

The INDEPENDENT

NEWSLETTER OF
THE INDEPENDENT INSTITUTE



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Summer 2008

Forums Promote Peace and Prosperity

Last quarter at our center in Washington, D.C., the Independent Institute held two events featuring recent Institute books, *Making Poor Nations Rich*, edited by Benjamin Powell, and *Twilight War*, by Mike Moore.

Ending Global Poverty

Too often, efforts to end world poverty have focused on wealth redistribution rather than wealth creation—usually with disastrous results—according to the speakers at the Independent Policy Forum of February 21, “The Secret to Making Poor Nations Rich.”

Latin Americans, among others, have long faced a false alternative between competing policies that do little or nothing to create a climate conducive to entrepreneurship—the engine of

(continued on page 5)



Alvaro Vargas Llosa, George Ayittey and Benjamin Powell address the Independent Policy Forum.

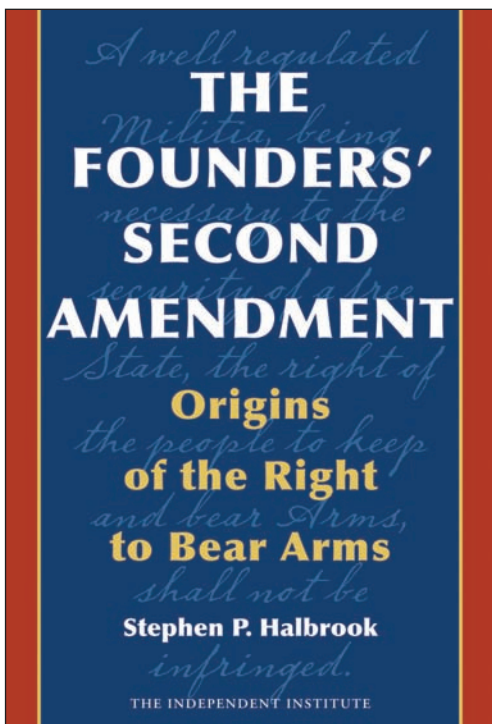
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New Books on the Second Amendment and Empire

With the U.S. Supreme Court to rule soon on the meaning of the Second Amendment in the *District of Columbia vs. Heller*, the intent of the Amendment is under scrutiny.

The Founders of the American republic sought to guarantee “the right of the people to keep and bear arms” as a fundamental liberty. They also declared a “well regulated militia” to be necessary to secure “a free state.” But what experiences led them to adopt the Second Amendment, and what did it mean to them?



The Founders' Second Amendment: Origins of the Right to Bear Arms, by Stephen P. Halbrook, answers this question by providing the first book-length, scholarly account of the nature of the right of the people to keep and bear arms during the generation of the Republic’s Founders.

The book captures the views of the Founders
(continued on page 7)

President's Letter:

Deeds of Courage and Principle

"We must make the building of a free society once more an intellectual adventure, a deed of courage. . . . [There] must be individuals who are willing to stick to principles and to fight for their full realization. . . . Those who have concerned themselves exclusively with what seemed practicable in the existing state of opinion have constantly found that even this had rapidly become politically impossible as the result of changes in a public opinion which they have done nothing to guide."

—F.A. Hayek, Nobel Laureate in Economics



Twenty years ago, I founded the Independent Institute to serve as a beacon of liberty and a source of practical, yet academically sound solutions to a wide range of social and economic issues. Over the years, the Independent Institute has involved the work of intellectual leaders of the highest caliber who can redefine and redirect public debate.

For example, we recently won the 2008 Sir Antony Fisher International Memorial Award for publication of our book *Street Smart: Competition, Entrepreneurship, and the Future of Roads*, edited by Gabriel Roth. The judging panel noted the exceptional merit of *Street Smart*, calling it "excellent," "rigorous," "A+," "comprehensive," "impeccable," and "highly readable." Roth has been interviewed on radio stations across the country and articles by the book's authors have appeared in the *Wall Street Journal*, *Dallas Morning News*, *New York Times*, *San Francisco Chronicle*, and *Atlanta Journal-Constitution*.

