

**KinsellaLaw**

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**Sent:** Wednesday, July 17, 2002 11:08 PM  
**Subject:** Re: [http://www.stephankinsella.com/archive/2002\\_07\\_01\\_archive.php#85257954](http://www.stephankinsella.com/archive/2002_07_01_archive.php#85257954)

Forgive me for boring you with another reply to an ongoing argument. But this is stuff that libertarians need to hear, and I guess I'm stuck with the job of saying it.

Stephan Kinsella wrote at  
[http://www.stephankinsella.com/archive/2002\\_07\\_01\\_archive.php#85257954](http://www.stephankinsella.com/archive/2002_07_01_archive.php#85257954):

The Decline of FEE--Part II: Schulman's Reply: In a recent post I mentioned J.H. Huebert's article, A Great Institution in Freefall, which describes the decline of the Foundation for Economic Education. Huebert's website now lists various responses he's had. Someone forwarded to me a letter by libertarian sci-fi author J. Neil Schulman critical of Huebert.

Let's be precise. I wasn't critical of Huebert, but of points he made in his article. Let's also be precise in identifying me. I'm as well known as a writer of nonfiction as fiction; not all my fiction is science fiction; and I'm also known as a screenwriter, a book publisher, an electronic-publishing entrepreneur, and for many appearances in defense of liberty on radio and TV, going back three decades..

Huebert had criticised FEE for having non-libertarian Rudolf Giuliani as the keynote speaker and guest of honor at their annual trustees' dinner, and for promoting other non-libertarians such as Nixon-admirer Ben Stein, who was selected to be the keynote speaker at the National Convention.

This strikes me as ad hominem and guilt-by association. Does admiring someone automatically disqualify them from being a speaker? I admire many people with whom I hold major intellectual, policy, and even moral disagreements. Ben Stein's keynote speech at the FEE convention was wonderful: entertaining, informative, and pro-free-market. Anyone who spends any time reading Mr. Stein will find much of interest to libertarians, classical liberals, and other pro-freedom activists. Sure, I have policy disagreements with him ... but I'm finding myself having policy disagreements with a lot of people these days ... especially old friends.

In his response, Schulman first notes his libertarian credentials, and then attacks Huebert.

Please quote me where I attacked Mr. Huebert in my initial letter to him. I did criticize his attempt to define his own side in an argument as automatically correct, but given that he is a college senior, this is an understandable and forgivable lapse in judgment and good manners.

Incidentally, in listing his credentials, he refers to his "natural-law defense of property rights in information content". He is referring here to his "logorights" theory. For an explanation of what is wrong with this theory and why it is contrary to libertarian property rights, see text at notes 48-49 to my article *Against Intellectual Property*. But I digress.

Yes, you do -- especially since, in your footnotes, you fail to grasp any of the distinctions I made between property rights in information identity and intellectual property -- and end up arguing against a straw man. There has yet to be anyone who has actually taken on the theory of informational property rights I propose in my article. I'll eMail a copy of my article to anyone who wants one.

Getting back to Schulman's attack on Huebert

Again, what attack on Huebert? I wrote:

"What I most object to in your article is your phrase 'a panel on the war on terrorism where only one panelist, Harry Browne, took the libertarian position.'

"Your statement is offensive, arrogant presumption.

"Libertarians are divided on the war on terror."

Like it or not, I qualify as a libertarian, both by long service as a movement activist, as a writer who has been identified both myself and others as a libertarian (and blacklisted in Hollywood for being a libertarian, by the way). Mr. Huebert was saying that there is only one true libertarian position on the war on terrorism, and he gets to say which one it is. I'm sorry, but I don't let myself get written out of a movement I've been active in for three decades by a college senior. He needed to be told by someone older and more experienced to watch his manners and I told him. That's not a personal attack; it's a benevolent correction.

