power.

[Michael Gaddy](#):

The government of the Confederacy, born, as we believe, to the parents,' self-determination and liberty, was nothing but coercion, violence and force wearing a butternut uniform.

[Rothbard](#):

The basic root of the controversy over slavery to secession, in my opinion, was the aggressive, expansionist aims of the Southern "slavocracy." Very few Northerners proposed to abolish slavery in the Southern states by aggressive war; the objection ♠ and certainly a proper one ♠ was to the attempt of the Southern slavocracy to extend the slave system to the Western territories. The apologia that the Southerners feared that eventually they might be outnumbered and that federal abolition might ensue is no excuse; it is the age-old alibi for "preventive war." Not only did the expansionist aim of the slavocracy to protect slavery by federal fiat in the territories as "property" aim to foist the immoral system of slavery on Western territories; it even violated the principles of states' rights to which the South was supposedly devoted ♠ and which would logically have led to a "popular sovereignty" doctrine.

Mark Thornton's [Tariffs, Blockades, and Inflation: The Economics of the Civil War](#)--as one reviewer [noted](#), "For libertarians who view a nascent Confederacy as a laissez-faire paradise (except for blacks), the authors provide a valuable corrective." (Thanks to Anthony Gregory for some of these links.)]

And in his comments on Rothbard, he reveals his collectivism and statism, when he characterizes Rothbard's view as "If the people in Iran or Iraq or wherever want to live in a brutal totalitarian dictatorship, then it's not **our** problem, and **we shouldn't be meddling**." Notice the strategic use of "we" and "our" here. Rothbard didn't oppose violent opposition to totalitarians, either by its victims or even by outside liberators. He simply opposed the death and harm perpetrated by outside "liberating" states on both its own citizens (taxes, conscription, regulations, censorship, etc.) and on foreigners ("collateral damage", colonialism, occupation). Sandefur is such a statist he can't separate the people from the state, so he views "we" as "the American state and the people". Rothbard opposes our *state* waging war, because, as a real libertarian, he rightly distrusts that state and recognizes the evil that states always do when waging war. But where does Rothbard oppose private citizens fighting their oppressors, or helping to liberate the oppressed? Note also Sandefur's description that anti-war Rothbardians are not only "not even properly described as libertarian". Instead, they are "paleoconservatives"--not even paleolibertarians! *This* quasi-libertarian has the gall to read *Rothbard* out of the movement? Give me a break! I've totally demolished his ridiculous "secession was illegal" reasoning [elsewhere](#)... but is any other comment really necessary? I've bolded a few of the key phrases that might make any true libertarian's jaw drop, but *res ipsa loquitur* (the thing speaks for itself). \*\*\* Update: Sandefur has replied [here](#). A few comments. 1. Sandefur again calls me a "paleoconservative," when I am neither paleo nor conservative. I'm a libertarian, straight out, as anyone who reads my publications knows. I happen to be an anarcho-libertarian, the most consistent type of libertarian, unlike Sandefur, whom I suspect is not even a minarchist. (Indeed, I have published several articles in the [Journal of Libertarian Studies](#), as well as serving as its book-review editor for ten years; and published three papers in the libertarian journal [Reason Papers](#), coincidentally, the one Sandefur also [recently published in](#)--and which I helped to put online a couple years ago. And which--*including Sandefur's own article*--is hosted on the servers of the dreaded "neo-confederate" "fever swamp" Mises Institute itself! I guess I'm just a Trojan horse!) 2. He writes: "I have explained at length ... why the word 'libertarian' just doesn't apply to a political philosophy like his, which holds that government should be free to oppress citizens at will." I agree with this. I do not believe that "government" (I think here Sandefur must mean "the state") "should be free" to oppress people. In fact, I think it should be fought and defeated, and abolished--unlike Sandefur, who is not opposed to "government" (or even the state), nor is he opposed to said governments oppressing citizens--after all, for "government" (the state) to exist, it has to tax and regulate people; and every government that has ever existed, or that ever will exist, will be far from even minarchist and will violate individual rights on a wide scale; and Sandefur clearly supports oppression by the state, e.g. in his [comment that](#) "slavery is so evil that it was worth all the awful depredations of the Civil War to end it, and would have been worth more" (to which Joseph Sobran bitinglly replied, "I'll raise [Sandefur]--I'll stipulate that 600,000,000,000 deaths would have been a cheap price to free a single slave."). Tim Sandefur is not a libertarian, in my view. 3. He claims that his words that I bolded, to illustrate his unlibertarian views, "are to the effect that war, though a terrible thing, is not the worst thing, and that slavery is worse than war." This is simply not true. I have never expressed a view as to what is more terrible, slavery, or war. I am not sure how to make this comparison. Both are widespread, horrific acts of systematic aggression that are only possible with states--which, again, Sandefur supports the legitimacy of, not me. He goes on: "Evidently he not only thinks that states should be able to deprive us of our rights whenever they want to, but also that freedom is not worth fighting for." This is either stupidity or mendacity. And Sandefur does not seem very stupid to me.

Because in my very post, I wrote:

Under my libertarianism, any pro-slavery legislator in either sorry government--or even any voter who endorsed slavery--is a criminal rights violator. ... Rothbard didn't oppose violent opposition to totalitarians, either by its victims or even by outside liberators. ... where does Rothbard oppose private citizens fighting their oppressors, or helping to liberate the oppressed?

This makes clear, as is almost everything I've ever published (see, e.g., the publications listed below<sup>\*\*</sup>) that I do not think states "should be able to deprive us of our rights," nor that "freedom is not worth fighting for." Again, the collectivist in Sandefur arises: if I don't bow down to and praise the largest state in world history--the one that harms me more than any other in the world--and am not willing to condone the taxing and murdering it would have to engage in to invade another country, I don't believe freedom is worth fighting for. I.e., if you don't endorse the state fighting for your freedom, you don't endorse fighting for freedom at all! Just like statist says: if you don't support the state supplying us with roads, hospitals, schools, and courts, you are "opposed" to transportation, medical care, education, and justice! Sandefur also notes that he "certainly stand[s] by" the comments of his I boldfaced--including, presumably, this statement of his: "The federal government had the right, and the duty, to put down the Confederate rebellion." I have news for Sandefur: the federal government has no *rights* whatsoever: it's a criminal gang of thieves, with no rights, and with one obligation only: the obligation to disband immediately. But then we can't expect a "respectable" "libertarian" to recognize this, can we?

[<sup>\*\*</sup>: Kinsella, [What It Means To Be an Anarcho-Capitalist](#), *LewRockwell.com* (January 20, 2004) ----, [How We Come To Own Ourselves](#), *Mises.org* (Sep. 7, 2006) ----, [Causation and Aggression](#), *The Quarterly Journal of Austrian Economics*, (Winter 2004) ----, [Punishment and Proportionality: The Estoppel Approach](#), *Journal of Libertarian Studies* (Spring 1996) ----, [Inalienability and Punishment: A Reply to George Smith](#), *Journal of Libertarian Studies* (Winter 1998-99) ----, [A Libertarian Theory of Punishment and Rights](#) *Loyola L.A. Law Rev.* (1997) ----, [Estoppel: A New Justification for Individual Rights](#), *Reason Papers* (Fall 1992) ----, [The Greatest Libertarian Books](#), *LewRockwell.com* (August 7, 2006) ----, [How I Became A Libertarian](#), *LewRockwell.com* (December 18, 2002) ----, [Fukuyama and Libertarianism](#), *LewRockwell.com* (May 6, 2002) ----, [A Libertarian Theory of Contracts: Title Transfer, Binding Promises, and Inalienability](#), *Journal of Libertarian Studies* (Spring 2003)) ----, [Legislation and the Discovery of Law in a Free Society](#), *Journal of Libertarian Studies* (Summer 1995) ----, [Book Review of Anthony de Jasay, Against Politics: On Government, Anarchy, and Order](#), *The Quarterly Journal of Austrian Economics* (Fall 1998) ----, [Taking the Ninth Amendment Seriously: A Review of Calvin R. Massey's Silent Rights: The Ninth Amendment and the Constitution's Unenumerated Rights \[1995\]](#), *Hastings Constitutional Law Q.* (1997) ----, [Book Review of Patrick Burke, No Harm: Ethical Principles for a Free Market \[1994\]](#), *Reason Papers* (Fall 1995)]

[Posted at 07/09/08 03:13 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## **[Re: Libertarian Gives \\$100 Million to Government Theatre](#)**

Lew, [interesting post](#). Say, to change the subject--you ever read that provocative article by Walter Block, [Toward a Libertarian Theory of Guilt and Punishment for the Crime of Statism?](#)

[Posted at 07/10/08 09:36 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Pro-Slavery Lincoln-Lovers](#)

In [Freedom Under Fire: U.S. Civil Liberties in Times of War](#), Michael Linfield gives a littany of violations of the Constitution by the Lincoln administration--censorship, illegal arrests, suspension of *habeas corpus*--and then mentions something I had never realized: "Property was confiscated from pro-slavery whites; *slaves, rather than being freed, originally became the property of the U.S. government*" (see p. 23; also 30-32). As Linfield explains,

The [First Civil War Confiscation Act was passed on August 6, 1861](#) and declared that all property used by Confederates in their insurrection was forfeited and became teh property of the goveremnt. If a slave was owned by a "loyal" white, the slave remained a slave. But a slave owned by a Confederate was to be confiscated. *These slaves, ratherthan being freed, became the property of the U.S. government.* To remedy this bizarre situation, General Hunter, Union military commander of Georgia, South Carolina and Florida, issued an order on May 9, 1862 freeing all slaves in areas under his command. Upon hearing of General Hunter's action one week later, President Lincoln immediately revoked the order, thus returning teh slaves to their former status as property of the federal government.

In other words, the glorious, slave-liberating federal government so beloved by centralist, pro-Lincoln "libertarians," was, for a time, a slaveholder. Ironic. I wonder, as a practical matter, how the Lincoln adminstration handled ownership of its slaves? Did it appoint state-paid "masters"? (Notice: the [Wikipedia entry](#) on this Act tries to gloss over this unpleasant truth: it states that the Act "did not free the slaves thereby forfeited, but did strip their owners of claim to them." So the original owner had his claim stripped--but the slave was not free. Hmm, I wonder, who owns the slave now? The text of the statute makes it clear that all "property" condemned "shall be wholly for the benefit of the United States." Update: As one post put it: [Lincoln Owned Slaves](#)! He outdid ole' Jefferson by orders of magnitude.

[Posted at 07/14/08 02:08 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [The Useless Third Amendment](#)

In Forrest McDonald great article, [The Bill of Rights: Unnecessary and Pernicious](#), in discussing the Third Amendment's prohibition on quartering troops in private homes, he has a great quote by Edward Dumbauld, who noted that the armed services "*have not put soldiers into the houses of citizens; they have simply removed the citizens from their houses and put them in the army, navy, and air force.*" Well, thank goodness that the Third Amendment, at least, wasn't violated!



[Posted at 07/14/08 02:12 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [More Predatory Borrowing](#)

As noted [here](#), the College Cost Reduction and Access Act of 2007 lets students rip off lenders (or taxpayers, I can't tell) by capping repayment of student loans at a percentage of income if you are working for certain "public service" jobs--with the rest "forgiven." So suppose you have \$200k of student loans

from law school, and go work for a non-profit or public defender's office for a relatively low salary--you pay back a fraction of the loan over 10 years, then at that time the rest is forgiven. America, we hardly knew ye.

[Posted at 07/16/08 09:55 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 




## [Gun Haters Happy with Heller](#)

As I noted in [To Hell with Heller](#), this case makes it clear that gun limitations and regulations are perfectly permissible (see also my posts [The Great Gun Decision: Dissent](#) and [Heller and the States](#)). And thus, two federal courts (at least) have already upheld regulations on gun rights based on *Heller*. And D.C. itself is set to "[Replace a Handgun Ban With Prohibitive Regulations](#)." So is it any surprise that Dennis Henigan, of the Brady Center to Prevent Gun Violence, [is not concerned with Heller](#), because "*the lower courts are likely to interpret Heller as giving a constitutional green light to virtually every gun control law short of a handgun ban.*" Of course he is right, as is clear from Scalia's opinion, and the predictable court results noted above. (Thanks to [Huebert](#) for the link.)[Update: On July 15, 2008, the federal court in *U.S. v. Gilbert* [confirmed that](#), based on *Heller*, the jury instructions given in a criminal case were correct, since *Heller* makes it clear that individuals "*do not have the right to possess machineguns or short-barreled rifles, as Gilbert did, and convicted felons, such as Gilbert, do not have the right to possess any firearms.*" ]

[Posted at 07/16/08 11:34 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [More Heller-aceous Damage to Gun Rights](#)

Following up on [Gun Haters Happy with Heller](#): on July 15, 2008, the federal court in *U.S. v. Gilbert* [confirmed that](#), based on *Heller*, the jury instructions given in a criminal prosecution (stating that there was no Second Amendment right to own machineguns etc.) were fine, since *Heller* makes it clear that individuals "*do not have the right to possess machineguns or short-barreled rifles, as Gilbert did, and convicted felons, such as Gilbert, do not have the right to possess any firearms.*" (Thanks to Max Chiz for the link.)Update: In [How tightly can you regulate a right?](#), J.D. Tuccille notes that the regulations being proposed by D.C. in the wake of *Heller* "seem a bit more restrictive than you'd expect to be permissible for the exercise of a right rather than a privilege." (Thanks to M. Johnson) Update 2: *Heller* himself has now been [denied a handgun permit](#) by D.C., even after his win at the Supreme Court. You see, although D.C. law now allows gun with fewer than 11 bullets in the clip, and *Heller*'s gun has only a 7-bullet clip, it's bottom-loading, and therefore grouped with machine guns. Oh well, back to the ole' Supreme Court, I guess. Update 3: See these two entries on the blog for The Brady Campaign to Prevent Gun Violence: [Pro-Gun Voices See Heller's Potential To Sustain Gun Control Laws](#) and [More Discussion Of Dennis Henigan's Take On Gun Control After Heller](#):

The real point, however, is that with the benefit of hindsight - i.e., a decision by Justice Scalia that counts as presumptively lawful a range of gun control laws - *Heller* may well turn out to be a symbolic victory for gun enthusiasts. As pointed we out earlier today, no less than Stephan Kinsella and Lew Rockwell seem to agree.

I like the "no less than Stephan Kinsella and Lew Rockwell seem to agree..." This is not exactly damned by faint praise, or praised by faint damn... what is it? What do you call it when you are complimented by your adversaries,.... ? What's the term? Yet another update: One libertarian giddy about the *Heller* case pouts in faux shock about [DC Rejecting Handgun Application](#) and then sniffs that, at least, "fighting such

disgusting foot dragging is better than being subject to a complete ban." Uh, yayyy for liberty?

[Posted at 07/17/08 11:40 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Cato on "sensible gun regulations"](#)

[Robert Levy](#), one Heller's lawyers, in responding to Dennis Henigan of the Brady Campaign to Prevent Gun Violence, [writes in Cato Unbound](#):

"if Henigan is correct in predicting that **sensible regulations** will be the by-product of *Heller*, **I for one applaud that development** .... Thankfully, *Heller* has taken a major step to restore sensibility in Washington, D.C. Soon, **with incorporation**, *Heller* will have nationwide implications. That's a big win for common sense. More important, it's a big win for the Constitution."

Well... I guess so. Sensible regulations like the ones upheld in the cases mentioned [here](#), decided after *Heller*, such as preventing the importation of a reproduction WW II-era German machinegun, banning sawed-off shotguns and machineguns, prohibitions in "sensitive places such as schools and government buildings"? Or how about this -- D.C. [rejecting Heller's own application](#)? One of the *Heller* cheerleaders has grouched that, at least, "fighting such disgusting foot dragging is better than being subject to a complete ban." This is a huge victory? Note also Levy's comment on incorporation: As I noted in [To Hell with Heller](#), "thanks to the perverse [incorporation doctrine](#), the Second Amendment will no doubt be applied to the states ... by the federal government." For more on Henigan, see [More Heller-aceous Damage to Gun Rights](#). Anyway, as Cato icon Milton Friedman might say, "sensible" government regulation is about as likely as a barking cat.

[Posted at 07/22/08 12:16 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Don't Abolish the SEC Just Yet!](#)

The "Free Enterprise Action Fund" apparently thinks the SEC can be a force for good: see its press release: "[SEC petitioned to warn companies against making false and misleading claims on global warming; Misinformation puts investors at risk, says Free Enterprise Action Fund.](#)"

[Posted at 07/23/08 04:46 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [More Libertarians Favor "Reasonable" Gun Regulations](#)

In the September 2008 issue of [Liberty](#), one Jon Harrison writes:

The Supreme Court ... has recently handed down a couple of awful decisions. ... But as the current term came to a close, the court (by a 5-4 vote) struck a great blow for liberty by preserving the meaning of the Second Amendment. Because of its decision in ... *Heller*, citizens will retain the fundamental right to keep and bear arms. **Thank you, Justices Roberts, Scalia, Thomas, Alito, and Kennedy.** The decision was finely rendered. The majority did not open the floodgates by finding a right for citizens to own machine guns .... **Reasonable restrictions on firearms**, as determined by legislatures, will still be possible. The five justices showed wisdom and restraint--the opposite of what their activist brethren

typically display. The case, I should mention, got to the court thanks to the efforts of libertarians, specifically people at Cato. The victory was a shining moment for the libertarian cause.

Wow. Some [huge victory](#). And let's not forget to thank our masters, five robed state employees, for temporarily granting us a very narrow privilege. See also my previous post [Cato on "sensible gun regulations"](#).

[Posted at 07/28/08 09:30 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Save us, Judge Brown!](#)

### [Judges Back FTC Over Whole Foods](#)

Two judges of the U.S. Court of Appeals in Washington DC abruptly reversed an earlier decision by the same court that allowed Whole Foods Markets, Inc., to complete its acquisition of Wild Oats Markets, Inc., over the objections of the Federal Trade Commission.

The judges include Judge Janice Rogers Brown. As Skip Oliva noted to me,

I remember when some conservatives and libertarians hailed the appointment of Janice Rogers Brown to the D.C. Circuit Court of Appeals. One libertarian lawyer gushed to me that she'd be the next great 'libertarian' judge. Well, she sided with the FTC in a big case today .... Live by the judiciary, die by the judiciary!

[Posted at 07/29/08 12:59 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Re: More Heller-aceous Damage to Gun Rights](#)

Re my [previous post](#), anti-gun activist Dennis Henigan has a follow-up piece on Cato Unbound, [The Heller Majority: Wrong and Unprincipled](#). He argues that the Court improperly gave no effect to the "militia purpose" clause of the Second Amendment, and that this interpretation is indefensible because it disregards "what the Supreme Court has termed 'the first principle of constitutional interpretation'

[Posted at 07/29/08 01:40 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Cato Watch: Carbon Taxes](#)

Cato Senior Fellow [Jerry Taylor](#), [writing in](#) the *Financial Post*:

If reducing our carbon footprint is the goal, then the most direct and efficient means of reducing that footprint is to impose a tax on carbon emissions and then leave it to the market to sort out how to most efficiently order affairs under those new prices. Maybe it will mean windmills and CNG, but maybe not. Perhaps it will mean more nuclear power, new hydrogen-powered fuel cells, "clean" coal, the emergence of cellulosic ethanol, battery-powered cars or hybrids -- or a continuation of the existing energy base but less consumption as a consequence.

He adds, thankfully, at the end of his piece: "I wish Mr. Pickens well in his wind energy business, but I see



no reason why taxpayers, ratepayers or consumers ought to be forced to sacrifice in order to fatten his already ample bank account."

[Posted at 07/30/08 04:57 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### **Cato Watch: The Wages of Advocating Managed Trade**

NOT an Onion piece: [Highway To Hell: Anti-I69 Protesters Storm Cato Institute, Are Assaulted by Cops in DC](#):

On Monday, July 28, SDS, backed by activists from both Potomac Earth First and Roadblock Earth First, staged the "Funk I-69" protest, treating the CATO institute, an office of I-69's surveyor, and the dual target(I-69 and ICC) Washington Post they way SDS normally treats military recruiters. The first target on the menu was the neoliberal Cato Institute, one of the thinktanks responsible for NAFTA. I-69 is being built as one of several "NAFTA superhighways." The glass-enclosed lobby of CATO was stormed by protesters before the cops were able to respond, sparking a pushing and shoving match, but no injuries.

See: Rothbard, [Why the Pro-NAFTA Hysteria?](#) Update: YouTube video: **I-69 protesters pushed and**

### **shoved by cops at CATO Institute**

[Posted at 07/31/08 10:26 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### **re: Cato Watch: The Wages of Managed Trade**

[Tom](#), a couple things. First, not that in [our cause](#) ... but let's face it, unlike us, they do support the state and so if anything are more "collectivist" than anarchist libertarians.

[Posted at 08/01/08 04:45 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### **Texas to United Nations: Bug Off**

Texas is set [to execute](#) Mexican citizen Jose Medellin tomorrow "for the 1993 rape-strangulation of two teenage Houston girls, Jennifer Ertman and Elizabeth Pena"--in defiance of a recent ["stay" of execution "ordered"](#) by the U.N. International Court of Justice (I see my former professor, Rosalyn Higgins, now President of the Court, also voted for the stay). Gotta like the comments of Randy Ertman, the father of one of the victims:

"It's just a last-ditch effort to keep the scumbag breathing," Ertman said. "He never should have been breathing in the first place. I don't care, I really don't care what anyone thinks about this except Texas. I love Texas. Texas is in my blood." [Texas Governor] Perry has argued Texas isn't bound by the decisions of international courts and that the state is determined to hold killers, regardless of their nationality, responsible for their crimes. Texas has rebuffed not only the U.N. and Bush, but Secretary of State Condoleezza Rice, U.S. Attorney General Michael Mukasey and the judicial arm of the Organization of American States, which has demanded Medellin receive a new trial.

And some say federalism is pointless! Pshaw!**Clarification:** Some libertarians have accused me, based on this post, of favoring state executions, or, in the words of one, "murder." I posted it because it's interesting and an illustration of decentralism. I never implied I endorsed Texas's actions here. In fact, anyone familiar with my views knows I'm an anarchist and opposed to anything any state does, including execute murderers. I am opposed to state-conducted capital punishment. That said, it does not mean it's "murder"--murder implies the subject is innocent. I oppose executions even if they aren't murder, for a number of reasons -- first, that it's done by the state; second, although (private) capital [punishment can be justified in principle, for a variety of reasons](#) "*restitution would probably become the predominant mode of justice in a free society.*" So, in this case: it's not "murder" for Texas to execute Medellin; but I oppose it anyway, as a Texan and as a libertarian (that said, I'm not gonna lose sleep over this "scumbag," as the victim's father called him). In any event, this is an interesting illustration of decentralization--one state ignoring "orders" of outside states/agencies (the UN, US State Dept., OAS).

[Posted at 08/04/08 10:33 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☺]

## [Paris for Prez](#)

I don't intend to vote in the upcoming presidential elections. Of course, Obama and McCain are not decent choices. And though Barr sounds better than those two, for reasons L. Neil Smith [gives](#), I don't I could stand to vote for Barr either. But if I were voting, I might consider writing in Paris Hilton for President, given that being laughed at is the one thing the state can't stand. Can you imagine Obama, McCain, or

even Barr *laughing at* the state?

