

The INDEPENDENT

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Illuminating What Governments Hide

To help shed light on the War on Terrorism, recent Independent Policy Forums have examined government secrecy regarding Iraq, the Vietnam War and the National Security Agency:

● **SECRECY, FREEDOM AND EMPIRE: Lessons for Today from Vietnam and the Pentagon Papers** (Oct. 23): **Daniel Ellsberg** began his career as a U.S. Marine company com-



(clockwise from top left) **Daniel Ellsberg, David Kirp, Barton Bernstein, Edwin Firmage, David Henderson, and Jonathan Marshall** at the Independent Policy Forum, "Secrecy, Freedom and Empire."

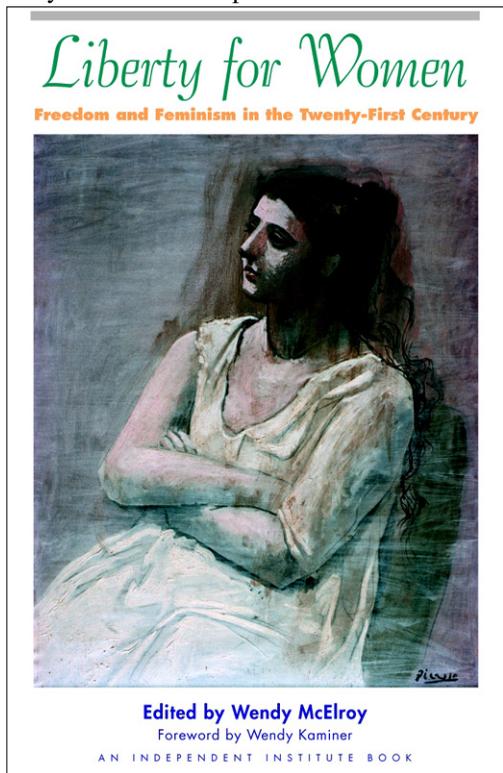
mander, a Pentagon official, and a staunch supporter of U.S. global intervention. But, in October 1969, Ellsberg smuggled out and made public a 7,000-page, top-secret study of deci-

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Liberty for Women Widely Acclaimed

The Independent Institute is pleased to announce the publication of a landmark book, *Liberty for Women: Freedom and Feminism in the Twenty-first Century*, edited by Independent Institute research fellow **Wendy McElroy**.

Liberty for Women examines a wide variety of topics from the perspective of the new individualist feminism that goes beyond the dominant attitudes of today's feminist orthodoxy. Rooted in the pro-freedom ethos of the



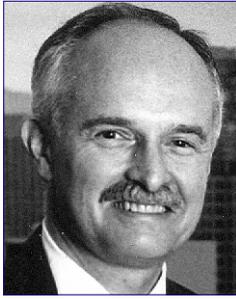
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19th century anti-slavery movement (whose leaders were among the first champions of women's rights), individualist feminism is based upon the right of *all* human beings to protect their persons and property.

Individualist feminists, as **Wendy Kaminer** explains in the book's foreword, take freedom of choice seriously, applying the prin-

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President's Letter:

Disinformation and Government Powers

In the aftermath of September 11th and based on the claims of government officials, the Bill of Rights has been seriously compromised as government agencies have been given unprecedented surveillance and police authority, including unaccountable powers to arrest people and intercept all private communications, transactions, and records. Most Americans naively believe that their not being terrorists will keep them and their privacy safe from such powers.

But these new powers are akin to allowing a city police department, when confronted with an at-large gang of murderers, to seize the records of all of the citizenry, enter and search through all offices and homes without limit, and then arrest and hold in custody and without charge, trial, or counsel any person as a suspect for an indefinite period of time. This Orwellian system is based on the nonsensical view that only by having total control of all information in a society, can government bureaucracies root out terrorist threats.

Will such powers be used against the innocent? Without any accountability, the opportunity for abuse of such powers for political, commercial or personal reasons is enormous, and the record of such abuses even under prior constitutional restrictions is chilling.

For example, we now know that disinformation by government officials was key to the Gulf of Tonkin Resolution and Vietnam War, congressional hearings for the Persian Gulf War, claims for a new war in Iraq, as well as policies during the Civil War, Spanish-American War, World Wars I and II, and Cold War. Such lying is rationalized as patriotic and crucial in mobilizing public opinion and protecting national security. But is it?