--first, he points out that at back in 1993, he himself described Giuliani as "a small-time fed with ambitions of making a political reputation for himself as a Grand Inquisitor" and stated in a footnote to the article, "Rudolph Giuliani is one Republican I wish would go against the trend and become a Democrat. He's a ruthless opportunist whose political career I hope stalls where it is." Yet now Giuliani is rehabilitated in Schulman's

eyes.

I said I gained respect for him. I still don't like his politics. Am I not permitted to respect anyone who doesn't agree with me about everything? That would be awfully lonely.

Why? Because, "I don't think any mayor could have done a better job than *Rudolph Giuliani* did following the attack on his city. His post-911 performance won my respect, and I even began resenting him less for his prosecution of Michael Milken once Ben Stein explained during his Q&A why Milken was, after all, a thief."

I have no idea why Giuliani's actions in the aftermath of 9-11 mean he is now a libertarian,

Hold it right there. I didn't say it made him a libertarian -- and that leap is a cheap shot unworthy of people discussing serious issues.

nor why Giuliani's "post-911 performance" means FEE should highlight him so prominently.

Ah. That is a separate issue. I can think of many worthwhile reasons why FEE might want Rudolph Giuliani as a keynote speaker. Maybe they anticipate his current popularity will place him in a position of influence and power useful to them at some future time. For an institute that wishes to transition from influencing merely "the remnant" (that is, preaching only to the converted) to having influence outside its own circle, the idea of opening a dialogue with those holding more conventional viewpoints might be seen as sensible. Of course an Amish farmer or a Roman Catholic monk might see it differently; there are always those content to stay away from the hustle and bustle of the world and contemplate their ideas in a separate peace. But even Henry David Thoreau found himself interacting with the world, the attraction of Walden Pond's isolation growing tiresome for him.

And what, exactly, did Giuliani do, that is supposed to be so great? He kept his composure in press conferences? If Giuliani had been a craven idiot at the time, what difference would it have made, exactly? Would 3000 have not have been killed? Would the city have been "sadder"? Would more, or less, federal dollars been given to NYC in welfare handouts? What? I've been mystified every since 9-11 at the worship of Giuliani's "handling" of the "crisis."

For one thing, Rudolph Giuliani showed compassion for those who were harmed, for those heroes who tried to save them, for those who gave a damn about their fellow man. I know few calling themselves libertarian who have shown any demonstrable feeling that 3,000 of their countrymen were murdered -- I certainly have not encountered it either in print or in person -- and I have read and personally heard plenty of sneering against those of us who have expressed any feeling about the matter. Don't tell me you haven't heard these sarcastic sneers too or I'll start naming names. I don't know where the idea came from that being an individualist means living as an island, but it's not the libertarianism of any of the great libertarian thinkers or writers -- and I include Ayn Rand in that. Rand, for all her paranoia,

insecurity, and oversensitivity to criticism, still showed a much greater sense of compassion than most of those calling themselves "students of Objectivism," many of whom define themselves as libertarians today.

The damage had already been done, after all. In any event, even courage under fire does not make one a libertarian, nor appropriate as a keynote speaker and guest of honor for a supposedly libertarian organization, and one that advocates economic education, at that.

One does not need to be a libertarian to warrant being invited to speak to a libertarian organization. By your reasoning, no libertarian should ever be invited to be the keynote speaker for any non-libertarian organization and there are a whole lot more non-libertarian organizations than libertarian ones. Apparently Mark Skousen's crime is daring to interface a venerated libertarian monastery with the rest of the world, much of which has never encountered libertarian ideas and desperately needs to.

Schulman concludes his letter, "By the way, I applaud FEE for inviting Mr. Giuliani to speak. Unlike Mr. Read, and like libertarians ranging from Murray Rothbard to Robert LeFevre to Karl Hess to Samuel Edward Konkin III, I consider that any idea worth holding is worth defending in lively debate. Mr. Giuliani just might learn in that setting why he should read Human Action." Giuliani read Human Action? As Gary North commented, "If he gets paid \$75,000 [by FEE as an honorarium for never having heard of Human Action, it's difficult to see why he should start now."

