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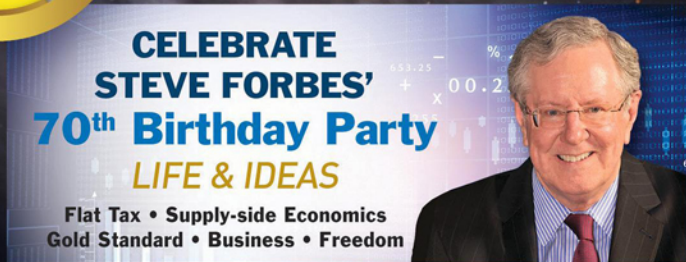



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Anthem
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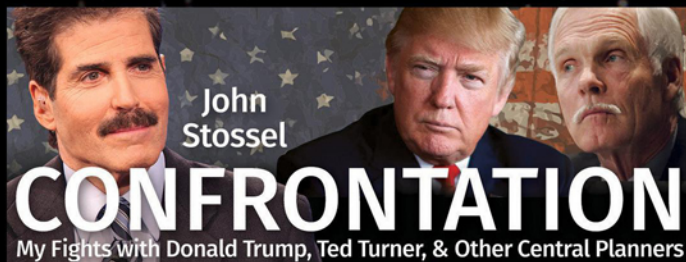
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Free Minds and Free Markets

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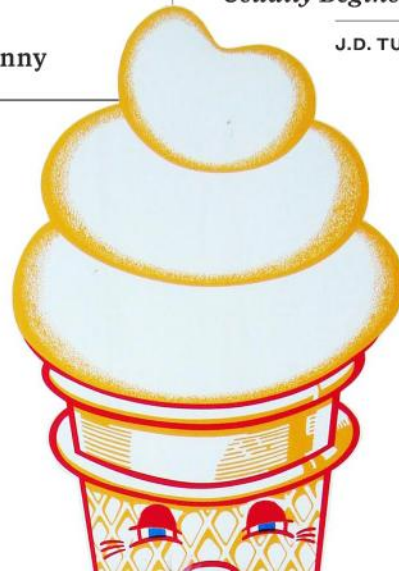
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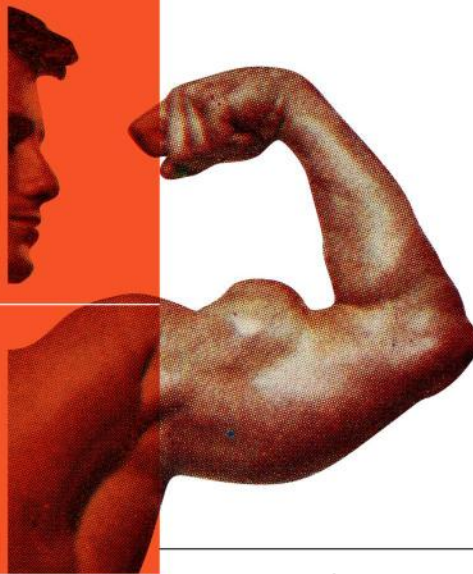
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A BIG FAT FREAK-OUT OVER DONALD TRUMP'S 'SKINNY' BUDGET

KATHERINE MANGU-WARD

PRESIDENTIAL BUDGETS HAVE all the legal force of a letter to Santa—they're essentially the White House asking Congress for a pony. The "skinny" blueprint released by the Office of Management and Budget in March is the result of even less consultation and collaboration than usual with the legislators who hold actual budget-making power, which makes wish fulfillment even more unlikely.

Nevertheless, when President Donald Trump announced \$54 billion in cuts to several federal agencies, the press immediately got to work on its own form of slash fiction, fetishizing the appropriations status quo and moaning over any possibility of budgetary restraint.

"Donald Trump Budget Slashes Funds for E.P.A. and State Department," declared *The New York Times*. *Gizmodo*: "Trump's Plan to Slash the NIH Budget Won't Just Hurt Scientists—It Will Hurt Everyone." *Bloomberg*: "Trump Would Slash Research in Cut to Health Budget." *Daily Kos*: "Trump would slash education budget...but pour \$1.4 billion into privatization." *Business Insider*: "Trump's slash-and-burn budget could hit his own political base the hardest." The metaphor makers at *The Washington Post* preferred smashing to slashing: "Trump's budget takes a sledgehammer to the EPA."

In fact, most of Trump's budget cuts take the targeted agencies back to federal funding levels of the mid-'00s—hardly

a Hobbesian state of nature. And despite the apocalyptic rhetoric, they're largely sensible trims that Republicans have been jawing about for years without having the chutzpah to actually propose them.

Cuts to Health and Human Services, for instance, clock in at a 17.9 percent decrease from the levels established so far in 2017 by continuing budget resolution. Some of those savings come from reduced appropriations to the National Institutes of Health (NIH). Scientists "brace for a lost generation in American research," reports *The Atlantic*. Never mind that funding for the type of research NIH produces already comes predominantly from non-federal sources. In the mid-1960s, the federal government footed the bill for about 60 percent of R&D. That number has since flipped, with about two-thirds coming from private sources for the last decade. The cuts, described in the *Atlantic* article as having "deadly" consequences, will take the federal component of NIH funding down to levels not seen since...2003.

You remember 2003, when pain treatment consisted of willow bark tea and natural philosophers were still trying to figure out the epicycles that would explain the movement of heavenly bodies around the earth.

Some programs were actually zeroed out in Trump's budget. Meals on Wheels, the food aid program for the elderly and



disabled, isn't one of them. The bulk of the program's funding comes through a line item in the Department of Health and Human Services budget that goes unmentioned in the blueprint (although the department is slated for a 17 percent cut overall). Some Meals on Wheels offices, which are locally run and employ a patchwork of funding, do receive relatively small amounts of federal cash through the community development block grant program, which is what Trump actually cut. The press panic over the future of the program was totally unwarranted.

One program that really is on Trump's hit list: the United States Institute of Peace (IOP). Anyone who has ever driven by the IOP HQ in Washington, D.C., might be forgiven for wondering whether the \$186 million spent on the structure was really the most efficient use of funds. *Architectural Record* once wrote that the building "evokes a geometric sketch of a single bird's outstretched wings"; *The Washington Post* preferred to call it "a duck amuck." This structure is located on one of the most valuable pieces of real estate in the capital, a huge plot right across the street from the State Department with a view of the Vietnam Memorial.

Even if the federal spigot runs dry, the IOP has long partially funded its laudable mission to pursue "a world without violent conflict" with private checks. Former diplomats and the occasional warmonger do penance in retirement by hosting black tie galas in its honor. Indeed, outside donors funded about a quarter of the construction costs for the white elephant—er, dove—itself.

While the National Aeronautics and Space Administration got a tiny 0.8 percent trim—bumping its budget back just a few years—the money earmarked for education has been zeroed out. Much of the \$115 million the space agency spent on education in 2016 went to programs targeted at cultivating interest and aptitude in American students for jobs at NASA.

But *astronaut* and *rocket scientist* aren't exactly careers currently suffering from high negatives. And while everybody likes to see the joy on a child's face when her

Most of Trump's budget cuts take the targeted agencies back to federal funding levels of the mid-'00s—hardly a Hobbesian state of nature.

ant farm reaches low earth orbit, it's hard to argue that's an essential function of government.

Other reductions are similar: Trump wants to cut the Department of Commerce by 16 percent, to \$7.8 billion, which will return the agency to its 2008 levels. Don't worry though: There's a little bit extra tossed in there for the Census—which is the only thing anyone has any idea the agency does anyway.

Trump's budget proposes \$59 billion for the Department of Education, a 13 percent reduction in funding, and diverts some of the money to promote school choice. Keep in mind, though, that the federal government supplies only about a tenth of the cash used to educate K–12 students, which means the impact on local districts is unlikely to be more than 1 or 2 percent of their actual spending. The budget explicitly does not cut funding for students with special needs. The department's largest program, which provides Pell grants to college students, remains untouched, though budgetary sleight of hand extracts almost \$4 billion from the program's surplus. (The Pell program keeps a bunch of cash on hand because it is essentially an entitlement that operates as part of the discretionary budget.)

Cutting the Environmental Protection Agency (EPA) by 31 percent brings total spending to \$5.7 billion, with some savings coming from getting rid of 3,200 bureaucrats. Those reductions are indeed large, and return the agency to funding and staffing levels not seen since shortly after its founding in the early 1970s.

While the early '70s were hardly the stuff of dystopian science fiction, both the air and water were substantially dirtier then than they now are. Will rolling back the EPA return us to those swim-at-your-own-risk days? Hardly. As *Reason* Science Correspondent Ron Bailey has noted, we have likely already reached a point of diminishing returns when it comes to federal environmental regulation. Despite the fact that GDP, vehicle miles traveled, population, and energy consumption have all increased dramatically since 1980, total emissions are down by 65 percent.

As American Enterprise Institute scholars Joel Schwartz and Steven Hayward point out in their 2007 book *Air Quality in America*, "Air quality has indeed improved since the 1970 passage" of the Clean Air Act, with drops in airborne smoke, soot, ozone, and sulfur dioxide. "But it was improving at about the same pace for decades before the act was passed, and without the unnecessary collateral damage caused by our modern regulatory system."

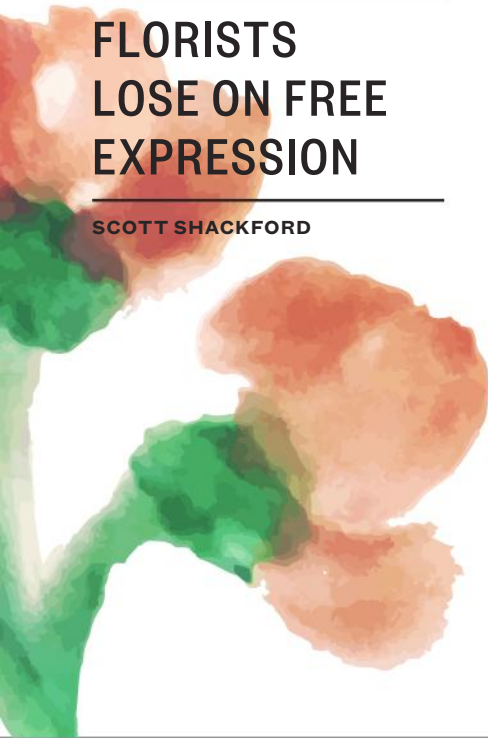
Trump's budget, alas, takes the money from all these hard-fought cuts and dumps it back into the security state, increasing funding for the military, border control, and law enforcement. Meanwhile, the document's brag that it "does not add to the deficit" has a bit of an "I've stopped beating my wife" vibe. While there's no guarantee a single Trump proposal will make it to the actual congressional budgeting process, the increases are typically more likely to survive than the cuts. Boosts for national security spending are a good bet as long as a Republican majority is slouching around Capitol Hill.

Still, the national discussion about dramatically cutting federal agencies usually peaks around the second GOP primary debate (and only then if there's someone with the last name *Paul* on the stage). The fact that some of that sentiment has made it all the way to an actual presidential budget is rather remarkable. Hope for that pony, somehow, springs eternal. ■

KATHERINE MANGU-WARD is editor in chief of *Reason*.

FLORISTS LOSE ON FREE EXPRESSION

SCOTT SHACKFORD



SORRY, FLORISTS: YOU may see yourselves as artists, but the state of Washington does not see bouquets as a form of expression. What's more: Regardless of how you feel about same-sex marriages, you must provide your services to gay couples or face punishment.

A unanimous Washington State Supreme Court in February held that a florist, Baronelle Stutzman, violated the state's public accommodation anti-discrimination laws when she declined to create floral arrangements for a same-sex couple planning a wedding.

The florist, owner of Arlene's Flowers, said she was not discriminating against gay people, which is forbidden under state law. Rather, she argued, she had religious objections to recognizing same-sex marriages. By forcing her to provide her services for one such celebration, she felt she

was being compelled to use her artistry to endorse an act—a wedding—that she fundamentally disagreed with, violating her First Amendment rights.

Forcing Stutzman to produce her crafts on demand doesn't just violate her conscience. It's arguably unnecessary, as there are plenty of other florists who are willing to apply their skills on behalf of gay couples.

But Washington's highest court dismissed all of Stutzman's arguments. It was not interested in making a distinction between rejecting gay customers and rejecting gay marriage, saying that would be like differentiating between discrimination against women who are pregnant and discrimination on the basis of sex. (Neither is allowed.) When she invoked her religious freedoms, the justices noted that the Supreme Court has set a precedent

WE ALL SCREAM FOR THE ICE CREAM MAN'S HEAD

LENORE SKENAZY

PAUL DIMARCO HAS been selling ice cream in Poughkeepsie, New York, for two decades. He owns a fleet of trucks. When one mom confided to him, "You gotta be careful because there's a lot of pedophiles in this world," he recalls replying, "That attitude falls into the same category as 'All black people that drive Cadillacs are pimps,' and 'All clowns kill little kids.'"

Of course, some real-life ice cream men *do* have soft-serve for brains. There were the guys in Bensonhurst, Brooklyn, who sold weed from their truck. Elsewhere in



New York, an ice cream guy named Kenneth Leiton was busted in 2009 for selling pills and coke; cops caught him when he was dumb enough to park the truck in front of his dealer's house. In Philadelphia in 2011, an ice cream truck was spotted weaving through the streets. Its operator was found guilty of driving drunk, and in his freezer authorities found not only ice cream novelties but a couple of bottles of his frozen pee. (In his defense, I've read it's hard to find a bathroom while on the job.)

And yes, even the classic nightmare scenario has happened: An ice cream man in upstate New York was found guilty of violating a 9-year-old in his truck in 2004. The incident inspired a state law making it a misdemeanor for a sex offender to operate an ice cream truck. The New York State Senate is now considering bumping that up to a Class D felony.

But hard cases make bad law, and this is no exception. There are more than 700 Mister Softee trucks alone in 15 states, and that's not counting all the other brands. A predator or two, a gaggle of drug dealers, and a horror movie—1995's *The Ice Cream Man* didn't do the industry any favors—do

“that individuals who engage in commerce necessarily accept some limitations on their conduct as a result.”

As for Stutzman’s free speech claim, the court took the same line seen in similar cases involving cakes and photography: It said requiring Stutzman to prepare flowers for a same-sex wedding does not amount to compelling her to endorse said marriages. Courts have likewise declined to accept the argument that creating a wedding cake is in and of itself expressive speech, though officials and courts have mostly drawn the line at forcing a baker to add actual text he or she finds offensive.

Stutzman has pledged to bring her case before the U.S. Supreme Court. For now, hers is the latest in a series of decisions in which state-level anti-discrimination



laws have been used to force small businesses to provide wedding services to gay couples.

The Supreme Court has thus far declined to take up any of the appeals. ■

SCOTT SHACKFORD is an associate editor at *Reason*.

not an entire profession dishonor.

Fear of ice cream peddlers points to a larger problem few parents want to admit to: our collective mistrust of any man who chooses to work with kids. From male day care employees to school bus drivers to Cub Scout leaders, they’re all potential predators until proven otherwise.

And they can’t prove otherwise. How can you prove a negative?

If we insist on background checking all ice cream salesmen, do we also have to background check all pet shop employees? All pediatric cardiologists? Is any male who interacts with a child automatically suspect? And how about women? They abuse kids, too.

Once you start insisting on government vetting, you’re trusting a system that has made “sex offenders” out of teenagers in love, streakers, and public urinators (even the ones who don’t freeze their pee). You’re also buying into the mistaken belief that no one convicted of a sex crime can ever be rehabilitated—even though the actual recidivism rate is only around 5 percent. Most importantly, you’re looking in exactly the wrong direction.

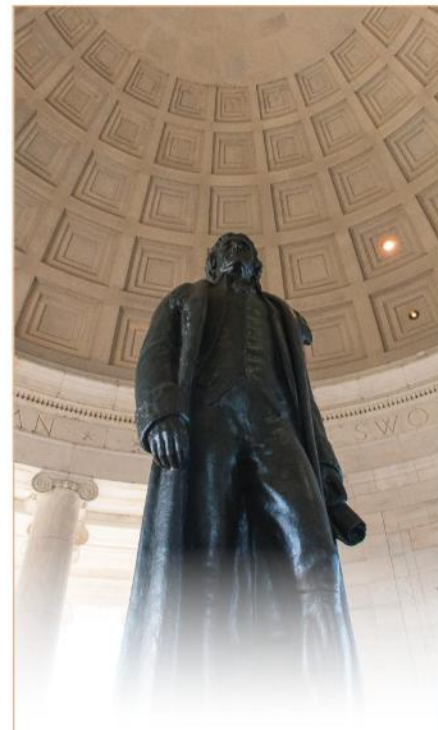
“It’s so much more comfortable to fear the unknown, the stranger,” says Sandy Rozek, spokeswoman for the National Association for Rational Sexual Offense Laws. “But that doesn’t fit the facts. Depending on the age of the child, between 90 and 99 percent of those who sexually molest children are the friend, the acquaintance, the family member.” Not the ice cream guy.

DiMarco, the fleet owner, does run background checks on his operators, as state law requires. But the idea that ice cream men cruise around looking for victims is simply an urban myth. As he told that worried mom, “Let’s get one thing straight. As far as these little kids go, there’s only one thing I want and that’s their money.”

And in the end, that may be the real reason parents are so scared: Somewhere in this bubble-wrapped, baby-proofed world, one group of adults is treating kids as human beings, not snowflakes.

How chilling. ■

LENORE SKENAZY is a public speaker and the author of the book and blog *Free-Range Kids*.



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WILL FLORIDA BAN FRACKING?

NIMBYism in the Sunshine State

RONALD BAILEY

FLORIDA PRODUCES VERY little oil and natural gas. According to the state's Department of Environmental Protection, it has just 64 wells in operation, which gave the world a total of 2 million barrels of oil and 20 billion cubic feet of natural gas in all of 2016. None of those were drilled using fracking techniques.

So why did the Florida Senate consider a ban in March? It turns out that familiarity breeds acceptance, according to a January 2017 working paper by the Oregon State University sociologist Hilary Boudet and her colleagues. In the Sunshine State,

the inverse seems to be true.

The authors wanted to find out how Americans who live next door to fracked wells feel about them, compared to folks who don't. So they analyzed nationally representative survey data probing the attitudes of nearly 20,000 people in nine waves between 2012 and 2016. They combined the survey results with data about how close respondents actually lived to oil and gas wells.

Among respondents who said they were familiar with fracking, which involves injecting high-pressure fluids into wells to create minute cracks that release trapped oil and natural gas, the researchers found "generalizable empirical evidence that those who are located closer to new unconventional oil and gas wells are more familiar with and more supportive of hydraulic fracturing." In other words, folks who live closer to wells are more likely to come down on the side of YIMBY—Yes In My Backyard.

Conversely, people living farther away from oil and gas development are more

likely to associate fracking with negative impacts. Respondents in Denver (12 miles away on average from a newly active well) are more supportive of fracking than respondents in Orlando (400 miles away on average). So Floridians say NIMBY—Not In My Backyard—even though fracking is nowhere near their backyards.

Combined with directional drilling, this form of unconventional well development has boosted daily U.S. oil production from 5 million barrels in 2008 to nearly 9 million barrels now, and it has increased annual U.S. natural gas production from a plateau in 1970–2005 at 18 trillion cubic feet to over 27 trillion cubic feet today. This helped to cut the prices of these fossil fuels to about half of what they were a decade ago. ■

Science Correspondent RONALD BAILEY is the author of *The End of Doom: Environmental Renewal in the 21st Century* (St. Martin's).



ISRAEL DECRIMINALIZES POT POSSESSION

JACOB SULLUM

"MORE AND MORE citizens are demanding marijuana use be permitted," Yohanan Danino, then Israel's police chief, observed in 2015. "I think the time has come for the Israel police, together with the state, to re-examine their stance on cannabis. I think we must sit and study what's happening around the world."

If it was surprising to hear a sitting police chief talk about tolerating cannabis consumption, it was even more surprising when the country's right-wing government followed Danino's advice, although it didn't go quite as far as he suggested. In March, the Israeli cabinet approved a plan to replace criminal penalties for possessing small amounts of pot with civil fines.