See more [Paris Hilton](#) videos at Funny or Die

[Posted at 08/06/08 08:58 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Re: The Lincoln Cult's Worst Nightmare?](#)

[Tom](#), I assume the neo-con/Lincoln Cultinista "libertarians" are in full support of Georgia here. For one, Georgia is merely attacking a breakaway group of "illegal" secessionists, a la Lincoln. And they are being attacked by the Evil Soviet Union--well, now "Russia"--long the neocons' and neocon cold warrior libertarians' b

[Posted at 08/11/08 04:58 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Even Minarchists Should Oppose the State](#)

Over on Mises Blog, I [mentioned](#) the taxpayer-funded "medical innovation prize fund" advocated by socialist Senator Bernie Sanders as a sort-of "substitute" for the patent system. And also advocated by libertarian economist Alex Tabarrok. As I noted there, there's no logical reason to restrict this great way to increase national wealth to the field of medical innovation: hell, there's ton's of other types of innovation and "things-we-want-to-stimulate". I estimate we would need to tack on another \$3.5 trillion or so to the current \$2.5 trillion federal budget, to really get our creative juices going. Which leads me to this. I can appreciate a good, sincere, fellow minarchist. I understand their reasons. Really. But look, even if the minarchists are right that a minimal state is necessary or needful or justified--look, guys, isn't it pretty clear that so long as we have a state, it's gonna be abused... ? Used for mischief? It never ends. I mean here we have one of our own talking about raising federal spending by \$80 billion a year, to try to reach the "optimal" Lafferian amount of medical patent and non-patent innovation. So it seems to me that even a minarchist ought to oppose the state, if only as a tactical, prophylactic measure, to keep the minimal state

from being used as a tool of others to achieve non-liberal ends. Update: And get this: according to the text of socialist Sanders's [draft bill](#), the \$80 billion+ taxpayer-funded "Fund for Medical Innovation Prizes" will be administered by a "Board of Trustees for the Fund for Medical Innovation Prizes," composed of 13 members serving 4-year terms. The 13 members of the Board are:

(1) the Administrator of the Centers for Medicare & Medicaid Services; (2) the Commissioner of Food and Drugs; (3) the Director of the National Institutes of Health; (4) the Director of the Centers for Disease Control and Prevention; and (5) nine individuals to be appointed by the President, with the advice and consent of the Senate, of which: (A) three representatives of the business sector; (B) three representatives of the private medical research and development sector, including at least one representative of the non-profit private medical research and development sector; and (C) three representatives of consumer and patient interests, including at least one representative of patients suffering from orphan diseases.

Each Board member will be paid at the equivalent of an annual salary of about [\\$140k](#) for daily service. They'll of course have expenses paid, and a staff, and budget to hire experts and consultants. And every year, the Fund gets public funding equal to "0.6 percent of the gross 6 domestic product of the United States for the preceding fiscal year." Jesus, this is pure evil. Update: I make a similar point in [IP and Anarchy](#).

[Posted at 08/12/08 10:01 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Re: Cato "Hearts" Putin?](#)

[Tom](#), I think [this](#) is the report with the picture you mention.

[cato-putin.jpg](#)

[Posted at 08/16/08 08:58 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [On Mailing a Brick to McBama](#)

This is one of the funniest things I've seen in ages. This site shows you how to [Use "Postage Paid" Envelopes to mail a brick to junk mailers!](#)

You know those obnoxious "refinance your home" or credit card ... offers that you get in the mail? This is called direct marketing, where marketers use a reduced bulk postal rate to send entire forests of paper mail to you. So this is something you can do in response. ... Find a shoebox, or a storage bin, or any cardboard box you have laying around. Fill it up with bricks, big blocks of iron, or maybe cement. Tape the box up with everyday packaging tape. Use a junkmail's postage-paid envelope and tape it neatly to the top cover of the box. NEATLY. And mail it off. Envelope revenge! A few days later, your package shows up at the junk mailer's location, and they have to pay for every cent of delivery. Once the cost outweighs the benefit, they will stop sending out direct mail



marketing material. And that is my goal.

This trick has been used to get rid of old textbooks; shoeboxes filled with the week's newspapers; and an "old broken blender" the owner didn't know what to do with. Of course, doing this to an innocent private company--say, a charity, or non-profit, or Sears--is a type of theft and wrong. But what about political campaigns, which are not so innocent? Someone suggested to me that some unscrupulous types might use this trick to waste the Demopublican Parties' money, when they send you junk mail asking for donations for McBama's campaign. (The site also has a [unique way to fight spam](#).) (Thanks to Vijay Boyapati) It occurred to me one time that another way to do something similar would be to donate, say, \$5 to Obama's or McCain's campaign, early on. Over the ensuing months, they're sure to waste \$20 or more for postage and printing, for follow-on mail to you. That's a pretty good ROI! Update: Someone sent me this: "This strategy [was used to great effect in the UK against](#) the anti-hunting movement by those who believed - and still believe - that it is not the government's business to ban traditional countryside pursuits." And on a related note: "Here are some fun experiments that have been conducted with the US Postal Service: [I Wonder If That One Dollar Bill Inside a Sandwich Baggie Will Go Through The Mail](#)" More: "Ed" writes:

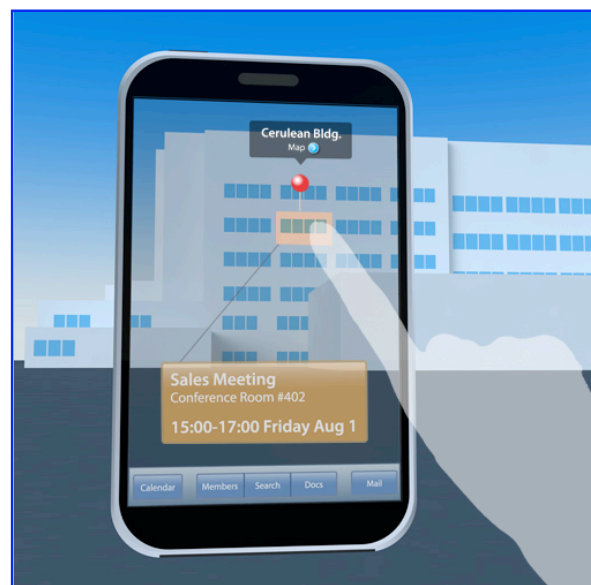
For about the past year I have been sending a Ron Paul card or Slim Jim (or other such information) in virtually all prepaid envelopes I receive. I usually send out somewhere between 5 - 10 per week. I was a Ron Paul delegate to the Texas Republican Convention, so I got on a bunch of their mailing lists. McCain envelopes are my favorites, but mostly I get credit card applications. The only ones I don't do it to are charities. I also stamp my envelopes in red with "Abolish the Fed!" Everybody needs a hobby...

Update: From a reader, FWIW: "This is an urban legend that has been around for decades. According to my brother who works in the post office, such stunts don't even make it through the first sort. In other words, postal employees recognise what is going on and quietly remove such parcels from the system."

[Posted at 08/18/08 12:56 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Augmented Reality](#)

As reported on [GeekBrief](#), "Augmented Reality is all about added a layer (or multiple layers) of real-time data on top of what's happening all around us. You can look at a building or a car in front of you. With augmented reality, your phone (or another device) will have software that analyzes what you're looking at and provide information about it. You'll be able to look through your camera and learn everything you'd want to know about when a building was constructed, who designed it, what businesses are inside, etc." VERY cool. I can't wait for my first iPhone AR app (["cyber-glass" concept below](#)).



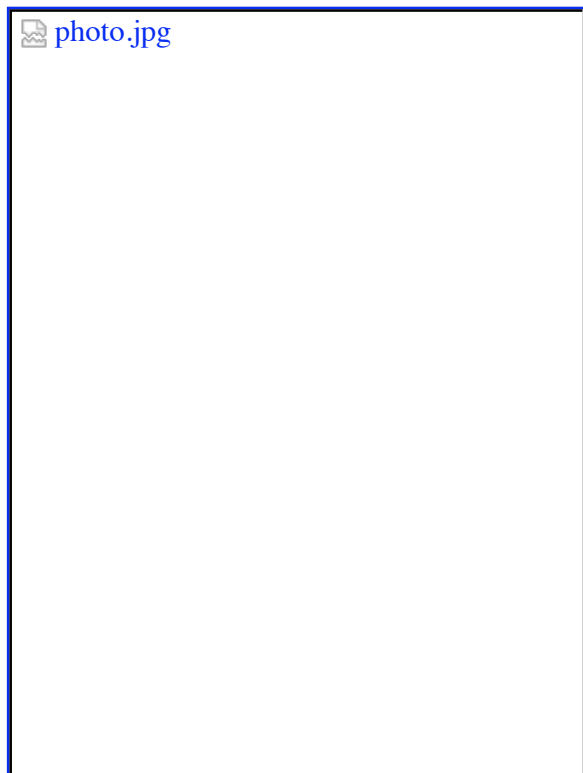


[Posted at 08/18/08 11:36 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [My Favorite Earrings](#)

After winning the gold in the balance beam, Shawn Johnson, the impressive and mature 16-year old from Iowa, was interviewed by Bob Costas. She proudly wore a pair of simple, white "peace" earrings. Good for her! I bet they'll be for sale soon on [her store....](#) Updates: The interview starts about 8:34 into [this video](#) (thanks to Daniel Uffleman). "Proud Iowan" notes [here](#) that not only did she wear the peace earrings during the Bob Costas interview, "she flashed a peace sign at the camera after her routine". Another LRC'er writes: "She didn't get all weepy when the national anthem played during the medals ceremony, either. She's a tough little chica. The whole women's team was pretty impressive this year, actually." And one more:

"I was actually going to bug Lew to post something about Johnson's earrings. As somebody who works with teens her age, there was something that caused me to root for her above others. After seeing those earrings I'm glad I chose her. I might buy my cousin a pair for her 15th birthday although it would probably tick my neocon aunt. "I confess had it not been for my coworkers constantly bringing them up, I would probably refuse to watch the games believing them to be a tool by elites to promote nationalism. However after watching them, I have a new found respect for the athletes who compete in them regardless of nationality. The games are not bad, but like so many other things, the politicians ruin what should be an amazing spectacle."



[Posted at 08/19/08 11:09 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## **Re: My Favorite Earrings**

[Lew](#), re [Shawn Johnson, her peace earrings](#), and the Olympics--yes, I quite agree. Everyone is whining about a few special effects that the Chinese used. So what. It's a good show. Someone told me that these "peace" earrings are popular among young girls nowadays, with no significance other than a fashion fad to them. Could be. But several things lead me to think Shawn wore them consciously. First, she is no bubblehead: she's mature and intelligent. Second: she flashed the peace sign after her routine. Third: given the disgraceful censorship of the athletes regarding criticism of things Chinese and political--by both the Chinese *and* [the Americans](#) ("Shawn won

[Posted at 08/20/08 11:59 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## **Re: Capture of Mont Pelerin Society by Neocons**

[Tom](#), the MPS displays Hayek, Friedman, Coase, and others as "[Notable Members](#)", but scandalously omits Mises. Their excuse for leaving him out is that they list only Nobel winners (though the category is "notable", not "prize-winning"); but Mises towers above all of them. Roberts's article links one of Heritage's pieces on the "Russian invasion of Georgia" Bush line; others are "[Saving Georgia](#)," Heritage Web Memo #2021, and [The Russian-Georgian War: A Challenge for the U.S. and the World](#), by Ariel Cohen, Ph.D. Mises was right about socialism ("It turns out, of course, that Mises was right" -- Robert Heilbroner, 1990 [[1](#), [2](#), [3](#)]); and he was right about the PFS. As Guido Hülsmann noted in a 2006 speech "[Ludwig von Mises and the Mt. Pelerin Society. Strategic Lessons](#)":

As classical liberal economists were usually not employed in institutions of higher learning (the teaching of economic science was not primarily organized within the universities), they built other institutions, from loose networks to political parties. By 1860 governments realized the danger to themselves that the classical economists posed. Their answer was to create their own economists and thus control the market of ideas. This strategy was first applied in Germany with the German Historical School or [Schmollerism](#) and soon spread to other countries, each with its own specific national feature. John Stuart Mill in Britain for example changed the meaning of liberalism into interventionism, while the Russian government thought that Schmoller was too tame and hired Marxist economists instead. This trend continued into the 20th century, with Ludwig von Mises being one of the very few setting himself against it. After demolishing the case for socialism and putting the case for radical liberalism, he insisted that no [third way](#) was possible, as this would invariably lead to a loss of prosperity and in the end, socialism. In the first half of the 20th century, a number of societies were founded by liberals to counter the trend towards socialism. By 1938, four schools of thought were represented: Neoliberalism, i.e., practical and theoretical compromise with socialism; F.A. v. Hayek, for whom a small amount of intervention was permissible; Alexander Rostow, who considered natural hierarchies as necessary for society; and Ludwig v. Mises, who stood for complete laissez faire. Nine years and one World War later, these groups convened to form the Mont Pelerin Society (MPS). At the same time, Leonard Read's FEE in America was publishing leaflets explaining the ideas of Mises and organizing seminars and speeches for Mises and others. These activities were extremely important for spreading Mises' thoughts, especially to young people. Ralph Raico, George Reisman and

Murray N. Rothbard were among those influenced by the FEE papers. Without the FEE, the Chicago School would have totally dominated the field of free market ideology. **Mises was skeptical about the MPS right from the start**; he was particularly concerned because of the participation of certain people. In 1947, he stormed out of a meeting, saying: "You're all a bunch of socialists. **Today, the MPS, a society of eminent scholars, mainly represents Neoliberalism.**"

(See also Hülsmann, [Mises: The Last Knight of Liberalism](#), pp. 871, 989-90, 1003-10, 1032, et pass.) Similarly, as Hoppe has [observed](#): Mises identified in 1946 the association with the policies and proponents of interventionism

as the fatal flaw in the plan of the many earlier and contemporary attempts by intellectuals alarmed by the rising tide of socialism and totalitarianism to found an anti-socialist ideological movement. Mises wrote: "**What these frightened intellectuals did not comprehend was that all those measures of government interference with business which they advocated are abortive. ... There is no middle way. Either the consumers are supreme or the government.**"

The Mises quote is from "Observations on Professor Hayek's Plan," typewritten memorandum dated 31 December 1946; Grove City Archive: MPS files (unfortunately unpublished). As Hülsmann notes, in this memorandum, Mises

stated that many similar plans to stem the tide of totalitarianism had been pursued in the past several decades. He himself had been involved in some of these projects and each time the plan failed because these friends of liberty had themselves already been infected by the statist virus: "They did not realize that freedom is inextricably linked with the market economy. They endorsed by and large the critical part of the socialist programs. They were committed to a middle-of-the-road solution, to interventionism." At the end of the memorandum, he stated his main objection:

The weak point in Professor Hayek's plan is that it relies upon the cooperation of many men who are known for their endorsement of interventionism. It is necessary to clarify this point before the meeting starts. As I understand the plan, it is not the task of this meeting to discuss anew whether or not a government decree or a union dictate has the power to raise the standard of living of the masses. If somebody wants to discuss these problems, there is no need for him to make a pilgrimage to the Mount Pelerin. He can find in his neighborhood ample opportunity to do so.

Hülsmann, [Last Knight](#), pp. 865-66.

[Posted at 08/21/08 01:35 PM by **Stephan Kinsella** on [LewRockwell.com](#)]

### [Another long-time Cato donor in trouble](#)

*Reason* [reported](#) recently on the obviously unjust prosecution of Cato donor and pornographer John Stagliano. More sad news. As reported by former *Liberty* editor [Wirkman Virkkala](#), in [Sense-of-Life Whoremongering](#), radiologist Ross Levatter has been arrested for running



a prostitution ring and "money laundering"--both victimless crimes, of course. Levatter, a *Liberty* columnist and Cato donor and Cato University sponsor, was also a frequent and malicious poster on a Kochtopus smearblog, with a special interest in LRC, but none of us are happy to see this. It was surprising to see such conduct from an associate of Thomas Szasz. Levatter also had some [good things to say](#) against war, and we wish him well and hope he escapes persecution by the state's goons.



[Posted at 08/22/08 03:41 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [The welfare state is not the problem. The warfare state is not the problem. What is...?](#)

In bumper Hornberger's excellent (as usual) LRC column, [The Demise of Conscience](#), he notes: "As libertarians have long pointed out, both the **welfare state** and the **warfare state** have brought immeasurable damage to our country." Say, here's a thought--maybe it's not the "welfare state" or the "warfare state" that's the real problem. But--what do they have in common? Say it with me--the *state*. That's right--the STATE is the problem. Join us anarcho-libertarians. It's the right thing to do!

[Posted at 08/24/08 10:26 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Shawn Johnson Earrings for Sale!!](#)

[Re the Shawn Johnson Peace earrings](#), as [reported here](#): "August 23, 2008--Shawn Johnson is scheduled to return from Beijing next week, but lately she's been spotted all over the United States. From "I Love Shawn" t-shirts to watches and magnets, Shawn's face is everywhere these days. "A jewelry company based in California is even coming out with peace sign earrings next months, just like the pair Shawn wore in a recent televised interview." [Squee!](#) Update: Josh Buckman writes: "Shawn will be on David Letterman tonight wearing the same peace earrings. She's definitely more impressive than the other more well known ladies speaking tonight (Nancy, Caroline, Michelle). Yuck!!!" BTW, if you google "[shawn johnson peace earrings](#)" there are now tons of posts about this. As [someone noted](#), "I think Shawn made a very conscience decision to wear these bright/white earrings to make a statement. She is 16. she doesn't want her friends to be drafted to war. "

[Posted at 08/25/08 07:56 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Churchill: America Caused Nazism, Communism, Fascism](#)

In Lew's [podcast #27](#) (guest John Denson), then mention a very interesting quote by Winston Churchill. As Denson writes in [Defending the Non-Interventionist Foreign Policy of Our Founders](#):

if America had been true to its Founders' non-interventionist foreign policy and had refused to enter World War I there would have been a negotiated treaty in 1917 and no harsh Versailles Treaty forced on Germany. Without the harsh Versailles Treaty, Hitler and Nazism would not have come to power. If the war had ended in the early part of 1917, there would have been no successful Russian Revolution and no successful birth of Communism. In short, there



would have been no World War II. Admittedly, both of these arguments by the interventionists and the non-interventionists are counter-factual arguments. However, you can call as your primary expert witness in support of American non-interventionism none other than Winston Churchill. He made a statement to William Griffen, editor of the New York *Enquirer* in August of 1936 and it was reported by Mr. Griffen as follows:



America should have minded her own business and stayed out of the World War. If you hadn't entered the war the Allies would have made peace with Germany in the Spring of 1917. Had we made peace then there would have been no collapse in Russia followed by Communism, no breakdown in Italy followed by Fascism, and Germany would not have signed the Versailles Treaty, which has enthroned Nazism in Germany. If America had stayed out of the war, all these isms wouldn't to-day be sweeping the continent of Europe and breaking down parliamentary government, and if England had made peace early in 1917, it would have saved over one million British, French, American, and other lives.



(See [Military History of the Western World](#) by J.F.C. Fuller, vol. III, p. 271, paperback edition published by Da Capo Press. Fuller is one of the world's foremost military historians.)

The above quotation has been hidden from the general public, as you might expect, because a few years later Winston Churchill was conspiring with Franklin Roosevelt secretly to get America back into the European War which began in 1939. This 1936 statement by Churchill would have been very damaging to their plans. It should also be remembered that Churchill was one of the persons who acted secretly to get America into World War I with the sinking of the Lusitania.

For centuries European politicians had been concerned with the "balance of power" to keep one country from becoming a hegemonic power. The stalemate reached during World War I in early 1917 showed that this "balance of power" had kept the competing nations from having a victor in the war which would have resulted in a negotiated peace treaty if America had not entered the war. Instead, America's entry into the war destroyed this "balance of power" completely and allowed America and its allies to force a very unfair and harsh Versailles Treaty on Germany. I believe that World War I and World War II were really one war with a twenty year recess and it was the harsh and unfair Versailles Treaty which allowed Hitler to come to power which then led directly to renewal of the war in 1939 in Poland when the League of Nations failed to revise the treaty, which it had the specific authority to do. Many people rightly condemned the League of Nations for its failure to revise the treaty. This failure of peaceful revision led directly to Hitler's revision by force and to World War II.

See also Hans-Hermann Hoppe's masterful discussion of similar themes in the Introduction to his [Democracy: The God That Failed](#).

[Posted at 08/26/08 06:18 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com)]

## [Susan Estrich: Sexist; Barack Obama: Racist](#)

Tonight on Greta on CNN after the Hillary speech at the convention, Susan Estrich admitted that because of female demonrat disappointment over Hillary's loss to Obama, if McCain just picks a woman VP, it's "cha-ching." So, she said, "As a democrat, I hope McCain doesn't pick a woman VP." Wow, doesn't sound very "liberated" to me, Susan. As for Obama, is there any doubt that when he was considering who to pick for VP, he ruled out black candidates? Of course he did. Why isn't he criticized for this discrimination?

[Posted at 08/26/08 11:23 PM by **Stephan Kinsella** on [LewRockwell.com](#) 



## [Demonrats Preparing to Blame it on Racism](#)

In [If Obama Loses](#), Slate's Jacob Weisberg argues that "Racism is the only reason McCain might beat him":

If Obama loses, our children will grow up thinking of equal opportunity as a myth. His defeat would say that when handed a perfect opportunity to put the



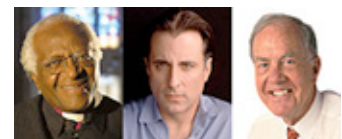
worst part of our history behind us, we chose not to. In this event, the world's judgment will be severe and inescapable: The United States had its day but, in the end, couldn't put its own self-interest ahead of its crazy irrationality over race.

This is the evil liberal mindset at work. They cannot fathom the real reasons, [pointed out by Lew](#), that Obama will lose (if he does).

[Posted at 08/27/08 10:09 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Independent Institute's Liberty Gala](#)

The Independent Institute is having [A Gala for Liberty](#)--Gala Reception and Dinner, where they will present the "[Alexis de Tocqueville Award](#)." Honorees include Archbishop Desmond Tutu, "a world-renowned Nobel Peace Prize laureate who, as Chairman of the Truth and Reconciliation Commission in South Africa, brought a peaceful settlement to the end of Apartheid and is being honored for his work throughout the world to champion democracy, freedom, human rights [\[sic\]](#), and peace"; Andy Garcia (actor); William K. Bowes, Jr. (venture capitalist in the Bay Area). Honorary Co-Chairs include Jehan Al Sadat, Ph.D. (Former First Lady of Egypt); The Dalai Lama; Lord Griffiths of Fforestfach (Vice Chairman, Goldman Sachs International); and V



[Posted at 08/27/08 02:50 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Libertarian Lawyers in Heller Gun Case Ask for \\$3.5M of DC Taxpayers' Money](#)

[Lawyers in Gun Case Ask for \\$3.5 Million](#)

The lawyers who defeated the District's handgun ban in the Supreme Court, successfully arguing that Americans have an individual right to arm themselves, want about \$3.5 million for their trouble, according to a motion for attorney's fees and costs filed Monday in the U.S. District Court for the District of Columbia. ... Acting D.C. Attorney General Peter Nickles, responding to the fee petition, told the BLT, "We obviously are going to have to look at it closely. That's a lot of money. This is not a situation where there was a trial. Everything was done on motions. Certain kinds of work are recognized to be appropriate and certain kinds are not." Nickles said he was meeting with staff later today to discuss whether to negotiate with the Gura and the others or to contest the fee petition in court.