Put me at a dinner table next to the ex-mayor for a half hour and I'll spend the time giving him a libertarian reading list (starting with my own novel, *Alongside Night*, a libertarian parable which takes place in a near-future New York City). I'll get him to start understanding the value of the libertarian intellectual tradition, I promise you.

People do change. George McGovern, perhaps one of the most left-wing candidates the Democratic Party ever ran for president, retired to run an Inn, in Vermont, if I'm not mistaken. After finding out what incredible burden of regulations and taxes a small businessman had to deal with on a daily basis, his political philosophy shifted dramatically.

As for Ben Stein, Schulman claims now that the illustrious jack-of-all-trades and master-of-none,

Oh, really?

Here's an excerpt from Ben Stein's bio on his website at <http://www.benstein.com/bio.html>:

"He graduated from Columbia University in 1966 with honors in economics. He graduated from Yale Law School in 1970 as valedictorian of his class by election of his classmates. He helped to found the *Journal of Law and Social Policy* while at Yale. He has worked as a poverty lawyer in New Haven and Washington, D.C., a trial lawyer in the field of trade regulation at the Federal Trade Commission in Washington, D.C., a university adjunct at American University in Washington, D.C., at the University of California at Santa Cruz, and at Pepperdine University in Malibu, CA. At American U. He taught

about the political and social content of mass culture. He taught the same subject at UCSC, as well as about political and civil rights under the Constitution. At Pepperdine, he has taught about libel law and about securities law and ethical issues since 1986.

"In 1973 and 1974, he was a speech writer and lawyer for Richard Nixon at The White House and then for Gerald Ford. (He did NOT write the line, "I am not a crook.") He has been a columnist and editorial writer for The Wall Street Journal, a syndicated columnist for The Los Angeles Herald Examiner (R.I.P.) and King Features Syndicate, and a frequent contributor to Barron, where his articles about the ethics of management buyouts and issues of fraud in the Milken Drexel junk bond scheme drew major national attention. He has been a regular columnist for Los Angeles Magazine, New York Magazine, E! Online, and most of all, has written a lengthy diary for ten years for The American Spectator. He also writes frequently for The Washington Post, The Wall Street Journal, op. ed. and almost every other imaginable magazine.

"He has written and published sixteen books, seven novels, largely about life in Los Angeles, and nine nonfiction books, about finance and about ethical and social issue in finance, and also about the political and social content of mass culture. However, his most recent book is about life with his eleven year old son Tommy. He has done pioneering work in uncovering the concealed messages of TV and in explaining how TV and movies get made. His titles include A License to Steal, Michael Milken and the Conspiracy to Bilk the Nation, The View From Sunset Boulevard, Hollywood Days, Hollywood Nights, DREEMZ, Financial Passages, and Ludes. He has also been a longtime screenwriter, writing, among many other scripts (most of which were unmade ) the first draft of The Boost, a movie based on Ludes, and the outlines of the lengthy miniseries Amerika, and the acclaimed Murder in Mississippi. He was one of the creators of the well regarded comedy, Fernwood Tonight.

"He is also an extremely well known actor in movies, TV, and commercials. His part of the boring teacher in Ferris Bueller's Day Off was recently ranked as one of the fifty most famous scenes in American film. Starting in July of 1997, he has been the host of the Comedy Central quiz show, "Win Ben Stein's Money." He is also the host of his own talk show, "Turn Ben Stein On."

"He is at present at work on a brand new show for Comedy Central."

I don't know about you, but there are a lot of people who would consider that a career filled with worthwhile accomplishments. And if that isn't enough to convince you, go on his show and try winning \$5,000 from him. Go on. I get most questions right on Jeopardy and I'm not confident enough to try out for his show.

the Clear-Eyes commercial actor, Ben Stein, "explained," during a "Q&A", that Milken was, "after all," a "thief." Oh, well if Ben Stein says so, that settles it!