Under the plan, which was endorsed by Public Security Minister Gilad Erdan, a

PHOTO

TECH VS. TYRANNY

THIS MARCH at the technology conference South by Southwest, a group of international dissidents collected USB drives to be wiped clean, filled with news and other media, and smuggled into countries with oppressive governments. Passersby who wanted to donate a drive could do so by shoving it into the mouth of North Korean dictator Kim Jong-il. “The struggle for freedom used to be about who has more guns,” says the Human Rights Foundation’s Thor Halvorssen. “Now information is a key component.” ■



member of the conservative Likud Party, people 18 or older caught with up to 15 grams (half an ounce) of marijuana would be subject to a fine of 1,000 shekels (about \$275). The amount would be doubled for a second offense, while third-time offenders would receive probation, possibly coupled with treatment or additional sanctions, such as suspension of their driver’s licenses. Criminal charges would be possible, at the discretion of police, only after a fourth offense.

Possession of 15 grams or less is currently punishable by up to three years in prison, although the consequences are usually much less severe. Under attorney general’s directives issued in 1985 and 2003, people caught with small amounts of marijuana are not supposed to be

arrested for a first offense. Police have discretion as to whether charges should be brought for subsequent offenses.

Arrests for marijuana possession fell 30 percent between 2010 and 2015, from 4,967 to 3,425, in a country with a population of 8.2 million. By comparison, police in the United States, which has a population 40 times as big, arrested about 575,000 people for marijuana possession in 2015, or 168 times as many.

“The current law enforcement policy may come across as arbitrary and draconian, or, alternatively, a dead letter that is no longer enforced,” a committee appointed by Erdan concluded. Tamar Zandberg, a member of the left-wing Meretz Party who chairs the Knesset Special Committee on Drug and Alcohol

Abuse, said the new approach “sends a message that a million Israelis who consume marijuana aren’t criminals.”

While recreational use remains illegal, about 25,000 Israelis legally use marijuana as a medicine. Last year, the government made medical marijuana more accessible by letting more doctors prescribe it and allowing ordinary pharmacies to dispense it. In January the government announced \$2.1 million in funding for medical marijuana research, and 37 growers received preliminary permits in March, more than quintupling the number of cultivation sites. ■

Senior Editor JACOB SULLUM is the author of *Saying Yes: In Defense of Drug Use* (Tarcher/Penguin).



IDEAS

AN ECONOMIST GOES TO SHANGHAI

DEIRDRE NANSEN MCCLOSKEY

LAST OCTOBER, I found myself in an Uber being whisked along a bank of the Huangpu River. I'd just arrived in Shanghai, and several of my students were eager to take me to see the sights. They wanted to show me the Bund (rhymes with *fund*). That's the local, Persian-origin name for the promenade on which the Europeans a century ago erected a collection of 50 or so banks, trading companies, and insurance firms: the very heart of pre-Communist capitalism in China. The buildings, especially nice when illuminated at night, are done in 1920s Beaux-Arts or art deco style.

But what gobsmeaked me when we got out of the car wasn't the warmed-over continental architecture I'd been brought to admire. On the opposite side of the river rose the Pudong district. Thirty years ago Pudong was farmland, wretchedly farmed because it was collectivized. Then local Communist Party officials decided to plat it and put in water, sewerage, and a few roads—part of an experiment in opening up the economy that continues to this day. Officials were tempted to erect their own, state-financed version of the Bund in the new turf, but a professor from Hong Kong convinced them instead to offer 99-year leases and then let developers build whatever they wanted, with private finance and profit taking, doubtless with a little *baksheesh* on the side.

The result has been scores of immense modern skyscrapers, dwarfing the proud European buildings of the Bund. They now stretch for miles in that direction, typically 80 stories high, festooned along the river with garish advertisements and corporate logos, like the loveliness of Times Square or Piccadilly, though gigantically bigger. As I gawked, I realized that in Shanghai I was the rube (a term I later had to explain to my hosts). One colleague at Fudan University told me that when he arrived as a freshman in 1981, there were two modern skyscrapers in the city. Now there are 2,000.

Shanghai, about two-thirds of the way up the east coast, has been since the 1800s the most open place in China. It was forced open by Western governments establishing “concessions” where Europeans lived and traded in silk and opium and electric lights, out of reach of Chinese law. Aside from the so-called French Concession, which looks like a piece of Paris, Pudong and the rest of Shanghai are not beautiful, though the architectural standard is high. But taken as a whole it is immensely impressive and filled with meaning.

The bulk and busyness of the buildings proclaim: “Look what can be built in two short generations if the government will but do its modest job moderately competently, and for the rest leave people alone to profit themselves and enrich the nation.” The Bund was the old center of 1920s economic modernity, and yet the ordinary Chinese at the time were rickshaw drivers to the Europeans. Now Shanghai and in particular Pudong are



the new centers, and in a couple of more generations the ordinary Chinese will be as well off as Europeans.

Our left-wing friends will object to the lack of equality, citing the wealthy developers as disgraceful profiteers. Yet John Rawls-style, the poor have been made startlingly better off. Wages are twice as high in Shanghai as in the country's interior, inspiring the largest migration in human history, 200 million people moving mostly voluntarily, Robert Nozick-style, to the east coast to work in factories and to whiz around for an evening on electric motorcycles (for some reason without their headlights on). Real incomes in China have increased by a factor of 16 since Pudong was farmland.

JOHN MUELLER OF Ohio State wrote in 1999 a book called *Capitalism, Democracy, and Ralph's Pretty Good Grocery*. It's little wonder if you miss his joke, taken from Garrison Keillor's public radio show, *A Prairie Home Companion*. In Keillor's imagined Lake Wobegon, Minnesota, Ralph's Pretty Good Grocery is in its advertising comically modest and Scandinavian ("If you can't find it at Ralph's, you probably don't need it"). Mueller reckons that trade and elections, as they are imperfectly realized in places such

as Europe and now India, are pretty good. Capitalism is better than it is usually portrayed and democracy is messier than it is usually portrayed, but for both we do well to leave well enough alone. The "failures" to reach perfection in, say, the behavior of Congress or the equality of the United States' distribution of income, Mueller suggests, are probably not large enough to matter all that much to the performance of the polity or the economy. They are good enough for Lake Wobegon. We could drive across town to shop instead at the Exact Perfection Store, staffed by lawyers and economic theorists specialized in finding political and economic failures without asking how big they are. But it would lead to consequences we probably don't need.

Sweet statisticians will say of Shanghai, "The government did it!" They will point to all that platting and sewerage and road building. Their mistake might be called the "supply chain fallacy," an error that has dogged arguments about commerce and progress for centuries.

We see it nowadays in the Harvard historian Sven Beckert's fallacious claim that slavery was necessary for cotton growing, and in the University of Sussex economist Mariana Mazzucato's view that if a scientist got a National Science Foundation Fellowship when she was a graduate student, then all her subsequent works can be attributed to the government. It's the idea Barack Obama expressed when he told business owners, "You didn't build that."

It's a legal way of thinking,

not an economic way. The economist points out that if the private developers in Pudong had not gotten sewerage or roads from the government, the private developers would have built them without government help. Sometimes better. That is, in fact, what happens in India, whose local governments are corrupt and incompetent. Yet India's real per capita income since 1991 has grown almost as fast as China's, and recently faster.

And after all, Shanghai had a more interventionist government before, with nothing like the results that private development produced in Pudong. If planning is such a fine thing, pre-1978 Communism is the ticket. When the party ceased killing growth by killing businesspeople, real income for the poorest started doubling every seven to 10 years. India's story has been the same since 1991, after 44 wretched years of Gandhian socialism that led to poor-people-damaging rates of growth at which it would take seven decades to merely double.

People everywhere—China, India, even the United States—will leap into any space that can be opened up for growth and improvement. The professor from Hong Kong who convinced the authorities to take a hands-off approach to Pudong tells me that he realized how courageous the migrants were in bettering their lives, and those of their families, when at midnight in a mainland city he saw the sparks of a welder high up on a construction project, working, working through the night. ■

DEIRDRE NANSEN MCCLOSKEY is emerita professor of economics, history, English, and communication at the University of Illinois at Chicago. Her most recent book is *Bourgeois Equality: How Ideas, Not Capital or Institutions, Enriched the World* (University of Chicago Press).



THE DISAPPEARING SIXTH AMENDMENT

C.J. CIARAMELLA

YOU HAVE THE right to an attorney. If you cannot afford an attorney, one will be provided to you.

So goes the the Miranda rights spiel heard on 1,000 cop shows. But in many parts of the U.S., it's not quite true. Those who cannot afford a lawyer are left waiting for months to meet with public defenders already buried under other cases.

After Shondel Church was arrested for felony theft in 2016, the Missouri public defender service told him his case was winnable, but he would have to sit in jail six months before an attorney could prepare it. After waiting three months without a job and away from his family, Church took a plea deal. He's now the lead plaintiff in a federal class action lawsuit filed in March by the American Civil Liberties Union. The group is arguing that Missouri's woefully inadequate roster of public defenders violates poor residents' constitutional rights.

The Supreme Court ruled in the landmark 1963 case *Gideon v. Wainwright* that the Sixth Amendment guarantees a right to effective legal counsel. "Reason and reflection," the justices wrote, "require us to recognize that, in our adversary system of criminal justice, any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided to him."

But states have undercut the *Gideon* guarantee by chronically underfunding public defender services. The 370 attorneys doing the work in Colorado have a load of more than 80,000 cases a year. A 2014 study by the American Bar Association (ABA) found that in 97 percent of cases, Missouri public defenders failed to meet the ABA's

recommended minimum hours to effectively represent their clients.

And last year in Louisiana, where about 85 percent of criminal defendants qualify for a court-appointed attorney, 33 of the state's 42 public defender offices started turning away cases they said they no longer had the resources to handle. Their reasoning? What little legal assistance they could provide would be so ineffective as to violate defendants' constitutional rights anyway.

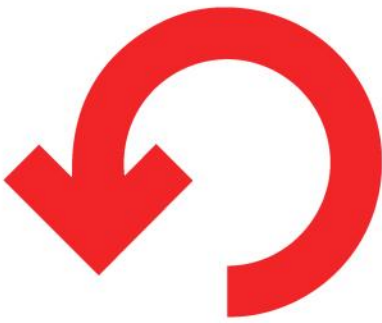
When public defender offices don't have time to investigate cases, file motions for discovery, or do any of the rudimentary legwork involved in preparing for trial, it leaves defendants at an enormous disadvantage. It's not a coincidence that Louisiana also has the highest incarceration level in the country and the second-highest wrongful conviction rate, according to the National Registry on Exonerations.

For the hundreds of thousands of poor defendants who churn through the criminal justice system every year, choosing between a plea deal or months

in jail waiting on an attorney who will barely know the details of their case is a lose-lose proposition. **■**

C.J. CIARAMELLA is a reporter at *Reason*.





ECONOMICS

DEAR GOP: TAX CREDITS ARE NOT THE ANSWER

VERONIQUE DE RUGY

IF YOU LIKE social engineering done through the tax code, you'll love the House Republicans' health care plan. It takes the refundable tax credit that Obamacare provides to most people who get their coverage through a government-run insurance exchange and replaces it with a refundable tax credit available to anyone who buys a plan on the individual market. The bill, which has yet to make it to a floor vote, would if passed make our already nightmarish Internal Revenue Code even more complicated and tax season even more painful.

Regular tax credits allow an amount to be deducted directly from income taxes owed. Unfortunately, they're often poorly designed: They introduce unnecessary complexity and ambiguity to the tax code while usually failing to properly target the desired activity or population. In addition, while tax credits can seem lucrative to their recipients, they're often counterproductive for the economy as a whole.

Take, for example, the federal credit extended to U.S. companies for research and development. It is one of the largest corporate tax carve-outs in our tax code, amounting to about \$9 billion a year. It's also an archetype for how these efforts can go wrong.

The benefits of the R&D credit are highly concentrated—the top 1 percent of American firms claim more than 82

percent of associated dollars. And because the design of the credit is so complex, companies must redirect scarce resources away from producing something of value to their customers and toward securing the handout. "Because the credit cannot be precisely defined, businesses are incentivized to spend large amounts of time and money lobbying Congress and tax regulators to ensure the credit is renewed and tailored to suit their specific interests," the Mercatus Center's Jason Fichtner and Adam Michel explained in a 2015 paper. "Significant resources are also wasted as parties attempt to interpret, litigate, and follow the law."

Despite the costs, there's no proof the R&D credit leads to significantly more or better innovations.

"Refundable" tax credits—the kind that become cash transfers from the government to people who don't owe any taxes—have all the same problems as regular tax credits, and on top of that require actual government outlays. According to a Congressional Budget Office report, the feds this year will receive \$238 billion less than they otherwise would (in 2013 dollars) because of tax credits, including needing to make some \$150 billion in direct expenditures.

The Earned Income Tax Credit (EITC), a darling of both parties, is even more lopsided. The program, which offers a wage subsidy to low-income workers, provides roughly \$70 billion in annual benefits, \$60 billion of which counts as government spending. Meanwhile, 94 percent of the current Obamacare tax credit takes the form of outlays, according to the Cato Institute's Michael Cannon, and the Republican substitute would likely be similarly expensive.

It is wrongheaded and paternalistic to use the tax code as a system of reward or penalty, as opposed to just being a means of raising revenue while introducing as few distortions as possible to the economy. The GOP's proposed health care tax credits are no better in this regard than the long-decried individual mandate, which punishes people for not buying a product Washington wants them to.

We already have a long list of tax

credits meant to influence our behavior, nudging us to have more kids, save more money, drive electric vehicles, buy a house, go back to school, and more. Politicians justify the credits as either promoting good things (such as homeownership) or discouraging bad ones (such as pollution from fossil fuels). But as the economists Ed Lazear and Jim Poterba wrote back in 2005, "Such arguments are usually difficult to support with empirical evidence, and they lead to special privileges and a myriad of tax breaks that are likely, on balance, to reduce the efficiency of the tax system."

Republicans, who currently hold majorities in both the House and the Senate, regularly claim they want a fairer, simpler tax code. But the credits they seem to love are far more likely to be the product of special-interest lobbying than a careful study of social externalities. ■

Contributing Editor VERONIQUE DE RUGY is a senior research fellow at the Mercatus Center at George Mason University.

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REPUBLICANS DON'T LACK A PLAN TO REPLACE OBAMACARE. THEY LACK A UNIFIED THEORY

PETER SUDERMAN



THERE HAS NEVER been a shortage of GOP substitutes for Obamacare, from think tank white papers to congressional committee frameworks to fully drafted bills. But in the seven years that congressional Republicans spent promising to repeal and replace President Obama's health care law, none ever moved beyond the development phase, because what Republicans lacked wasn't a plan. It was a theory.

After the Affordable Care Act (ACA) passed, when Republican legislators were asked what sort of health system they preferred, most would say something about lowering costs, increasing affordability, and improving access. Some might criticize Obamacare for covering too few people, as Senate Majority Leader Mitch McConnell did in January. "What you need to understand is that there are 25 million Americans who aren't covered now," he said on CBS News. "If the idea behind Obamacare was to get everyone covered, that's one of the many failures."

But improved affordability and accessibility is an outcome, not a system. Republicans almost never took the time to describe the basic mechanics of how their preferred health care system might work. As a result, when the GOP took control of both Congress and the White House this year and the time came to draw up an actual plan to repeal and replace the ACA, it struggled to get out of the gate. Proposals were repeatedly altered and delayed.

After the House repeal bill was released in March, it was met with an immediate chorus of criticism—with the loudest voices coming from the right.

IN HIS 2015 book *Overcoming Obamacare*, journalist Philip Klein wrote that conservatives and libertarians have generally split into three schools of thought on what should take the place of the ACA. The first group, which Klein dubbed the *reform school*, believed that those who opposed Obamacare should nonetheless take its existence as a given. The reform school is not so much a theory of health care policy as one of health care politics: Because Obamacare is already the law of the land, and industry players and state governments have organized themselves around it, opponents have to accept it as, at the very least, a starting point. The idea is not really to repeal Obamacare, but to improve it by pushing things in a more market-friendly direction.

That might mean incremental changes, like deregulating the law's exchanges. But in the long run, it could provide a path to reforms of the larger entitlement system. In a plan put forward by Avik Roy, the founder of the Foundation for Research on Equal Opportunity, a modified Obamacare could serve as a vehicle for the overhaul of Medicare, the nation's most expensive program, and the biggest single driver of America's

long-term debt. At its most ambitious, the reform school would make a bargain—accepting some basic tenets of the ACA in exchange for sweeping entitlement changes that would transform the nation's fiscal future.

Klein's second group also believes that Obamacare needs to be the starting point even for critics. But these folks—the *replace school*—think the law can be fully repealed, so long as a suitable replacement is offered at the same time.

This group's main insight is that repealing Obamacare, which under Obama eventually provided coverage to more than 10 million people through the exchanges and roughly 13 million people through the law's Medicaid expansion, would result in tremendous disruption to the health insurance arrangements of millions. As policy wonks have long understood, disruption is the enemy of health policy reform.

With that in mind, the reform school argues for a system of tax credits to help individuals purchase insurance. The key to this scheme, and the most controversial part of it, is that these credits are advanceable and refundable, meaning that they're paid up front and result in a cash transfer if they exceed the amount of income tax an individual owes. The benefit is that they do more to help poorer individuals, who tend to pay less in income taxes, than deductions, which only count against

taxes owed. But setting up a system along these lines would inevitably mean creating a new health care subsidy disbursed by the federal government.

Finally, there's the *restart school*, which seeks to blow up the system in hopes of moving it in an entirely new direction. The mechanisms favored by restart-school adherents vary. Some, like Cato Institute Health Policy Director Michael Cannon, want to create very large Health Savings Accounts that would both provide a massive tax cut to most Americans and return control of health spending dollars to individuals. (Most Americans are currently covered through insurance purchased by their employers, which gets a tax break not available to individual buyers.) Others want to extend a tax deduction to those who purchase coverage on the individual market.

Whatever the mechanism, the thread connecting this group is a disinclination to compete with Obamacare and other left-of-center plans on comprehensive coverage numbers. A freer market, the thinking goes, would bring innovation and cost savings that would make such coverage less necessary. Health *care*, not health insurance, should be the metric, they say.

EACH OF THESE theories offers a reasonably coherent vision of how Obamacare should be taken down and what should come next. Unfortunately, the same cannot be said for the plan put forth by House Republicans in March. The bill offered a mish-mash of conservative policy ideas that simply didn't hang together.

It accepted the central tenets of Obamacare, leaving the law's major insurance regulations in place and eliminating the individual mandate but setting a new penalty for those who go without coverage. But despite the concessions to the status quo, 14 million fewer people would have insurance after just one year, according to the Congressional Budget Office. That number would rise to 24 million over the next decade.

And despite creating a new refundable tax credit system, the House bill wouldn't provide much benefit to the poor, espe-

cially people in their 50s and early 60s. It allowed insurers to charge older people five times as much as younger people (Obamacare sets the limit at three times), while offering subsidies that wouldn't cover the increased cost.

The bill gestured at Medicaid reform, but ignored the bigger fiscal questions about the entitlements system and delayed a Medicaid overhaul until next decade, raising questions about whether the changes would ever go into place. It left Obamacare's "essential health benefits"—a list of mandates regarding what insurers must cover—in place, and did essentially nothing to unwind the tax carve-out for employer-sponsored insurance, leaving the market as regulated and distorted as before.

It was a bill, in other words, that combined the least appealing elements of all three schools of thought, with almost none of the upsides.