Similarly, based on our new book, *The Founders' Second Amendment*, its author Stephen Halbrook has filed an Amici Curiae Brief in the precedent-setting U.S. Supreme Court case of *District of Columbia vs. Heller* on behalf of 55 Senators, the Senate President, and 250 members of the House of Representatives.

Such intellectual entrepreneurs are exactly the type of people involved with the Independent Institute—and their work is featured in the Institute's books (p. 1, 7), quarterly journal *The Independent Review* (p. 3), events (p. 1), and media programs (p. 4).

Hence, we invite you to become an **Independent Associate Member** and expand the impact of our far-reaching program. With your tax-deductible membership, you can receive free copies of our new publications plus other benefits (see enclosed reply envelope).

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The Independent Review

Gas Shortages • Quarantines • Liberty Under Siege

The *Independent Review* continues to blaze new scholarly trails. Here is a sampling of stimulating articles from the Spring 2008 issue.

Thwarting Gas Refineries

A 1972 bestseller, *The Limits to Growth*, predicted that a crisis of natural resource exhaustion and pollution would soon lead to global economic collapse. Those predictions have not materialized. Instead, the discovery of new fuel sources, such as tar sands and geopressured brine, have increased known energy reserves; U.S. air quality has improved over the past 40 years; and the global economy has somehow managed to grow year after year.

Environmental apocalypse may be a mirage, but bad policies inspired by it are very real. One result can be seen at the gasoline pump, according to **Craig Marxsen** (University of Nebraska, Kearney). In “Politically Contrived Gasoline Shortage,” Marxsen argues that regulations fueled by false visions of eco-catastrophe have discouraged the expansion of gasoline-refinery capacity and thereby have contributed to persistently rising gas prices.

Not one new-site refinery has been built in the United States since the mid-1970s, Marxsen notes. Overregulation has greatly weakened the incentives to invest in expanded capacity. Regulatory compliance costs refiners up to 25 percent of their total capital spending. Frequent changes in the specifications for reformulated gasoline also reduce the profitability of a new refinery: they frustrate refiners’ efforts to maximize volumetric efficiency during peak demand periods.

See www.independent.org/publications/tir/article.asp?issueID=53&articleID=678.

Quarantine Powers Strengthened

In the spring of 2007, government public-health officials sought to quarantine globetrotting groom Andrew Speaker, whom they believed (falsely, as was later shown) carried a severe form of tuberculosis. Despite efforts to prevent him from flying home, he managed to evade the authorities, returned to the United States, and checked himself into a hospital on his own terms.

Although Speaker’s travails were relatively mild, recent legislation and executive orders have given government agencies broad authority to track down and quarantine suspected carriers of communicable diseases. **Becky Akers** examines trends in medical

confinement in “The Quarantine Quandry.”

Both the Department of Homeland Security and the Centers for Disease Control and Prevention have developed plans for widespread or community-wide quarantine in the event of an epidemic. Their powers, however, seem tame compared to the Model State Emergency Health Powers Act (MSEHPA). Adopted, at least in part, by most states, it gives governors discretionary power to quarantine, vaccinate against will, seize property, and criminalize non-cooperative doctors and citizens.

See www.independent.org/publications/tir/article.asp?issueID=53&articleID=681.



The Independent Review, Spring 2008

The Feds vs. the Constitution

Today all three branches of America’s national government disregard the Constitution in order to suit their political objectives and personal preferences, according to **Charlotte Twight** (Boise State University), author of the issue’s lead article, “Sovereign Impunity.”

“Most members of Congress now reflexively claim the power to federalize at will almost any aspect of American life, the Constitution notwithstanding,” Twight writes.