Well, Mr. Stein did write an entire book on the subject, *Michael Milken and the Conspiracy to Bilk the Nation*. It's conceivable that he might know something about the topic.

If we are defer to authorities to settle the Milken issue, I'd prefer Rothbard to Stein, in both ethics and economics.

I don't recall Murray Rothbard writing an entire book on the subject. It's possible Dr. Rothbard missed something in his comments on the Milken case. Oh, I forgot. Libertarians are infallible.

In particular, take a look at Rothbard's comments on Milken in chapters 28 and 49 of his *Making Economic Sense*.

Schulman continues, "What I most object to in your article is your phrase 'a panel on the war on terrorism where only one panelist, Harry Browne, took the libertarian position.' Your statement is offensive, arrogant presumption." Hunh? It's not arrogant for Huebert to think the proper libertarian position is antiwar.

Yes it is, and it is arrogant and presumptuous for you to say so as well. Libertarianism is not identical to, or equivalent to, pacifism. I would be as offended by being written out of the libertarian movement if someone wrote that anyone who does not grant equal rights to dolphins, or eats meat, isn't a true libertarian.

Robert LeFevre fought as a captain in World War II. Robert A. Heinlein was an Annapolis graduate and a naval officer on United States aircraft carrier. Ayn Rand supported just wars, as did Ludwig von Mises -- von Mises even supported conscription during wartime, which I devoted a book to opposing.

Libertarianism favors individual liberty. There are wars of defense and wars of liberation. Sorry, but intellectual honesty, love of liberty, and defining ethical and moral behavior is more complicated than merely being opposed to all wars. Being against all war under all conditions is intellectually lazy and, in my opinion, morally nihilistic.

What is arrogant is the belief that pro-war, pro-Israel libertarians have a monopoly on moral outrage.

Excuse me but where did Israel enter the discussion? It certainly wasn't in Mr. Huebert's article and was not mentioned in my response. I also don't recall that Israel had anything to do with the hijacking of American private-enterprise jetliners by Islamic terrorists which were deliberately crashed into office buildings in lower Manhattan and Washington D.C.

At the FEE convention, I believe my only statement about Israel was criticism of the Israeli Prime Minister for comparing George W. Bush to Neville Chamberlain and for not acting like a very good or trusting friend to the United States in our time of crisis. If you want my more complete thoughts on the subject, I refer you to my article "Unholy Lands," published on Jerry Pournelle's website at <http://www.jerrypournelle.com/reports/special/unholy.html> .

Nor do I recall monopolizing moral outrage. Quite the contrary: I would welcome some moral outrage from my fellow libertarians regarding the attack on our country. With some notable exceptions, I'm still waiting.

As for being pro-war: I supported the Cold War against the Soviet Union and its satellites because they were vicious totalitarian mass murderers. I had mixed feelings about the Vietnam War, but was utterly opposed to conscription for it -- and for any other war, for that matter. As I stated earlier -- and I'll get back to it -- I opposed the Gulf War. I've wanted the United States national defense policy to be far more America First. This is the first war in my lifetime that started with a sneak attack on America that makes the Japanese attack on Pearl Harbor look gentlemanly by comparison. At least the Japanese tried to deliver a declaration of war prior to commencing hostilities -- they just had a slow typist. The cowardly

sons of bitches who sent the attackers of 9/11 still haven't come out of their caves and identified themselves. If ever there was a just cause for making war, this is it.

Schulman goes on:

Libertarians are divided on the war on terror. [] Some oppose the war because they take a pacifistic approach reminiscent of my old friend, Robert LeFevre. Some libertarians are knee-jerk opposed to anything done by the United States Government. Then there are libertarians such as myself who consider themselves American patriots in the tradition of the founding fathers, who object to theocratic terrorists hijacking our private-enterprise passenger jetliners and ramming them into our office buildings, murdering thousands of our countrymen, and laying waste to our country's oldest commercial trading districts and our national defense headquarters.