Defenders of the plan protest that there

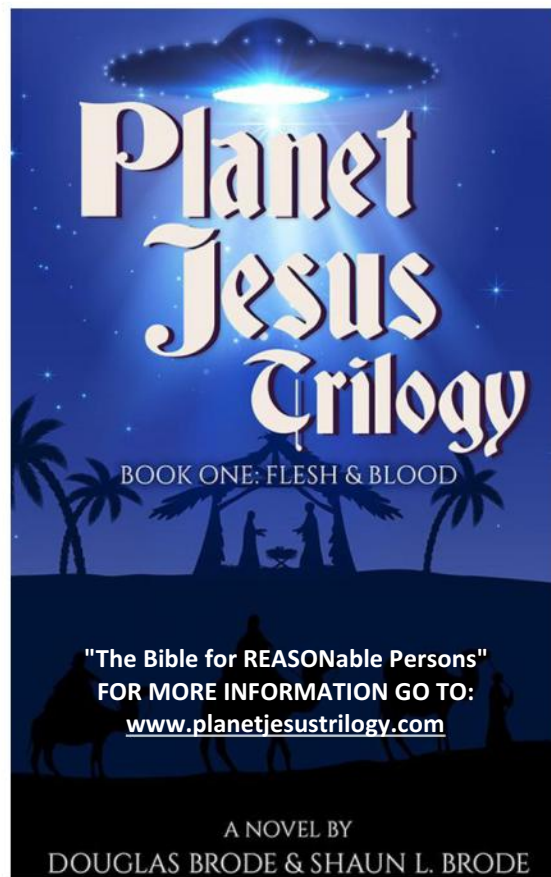
were procedural reasons for the bill's structure—in particular, the limits of the reconciliation process, which requires that all provisions have a non-trivial budgetary impact.

But those limitations didn't really explain the underlying logic—or give the bill a theory to hold it all together. The driving idea seemed to be that Republicans needed to be able to claim they had a proposal to repeal and replace the ACA.

Less than three weeks after it was introduced, the bill was pulled from consideration, just hours before a scheduled vote. Members of the House Freedom Caucus, a group of conservative legislators, refused to back it, even after considerable arm twisting from President Trump.

Republicans may have had a plan, but they didn't have the votes. In this case, a theory would have been better. ■

PETER SUDERMAN is features editor at *Reason*.



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RIP JEROME TUCCILLE, AUTHOR OF *IT USUALLY BEGINS WITH AYN RAND*

J.D. TUCCILLE

FAILURE DROVE MY father's success.

Just weeks before he died on February 16, he finished writing his last book. It's a history of the Bonus Army—the military veterans who demanded cash payment of the benefits promised to them for their service in the First World War. They were brutally dispersed by troops and tanks commanded by Gen. Douglas MacArthur, who was honing the skills he'd apply to more deserving targets in the Pacific later in his career.

I doubt my old man would have been motivated to labor on that book, through complications associated with multiple myeloma, if he'd earlier achieved his goal of writing a major bestseller.

His writing career started with politics:

magazine articles, newspaper op-eds, and the books—*Radical Libertarianism* (1970) and *It Usually Begins With Ayn Rand* (1971)—that made his name. But politics damn near broke him. He didn't expect his 1974 run as the Libertarian candidate for governor of New York to end in electoral victory, but he hoped his candidacy would win enough votes to gain permanent ballot status for the party. He failed in that goal, then put on a suit and snagged a meeting with a Merrill Lynch branch manager by implying he was a potential big-money client. That he had, instead, a big need for money and had bluffed his way in the door impressed the guy and landed him a job.

He went on to write not just about money but about people good at accumulating the stuff, like Rupert Murdoch, Barry Diller, and the Hunt family of Texas.

This was a fortunate turn. If disappointment in politics hadn't spurred him to move on to biographies, his name wouldn't have featured in news coverage across the country and around the world

30 years later, when a shady real estate tycoon who had threatened him repeatedly as he wrote an unauthorized biography of the man made a run that ended at the White House.

He struggled to reconcile himself to the idea of making a living as anything other than an author. Even the

lucrative brokerage business was supposed to be a stepping stone until the books he wrote sold enough copies to live off.

That dream failed too.

But he made his peace with it and entered what he later admitted was the most rewarding period of his life. He landed a financial writing job at T. Rowe Price that suited his temperament and gave him time to produce some of his best work. He wrote more biographies, including a treatment of Alan Greenspan that brought him back in contact with the Objectivism that had launched his interest in libertarian ideas.

The Greenspan book wasn't the only time his continuing interest in individualism and personal liberty resurfaced in seemingly unrelated projects. *Inside the Underground Economy* (1982) was a middle finger to regulators and the IRS in the guise of an investment book. *Gallo Be Thy Name* (2009) examined how the famous wine-making family wrung new opportunities out of Prohibition. And *The Roughest Riders* (2015) explored the African-American soldiers who saved then-Col. Teddy Roosevelt's bacon at San Juan Hill in 1898.

How could these ideas not recur again and again to the grandson of a speakeasy operator? Many of the relatives with whom he'd grown up specialized in making sure that whatever goods or services had been blacklisted at any given moment remained available to consumers. He'd repeatedly seen control freaks' dreams fail and fuel their opponents' profit lines.

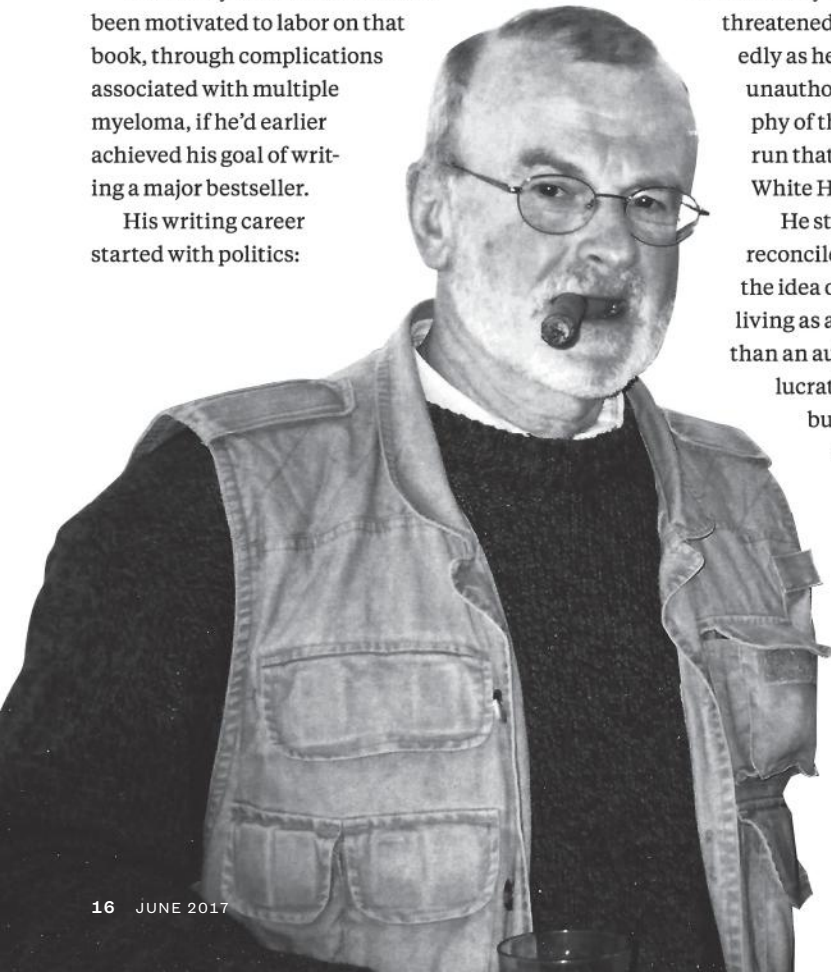
In his later years, my father and I spent a lot of time together on our patios, sipping whiskey, smoking cigars, and solving the world's problems—or at least savaging the people we held responsible for them. When he visited me for Thanksgiving in 2016, we continued our tradition, not knowing it was for the last time.

At the end of the night, when he tried to get up, he couldn't quite make it. The cancer rotting his innards had stolen away a little more of his capacity for good booze than he had realized.

So I threw his arm over my shoulder and lifted him off the outdoor sofa. We walked into the house, both of us laughing at the situation like two buddies exiting their favorite bar after one drink too many.

The evening, like his life, was a success.

J.D. TUCCILLE is a contributing editor at *Reason*.



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THE DEREGULATOR?

WARY LIBERTARIAN ENTHUSIASM GREET'S DONALD TRUMP'S
AMBITIOUS REGULATORY REFORM AGENDA

MATT WELCH



ON DECEMBER 6, 2016, the Cato Institute, Washington, D.C.'s venerable libertarian think tank, held its first staff meeting since the election of Donald Trump. Normally such office gabfests tend to be “boring” and “routine,” says Peter Van Doren, longtime editor of the Cato-published magazine *Regulation*. But after a presidential campaign that was anything but standard, featuring an improbable victor whom Cato Executive Vice President David Boaz had called “an American Mussolini” in *National Review*, emotions were running a bit high.

Peter Goettler, the cheery investment banker who became president and CEO of Cato in April 2015, took the temperature of the room. Any advocate for limited government can rattle off a list of Trump's demerits—his “know-nothing protectionism” (in Boaz's phrasing), his restrictionist/alarmist views on immigration, his unwillingness to confront the long-term drivers of government spending growth, his occasionally hostile approach to individual rights, his Great Man theories of governance, his carelessness with the truth, and so on. But professional libertarians are accustomed to feeling alienated by mainstream politics, and still manage to get up in the morning. So Goettler wanted to know: Who here can imagine themselves working in the same

direction as Trump on those issues he has a chance to get *right*?

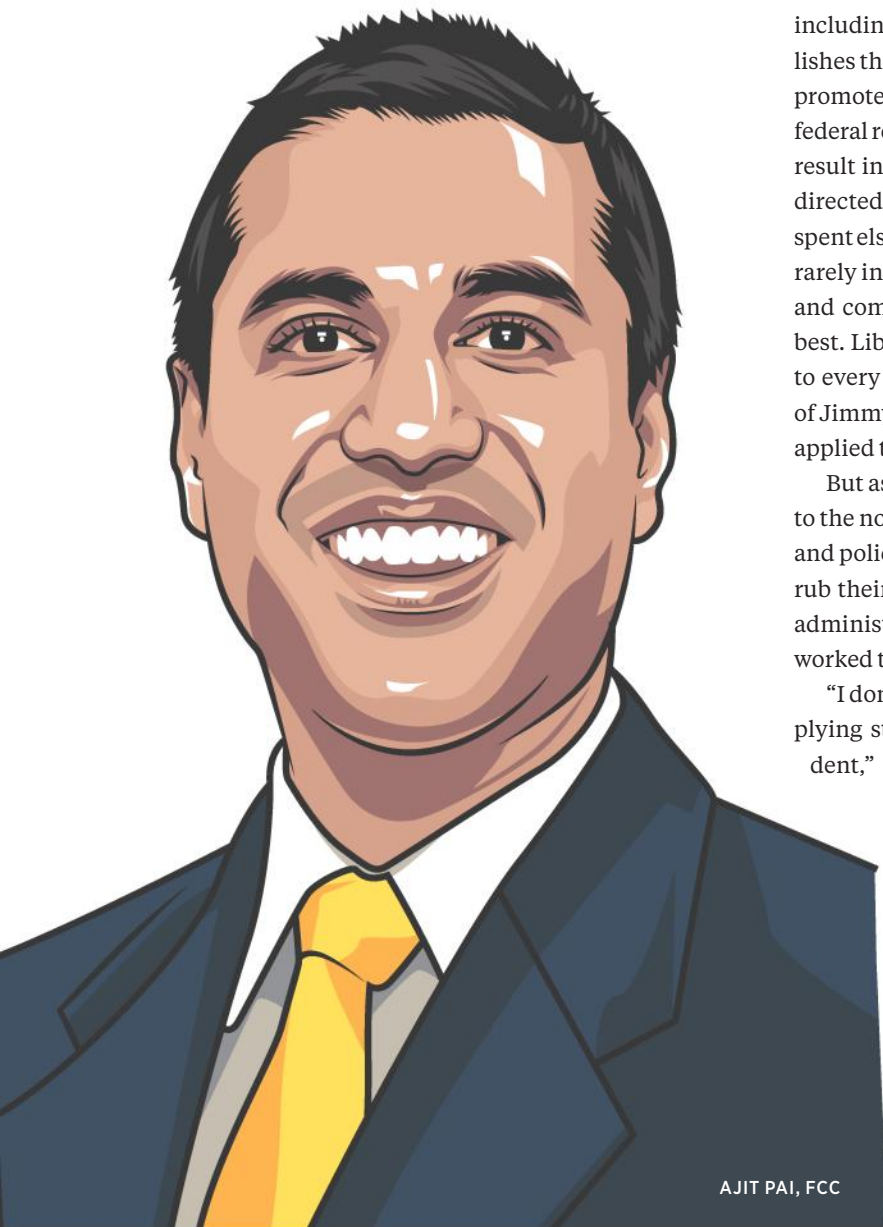
A clear majority of the room indicated *not me*, after which came what Van Doren described as an “intense debate.” In the end, Goettler reminded the Catoites to avoid succumbing to the political passions of the moment. “One of the things I said in that meeting,” he recalls, “is that your personal Twitter feed is unlikely to change the course of the republic, but your policy work might. So be focused on what counts.”

Few things have mattered more to libertarian policy activists over the past half-century than deregulation. Rolling back government restrictions on individual and corporate behavior, breaking up state-backed cartels, getting bureaucrats out of the price-setting business, and allowing private entities to compete for services routinely monopolized by government—these have long been fundamental goals of libertarian organizations including Reason Foundation, the 501(c)(3) nonprofit that publishes this magazine and engages in public policy research that promotes choice and competition. The reasons for eliminating federal regulations can be many: Well-intended rules frequently result in harmful unintended consequences, time and money directed to compliance or workarounds could often be better spent elsewhere, and one-size-fits-all decrees from Washington rarely incorporate the kind of local knowledge that individuals and companies possess about how their own business works best. Libertarians have made these arguments early and often to every new president, but since the deregulatory salad days of Jimmy Carter and Ronald Reagan, few administrations have applied these insights into their policy making.

But as the initial shock of the 2016 election results gave way to the normal D.C. stuff of transition teams, Cabinet nominees, and policy rollouts, the city's libertarian policy wonks began to rub their eyes and adjust to a surprising new vision: a Trump administration that was stocking up on faces who have long worked to expand freedom by contracting the regulatory state.

“I don't think that we ever envisioned that we would be supplying staffers to this semi-free market, semi-populist president,” Frayda Levin, board chair of Americans for Prosperity and a Reason Foundation donor, told *Politico* in December. “But we're happy that he's picking people who have that free market background, particularly because on many issues, he is a blank slate, so anybody with expertise is in an amazing position to shape his agenda.”

Trump's agenda-shapers in the Cabinet include Betsy DeVos at Education, Elaine Chao at Transportation, Rick Perry at Energy, and Tom Price at Health and Human Services. All are long-standing critics of the federal departments they now head. On the agency level, the Federal Communications Commission (FCC) is now led by the



AJIT PAI, FCC

deregulator Ajit Pai, who is already rolling back its aggressive encroachment into internet-related issues. The Environmental Protection Agency (EPA)—which many libertarians see as the most aggressive regulator in the federal bureaucracy—is being managed by an administrator, Scott Pruitt, who has previously described himself as “a leading advocate against the EPA’s activist agenda.” And the Food and Drug Administration (FDA) could soon be run by physician Scott Gottlieb, who has spent a career railing against the agency’s agonizing process for approving new drugs.

President Trump devoted three paragraphs of his first big speech to a joint session of Congress—the quasi-State of the Union made by a newly inaugurated president—to saving lives through FDA reforms, a topic that libertarians, often alone in the wilderness, have been howling about for years (and that previous presidents have left untouched in their SOTU addresses). In highlighting the case of Pompe Disease survivor Megan Crowley, who was in attendance because her father helped discover the drug that would eventually extend her life, Trump said, “Our slow and burdensome approval process at the Food and Drug Administration keeps too many advances, like the one that saved Megan’s life, from reaching those in need. If we slash the restraints, not just at the FDA but across our government, then we will be blessed with far more miracles just like Megan. In fact, our children will grow up in a nation of miracles.” A more sweeping evocation of deregulatory virtue you will rarely hear.

Two weeks later, Trump put taxpayer money where his mouth is, unveiling a budget blueprint that cut spending at every non-military/security-related agency in the federal government, including 31.4 percent from the EPA, 28.7 percent from the State Department, and 20.7 percent each from the departments of Agriculture and Labor. By any comparative measure, the president’s first budget reinforced the promise made by his adviser, Steve Bannon, at this year’s Conservative Political Action Conference to undertake a “deconstruction of the administrative state.”

Below the headline-generating clatter of travel bans, wiretap disputes, Russia revelations, and Obamacare reboots, a parallel story is emerging: Washington’s regulatory reformers, largely sidelined for the past quarter-century, are infiltrating the halls of federal power and attempting to engineer the most ambitious executive-branch overhaul in at least three decades.

On the day of Trump’s joint address, I paid a visit to the Competitive Enterprise Institute (CEI), a libertarian nonprofit focusing on regulatory issues, to speak with Myron Ebell, director of the institute’s Center for Energy and Environment. Ebell had been the Trump transition team’s point man at the EPA, a personnel selection witheringly characterized by former League of Conservation Voters official Daniel Weiss as “like picking Colonel Sanders to protect your chickens.” So what can libertarians

President Trump devoted three paragraphs of his first big speech to a joint session of Congress to saving lives through FDA reforms, a topic that libertarians, often alone in the wilderness, have been howling about for years.

expect from the Trump administration? “I think,” Ebell says, “he could be the most serious deregulatory president ever.”

EXHUMING CONGRESSIONAL REVIEW

THE CONGRESSIONAL REVIEW Act (CRA) gives Congress 60 working days to overturn any new agency regulation. When it was signed into law by President Bill Clinton in March 1996, backers touted the reform as a necessary corrective to an executive branch run amok. “As more and more of Congress’ legislative functions have been delegated to federal regulatory agencies,” wrote co-sponsoring senators Don Nickles (R–Okla.), Harry Reid (D–Nev.), and Ted Stevens (R–Alaska) in a joint statement, “many have complained that Congress has effectively abdicated its constitutional role as the national legislature in allowing federal agencies so much latitude in implementing and interpreting congressional enactments. In many cases, this criticism is well founded.”

Armed with this restraining order, the legislative branch over the next two decades successfully used the CRA to reassert its authority over overweening regulation exactly once: in March 2001, to overturn a November 2000 rule by the Occupational Safety and Health Administration requiring employers to prevent ergonomic injuries in the workplace. (The 60-day counter runs only when Congress is in session, so in calendar terms the window for action is routinely three times as long.) Five other attempts to rebuke overzealous regulators were vetoed by President Barack Obama during his last two years in office, making the CRA a mostly dead letter. Until now.

As of April 7, Trump had already signed into existence 11 Congressional Review Act repeals: a Security and Exchange

Commission rule requiring publicly traded resource extraction companies to disclose payments made to foreign governments; a Department of Interior framework governing stream runoff of coal mining operations; a Labor Department prohibition on federal contracts being awarded to companies with a history of labor violations; a Bureau of Land Management directive giving the federal government a bigger role in land-use decisions; two Department of Education measurements for school performance and teacher training; a Labor Department limitation on states drug-testing those receiving unemployment benefits; a U.S. Fish and Wildlife restriction on fishing and hunting on national wildlife refuges; a Labor Department directive on employer injury/illness record-keeping; and a Social Security Administration policy to share the names of people it classifies

as having a mental illness with the federal gun database in order to deny them access to weapons. (The latter move came after some serially dishonest demagoguery from the likes of MSNBC and *The New York Times*, which used headlines such as “Congress Says, Let the Mentally Ill Buy Guns.”)

Congress has approved two additional CRA rollbacks that were awaiting the president’s signature at press time. According to the Congressional Research Service, every Obama administration regulation published in the federal register since June 13, 2016, was eligible for such review by the 115th Congress.