For more on *Heller*, see [More Heller-aceous Damage to Gun Rights](#).

[Posted at 08/27/08 12:06 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [What About the Ossetians?](#)

Writes Sheldon Richman in an [insightful piece](#): What About the Ossetians?

If Russia exited Georgia

[Posted at 08/27/08 03:59 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Re: JPFO: "Heller is Hell for Gun Owners"](#)

[Manuel](#), I'm shocked JPFO doesn't realize the *Heller* decision was

[Posted at 08/27/08 08:01 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Cato on Russia v. Georgia v. S. Ossetia](#)

Re [What About the Ossetians?](#): Cato's [piece](#) on the Russia-Georgia-Ossetia crisis is a bit odd. First, as Sheldon Richman notes, "the Georgian military response to ... the secessionist ambitions of the majority in South Ossetia ... was the immediate cause of the current war"; but the Cato piece blames Russia ("The war was a spectacular provocation that had been long prepared and successfully executed by the Russian 'siloviki'"), without so much as mentioning Georgia's own complicity, or Georgia's status as neocon stooge. Further, as Richman notes, "Defenders of liberty ... should ... champion the cause of the brutalized Ossetians, who ... demand independence from Georgia. ... When President Bush says the 'territorial integrity of Georgia' must be respected and GOP presidential candidate John McCain declares, 'Today we're all Georgians,' they are putting politics above justice." He's right: any libertarian ought to favor decentralization, secession, and independence. Yet, the Cato piece seems to bemoan the possibility that the breakaway regions may actually succeed in gaining independence--it's a "loss" ("Under the new situation, the idea of legitimizing the de facto loss of South Ossetia and Abkhazia may gain traction in Georgian society.") Interestingly, the Cato piece is linked to approvingly on the smearblog of [Cato's vice president](#) for international junketeering, hissy fitting, and slandering. And in the comments section, one of his fellow slimers apes the neocon line in opposing Ossetian independence in the name of the international law doctrine of "[territorial integrity](#)". But the libertarian aspect of this doctrine is its prohibition of invasions of



one nation by another. To the extent the principle is opposed to secession, it is unlibertarian. **Update:** The aforementioned VP of Junketeering (VPJ) has pitched a hissy fit about this post. My post was not inaccurate or false; by contrast, his is, as usual, riddled with outright lies and falsehoods, and bizarre complaints. Let's see: He whines that I called the linked piece on Cato's site the Cato piece... which it was. No falsehood there on my part. The VPJ complains about my noting that the Cato piece *seems to* oppose the "loss" of South Ossetia and Abkhazia--well, I quoted the sentence at issue and linked to it, and only said it "seemed" this way to me, so readers can make up their own mind. No falsehood. Said junketeer says the Cato piece does not call for a military response; and I never said it did. In fact it was his fellow smearblogging slimer who called for Russia to be "confronted" and opposed Ossetian independence in the name of "territorial integrity". Regarding that issue, I clearly stated that this doctrine is good insofar as it opposes nations invading others. I also said "To the extent the principle is opposed to secession, it is unlibertarian." It was the VPJ's fellow slimer who called on this principle to oppose Ossetian independence--and the VPJ has the temerity to imply that I am opposed to the doctrine of "territorial integrity"--even though I am not--and that I "support the Russian occupation and expulsion of the entire Georgian population from the Soviet-era territory of the South Ossetian Autonomous Oblast"--which I do not. Further Junketeer falsehoods. I support the doctrine of territorial integrity as a means of stopping states from invading other states; I merely oppose its use as a way to legitimize central state use of force to stop secession (no offense, Abraham Lincoln Cultists). As for the Russian actions here--I of course completely oppose Russian occupation--as should be clear from the Richman lines I quoted approvingly above. Another lie from the VPJ is that we LRCers "idolize" Putin. And yet a further falsehood from the Prince of Junketeering, Lying & Smearing is the insinuation that those of us who opposed Abraham Lincoln's murderous, illegal, *unlibertarian* war do so because we are neoconfederate racists who are glad to see blacks kept in chains. Absurd. It is states that have harmed minorities the most; we anarchists cannot have this pinned on us. The pro-state beltwaytarians are the ones who ought to look in the mirror for supporting the state that enslaves and robs and kills. (In any case, Southern secession actually made slavery *less* secure by annulling the Fugitive Slave Act. To say the opposite implies that the slaves were somehow kidnapped and then "rescued" by the Republican Party. This is the total sum of Harry Jaffa's theory of the "Civil War" and is of course pure BS.) VPJ is quite right that one problem of secession is that the seceding group might themselves abuse the rights of minorities or subgroups within the seceding region. But this is a problem of having states. That is one reason I, as an anarcho-libertarian, oppose all states and favor any group seceding from another, down to the individual. If VPJ were an anarchist, he could take this position too. In fact, the VPJ says we LRCers would not favor the Georgian-populated areas of South Ossetia seceding (no scare quotes needed) from South Ossetia. I would! And if a town in this area wants to secede, fine! And if a family living in that town wants to secede--yes!

[Posted at 08/27/08 08:50 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### **[Palin "Reeks of Local" -- The Dumb, Dumb Demonrats](#)**

It's long been my contention that if the demonrats would just jettison the relatively small elitist wing of their party--the condescending limousine liberals, the middle-America and normalcy-hating ["urbane" and cosmopolitan](#) condescending types--and just have a mildly populist, redistributionist, soft-socialist but culturally conservative platform, they could clean house and recapture all the inexplicably Republican Joe Sixpack types who are their natural constituency (but who are alienated by Barbra Streisand's screeching). (See my [How the Democrats Could Win](#).) But their stupidity knows no bounds. Why they need to anchor their image to the vapid Hollywood and libertine types is beyond me. Apparently abortion is all that matters to them. Their inexplicable self-destructive behavior is on fully display in their reaction to the Sarah Palin VP nomination. A few choice quotes and examples below:As I noted [here](#), after Hillary

Clinton's speech during the Democrat convention, Susan Estrich admitted that because of female demorat disappointment over Hillary's loss to Obama, if McCain just picks a woman VP, "it's Cha-Ching" (i.e., he'll rack up many female votes that otherwise could have gone to Obama). So, she said, "As a democrat, I hope McCain doesn't pick a woman VP." So she wanted McCain to discriminate against women. Nice. In [this post](#) on HuffPo, David Sirota explains why Palin "is a pretty smart choice":

1. Putting a woman on the ticket is McCain's best hope to peel off some disaffected Hillary Clinton supporters. ...
2. Palin comes from an energy state, and specifically, an oil and gas state. With Democrats' pathetically (yet predictably) tepid behavior on the drilling issue, the GOP senses an opportunity to exploit it, and you can bet Palin will be making the drilling case, with first-person narratives and anecdotes.
3. It will be difficult -- though not impossible -- for the Obama campaign to make an experience argument against Palin. Even though Palin is probably the most inexperienced candidate for vice president in contemporary American history, the Republicans have spent months attacking Obama's supposed lack of experience. So when gnats like [Rahm Emanuel issue](#) silly, over-the-top press releases about Palin's career, they re-open an experience debate that John McCain probably wants to have with Obama.
4. As the Nation's Chris Hayes reports, Palin is a die-hard right-winger who could help McCain solidify the Republican base.

Sirota fails to mention, however, another important factor: the condescending the way the left is sure to react--is already reacting--belittling normalcy, middle class, "beauty queens," "small" states is also going to hurt them. A good example of liberal condescension (and hypocritically sexist, at that) [from Jane Smiley](#): "If the red phone rings in the middle of the night and she's breastfeeding, will she answer it?" The contempt for normal America--the bizarre, sneering sexism--just oozes out of this liberal vitriol, doesn't it? Think middle America won't pick on up on this? Why vote for those who feel they are superior to you and who relegate normalcy to peon status? And [another](#), by "Michael Seitzman": "She's never actually used the word Shiite in a sentence before. She's never had to. She's never given any thought whatsoever to nuclear proliferation. She's never had to. She's never thought about Israel, Russia, Korea, or Iran. She's never even thought about Mexico." How in the world does he know? He's implying that unless you are a federal politician, or some savvy DC Denizen, you haven't "thought" about .... Russia, Korea, etc. Hell, even mere state governors are peons and not worthy to sit at the table with the benighted Beltwaytarrians--if you are only governor of "small state", that is. Gee, I wonder what citizens of, say, most states outside Yankeeland, California, and DC think about that snub? These condescending attacks on Palin, small-town america, "small" states, and normalism are just amazing to behold. And what's that say about, say, housewives and career women? I guess they've never "thought about" these weighty matters either? I guess they're too busy breastfeeding or running in beauty pageants or merely being mayors of "small" towns. Hell, Alaska is even more backward and lacking of culture and interesting people than Auburn, Alabama. And forget about liberals for a sec--how could the Kochtopus support this ticket? Listen to these cackling hypocrites. Is dissing Alaska as some hick backwater supposed to help them with voters? Seitzman continues: "There is not a fireball's chance in Alaska that Sarah Palin could make that argument in a debate with Joe Biden. She **lacks the gravitas**, she **lacks the knowledge**, she lacks the experience. If she were a news anchor we'd say she **reeks of local**." Read that again: She **REEKS OF LOCAL**? Oh my God, if only I were a Republican so I could enjoy this self-immolation. These clueless condescending nabobs are going to just bury themselves, the condescending, these "[cosmopolitan](#)", "[urbane](#)", "hip" morons! As a friend noted, "I must admit I found the statement about "mayor of a town of 9,000" particularly stupid. If somebody could pull out a map for me and show me where, precisely, they intend to pick up electoral votes with such a statement, I would be thrilled. In fact, if ever a party were determined from the outset to find a way to win the popular vote and lose the electoral college, it would look an awful lot like what the D's are up to these

days. Of course, maybe they are trying to lose both - here I had thought that the popular vote was a foregone conclusion, but Obama, et al. are trying to lose even that." Finally, see [this collection of demonrat comments](#) on Palin. It's just incredible. As a friend of mine might say, LOL Democrats! Update: S.M. Oliva notes in a [post](#) on the Mises blog: "... it seems to me that "experience" is more about the possession of certain credentials than time spent furthering the evils of the state. Mr. Obama may not have any particular legislative achievements or "executive" experience, but he does possess an undergraduate degree from Columbia and a law degree from Harvard. Mrs. Palin, in contrast, has only an undergraduate degree from the University of Idaho - her fourth stop in an extended college career - financed partially through her winnings as a beauty pageant contestant. **She is, as one Democrat told me yesterday, one step removed from white trash.**" Update 2: See Stefan Karlsson's post [Democrats Fall Into Trap](#):

Stephan Kinsella has [an interesting post](#) of how McCain's choice of Sarah Palin will lure Democrats into showing their contempt for anything outside the small post-modernist libertine elite of the Party, and most specifically people with traditional values in rural America. Or in other words, the white working class "Reagan Democrat" types which the Democrats need to win over to win the election, and could have won over if they weren't so patronizing against them. Obama's gaffe about bitter rural Americans clinging to guns and religion in front of San Francisco donors was a prelude to this. While the Obama campaign has so far been smart enough to abstain from repeating this gaffe after Palin's nomination, his media backers have not been so smart. Kinsella mentions several examples of this, and then there is also [this piece](#) by Obama supporter Robert Reich that heaps contempt upon her for having lived her life and had actual leadership experience in a small town in a rural state. If Democrats keep expressing this contemptuous attitude towards Middle America, McCain-Palin will actually win in a year that given the state of the economy "should" be impossible to win for a Republican ticket.

See, e.g., [this comment](#) by a liberal reader of the Reich blog post linked by Karlsson: "If McCain gets elected, whats next? Walmart check out clerk nominated for Sec. of Labor? NASCAR driver for Sec. of Transportation." Yet another enlightened liberal [tells us](#), in a crass, hypocritical, sexist comment dripping with contempt for normalcy:

OK I'm gonna be rude here - Palin has nice hooters. This choice is beyond brilliant. Only Mrs Clinton could have outdone this. I can't help but believe that the Dems would win in a landslide with Hil as VP. Unless the Dems can exploit Palin's scandals quick enough, her hooters will carry her to office. Yes they will, I'm sorry to say. We're dealing with the American electorate here, not a bunch of geniuses.

See also Scott Horton's post, "[I don't know ya'll, it really is a tough one](#)"

Are the Democrats more stupid or condescending? I know it's a difficult choice, but if there was a gun to my head, I guess I'd have to say Condescending. Hey Democratic Party, I know I speak for literally dozens of people when I say, go and f\*ck yourselves. (You don't realize this, so I'll tell you: Actually, it turns out, it's us average white trash Americans who work for voluntary pay rather than parasitically sucking off the state our whole live like you, who are the sh\*t, while you are simply sh\*t.) Personally, I kinda hope you lose, just so that when John McCain starts a nuclear war I'll be able to remind you that it wasn't anything good about him, but rather decent Americans' widespread distaste for

you, which allowed him the power.

**Update:** Re [Palin "Reeks of Local" -- The Dumb, Dumb Demonstrats](#): One "Susan Reimer" writes: "You want to look good to the evangelicals? Choose a running mate with a Down syndrome child." Wow. How disgusting. She goes on: Palin is a "car-pooling supermom who went from PTA activist to mayor of her **tiny** (population 9,000) Alaskan town." Note the sneering, condescending epithet *tiny*. All the liberals are working that one in. I guess they got their marching orders. And then this horrendous comment, which would be attacked as sexist if uttered by a normal person: "The jokes started immediately: She won't be able to hold her own against Joe Biden in a vice presidential debate. But wait until the swimsuit portion of the competition. ... Can you at least make a choice that doesn't have Rush Limbaugh panting? (He called Palin a "babe." It was another memorable moment in the ascent of women in this country.)" I.e., she's too pretty. We feminists don't like pretty women. **Update:** Wendy McElroy has two good posts on Palin: [My Take on Sarah Palin](#) and [Smart Politicians Worry Me](#). From the latter:

This is exactly what Palin needs to do -- embrace the young man as family and publicly glow about the expected grandchild as wonderful news. Make the liberals (and not the conservatives) be the ones to cry out "OMG, a teenager had sex! The horror! The horror!" Make *them* look petty and ridiculous, anti-family and anti-forgiveness. Let them take the rap for politically exploiting the sex life of a 17-year-old; let them be the ones to smirk with glee or foam with faux outrage over a child that is wanted and welcomed. Meanwhile, as long as Palin's daughter carries the fetus to term and marries the father, will show compassion and applaud the manner in which a commonplace -- albeit unfortunate -- situation is being handled. This kid's pregnancy is a plus for the GOP. I wouldn't be surprised if Palin *literally* embraces Johnston on the GOP convention stage. What a photo op that would be! Not that Palin needs to draw media attention by dangling enticements. The woman has accomplished a near-impossible feat. She's made Obama 2nd-page news.

[Posted at 08/30/08 11:55 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Paglia on Palin](#)

From [The Times](#):

[Posted at 08/31/08 12:04 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [David Friedman on Russia and Georgia](#)

### [Russia, Georgia, and Backwards Priorities](#)

I have no special expertise on the Georgian conflict, nor much sympathy for either side. I am, however, struck by the fact that most of the international condemnation is aimed at the most defensible, not the least defensible, part of what Russia has done. Russian recognition of two breakaway provinces, both of which seem to have been effectively independent for over a decade, may or may not be a good idea, but I find it hard to see any reason to be outraged over it. The current governments there may be better or worse than the government of Georgia, but they pretty clearly have more support from the local population--and in any case, governments don't decide what other governments to recognize primarily on the basis of whether they approve of them. Yet it is the Russian recognition of South Ossetia and



Abkhazia that western governments have been expressing outrage over.

Uh oh. If Friedman doesn't watch out, he's gonna be accused of being a Putin-loving pro-slavery neo-confederate!

[Posted at 08/31/08 12:48 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Liberals on Palin: Condescension Update](#)

Re [Palin "Reeks of Local" -- The Dumb, Dumb Demonstrats](#): One "Susan Reimer" writes: "You want to look good to the evangelicals? Choose a running mate with a Down syndrome child." Wow. How disgusting. She goes on: Palin is a "car-pooling supermom who went from PTA activist to mayor of her **tiny** (population 9,000) Alaskan town." Note the sneering, condescending epithet *tiny*. All the liberals are working that one in. I guess they got their marching orders. And then this horrendous comment, which would be attacked as sexist if uttered by a normal person: "The jokes started immediately: She won't be able to hold her own against Joe Biden in a vice presidential debate. But wait until the swimsuit portion of the competition. ... Can you at least make a choice that doesn't have Rush Limbaugh panting? (He called Palin a "babe." It was another memorable moment in the ascent of women in this country.)" I.e., she's too pretty. We feminists don't like pretty women. **Update**: Wendy McElroy has two good posts on Palin: [My Take on Sarah Palin](#) and [Smart Politicians Worry Me](#). From the latter:

This is exactly what Palin needs to do -- embrace the young man as family and publicly glow about the expected grandchild as wonderful news. Make the liberals (and not the conservatives) be the ones to cry out "OMG, a teenager had sex! The horror! The horror!" Make *them* look petty and ridiculous, anti-family and anti-forgiveness. Let them take the rap for politically exploiting the sex life of a 17-year-old; let them be the ones to smirk with glee or foam with faux outrage over a child that is wanted and welcomed. Meanwhile, as long as Palin's daughter carries the fetus to term and marries the father, will show compassion and applaud the manner in which a commonplace -- albeit unfortunate -- situation is being handled. This kid's pregnancy is a plus for the GOP. I wouldn't be surprised if Palin *literally* embraces Johnston on the GOP convention stage. What a photo op that would be! Not that Palin needs to draw media attention by dangling enticements. The woman has accomplished a near-impossible feat. She's made Obama 2nd-page news.

[Posted at 09/02/08 07:44 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [What does Conservatism Today Stand For?](#)

My new favorite aphorism:

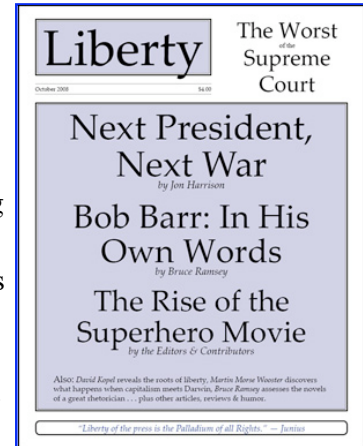
*What does conservatism today stand for? It stands for war. It stands for power. It stands for spying, jailing without trial, torture, counterfeiting without limit, and lying from morning to night. There comes a time in the life of every believer in freedom when he must declare, without any hesitation, to have no attachment to the idea of conservatism.*

--[Lew Rockwell](#)

[Posted at 09/02/08 10:07 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [The Worst of the Supreme Court](#)

[Huebert](#) has, in the latest *Liberty*, an [excellent review](#) of Robert Levy and William Mellor's recent book [The Dirty Dozen: How Twelve Supreme Court Cases Radically Expanded Government and Eroded Freedom](#). Choice excerpt:



It's nothing short of bizarre to think that courts would start protecting liberty because of brilliant libertarian legal arguments. To believe this, one would have to take the naive view which, incidentally, animates much of the Cato Institute's work that government officials are really reasonable, serious people who are just waiting to have the right ideas put in front of them. But how silly is it to think you can make the government want liberty before many or most of the people want it?

Granted, all the federal judges I've known have been genuinely nice people on a personal level so perhaps our D.C.-based lawyers' views have been skewed by exchanging pleasantries at a few too many beltway cocktail parties.

They may be hopelessly deluded, but the rest of us should keep in mind that the important work to be done is in the realm of education, not the halls of government. When people understand and want liberty's benefits, they'll cast off their government entirely, or at least elect representatives who will respect their rights. When that happens, no bad Supreme Court precedent will stand in their way. Until then, *The Dirty Dozen* offers a mostly decent education on the harm the Supreme Court can do but shouldn't lead us into thinking the Court could somehow become an equivalent force for good.

Writes Huebert: "In each of these cases, liberty lost and the government won in some precedent-setting way. (Except, arguably, in the affirmative-action case, as Richard Epstein points out in his foreword.)" Huebert tells me that Epstein's view seems to be that there's no reason why government schools should have to do something different from private schools with their admission policies (similar to my argument in my LRC article "[Supreme Confusion, Or, A Libertarian Defense of Affirmative Action](#)"). Huebert also notes that the authors "seem to think that restoring liberty is really only a matter of overturning a handful of bad court precedents. If we can just get in front of judges and do that apparently through the irresistible power of our arguments and our lawyers' outstanding legal skills we can finally achieve liberty across the land." This reminds me a bit of the fascinating *Reason* article by Brian Doherty, "[It's So Simple, It's Ridiculous](#)", about the income tax protestor types who seem not to realize that the state is just a band of thieves, and who believe that if you only pronounce the right incantation or spell to a tax-paid government judge, you can avoid prison or taxes. (See also Doherty's [Five Reasons You Don't Owe Income Tax, Dammit!](#))

[Posted at 09/08/08 06:16 AM by [Stephan Kinsella](#) on [LewRockwell.com](#)]

### [Down with anti-market "anarchists"](#)

There's a lot of noise being made by the left- and mutualist-libertarian crowd about the arrest of some so-called "anarchists" (scare quotes because anti-market "anarchists" are not real anarchists, i.e. anarcho-libertarians) and seizure by the police of "anarchist" and anarchist literature, including some by mutualist-

libertarian Kevin Carson. From what I can gather from various incoherent media and blog descriptions, an "anarchist" group called the [RNC Welcoming Committee](#) was going to protest the Republican convention in Minnesota; some market anarchists tried to join up to make some inroads with the commie "anarchists", and some Ron Paul supporters. For some reason the cops made arrests and seized literature, which included some of Carson's writings. This mutualist-libertarian material apparently was found because some market anarchists wanted to participate in the RNC Welcoming Committee march. (See [Kevin Carson, public enemy](#); [RNC 08: America, support your patriot youth!](#); [Market Anarchists at the RNC: Street View](#).) Yes, the mutualists and left-anarchists have some good insights about how the state has distorted and corrupted the corporate and business world. But anarchists--*real* anarchists, i.e., anarcho-libertarians--are not opposed to the market and free enterprise, nor even opposed to "corporations" (see my "[In Defense of the Corporation](#)"). Left-anarchism suspicious of the admixture of state and business is one thing; *socialist* "anarchism" is another. The "Anticapitalist Bloc" pseudo-anarchists are hostile to free markets and private property rights. Take a look at [this video](#), where one of them condones the breaking of a Macy's window because of her hatred of "capitalism." [Note: a libertarian friend told me he thinks this woman perhaps meant by "capitalism" merely state-regulation of markets, which we all oppose. I disagree. Listen for yourself. It's Macy's, for crying out loud, not Lockheed or even ADM.] And the [commie lingo](#): "The crowd marched down the sidewalk, and in the right lane of the road when no sidewalk was available. Most of the time the marchers chanted 'We won't falter we won't fail! Let our **comrades** out of jail!'" *Comrades!* Ick! These people are just confused socialists. Sure, I'm glad they are anti-war. But unless you are pro-market, pro-private property, you have no basis to oppose the state, for the state is simply the agency of institutionalized aggression against private property rights. To oppose the state *is* to support property rights, since opposing aggression means opposing the invasion of property. Conversely, those who oppose property rights inevitably support the state or other forms of aggression. Of course, the so-called [RNC 8](#) should be freed. Of course, the state is the real enemy. But these pseudo-anarchists are not on our side. Update: Roderick Long [got the impression](#) I was saying Kevin Carson is anti-market (I am not familiar with Gillis). Let me clarify: I tried to distinguish between genuine libertarians and anarchists, on the one hand, and the pseudo-anarchists, by using scare quotes. I never meant to imply that the "left" or market anarchists and mutualists are not libertarian. As far as I know they support individual rights and property rights and oppose aggression; and they rightly oppose--as do I--state-business admixtures or distortions that arise from this. We might disagree on the extent of these distortions, and on some of our personal preferences, but so what. But anyone who runs around breaking storefront windows and treating Macy's as some kind of evil state agency is not one of us: not a libertarian, not an anarcho-capitalist, not a market anarchist. (Not that I even see anything wrong with trying to make strategic alliances with these socialist anti-state types, or making inroads with them; but they are not us.) I would think, I would hope, I would expect that Carson and Long would agree with me on this. I certainly did not mean to be unfair to or impugn Carson, who is a sincere and intelligent thinker whose work I admire, even where I do not agree.