The Independent Institute's events (see p. 1), publications (p. 5), and media programs (p. 4) are uncovering government disinformation and its impact on our lives and the world. We invite your involvement in boldly advancing such public understanding by visiting our website; using our books, audios and videos; and becoming an Independent Associate Member.

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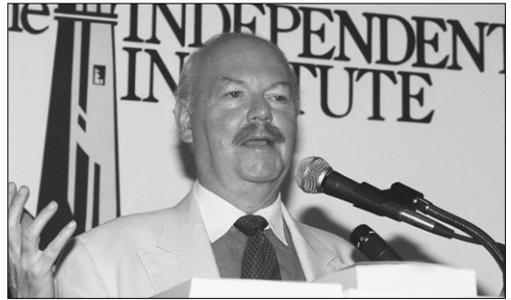
Independent Policy Forums: Pentagon Papers • Secrecy • War on Terrorism

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sion-making in Vietnam—the Pentagon Papers. Their release led to a landmark Supreme Court decision, the arrest and trial of Ellsberg, the crimes of Watergate, and the end of the Nixon presidency and Vietnam War.

Before an audience of nearly 1,500 and based on his best-selling book, *Secrets: A Memoir of Vietnam and the Pentagon Papers*, Ellsberg explained how he became the most important whistle-blower of the last 50 years, risking his career and freedom to expose the deceptions of U.S. leaders from Truman onward. His exposure to government lies, he said, began on his first day at the Pentagon, August 4, 1964, which was also the same day as the infamous Gulf of Tonkin incident. In time, the more he learned from top decision-makers, confidential documents, and reports of secret maneuvers, the more skeptical he became about the conduct and impact of U.S. foreign policies.

Ellsberg encouraged any would-be whistle-blowers who know of U.S. government deceptions about the War on Terrorism to follow in his footsteps.



James Bamford (author, *Body of Secrets: Anatomy of the Ultra-Secret National Security Agency*) addresses the Independent Policy Forum.

A panel of distinguished scholars joined Ellsberg, including public-policy professor **David L. Kirp** (Univ. of California, Berkeley), historian **Barton J. Bernstein** (Stanford Univ.), legal scholar **Edwin B. Firmage** (Univ. of Utah), economist **David R. Henderson** (Naval Postgraduate School) and **Jonathan Marshall** (research fellow, The Independent Institute).

The World Affairs Council of Northern California and the Richard and Rhoda Goldman School of Public Policy at the University of

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Liberty for Women: Freedom and Feminism in the Twenty-first Century

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principle of “a woman’s body, a woman’s right” to every issue that confronts women today. They also defend reproductive rights, reject victimhood, embrace men as full and valued partners, defend the legitimacy of both domesticity and monetary work, oppose censorship and laws restricting the sexual relations of consenting adults, support each woman’s right to self-defense and gun ownership, decry gender-based laws such as gender-based licensing and employment laws, affirmative action and comparable worth, and celebrate freely competitive markets and technology.

Liberty for Women presents the perspectives of eighteen scholars and writers, including **Camille Paglia**, **Richard Epstein**, **Nadine Strossen**, **Norma Jean Almodovar**, **Martha Nussbaum**, **Mimi Gladstein**, **Ellen Frankel Paul**, **Alexander Tabarrok**, **Cathy Young**, **Rita Simon**, **Richard Stevens**, **Hugo Teufel III**, **Matthew Biscan**, **Lois Copeland**, **Faith Gibson**, and **Janis Cortese**.

Liberty for Women offers surprising views on a wide range of issues confronting the modern woman, including self-defense, sexual freedom, economic well-being and employment, the poten-

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“This provocative book powerfully demonstrates that feminism is neither monolithic nor homogeneous.”

—**CHRISTIE HEFNER**

Chairman and CEO, Playboy Enterprises

“LIBERTY FOR WOMEN offers just the sort of intellectual barbs so sorely needed to jolt a near corpse back into life.”

—**ALEXANDER COCKBURN**, Columnist,

The Nation and *Los Angeles Times*

“LIBERTY FOR WOMEN is a matchless book on the most important issues facing women now and in the future.”

—**CHRISTINA HOFF SOMMERS**

Resident Scholar, Amer. Enterprise Inst.

“LIBERTY FOR WOMEN is a marvelous, incisive, and much-needed book.”

—**DAPHNE PATAI**, Professor,

University of Massachusetts

“The book’s authors remind us of the root cause of the women’s movement: more individual choice.” —**AMITY SHLAES**

Senior Columnist, *Financial Times*

“LIBERTY FOR WOMEN offers much food for thought.”