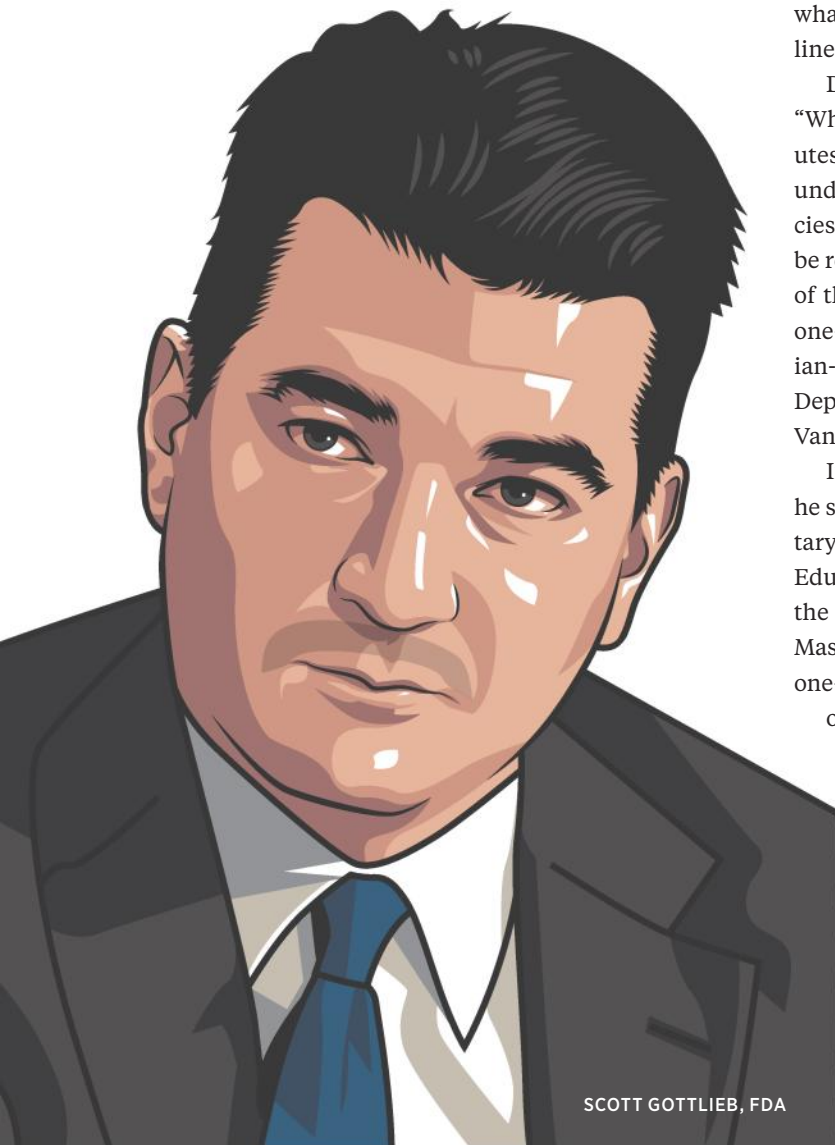
“By any empirical measure, it is a level of activity that has never been seen,” regulatory specialist Curtis Copeland, formerly of the Congressional Research Service, told *The New York Times* in early March. “It is unprecedented.”

So with Republicans controlling Capitol Hill, does that mean we can expect a new era of legislative decontrols, like what happened in the late 1970s and early 1980s in the airline, rail, trucking, banking, and brewing industries?

Don’t hold your breath, says *Regulation’s* Van Doren. “What deregulation meant [back then] was we altered statutes,” he explains. “Congress rewrote the laws.” It’s the underlying legislation, which instructs regulatory agencies to spend money and promulgate rules, that needs to be repealed, not just the odd stinkbud blooming at the end of the process. Even radical-sounding proposals, like the one-sentence bill introduced in February by the libertarian-leaning Rep. Thomas Massie (R-Ky.) to close down the Department of Education, ultimately “doesn’t do anything,” Van Doren argues. “You know why? The statutes!”

If you don’t want federal money to be spent on education, he says, “you have to rewrite and/or eliminate the Elementary Secondary Education Act of 1965....The Department of Education simply implements the ESEA, so if you eliminate the implementer, the law still exists.” (“It’s a fair charge,” Massie acknowledges. “I had to decide whether to write a one-sentence bill that I could get a lot of people to agree with, or a very involved bill that talks about what happens to all that funding, and then people start disagreeing.”)

There is an argument in regulatory economics that the major “price and entry” rules, which once dictated which private competitors were allowed into a market and under what conditions, offered a sort of low-hanging fruit for deregulators to pluck during the uniquely desperate policy conditions of the late ’70s. (Why was that such a fertile time for deregulation? “Inflation was 12 percent a year,” Van Doren explains, “and politicians competed over ‘What can I do for my constituents to reduce prices?’”) Meanwhile,



SCOTT GOTTLIEB, FDA

regulators shifted from price and entry to health and safety, and particularly the environment, producing very different types of regulations and politics.

“Easy deregulation is gone, because now it’s just discussions over the cost and benefits of health and safety, and everyone is uncomfortable with that,” Van Doren maintains. “What you never hear anybody talk about is ‘Let’s rewrite the Clean Air Act.’ You’d have to tell suburban women and suburban men that there are trade-offs between how dirty the environment is and how much we are going to spend on dealing with that problem. And you know what nobody wants to talk about, even on the right? Those trade-offs.”

It’s true that Donald Trump has called for taking a machete to regulatory agencies’ budgets, beginning with the EPA. It is also true that presidents don’t pass budgets—legislatures do—and that it’s been two decades since Congress managed to pass the 12 annual appropriations bills that the Congressional Budget Act of 1974 requires. At a time when lawmakers of both parties have become addicted to last-minute, gargantuan up-or-down spending bills that almost no one reads in full, the president is asking the most politically sensitive branch of government to approve the deepest funding and staffing cuts the EPA has ever seen, all while surviving an onslaught of headlines such as the *San Francisco Chronicle*’s “Trump budget would make America dirty and sick again.”

“Now, is Congress going to go along with that?” CEI’s Ebell asks of the cuts the president is requesting. “Well, no.”

Trump’s budget blueprint keeps year-over-year federal spending flat by trading \$63 billion in agency spending reductions for a \$60 billion increase for the Pentagon and Homeland Security. “I’ll be shocked if Congress figures out a way to cut that part,” says Ike Brannon, a Bush-era official at the Office of Information and Regulatory Affairs. “I’m going with 5 percent odds,” says Massie.

There are perfectly comprehensible structural incentives for politicians to condemn the regulatory status quo with their words while maintaining it with their actions. “Congress likes to rail against the bureaucracy because that gives it something to do for re-election purposes, which is to help constituents deal with this oppressive, horrible bureaucracy, which Congress, in fact, set up,” Van Doren says. Naturally occurring swamps are always the hardest to drain.

REFORM IN THE TIME OF HYSTERIA

IN THE ABSENCE of demonstrated congressional will to cut agencies and rewrite laws, a cynic might predict that the legislative branch’s forthcoming contributions to the would-be renaissance in deregulation may amount to nothing more than a dozen or so CRA repeals during the first half of 2017, and maybe

“Congress likes to rail against the bureaucracy because that gives it something to do...to help constituents deal with this oppressive, horrible bureaucracy,” Van Doren says, “which Congress, in fact, set up.”

some rhetorical encouragement from the sidelines when cameras are rolling. But that judgment would be premature. Procedural overhauls are being debated that, if adopted, could have more far-reaching implications than the bulk of actions currently being contemplated by the executive branch. While flying mostly under the media radar during a tumultuous first two months of Trump controversies, these process revamps have generated a steady din of alarm among progressive activists. “Trump is temporary,” Environmental Working Group Vice President Scott Faber warned at *Politico* in March. “Regulatory reform is forever.”

Chief among the proposals is the Regulatory Accountability Act (RAA), which passed the House by a party-line vote in January but which at press time had yet to be introduced in the Senate by sponsor Rob Portman (R-Ohio). With a slim 52–48 GOP advantage in the upper chamber, any reform bill will need to peel off eight members of the other party to prevent a filibuster, so Portman, who backed similar efforts throughout the Obama administration, is negotiating with red-state Democrats such as Missouri’s Claire McCaskill and West Virginia’s Joe Manchin to make the House’s strong medicine go down smoother.

According to press reports, the Senate version of the RAA would require any new regulation costing north of a projected \$100 million to be subjected to more stringent cost-benefit analysis, public input, economic monitoring, congressional review, and judicial circumspection. “The Senate is presented with a once-in-a-generation opportunity to pass much-needed modernization of the Administrative Procedure Act (APA), whose rulemaking provisions have remained virtually unchanged since it was enacted in 1946,” a coalition of 616 business groups wrote to lawmakers in February. “We believe that federal regulations should be narrowly tailored, [be] supported

by strong and credible data and evidence, and impose the least burden possible, while implementing congressional intent.”

That rosy Chamber of Commerce view is not shared by activist groups, to put it mildly. “This is a sledgehammer aimed at everything federal agencies do to protect our health, safety and pocketbooks,” Scott Slesinger, legislative director at the Natural Resources Defense Council, said in a statement after the House version passed. “This radical bill is designed to give industry a free hand to pollute, harm our health and engage in financial mischief. It will strike at commonsense federal rules—like energy efficiency standards—that save Americans money and protect the environment.”

Pro-regulation and anti-regulation forces agree on one thing, though: Trump’s January 30 executive order forcing agencies to “identify at least two existing regulations to be repealed” for every new one they propose is, compared to real process reform, a toothless publicity stunt. “I think it’s a stupid rule,” says Brannon. “It is a fake solution to a very real problem....It’s so easy to conceive of how the EPA could game ‘two rules out for one rule in’: You pass a whole bunch of half-million-dollar rules, and those are the rules you take off.”

Similarly, no one takes literally the president’s January 23 vow that his administration would cut regulations by at least 75 percent and “maybe more.” The web of existing rules is simply too large, and the tools for hacking it back are too inadequate.

According to CEI’s annual *Ten Thousand Commandments* snapshot of the regulatory state, 3,410 new rules were written into the Federal Register in 2015, adding to the 90,836 issued from 1993 to 2014. The group estimates that the cost to the economy of all those regulations is \$1.9 trillion a year, more than 10 percent of GDP.

The options for rolling that back, roughly speaking, are:

1. Have a new president simply reverse any rules imposed by the stroke of his predecessor’s pen. (At press time, Trump was poised to undo an Obama executive order requiring agencies to consider climate change when issuing environmental permits and another order prohibiting coal mining on public lands.)
2. Have the federal government withdraw from or settle litigation brought against its own regulatory actions.
3. Sign any CRA repeals.
4. Appoint deregulators to head up independent agencies such as the Federal Communications Commission, the Federal Election Commission, and so on, then cheer on their works.
5. Absent any congressional action on the underlying laws, engage in the laborious process, lasting an average of one to three years, of regulatory rulemaking.

Even after surviving all that, the result may fall short of campaign-trail promises, because regulations that mandate major changes in capital expenditure are essentially unrepeatable—they’ve already been priced into the market. “In most areas,

“If [Trump] even keeps 80 percent of his promises, this will be the biggest change-direction we’ve ever had in the way of getting rid of the administrative state,” says CEI’s Myron Ebell. “Now, if he keeps his promises on some other issues, like trade, you know, I’m scared to death.”

rolling back regulations doesn’t buy you that much,” says Brannon. “For instance, if you look at the EPA, and you say, ‘Oh my gosh, we are going to roll back all these regulations on coal-fired plants that went into effect five years ago,’ what does that buy you? It buys you absolutely nothing. Companies have already made these investments based on the rules on coal-fired plants. They have already made these decisions. They’ve mothballed coal plants....It’s over.”

But the preponderance of deregulatory activity, no matter how individually limited its components are—the ongoing CRA repeals, Trump’s rhetorical support, his executive order requiring each agency to appoint a regulatory reform officer, the Reform Accountability Act, even the Supreme Court appointment of Neil Gorsuch, whose most well-known bit of judicial philosophy is skepticism about deference to regulators—is combining to produce a climate of ongoing media hysteria.

A president with already historically low first-year approval ratings is seeing his regulatory agenda greeted with such headlines as “Leashes Come Off Wall Street, Gun Sellers, Polluters and More” (*The New York Times*) and “Under-The-Radar Legislation Threatens To Undermine Federal Protection Of Health And Environment” (*Forbes*). His attempt to overhaul the mass of regulations associated with the Affordable Care Act crashed and burned in the House of Representatives on March 24—a turn of events the president laid at the feet of libertarian-lean-

ing Freedom Caucus members such as Rep. Justin Amash (R-Mich.), who objected to the bill's Obamacare-like provisions. It remained to be seen whether the effort will be resurrected, and in what form. Will Trump's deregulatory zeal, which has been more in evidence after the election than before it, survive further degradations of his popularity?

'I'M SCARED TO DEATH'

EVEN THE MOST bullish among advocates of limited government will readily acknowledge that this unorthodox presidency could quickly go south for libertarians. "My feeling about Trump on energy, environment, and climate issues is that if he keeps all of his promises, if he even keeps 80 percent of his promises, this will be the biggest change-direction we've ever had in the way of getting rid of the administrative state," says CEI's Ebell. "Now, if he keeps his promises on some *other* issues, like trade, you know, I'm scared to death."

Trump's penchant for economic nationalism and deal-making has already come in direct conflict with his deregulatory agenda. On January 24 he signed both an executive order reversing the Obama administration's objections to building the Keystone Pipeline and another one instructing the secretary of commerce to develop "Buy American, Hire American" guidelines on any new infrastructure projects. "That can add up substantial costs," warns CEI transportation specialist Marc Scribner. "And really, it's local and state taxpayers who end up directly paying."

In the Keystone case, the Trump administration quietly dodged the controversy by exempting the pipeline's Canadian owner from having to buy U.S. steel. But the president has also promised a whopping \$1 trillion in infrastructure spending, so anxious eyes will be looking to see what conditions are attached. "Now, I don't know how you add up to a trillion dollars without leveraging the private sector," Scribner says. "But unfortunately, Congress tends to like to spend lots of money and fund things rather than allowing the private sector to take the lead."

Libertarians are hopeful that in a Trump administration desperate for cost savings, the Department of Transportation will be a significant force for free market reforms. The agency now includes "good people that are supportive of the kind of approach that Reason Foundation favors," said Robert Poole, the foundation's longtime director of transportation policy, at a Reason Weekend event in March.

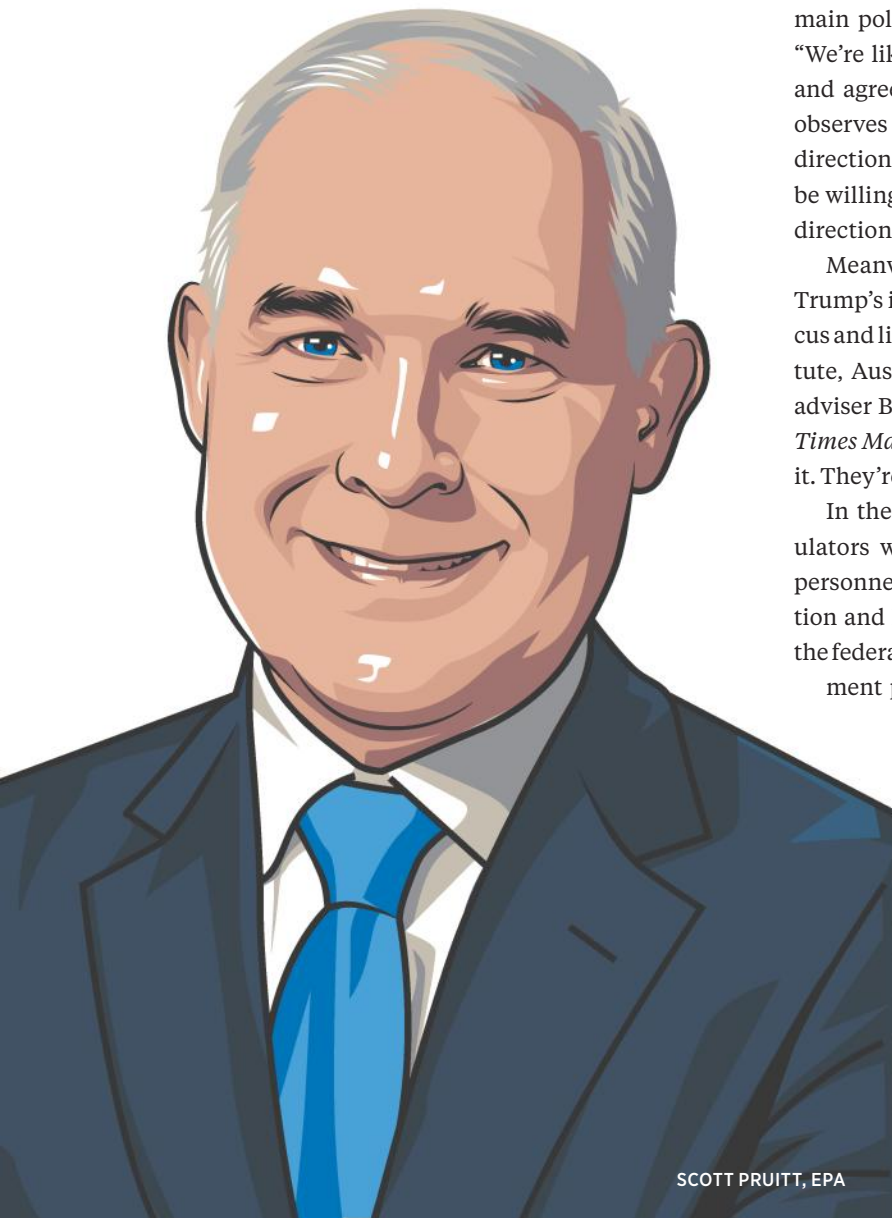
Trump's Department of Transportation transition team chief was Shirley Ybarra, a former Reason Foundation analyst who worked

on toll projects as the secretary of transportation of Virginia. New U.S. Transportation Secretary Elaine Chao, who headed up the Labor Department under George W. Bush, was during the first Bush presidency "the lead author of a big report that favored tolls, user fees, and public-private partnerships," Poole said. "She also reiterated her support for these ideas during her confirmation hearing. She's one of the best-qualified people that was out there for that position." And at the end of February, the White House National Economic Council appointed a special assistant to the president for infrastructure policy: D.J. Gribbin, an "ardent champion of tolling, pricing, and public-private partnerships" (according to Poole) who has worked in the past



as general counsel to the Department of Transportation as well as an infrastructure specialist for Macquarie Capital and Koch Industries. Gribbin is “the ace in the hole,” Poole says.

The hope is that the transportation reformers surrounding the president will talk him out of cronyist tax giveaways to infrastructure companies and into lifting the \$15 billion tax-exemption cap on private activity bonds, thereby allowing private capital to finance the construction and maintenance of projects. Additionally, the administration in its budget blueprint name-checked a proposal that Poole has long been working on to improve air travel: “Initiate a multi-year reauthorization proposal to shift the air traffic control function of the Federal Aviation Administration to an independent, non-governmental organization, making the system more efficient and innovative,



SCOTT PRUITT, EPA

while maintaining safety.” Poole’s bottom line: “I’m very optimistic, even though we don’t have a real program defined yet. The straws in the wind look very promising.”

Still, Trump’s next legislative heave after the Obamacare-replacement challenge is supposed to be a “border adjustment tax,” which is apparently the 21st century way to pronounce “increased tariff.” And tariffs by definition make everything more expensive to produce, consume, and ship. “If we end up in a trade war, that is not going to be good for our transportation industry, which moves the goods that we need from our ports to consumers,” Scribner says. “So even if the transportation industry gets modest regulatory reform, I don’t think that would counteract the negative effects of trade protectionism.”

So what will libertarians, including those at the magazine you’re currently reading, do for the next four years? Probably the same as ever, only louder, and under more pressure by the main political tribes to decisively join one side or the other. “We’re likely to have pretty significant areas of disagreement and agreement with almost *whoever* is in the White House,” observes Cato’s Goettler. The task is to “move things more in a direction of liberty where there’s opportunity to do so, and to be willing to call...whomever out when things are moving in a direction against liberty.”

Meanwhile, in the wake of the failed Obamacare repeal, Trump’s inner circle was initially calling out the Freedom Caucus and libertarians by name. “It’s all this theoretical Cato Institute, Austrian economics, limited government” stuff, Trump adviser Bannon was quoted as saying in a March 26 *New York Times Magazine* article. “Which just doesn’t have any depth to it. They’re not living in the real world.”