Twight begins her analysis by examining four bills passed by Congress—the Bipartisan Cam-

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The Independent Institute in the News

• **Center on Law and Justice:** Research Fellow **Stephen P. Halbrook** wrote on the Supreme Court gun-ban case for the *North County Times* and was featured on C-SPAN discussing oral arguments. His book *That Every Man be Armed* was cited in the *Las Vegas Review-Journal*. Research Fellow **Don B. Kates** wrote on handgun bans for the *Contra Costa Times* and *Oakland Tribune*. Research Director **Alexander Tabarrok** was quoted in *USA Today* on gun buybacks, and wrote on the subject for the *Oakland Tribune* and *Contra Costa Times*.



Independent Institute Senior Fellow Alvaro Vargas Llosa on C-SPAN's "Washington Journal."

• **Center on Entrepreneurial Innovation:** Senior Fellow William Shughart wrote on time change for the *Chicago Tribune*, *Birmingham News*, and *Sun Herald* (MS), and on economic stimuli for *Visión Hispana*. *Electric Choices* editor and Research Fellow **Andrew Kleit's** book campaign included more than 20 radio interviews. Research Fellow **John Semmens** wrote on gas prices and public transit for the *Washington Times* and *Connecticut Post*. Tabarrok wrote on the economy for *Forbes.com* and the *Hawaii Reporter*, and on housing for the *New York Times*; he was interviewed by CNBC and Fox Business. Research Fellow **Gabriel Roth** wrote on congestion and rail for the *Hartford Courant*, *Honolulu Star-Bulletin*, and *Washington Times*. Radio coverage of Roth's book *Street Smart* included more than 40 interviews across the U.S. and Canada.

• **Center on Global Prosperity:** Director **Alvaro Vargas Llosa's** syndicated column reached more than 3 million people weekly. He was quoted in the *Christian Science Monitor* on Raul Castro and cited in *La Nacion* (Argentina) on Obama; broadcast interviews included C-SPAN's "Washington Journal," CNBC, KQED (San Francisco), WQED (Pittsburgh), Voice of America, and Cadena Ser (Spain). *The Futurist* reviewed Research Fellow **Benjamin**

Powell's new book *Making Poor Nations Rich*, which was also covered by C-SPAN's BookTV. Powell did more than 30 radio interviews promoting the book, and NPR's Marketplace interviewed contributor and Research Fellow **Robert Lawson**.

• **Center on Peace and Liberty:** Director **Ivan Eland** wrote on foreign policy for the *Detroit News*, *Tampa Tribune*, *Free Lance-Star* (VA), *Washington Times*, *Sacramento Bee*, and *AntiWar.com*. His broadcast coverage included BBC TV and Radio, 570 News (Ontario), Radio Free Europe, Al-Jazeera, and CBC TV (Canada). He was quoted by *La Opinion*, *Miami Herald*, *Republican-American* (CT), and *La Tercera* (Chile); and his book *The Empire Has No Clothes* was cited in *Forum* (ND). **Robert Higgs's** books *Neither Liberty Nor Safety* and *Resurgence of the Warfare State* were reviewed in *The Freeman* and *Federal Lawyer*, respectively. He wrote on the defense budget for the *Christian Science Monitor*. Research



Independent Institute Research Director Alexander Tabarrok on Fox Business.

Fellow **Mike Moore** promoted his book, *Twilight War*, through more than 15 radio interviews, including WBEZ Chicago Public Radio, CKNW (Vancouver), and WMUZ (Detroit); it was reviewed by *Space Review* and featured on C-SPAN's BookTV. Moore wrote on weapons in space for the *Washington Times* and *San Francisco Chronicle*, and was quoted in the *New York Times* and *Herald Tribune* (FL). Research Fellow **Charles Peña's** op-eds on Iraq and the Homeland Security Department ran in the *Washington Times* and *Bulletin* (PA). He was quoted in the *San Antonio Register* and *Monterey County Herald*, and interviewed by Al-Jazeera.