[Posted at 09/09/08 01:46 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☺]

## **LP FAIL!**

barr-lolcat.jpeg [Weak attempt](#) by the LP to rectify Barr's huge blunder today.

[Posted at 09/10/08 07:23 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☺]

## **Vandanarchists Rejoice!**

Re "[Greenpeace Property Destruction Verdict](#)": Hey, what's the big deal, really? Who's to say the Greenpeacers really destroyed any [legitimate owner's "private property"](#)? I.e., we can never know if any property is really legitimate, due to all the "messiness" of the past--so everything is up for grabs! Newsflash: libertarianism does not heart nihilism.

[Posted at 09/11/08 11:42 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Obama's "Neighborliness" and Taxes](#)

On O'Reilly, Obama called imposing higher taxes on the more productive (no offense, "[anti-market anarchists](#)") "neighborliness" ([1](#), [2](#)):

"If I am sitting pretty and you've got a waitress who is making minimum wage plus tips, and I can afford it (the tax hikes) but she can't, what's the big deal for me to say I'm going to pay a little bit more. That is neighborliness."

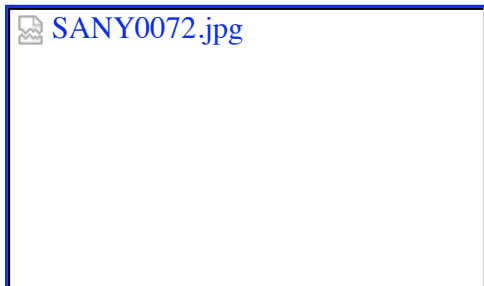
Obama is pure evil.

[Posted at 09/14/08 10:18 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Re: The Silver Lining to Hurricanes](#)

Nice [post](#), Gil. We left Houston early Thursday, and have been staying with relatives in the Baton Rouge area since. The libertarian silver linings I've noticed (i'll stick with your ee cummings capitalization):

- **family and friends**: we took some in from Louisiana for Gustav, and now they are taking us in (in fact we drove one of them back with us from Houston to Louisiana to return to



his house);

- **commerce:** my company and others have been resilient, adaptive, and understanding--even though some were--gasp!--*evil corporations* (no offense, [Vandarchists](#));
- **technology:** computers, IT, the Internet--the wife and I have good access to work--and news, information, and family and friends in Houston--via the Internet. It was amazingly easy for us to set up remote offices in in-laws' houses--not so easy to get the in-laws to stop pestering us... Note how these three tie together: in-laws provide shelter, with an expectation of reciprocity for the next storm; they baby-sit while we work; Internet connectivity helps make remote work more feasible, etc. I was even able to do a podcast with Lew remotely, from the back porch of my father-in-law's house.

 [SANY0072.jpg](#)

 [IMG\\_0289.jpg](#)

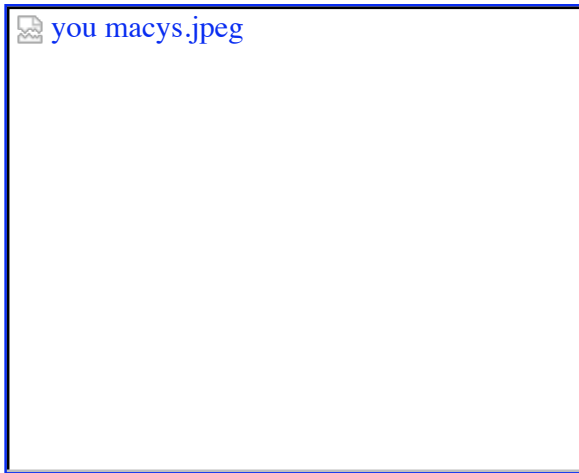
[Posted at 09/17/08 02:59 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [I CAN HAS BROKEN WINDOWZ?](#)

[Mike](#) -- say, you're right! What we need are more [broken windows](#). Maybe the [Vandarchists](#) should descend on poor Houston now, to add to Ike's boon!

 [i can has2.jpeg](#)





The Vandarchists start breaking windows at 2:15 in this clip.

[Posted at 09/18/08 12:23 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### **[Maher on Ron Paul](#)**

On Bill Maher's Real Time "Overtime" [podcast](#) of 9/13/08 (from 2:09 to 3:09), Maher and guests (Janeane Garofalo, John Fund, Roseanne Barr), discuss Ron Paul -- Bill wonders whether Paul will "stick to his anachro-capitalist principles and refuse federal aid" for Hurricane Ike. John Fund starts off snide, but then Garofalo defends Paul and Maher says, "Ron Paul walks the walk", and then Fund crawfishes and starts defending Paul, noting that his consistency is one reason for his appeal. Update: Marcus Jump writes to say: "i tried your link, but was told that the files are only available for download within the US (funny - i always thought California was in the United States). Anyways, a quick google search led me to this page, where the 9/13/08 podcast of Maher's OVERTIME [can be downloaded...](#)"

[Posted at 09/19/08 10:31 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Shoot the looters!](#)

In "[Rioting For Rage, Fun, And Profit](#)" (regarding the 1992 Los Angeles Riots), Rothbard writes: "The crucial point is that whether the motivation or the goal is rage, kicks, or loot, the rioters, with a devotion to present gratification as against future concerns, engaged in the joys of beating, robbing, and burning, and of massive theft, because they saw they could get away with it. Devotion to the sanctity of person and property is not part of their value-system. That's why, in the short term, **all we can do is shoot the looters and incarcerate the rioters.**" No offense, [Macy's-window-breaking vandarchists](#). **Clarification:** The point here is not whether shooting looters is proportionate punishment or not; or whether it ought to be the state doing it. The point is that Rothbard clearly and correctly classified these people as criminals--he didn't excuse their actions by saying that the property they were looting was not "really" private property because the owners were all really just "part of" the state.

[Posted at 09/22/08 11:12 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Re: TWiT on the Bailout](#)

My thoughts exactly, [Stephen](#). Not only that, they were ridiculing it, mocking it, by joking around that Leo hasn't gotten his \$3M yet for doing his podcast, etc. Their mocking, irreverent attitude is heartening.

[Posted at 09/22/08 11:13 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Atheists in Foxholes](#)

Regarding [Krugman's comment](#) that "There are no atheists in foxholes and no libertarians in financial crises." -- not only is the latter untrue. In the late 1980s I knew a septagenarian in Baton Rouge, Henry Murry, an atheist who told me was quite literally an atheist in a foxhole during WW II.

[Posted at 09/24/08 03:44 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [re: The Communist Manifesto](#)

[Tom](#), Rothbard recounts Mises's comment about a stock market being incompatible with socialism, as I note [here](#). Rothbard wrote:

One time I asked Professor von Mises, the great expert on the economics of socialism, at what point on this spectrum of statism would he designate a country as "socialist" or not. At that time, I wasn't sure that any definite criterion existed to make that sort of clear-cut judgment. And so I was pleasantly surprised at the clarity and decisiveness of Mises's answer. "A stock market," he answered promptly. "A stock market is crucial to the existence of capitalism and private property. For it means that there is a functioning market in the exchange of private titles to the means of production. There can be no genuine private ownership of capital without a stock market: there can be no true socialism if such a market is allowed to exist.

Don't expect the anti-corporate left to agree with this, since stock implies corporations!

[Posted at 09/25/08 03:32 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [It turns out TED was the idiot!](#)

As reported on [Volokh](#): funny letter to Washington Post:

While witnessing, but not participating in, the home real estate frenzy in 2005 and 2006, I kept asking: Who is the idiot buying up all these mortgages issued on inflated home prices to all these people who have neither the capacity nor the intention to repay the loans? Now I learn it was me. TED THACKER Ann Arbor, Mich.

According to a comment there, "Heard on the radio today that the US government could make as much as 2.1 TRILLION dollars in profit from selling the bad loans that they will soon be buying." Well, if this is true--the feds ought to expand this program and buy distressed mortgages all over the globe. Just buy about \$10 trillion worth, and make a cool \$30 trillion profit. Debt free, baby!

[Posted at 09/25/08 03:45 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Public Sentiment on the Bailout is 50/50](#)

From Zywicki's Volokh post [More Skepticism about the Bailout](#) (which mentions Peter Klein's [What Would Hayek Say?](#)) comes this gem:

Finally, the best line of the night last night (that I saw) went to Congressman Ron Kind who said that phone calls to his office were "running 50-50--50% 'No' and 50% 'Hell No.'"

[Posted at 09/26/08 11:05 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [I wouldn't push the button](#)

On the [Volokh blog](#), David Bernstein writes:

I suspect the bailout is a bad idea, on a variety of grounds. ... On the other hand, as distasteful as the bailout is, if (and that's a very, very, big if), as a practical matter ... the alternative is a complete meltdown of our financial system, friends of liberty are in a bind; the bailout is awful, but the current power grab by Washington is nothing compared to what we could expect if, say, commercial lending virtually ceased, and the stock markets fell an additional 50%. I suspect that this dynamic explains why opposition in the libertarian blogosphere is relatively muted; we bloggers don't know how big a threat there really is to our financial system, nor do we know whether, if the bailout fails, whatever winds up happening instead, including future legislative action, will actually be better.

But we can't know this to be true. I still wouldn't push the bailout button.

[Posted at 09/29/08 11:08 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [And I always thought Alec Baldwin was an idiot](#)

In "[To Hell With Wallstreet](#)," on HuffPo:

If you give them the \$700 billion, make them issue stock. Make every recipient of the bailout



issue stock in return for our "investment." Don't give them the dough. Make them sell a stake in their companies. Banks, investment firms, insurance companies, you name it. ... To Hell with Wall Street. The current Wall Street. Why prop up a system that may soon devolve into Three Big Banks, only to watch one of those fold after the election? ... Remember one of the most damning things about **this** government: they lie. All the time. There is likely more to come. And \$700 billion will not cover it. So, they'll come back for more. A lot more.

Of course, despite his "indignation," he will still support Obama even though his position is indistinguishable from McCain's. And note the telling word, bolded above: *this*. What an idiot. He senses that the state lies... but he contorts his integrity and coherence to try to pin it on the Bush administration. Only *this* government lies. Not all of them. Just put your do-gooder friends in charge, and all will be well.

[Posted at 10/01/08 07:56 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Gordon on Crunchy Cons](#)

David Gordon has a devastating critique of the "crunchy cons" in TakiMag: [We Will Berry You!](#)

[Posted at 10/05/08 10:33 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Teaching Kids about Voting](#)

I don't always vote--maybe once every 3 or 4 elections--and when I do, I have always voted LP where possible (except for my first vote, in 1984, for Reagan). This year, however, I can't bring myself to vote for any of the candidates running for President--Obama and McCain are obviously out, and I can't see voting for Barr, the Libertarian candidate, either (see [L. Neil Smith's criticism](#)). But this year, I want to take my 5 year old to the polls so he can see democracy in action (with appropriate commentary from Dad). So I've decided we'll go together, sign in, go into the booth; I'll show him how the machine works, and all the abominable choices--and then we'll leave. I figure if his friends ask him about his trip to the polls, and ask him who his daddy voted for, they won't be able to comprehend his answer. Update: A Canadian reader writes as follows:

We just had our Federal election up here in Canada. While we don't get to vote for Prime Minister and can only vote for the local Member of Parliament, the choices were not good at all (for my riding at least): we had 4 socialists and a separatist (whose party I couldn't vote for anyway) as the national leaders, and there was not a local candidate I could vote for in good conscience either. Anyway, I took my 4 year-old son with me, I showed him how we would mark an 'X' on the paper ballot of the candidate we wanted to vote for. Then, we spelled out N-O-P-E, one letter in each of the 4 boxes on the ballot to spoil it. That is one great thing about paper ballots, you can always be sure to spoil them. Good luck with your voting.

[Posted at 10/20/08 11:44 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [L. Neil Smith: A Weapon of Thought -- on Heller and Gun Rights](#)

Writes libertarian sci-fi author and gun-rights advocate L. Neil Smith in a recent widely-distributed email: *"Although many gun rights advocates mistakenly believe that the recent Heller Supreme Court decision was a victory for our side, in fact it authorizes all manner of infringements -- in the form of "reasonable"*

regulation -- on the individual right to own and carry weapons." The email's full text is below. (See also [JPFO: "Heller is Hell for Gun Owners"](#); [More Heller-aceous Damage to Gun Rights](#).)

**A WEAPON OF THOUGHT** By L. Neil Smith Aaron Zelman, founder and executive director of Jews for the Preservation of Firearms Ownership, has announced creation of a vital and unique new resource for advocates of the individual right to own and carry weapons. *2A Today for the USA* is a free 23-minute video presentation, a weapon of thought, specifically produced to disrupt and destroy the evil, inhumane agenda of victim disarmers and gun prohibitionists with generous applications of legal and historical truth. Because JPFO encourages the widest possible distribution of this film, it is being offered on the Internet for free, with numerous options for viewing or downloading. Quite simply put, in these frightening times we're living through today, you must use this video -- or lose your guns. Although many gun rights advocates mistakenly believe that the recent Heller Supreme Court decision was a victory for our side, in fact it authorizes all manner of infringements -- in the form of "reasonable" regulation -- on the individual right to own and carry weapons. *2A Today for the USA* sets the legal and historical record straight. In the current national election -- no matter what political propagandists are saying now -- both sides are sworn and established enemies of private, individual gun ownership, who either don't understand the Second Amendment, or willfully misinterpret it. *2A Today for the USA* exposes them for what they are: ruthless would-be dictators who find a well-armed populace an inconvenience to their plans. One thing is certain: whoever wins this election, we will have no friends in the White House for the next four to eight years. Even if John McCain wins, and Sarah Palin means what she appears to say on Second Amendment issues, she won't be the boss, and she won't be able to dissuade her boss from ravaging our rights as he has always tried to do. We all know the setup: cowardly Republican president wants some pet bill passed; predatory Democratic congress tacks on an anti-gun hitchhiker; cowardly Republican folds like a dollar bill and more of our rights disappear. Clearly, you must use this video -- or lose your guns. Go to: <http://www.jpfo.org/filegen-a-m/2a-today-download.htm> to view or download the movie, which was made possible by JPFO's members and supporters. Please send this announcement to your friends and everyone on your address lists. That should include every gun owner, every gun dealer, every hunting buddy, and everyone else you know. Make sure JPFO's video is seen -- as a warning, if nothing else -- by anyone in a position to help take your guns away. Start modestly, with just half a dozen city council members, then work your way up to the mayor, city manager, municipal and county judges, county commissioners, the governor, state and federal representatives, senators, and judges. What does it cost, how much time does it take, to send an e-mail? You must use this video -- or lose your guns. Be relentless with the media -- with radio stations, newspapers, and television. Be sure to include any clubs you may belong to: they all start their meetings with the Pledge of Allegiance, make sure they know what it really means. Don't overlook "friends of the NRA" -- they need to be shown the truth more than most. Here's something you can do: tell your friends that when they are approached by various gun groups for money, they should demand that the group encourage their members to watch *2A Today for the USA* on the Internet or there will be no more donations or memberships for phony "freedom fighters". Tell them they must use this video -- or lose their guns. Follow whatever viewing or downloading procedure best suits your preferences, and download/bandwidth options. PC users can right click and choose "save target as" on links to download the files to your computer. There are also links to YouTube and Blip.TV. Please email us if you have any problems. Again, Remember, you must use this video -- or lose your guns.

==== Four-time Prometheus Award-winner L. Neil Smith has written on guns and gun ownership for more than 30 years. He is the author of 27 books, the most widely-published and prolific libertarian novelist in the world, and is considered an expert on the ethics of self-defense. His writings (including *The Probability Broach*, *Roswell, Texas* and the newly re-released *Tom Paine Maru*) may be seen on the following sites: LNS at JPFO: <http://www.jpfo.org/filegen-a-m/lneilsmith.htm> BigHeadPress.com: <http://www.bigheadpress.com/>

Arc Manor/Phoenix Pick: <http://www.phoenixpick.com/> *The Libertarian Enterprise*: <http://www.ncc-1776.org/> The Webley Page: <http://www.lneilsmith.org/>

[Posted at 10/21/08 12:50 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [No Wonder Barr Lost the Mock Vote](#)

at my kid's school. Also, in addition to Barr's being mis-labeled as "Liberal", Chuck Baldwin is referred to as "Bob"... [barr-poll.jpg](#)

[Posted at 10/29/08 12:51 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

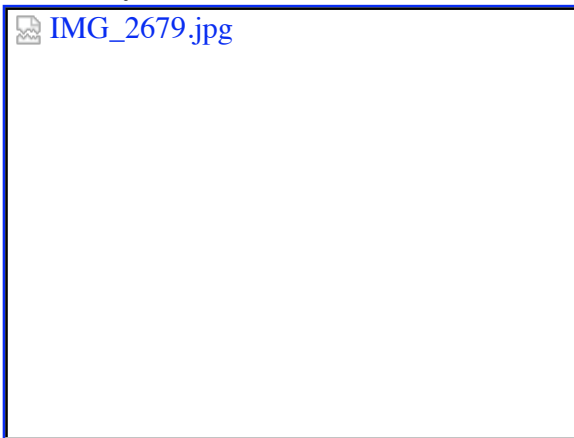
### [Re: Hoppe at Oxford](#)

[Lew](#), re Hoppe's [Oxford talk](#)--this great quote stood out: "*There is, of course, some truth in the statement that there's a difference between criminals and states. But the difference is actually one that makes states look even worse than plain criminals.*"

[Posted at 10/29/08 01:38 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Re: Teaching Kids about Voting](#)

Well, I followed through on my [no-voting plan](#). Drove my [IMG\\_2675.jpg](#) 5 year old to the local polling station around 4pm. Very light crowd. I signed in, and took him to the "booth"--not really a booth, just a little terminal with privacy wings on the side. Not a booth like I had in Pennsylvania where you close the curtain around you. After going through the options, I snapped a few shots of the screen and my kid (holding his "Don't Vote--It Only Encourages Them" placard). I selected no choices, then hit "submit ballot"--it confirmed that I really wanted to submit a "Blank Ballot" and I did. The election judge guy saw my flash and came over, telling me it's against federal law to take pix, so he'd have to ask me to delete the picture from my camera. I assured him it was just a picture of my handsome boy. He backed off. Yeah! Back off, state-monkey boy!



And lower my taxes, while ye're at it, too!

[Posted at 11/04/08 09:45 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [The Democrat and Republican "Gangs"](#)

In my Mandarin Chinese class today, we learned the terms for "Democrat" (m

[Posted at 11/05/08 12:33 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Want to Feel A Bit Better About the Obama Victory?](#)

Listen to Lew's great podcast interview with Judge Napolitano ([Podcast No. 62](#)). He's got me half-believing, half-hoping that Obama might be fairly decent in some aspects--e.g., civil liberties, executive power, interpreting the Constitution, Guantanamo--that McCain would clearly be terrible on.

[Posted at 11/06/08 02:39 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [More Randian than Thou](#)

[In Defense of John Allison](#)

[Posted at 11/07/08 11:41 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Cato: Fed Inflation "Needed" to Counter "Irrational Exuberance"](#)

In [To Prevent Bubbles, Restrain the Fed](#), Cato's Gerald P. O'Driscoll Jr. writes, in an article otherwise opposed to policies that cause "the boom and bust cycle":

"At first Fed **easing was in order**. The central bank **needed to counter the "irrational exuberance"** of the dot-com bubble. And by May of 2000 the Fed had done that by raising the fed-funds target to 6.5%. **That needed to come down when the bubble burst. Aggressive cutting brought it to 2% in November 2001.** The problem is the rate remained at 2% or less for three years (for a year it was at 1%)."

So, it's okay to have artificially low interest rates when it's "needed"--but not for too long! Ah, there's the rub--finding just the right length of time to "ease"... we'll get it right someday, I'm sure.

[Posted at 11/17/08 02:39 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Reason's Balko to Obama: Revamp the TSA, let Cato Run It](#)

On FoxNews.com, *Reason's* Radley Balko offers [Unsolicited Advice for Obama](#). Most of it's good, but he says we should revamp the TSA. Me, I'd say abolish it. Balko--a "[former policy analyst](#)" with the Cato Institute, who [voted for](#) Bush in 2000 and Kerry in 2004--also thinks we should appoint a Cato guy to head up the TSA:

**Revamp the Transportation Security Administration.** And by "revamp," I mean "start over." Most security experts agree that the rigmarole we go through at the airport is mere security theater, designed not to make us safer, but to make us feel safer by making it increasingly inconvenient to fly. TSA's approach to security is too reactionary

[Posted at 11/17/08 10:41 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Doherty on Heller](#)

Brian Doherty's "[How the Second Amendment Was Restored: The inside story of how a gang of libertarian lawyers made constitutional history](#)" in the December 2008 issue of *Reason* is worth reading. It does paint the *Heller* decision as a victory, but does allude to aspects of this case that [some libertarians are less than sanguine](#) about--see some excerpts below:

When it was Gura's turn, he was asked to explain the meaning of the militia reference. He said it was to describe a purpose of the right of the people that the Amendment protected. **He angered some in the hardcore gun rights movement when he concluded that the weapons protected by the Amendment should be ones that combined a militia purpose and a normal civilian purpose**, since people were expected to supply them from their own everyday collection of weapons they typically used. **Gura did not want to be pressed into arguing that machine guns should have unlimited Second Amendment protection.** He did ably defend the idea that personal self-defense was built into weapons rights during the Founding era. **He granted that reasonable licensing doesn't necessarily violate the Second Amendment.** He also granted that empirical considerations about such matters as murder rates could play into policymakers' decisions about what made for a reasonable gun regulation but added that the very purpose of a constitutional right is to make sure that not everything is up for grabs just because a legislature thinks regulations are "reasonable." **Many Internet gun-rights activists accused Gura of selling out on the machine gun issue. "We wanted to win," Gura responds. "And you win constitutional litigation by framing issues in as narrow a manner as possible. I could not tell the justices honestly that I hadn't thought about machine guns.** 'Gee, I don't know, maybe' That's a bunch of crap. I would have lost credibility, it would have been obviously a lie and I'm not going to lie to the Court, and I would have lost the case." ... Still, **the decision wasn't everything devotees of gun rights might have hoped for.** Scalia also wrote: "*The Second Amendment right is not unlimited. It is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose: For example, concealed weapons prohibitions have been upheld under the Amendment or state analogues. The Court's opinion should not be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms.*" *Heller*, then, by no means settled the entire gun control debate. .... **most gun laws short of total bans will likely survive under the Heller standard**, even if it is authoritatively established that the Second Amendment ruling in the case applies to state and local actions. *In the near term at least, Heller will heat up the gun debate instead of ending it.*

[Posted at 11/18/08 12:26 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## **[Bailout the Lawyers!](#)**

One lawyer's [argument](#) for bailing out big law firms:

After all, think of all the people we affect: our young associates marry and live in condominiums in urban centers. We probably support Starbucks. Allen Edmonds is toast.