In the short term, Washington’s long-marginalized deregulators will be looking closely at the new administration’s personnel decisions: Who will head up the Office for Information and Regulatory Affairs, the cost-benefit clearinghouse of the federal apparatus? Will free market types win deputy department posts, or will those be filled by cronies and political hacks? And how will unknown quantities like Ben Carson, now the Housing and Urban Development secretary, administer their new fiefdoms?

But on this one issue, amid the daily whip-lash of Trump-related scandal and outrage, there are reasons for even wary libertarians to be hopeful. “The prospects for regulatory reforms are still very real to me at this stage on multiple fronts: financial, environmental, overall business regulations,” Goettler says. “I think there’s much more reason for optimism than we would have even thought in the early days after the election.” ■

MATT WELCH is editor at large at *Reason*.



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SEASTEADING IN PARADISE

NEW PROMISE FOR FLOATING FREE COMMUNITIES IN A
POLYNESIAN LAGOON—BUT IS THE MOVEMENT LEAVING
LIBERTARIANISM BEHIND?

BRIAN DOHERTY





OR NEARLY A decade, the Seasteading Institute has been working to create autonomous floating communities on the ocean, where settlers can make their own rules *de novo*, unbound by the principalities and powers based on land. Founded by Google software engineer Patri Friedman—grandson of the libertarian economist Milton Friedman and son of the anarchist legal theorist and economist David Friedman—it has weathered its share of thin years, previously dwindling to a two-staffer, no-office operation. But on January 13 in San Francisco’s Infinity Club Lounge, institute chief Randolph Hencken signed a memorandum of understanding with a new partner, one Jean-Christophe Bissou, and put the construction of an actual seastead onto the cusp of reality.

Bissou is no buccaneer or eccentric billionaire. He is minister of housing for French Polynesia, a collection of 118 islands and atolls in the South Pacific, technically an “overseas collectivity” of France. Seasteading will not begin on the government-free open seas after all. If Hencken, Bissou, and their respective colleagues have their way, the first seastead will float next year in a lagoon within French Polynesian waters.

As Hencken prepared to sign the agreement, he declared that this shift from a freewheeling vision of a libertarian society in the open ocean to a more tightly managed experiment in an existing nation’s territory was probably inevitable. “We are not turning our backs on who we are,” he said just before the ceremony, “but we are recognizing that when we made the choice in 2012 that we weren’t going to the open ocean—we didn’t have a billion dollars to build a floating city—that we’d have to engage in the politics of nations. It’s challenging, but that’s the reality of the human world, right?”

French Polynesian President Edouard Fritch was supposed to be there, but he had to stay behind to tend to some minor upheaval in his cabinet. (Bissou informed the audience that he got on the plane in Tahiti as minister of tourism but landed in California as minister of housing.) But none of this was a big deal, Fritch assured the crowd via Skype. Bissou was there representing the government’s intention that seasteading will happen in French Polynesia.

The agreement commits the parties to “studies addressing the technical and legal feasibility of the project in French Polynesia” and to preparing a “special governing framework allowing the creation of the Floating Island Project located in an innovative special economic zone.” Since the Seasteading Institute is an educational nonprofit, the signing ceremony was also the public debut of a for-profit spinoff called Blue Frontiers, which intends to build, develop, and manage the first Polynesian seastead.

Considering all that can go wrong when trying to craft a bold plan to save the planet from its political, economic, and environmental troubles, the path to the agreement was surprisingly short and untroubled.

THE POLYNESIAN FIXER

MARC COLLINS IS kind of a big deal. Around Tahiti and its sister islands, he knows people who know people, and he knows all the people they know.

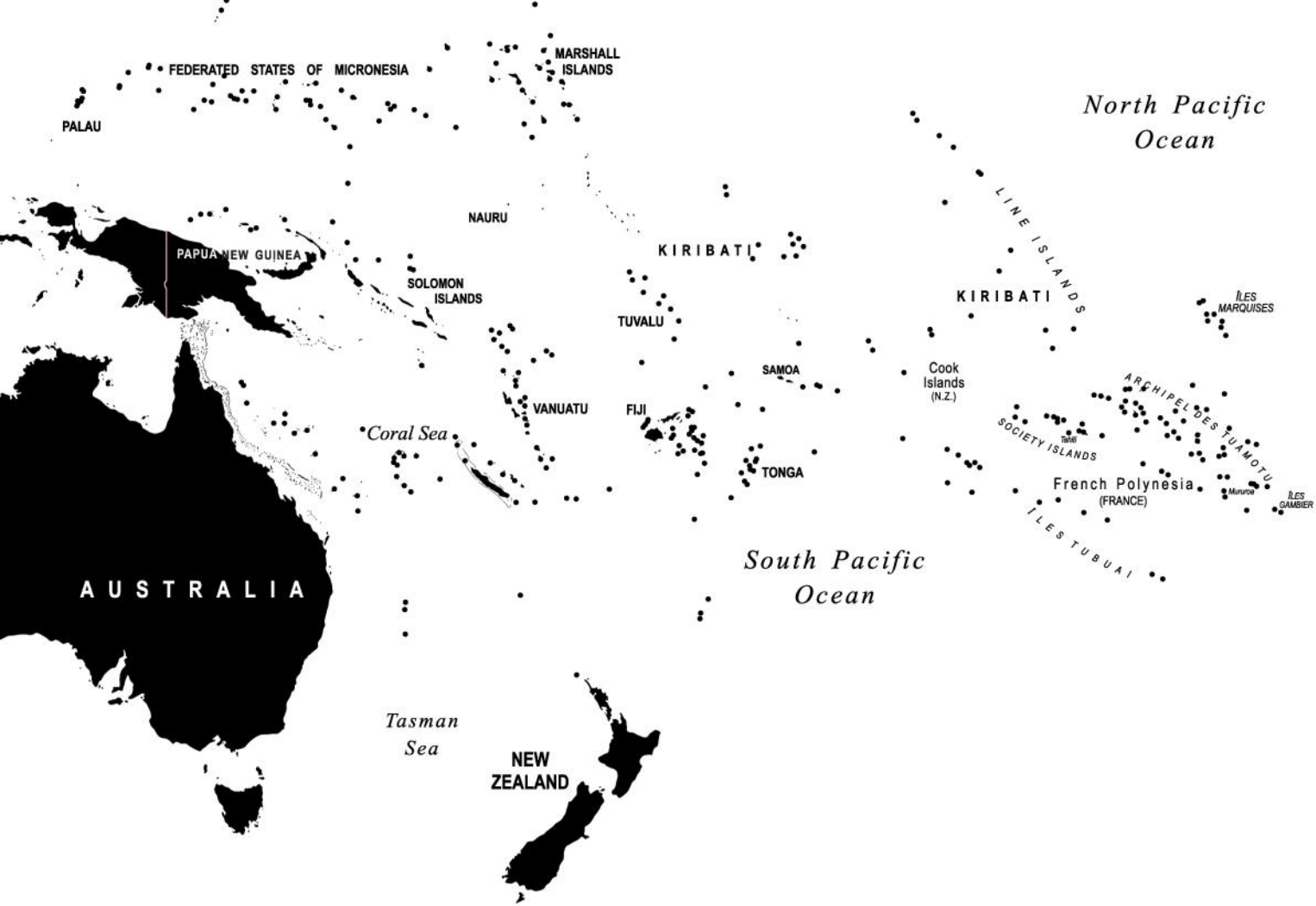
A former Silicon Valley resident himself, Collins grew up in Mexico and made his bones in French Polynesia as a retail jewelry king and an internet service provider telecom magnate. He also worked in the Polynesian government for 17 years, including a spell as minister of tourism. He claims to have once been the only person on the islands with a paper subscription to *Wired* magazine. So Collins was hip to the scene that produced the seasteaders—he’d been reading about them since 2008.

He noticed a 2015 article on *Wired*’s website that said the seasteaders were ready to downsize their vision from a deep-sea project to a “floating city” in shallow offshore water. As a result, they’d need to collaborate with a host nation. So Collins contacted Hencken via LinkedIn and began cultivating relationships with him and other seasteaders via Skype and other means.

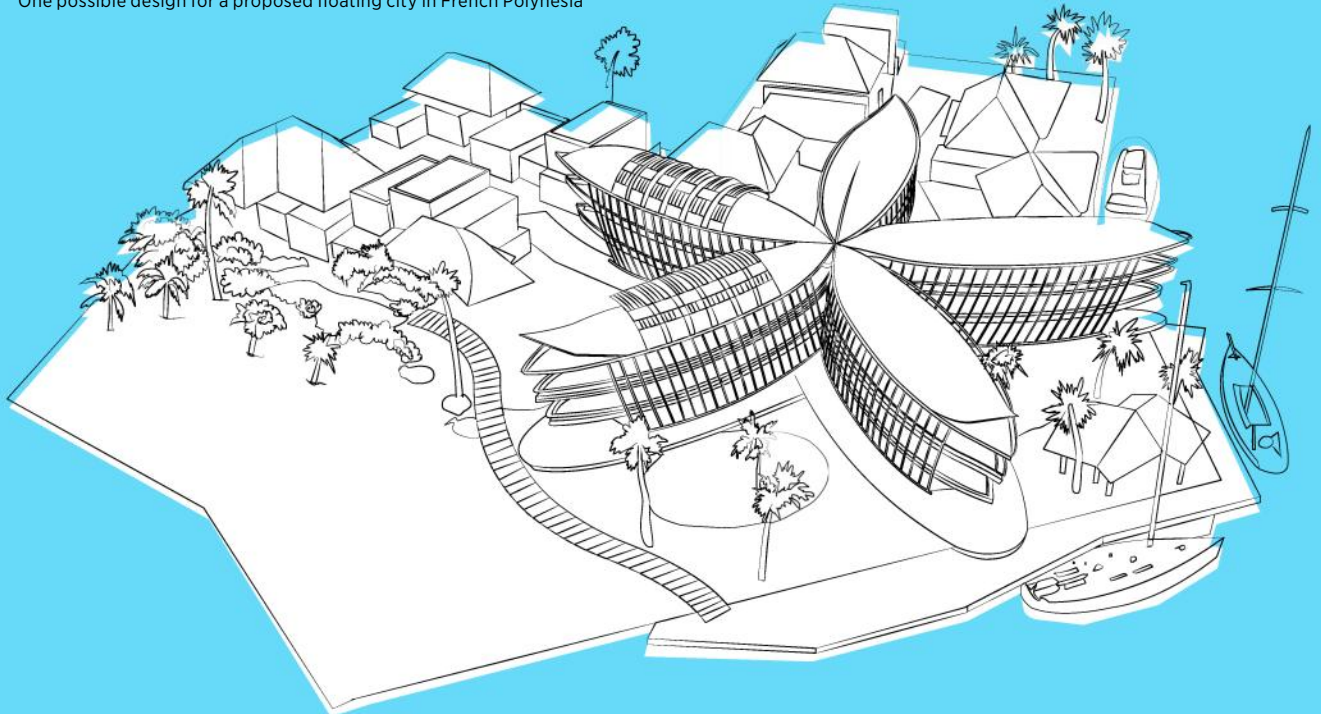
French Polynesia was exactly what they were looking for, Collins insisted. There weren’t many cyclones; there’d been no tsunamis in a century; they had protected lagoons; and, all-important for a crowd of Bay Area techies, they had underwater fiber connectivity.

That first contact was in May 2016. The deal flowed fast. Collins set up a series of meetings with mayors, ministers, presidents, infrastructure builders, marine scientists, and businessmen, and he invited a crew of nine seasteaders to come on over, at the travelers’ own expense, for what became a 10-day visit.

Making time for the trip was hard. It was in early September, right after the annual Burning Man desert art festival, which is a major event in the lives of a lot of high-level seasteaders. But they made the schlep from *playa* to paradise, even though direct flights to Tahiti from the San Francisco Bay Area don’t exist—something Joe Quirk, the Seasteading Institute’s communications director, says he hopes this project will change. (The Polynesians might hope that as well. Among their delegation at



One possible design for a proposed floating city in French Polynesia



that Infinity Club signing was Michel Monvoisin, president of the major French Polynesian airline.)

The seasteaders were blown away by what they found—physically, socially, and politically. “In my 10 days I didn’t meet a single Polynesian who didn’t like the idea,” Quirk says. And “the politicians were immediately and spontaneously speaking publicly about this. They weren’t waiting for consensus, weren’t asking for someone else to prepare a statement. They were right away publicly saying this was a good thing.”

The visitors swam with friendly sharks, ate delicious meals of fresh raw fish in coconut milk on tiny *mota*, were hugged with familiar warmth by the mayor of Uturoa on the island of Ra’iatea, and presented their case to President Fritch and several ministers.

Tom Bell was there as the seasteaders’ legal guru. (A law professor at Chapman University, Bell has effectively cornered the market in legal advice for the startup-city crowd.) In a forthcoming Cambridge University Press book, *Your Next Government? From the Nation State to Stateless Nations*, Bell writes that they spent their time “bouncing from paradise to paradise on planes, ferries, and fishing boats,” contemplating how seasteads might provide needed cooling via shade to bleached-out coral.

Quirk speaks for all of the visitors when he says French Polynesia is “a place where you can’t look anywhere and not think, ‘I can’t believe how beautiful this is.’ Any random view in any direction would make an amazing screen saver.” But as wonderful as the natural environment was, the sociopolitical environment seemed to be just as good. With Collins’ guidance, Quirk says, they were shown “sites where we could float these things. Our engineer could dive to inspect the corals. We saw different buildings we could reside in and different businesses that could be involved.” By the end of the trip, he was telling Collins that the fixer had undersold what a fit the place was for the project.

Greg Delaune was the latest addition to the seasteading team, having met Hencken face-to-face for the first time only the week before at Burning Man. Delaune, who runs an economic development consulting firm for cities called UIX Global, has a lot of experience dealing with governments at all levels. He says he was “excited by what I think is the genuine honesty, integrity, and transparency that the officials we dealt with showed. From my previous experience, that is a very pleasant surprise.”

“The Polynesians are the original Seasteaders,” adds Quirk. “They have a culture of getting on those Polynesian canoes and going to a new island and founding a new society. We go to them and talk about autonomy and choice and they love it, they get it, they get the idea of exploring and discovering new things. They were doing this 1,000 years ago.”

Polynesia doesn’t deliver everything for modern urbanites used to Silicon Valley or San Francisco. “There’s no Amazon Prime,” Hencken says. But there are real cities with populations

in five figures—who have, the seasteaders hope, a willingness to allow them to experiment with new rules and new technologies.

The Polynesians are also already familiar with the concept of a space of limited autonomy carved out from within a larger legal entity, points out Monty Kosma, a former McKinsey consultant now with Blue Frontiers. A prospective seastead’s relationship to French Polynesia is easily analogized to French Polynesia’s with France.

MORE AQUAPRENEURS, FEWER LIBERTARIANS

FOR DELAUNE, LIBERTARIANISM is a “curious historical component” of seasteading. “I see the focus of this as on the technology and social experience,” he says. “When I describe the elephant of seasteading, the libertarian thing is not part of it.”

This revised vision is reflected in the new book *Seasteading: How Ocean Cities Will Change the World* (Free Press), written by Quirk with Friedman. (The latter is still on the Seasteading Institute’s board of directors, though he is no longer actively working on its projects.) Competitive governance, the original heart of seasteading, is in the book. But it doesn’t get extended attention until page 183 of the 346-page text.

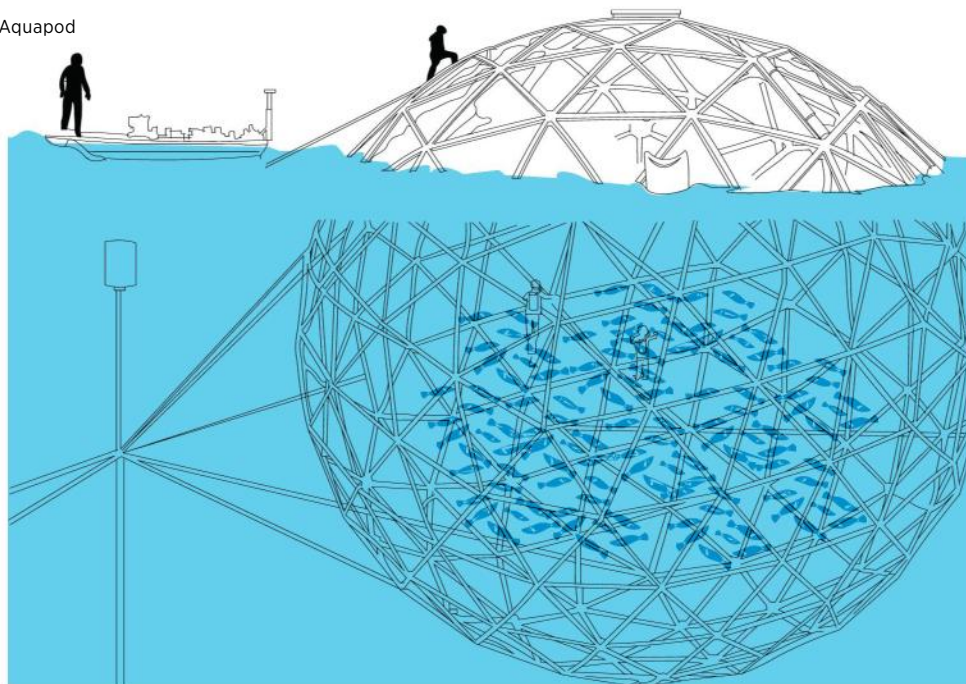
It was changed circumstances, not a change in core ideology, that produced this shift. “After several years of research we concluded this is doable,” Quirk explains. “But the jump to the high seas is too expensive. It’s asking investors to take too big a risk.” The institute does still stress that host governments will have to cede some legal and regulatory autonomy to the seasteaders. “If I just wanted to build floating infrastructure, I could do that in San Francisco Bay,” Hencken says.

Still, Seasteading 3.0, as Hencken calls it, is energizing “aquapreneurs” with no links to the movement’s libertarian roots. They include academics and entrepreneurs eager to use the ocean to solve food and carbon crises. (Seasteading 2.0 was a brief foray around 2012 into trying to start off with single-business operations on boats in non-territorial water.)

One is Ricardo Radulovich, a professor of water science at the University of Costa Rica who insists that the planet’s health requires us to switch most of our food production to the water. He works through the Sea Gardens Project to demonstrate that a shift to seaweed cultivation can reduce carbon emissions, clean ocean dead zones, feed the world, and end coastal poverty. (Quirk and Friedman cheekily call seaweed “the best possible nanotechnology...self-assembling solar panels that are also edible.”)

Radulovich told Quirk that he fears bureaucrats more than pirates or sharks. “We may need seasteads to move into international waters, where there are fewer regulations. We have to run to get ahead of regulatory burdens stopping us.”

Aquapod



There are some bright spots. The National Oceanic and Atmospheric Administration (NOAA) is trying to reform itself, for instance, as Radulovich points out in an email. In its *Marine Aquaculture Strategic Plan FY 2016–2020*, the agency conceded that “regulation of U.S. commercial marine aquaculture is complex, involving multiple agencies, laws, regulations, and jurisdictions. As a result, permitting processes can be time-consuming and difficult to navigate, significantly limiting access to sites.” But NOAA says it intends to make such processes easier moving forward.

Another aquapreneur introduced in the book is Neil Sims, an Australian marine biologist who mostly works in fishery management. He has developed a property-based “drifter cage”/“aquapods” approach to the task, which allows teams of two to raise tasty fish with no antibiotics while sending sequestered carbon to the bottom of the sea as fish poop. NOAA studied one of Sims’ aquapod projects and declared it would have no ill impact on the ocean. But Sims, like Radulovich, still faces regulatory barriers. “In the U.S., the regulatory framework is highly restrictive to the point of being dysfunctional,” he told Quirk.

“There is no fish grown commercially in federal waters in the entire United States,” Sims points out in an interview. “Why is that? Because the regulatory Gordian knot is impossible in most areas,” including having to deal with NOAA, the Army Corps of Engineers, U.S. Fish and Wildlife, the Environmental Protection Agency, and coastal authorities from the nearest state. Even for his small experimental project near Hawaii, “to culture 2,000 fish at an experimental scale, it took us 24 months to get a permit to do that,” and changing iterations of the project would keep requiring more two-year delays.