—**PUBLISHERS WEEKLY**

The Independent Institute in the News

- Discussions about the War on Terrorism and the U.S. Department of Homeland Security included comment from senior fellow **Robert Higgs** (*Al-Ahram Weekly* (Egypt, 8/15), *Democrats.com* (8/30), *MovingIdeas.org* (9/4), *UPI* (9/5), nationally syndicated *Chicago Tribune* columnist Steve Chapman (9/6), *Sun-Sentinel* (FL, 9/8), *Orange County Register* (9/8), *AlterNet.com* (10/11), and *National Review* (10/14)). Higgs also appeared on two episodes of the PBS program “Uncommon Knowledge” (July).
- *The New York Times* columnist Nicholas Kristof quoted research fellow and **ENTREPRENEURIAL ECONOMICS** contributor **David Kaserman** about his chapter showing how financial incentives can end the organ donation shortage (11/12).
- In an editorial, *The Northern Virginia Journal* (8/21) favorably quoted **Robert Nelson** and **Alexander Tabarrok**, contributor to and co-editor of, respectively, the new Institute book **THE VOLUNTARY CITY**. An op-ed by co-editor **Peter Gordon** discussed how government failure motivates the secession movements in Los Angeles (*Daily News of Los Angeles*, 7/21).
- Articles in the Institute’s quarterly journal, **THE INDEPENDENT REVIEW**, titled “Terrorism, Interest-Group Politics, and Public Policy” by Roger Congleton and “The Secrets of Worldwide Drug Prohibition” by Harry Levine, were discussed by *WorldNetDaily.com* columnist Joel Miller (10/11) and *UPI* (8/10, 10/25). Prominent news websites, such as *DrudgeReport.com*, linked to *UPI*’s Congleton interview.
- Research fellow **Alvaro Vargas Llosa**’s analyses of Latin America have appeared in *Diario de las Americas* (Miami, 6/28, 9/5, 11/12), *San Francisco Chronicle* (8/18), *Tercera* (Chile, 8/31), *Analitica* (Argentina, 11/11), *Observa* (Uruguay, 11/15), *El Panama America* (Panama, 11/15), and *Libertad Digital* (Spain, 11/15).
- Research director **Alexander Tabarrok** explained the flaws of plurality voting in *Science News* (11/2) and on “The Brian Lehrer Show” on New York-based NPR affiliate WNYC (11/5). **TO SERVE AND PROTECT** author and senior fellow **Bruce Benson** was interviewed on privatization in security on Wisconsin Public Radio, “Conversations with Tom Clark” (11/4).
- *The Women’s Quarterly* excerpted the Institute book **LIBERTY FOR WOMEN** on protecting women against violence by self-defense (summer 2002). *The Public Interest* (fall 2002), *National Review* (7/1), and *Reason* (7/2) also reviewed the book, and *Penthouse* (Dec.) ran an article by the book’s editor, research fellow **Wendy McElroy**.
- **Wilfred Beckerman**, author of the new Institute book, **A POVERTY OF REASON**, critiqued the U.N.’s Johannesburg Summit on Sustainable Development in a commentary in the *Taipei Times* (Taiwan, 9/1), *La Nacion* (Costa Rica, 9/1), *El Pais* (Spain, 9/1), *Le Figaro* (France, 9/2), *Rzeczpospolita* (Poland, 9/7), and elsewhere. KABC-AM’s Larry Elder interviewed research fellow **Michael Krauss**, author of the Institute book **FIRE AND SMOKE** (Los Angeles, 9/26).
- **Daniel Ellsberg**’s Independent Institute presentation generated stories in the *Contra Costa Times* (10/20), *San Francisco Chronicle* (10/20, 10/23), *Oakland Tribune* (10/23), *Berkeley Daily Planet* (10/25), and *The Daily Californian* (10/25). An Institute event aired by C-SPAN2 with **Lewis Lapham** generated coverage in the *Oakland Tribune* (9/19) and *San Francisco Chronicle* (9/24), and commentary by research fellow **Jonathan Marshall** in the *San Francisco Chronicle* (10/20), participant **Alan Bock** (*Antiwar.com*, 10/1), and *Contra Costa Times* columnist Karen Hershenson (9/29).
- Following the federal court decision on the Microsoft case, the *Los Angeles Times* (11/4) and *TheStreet.com* (11/1) sought out comment from **Stan Liebowitz**, co-author of the Institute book **WINNERS, LOSERS & MICROSOFT**. Public affairs intern **Paxton Hehmeyer**’s related op-ed appeared on *TechCentralStation.com* (8/15).
- An op-ed on the FDA by research fellow **Daniel Klein** and research director **Alexander Tabarrok**, co-authors of the Institute’s web site *FDAREview.org*, ran in the *Providence (R.I.) Journal* (10/25), and *Life Extension* ran an article on the site (August).
- The Institute book **HOT TALK, COLD SCIENCE** by research fellow **S. Fred Singer** was discussed in the *Boston Globe* (8/4). **William Shughart**, research fellow and editor of the Institute book **TAXING CHOICE**, was a guest on KQED-FM’s “Forum” (San Francisco, 8/16). ●