[Posted at 11/19/08 09:00 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

## **[Communist Stumbles into Self-Ownership](#)**

On a recent episode of [Free Talk Live](#) (Nov. 18, 2008) [[starting at](#) about 1:45:35, and in particular starting at about 1:55:18] one caller says he's a communist, and then struggles with whether a person owns his own body or not. He doesn't seem to realize that rights in bodies are but a type of property right and, in fact, meaningless without the right to homestead and privately own scarce resources. Indeed, as Hoppe observes:



With this justification of a property norm regarding a **person's body** it may seem that not much is won, as conflicts over bodies, for whose possible avoidance the nonaggression principle formulates a universally justifiable solution, make up only a small portion of all possible conflicts. However, this impression is not correct. To be sure, people do not live on air and love alone. They need a smaller or greater number of other things as well, simply to survive--and of course only he who survives can sustain an argumentation, let alone lead a comfortable life. With respect to all of these other things norms are needed, too, as it could come to conflicting evaluations regarding their use. But in fact, any other norm must be logically compatible with the nonaggression principle in order to be justified itself, and, *mutatis mutandis*, every norm that could be shown to be incompatible with this principle would have to be considered invalid. In addition, as the things with respect to which norms have to be formulated are scarce goods--just as a person's body is a scarce good--and as it is only necessary to formulate norms at all because goods are *scarce* and not because they are *particular kinds* of scarce goods, **the specifications of the nonaggression principle, conceived of as a special property norm referring to a specific kind of good, must in fact already contain those of a general theory of property.**

Also:

even if we were to assume that we lived in the Garden of Eden, where there was a superabundance of everything needed not only to sustain one's life but to indulge in every possible comfort by simply stretching out one's hand, the concept of property would necessarily have to evolve. For even under these "ideal" circumstances, every person's physical body would still be a scarce resource and thus the need for the establishment of property rules, i.e., rules regarding people's bodies, would exist. One is not used to thinking of one's own body in terms of a scarce good, but in imagining the most ideal situation one could ever hope for, the Garden of Eden, it becomes possible to realize that one's body is indeed the *prototype* of a scarce good for the use of which property rights, i.e., rights of exclusive ownership, somehow have to be established, in order to avoid clashes.

Hoppe, [A Theory of Socialism and Capitalism](#), pp. 134-35; pp. 8-9. For further discussion of these and closely related issues, see my [How We Come to Own Ourselves](#) (and the references in the endnotes); for more on the importance of and reasons for first use being the touchstone of property ownership, see my articles [A Theory of Contracts: Binding Promises, Title Transfer, and Inalienability](#) and [Defending Argumentation Ethics](#), esp. the section "Objective Links: First Use, Verbal Claims, and the Prior-Later Distinction"; and the blog posts [The Essence of Libertarianism?](#) and [Thoughts on Intellectual Property, Scarcity, Labor-ownership, Metaphors, and Lockean Homesteading](#). For further discussion of the difference between bodies and things homesteaded for purposes of rights, see my [A Theory of Contracts](#), pp. 11-37 (e.g., the "Property in the Body" section on p. 29). For more on the special link between a person and his body see my [A Libertarian Theory of Punishment and Rights](#), pp. 617-25; and Hoppe, [A Theory of Socialism and Capitalism](#), pp. 131-38. Thanks to Manuel Lora for pointing me to this FTL

exchange.

[Posted at 11/19/08 03:07 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Stimulating "Progressive" Discourse: On Michelle Obama's Posterior and Liberal Hatred of Blacks and Christians](#)

The kind of intelligent discourse we can look forward to in the New Age of the Liberal, especially after they revive the Fairness Doctrine and eviscerate their boorish conservative competition: on Salon.com, we have a bizarre mash-up of liberal handwringing, self-congratulation, political correctness, and exceptionalism in this interchange: "[Should Michelle Obama's booty be off-limits?](#)," which discussed a Salon article by Erin Aubry Kaplan, "[First Lady Got Back](#)." Salon's editor rhapsodizes that Kaplan's piece, which reports that Michelle Obama has "coruscating intelligence, beauty, style and--drumroll, please--a butt", is an "eloquent" "celebration and a love letter." As one of the smug pundits, one "Mary Elizabeth Williams," intones, "Ignoring Michelle Obama's \*ss won't make it go away and it won't cure racism or sexism in our time." Why, uh, no, Ms. Williams, it won't. Tell us of other things the ignoring of which will not cure racism. I'm sure there are billions. What about woodpeckers? Will ignoring woodpeckers cure racism "in our time"? Why, no, it won't. So feel free *not* to ignore woodpeckers. And take Dana Douglas, soi-disant "six-foot, blonde, busty, liberal, lesbian lawyer", who wonders "[Why shouldn't I hate Blacks and Christians?](#)"--after all, it was "Christians and African-Americans, who were largely responsible for" passing laws in California, Arizona, Arkansas, and Florida limiting gay marriage and gay adoption. Obviously, only the smug left can get away with objectifying a black First Lady and openly wondering about "hating" and "actively work[ing] against Christians and African-Americans". They tried to mind their manners a bit during the campaign, but now that they've won, expect the true vileness and coarseness--and hypocrisy--of the left to be unshackled.

[Posted at 11/21/08 02:46 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Re: Those Private Jets](#)

[Karen](#), great point. I'm amazed also at how even some libertarian friends get fuming mad about the bonuses "Wall Street" is paying "while we are bailing them out". They are playing into the state's ploy--the state is demonizing Wall Street and capitalism (no offense, [vandarchists](#)) while throwing cash at them. They appease the taxpaying victims by threatening to limit the executives' pay. Moronic taxvictims shout, "yayy!" while they are being gigged. Meanwhile the underlying bailout costs about a billion times more than the "fat cats'" salaries. This is similar to how they get the rubes worked up about "the Arab Terrorists"--while stealing 50% of our income. Hey, the Arabs never did nuthin' to me. It also reminds of inflation: the state causes it, then rides in as the savior. Here, the state is fleecing the taxpayer and handing it over to Wall Street--then whipping up anger against Wall Street to distract from their own theft.

[Posted at 11/24/08 11:07 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Dyslexic Vandarchists of the World--Untie!](#)

[Laid-off workers occupy Chicago factory](#): Fired union thugs trespass on private property: time for the [vandarchists](#) to celebrate! After all, I'm sure they're reaaal [separated from their labor](#).

[Posted at 12/08/08 03:51 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Re: Dyslexic Vandarchists of the World--Untie!](#)

Leftlibertarian.org replies to [my post](#) (rather, the post of one "Stephen Kinsella") [here](#). Gotta love his rant about "**the crimes of capitalism**" and "**workers heroically staging a work-in against the unfair policies of the American system of capitalism**"--they are "**merely trying to get their fair share.**" Meanwhile, [elsewhere](#) (2), the left-libertarians keep playing a type of bait and switch with their terminology. Someone cheers on the return of "militant" unions: when this is objected to, on the grounds that we libertarians oppose union violence, then they crawlfish and dance around and say that if one reads thru 17 email chains he'll see they didn't mean "violent," for heaven's sake. When I object to accusations that companies "expropriate" the "value" of the "efforts" of "stakeholders"--they say by "expropriate" they don't really mean "expropriate"; and by "stakeholder" they don't mean what leftists usually mean by it; and by "bargaining power" they don't mean what leftists usually mean by it. If someone can give me a dictionary to translate it might be helpful. Here's a summary of the discussion so far: Long/Carson: "Corporations are imperfect, and thus proprietorships and cooperatives are what would emerge on the free market." Klein: "Proprietorships and cooperatives are also imperfect [various arguments and examples given], so they might not dominate on the free market." Long/Carson: "Yes, but corporations are imperfect!" Update: The "Freedom Democrats" (allies of the left-libertarian?) falsely [accuse me](#) of advocating that these workers be shot. What a lie. I never even implied, this, nor do I believe it (my views on punishment and proportionality are spelled out [here](#)). They also accuse me of being a rightwing "paleo" libertarian, which is another bizarre charge (see, e.g., my views on [gay marriage](#) and [affirmative action](#), not to mention [IP](#), my shall we say modern views on religion, evolution, and the like, and so on.) \*\*\* Update 2: Brad Spangler has a criticism of my post [here](#). My reply follows: Brad, "Workers owed unpaid wages and benefits from Republic Windows and Doors have seized its physical plant as a forfeitable asset of the deadbeat company." I see no evidence that this is true. The headline says the workers are protesting layoffs. A layoff does not violate your rights. The story says, "Robles, a husband and father of three children, says Republic's abrupt closing means no more health insurance for his family. He and other members of the unionized, largely Hispanic workforce have been told that they should not expect any severance or vacation pay they say they've already earned." Well, you are not entitled to a job, nor to the health insurance benefits that are a perk of employment. The workers \*say\* they have "earned" severance and vacation pay--not "wages" as you state above. If they were being stiffed wages for hours worked, I'd agree they have a claim (but even here, that does not give them the right to act like a loan shark or mob and just seize the property; hell, even if they are owed money, it could be that secured creditors or lienholders have a prior claim to the property). But in most companies there is no contractual right to vacation pay or severance--that can be terminated at the discretion of the company. The article also reports: "Employees say they got the news only four days ago. Illinois law requires a 75-day notification if a company the size of Republic intends to close its doors. 'And what that does is, it allows workers to go into the collective bargaining agreement, to renegotiate terms of the contract to make sure they get everything that's entitled to them,' DePaul Univ. Labor Educator Cynthia Martinez." As for the 75 day period allegedly required by law--well, that's not libertarian, is it. So giving 4 days termination notice instead of 75 is not a violation of libertarian rights (any more than the workers' quitting with no notice is a violation of the employer's rights--to prohibit or penalize this would be rightly criticized as a type of slavery--it's no different the other way). As for their right to use pro-union laws to force a renegotiation of the terms of a contract, well, these laws are not libertarian either. So I see nothing in the story to show that these people have any kind of legitimate contractual claim against the employer, or an ownership claim on its property. Do you know something I don't?

[Posted at 12/09/08 11:00 AM by **Stephan Kinsella** on [LewRockwell.com](#) 



## The Meaningless Constitution

[Great post](#) by one "Brutus" on Who's your nanny, which I reproduce below:

I originally intended this to be a comment on [Trevor's post](#) last week, but it got too long for a comment and decided to post it as an essay... I think radicals would better use their time studying the debates on the Constitution and the situation that led to its creation rather than dwelling on interpretation. As Hans Hermann Hoppe has pointed out many times, the State is the ultimate judge of Constitutional interpretation and will always interpret laws in its own favor. There may have been a time when some judges genuinely wanted to limit the State, but those times are over and many opponents of the Constitution predicted such. Since the State has the weapons and will to kill, it really doesn't matter if the court misinterprets the document or not. The idea of placing judges on the bench who will obey the Constitution is misguided. In order for a judge to be placed on the Court, he or she must be nominated by the president and confirmed by Congress. It is simply not in the interest of the president nor Congress to nominate a judge who truly believes in original intent or who believes that actions not explicitly granted to the federal government are unconstitutional. No president will nominate a judge who would act to restrict the power of the presidency. No Congress would vote for a judge who would act to restrict the power of Congress. Moreover, the Court itself has little incentive to rule against Congress or the president because as the powers of Congress and the presidency are strengthened, so is the power of the Court for all three are part of the same federalized State.

But even if by some miracle the majority of the Court comprises judges who would restrict the powers of the presidency and Congress, there still exists the question of how the Court could enforce its rulings. What most people do not realize is that the federal government is in a state of anarchy. That is, the Constitution does not specify what to do with disagreements among the three branches. There is no explicit ultimate ruler and there really does not need to be because all branches have the same motivation: increase our power at the expense of the people. Thus, the only entity that can limit the central State is the people through their individual States. They did so by regularly threatening nullification and secession if the central State violated the Constitution. [Virginia](#), [New York](#), and [Rhode Island](#) explicitly stated in their ratification documents that they were delegating powers to the central government and if that government became oppressive, they reserved the right to take these powers back. The threat of nullification was advanced in the [Kentucky](#) and [Virginia](#) Resolutions of 1798, written by Jefferson and Madison, respectively, in response to the [Alien and Sedition Acts](#) which banned criticism of the federal government. Northern States used threats of secession and nullification on multiple occasions. [The Louisiana Purchase of 1803 worried some Northern States that the Southern States would become more powerful in Congress and they threatened to leave.](#) Massachusetts, Connecticut and Rhode Island [nullified the Embargo act of 1807.](#) Some [Northern States also threatened to secede during the War of 1812](#) because England was a trading partner with these States and they did not want to lose their markets. It was not until the tyrant Lincoln was elected and decided it expedient to murder 300,000 Southerners [to collect his tariff](#) that secession and nullification came to an end. Lincoln destroyed the first Constitution and created a second Constitution, not based on the voluntary agreement of the people in their respective States (even this claim is debatable), but truly a new nation based on conquest and exploitation. Thus, the only actions left to limit the growth of the central State were rendered nugatory. Radicals must admit that the Constitution

was a clear error and not back down from this claim. Defending this idea will be quite difficult; even people who have libertarian leanings may find this claim misguided at best and unpatriotic at worst. Many Americans look at this document as if it were Holy Writ handed down by prophets. The masses have been so thoroughly indoctrinated to revere this instrument as "the law of the land" that the advocacy of such heresy will compel many of them to burn us at the stake. But there were [many people at the time](#) who predicted that the adoption of the Constitution would lead to a tyrannical centralized government. They perused the document carefully and saw that there were simply no limits on the power of the government written in the document. I encourage you to do the same. Sit down and really examine [this document](#). Then tell me where these limits on power are and how it protects our natural rights. Moreover, reveal to me what penalties the Constitution recommends when the president or Congress or the Supreme Court violates the document because I have yet to find them. Who will enforce these penalties and how? Just how are checks and balances supposed to work if all three branches decide to violate the limits of the Constitution? How are checks and balances supposed to work if all three branches disagree among themselves? Who will enforce the Constitution in these cases? These are questions that 99.9 percent of Americans do not ask themselves when reading the document. The State has so indoctrinated the people that they read the document the way the State wants. That is, they believe that the State is the ultimate judge of its own powers and they then hope that through the democratic process they can elect officials who will permit them to exercise their freedoms as they wish. This ideology reflects the deeper indoctrination which infects the minds of Americans: they believe that *the State* is the granter of their rights. A minority of people can dictate to the majority what their rights and freedoms are and how they can be exercised. This is not the ideology of the [Declaration of Independence](#), which claims that governments derive their just powers from the consent of the governed. Therefore, we must recognize the truth of [Hans Hoppe's](#) claim: "the Constitution is itself unconstitutional, i.e., incompatible with the very doctrine of natural human rights that inspired the American Revolution." This ideology has led the American people to choose political slavery over freedom. Many Americans do not see their lives as such because they define slavery as men and women being physically chained against their will and forced to work in fields. However, the difference between political slavery and chattel slavery is one of degree and not kind. The 19<sup>th</sup> century abolitionist Lysander Spooner and author of [No Treason-The Constitution of No Authority](#) commented on this, saying that both political and chattel slavery deny "a man's ownership of himself and the products of his labor; and [assert] that other men may own him, and dispose of him and his property, for their uses, and at their pleasure." This truth that there were opponents of the Constitution must be told to the American people if we are to have any hope of desanctifying the Constitution and delegitimizing the State. Perhaps some would become distrustful of the State if they learned that there were people at the time who were also distrustful of the State, especially when the State was so much smaller than the Leviathan under which we now live. To paraphrase Spooner, the centralized State is a direct result of the Constitution. It either created this government or it is powerless to stop it. ❖In either case, it is unfit to exist.❖

[Posted at 12/11/08 02:33 PM by **Stephan Kinsella** on [LewRockwell.com](#) 🗉]

## [Open the Borders, End the Housing Glut](#)

Good piece by the [Ayn Rand Institute](#): "Imagine if the number of annual immigrants increased from

around 650,000 a year to, say, five million. Virtually overnight we would see money pour into the American real estate market, as millions of new businessmen and workers bought and rented homes. Not only would this eliminate the oversupply of houses, we would enjoy the broader, long-term economic benefits of welcoming legions of highly skilled and motivated individuals into the American economy." As a friend observed, "It would be much cheaper and more humane than a bailout, which is why conservatives will never go for it, of course."

[Posted at 12/11/08 04:20 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Hannity Disses Libertarians](#)

With Alan Colmes's departure, [Fox News will launch Hannity](#), which "will showcase the Great American Panel which will include three nightly in-studio guests

[Posted at 12/11/08 04:46 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Left-Libertarians and the Corporate Income Tax](#)

On [this thread](#) on Kevin Carson's mutualist blog, I had written: "BTW I assume you would be for removing all corporate income tax, since it is based on the entity fiction? This is yet another way the state \*harms\* corporations". One P.M. Lawrence replied that this comment "is disingenuous; by itself, it would make things worse - by itself. Over and over, we have pointed out that selectively removing some burdens while leaving others can make things worse, even if all burdens should be removed. It's like scraping barnacles off one side of a ship; not only would the ship not speed up much, the side that still had barnacles would start going back, and because the ship would go in circles it would make less headway overall." Got it. I suppose if I hated corporates and shareholders, I would not mind seeing the state punish them either. Kevin Carson is [upset with me](#) about this post. He thinks my title is misleading--though I link to his post so people can see for themselves. And because comments are not enabled on LRC. Well. And because there is no proof that Lawrence is a left-libertarian. Well, I did assume Lawrence was a left-lib, given his pro-Carson arguments on a left-libertarian blog. But if he's not, then my criticism is directed only at Sir Lawrence. We await his self-clarification with bated breath. As for Carson himself, n.b. that he writes: "Suffice it to say that any enemy of big business should have, among his top priorities, the abolition of the corporate income tax--or at the very least, closing all tax loopholes and then lowering the tax rate to revenue-neutral levels."

[Posted at 12/13/08 09:49 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Profiles Mississippi](#)

My good friend, libertarian businessman Jack Criss (former libertarian radio talk show host in the 80s and 90s--his guests included Lew Rockwell, Murray Rothbard (see right), and many other notables), has just published the first issue of his new magazine, [Profiles Mississippi](#). Here's an excerpt of the first issue, with interesting interviews with free-market economist William Shughart, and conservative thinker Diane West, plus Jack's op-ed, "The Paradigm Has Shifted."

 [rothbard-criss1992.jpg](#)

[Posted at 12/18/08 06:19 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com)



 [rothbard-criss1992.jpg](#)

## Reason on the Rights of Patients

In [Theocratic Health Care](#), Reason's Ronald Bailey pens a quite amazing piece--for a libertarian publication--in which he criticizes the Bush Administration's new "'conscience protection' rule for the healthcare industry ... giving doctors, hospitals, and even receptionists and volunteers in medical experiments the right to refuse to participate in medical care they find morally objectionable." Bailey characterizes it thusly: "The Bush Administration is shoveling "midnight regulations" out the doors of agencies faster than a New Hampshire homeowner does snow off his sidewalk in January. One of the most egregious is a new regulation by the Health and Human Services Department that **allows the morals of health care providers to trump those of patients.**" Who knew that the non-aggression principle required the morals of patients to "trump" those of "health care providers". Wow. You learn something new every day. **Update:** I've received email criticizing my post on the grounds that employers should be free to set whatever conditions they want on employment, and to terminate those who do not follow them. Yes, this is true. A general law applying to all employers would be clearly unlibertarian. As I understand it, this rule merely conditions federal subsidies--providers who violate this rule "[would lose their federal funds.](#)" Of course these subsidies are unlibertarian too, but my post focused solely on Reason's characterization of the regulation as "egregious" and as allowing "the morals of health care providers to trump those of patients."

[Posted at 12/19/08 05:57 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## Re: Mika Mugged

[Lew](#), and the private criminal just hit her up one time, then left her alone. It's a one-time theft. He didn't insult her by pretending to be helping her. Private criminals are virtually heroes, compared to the state. As [Spooner observed](#),

"The highwayman takes solely upon himself the responsibility, danger, and crime of his own act. He does not pretend that he has any rightful claim to your money, or that he intends to use it for your own benefit. He does not pretend to be anything but a robber. He has not acquired impudence enough to profess to be merely a "protector," and that he takes men's money against their will, merely to enable him to "protect" those infatuated travellers, who feel perfectly able to protect themselves, or do not appreciate his peculiar system of protection. He is too sensible a man to make such professions as these. Furthermore, having taken your money, he leaves you, as you wish him to do. He does not persist in following you on the road, against your will; assuming to be your rightful "sovereign," on account of the "protection" he affords you. He does not keep "protecting" you, by commanding you to bow down and serve him; by requiring you to do this, and forbidding you to do that; by robbing you of more money as often as he finds it for his interest or pleasure to do so; and by branding you as a rebel, a traitor, and an enemy to your country, and shooting you down without mercy, if you dispute his authority, or resist his demands. He is too much of a gentleman to be guilty of such impostures, and insults, and villainies as these. In short, he does not, in addition to robbing you, attempt to make you either his dupe or his slave.

"The proceedings of those robbers and murderers, who call themselves "the government," are directly the opposite of these of the single highwayman. "In the first place, they do not, like

him, make themselves individually known; or, consequently, take upon themselves personally the responsibility of their acts. On the contrary, they secretly (by secret ballot) designate some one of their number [\*14] to commit the robbery in their behalf, while they keep themselves practically concealed. They say to the person thus designated: "Go to A\_\_\_\_\_ B\_\_\_\_\_, and say to him that "the government" has need of money to meet the expenses of protecting him and his property. If he presumes to say that he has never contracted with us to protect him, and that he wants none of our protection, say to him that that is our business, and not his; that we choose to protect him, whether he desires us to do so or not; and that we demand pay, too, for protecting him. If he dares to inquire who the individuals are, who have thus taken upon themselves the title of "the government," and who assume to protect him, and demand payment of him, without his having ever made any contract with them, say to him that that, too, is our business, and not his; that we do not choose to make ourselves individually known to him; that we have secretly (by secret ballot) appointed you our agent to give him notice of our demands, and, if he complies with them, to give him, in our name, a receipt that will protect him against any similar demand for the present year. If he refuses to comply, seize and sell enough of his property to pay not only our demands, but all your own expenses and trouble beside. If he resists the seizure of his property, call upon the bystanders to help you (doubtless some of them will prove to be members of our band.) If, in defending his property, he should kill any of our band who are assisting you, capture him at all hazards; charge him (in one of our courts) with murder; convict him, and hang him. If he should call upon his neighbors, or any others who, like him, may be disposed to resist our demands, and they should come in large numbers to his assistance, cry out that they are all rebels and traitors; that "our country" is in danger; call upon the commander of our hired murderers; tell him to quell the rebellion and "save the country," cost what it may. Tell him to kill all who resist, though they should be hundreds of thou- [\*15] sands; and thus strike terror into all others similarly disposed. See that the work of murder is thoroughly done; that we may have no further trouble of this kind hereafter. When these traitors shall have thus been taught our strength and our determination, they will be good loyal citizens for many years, and pay their taxes without a why or a wherefore. "It is under such compulsion as this that taxes, so called, are paid. And how much proof the payment of taxes affords, that the people consent to "support the government," it needs no further argument to show."