This is the typical approach of pro-war libertarians. It dishonestly, smugly implies that anti-war and anti-federal government libertarians do not oppose the 9-11 attacks and are not patriots.

You're goddamned right. There's nothing sly or secretive about my opinion on this. I consider Americans who do not enthusiastically support the campaign of the government in the United States to wage war on the secret foreign legion who attacked and are continuing to threaten our country to be less than patriotic. You actually have to love the defining values of your country to be a patriot. You actually have to understand why the United States of America, for all its imperfections and backsliding into the Anglo-European statism from which we seceded, was founded by the only successful revolution in human history -- the only revolution in human history which actually produced greater freedom -- and continues to be a beacon of freedom for the entire human race. The Declaration of Independence and the Bill of Rights to the Constitution of the United States are the most important libertarian documents in human history, and these are the crucial founding documents of the United States of America, that which distinguishes our country from the rest of history and the rest of the world. You have to understand that those who attacked on 9/11 really do hate us because of our libertarian values, specifically our religious tolerance and secular government, our support for feminine rights, our not regarding ourselves as slaves of God.

I have spent my life defending the values of the Declaration of Independence and the Bill of Rights. Anyone who's read my books -- and I know you have, Stephan, because you read and liked my Heinlein Interview book back in the GENIE Science Fiction RoundTable days -- knows that I've spent plenty of ink and pixels criticizing my government for its statist content and departure from our founding values. I have regarded myself, and still regard myself, as an anarchist propertarian -- an agorist, in Samuel Edward Konkin III's lexicon.

But being an anarchist-propertarian, an agorist, does not mean that I worship institutional structure to the point of nihilism. It does not mean that I have to make the good the enemy of the perfect. I prefer that our social institutions be voluntary but the ones that now exist aren't. I'd prefer that taxation not be burdensome but it is. But the body count and economic burden of the government of the United States is still a fraction of that caused by the rest of the world. There is nothing in American history -- and I

include the Civil War, the Trail of Tears, Wounded Knee, and Waco -- to compare to the mass exterminations of Mao in China and Tibet, Stalin in the Soviet Union and Eastern Europe, Hitler in Europe, the Japanese in China, the North Vietnamese in South Vietnam -- and let's not even get into the average daily holocaust in Somalia, Ethiopia, or the Balkans.

Post 9/11, I have not seen a fraction of the appreciation deserved for the United States coming from libertarian pundits during our time of common crisis. Instead I have seen and heard libertarians propound absurd conspiracy theories that agents of our government in conspiracy with "ruling class interests" engineered the destruction of our chief financial district and national defense headquarters, the decline of our stock markets, massive economic dislocation, the turning of our largest city into a Hazmat zone, and the deaths and injuries of thousands on the lame theory that someone wanted another goddamned oil pipeline, which would be worth a fraction of the damage sustained. I've seen and heard endless bitching about how how this war isn't being fought by the rules of engagements of previous wars. I've that the American government benefited from the attacks because the FBI got greater wiretapping authority. The lack of moral sensibility and sense of proportion astonishes me.

I.e., according to Schulman--if you don't support the Feds on this one, you are not a patriot and you don't even oppose terrorist attacks on American skyscrapers. Instead, either you are pro-war, or you are a "kneejerk contrarian [pacifist]". No middle ground, eh Neil? Let me make it clear, Neil--any libertarian worth his salt of course condemns and opposes the murder of innocent Americans by crazed Islamic terrorists. Duh! Some of us even, gasp, support retaliation--yes, by the feds--against those acting with those terrorists and posing a threat to innocent Americans. This support is reluctant because, as libertarians, we recognize what a dangerous entity the feds are, and that much terrorism has been generated--but not justified!--by American imperialism. (See Lew Rockwell's Peace Archive for insightful commentary on such distinctions and subtleties.)

And you consider yourself a patriot? There is NOTHING the United States did that justified hijacking American passenger jetliners and crashing them into office buildings. That is blaming-the-victim horseshit.