*The Independent Review:***Creating Wealth • Right to Earn • Drug Prohibition**

The Independent Institute's quarterly journal, *The Independent Review*, continues to bring in-depth perspectives on timely, current issues (subscriptions: \$28.95 per year).

- Could there be one single policy goal which, if enacted, would improve nearly every aspect of our lives far better than any alternative? Not only could such a goal exist, according to scholar **Frederick Turner** the goal should in principle have as much popular support as it has potential. That's because the policy goal would be simply to make everybody rich!

Universal prosperity would not make everyone happier, Turner notes, but it would greatly advance the causes of world peace, environmental protection, education, health care, women's rights, employment, sustainable growth, racial harmony, political liberty, scientific discovery, spiritual renewal and the arts.

Unfortunately, the vast majority of government policies undermine wealth creation. "If we look at our laws from this perspective, it is remarkable how many of them seem designed to prevent people from getting rich," writes Turner in the Summer 2002 issue of *The Independent Review*. "The first thing to do, obviously, will be to repeal many of those laws."

Turner then asks us to consider a thought experiment. "If we take all the money in the national budget except what is necessary to maintain a justice system, government administration, and a national defense, and instead invest it in sound growth funds for every child . . . we will be able to make everybody in the country independently wealthy in one generation.

"Or suppose Franklin D. Roosevelt had instituted a private rather than a public social security system. The money flowing into that system would have lowered interest rates and restored the capitalization of the corporations damaged by the 1929 crash. . . . Meanwhile, all those born of American parents would have inherited the remains of their parents' pensions—which, if invested today, would have made them millionaires."

See "Make Everybody Rich," by Frederick Turner (*The Independent Review*, Summer 2002) at www.independent.org/tii/content/pubs/review/tir71_turner.html.

- Most legal scholars since the New Deal have held that the right to earn an honest living as one chooses—free of government interference—does not exist, and that the Supreme Court's past support of such a right was unprecedented or illegitimate.

On the contrary, argues **Timothy Sandefur**, the right to earn a living rests on solid historical ground that stretches back to the Magna Carta. "[It was] the New Deal's repudiation of protections for economic liberties [that] was the new, ahistorical reading of the law and one that has proven itself to be fallacious and dangerous," writes Sandefur in the Summer 2002 issue of *The Independent Review*. The early twentieth century "is generally cited as the beginning of an era of laissez-faire jurisprudence, but in fact it was the continuation of a trend whose roots went back for centuries."

Sandefur traces the Anglo-American history of economic liberty and "right to work" precedents to the Magna Carta's suspicions of royal control over economic opportunity. Right-to-work sentiments appeared throughout British



The Independent Review, Fall 2002.

law and were imported to early American law.

When ratifying the U.S. Constitution, four states included a ban on monopolies among their proposed bills of rights. "To the Framers," writes Sandefur, "the question of monopoly was not primarily a matter of economic efficiency but of natural right—the right to engage in the very labor that, Locke said, gave rise to all other property rights."

More directly relevant, according to Sandefur, is the fact that between the case of *Corfield v. Coryell* (1823) and the Slaughter House

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Independent Policy Forums: Pentagon Papers • Secrecy • War on Terrorism

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California, Berkeley, co-sponsored the event. For the transcript of “Secrecy, Freedom and Empire,” see www.independent.org/tii/forums/021023ipfTrans.html.

● **BIG BROTHER IS WATCHING** (June 6): To outsiders its initials once stood for “No Such Agency.” To its employees, they stood for “Never Say Anything.” Today the public knows that the ultra-secret National Security Agency manages spy satellites but knows little of its roles in the Cold War, the hunt for Osama bin Laden, and Echelon—the worldwide NSA project that many charge monitors innocent citizens illegally.