[Posted at 12/20/08 08:15 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### **[Re: Caroline qualified? Yes, she is.](#)**

Mike, [not only that](#), but one main reason [people are criticizing her](#) is that she is not a typical politician--she didn't "earn her stripes" by running for some other office first, etc. I.e., she has not been scheming for political power all her life. Granted, choosing her is not as good as throwing a dart at the phone book, but still, why not have a non-professional climber?

[Posted at 12/29/08 03:14 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### **[A Bulgarian Version of Tu Ne Cede Malis](#)**

[Christian Michel](#) (of the Libertarian Alliance-UK) recently exposed me to a wonderful poem that complements Mises's motto, [Tu Ne Cede Malis](#) (Virgil's "do not give in to evil but proceed ever more boldly against it"). The poem is "Grass" (1974), by Bulgarian poetess [Blaga Dimitrova](#), and ought to be

inspiring to libertarians in our never-ceasing fight against the state:

[Posted at 12/30/08 04:07 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [GeekBrief.TV's Inspiring Story](#)

In [GeekBrief](#) episodes [482](#), [483](#), and [484](#), host Cali Lewis (briefly) tells the story of how this podcast got started. It's a fascinating and inspiring story--despite all the bad news out there, there are some impressive young entrepreneurs who take full advantage of the amazing benefits of modern technology.

[Posted at 12/31/08 09:25 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Salon's shocked--shocked!--anyone doubts the New Deal](#)

In [Did you hear FDR prolonged the Great Depression?](#), *Salon's* "David Sirota" has his breath taken away at the claim of "conservatives" that FDR's interventionism prolonged Great Depression I, which claim is merely "designed to stop Congress from passing an economic stimulus package" (why they would oppose the stimulus if they really believed it would work is a mystery--I guess they just want to be "mean-spirited"). Poor "tongue-tied" Sirota knows, he *knows*, that "the New Deal worked well." He checked, you see--and his government-school fed beliefs are verified by none other than socialist Paul Krugman, federal government stooge Ben Bernanke, *Newspeak*, and court "historians." So that settles it. Back to intervening.

[Posted at 01/01/09 09:10 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Copyright in Hitler's Globe](#)

[Tom Cruise May Face Legal Action Over Hitler Globe](#) reports that the collector who bought the famous "Hitler's globe" may sue for use of a likeness of the globe in Cruise's recent film *Valkyrie*, "the thriller about a real-life plot to assassinate Hitler." The article reports that in "2007, Pritikin paid \$100,000 for the globe and had its likeness copyrighted to keep it from being used in propaganda by sick neo-Nazi groups." Whew, what a relief!



[Posted at 01/02/09 09:39 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Rothbardian Minister of Justice in Lithuania](#)

My friend Dr. Remigijus

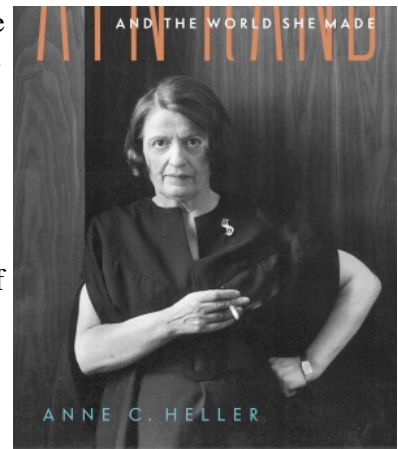
[Posted at 01/03/09 05:00 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Ayn Rand and the World She Made](#)

New [Rand biography](#) in the works, by Anne C. Heller. It claims to be "The first complete and impartial biography of the writer and philosopher whose ideas permanently altered the American cultural and political landscape. ...



In this seminal biography, Anne Heller traces the controversial author's life from her childhood in Russia during the Bolshevik Revolution to her years as a screenwriter in Hollywood, the publication of her blockbuster novels, and the rise and fall of the cult that formed around her in the 1950s and 1960s. Throughout, Heller reveals previously unknown facts about Rand's history and looks at Rand with new research and a fresh perspective. ... Based on original research in Russia, dozens of interviews with Rand's acquaintances and former acolytes, and previously unexamined archives of tapes and letters, Ayn Rand and the World She Made is a comprehensive and eye-opening portrait of one of the most significant and improbable figures of the twentieth century."



[Posted at 01/04/09 12:58 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

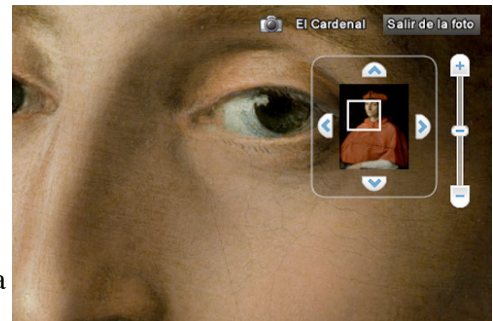
### [Greenspan to the Rescue!](#)

According to the WSJ, [Greenspan expects to command \\$150,000 per speech](#). This is great! If he just does 300 speeches a year--less than one per day--he can pay back the \$2 trillion bailout in ... 44,000 years.

[Posted at 01/07/09 04:20 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 


### [Google Paintings!](#)

Gizmodo reports [Google Earth Publishes Stunning 14 GIGapixel Photos of El Prado Masterpieces](#). This is just superb. What a wonderful age we are entering--or would be, if not for the state's attempts to destroy and impede progress. (See also this great free gallery [Web Gallery of Art](#).) As my friend Robert Wicks noted, "Nice. Our kids are going to be much more literate than we are." On the other hand, as Manuel Lora sarcastically told me, "GOOGLE WILL DESTROY TRAVEL!" Here's an example of a



 [canal508.jpg](#)

wonderful painting from the Web Gallery of Art--Canaletto's gorgeous [Piazza San Marco: Looking South-East \(1735-40\)](#), which depicts "a lively centre of commerce."

[Posted at 01/18/09 10:02 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Spider-Man, Criminal -- or, the real death of Spider-Man](#)

Congrats, Marvel.

You've turned Spider-Man into a drooling statist product of government education. See the nauseating [Early Look: Spider-Man](#)



[Meets Obama](#); [Comic stores donating Spider-Man/Obama profits to charity](#); [Zeb Wells - Writing the Spider-Man/Obama Meeting](#); [Advance Peek at Spiderman/Obama Comic](#); [Spider-Man, Obama team-up comic sells out](#). The vapid writer [intones](#), "I have a lot of respect for President Obama and how he ran his campaign," the writer said. "I like how he never shied away from who he was, and always answered tough questions about mistakes in his past with candor. He didn't try to be everything to everyone, and that takes a lot of character ... more character than I have. I like being able to say that about my President." The comic strip nauseatingly shows Spider-Man doing a "fist-dap" with Obama, each telling the other, "Thanks ... partner..." And in one of the panels, as Spider-Man observes the inaugural festivities, he thinks to himself, "It looks like Washington is in **capable** hands."



[Posted at 01/19/09 01:08 PM by **Stephan Kinsella** on [LewRockwell.com](#)

### [Announcing Libertarian Papers: A New Journal](#)

The Mises Institute is proud to [announce the launch](#) of a new, online journal today: [Libertarian Papers](#). Edited by yours truly and boasting a impressive and geographically- and academically diverse [Editorial Board](#), [Libertarian Papers](#) is publishing its first seven articles today, one per hour starting at 8:00 a.m. CST. These include articles by two eminent libertarian thinkers, **Jan Narveson** (writing on Nozick, justice, and restitution) and **Robert Higgs** (on depressions and war). These are followed by two, count 'em, *two*, previously unpublished memos from ... **Ludwig von Mises** and **Murray Rothbard**. Mises's is a memo dated New Year's Eve, 1946, to F.A. Hayek, relaying his concerns and advice about the then-nascent Mont P

[Posted at 01/22/09 06:59 AM by **Stephan Kinsella** on [LewRockwell.com](#)

### [Re: Announcing Libertarian Papers: A New Journal](#)

[Lew](#), re my [announcement](#) of [Libertarian Papers](#)--thanks. We launched at 7:00 a.m. CST today. We've gotten tremendously positive comments and buzz already--see., e.g., . The site has been live jsut over 6 hours, and [we have already had](#) over 2000 visitors, and 5000 page views (which means visitors are looking around). Many of them coming to the site from announcements on LRC and [Mises.org](#), but also from announcements on [Liberty & Power](#), The Independent Institute's [The Beacon](#), Ron Paul's [Campaign for Liberty](#), [Let Liberty Ring](#), and many others. We also have a growing number of followers so far on [Twitter](#), and 40 people have joined our [Facebook group](#) already. And more articles are still to come, today!

[Posted at 01/22/09 12:55 PM by **Stephan Kinsella** on [LewRockwell.com](#)

### [Latest Non-Issue of Libertarian Papers](#)

The seven-hour rollout of the first seven articles of [Libertarian Papers](#) ([announced](#) this morning) is complete. Here are the initial articles published (all can be found [here](#)): 1.



[Posted at 01/22/09 02:04 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Libertarian Papers Included in Ulrich](#)

Although *Libertarian Papers* was launched just 30 hours ago, I was notified this morning that we have already succeeded in being included in *Ulrich*

[Posted at 01/23/09 12:58 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 






## ["Dead End Street Blues," by Frank van Dun \(Libertarian Papers\)](#)

*Libertarian Papers* article: "[Dead End Street Blues](#)" by Frank van Dun. Abstract: The long stagflation in the nineteen-seventies broke the Keynesian hold on economic policy. Last year we witnessed the spectacular unraveling of neo-liberal policies of manipulating money and credit. While these episodes might be studied to explain the specific weaknesses and errors of each of the two policy paradigms that have dominated in the West after the Second World War, this lecture highlights the ideas and presuppositions that remained in place throughout the whole period. Despite the alliance that once existed between libertarians and classical liberals, on the one hand, and neo-liberals, on the other hand, the latter did not have sufficiently coherent conceptions of freedom and free markets to produce a true alternative for the Keynesian idea of a scientifically managed economy as a utilitarian and pragmatic approach to the utopian goal of the greatest happiness for the greatest number, i.e., complete well-being for all.

[Posted at 01/25/09 06:29 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Austrian Economics and the Financial Crisis](#)

*Libertarian Papers* article: "[Austrian Economics](#)  [The Ultimate Achievement of an Intellectual Journey](#)," by [Pascal Salin](#).  

Abstract: In this lecture delivered November 2008 on the occasion of the presentation of the Mises Institute s [Gary G. Schlarbaum Prize](#) for lifetime achievement in the cause of liberty, Professor Salin discusses his discovery of Austrian economics and his involvement in the world of individual liberty,  and draws various lessons from his intellectual journey. The coherence of Austrian economics appealed to Salin it is not a patchwork of partial theories, but a logical process of thought founded on realistic assumptions about individual action. Salin also discusses differences between the Chicago and Austrian approaches, and his views about monetary systems. The financial crisis beginning in late 2008 is not a crisis of capitalism, but of state intervention, caused by the expansionary monetary policy of the Fed. Capitalism is the solution, not the cause. There is no need to create money. There is never any balance of payments problem. What are required are tax systems more friendly to capital accumulation, a decrease in the role of the state, the end of monetary policy and, if possible, the disappearing of central banks and the IMF. (Audio and video versions of the original speech may be found [here](#). See also Guido H Ismann's article about the heroic Professor Pascal, [Pascal Salin: Gentleman, Economist, Radical](#).)



[Posted at 01/27/09 06:59 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Re: D.C. Cosmotarians "Heart" Obama](#)

[Tom](#), and Obama seems very [urbane](#), too! Another plus for that crowd!

[Posted at 01/28/09 12:47 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [What It Feels Like To Be A Libertarian](#)

[What It Feels Like To Be A Libertarian](#)--nice piece by the brilliant libertarian legal theorist John Hasnas. (HT [Gil Guillory](#).)

[Posted at 02/02/09 10:41 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [DiLorenzo](#)

[DiLorenzo's Great Economic Liberty Lecture](#), by Jacob G. Hornberger. Bumper reports:

Last night the speaker at the Economic Liberty Lecture Series, which The Future of Freedom Foundation co-sponsors with the student-run George Mason University Econ Society, was Thomas DiLorenzo, whose most recent book is [Hamilton's Curse: How Jefferson's Arch Enemy Betrayed the American Revolution—and What It Means for Americans Today](#), which was the focus of Tom's talk.

Tom, who teaches economics at Loyola University in Baltimore, is one of the libertarian movement's most noted economists. He is an adherent of the Austrian school of economic thought and serves as a senior faculty member at the Ludwig von Mises Institute. Among his ten other books are [The Real Lincoln: A New Look at Abraham Lincoln, His Agenda, and an Unnecessary War](#), [Lincoln Unmasked: What You're Not Supposed to Know About Dishonest Abe](#), and [How Capitalism Saved America: The Untold History of Our Country, from the Pilgrims to the Present](#).

About 85 GMU students and FFF supporters listened to a fascinating presentation, one in which Tom traced the ongoing debate between the advocates of freedom and free markets and the advocates of statism and central planning all the way back to similar debates that were taking during the founding period of the Republic. On the side of economic liberty were people like Thomas Jefferson and on the side of statism and central planning were people like Alexander Hamilton.

As Tom pointed out, and as we all know, the debate goes on today. The statist continue to hurl our nation toward bankruptcy and ruin while we free-market advocates continue doing our best to save our nation from their statism. The big problem libertarians face, as Tom pointed out, is the economic ignorance among regular Americans as well as the blind trust they place in the lovers of power and big government.

Among the many interesting points that Tom made was concerning the year 1913, which was a watershed year in American history. Reflecting the bad direction that America was embarking upon, that was the year that the U.S. ratified the Sixteenth and Seventeenth Amendments and established the Federal Reserve System. Among the interesting statistics

Tom pointed out that today's U.S. dollar is worth about 3 cents compared to the value of the dollar in 1913, compliments of the inflationary policies of the Federal Reserve.

Everyone seemed to have a great time. We served loads of pizza and soft drinks before the talk and lots of delicious cookies following the talk. Then we showed *The Americanization of Emily*, a great antiwar film from 1964 starring James Garner and Julie Andrews.

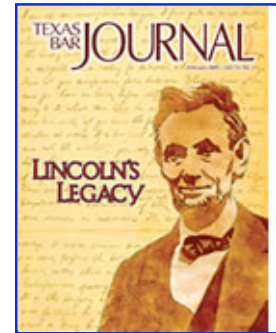
We'll soon be posting a video of Tom's talk on our Internet Classroom Website. When we do so, there will be a link in our FFF Email Update. I highly recommend watching this great talk. It would be difficult to find a better comparison between the intellectual battle that libertarians are facing today with the battle that our freedom-loving counterparts were waging at the inception of our republic.

[Posted at 02/03/09 01:35 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

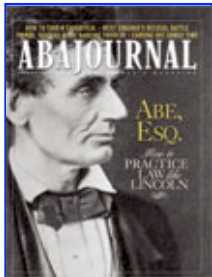
### [A Texas Bar Journal Cover DiLorenzo Will LOVE](#)

In the February issue of the *Texas Bar Journal*, three scintillating pieces glorifying the Tyrant:

- [Does Lawyer Lincoln Matter?](#), By Mark E. Steiner
- [The Ultimate Role Model: What Lawyers Can Learn from Lincoln](#), By Talmage Boston
- [Notes for a Lecture on Law](#), By Abraham Lincoln



As the magazine notes: "Abraham Lincoln is revered as America's greatest president, but he is also one of our most admired lawyers. This year, the country celebrates the bicentennial of Lincoln's birth. To honor the occasion, the Texas Bar Journal provides a look at Lincoln the lawyer. Mark E. Steiner discusses Lincoln's legal career, while Talmage Boston examines the characteristics that made Lincoln a good lawyer. We also have, in Lincoln's own words, his advice to lawyers." I'm starting to think there's something wrong with lawyers. Update: In addition to the *Texas Bar Journal's* Lincoln love, Britton Giroux pointed me to the current issue of the *ABA Journal*, and Bob Roddis told me that "In Michigan, we "enjoyed" our own Lincoln celebration by the [Michigan Bar last April](#)."



[Posted at 02/13/09 01:22 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Obama/Bush and the State Secrets Privilege](#)

To the chagrin of at least some leftists ([Salon](#), [Slate](#), [HuffPo](#)), Obama has decided to stick to the Bush administration's view on the [State Secrets Privilege](#). This was made clear earlier this week when Obama's lawyers took the Bush line in still pushing to have the case *Mohamed, et al. v Jeppesen Dataplan, Inc* dismissed, just as Bush had done. In [this case](#), five men claimed to be victims of "extraordinary rendition"--being sent to other countries by the US to be tortured. The case was thrown out a year ago on the basis of national security, relying on the State Secrets Privilege. On appeal, Obama maintained the same position as Bush. Interestingly, as detailed in [Daughters of the Cold War](#), the State Secrets privilege originated in a 1953 Supreme Court decision, *United States v. Reynolds*, in which a military B-29 Superfortress bomber had crashed. The widows of three civilian crew members sought accident reports on

the crash but were told that to release such details would threaten national security by revealing the bomber's top-secret mission. But in 2000, the accident reports were declassified and released, and it was found that the argument was fraudulent, and there was no secret information. The reports only contained information about the poor state of condition of the aircraft itself--it would have embarrassed the Air Force and made it lose its lawsuit, perhaps, but it was not the dire, top-secret situation the Court assumed when it recognized this privilege. As Emil Bazelon in Slate notes, the federal government "was really engaged in a cover up, not some worthy protection of state secrets." Oh well, what's done is done. And now it's being used to prevent victims of "extraordinary rendition" (sending terrorist suspects off to Syria to be tortured) from suing for damages. Congrats, Obama. I wonder what position he'll take in [other pending cases](#), such as that of [Maher Arar](#), a Canadian deported by the US to his native Syria after detaining him during a layover at JFK International Airport in September 2002 on his way home to Canada from a family vacation in Tunis, because he was suspected of being a member of Al Qaeda and even though Syria is known to use torture on suspects. "He was detained in Syria for almost a year, during which time he was regularly tortured, according to the findings of the Arar Commission, until his release to Canada." Canada already cleared him and paid him a C\$10.5 million settlement, but I suppose Obama will use the "State Secrets Privilege" to stymie him.

[Posted at 02/14/09 12:01 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### **[State Monopolization of Marriage Eviscerates Private Contract](#)**

[Gay woman fights over hospital visitation rights in Miami court](#) reports a heartbreaking, tragic story: "As her partner of 17 years slipped into a coma, Janice Langbehn pleaded with staff to let her into the woman's hospital room. Despite legal proof of guardianship and "power of attorney," Langbehn and the couple's three adopted children were not recognized as family and denied access until eight hours later -- just as the last rites were performed." One does not need to be a proponent of gay marriage (but see my [Second Thoughts on Gay Marriage](#)) to be outraged over this. But why did it happen? Because of anti-gay bigotry? No. It happened because the state has monopolized the definition of marriage--and imposes irrational, unjust, crushing tort liability on the heavily-regulated medical industry--so everyone follows the state's definitions partly out of fear of reprisal and liability. The state ought to no more recognize marriage any more than it ought to recognize what religion you are officially a part of. Gays and lesbians (rightly) outraged by this case ought to think twice about their support of the state.

[Posted at 02/14/09 12:38 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### **[Poor Brazilians rejoice as loggers return to pillage the rainforest](#)**

[Poor Brazilians rejoice as loggers return to pillage the rainforest](#). The summary is: "Twelve months ago, troops and police drove illegal loggers out of the Amazon in an effort to halt deforestation. A year later, the sawmills are starting to reopen - and unemployed locals couldn't be happier."

[Posted at 02/14/09 07:00 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### **['Why Demote Lincoln?'](#)**

"As long as Americans honor Lincoln so highly, there is probably no hope for individual liberty in America." A good quote by Wirkman Virkkala in his post, "[Why Demote Lincoln?](#)," which is a good response to various neocons masquerading as libertarians who deride those of us who have some issues

with the Great Tyrant as being "fools."

[Posted at 02/17/09 05:07 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### 'a big win for the Constitution'

A while back, in the *Heller* case, when some centralist libertarians put their faith in the murderous and criminal federal leviathan to protect the individual right to bear arms, those among us suspicious of all state power and centralism warned that no good would come of this. The central state would only use this as an excuse to further entrench its power to regulate us, and to supervise the states, further eroding federalism, one of the few remaining structural limits on central state power. Cato's Robert Levy, one of Heller's lawyers, [lauded](#) the decision: "*Heller* has taken a major step to restore sensibility in Washington, D.C." Yet, as I wrote in [To Hell with Heller](#), the case

makes it clear that gun limitations and regulations are perfectly permissible. Their only legitimate use--when the state thinks it's "reasonable"--is for self-defense against private criminals--not self-defense against public criminals--down with this whole right to revolution. So the ruling really helps entrench government power. And, of course, thanks to the perverse [incorporation doctrine](#), the Second Amendment will no doubt be applied to the states ... by the federal government. I.e., yet more power seized by the feds. So let's see: *Heller* has further eroded two of the most fundamental limits on the central state: the right to revolution, and vertical separation of powers (federalism). [See also my posts [Cato on "sensible gun regulations"](#); [More Heller-aceous Damage to Gun Rights](#); [The Great Gun Decision: Dissent](#).]

Levy agreed that incorporation is coming: "Soon, with incorporation, *Heller* will have nationwide implications." Though, apparently, we disagree on our evaluation of this inevitable result: "That's a big win for common sense. More important, it's a big win for the Constitution." (I hope my disagreement with him is not "hateful or vulgar"--see [Cato Chair Demands \\$3.5M From DC Peasants](#); also [Levy Digs Himself In Deeper](#).) Oh, yes, incorporation--nationalization, centralization--is coming (just do this [google-fu](#); also the recent [Report on Heller Incorporation case in California](#)). Looks like everyone is happy with *Heller* and with the advent of nationalization of this issue by the federal state which they all normally distrust when it comes to other issues--from centralist libertarians (Levy, Objectivists; see also [Libertarian Centralists](#); and [Healy on States' Rights and Libertarian Centralists](#)) to gun-rights advocates ([Time for incorporation of the Second Amendment](#)) to gun opponents ([Dennis Henigan of the Brady Campaign to Prevent Gun Violence](#)). Everyone, that is, except decentralist and anarcho-libertarians who despise and distrust the federal leviathan [yes, hate: Rothbard wrote and fought because "[hatred is my muse](#)"] and know that to trust it to respect the Constitution and "protect" our rights is naive and foolish beyond belief--to fall for the state's [propaganda](#) aimed at Spooner's [knaves and dupes](#). Update: An example of how federalism could be useful it were not being continually curtailed by the very centralism favored even by libertarian supporters of the incorporation doctrine and the Fourteenth Amendment: a [proposed law](#) in Montana would exempt firearms manufactured and used in Montana from federal regulation. Well, I should say "attempt to exempt," because the feds would no doubt swoop down and snuff out this effort in no time quick, just as Lincoln, the darling of Straussian-Jaffa-ite neocons-in-libertarian clothing, did with seceding states. (Thanks to Jason Gordon)

[Posted at 02/17/09 10:37 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### Class Is for Making Political Speeches

Not for learning, apparently. [Student Sues, Says Prof Called Him a "Fascist Bastard"](#) reports on a student, Jonathan Lopez, who claims his professor, John Matteson, called him a "fascist bastard" and refused to let him finish his speech against gay marriage during a public speaking class. Why, how dare the teacher not let him finish his speech! How dare he not be allowed to, er, "express his faith" in class. Why, why, it's a violation of the student's civil liberties! He should use the power of the fascist state and the state's fascist laws against the teacher, who has not initiated aggression against him, because he was, um, called a fascist ... I don't know what kind of worthless degrees these sniveling Gen-Y punks are pursuing nowadays, but I am certain that when I was studying electrical engineering there wasn't time for this nonsense. **Update:** I've gotten a few comments and objections already. One said that given that it was a public speaking class, "there is no legitimate reason he should have been prevented from finishing his speech." The reason is that this is the rule laid down by the teacher. The classroom is not the place for trying to proselytize; it's boorish to do this to a captive audience. Another comment: since this was a state school, it "should have no right to determine what kind of political stands the student can take in a speech." Be this as it may, it still doesn't justify the student's wasting his and the teacher's time and money on the lawsuit stunt. You know, most of the serious students I knew in college didn't have time to run around filing lawsuits against their teachers to "vindicate their rights." Further, given that it is a state school, the student is a welfare-recipient parasite on the taxpayer who should have no right to set the rules for what is done in class either. In addition, let me be clear: my comment has nothing to do with whether I agree or not with what the kid was saying. Another comment was that the student had the right to have and express that opinion, since he was not violating anyone's rights. But the teacher didn't either. Why should this student sic the ravenous dogs of the state on this innocent man? Shouldn't he be studying instead? Isn't it bad enough this kid is soaking the taxpayer already--does he have to do it again by using the tax-funded court system to harass and damage this poor teacher? (BTW, it's also quite possible the teacher felt that allowing the student's religious screed could be an excuse for others to whine that they were subjected to hate speech etc.--so this is what teaching has become, juggling litigation risk? Leave the poor teacher alone.)