For current stories and additional coverage, visit www.independent.org/newsroom/.

Independent Policy Forums: Promoting Peace and Prosperity

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economic progress—**Alvaro Vargas Llosa** (Senior Fellow, the Independent Institute) told the audience. The failure of the “modernizers” of the 1990s to reform their legal systems created a political backlash that brought hard-left “reactionaries” to power in many countries, he said.

Throughout Africa, poverty has been made more entrenched by leaders who seize government power to enrich themselves at the public’s expense, argued **George B. N. Ayittey** (American University). For entrepreneurship to thrive, Western countries must cut the government-to-government aid that has enabled the continent’s leaders “to rip and plunder Africa’s treasury for deposit in Switzerland,” Ayittey said.

Benjamin Powell (Research Fellow, the Independent Institute) discussed several success stories from countries that enacted reforms to encourage entrepreneurship. From the mid-1980s to the late 1990s, Ireland grew almost 10 percent per year after cutting government spending and tax rates, he said. Similarly, Botswana’s economy grew quickly for 30 years, after embracing property rights, basic economic freedoms, and the rule of law in the mid-1960s.

“When it comes to multinationals, I’m not particularly optimistic that they’ll have a big part in [the developing world],” Powell said. “My hope would be more with the indigenous people there who are pushing for change.”

The speakers’ presentations drew heavily from their chapters in *Making Poor Nations Rich: Entrepreneurship and the Process of Economic Development*, and the program was aired on C-SPAN’s Book TV.

[A transcript and audio file of this event are available at www.independent.org/store/events.](http://www.independent.org/store/events)

An Arms Race in Space?

Although the wars in Iraq and Afghanistan currently capture the lion’s share of media attention on military affairs, the next battleground for large-scale international rivalry may be in space, according to the panelists who spoke at the Independent Policy Forum of March 7, “The New International Arms Race in Space—and How to Avoid It.”

Peter T. Hays (Eisenhower Center for Space and Defense Studies) presented a short history of military interest in space. During the 1980s the United States and the Soviet Union reached an impasse over negotiations on space-related weapons, he explained.



KIRK WURST

(Clockwise from top left) **Peter T. Hays**, **Theresa Hitchens**, **Jeff Kueter**, and **Mike Moore** address the Independent Policy Forum.

The failure to reach an international agreement is only one factor driving an arms race in space, **Theresa Hitchens** (Center for Defense Information) explained. Falling costs of technology and the potential to integrate space-related weapons with terrestrial military tactics are also causes.

China, the leading potential U.S. rival for space dominance, has “both the means and the motive to exploit space for security purposes,” said **Jeff Kueter** (George C. Marshall Institute). He also noted the difficulties of crafting and enforcing a treaty to restrict space weapons.

Mike Moore (The Independent Institute; author, *Twilight War: The Folly of U.S. Space Dominance*) argued that the potential benefits of a treaty on space weapons would be tremendous.

“We could sit down [with China’s negotiators] and talk seriously for two or three years,” he said. If negotiations were to collapse, “we wouldn’t lose any ground,” he added, because the U.S. is so far ahead of China.

The session was moderated by **Ivan Eland** (Director of the Institute’s Center on Peace & Liberty), who noted that the space arms race shares a key similarity with the Cold War: “The U.S. never really wanted to limit anything while it was still ahead,” he said.

[A transcript and audio file of this event are available at www.independent.org/store/events.](http://www.independent.org/store/events)•

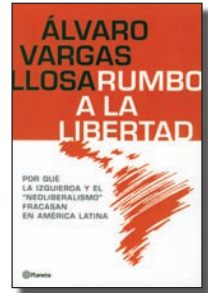
Institute Books Reach Global Audience



According to Wikipedia, “Think Globally, Act Locally” was originated by the founder of Friends of the Earth to incorporate ideas of sustainability and a healthy environment into a broader agenda. While the prevailing doomsday predictions of many environmentalists have sparked international controversy, the underlying principle of having local impact to affect larger change is commendable. Think tanks around the nation and world are built on this very notion, and we at the Independent Institute want to take it one step further and demonstrate our commitment to thinking globally, and acting globally. Internationally recognized as an incubator for groundbreaking ideas, we work to communicate those ideas to active, concerned citizens, whom we are proud to call friends and supporters, and the people who make and shape policy.