Another aquaculture company in the seasteaders’ orbit—Catalina Sea Ranch, run by Phil Cruver—is succeeding in growing mussels in territorial waters off California; as Cruver explains it, the regulatory burdens for non-fish aquaculture are easier to navigate. Cruver, like Radulovich, thinks he sees signs that the federal government is interested in trying to make it a little easier for aquaculture to operate in U.S. waters.

While widening beyond the libertarian ghetto will be key to seasteading’s future, Kosma guesses that anyone involved at this stage will likely have a “deep commitment either to the ideas it will serve in the world or just some deep belief in the individuals driving it forward.”

The pressure of reality that has shifted the project from its more purely libertarian roots, Quirk says, “is that existing nation-states control all the shallow seas. So we need to go to coastal countries that have special economic zones already on the books” and sell seasteading.

“We don’t even need your land,” he adds. “Give us more regulatory autonomy in your sea zones, and we’ll take the best practices of those 4,000 special economic zones around the world and apply them in your sea zone. And we’ll bring our own land.”

WHAT’S IN IT FOR POLYNESIA?

THE LOCALS HAVE their own reasons to want to grant that autonomy. One is the threat of global warming. Polynesians are naturally attracted to an idea that could let them stay where they are even as sea levels rise.

When Hencken and Bissou signed their memorandum of understanding, Lelei Lelaulu attended as a representative of the

Pacific Island Forum, a sort of mini-U.N. of Pacific island states. Lelaulu, a native Samoan, thinks seasteading has the potential to solve a looming problem for island sovereignties: losing the actual land over which they are sovereign. For such countries, he suggests, artificial floating islands will be a way to maintain their very legal existence. Kiribati is one Pacific island especially concerned about that.

The libertarian world that produced seasteading includes a fair number of climate-change skeptics, but Hencken isn't interested in debating sea-level changes with them. He merely notes that, whatever you believe about the phenomenon, they have clients who see it as a problem worth solving.

A second reason for the Polynesians' interest is jobs. The country has an unemployment rate of over 20 percent, and seasteading projects could be an important source of both employment and entrepreneurial opportunities.

A third reason is alternative energy. Nicolas Germaine, a French software engineer working with Blue Frontiers, notes that the islands face some of the same problems related to renewable energy generation and waste control that a seastead will have to solve. So "our sort of sustainable development is something they are very interested in."

Bissou is also sure of some things he *doesn't* want to come of this. "We don't want to be like Hawaii," he told a workshop held the day after he signed the agreement with Hencken. "We want to keep our culture and languages and life as it's lived, authentic." (Tourism, a mainstay of the French Polynesian economy, took a huge dive around the turn of the century and is only slowly recovering.)

Collins thinks part of the Polynesian enthusiasm reflects the fact that the seasteaders did not come in asking for tax dollars or other financial support. All they want is the space and the freedom they need to make things work.

Everything about what might happen with seasteads is veiled in some necessary uncertainty as of press time. The seasteaders' current task is producing convincing economic and environmental impact reports that demonstrate to the Polynesians that a seastead will indeed be good for them. But ultimate approval has to come from more than just President Fritch and his already seasteading-friendly crew. The France/Polynesia relationship leaves the locals in charge of fiscal matters, but Paris still controls work visas and immigration—rather important issues for the seasteaders. An international law firm, DLA Piper, is helping the seastead group pro bono on the French angle, and Collins says the Polynesian government is dedicated to working out all necessary details with France.

Everyone involved wants what happens in French Polynesia to not stay in French Polynesia. Lelaulu suspects the Seychelles and Mauritius would quickly glom onto seasteading if it succeeds in the Pacific.

Perhaps because he's not an actual part of the dealmaking, Lelaulu was willing to spitball about possible sources of funding to build seasteads. "The Asian Development Bank is looking for things to do," he told the workshop held the day after the signing. "Look at sovereign funds. The Norwegian Pension Fund, they've always been keen on oceans, and they want to look good because they are still killing whales," he added. He also suggested playing the Norwegians and Swedes off against each other to squeeze funding for seasteading's ocean-saving possibilities.

So far, the actual seasteaders are either unwilling or unable to be specific about funding sources, though Quirk is open about the fact that they will need millions. A few weeks after the agreement was signed, he told me that "we have people in the mix definitely who are earnest about paying to see one built if they can get the type of regulatory and administrative autonomy they would require." But no one will name names.

Other presentations at the workshop seemed designed to impress the Polynesian delegation with the range of ideas, technologies, and people that made up the seasteading world. Most involved processes and projects that would make life on a seastead easier or more interesting: bio-gas production, smart grids, mobile clean waterships, wave energy conversion, nanotech building fibers, undersea robots. But they did not highlight any companies that would be willing to spend the big money to have a seastead built, which seems the most pressing problem facing the effort.

'IF WE MAKE IT BEAUTIFUL, WE MAKE IT BULLETPROOF'

KARINA CZAPIEWSKA LEADS Blue Frontiers' physical design team. Her previous company, now known as Blue21, developed expertise in building floating municipal infrastructure in the Netherlands. (They "basically established the technology for totally sustainable floating platforms in shallow seas," Quirk says.) She is confident that no completely new inventions are needed to make a Polynesian seastead work. The problems have known solutions. It's just a matter of affordability.

It's also a matter of political feasibility. It's all sweetness and light right now between the seasteaders and the Polynesians. But as Bissou said at the workshop, "We need to go into communities at the grassroots level and translate this technical knowledge into something the population will understand and will adapt and accept."

In December, before the seasteaders themselves went public with their agreement, *The Guardian* ran a story attacking the idea of Polynesian seasteads, quoting Tahitian TV host Alexandre Taliencio saying, "It reminds me of the innocent Ewoks of the moon of Endor who saw in the Galactic Empire a providential *manna*" but in fact were exploited. Quirk was grimly impressed

that “they managed to find some guy who refers to his own neighbors as Ewoks” in order to take a swat at seasteading.

Chris Muglia, a former manager of a marine construction company, is the only Blue Frontiers leader with long-term experience on the water. Calling on his decades “working on almost every Caribbean island as well as the Marshall Islands,” he says that islands have bitter experience with “people showing up and saying they have a great idea to do this and do that, then they disappear and never come back.” He thinks a strong show of follow-through will go a long way in selling the islanders on the project.

What will the first seastead look like? All Czapiewska will say is that any articles grabbing random old designs from the internet and presenting them as “the seastead” are wrong. Muglia reports that “the first one will not be some big 14-story” thing, that there will of necessity be first steps and second steps as their methods become “cheaper and more sea-capable” and have “more capacity.” Hencken dreams of a larger central structure amenable to that key aspect of seasteading, modularity, with smaller pieces able to attach to and leave the central base.

Nor is it clear what businesses or other activities will come to this structure. “It very much depends on what rules will be different,” says Germaine. “Some business models are insensitive to lots of unknowns.” He sees information tech, green tech, and ocean tech as likely first adopters.

Delaune of UX Global thinks the conceptual and practical problem they’ll have to solve—basically, creating a self-sufficient closed ecosystem—will create “high-value integrative technologies with potentially long-term revenue generation,” something that in an age of eco-crisis and interplanetary exploration could be valuable even for people who couldn’t care less about competitive governance. He also speculates that an early Polynesian seastead could be very attractive to “the global senior community.” Or perhaps they could erect a global conference center for “seasteading-related ideas, technologies, and thought leadership.”

Hencken expects the environmental and economic impact reports to be done in May. Muglia has been doing “initial surveys on different potential locations, looking at geotechnical stuff, what the bottom of different lagoons and bays” look like, and thinking about “anchoring [and other] super basic stuff,” to pinpoint best and second-best spots for a build. Collins is confident that either Tahiti or Ra’iatea will be the host island for the first seastead. (Bora Bora has too much going on in its harbors.)

Whatever it ends up looking like, whatever its function, the first seastead needs “to make financial sense,” Collins says. “We can’t build a platform and devote half to a swimming pool or a soccer field. We don’t want a dense urban environment either, and nobody on the team is talking about an enclave for rich tourists or just another way of doing a hotel on the water.”

Bell, the lawyer, who has been a party to many failed or still-

The Polynesians are already familiar with the concept of a space of limited autonomy carved out of a larger legal entity, since that is French Polynesia’s relationship with France.

born startup-city schemes, says working in this field can be “one heartbreak after another.” His advice: “Don’t fall in love with every project.”

Still, the cheery optimism surrounding this Polynesian effort seems well-grounded. And Friedman insists that “the idea of competitive governance still overarches, or undergirds, what we see as the long-term 100-year impact” of the initiative. It’s just that seasteading is a startup sector. If the only affordable way to begin involves a host nation, he says, then the parameters will be defined by “whatever makes the customer” want to buy in.

Even within those parameters, Quirk’s vision of what they intend to accomplish is ambitious. “In 2017 we secure the legislation,” he says. “In 2018 we start building floating islands in French Polynesia, and by the end of this decade I want the world to be looking at a floating island that makes them gasp and gives them a vision of the microcosm of freedom that is going to be on the sea, OK? It’s got to be beautiful, it’s got to look like nothing else in the world, it’s got to be not just environmentally sustainable but environmentally restorative.”

The biggest threat facing seasteading, Quirk says, “is political backlash. If we make it beautiful, we make it bulletproof. And our Floating Island Project is bigger than just this project. It is on the crest of a wave all over the world of 4,000 at least special economic zones. They have been proliferating and crowding up against the coast as if against a dam.” If Quirk and his team have their way, the Polynesian project will bust that dam and flood the world with food, clean water, energy, and liberty. ■

Senior Editor BRIAN DOHERTY is the author of four books, including *Radicals for Capitalism: A Freewheeling History of the Modern American Libertarian Movement* (PublicAffairs).



‘TO LIVE AND LET LIVE’

THE MICRONATION OF LIBERLAND TURNS 2

BRIAN DOHERTY

THANKS TO A long-standing border dispute between two parts of the former Yugoslavia, there was a little slice of unclaimed land on the west bank of the Danube River. Croatia would prefer recognizing a border more closely corresponding to an older flow of the Danube, while Serbia is happy with the current Danube-defined border. That leaves a teardrop-shaped piece of land about 7 square kilometers on the Croatian side that neither country wants to claim. In April 2015, Vit Jedlicka, a Czech activist and market analyst, declared the disputed turf *terra nullius* and established his own country there: Liberland.

In contrast with the gradualist approach taken by seastealers and charter city founders, Liberlanders essentially came at Croatia “with both middle fingers up right away and just talked to the press,” says Joe McKinney of the Startup Societies Foundation.

Since then, Jedlicka has been traveling the globe flacking for a nation that will govern according to the principles of Bastiat, Mises, and Rothbard. Liberland’s motto is “to live and let live.” Its constitution vows, “No law shall prohibit any act or omission which does not directly harm any other Person or cause unwarranted suffering to an animal capable of conscious behaviour or harm to the environment beyond the boundaries of one’s property.” It also declares that the tiny nation will never go into debt, raise an army, or start a war.

No one lives in Liberland. For one thing, Croatian law enforcement tends

to arrest anyone who tries to enter. For another, there’s nowhere to live. The microstate boasts a single structure: an old logging storage house without water or power. The ramshackle building was pictured on Liberland’s website in late February festooned with the country’s yellow and black flag. It’s unclear how the flag got there. Neither Jedlicka nor others associated with Liberland will say, but Liberland’s website insists this flag raising marks “their permanent presence in the area.” What’s more, “the Liberland government announced a plan to restore the building on its territory” and, shades of seasteading, “to begin construction of a floating Liberland community on the Danube River.” Jedlicka and his people are holding an event in April to celebrate the second anniversary of Liberland’s founding, but the website advertising the festival admits that “we are unable to stop at Liberland due to current regulations in force on the River Danube.”

Technically, Liberland has around 300 citizens (all living abroad, obviously), but Jedlicka boasts over 430,000 online applicants for citizenship, a national budget so far of over \$200,000, and even a hint of an “in” with the Trump administration. Jedlicka came to America for the inauguration and told *The Washington Post* of “friends of friends” connections, saying that “Trump being in place definitely opened new doors” for Liberland.

Jedlicka seems untroubled by the lack of resident citizens. “We can achieve 100 percent of our goals even without having full access to our territory,” he says. The

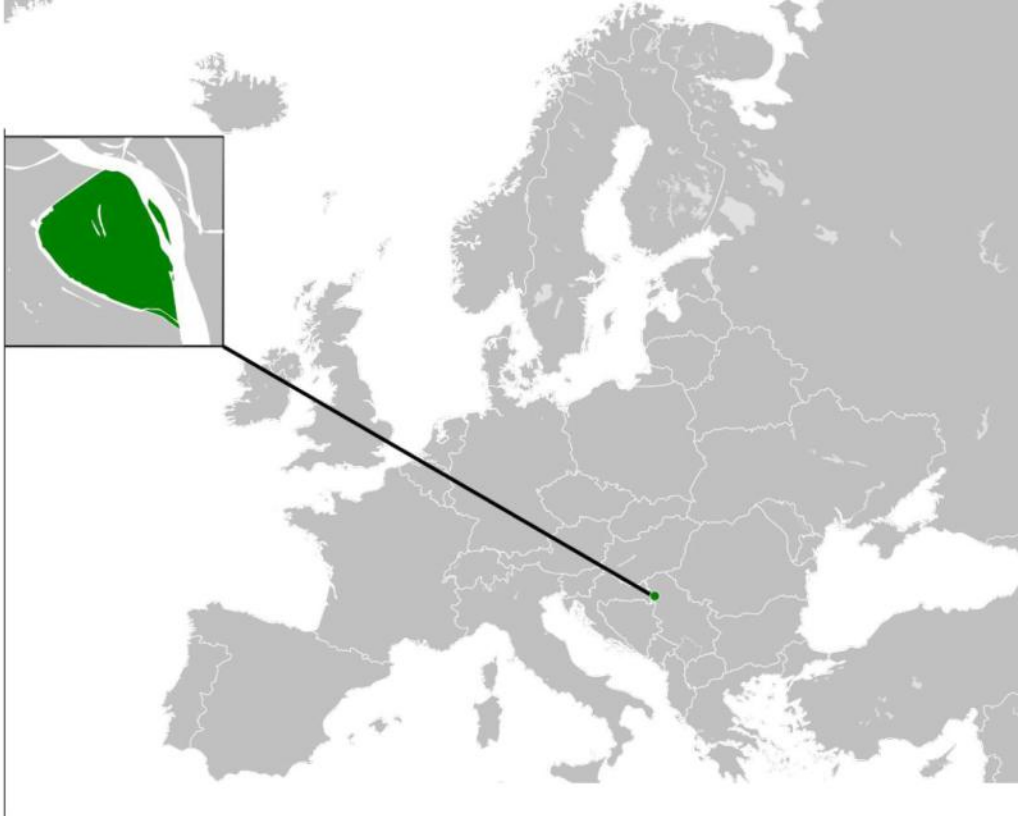
current model relies on “e-citizenship” and registering businesses—though the benefits of such registration are not yet clear. The latest Liberland brochure does promise a “tax advantage” and speculates that Liberland’s digital currency, the “Merit,” will become “another global alternative digital currency.” And Jedlicka insisted in a March email that “companies operate under Liberland voluntary tax and regulations.... We are also talking about institutions like Liberland Red Cross, Liberland Settlement association or Bank of Liberland.... We are working on state of art company registry and we will as first jurisdiction offer companies to issue their shares on blockchain.”

What the state lacks is recognition from any other countries. Does that matter? According to a *Chicago Journal of International Law* article about Jedlicka’s claims, a truly objective legal definition of nationhood can’t require outside recognition, since that would just mean “the most powerful states imposing their idiosyncratic moral framework onto other, weaker peoples” and a grotesque *realpolitik* by which a power like Croatia could crush even legitimate claims by the likes of Jedlicka by force. Still, Liberland has representatives in 60 countries fighting for recognition for the micronation, and many of them “are well-respected individuals in their community,” according to the new brochure.

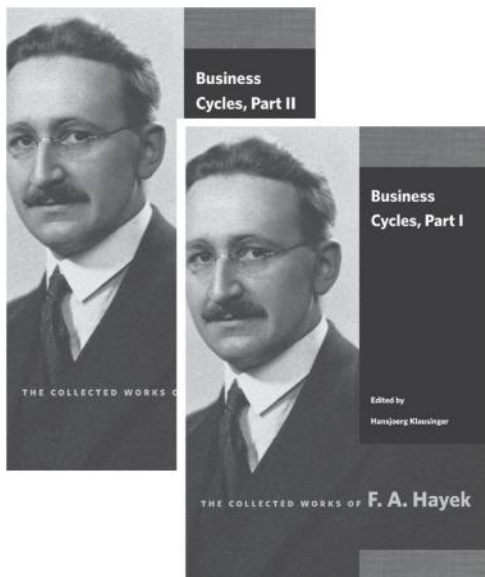
Jason Dorsett, an American who was arrested twice entering Liberland, notes that his first arrest was supposedly for an illegal border crossing *out* of Croatia. The

second arrest was for allegedly crossing from Serbia into Croatia. Jedlicka, who has also been arrested trying to enter Liberland, says he's happy about the Croatian arrests since they clearly establish that "there is an international border between Croatia and Liberland" and that "we are happy that Croatia protects our territory from any intruders at this stage in the process."

Sonja Prsec, a lawyer representing Jedlicka and other would-be Liberlanders (she knows of up to 30 who have been prosecuted for the crossing), says that after being caught in a loop with lower courts, she has appealed the convictions to Croatia's Constitutional Court, which should have the power to settle the high-level border questions at issue. **■**



BRIAN DOHERTY is a senior editor at *Reason*.



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P.J. O'Rourke:
Things Are
Going to Be
Fine

But there's going to be some trouble
getting to the fine part.

interview by NICK GILLESPIE

“The politician creates a powerful, huge, heavy, and unstoppable Monster Truck of a government,”

P.J. O'Rourke writes in his new book, *How the Hell Did This Happen?* (Atlantic Monthly Press). “Then supporters of that politician become shocked and weepy when another politician, whom they detest, gets behind the wheel, turns the truck around, and runs them over.”

In the book, O'Rourke's 19th, the former editor in chief of *National Lampoon* uses his celebrated blend of acerbity and warmth to explore the 2016 election, which he refers to as a “rebellion” against people in control. O'Rourke, a regular panellist on NPR's *Wait Wait...Don't Tell Me!*, worries our changing economy is fueling a populist wave of fear and anger. “There's a segment of America that feels threatened by change, change of all kinds,” he says. Still, he's optimistic for the future. His kids might have three or four careers over the course of their lives, but “I think they're pretty hip to that, actually. I don't think that they're particularly frightened by it.”

In March, *Reason*'s Nick Gillespie spoke with O'Rourke by phone about what he saw on the 2016 campaign trail, what it means for the country, and how libertarians should respond to this new populist moment.

Reason: Do you consider yourself more of a libertarian or a conservative? Where do you see the border between those concepts?

O'Rourke: It really depends upon from what angle we're looking at things. Politically, I consider myself primarily to be a libertarian. I am personally conservative. I'm conservative about religion. I'm conservative about moral values. I'm probably even somewhat more conservative than many libertarians are in foreign policy.

When you look at something that happens, especially in politics, you say, “Does this increase the dignity of the individual? Does this increase the liberty of the individual? Does this increase the responsibility of the individual?” If it meets

those three criteria, then it's probably an acceptable libertarian political policy.

What is good about the new populism for you, and what scares you about it?

Well, let's talk about the good, because it's more limited. I think there's a worldwide animus going on against the elites. Part of this is that the shift toward a much more high-tech economy is leaving a lot of people who have manual skills, or simply the capacity for hard labor, way behind. This is something that needs to be addressed, needs to be recognized, because it's not so much that the divide between the rich and poor has gotten greater. There's actually been tremendous strides around the world at abolishing the worst level of poverty. But [people are] feeling a sort of aspirational ceiling. The fact that a lot of it has to do with lack of rule of law in places—not only in utterly chaotic places like, say, Somalia or Sudan, but in very corrupt places like Russia and China—is making people very angry. Rule of law is something that's fundamental to a free society.

Define rule of law. Do you mean that the same rules apply to everybody?