[Posted at 02/17/09 11:04 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Media Dissing Jindal: Good for Them!](#)

The right is atwitter with the media's [dissing of](#) Louisiana Governor Bobby Jindal. Jindal is smart, but other than that, shows no promise--just another person of real potential and brains corrupted by political ambition and compromise. The same bird-brains who love the twit Sarah Palin (albeit, the least evil of the 4 in the last election, in my view) are now lauding Jindal as the hope for the Republican Party. I see no reason to think that Jindal, governor of my home state, has any political principles or economic literacy worth cheering about. Some tepid comments that the feds should not tie strings to the money they give the states? yawn. Instead of criticizing the media for sneering at Jindal, we ought to encourage they do the same for Obama.

[Posted at 02/25/09 07:42 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Re: Kindle v. Netbook v. ePub, Bookworm and Stanza](#)

Karen, [your post](#) about the Kindle is right on. I've been on the fence for a while about getting a Kindle, and when Kindle 2 came out, I was a bit closer. But the more I thought about it--why get it? It is expensive, it is not color, no touch screen, terrible keyboard and searching, DRM,



books are not that much cheaper (they ought to be 50 cents not \$10), there is no light, browsing is no good on it, you can't easily take notes, you can't loan or sell your book after done with it, and normal books are nicer. And I don't subscribe to newspapers or magazines--and really, how many books do you need on a vacation? Maybe for students it replaces a bunch of textbooks--but so could a notebook or netbook computer. (See also [10 reasons to buy a Kindle 2](#) and [10 reasons not to](#).) And now the nail in the coffin, for me, is this emerging "ePub" format and related platforms. For a brief introduction, listen to

[MacBreak Weekly 129](#) from about 1:38:26 to about 1:44:30. They discuss this very cool format called ePub, which is totally non-DRM, but can be used for both public domain or commercial works, and is very friendly for various electronic formats, like desktop, smartphones, laptops, and book readers like the Sony and BeBook readers (listed [here](#)). I've started to play around with it and here's what I've found so far: First, you can get [bookworm](#), a very cool, free, platform for reading ePub books online. You open an account and upload as many ePub books as you want into it--which you can get from a [variety of sources](#). A good sample to try is Cory Doctorow's novel *Someone Comes to Town, Someone Leaves Town*--you can [download](#) the ePub version free. Then you can read it from bookworm on your desktop, netbook, iPhone, or book reader such as the Sony and BeBook readers--Kindle doesn't support this yet--one reason I think it's doomed unless it gets with the program. See the Bookworm tour [here](#). There is a mobile version for iPhone which works very well, but it also exports to a great platform for iPhone, [Stanza](#), which puts the file in your iPhone so you don't have to have an internet connection. (And if you are viewing a book on iPhone using bookworm, you can easily export a book to Stanza, to download it directly into your iPhone's stanza library, if you want.)The books display nicely, optimized for whatever device you're using--you can



re-size the window, columns, font size, etc. The publisher can even embed pages into the ePub files. And I believe you can easily generate a PDF or kindle version of an ePub book; I'm still exploring how to generate ePub files from other formats. Just as Amazon's DRM-free music sales helped to push iTunes to adopt DRM-free music, ePub or similar formats may be what kills book DRM or the kindle--or pushes it to change. But as for me, no plans to buy a Kindle--I'll use my iPhone or my MacBook Air (the best computer I've ever owned)... and good old paper books, for now. **Update:** Reader Frank Gas:

I have a [SONY Reader](#) and it is wonderful. It uses open standards. All you have to do is copy pdf, html, doc or .txt (and a few other types) files onto an SD card using a Mac, Windows or Linux box and it automatically formats and categorizes them. If you use a piece of software called [calibre](#) (Mac, Win, Linux) to manage your ebooks, you can also set it up to read multiple blog 'feeds' and you can easily add more yourself. (Personally, I never read blogs on it as I would prefer to follow the links on my computer.) I have tons of Mises pdfs on it. I am now reading Lew's new book, Human Action and have 24 other Mises books in a 'collection' just waiting for me to get to them. In all, I have 250 books on it, including an encyclopedia, thesaurus, almanac, the complete works of Emerson, the complete '5 Foot Bookshelf' (Harvard Classics), the complete Asimov and more. Most pdfs require no additional conversion or formatting except some of the older ones which are converted jpegs. Converting those, is not that hard. 90% of the Mises tiles I've tried 'reflow' when you select 'M' (instead of the default 'S'). I like to read history books that are not exactly light. In fact

they are unwieldy and difficult to handle. The SONY Reader is a dream. It's as light as a paperback and you don't have to move it around--just turn pages with a button that falls naturally under your thumb. Additionally, you can send the NYPL \$100/yr and using [Adobe Digital Editions](#) software (not sure about compatibility) you can ['borrow' pdf books](#). (I haven't done this yet.) Maybe your local library also has this service. I also carry my camera's owners manual and have also scanned a number of books I converted to pdf, including travel guides and translation books. Unlike a netbook, the screen can be read in bright sunlight, will easily fit my suit jacket pocket and the battery will last for 7,500 page 'turns'. The page refresh is about as fast as turning a page using a book. A netbook, in comparison will not fit in a pocket, is much thicker, is hot, only runs for 3 or 4 hours (if you're lucky), is unwieldy to read with. It's not a netbook or an ebook reader - the two devices are complementary and serve very different purposes. My Reader is also completely silent and turns on immediately. In fact, the page stays up for 30 minutes, using no power at all. Waiting in line at Wal-Mart? Read 10 pages while waiting. You'll never do that with a netbook. I paid C\$299 (about U\$240) at a local SONY Style store. I looked at the newer PRS-700, but bought the cheaper PRS-505 because the display was so much better. The internal light and touch screen on the more expensive model adds a layer of 'fudge' that ruins the displays ability to be read in bright light. I was always waiting for an ebook reader that had a screen as large as a hard cover book, but now think that such a size would be too large. The reflow functions works very well (make sure you have the new firmware) and holding one button, you can rotate the page 90 degrees. Load Lew's book and a couple more Mises pdfs onto an fat formatted SD card and go to a SONY store. After he escorts you outside into the sun to see the display, tell him to buzz off and just read a few chapters and the manual which is obviously pre-loaded. I'm warnin' ya, when he comes back, you'll be handing him a stack of dead presidents. If you don't like it, you can return it within 30 days with no restocking fee (at least in Canada). No, I'm not affiliated with any company that sells this product, I'm just very happy with my purchase. It's changed my life. I could rhapsodize about it for days. I often do. The Kindle will fail, for the reasons Tim O'Reilly stated.

[Posted at 02/27/09 10:20 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☺]

## [New Israel Redux](#)

My LRC column [New Israel: A Win-Win-Win Proposal](#), published back in 2001, resulted in one of the highest amounts of feedback, and longevity--I still occasionally get emails about it. Some similar proposals that came out after mine are:

- Ken Layne, "[How 'Bout Relocating Israel to Mexico?](#)"
- "[Fight World War IV - Or Let Israelis Immigrate?](#)", by Paul Craig Roberts;
- "[Israel's end-times gamble](#)" by Gary DeMar; and
- Ronald Bailey, "[New Exodus: Let Jews leave Europe for America](#)"

Interestingly, most Jewish people who've written me about this--and just about all the Israelis who did--were supportive of this idea (in fact, an Israeli TV show was enthusiastically in favor of the idea and [wanted to interview me about it](#)); the negative comments I got were mostly from redneck Americans who don't want new neighbors. Anyway, now comes [CIA report: Israel will fall in 20 years](#), which mentions a CIA study that "forecasts the return of all Palestinian refugees to the occupied territories, and the exodus of two million Israeli - who would move to the US in the next fifteen years." The article notes: "There



[are] over 500,000 Israelis with American passports and more than 300,000 living in the area of just California,' International lawyer Franklin Lamb said in an interview with Press TV on Friday, adding that those who do not have American or western passport, have already applied for them."

[Posted at 03/13/09 01:57 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## Job Stealing Customs Officials

[Canadian accused at U.S. border of 'stealing American jobs': Sales representative from B.C. denied entry to U.S. to meet with suppliers:](#)

A B.C. sales representative who markets equestrian products in Canada was barred from crossing the U.S. border to attend a trade show last month by a U.S. Customs and Border Protection officer who accused him of trying to steal American jobs. "He looked at me, and in a yelling voice he said, 'You're friggin' stealing jobs away from American citizens,' and I tried telling him that I wasn't," Joel Borsteinas told CBC News. Borsteinas, a Canadian citizen, said he's been in business for 15 years, acting as a middleman between U.S. and Canadian suppliers of western wear and equestrian products and Canadian retailers who want to stock the products.



So here we have a parasitical state employee--someone who serves no useful function, and instead serves as an impediment to commerce and wealth creation, plus who is paid by taxes stolen from productive tax-sheep--complaining about a productive, private person "stealing jobs." It's the officer who is stealing jobs, not the businessman.

[Posted at 03/18/09 08:41 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## On Outrage over Bonuses

There's a lot of chatter about bonuses paid to employees of bailed out companies. Even lots of libertarians seem to be angry about it. One troublesome aspect of many of the complaints is that you have people sitting in judgment from the outside, demanding to know why this employee "deserved" a bonus, etc. In my view, if a company *for whatever reason* decides it should give a bonus to an employee, then normally that's end of story. It does not matter if the company is losing money. It does not even matter if the company is contractually obligated to pay it (though often they are). What matters is that for some reason the company thinks it's important to pay X dollars to this guy--maybe to induce him to work hard or harder, maybe to retain him, maybe to attract other talent, maybe to develop a reputation in the market, etc. Who knows. It is entirely possible that if you don't pay a certain amount and type of compensation to certain employees, you'll lose out to (private) competitors who are not shackled--and then the company we gave bailout funds to has a reduced chance of prospering and surviving, and the taxpayers a reduced chance of getting their money back. Of course, things are not normal. At this point, we can't trust the judgment of one of these bailed out companies in deciding when a bonus is "necessary" or not. That's the real dilemma. Not this misplaced outrage over bonuses that the outsiders don't "feel" is "justified."

[Posted at 03/18/09 08:58 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

## [Barack Obama's TelePrompTer](#)

[Hilarious blog](#) by Barack's TelePrompTer--such as [this entry](#), where the TelePrompTer distances himself from Obama's horrible, inappropriate "Special Olympics" joke on Jay Leno.

[Posted at 03/19/09 11:28 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Peace Art](#)

Those who liked Shawn Johnson's [Peace Earrings](#) proudly worn during her Olympics interviews might also like the art of [Justin Gaffrey](#). I visited one of his galleries today and was blown away by his gorgeous paintings--many of them huge, bold Peace signs. Just beautiful. He told me one of his murals will also be part of the [Art Miles Mural Project](#), a pro-peace artistic effort, which plans to "[exhibit the murals](#) during the



[Posted at 03/19/09 11:35 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [The Libertarian Perspective on the Current Socialist Escalation](#)

Many of my conservative friends are dismayed--they are starting to see the magnitude of the regulatory-confiscatory klepto-state being foisted on us. But having a libertarian viewpoint helps me keep it in perspective--from my point of view, we are going from 63% to 67% socialism. Terrible, yes, but just more of the same.

[Posted at 03/30/09 10:08 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Dumbest Comment of the Day](#)

Fashion designer "[Nanette Lepore](#)" on [HuffPo](#), bemoaning her having to lay off people recently from her company: "I just want it to end and I hope our new government can lead us out of it."

[Posted at 03/31/09 12:16 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

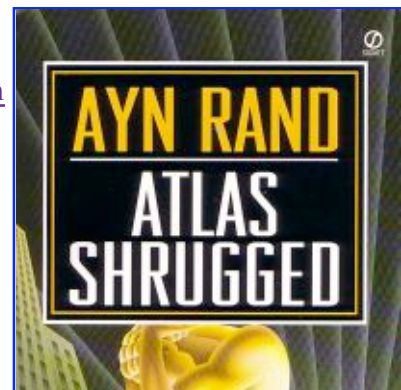
## [With 'Atlas Shrugged,' Hollywood may have its first anti-bailout movie](#)

Atlas Shrugged [may finally see](#) the silver screen.

[Posted at 03/31/09 11:21 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

## [Lew Rockwell: What is the State?](#)

An utterly brilliant passage in the introduction to Lew's recent book *The Left, The Right, and the State* ([PDF](#); [print](#); [podcast discussion](#)):



What is the state? It is the group within society that claims for itself the exclusive right to rule everyone under a special set of laws that permit it to do to others what everyone else is rightly prohibited from doing, namely aggressing against person and property. Why would any society permit such a gang to enjoy an unchallenged legal privilege? Here is where ideology comes into play. The reality of the state is that it is a looting and killing machine. So why do so many people cheer for its expansion? Indeed, why do we tolerate its existence at all? The very idea of the state is so implausible on its face that the state must wear an ideological garb as means of compelling popular support. Ancient states had one or two: they would protect you from enemies and/or they were ordained by the gods. To greater and lesser extents, all modern states still employ these rationales, but the democratic state in the developed world is more complex. It uses a huge range of ideological rationales



[Posted at 04/02/09 11:20 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☞]

### [Put Your Hands Up In The Air For Peace!](#)

Apropos my entry [Peace Art](#), it occurs to me this site's slogan is "anti-state, anti-war, pro-market"--which can be boiled down to: "pro-peace." And I have to recommend this wonderful video and song, "Peace," by the Luminaries, which premiered at the Elevate Film Festival 2008 (see [The Peace Project](#)).

Update: Mike S writes: Mr. Kinsella, I stumbled on your blog post and while I was listening to the song you recommended, I remembered one of my favorite songs from P.O.D. called "Tell Me Why." It's a true anti-war/peace song and I believe you

might be interested.

\*\*\* Another reader

emailed me: Mr. Kinsella, I wanted to thank you for your LRC blog post with the "Peace" music video, as well as suggest another artist who I feel has been extraordinarily dedicated to the message of peace. Michael Franti has actually travelled to Iraq, Israel, Palestine, and elsewhere in the Middle East and created a documentary called [I Know I'm Not Alone](#) on his trip, where he basically travelled all over Iraq, staying with families, playing music on street corners (and even at bars filled with U.S. soldiers, singing a song that goes "You can bomb the world to pieces, but you can't bomb it into peace"), and just talking to people about the human cost of war. He also runs an annual Bay Area music festival called Power to the Peaceful. He has many great songs, but one of my favorites (and apparently his most popular music video on Youtube) is called It's Time To Go Home [see below]. I think you'll enjoy it. Keep fighting the good

fight, Casey Worthington

[Posted at 04/03/09 01:59 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) ☺]

## [Would YOU sign the Declaration of Independence?](#)

So asks [Advocates for Self-Government](#), in a recent emailed fundraising appeal: "*Dear fellow lover of liberty, Would you sign the Declaration of Independence? I'm betting that you would!*" Not me. This is [one source of our current troubles](#)--a utopian experiment that led to the central-state-empowering Constitution, to democracy and to the abolition of monarchies, to the Civil War and greater centralism, [to American entry into WWI](#), to the punitive Treaty of Versailles, and thus to the rise of German nationalism and Hitler and WWII, tens of millions dead and the Holocaust, nuclear bombings of Japan, the Cold War, etc. No thanks. Give me back the modest taxes under King George III, and rule from over the Atlantic.**Update:** A reader emailed me: "*Don't forget the great irony that a country settled by puritans who were not allowed to cruelly enforce their code on their country men, and by criminals who could not abide the rule of law, came across the sea to live in a land where they rose up to be slaveowners who yearned to be free (of the British). There were a few great spokesmen and thinkers to be sure, and some of their deeds were heroic, but if we are to judge them by the company they keep and their actions alone, from a truly outside perspective, it is difficult to find much that is admirable about the founding fathers.*"

[Posted at 04/03/09 10:22 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Obama Defends Bush Wiretaps](#)

Liberals who thought Obama would be better than Bush are idiots. I noted in [Obama/Bush and the State Secrets Privilege](#) the Obama administration's siding with Bush's on the State Secrets Privilege. And now, as reported [here](#), "The Obama administration is again invoking government secrecy in defending the Bush administration's wiretapping program, this time against a lawsuit by AT&T customers who claim federal agents illegally intercepted their phone calls and gained access to their records." Congrats, demonrats!  
**Update:** Reader Jason Gordon writes: "In addition to the AT&T case you posted from the SF Chronicle is [this one](#) from Monday regarding the Electronic Frontier Foundation's case against the NSA. True to form Obama deploys the fraudulent state secrets privilege." See also [Glenn Greenwald](#) on this.

[Posted at 04/07/09 03:05 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

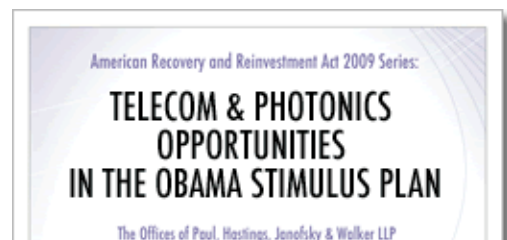
## [Kilpatrick's The Sovereign States](#)

I mentioned this great book in a previous article on [The Greatest Libertarian Books](#). A buddy just pointed out to me that it's [online](#)! As I wrote in my article: James J. Kilpatrick, *The Sovereign States: Notes of a Citizen of Virginia*. The works noted above are all by libertarians or proto-libertarians (e.g., Spooner and Bastiat). Kilpatrick was no libertarian but this work is probably one of the best non-fiction books I

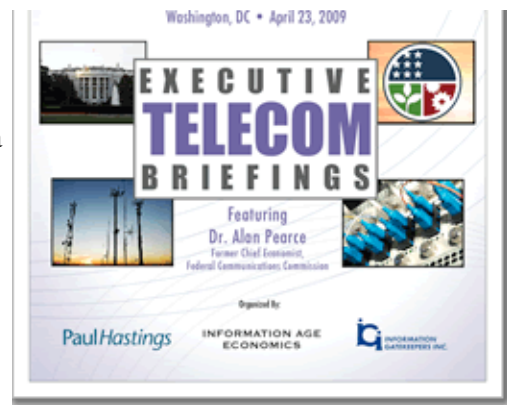
[Posted at 04/07/09 10:57 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [Obama's Pig Trough](#)

DC law firm Paul, Hastings is putting on an "Executive Telecom Briefing" on "[Telecom & Photonics Opportunities In The Obama Stimulus Plan](#)". The brochure falsely says that: "The Obama Stimulus Package includes approximately \$800 billion in new investment designed to boost the U.S. economy over the next 24 months." It's designed to make the depression worse, is what it's



designed to do! It goes on: "More than \$30 billion will be specifically directed at Telecommunications, Photonics, and Information Technologies (TPIT). Another \$30 billion will be spent on related activities that could directly and indirectly give a further boost to TPIT. *Are you ready to take advantage of this unprecedented opportunity?*" To assist you in coming to grips with, and understanding, this opportunity, Information Gatekeepers Inc (IGI), in cooperation with the Paul Hastings LLP and Information Age Economics (IAE), is planning a series of telecommunications and photonics executive briefings. There are several lively topics, including "Green Photonics,"



"Overview of the Political Environment Under the Obama Administration," and my favorite, "How to Proceed to Get Your Share of the Stimulus Money." The ad gushes that the following "should be interested": "Equipment suppliers; Service suppliers; Systems integrators; Contractors and Sub-contractors; Consultants; Lawyers." I can't help but imagine the sound of hog-callers going *SOO-WEE! SOOOO-WEEEEEE!!* calling pigs to the trough. **Update:** Yet another one: [The Stimulus and Beyond: Navigating the Brave New World](#) (HT Stephen Fairfax)

[Posted at 04/08/09 01:35 PM by **Stephan Kinsella** on [LewRockwell.com](#) 🗨️]

## [The "Evil" Walmart](#)

["FLY ON THE WAL: UNDERCOVER AT WAL-MART, THE HEARTLAND SUPERSTORE THAT MAY SAVE THE ECONOMY,"](#) by Charles Platt, is a great story. Sure doesn't make Walmart look like a company that owes its success to the "benefit" of public roads, an occasional use of eminent domain, and limited liability for shareholders. But what does he know. [To clarify for those I was too cryptic for: I think Walmart is great. I think the left and left-libertarians bashing it are wrong. Some allege that it's successful only because of state "favors," such as subsidized roads, occasional use of eminent domain to buy property, and limited liability arising from the corporate form. In my view, almost every business and most citizens have "unclean hands" to some degree nowadays; so adopting a rule whereby we condemn someone as criminal for having any unclean hands at all is obviously a bad idea. The notion that absent state roads, state incorporation statutes, and eminent domain laws, Walmart would not be in business, is in my view daft. I think, if anything, Walmart would be even more successful and prosperous.]

[Posted at 04/10/09 08:43 PM by **Stephan Kinsella** on [LewRockwell.com](#) 🗨️]

## [The HUGE Flag](#)

Today my wife and I were in the Houston Galleria with our 5 year old son. There was a huge American Flag hanging over one part--it must have been 50 yards long. My boy asked me why it was there. I thought about it. I remembered when I was in living in London in 1992, as a student, and watched the movie *Kindergarten Cop* in a dorm room with a group of about a dozen students from all over--England, Greece, Spain, Ireland. The entire room, except for me and the one other American, burst into laughter when the kindergartners were shown in class saying the Pledge of Allegiance. We were confused and asked for the movie to be paused, and said, "hold on--what's so funny?" One of them said, laughingly, dismissively, "You Americans--you are so patriotic!" Later the same year in London, I went to the Bette Midler movie *For the Boys*, which opens with some number on a stage in front of a ginormous American flag. Again, titters from the non-Americans in the audience. I remembered one time when I was at Callaway Gardens,

Georgia, on the 4th of July, with hundreds of people around the gorgeous man-made lake, watching fireworks, and as Lee Greenwood's cloying "Proud to be An American" was played, the entire crowd stood up in unison, like toy soldiers, hands over hearts, at the line, "and I'd proudly STAND! UP!", and it gave me chills. So I told my son, the flag is there because Americans have been taught by the government--the one that steals from me the money I would otherwise save for your college fund--to worship the state. How much better under monarchy when there was a clear distinction between ruler and ruled; when secular worship of the state had not replaced real religion. Now that the state has taken the place of religion, and the distinction between the rulers and the ruled has been blurred, the state can do almost anything. Can anyone imagine a king extracting 60% taxes without getting his head handed to him?