No outsider knows the NSA better than investigative journalist **James Bamford** (author,

bate in favor of a “bipartisan foreign policy,” **Lewis Lapham** (editor, *Harper’s*) told a capacity crowd of 1,150 at San Francisco’s Hotel Nikko. Lamenting the lack of debate on a war in Iraq, Lapham said, “I’m afraid that what we’re seeing here . . . is the decay of the democratic republic and the rise of what the people in Washington like to refer to as the New American Empire.”

The forum’s panel of distinguished journalists shared Lapham’s skepticism toward the War on Terrorism. **Alan Bock** (senior editorial writer, *Orange County Register*) said that to reduce U.S. vulnerability to terrorism, Americans must understand the motives of terrorists and recognize the risks of U.S. foreign intervention.



(left to right) Journalists **Lewis Lapham**, **Alan Bock**, **Jonathan Marshall**, **Seth Rosenfeld** and **Paul Weaver** address the Independent Policy Forum, “*The U.S. War on Terrorism: Myths and Realities*.”

Body of Secrets: Anatomy of the Ultra-Secret National Security Agency), who discussed the secret history of the NSA and the challenges since 9/11. Aired on C-SPAN2, Bamford’s remarks about NSA activities in the U.S. were especially revealing. For three decades prior to 1975, the NSA monitored—without search warrants—every telegram sent to or from the U.S. through Western Union.

Bamford also recounted perhaps the most corrupt plan ever concocted by U.S. officials, Operation Northwoods. Drawn up by the Joint Chiefs of Staff in the early 1960s, it was designed to create a pretext for a U.S. invasion of Cuba. It called for randomly shooting innocent bystanders in U.S. cities, sinking Cuban refugee boats, and fabricating evidence to implicate Castro. Although this plan was scrapped, that it was approved by high-ranking U.S. officials should give Americans pause.

For the transcript of James Bamford’s talk, see www.independent.org/tii/forums/020606ipfTrans.html.

● **THE U.S. WAR ON TERRORISM: Myths and Realities** (Sept. 24): The U.S. is in danger of losing its founding ideal of healthy, open de-

Jonathan Marshall (research fellow, The Independent Institute) then argued that arms and training for a civil war in pre-Taliban Afghanistan, installation of the shah in pre-Khomeini Iran, and strategic support for a ruthless Iraqi military officer named Saddam Hussein—were all U.S. “regime changes” that backfired badly.

Seth Rosenfeld (*San Francisco Chronicle*) warned that the USA PATRIOT Act is “one of the biggest expansions of police powers in decades,” and that Attorney General John Ashcroft has not fully answered the U.S. House Judiciary Committee’s questions about its use, even though the committee has primary responsibility for oversight. And, **Paul Weaver** (former Washington bureau chief, *Fortune*) said that the Dept. of Homeland Security grew out of the White House’s desire to show that it was moving quickly and dramatically.

For the transcript of “The U.S. War on Terrorism” see www.independent.org/tii/forums/020924ipfTrans.html.

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The Independent Review: Creating Wealth • Right to Earn • Drug Prohibition

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Cases (1873), some sixty cases in both state and federal courts dealt with the common-law right to acquire and possess property.

“The Constitution,” Sandefur concludes, “was formed in part to protect the individual’s right to pursue a business without wrongful interference. That right deserves protection by our courts today, just as it received protection by our courts for many centuries before the New Deal.” See “The Common Law Right to Earn a Living” (*The Independent Review*, Summer 2002) at www.independent.org/tii/content/pubs/review/tir71_sandefur.html.

- Over the past 80 years, every country on the planet came to ban at least some drugs. Why has drug prohibition become universal?

“There is no doubt that governments throughout the world have accepted drug prohibition because of enormous pressure from the U.S. government and a few powerful allies, but U.S. power alone cannot explain the global acceptance of drug prohibition,” writes sociologist **Harry G. Levine** in the Fall 2002 issue of *The Independent Review*.

One leading cause for drug prohibition, according to Levine, is that such laws rationalize

the expansion of police and military power. “Government officials throughout the world have used antidrug squads to conduct surveillance operations and military raids that they would not otherwise have been able to justify,” writes Levine.