Exactly, and you can sort of extrapolate from this that it doesn't have to be perfect law. That as long as the rules of the society apply to everybody, there is a kind of justice in the air. But when there's an exception because of wealth or power or holiness or fame, you name it—if there is a mechanism by which somebody can step outside the justice department—then that law is lousy no matter how liberally written.

What about countries like France, Hungary, Russia, the United States, England? These are also places that are experiencing real paroxysms of populism.

I would say there are a couple of things going on. One thing sets us apart from Europe: Europe is suffering from a tremendous refugee crisis that the governmental elites have completely failed to address. They've failed to address its cause. They've failed to address its effects. They've failed to address its after-effects. They have just completely screwed things up, and I think that probably holds the key to the Brexit vote.

NPR did an exit poll where they went around to places that had voted heavily for Brexit, and pretty much across the board, [the response] wasn't racist, it wasn't violent, it wasn't xenophobic, but it was, “This isn't the Britain that I grew up in. Things are changing.”

Here [in the U.S.] I think it's more directly an effect of expansion of government to the point where government just has its thumb in every conceivable pie. I mean, we are so complexly regulated that it's driving people crazy, and the

“At the core of libertarianism—as an attitude and as a way of thinking about politics—is the idea that people are assets. The liberal idea is that people are burdens.”

people it's driving crazy are the core [Donald] Trump voters. They tend to be small-business people, often highly skilled blue-collar [folks]. Their incomes wouldn't indicate that they're blue-collar. Their education might not.

These are craftsmen, or...?

Yeah. The plumbers and electricians, and maybe master electricians, master plumbers.

Trump was not my choice, but I was talking to a guy [at a Trump rally] and he said, “I own a gas station and a towing operation. It's just me and my wife. I don't have a human [resources] department. I don't have a legal department.” He said, “Every time some jerk in Washington passes some new idea, he never seems to think that it means another pile of paperwork on my desk.” He said, “I've got old gas tanks at my gas station, and I can't get the local, state, and federal permits to get them removed. I can't get the local, state, and federal permits to install new ones. I'm regulated from every conceivable direction.” He had a fair number of employees, and he said, “I can afford the Obamacare. But what I can't afford is the paperwork that comes with it. That's not what I do.” I really liked the guy and finally I said to him, “So electing a maniac fixes this how?” He laughed. He said, “I don't know, but the hell with the bunch of them. I'm voting for Trump.”

You endorsed Hillary Clinton and said you wouldn't vote for Trump.

No, and I did vote for Hillary.

How did that feel?

OK. It was a matter of, if I may say so, reason. You know, in the commodity market there's something called the VIX, the volatility index. They call it the fear index. You can actually buy and sell fear on the commodity index. I looked at the volatility of the two candidates, and I thought, “I know with about 98 percent, 99 percent assurance exactly what I'm getting with Hillary. I loathe and detest it, but we just survived eight years

of it. I doubt it will last more than four more.” It's very rare for American political cycles to last longer than 12 years, as poor George H.W. Bush proved.

I looked over at Trump, and I said, “I have no idea. I just have no idea. He might turn out to be an absolutely ordinary president. [But] I don't like this populist noise.” If I had to put one finger on a thing about Trump, it was the scapegoating, the stuff about refugees, the stuff about immigrants, and so on. I'm a pro-immigrant guy. I will listen to anti-immigrant talk from a full-blooded American Indian and nobody else. *They've* got a beef.

Let's talk specifically about Trump. What frightens you most about him?

This is just not a small-government guy. This is a big-brush-stroke person, and I don't have any use for that. I want the government to shrink in the wash. I want it both cleaner and smaller, please.

And whiter? Is that where you're going?

As a matter of fact, if anything, I want the nation to be more colorful. At the core of libertarianism—as an attitude and as a way of thinking about politics—is the idea that people are assets. The liberal idea is that people are burdens. More sick people means more government expense. More poor people means more government expense. More any kind of people means more government expense. Whereas I think it means more growth, more vitality.

But Democrats are going after Trump with everything they've got.

They sure are. But the point of the fact is, he's one of them.

Explain that a little bit.

He's one of them, but he's coming at it from a sort of populist [direction]. There's a segment of America that feels threatened by change, change of all kinds, and he's saying,



“I will listen to anti-immigrant talk from a full-blooded American Indian and nobody else. *They’ve* got a beef.”

“Well, I’m going to make things like they used to be.” But the tools that he’s going to use—huge infrastructure spending, Big Digs everywhere, the huge rise in military budget. We already spend more than, what is it, the other top 10 countries combined? We may have a foreign policy that doesn’t make any sense, but you don’t want to mess with our military. He’s a big-government guy for small-minded people, and the liberals are so mad at him because they regard themselves as large-minded people, but of course they’re equally big-government.

Something else somebody said to me on the campaign trail at a Trump rally was, “Damn it. I’m in the logging business. I am so regulated.” And at the end of it he said, “I turn on the TV at night, and what’s the lead news story? It’s about transgender bathrooms. We don’t have any bathrooms in the woods.”

You talk about populism as a libertarian tragedy. How did you answer the guy who was pissed about the transgender bathrooms on the news?

I was just there as a reporter, so the way I responded to him was by writing what he said down.

You need somebody who is really good at getting this stuff across, the way Ronald Reagan was. I would prefer things to be so that I could tell you, “We have to do more libertarian education. We have to do more libertarian outreach. We’ve got to get younger people who have libertarian inclinations more engaged in this.” In fact, it requires the kind of leadership that was not provided by [2016 Libertarian Party presidential candidate] Gary Johnson.

He was not inspiring?

He just ran a terrible campaign. There were so many moments, it seemed to me, over this campaign cycle that lasted for two years, when libertarian stuff could catch fire, and it didn’t. I had some hope for [Kentucky Sen.] Rand Paul, but Rand is unfortunately burdened by intellect. You ask Rand a question and you get the whole answer. While that’s great for an interview, it’s not great on the stump. You don’t get the joke that you got from Reagan. You don’t get the thing boiled down.

In some of your writings, you talk about how the pace of technological change seems different over the past, say, 30 or 40 years, and that in the digital era, change is more disruptive. What’s going on?

First there was an agricultural revolution in the late Middle Ages, which arguably led to the Renaissance. Adam Smith makes that argument in *The Wealth of Nations*. Then of course was the Industrial Revolution. The thing we have to understand about those revolutions was that they were slow. Especially the Agricultural Revolution. It was very gradual—so gradual that it wasn’t until a couple of hundred years later that people really could realize that it had happened.

The Industrial Revolution was much faster, but it worked on very basic principles of mechanics [so] that your average plowman could look at this machine and see how it worked. It was linear. Once you had seen a railroad, how surprised could you be by an automobile, which is a locomotive off its track? The Industrial Revolution was comprehensible to people. It happened fairly quickly, but not nearly as quickly as the [information technology] revolution, or the electronic revolution, or the internet revolution, or whatever you want to call it. And the side effects of this very quick technological change have been exceedingly unpredictable. I mean, who at the onset of the internet would predict that it would make the anchor store at the local mall go away? It has these totally surprising effects on people’s lives and their jobs, and it spreads fear, even to people who have nothing to fear.

Libertarians are often accused of being descended from Vulcans and not having any emotions. How do you put the humanity back into that disruption? Because you’re explaining extremely well where the populist anger comes from, but we also don’t want to deny the fact that Amazon is a great service.

Absolutely. We all use it. We’re voting with our fingers. We’re voting with our credit cards. We’re all in favor of it, obviously. It cost us a job at one end but got us a cheap couch at the other.

I think this is one of the reasons that this was a very tough election for libertarians, because it’s hard for libertarians, who

are in favor of progress, who are in favor of innovation, and who are in favor of free enterprise, when disruption is caused by these fundamentally good things—macro good things. But when they're causing disruption at a micro level, maybe we sometimes have to rethink, a little bit, our position of utter non-interference in people's lives.

This certainly would be a time for libertarians to get in there and work hard on getting rid of the kind of regulations that put undue limits on any kind of free enterprise. Small businesses shouldn't be penalized for growing. They shouldn't be zoned out of existence. They shouldn't be regulated out of existence. It's time to do that. And maybe there are rational government interventions, not to prevent any of these [examples of progress] from happening, but to ease the circumstances under which they happen.

That could be a different type of social safety net than libertarians historically are comfortable with, or universal basic income, or...

Yeah, it could be something in that direction.

I don't pretend to be enough of a policy wonk to say which of these things would be best or not best. I leave that to the scholars at the Cato Institute and places like that. But I have a feeling that comfort can be given, and aid and assistance. So many kids are coming out of the educational system ill-prepared for this modern economy. Right there with school vouchers, you've got a good issue.

Are you optimistic? Most libertarians I know feel like in the long run, things will just get better and better. But what about the medium run? Are your kids going to have to learn three or four different professions over the course of their life?

I think they're pretty hip to that, actually. I don't think that they're particularly frightened by it. They of course have a capacity, that I at my age don't, to embrace change enthusiastically. When you're a 13-year-old boy, any change is good change. "Hey, the house is on fire." Everything is exciting.

I am actually very optimistic. But of course I've had the good fortune—and this had to do with making a decent income and also with the person I married—to ensure that my kids are getting a good education. They're going to be prepared, both specifically with certain skills, but also intellectually, generally, to cope with the change.

One model we can look to is Europe, which we might be 20 years behind in terms of the populist uprising. But then there's Japan, which has fewer people now than it had at the turn of the century.

I don't think either of those are appropriate models for us. I mean, Europe is so ingrained with its factionalism and its proximity to all sorts of ugly customers. You can practically walk to war from anywhere in Europe.

Japan is such an isolated, insular society. For all the talk to the contrary, we're immigrant-friendly and we're an immigrant nation. And while we do have plenty of factions, they do all speak more or less the same language and are not divided up the way that Europeans are. Nor do we have this sort of royalist attitude that all good things rain down upon us from the government, which still obtains in these ex-royal countries. Even in France, where you'd think they would know better.

I think things are going to be fine, but there's going to be some trouble getting to the fine part, and libertarians, we may be fighting some old battles.

You mean that we're fighting over entitlement spending and things like that?

Yeah. I mean, these things absolutely have to be addressed, and libertarians are in a very good position to address them. But when it comes to changes in the nature of the relationship of the individual to the state, many of us—and I include myself—we're still fighting the fights that Milton Friedman, [Friedrich] Hayek, and so on fought. I'm not saying that those fights don't still need to be fought, but I'm saying there are also other battles that we better get ourselves involved in.

What is the first among those other battles?

The first at this moment is economic transition. How do we enable this economy to benefit most from the changes that are going to happen anyway?

That's where you're talking about getting past a lot of accreted regulations. In a way, I guess Trump is speaking your language when he says, "For every regulation we pass, we're getting rid of two."

Yeah. Not a bad idea. The man is not without some insights. I don't know if I'd go so far as to call them ideas, but he perceives some things.

Your last big book was about the baby boom generation, your generation. Is there any part of you that's sad over Bill and Hillary Clinton exiting the stage of national and world politics?

Not one iota. It's "Goodbye, and don't let the door hit you on the butt on the way out," you know? "What's your hurry? Here's your hat." ■

This interview has been edited for length, clarity, and style. For an audio version, subscribe to *Reason's* podcast.





CARRYING THE TORCH OF FREEDOM

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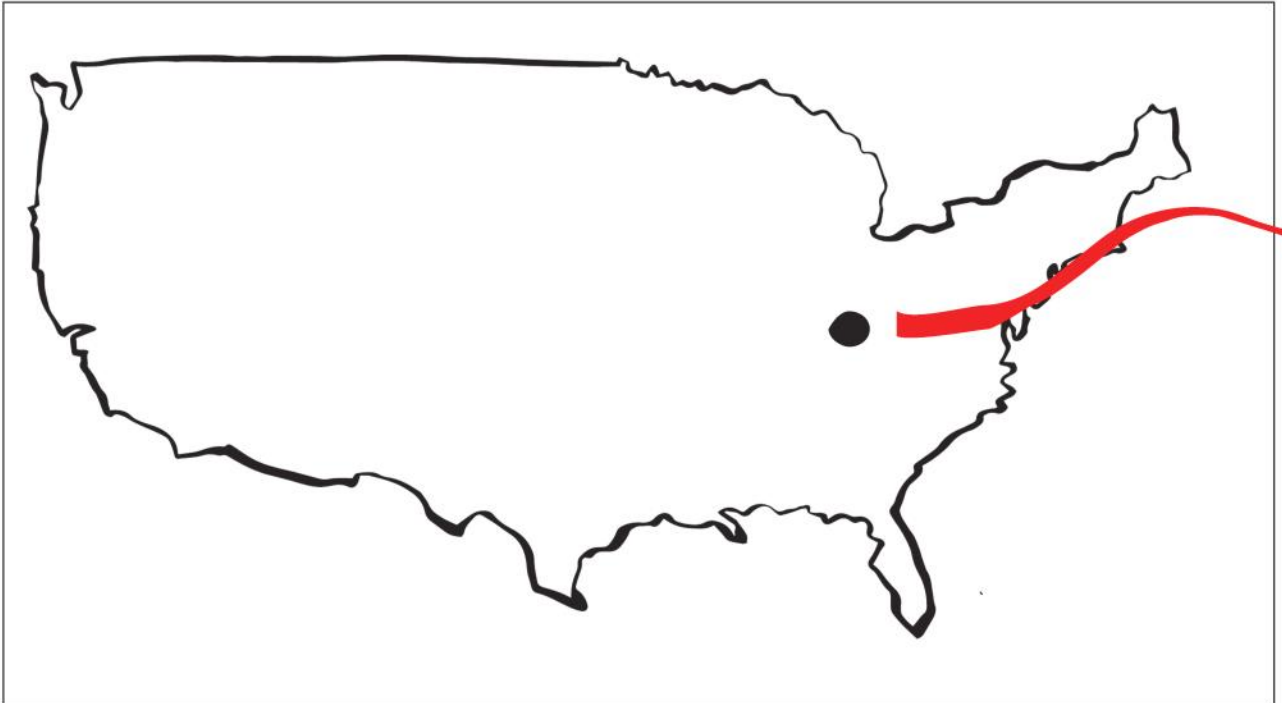
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TITLE

HOME ECONOMICS FOR REFUGEES

SUBTITLE

WHAT IT'S LIKE TO BE SEPARATED FROM YOUR FAMILY BY PROCESS, PAPERWORK, AND POLITICS

AUTHOR

MARGARET REDMOND WHITEHEAD

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PENDING

EVERY MONTH IN Louisville, Kentucky, Abdi Mohamed does a little bit of family banking.

The 32-year-old Somali man with dark, deep-set eyes and a cleanly trimmed goatee opens an app called Wave. Foremost in his mind are his wife, his 6-year-old stepdaughter, and his 3-year-old daughter. He tries to figure out how much money they need: Did they run out of toiletries? Any hospital visits? Have the girls grown out of their clothes? After running through his mental checklist, Mohamed determines a number, navigates the app, and taps his finger on the screen to send his family what they will need this month. The money withdraws from his bank account in Louisville. Eight thousand miles away in Nairobi, Kenya, Mohamed's wife Sophia gets a notification on her phone that the money has arrived from America.

"I send \$500 to \$600 per month to my family," says Mohamed, who earns \$12.50 an hour working in an Amazon warehouse. "But sometimes there are medical bills; it fluctuates. So [I] may end up sending \$500, \$600, \$700, and by the end of the month, [I] keep on sending other money. Sometimes it goes beyond \$1,000." At these figures, he gives a helpless laugh.

Mohamed was 6 years old when he left Somalia, an arrow-shaped country capping the horn of Africa that has been hounded by civil war since a coup in 1991. His family fled across the border to Kenya and found tenuous safety in the refugee camp of Dadaab, and it was there that he grew up. After an unhappy first marriage, Mohamed applied for the United States Refugee Admissions Program, a yearslong process with the potential to result in resettlement to America. Then his plans went awry: He met Sophia, who had a daughter from her own previous unhappy marriage. She was beautiful, patient, and fastidious. The two fell in love and wed, and soon had a daughter of their own.

"Marriage and death are things that always come as a surprise," Mohamed says. "Sometimes things happen the way you don't plan it."

Since Sophia and the girls weren't a part of Mohamed's initial application, he was not able to add them to his case. In 2013, when he was approved for resettlement to the United States, he had to go alone. Now he's in the process of applying to bring them to join him in Kentucky. He works 60-hour weeks and sends them money to live on. Mohamed is keenly aware of the difference between himself and the other workers at his warehouse: They end long shifts and go home to their families, while his wife and daughters are an ocean away.



Mohamed is a legally "single" man who is simultaneously bound to support three dependents. His immigration attorney at Kentucky Refugee Ministries, Sarah Mills, calls his financial situation "maintaining two households," a phrase usually reserved for wealthy owners of multiple homes. Mills has been working with Mohamed since June 2014 to file a refugee family reunification petition, a legal channel through which refugees in their first two years in the United States can bring their immediate families to join them. But until his petition succeeds, Mohamed lives in a kind of limbo, his feet on Kentucky ground but his heart with his family in Kenya.

Thousands of such fragmented families exist. Just as most American families would not disunite intentionally, these refugee families never meant to get permanently separated. Under normal circumstances—their countries intact and safe, facing no persecution—they would function as single households living under the same roof.

Instead, many refugees' full energies are devoted to absent family members overseas. The cost of this separation, both to people like Mohamed and to the American communities they live in, demands closer investigation. So do the costly inefficiencies in the family reunification system.

'IF I MISS ONE DAY OF WORK, THEY WOULD SUFFER' MONEY IS ON the minds of most new refugees in the United States. The U.S. Refugee Resettlement Program aims for them to be financially self-sufficient within 90 days of arriving in

the country. New arrivals learn that they must put aside any notions of full-time English classes in favor of finding a first job, and fast.

They are often blindsided by the cost of living in America. “There are so many bills: water, house, electricity,” says Elhadi Adam, a Sudanese refugee who fled Sudan’s ethnic cleansing campaign and resettled in Maryland in 2012. But even with these costs, Adam’s life in America was still better than that of his family in a displacement camp in Sudan. “You have comfort here. Your family is there, and they don’t have anything to eat. Here you have something to eat. So why save money? If you work two jobs and are a hard worker, you can pay your rent, and after that you can wire what’s left to your family. So there is no sleep—if I miss one day of work, they would suffer.” In the five years Adam was separated from his wife and their young son and daughter—they were reunited in 2015—he estimates that he sent them around \$10,000 for living expenses.

According to the World Bank, immigrants living in the United States send more money abroad than immigrants in any other country, remitting approximately \$56.3 billion in 2014. Refugees make up a tiny fraction of immigration to the United States, and there is no reliable way to track refugee-specific remittances, but globally, they are among the poorest and most disenfranchised groups on the planet. I spoke with dozens of fractured refugee families; the need to send money home proved persistent and all-consuming.

The form for a refugee to bring a spouse or child to the United States is only four pages, but submitted applications can run hundreds of pages long. Legal professionals like Mills become a necessity, because a key part of the application requires refugees to prove their relationships with the people they want to bring.

Immigration lawyers will often try to show financial dependency to demonstrate that a marriage is real. They collect receipts from money transfers, screenshots from money-wiring apps like Wave, and even affidavits from black-market wire transfers, all proving that their stateside client sends money to a spouse or child overseas. The mountains of evidence make legal professionals key witnesses to this flow of cash.

Attorney Heather Scavone, who runs the Elon Humanitar-

ian Immigration Law Clinic in Greensboro, North Carolina, believes there is a strong economic argument for refugee families to be reunited as quickly as possible. “When you have a refugee making \$8.50 an hour and their family is in the [Democratic Republic of Congo],” she says. “they’re sending a substantial portion of their wages overseas to take care of their family.” Instead of investing their paychecks in their new American communities, they send them to camps and slums in foreign countries. Instead of investing in their own life in the United States—purchasing homes, buying cars, frequenting American businesses—they are desperately scraping together every extra cent of their earnings to sustain a second household abroad.