American imperialism? Has it occurred to you that twice in the last half century the United States had the possibility of a worldwide American imperium in its grasp and walked away from it? Both in 1945, as a nuclear monopolist, and after the collapse of the Soviet Union, in 1989, if the United States had any real imperial objectives, the dreams of Caesar, Napoleon, and Hitler were within our grasp, for the taking if we wanted it. It's probably still within our grasp, if the American character weren't fundamentally live-and-let-live. Rule the world? Americans don't care enough about foreigners to want to rule them. We just want to sell from them and buy from them and otherwise leave each other alone. If I hear the vicious, untrue libel "American imperialism" one more time I'll puke.

Schulman is right in describing Islamic terrorists as "ongoing threat from a bunch of unreasonable dickheads who consider their grievances more important than our lives and property". Of course this is correct. And of course, it is even more true of the feds, as Schulman knows. Every day the feds take about half my earnings from me. I suspect they will for the rest of my life. This is a serious, systematic, almost



inescapable violation, and its chance of occurring is about 100%. Whereas, my chances of being harmed by a terrorist attack are much smaller, and even manageable to some degree. What would most reasonable people choose, if given the alternative: freedom from federal government taxes for the rest of your life; or a guarantee that you would not be killed in a terrorist attack? Well, I'd like to have both guarantees, but if I had to choose, I know which one I would pick (and I suspect Schulman, if pressed, would say the same). So which is the more dangerous criminal entity--the feds, or Islamic terrorists? Which violates the rights of Americans on a systematic, severe basis? Gee, I dunno.

I do know. Go with that thought. There is lots of dead weight on the American government I'd be happy to lose, starting with most of the cabinet departments. Sure, I think we're getting ripped. But comparing that to what the Al Queda would like for us is nonsensical.

You evidently don't take the terrorist threat seriously. You evidently think 9/11 is a unique and irreproducible event. I hope we don't have to have another day like that to prove your calculation incorrect.

Schulman also writes, "I consider myself an isolationist. I did not support the Gulf War, which I considered defense of a monarchy." Waitasec--the problem with the Gulf War was NOT that it was a "defense" of monarchy. There were many reasons for libertarians to oppose the Gulf War--taxes, deaths of innocents, fomenting hatred of America, unconstitutional executive actions required to support it, etc.--but "defense of monarchy" is the weakest criticism imaginable. In fact, as Hans-Hermann Hoppe points out in *Democracy: The God that Failed*, monarchy is preferable to democracy, from a libertarian perspective, in many ways.

There you go. Let's bring back George the Third and his imperial governors. And never mind that the United States of America is a republic, not a democracy.

If Kuwait had been a bastion of libertarianism, and the imperialist dictator Saddam Hussein had invaded to grab its oil fields, should the United States have stood by and let it happen if in doing so we were fomenting hatred of America? Yes, I too, would prefer that Congress pass a declaration of war before we send troops to war, but somehow I doubt that you're such a constitutional purist that this is what's really getting your goat. But you're now convincing me that you really don't have a clue of the value of what we have in America -- how rare and unusual it is, how lucky we were that the framers of our system of government were both lovers of liberty and genuine geniuses. For a movement supposedly favoring economic logic, libertarians seem incredibly dense to me in correctly appraising the sheer value of their country.

Or was this curiously out-of-place attack on monarchy meant to be a veiled jab at the Mises Institute, LewRockwell.com, and Hans Hoppe?

Nah. I simply remember who we fought a revolution to get shut of. Go see The Patriot again. It might do you as much good as Rudy Giuliani reading Atlas Shrugged.

Neil

--

"Aslan is on the move."

Duj Pepperman Enterprises: <http://www.dujpepperman.com>

Pulpless.Com Book Catalog: <http://www.pulpless.com>

The World According to J. Neil Schulman: <http://jneil.tv>

The World Wide Web Gun Defense Clock: <http://www.gunclock.org>