But we must continue to ask ourselves: Who are we missing? Where else can these ideas be heard? And in this respect, the Institute is working hard to capitalize on the wealth of wonderful ideas that our expert analysts provide and is ensuring that the message of liberty, entrepreneurship, and prosperity has a reach far beyond our own. From Brazil, to Italy, to Eastern Europe and everywhere in-between, best-selling publications of the Independent Institute such as *Liberty for Latin America* and *A Poverty of Reason* are being translated and put on the shelves for our global audience to have at their fingertips. •



The Independent Review: Gas Shortages • Quarantines • Liberty Under Siege

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paign Reform Act, the reauthorization of the USA PATRIOT Act, the alternative minimum tax, and REAL ID legislation—and argues that each was an unconstitutional expansion of the central government’s power at the expense of individual liberty. She then examines President George W. Bush’s unwillingness to veto unconstitutional bills and his controversial use of signing statements.

Finally, Twight examines three cases in which a narrow majority of the Supreme Court has undermined the First Amendment (*FEC v. Wisconsin*

Right to Life), the Fifth Amendment (*Kelo v. City of New London*), and the Interstate Commerce Clause (*Gonzales v. Raich*).

Will the erosion of Constitutional checks on government power subside? Twight is not optimistic. “Most people identify with one of the two dominant political parties, neither of which now upholds the limits on national government power prescribed by the Constitution,” she concludes. See www.independent.org/publications/tir/article.asp?issueID=53&articleID=676. •

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New Books: *The Founders' Second Amendment* • *The Empire Has No Clothes**(continued from page 1)*

Praise for
The Founders' Second Amendment

“Halbrook has produced what promises to be the standard work for years to come on the origins of the Second Amendment.”

—**Donald W. Livingston**, Professor of Philosophy, Emory University

*“I enthusiastically recommend **The Founders' Second Amendment.**”*

—**Joyce L. Malcolm**, Professor of Legal History, George Mason University School of Law

in their own words as found in newspapers, correspondence, and debates in political assemblies. Their British antagonists, who sought to disarm the unruly Americans, also speak for themselves in proclamations and secret communiques. Parts of the story are based on archival sources revealed for the first time ever.

“The Crown’s attempts to disarm the colonists as a contributing grievance in the chain of events leading to the American Revolution and the imperative of guaranteeing the right to have arms in bills of rights are themes that pervade the thinking of the Founders’ generation,” writes Halbrook.

Although *The Founders' Second Amendment* answers such questions as whether the Founders sought to guarantee an individual right or a collective right, it also shows that the Amendment’s history is interesting for reasons that go far beyond its usefulness in resolving modern legal controversies.

At last, readers can fully comprehend the Founders’ understanding of what is necessary to

guarantee, as the Second Amendment itself states, “the security of a free State.”

To pre-order *The Founders' Second Amendment*, go to www.independent.org/store/book_detail.asp?bookID=72.

The Costs of Empire

Although the United States is still among the freest and wealthiest countries on the planet, its projection of military power overseas has cost Americans more than they realize in both treasure and liberty, according to Independent Institute Senior Fellow **Ivan Eland**.

In *The Empire Has No Clothes: U.S. Foreign Policy Exposed (Updated Edition)*, Eland explains how this empire came into existence. He then presents a systematic yet concise case that the U.S. empire undermines principles shared by Americans across the political spectrum. He concludes by proposing a foreign policy that would both protect national security and honor the vision of the republic’s founders.