[Posted at 04/10/09 11:41 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Corporation-Bashing WIN](#)

### [New 'bossnapping' incident at car parts maker](#)

A senior manager at French auto parts maker Faurecia was being held late Thursday by workers angry at plans to restructure a factory southwest of Paris, a union official said. The official in the CFDT union said the boss of a plant in Brieres-les-Scelles, about 45 kilometres (30 miles) from Paris, had been detained by workers in the latest incident of "bossnapping."

After all, he's just working for a "corporation". No doubt he "benefitted" from ... using government roads. With friends like these, who needs enemies.

[Posted at 04/11/09 12:26 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Why You've Never Heard of the Great Depression of 1920](#)

On Facebook, Tom Woods's wife, Heather, calls this " One of his best speeches." She's right.

[Posted at 04/11/09 01:02 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Obama Takes Bush Position On Habeas Corpus](#)

I previously noted how deluded were liberals who thought Obama would be better than Bush--see my posts [Obama Defends Bush Wiretaps](#) and [Obama/Bush and the State Secrets Privilege](#). And now, he takes Bush's position on *habeas corpus* in the case of detainees held at Bagram Air Base in Afghanistan. Kudos to the oft-inconsistent and economically illiterate Rachel Madow (no offense, most people I know) for criticizing Obama in the video below; see also [Obama administration seeks to deny habeas-corpus for Afghan detainees](#); [Obama abandons habeas corpus](#); and [Obama Backs Bush On Bagram Detainees](#).

[Posted at 04/14/09 06:00 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Leftists Still Nauseate](#)

Just when you start thinking the left might be a bit better than the right, that there is some glimmer of human decency in them--they are anti-war, somewhat, aren't they?--they remind you of why they are hated and why the right occasionally gains a toehold among libertarians. Witness this scin-crawling, disgusting, evil piece by one Robert L. "Borosage," Co-Director of the "Campaign for America

[Posted at 04/14/09 11:05 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Obama: No to Marijuana Legalization](#)

In addition to taking the Bush positions on [habeas corpus](#), [wiretaps](#), and the [State Secrets Privilege](#), Obama is also [against marijuana legalization](#). No sapient creatures are surprised.

[Posted at 04/15/09 12:04 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Governor Perry on Texas Secession](#)



I've been telling people for quite a while now how great it would be if Texas were to secede--it's big enough to be a separate country (and, of course, [it was](#) at one point, with President Sam Houston). Texas Governor Rick Perry has become my new favorite governor, by publicly entertaining the idea of secession. As noted here, "Speaking with reporters after a tea party rally in Austin today, Gov. Rick Perry said Texas can leave the union if it wants to."

"Texas is a unique place. When we came into the union in 1845, one of the issues was that we would be able to leave if we decided to do that," Perry said. "My hope is that America and Washington in particular pays attention. We've got a great union. There's absolutely no reason to dissolve it. But if Washington continues to thumb their nose at the American people, who knows what may come of that."

See also [Perry fires up anti-tax crowd](#). Now I think Perry is mistaken about the [treaty of annexation](#) whereby Texas joined the Union--it merely contemplated [Texas splitting up into 5 separate states](#)--and that would probably require Congress's approval anyway. (see also [Snopes](#)) It's a common myth that this Treaty explicitly gave a right to secede; I believe this is a confusion of the 5-state-split issue. That said, however, as pointed out [here](#), Texas, like all states, of course has the constitutional right to secede, in part because the federal government was never granted the authority to prevent this (it's inconceivable the 13 original states would have signed a compact creating a new agency that had the power to make war on them if they decided to leave the arrangement!). (I'm sure the [libertarian centralists](#) (2, 3) will disapprove of Perry here--why, if a state were to leave the union, the federal courts could no longer tell it what to do, and the Fourteenth Amendment and its Privileges and Immunities would be lost!)**Update:** Kevin Gutzman writes with an intriguing argument for the right to secede:

As I discuss in ch. 3 of *Virginia's American Revolution* and in my 2004 Review of Politics article "Edmund Randolph and Virginia Constitutionalism," Virginians retained the right to reclaim the powers they were delegating to the Federal Government (that is, to secede) in case those rights were perverted to their oppression (which has to be a matter that is for them alone to decide). Under the Supreme Court's long-standing Equal Footing Doctrine (that all states must be treated alike), which reflects the universal understanding of the ratifiers, that means Texas can secede if it wants to. Now, of course, it could be that the president, in the mode of Lincoln, would ignore Texas's right. That's a separate issue.

[Posted at 04/16/09 12:38 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [\*\*I Can't Help Supporting the Troops\*\*](#)

[Stephen](#), ... and on the flip side, when I get in arguments with bonehead patriot types, who, when I criticize our military policy, tell me I should support the troops, I say I do, every paycheck.


[Posted at 04/16/09 03:34 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

## [\*\*The Miracles of Capitalism\*\*](#)

Or, as some fellow travelers would insist we call it, the "freed market." This story: [5-Year-Old Amputee Fitted with High Performance Carbon Fiber Legs](#) is just amazing, and helps to illustrate the wonders that can result from human ingenuity,



technology, and a (semi-)free market. (HT Rob Wicks) (I'm sure the prosthetic legs were purchased from an "evil," state-road-"subsidized" labor-alienating wage-slave "corporation," but maybe they get a [Vandarchist Windowz-Breaking](#) pass for doing this good deed?)

[Posted at 04/16/09 03:41 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### "Going Galt" and Galtlist

Galtmania seems to be in the air. Articles in the mainstream press about *Atlas Shrugged* [abound](#). And as [reported on](#) Salon.com, there is a tentative movement afoot to "Go Galt" (I know what the original Galt did, but I can't yet figure out exactly what the modern Galtian sloganeers



[propose to do](#), other than use it as an excuse for sloth and slackerdom). The funniest is [Galtlist](#), a "classified ad service for free-marketeers." As lampooned by Salon, "Finally, a free market Web site where people can post listings and work out the terms of their own transactions with other people taking part in the marketplace! If only there was [something like that](#) out there already."

[Posted at 04/17/09 12:45 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

### Clueless Slate Liberals Babble About Economics

I confess that Slate's Political Gabfest is one of my favorites, but in [today's podcast](#), the blatant economic illiteracy of the three liberal hosts is so evident in their discussion of the banking system and the multiplier effect (from about 29:38 to about 36:00) that it is almost hilarious. As smart as these people are, they don't seem to realize how foolish it is to hold strong opinions on something they almost seem to admit they are very confused about. At around 30:36, David Plotz goes on about how it took him many attempts in college to understand the multiplier effect. He implies that he finally understands it, but it's clear he doesn't; he and co-host John Dickerson think that giving a dollar to the banks somehow does more for the economy since it gets multiplied to 8 or 10 dollars, which is thus more valuable than merely giving one dollar to a consumer or taxpayer. Plotz says it's hard for people to get it; co-host Emily Bazelon just blurts out, "I don't get it" (31:40) but goes on to confidently support policies centered around this Keynesian hocus pocus. Dickerson lauds Joe Biden's stupid vending machine example meant to explain why we need artificial credit (32:30). Like most modern "intellectuals" (including Austrian freebankers, IMO), they make the mistake of equating money with wealth.

[Posted at 04/17/09 01:15 PM by **Stephan Kinsella** on [LewRockwell.com](#) 

### Our "Constitutional Right" to Bear Arms

Centralizers and Hellerites rejoice! [Court: 2nd Amendment trumps local gun limits Described as](#)



['protection against government degenerating into tyranny'](#) reports:

The 9th U.S. Circuit Court of Appeals in California has ruled that the 2nd Amendment right to keep and bear arms is "deeply rooted in this nation's history and tradition" and long has been regarded as the "true palladium of liberty," so it therefore must be applied against state and local government weapon restrictions as well as federal gun limits.

In other words: the regional warlord consortium has issued a directive to local street gangs and mafias, instructing them to pretend to respect the local victims' gun rights, to help maintain the background scam story that they are "citizens" who live under a "fair" state in a "rule of law," so they'll continue to view the protection payments extorted from them as "taxes" that they have a "duty" to pay "as citizens." Of course, the [rule of law is a myth](#) used to keep us line.

[Posted at 04/23/09 07:32 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Space Shuttle launch-- "the demonstration of man's highest potential"?](#)

The Atlantis space shuttle [launch](#) a few minutes ago reminded me of Ayn Rand's overdone, [starry-eyed praise](#) of the Apollo 11 moon launch. Rand saw the launch as "A Symbol of Man's Greatness," "the concretized abstraction of man's greatness," "a demonstration of man at his best," and "the demonstration of man's highest potential." The rocket launch by a bureaucratic agency of a criminal organization had, she claimed, "moral-epistemological" "significance". Dunno. All I see is a billion dollars wasted hurling a refrigerator into space.

[Posted at 05/11/09 01:09 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [Letter from Former Slave to Former Master](#)

Roderick Long [is right](#)--this [1865 letter](#) from a former slave, Jourdon Anderson, to his former master, in answer the master's request that he return to service, is marvelous. I'd love to see a fallen, humbled USA ask me to return to tax-slave status.

[Posted at 05/12/09 01:27 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

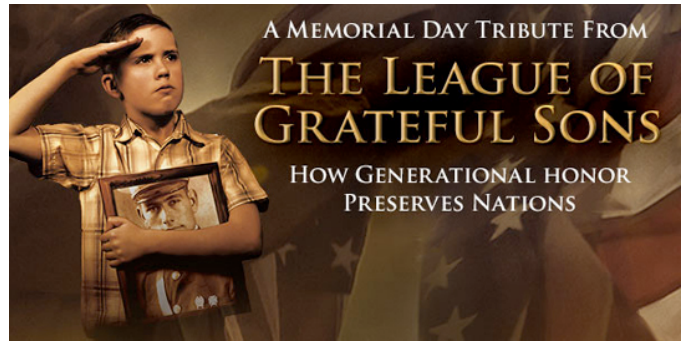
### [Walmart vs. the Preservationists](#)


Walmart takes heat from left-libertarians for occasionally benefiting from the local government's use of eminent domain (even though in such cases Walmart still has to pay for the land, this is held up as some huge state subsidy). But in central Virginia, we have Walmart [being opposed](#) by a group of preservationists--many of them [celebrities](#) and other outsiders--and Civil War devotees because the proposed Walmart site--which is already zoned for commercial use--is too close to some Civil War battlefield. Good Grief. As Skip Oliva, who passed on these links, told me, "They don't care if Walmart wants to bring jobs and low-price goods to people in an underserved area: We can't compromise a sacred battlefield!"

[Posted at 05/19/09 11:04 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☞]

### [The League of Grateful Sons](#)

I received an email trying to sell me this DVD, "The League of Grateful Sons: How Generational Honor Preserves Nations." What a disturbing picture. The state is good at one thing, I'll give it that: propaganda. It's managed to persuade orphans to be grateful to the state that kills their parents. And it's packaged in a Christian wrapper. Ugh.



[Posted at 05/24/09 09:37 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [North Korea's unfair use of nukes!](#)

So [the complaint](#) is that North Korea gave the US less than an hour's notice when it deployed its Hiroshima-level A-bomb. I suppose they should have done what we did, and given no warning, and killed tens of thousands of people.

[Posted at 05/25/09 03:39 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

### [Fingerpainting with an iPhone](#)

This is very cool--an artist, Jorge Colombo drew this week's cover for [The New Yorker](#) using Brushes, an application for the iPhone, while standing for an hour outside Madame Tussaud's Wax Museum in Times Square. The application records the brush strokes, which are replayed in the video above using the [Brushes viewer app](#). "look for a new drawing by Colombo each week on newyorker.com."

[Posted at 05/27/09 06:31 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Live by the centralism, die by the centralism](#)

Some [libertarian centralists](#) and conservatives, and, no doubt, Randians, are [in a snit](#) about Maria--I mean Sonia--Sotomayor's nomination to the Supreme Court. Why, it's almost as if having central, federal control is not a good idea! **Follow-up:** There is a common belief that the federal government's "courts" and "judges" are real courts and real judges. A real judge's job is to do justice, and to find and develop real law (as I discuss in [Legislation and the Discovery of Law in a Free Society](#)). Not to merely "apply" artificial law--legislated diktats from criminal gang posing as the source of genuine law. These "judges" merely "construe" statutes which need have nothing to do with justice. They are no more judges than an actor on a stage. Federal "judges" are nothing but professional bureaucrats--agents of the state. They are fake judges. This fact is missed by libertarians who buy into the state's propaganda--the idea that these are real courts of justice and real judges--and thus want "intellectual giants" on the Court. It is incredible that libertarians think it's even possible to have a real libertarian appointed to the Court and doing justice. A federal judge can no more be expected to do justice than is an IRS agent, Army general, or Congresscritter. For this reason I'd much rather just get a random layman from the phone book to sit on the Supreme Court. This would help erode the Court's mystique and aura of "justice" and High Seriousness--and probably result in better decisions! Who's more likely to rule based on justice and "[higher law](#)"--professional state climbers and power-seekers with lots of propagandized education under their belts, or regular people?

[Posted at 05/29/09 09:27 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☺]

## [Re: Uncomprehending Libertarianism Remark of the Day](#)

[Peter](#), Bartlett's remarks were truly maddening and contorted. He separates libertarians into the unsophisticated rednecks and rubes who are only interested in not paying taxes, and in survivalism and gun culture; and effete, unprincipled, cosmopolitan metro-libertarians who don't mind paying taxes and who are not very career-oriented. What a bizarre dichotomy. First, despite some unsavory characteristics of some metro-beltway libertarians, even most of them are in fact against taxes, and many of them are actual gun owners. And it is natural for think-tank and beltway types to be less "career-oriented" than typical professional working people. As for the anti-income-taxers, as noted, many of them are in fact metro-libertarians, but even outside the beltway, many of us are in fact sophisticated, educated, and professionals, and we are very principled and interested not only in tax abolition but in abolition of a depressingly wide array of state policies that violate rights. This column is so full of bizarre distortions that my first inclination is to attribute it to mendacity, but my guess is it's really just the result of stupidity, ignorance, ... and a certain lack of sophistication. Bruce Bartlett gets the award for a rather silly column in Forbes:

[M]ost self-described libertarians are primarily motivated by economics. In particular, they don't like paying taxes. They also tend to have an obsession with gold and a distrust of paper money. As a philosophy, their libertarianism doesn't extent much beyond not wanting to pay taxes, being paid in gold and being able to keep all the guns they want. Many are survivalists at heart and would be perfectly content to live in complete isolation on a mountain somewhere, neither taking anything from society nor giving anything.

Fortunately, Bartlett later assures his readers, a smaller group -- "metro-libertarians," he calls them -- is "cosmopolitan, urbane, articulate and interested in ideas more than just about anything else." Guess where you find them? At a Washington, DC dinner party, of course, like the one featuring metro-libertarian and liberal bloggers that Bartlett recently attended. Bartlett's main substantive point is that libertarians spend

too much time on economic issues and not enough on foreign-policy or personal-liberty issues. I'm not sure where Bruce was living the last eight years but I recall quite a few libertarians writing and speaking on foreign-policy concerns. Oh, and by the way, there are a few pressing economic concerns to focus on these days.

[Posted at 05/29/09 11:50 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Rand on Collateral Damage](#)

From [Ayn Rand Answers: The Best of her Q&A](#):

If we go to war with Russia, **I hope the "innocent" are destroyed along with the guilty.** There aren't many innocent people there—those who do exist are not in the big cities, but mainly in concentration camps. Nobody has to put up with aggression, and surrender his right of self-defense, for fear of hurting somebody else, guilty or innocent.

This goes beyond merely tolerating collateral damage; it's actively calling for it. I guess it should be no surprise there is an Objectivist article entitled [No Apologies for Hiroshima and Nagasaki](#). I guess when Rand [vociferously denounced libertarianism](#), there was a reason. (Roderick Long also [discussed Rand's "war" remark](#) on the HNN Liberty & Power blog a couple years ago.) It's remarkable--given that Rand was such an outspoken proponent of individual rights--how many people she would appear to view as having no rights or radically curtailed rights: "savages" like the Native Americans and other nomads (so it was okay for Americans to kill them and conquer them), and Arabs (so American [oil companies "really" owned the oil](#) their technology helped discover under Arabian soil); Germans and Japanese during wartime; "innocent" Russian citizens during the Cold War; and who knows what rights she would have attributed to anarcho-libertarians (I think she called us the "[hippies of the right](#)"), draft dodgers and pacifists! I stumbled across Rand's observations on war while looking for a comment I've read in the past but am now unable to locate. The comment was by an Objectivist, perhaps [Peikoff](#) or Binswanger, and went something like this: Libertarians are wrong to favor "small" government; in certain situations, e.g. war or defense from an invasion, it could be appropriate for the government to consume more than half the GDP, if necessary. (If you know who made the comment or its location, please [let me know](#).) **Update:** see [Ayn Rand Endorses Big Government](#).

[Posted at 05/31/09 10:30 AM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Obama as King](#)

In [this report](#) of Emperor Obama's attending a Broadway play, one of the actors is quoted as saying "I'm nervous, excited, honored .... It's like in Shakespearean times, when the king would come to the show." At least kings admitted they were kings.

[Posted at 05/31/09 06:33 PM by **Stephan Kinsella** on [LewRockwell.com](http://LewRockwell.com) 

## [Ayn Rand Endorses Big Government](#)

Following up on my [earlier post](#), several readers wrote me about my query about the Randian comments that a large government is okay in some cases. Jeff Keller writes:

I think the originator of that quote was Roger Donway (from David Kelley's Atlas Society/TOC, not the Ayn Rand Institute). He wrote...

"Limited government" means a government restricted to certain purposes, namely, the defense of individual rights; "small government" means a government that absorbs a small percentage of the gross national product. If a country has been invaded, **its government might absorb 50 percent or more of the nation's product** to mount a defense and yet remain a "limited government" **in the relevant sense**. Conversely, a government that abandons its military and police missions might spend very little of the national output, but if it spends that little on health, education, and welfare, it is not a "limited government."

The above is from a piece called [Government, Yes! Leviathan, No!](#) I recall hearing David Kelley make a similar point: that smallness of government isn't the primary concern, but whether it functions within its legitimate authority (Kelley, et al.'s view of legitimacy, of course). That was at the 1999 TOC Summer Seminar, which I attended. I think it was during a debate Kelley had with Randy Barnett over anarchism vs. minarchism, but I wouldn't swear to it.

In [The Libertarians](#) Albatross, Butler Shaffer recalls John Hospers who "[recently wrote](#) that 'voting for George W. Bush is the most libertarian thing we can do,' and that 'a continued Bush presidency . . . might well succeed in preserving Western civilization.' Kerry 'will weaken our military establishment,' he went on, quoting favorably from a statement made by Rand, in 1962, to the effect that paying 80% for taxes was justified 'if you need it for defense.'" As Stan Lee used to say: 'nuff said. **Update:** See also Anthony Gregory's skewering of Randian statism (including the 80% tax remark) in [The Ideal Randian State](#).

[Posted at 05/31/09 06:33 PM by **Stephan Kinsella** on [LewRockwell.com](#) ☺]

## [Re: Who's Hiring During the Bush-Obama Depression?](#)

[Mike](#), I'm aghast you are praising Walmart. First, they are not helping or employing people--they are just creating more "wage slaves." Second, their employees and customers all use the roads. Third, Walmart uses the roads to receive its merchandise. Fourth, Walmart uses the evil state "corporate" business form and enjoys "limited liability" (ignore those taxes, kay). Don't cheer them on--brake their windowz! [sarcasm off]More:



- [Dyslexic Vandarchists of the World--Untie!](#)
- [Left Anarchists and Progressive Taxation](#)
- [Left-Libertarians on Corporations "Expropriating the Efforts of Stakeholders"](#)
- [Down with anti-market "anarchists"](#)
- [Shoot the looters!](#)
- [The "Evil" Walmart](#)
- [I CAN HAS BROKEN WINDOWZ?](#)

[Posted at 06/05/09 09:51 AM by **Stephan Kinsella** on [LewRockwell.com](#) ☺]

## [Voodoo Lager, Lone Star Beer, and Trade Wars](#)

The hapless [Canadians' ire](#) over the stupid "Buy American" movement in the US reminded me of an amusing brief trade-war saber-rattling between Texas and Louisiana back in 1991. The story is reported in [Call It Voodoo, but Texas Surrenders in Beer Battle](#). The Texas Alcoholic Beverage Commission banned Louisiana's Dixie Blackened Voodoo Lager Beer earlier that year "because, they said, its name and label, which shows a swamp, conjure images of witchcraft and the occult." In retaliation, "the Louisiana House passed a resolution banning the sale of Lone Star Beer". Finally, "faced with legal questions, a retaliatory ban on a Texas beer and widespread ridicule, the regulators changed their minds" and revoked the ban. But not without a harumph: Dixie's owner said at first she thought it was a joke--but a Texas bureaucrat opined: "A lot of people think we were being silly, but we still feel like the voodoo connotation is not in good taste and not in the public interest," and another one intoned that the prohibition "has to do with your cults and public safety areas. ... "We have to keep an eye on a lot of things like that." I remember the issue because I was then a senior in law school, and this example was used to illustrate the effects of the interstate commerce clause. If I recall, the question was whether Louisiana's retaliation was constitutional--if I remember, even though it was in response to an unconstitutional action by Texas, Louisiana's action was still itself unconstitutional--both were unconstitutional burdens on interstate commerce--protectionism of a sort. Louisiana's action here reminded me of the Federation of Canadian Municipalities' endorsement of "a controversial proposal to support communities that refuse to buy products from countries that put trade restrictions on products and services from Canada." I doubt the ban hurt Dixie--I remember looking for it after this incident.

[Posted at 06/08/09 01:50 AM by **Stephan Kinsella** on [LewRockwell.com](#) 

### [Teach me more!](#)

From the holy kee-rap file: [Hatch Takes Aim at Illegal Downloading](#) reports that Senator Orrin Hatch, R-Utah, chairman of the Senate Judiciary Committee, "favors developing new technology to remotely destroy the computers of people who illegally download music from the Internet. ... During a discussion on methods to frustrate computer users who illegally exchange music and movie files over the Internet, Hatch asked technology executives about ways to damage computers involved in such file trading." Hatch "said **damaging someone's computer 'may be the only way you can teach somebody about copyrights.'** ... "He endorsed technology that would twice warn a computer user about illegal online behavior, 'then destroy their computer.' ... 'There's no excuse for anyone violating copyright laws,' Hatch said." Hey, almost makes you think there may be something wrong with the whole notion of copyright. And in support of the emerging libertarian view that democrats are becoming the less-evil party, "Rep. Rick Boucher, D-Va., who has been active in copyright debates in Washington, urged Hatch to reconsider."

[Posted at 06/11/09 12:17 AM by **Stephan Kinsella** on [LewRockwell.com](#) 