Governments (and allied groups) have also found political advantages in anti-drug rhetoric. Further, “in many countries, popular and political support for drug prohibition also has been rooted in the widespread faith in the capacity of the state to penetrate and police many aspects of daily life for the ‘common good.’”

Criticism of the war on drugs has risen sharply in recent years, but this criticism won’t reverse drug prohibition anytime soon. “Prohibitionists and drug warriors in every country will fight tenaciously to maintain their local regimes, and enormous power will be employed to prevent the [prohibitionist United Nations] Single Convention of 1961 and its related treaties from being modified,” Levine concludes.

See “The Secret of Worldwide Drug Prohibition” (*The Independent Review*, Fall 2002) at www.independent.org/tii/content/pubs/review/tir72_levine.html. ●

Liberty for Women: Freedom and Feminism in the Twenty-first Century

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tial of technology, and the place of traditional values, including the family. Among the findings:

- Despite their hope of preventing violence against women, many feminists advocate restrictions on gun ownership that weaken a woman’s ability to defend herself. Unfortunately, the inadequacy of government-provided security makes the right of armed self-defense a high priority in today’s society.

- A woman has the right to control everything within her own skin. Every year, an estimated 46 million women worldwide, or 35 of every 1,000 women of childbearing age, have an abortion. In 1873, the infamous Comstock Act criminalized the mere distribution of information about abortion and birth control, and the 1996 Telecommunications Act attempted to extend the Comstock prohibitions to the Internet.

- As long as everyone involved is a consenting adult, the law should not restrict commercial sex work and sexually oriented media. Feminists should work for legal protection of sex workers and First Amendment rights against censorship.

- Two years after the Clarence Thomas/Anita

Hill controversy mainstreamed all-encompassing definitions of what constitutes sexual harassment, the U.S. Supreme Court began treating sexual harassment as actionable discrimination under Title VII of the 1964 Civil Rights Act. This has resulted in arbitrary workplace etiquette that discourages people from resolving personal conflicts on their own and encourages them to snitch

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INDEPENDENT SCHOLARSHIP FUND **Demand for ISF Aid Jumps Nearly 50%**

Families seeking tuition assistance from the **Independent Scholarship Fund (ISF)** continue to show a strong and growing demand for alternative educational opportunities. The ISF received 1,198 applications for the 2002-03 academic year, a 47% increase over the year before. This dramatic increase reflects worsening economic conditions, more applications from newly unemployed parents, and a greatly increased awareness of this program, as local media coverage of the ISF improved in both quantity and tone.



Marcus Photography

The ISF was established in 1999 to help improve K-12 education by promoting freedom of choice. With private school tuition out of reach for many families, public schools lack the “satisfy-or-lose-the-customer” imperative that spurs innovation in a free market. The ISF program encourages parents to consider alternatives for their children’s education, and parental involvement is key to the ISF’s success.

The median private school tuition paid by ISF recipients is \$4,140, and the maximum ISF award is \$1,500. Parents must pay that portion of their child’s tuition not covered by the scholarship award. This represents a significant commitment for most families: current ISF recipients have a median family income of \$31,000—less than half of the San Francisco East Bay Area’s median family income of \$65,857—and a correspondingly steep cost of living. But, parents are showing a willingness to secure a good education for their children.

ISF relies on support from generous individuals, businesses, and foundations. Unfortunately, current funding allowed the ISF to award 238 scholarships—helping only one-fifth of those who applied. With the growing demand, contributions to the ISF will be appreciated tremendously.

For further information or to make a tax-deductible contribution, please contact:

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Liberty for Women

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on others and use laws and regulations to settle personal scores. Adopting a common law tort and contract approach would require sexual harassment claimants to prove actual harm.

- Ending government regulatory and tax burdens would allow women (and men) to fully develop and utilize their talents by pursuing non-traditional high-paying jobs or starting new businesses. “Comparable worth” laws, in contrast, encourage women to stay in lower-paying jobs that reinforce stereotypes and intensify competition for traditionally “female” jobs.

- Women should be free to choose the circumstances under which they give birth and to have midwives assist them. The U.S. spends more than any other country on childbirth (per capita) but ranks very near the bottom of industrialized countries in perinatal mortality, even though physicians are present at 95 percent of the births. In the five countries rated highest, midwives—not physicians—are present at most births. Yet lawmakers, at the urging of the medical establishment, have criminalized midwifery.

Copies of ***Liberty for Women*** are available for \$18.95 paperback, \$30.00 cloth (add \$3 for shipping, California residents add sales tax).●

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