In this updated edition, Eland provides additional insights that take into account new scholarship and new realities.

To pre-order *The Empire Has No Clothes, Updated Edition*, go to www.independent.org/store/book_detail.asp?bookID=54•

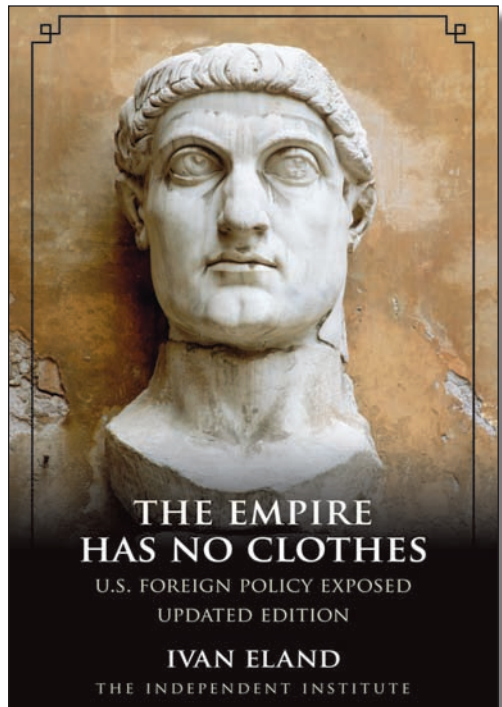
Praise for
The Empire Has No Clothes

“This book is the sobering antidote for the imperial wine that has impaired the judgment of American politicians—Republicans and Democrats alike—since the end of the Cold War.”

—**Harvey M. Sapolsky**, Public Policy and Organization, MIT

“Dr. Eland makes a persuasive case that current U.S. national security policy is actually undermining our security and civil liberties.”

—**Lawrence J. Korb**, former Assistant Secretary, U.S. Department of Defense



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GALA FOR LIBERTY**Gala For Liberty Set for September 16**

The excitement is building! The Independent Institute is thrilled to announce that Archbishop Desmond Tutu will be among the guests of honor at the Independent Institute's Gala for Liberty later this fall. Archbishop Tutu will be among those honored with the **Alexis de Tocqueville Memorial Award**, which is given out every few years to the most deserving candidates. Be sure to mark your calendars for September 16, 2008 and plan to join the Independent Institute for a night celebrating liberty, peace, and prosperity around the world. •

Fiscal Year Brings Fresh Start

Like many organizations, the Independent Institute runs on a fiscal year, and the date that indicates our year is coming to an end is quickly approaching! With the arrival of June 30, 2008, our slate is wiped clean. Once again we will begin raising the \$3 million-plus that it takes to reach people across the globe, our mission being the redefinition of the debate over public issues, and fostering of new and effective directions for government reform.

While we can only imagine what is in store for us as we look ahead, we know that the need for liberty, prosperity, and the rule of law remains constant. Moreover, we believe that the Independent Institute has impact because policy makers,

opinion leaders, and the media rely on our peer-reviewed, non-partisan research and analysis, and know it is not a front for any vested interests or political agenda. We work to offer innovative, well-thought-through solutions to today's most important challenges. As we prepare to close out our books this year, we urge you to re-double your commitment to the Independent Institute with an additional contribution or begin providing financial support if you are not doing so already. Whether it's \$50, \$500, or \$5000, we can promise you we'll put your tax-deductible donation to work efficiently and effectively.

In closing, the Independent Institute would like to thank each and every donor for your commitment to freedom. Your generosity makes this work possible and we are so grateful for all your support. We look forward to working with you in the year ahead as we continue to press on in the battle of ideas!

For more information on how to donate to the Independent Institute or for information regarding Independent Institute associate membership, please contact **JuliAnna Jelinek**, Development Director, at 510-632-1366 x153, JJelinek@independent.org. •

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