‘PENDING, PENDING, PENDING, PENDING’

MOGES BETRU HAS spent three and a half years waiting for his wife, Sadada. He is an intense, slight man from Ethiopia who fell in love with Sadada via old-fashioned correspondence. His landlord was her uncle, and over the course of several years they started to spend more and more time chatting on the phone. “Whenever she called [her uncle], she talked to me, so we started to get to know each other and exchanging Facebook [messages] and letters. Later on, we started talking, and decided to marry each other.” They wed in 2012.

Betru, like many refugees, did not want to jeopardize the resettlement process he started in 2010 by belatedly adding Sadada to his case. So he came alone to Greensboro in September 2013. Right away he began the process of applying for Sadada to join him, and he sought help from Church World Service.

His first petition was denied for reasons he doesn’t know. In 2015, he moved to Louisville, and there he received help applying again, this time from Kentucky Refugee Ministries. Then the waiting began in earnest. As of February 2017, Betru had four words to say: “Pending, pending, pending, pending.”

Refugee family reunification petitions such as Betru’s start at the United States Citizenship and Immigration Services (USCIS), either in Texas or Nebraska, where an adjudicator reads the paper petition and determines whether someone in Betru’s position has given enough evidence that his wife is really his wife. Petitions at USCIS “are generally approved pretty quickly,” writes Rebecca Sim, attorney at Catholic Charities of Louisville. The USCIS office then sends the file to the National Visa Center (NVC) in Portsmouth, New Hampshire, which then sends it on to the U.S. embassy or consulate nearest to the family member abroad.

That is an ideal case. “More often than I am sure the government would like to admit, the file is lost in transit from USCIS to the NVC,” Sim explains. “If the file is lucky enough to arrive at the NVC, it could become lost in transit from the NVC to the assigned U.S. embassy or overseas USCIS office. Lost files can result in extremely long delays.”

Betru’s lawyer in Louisville, Becca O’Neill, sent his application to the USCIS, but it never made its way onto the desk of an adjudicating officer. When O’Neill contacted USCIS, seven months after sending in Betru’s petition, the office said it was never received. Betru was exasperated: “It took us like six months to appeal.”

This time, Betru’s application was approved, but another human error followed. The National Visa Center sent his file to the American Embassy in Addis Ababa, Ethiopia, and asked Sadada to come in for an interview. This would have been the correct next step if Sadada lived in Ethiopia, but she lived and worked in Dubai, in the United Arab Emirates. The mishap cost months; to reroute a file between embassies, even those only a four-hour plane ride apart, the file had to first go to the United States, then be sent out again to Dubai.

And these are minor gaffes compared to the bureaucratic satire that can play out once these petitions reach the State Department’s embassies and consulates. A combination of local mood and institutionalized bureaucracy can drag out the application process for years.

Aside from a not-quite-consummated pilot program that attempted to streamline the family reunification process, most embassies or consulates complete their own adjudication on the petition USCIS has already adjudicated and approved. Consular staff might ask for additional proof of a real family relationship. This puts petitioners, or rather their lawyers, in a back-and-forth not with a USCIS office in Nebraska but with a U.S. embassy or consulate overseas.

Andrew Haile, a lawyer who published “The Scandal of Refugee Family Reunification” in the *Boston College Law Journal* in 2015, described files at an embassy as being in a “black hole.” In my interviews across the board, immigration lawyers bemoaned this stage of the process. Embassies and consulates can vary widely in their communicativeness and efficiency when it comes to these visas, and refugee petitioners and their lawyers might go months without hearing from consular staff. Sim recalls an embassy where a file was “just placed to the side and forgotten,” adding a year to the family’s estrangement.

“It is like elastic,” says Congolese refugee David Zihahirwa,

who petitioned in 2015 for his wife and 1-year-old daughter to join him. “They say two months, then it becomes three months.”

In November 2015, Moges Betru’s wife Sadada finally completed her interview. Six months later, neither of them had heard any news. Now, in 2017, he says that he would never advise another person to go through this process. It’s “killing you slowly,” he says. “It doesn’t kill you quickly. They tell you, ‘Don’t worry. You’ll go, maybe soon.’” Sadada has still not been cleared to join Betru, and he is close to giving up.

EXECUTIVE ORDERS AND DELAYS

FIXING THAT BUREAUCRATIC stagnation may become a moot point if refugee family reunification continues to get wrapped up into executive orders on immigration. President Donald Trump’s January 27 temporary ban on arrivals included people holding V93s, the visa for refugee family reunification. The March 6 clarification lets those already holding this visa enter the country, but still delays or stymies family waiting in the USCIS or embassy stage of the reunification process.

Lags such as these can be costly. Each refugee coming to the United States, including those joining family members, must pass certain timed hurdles before boarding a plane to the United States. Medical examinations must happen within 90 days of departure, security clearances must be recent (clearance timing varies by country of origin), and the U.S. Bureau of Population, Refugees and Migration must coordinate with the International Organization of Migration for plane tickets and itineraries.

This process can run like a well-oiled machine, but executive interference has rippling effects. Missing a medical clearance means waiting for another one, during which time the security clearance will likely lapse—and by the time the plane tickets are finally rebooked, the medical clearance may well lapse again. This cycle of lapsing can add up, both for the taxpayers and the family member waiting in the United States.

Immediate family members of refugees are considered “derivative” refugees, and fall under the refugee category of immigrant arrivals, whether or not they themselves qualify for refugee status. They therefore are among those who would be denied entry to the United States for 120 days under the March

6 executive order. It is unclear whether this order will ever go into effect, but if it does, Mohamed and Betru can expect a much longer wait for their wives.

BUDGET LIMBO

THE BULK OF money that refugees send their immediate kin abroad goes to basic living expenses for family members in poverty. Money for food and rent top the list, followed by medical bills. In Chad, the United Nations High Commissioner for Refugees reported a 96 percent funding gap in 2016, “mainly in the domains” of food and firewood for refugee camps. Media fads can skew funding toward newer and trendier crises, such as the one in Syria. But even Syrian refugees in the same year were barely better off, with only 12 percent of their basic needs met.

Two families I spoke with reported children who died in camps of disease or malnutrition while they waited out the process of reunification. One man confided that his wife back in the camp had begun trading sex for food to feed their children.

A certain percentage of this money only makes it as far as the channels that carry it. Many Darfurian refugees reference a Sudanese man in Connecticut who informally transferred money to both Chad and Sudan. He apparently took a \$5 fee for every \$100 sent abroad, half the cost of legal wiring channels. Western Union’s website estimates a fee of \$12 for every \$100 sent to Chad, and *The Economist* documented in 2014 that remittances sent to the African continent usually incur a 12 percent fee.

Travel, too, gets expensive. When it comes time to go to the “nearest” consulate or embassy for the final stage of a family member’s processing, costs can skyrocket.

Bakit Adam, a Sudanese refugee resettled in Louisville, was baffled when he learned that his family had to make their way over 1,500 miles from the Gaga refugee camp in eastern Chad to Yaoundé, the capital of Cameroon, to continue their processing. The first \$700 got his wife Fatima and their five children to the border, then the money ran out. Fatima recalls, “We called Bakit, and then he sent money. And then we fin-

ished the money, and then we called him. One time, two times, three times.”

That was just to get the family to Yaoundé. Another \$500 went to renting a house there. “Every 10 days, I was sending them \$400 to \$500 while they were in Cameroon. I didn’t even go to school. I had to work every single day. No sleep!” His family waited in Yaoundé for seven months as the American Embassy processed their visas.

Apart from the expected bribes to border guards and policemen, some refugees must pay smugglers’ fees to exit their native country or to help their family member cross a dangerous border. When host countries’ police are hostile to refugees, bail money for jail stints can get rolled into the budget.

Additional costs come with proving a relationship to the embassy and consular staff. If the embassy or consulate decides to ask for DNA evidence to prove that a child is related to her parents, this can be expensive, especially for large families. Jacqueline Kasongo, a refugee from the Democratic Republic of Congo in Lexington, paid \$1,600 to complete DNA testing to reunite with her five children. It took six months to scrape together the money, but it proved that the children were hers and enabled her to move to the next step in the process.

WAITING FOR A BREADWINNER

MANY REFUGEES IN the United States find themselves in the reverse situation. Rather than having to earn extra money to support someone abroad, they are insolvent precisely because their families are incomplete.

“We get a lot of single moms who have spouses abroad,” says attorney Emily Jones, Mills’ colleague in Lexington. “It’s hard enough to be fluent in English and be a single mom in the U.S., much less be here without the language capabilities or skills from the get-go. And to expect them to be self-sufficient in 90 days...is kind of an impossible task. So if we don’t let them bring their husbands, we’re setting them up to be dependent instead of self-sufficient.”

Two such women I interviewed in October 2016 in Louisville, Maryama Omar and Endo Dega Muhumed, were disabled and unable to work. They were waiting for their husbands to arrive and bring income into the household. Omar was reunited with her husband at the end of 2016, but Muhumed, a Somali refugee with two children, still wonders when her husband will be allowed to join her.

Even for an able-bodied person, it can be stressful to be a single parent at the low-wage jobs open to people who are still learning English. Layla Makki, a Sudanese refugee, worries that her health may deteriorate due to her single-parent status. She imagines that if her husband were here, “I could just take some days off and rest. But I have to work. I have to work every day.”

ASSIMILATING ALONE

WITH SO MUCH energy spent worrying about family members abroad, what chance do refugees in America have to become productive, contributing members of their new communities?

On one hand, this is a simple issue of time. If a man such as Abdi Mohamed spends 60 hours a week working at his packing job, dead set on sending every extra cent he has to his wife and girls in Nairobi, and if he spends every additional hour possible taking ad hoc interpreting jobs, this leaves him without much time for anything else. Mohamed has strong English but plenty of refugees, such as Bakit Adam, do not. And while English classes are often free, refugees who spend all their time working cannot attend them.

The second barrier between Mohamed and his new American community is less tangible. Scavone, the Elon attorney, describes it as a palpable difference fragmented families in the United States feel between themselves and the people around them, “because every night you go to bed and your children are in harm’s way.” She cites this as a major barrier to integration.

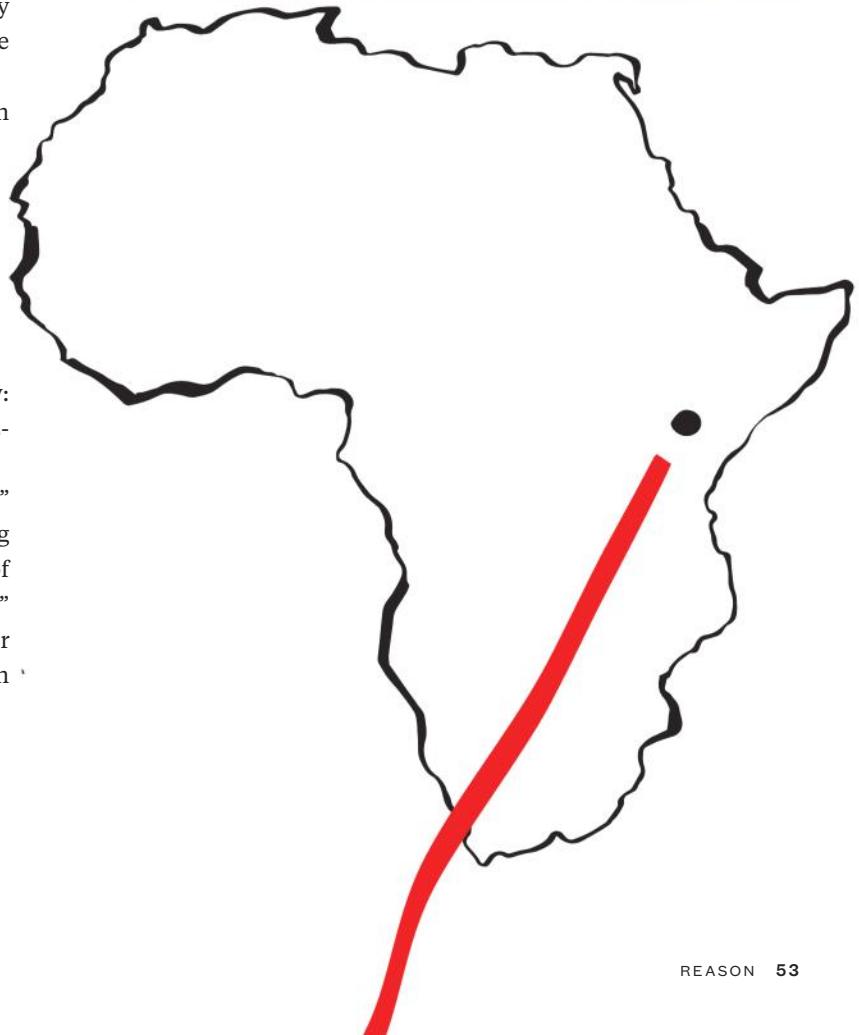
The resettlement program intends for economic self-sufficiency to integrate refugees into their new communities. But economic self-sufficiency isn’t enough when an immigrant’s eyes are glued to places and people across the sea. “Keeping them from their immediate relatives makes it really hard to integrate or to feel like this is their home, their country that they need to be invested in,” Jones says. “Because they’re torn between two places.”

When Abdi Mohamed speaks, he bangs his fist on the table for emphasis. “I haven’t seen my kids in three years.” *Bang*. “The waiting is the most stressful part.” *Bang*.

Sometimes he toys with the idea of buying a plane ticket to see Sophia and the girls. He has the price of a travel document for refugees memorized: \$240. He knows the plane ticket would cost a little over \$1,000. He envisions getting his hands on this kind of money: credit cards, taking out loans, going into debt. The possibility is seductive.

“But if I were to go now, and give a child to my wife...” He drifts off, knowing the consequences of having another baby, a child who was not originally a part of his case. “The process starts over. Another three years.” The risk is too high. So he goes to his 10-and-a-half-hour night shift, and puts in the work for his paycheck. Then he sends what he can to his wife.

MARGARET REDMOND WHITEHEAD is a writer based in Washington, D.C., and is currently working on a narrative nonfiction book about family refugee reunification.





HOW WASHINGTON LOST THE WAR ON MUSCLE

STEROID USERS HUSTLE TO STAY ONE REP AHEAD OF THE LAW.

MIKE RIGGS

W

WHEN NED DECIDED to try anabolic steroids for the first time, his goal was to “be bigger and look better.” He had friends who used, and they seemed no worse for wear. The college sophomore was already training smart and eating right. “I felt like the pieces were in place

to accelerate the process,” he says looking back. That left the question of acquisition: He knew he could use the internet to illegally buy drugs from overseas, or he could invest some social capital in befriending a muscle-bound gym regular who might be able to hook him up. Still, he hesitated, until a fellow lifter revealed that he could obtain the same drug—testosterone, the paterfamilias of anabolic steroids—legally.

If Ned could convince an M.D. that he had low testosterone, he could walk away with script in hand. Then he would be able to pick up clean, accurately labeled “test” from his local pharmacy in broad daylight, instead of braving the black market. He’d avoid the risks of drugs passed hand-to-hand, which might be under-dosed, mislabeled, or dirty. And buying directly from an Indian or Chinese lab (which probably supplied the American gym vendor anyway) poses all those risks plus the additional possibility of criminal charges—including prison time—if U.S. Customs intercepts your package and conducts a “controlled delivery.”

“I’d estimate the majority of controlled deliveries I’ve seen have involved quantities that are consistent with personal use,” criminal defense attorney Rick Collins writes in *Legal Muscle*, his 2002 doorstopper on U.S. anabolic steroid laws. “A band of government agents will lie in wait until you make the horrific mistake of accepting your mail. Then, like a plague of locusts, they’ll descend upon the sanctity of your home, ransacking it from roof to basement.”

User surveys say that more than half of men who buy drugs for physique and performance enhancement do so on the internet black market, despite the fact that buying steroids without a prescription is a crime in every state and a federal offense. Yet those same surveys also suggest that the number of recreational steroid users who acquire their drugs legally may have tripled in the last 10 years.

What, exactly, are these people chasing? Some men want to look in the mirror and be blown away by their own sheer mass. Other men want to feel as virile and physically capable at 50 as they did at 18. Strength athletes—powerlifters and strongmen,

professional and amateur alike—want to amplify their natural abilities. But contrary to popular media, the vast majority of steroid-using men are not athletes, but regular working stiffs who like how they look and feel on “gear.”

Ned, who asked me not to share his real name, is one of those people. He’s happily married, employed in academia, and as conscientious about his health as he is about his appearance. He represents a growing demographic of people who are using internet message boards, publicly available research data, and licensed doctors to tweak their bodies, take control of their decisions, and build forbidden muscle in a post-prohibition world.

EXPERIMENTATION

THE USE OF anabolic steroids to build strength and muscle goes back to the middle of the 20th century and a company called Ciba Pharmaceuticals. Ciba conducted much of the early research into testosterone-based drugs, giving its compounds to American doctors and encouraging them to perform informal studies on their patients. The company published these findings in books such as 1948’s *Refresher Course on Male Hormone Therapy*, which contains testosterone case studies for every condition then under the sun, from congenital eunuchoidism to same-sex attraction. (The eunuchs developed facial hair; the gay men thirsted even harder after other dudes.)

One of Ciba’s doctors was the Maryland physician John Ziegler. According to his personal papers and records, obtained by Auburn University’s John D. Fair for a 1993 report in the *Journal of Sports History*, Ziegler gave testosterone first to patients known to benefit from its anabolic qualities, such as burn victims. Testosterone’s primary medical value is its ability to promote tissue growth. It increases red blood cell count, bone mineral density, and the number of satellite cells in muscle tissue. That means new skin for burn victims, bigger guns for lifters, and faster recovery for pretty much everyone. But testosterone is also androgenic: It stimulates the secondary sexual characteristics we associate with adult males, causing increased sebaceous gland activity and body hair, thickening of the vocal chords, prostate enlargement, and penis (or, in the case of women, clitoris) growth.

Ziegler likely knew about the anabolic effects, which is why he soon began giving the drugs to weightlifters at a gym in Silver Spring, Maryland, to see how the drug affected healthy people. This made him the first physician in the U.S. to administer testosterone not to repair, but to enhance. When members of the U.S. Olympic team attended the 1954 World Weightlifting Championships in Vienna, Austria, they did so with Ziegler in tow and Ciba’s drugs coursing through their veins. It wasn’t exactly an unfair advantage. Legend has it that Soviet lifters had been taking huge doses of testosterone for so long that their

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prostates were engorged and they needed catheters to urinate.

DEMONIZATION

THREE DECADES AFTER steroids began to proliferate through the gyms of the developed world, “roid rage” became the new reefer madness. There was two-time Super Bowl Champion Steve Courson’s 1985 *Sports Illustrated* interview, in which he said steroids wrecked his heart. Then Canadian sprinter Ben Johnson tested positive for the anabolic steroid *stanozolol* following the 1988 Summer Olympics, where he’d beaten the American phenom Carl Lewis in the 100-meter finals. In April 1989, Olympic sprinter Diane Williams tearfully described to a U.S. Senate committee how the steroids that made her one of the fastest women in the 1984 Olympics also made her clitoris grow uncomfortably large.

The Judiciary Committee report accompanying the 1990 Steroid Trafficking Act was chock full of still more anecdotal evidence that steroids were permeating every corner of American life: a mild-mannered cop in Oregon who began juicing and then shot a shop owner for no apparent reason, a normally happy teenager found dead of a suicide next to the weight set in his garage after three years of using, “an obsessed steroid user” who felt so empowered by the exogenous hormones pumping through his body that he asked a friend to film him as he drove his car into a tree at 40 miles per hour.

Until 1988, steroids could be purchased over the counter. Relatively cheaply, too, thanks to chemist Russell Marker’s discovery in the 1940s that two types of wild yam indigenous to Mexico—*barbasco* and *cabeza de negro*—could be synthesized into sex hormones.

A few critics warned Congress against making steroids illegal. “The medical facts do not support scheduling,” Edward Langston of the American Medical Association told a Senate committee in the

Testosterone’s
primary
medical value
is its ability
to promote
tissue growth.
It increases red
blood cell count,
bone mineral
density, and
the number of
satellite cells in
muscles. That
means new skin
for burn victims,
bigger guns
for lifters, and
faster recovery
for pretty much
everyone.

spring of 1989. “First, anabolic steroids have an accepted use in the treatment of several medical conditions. Second, abuse of steroids does not lead to physical or psychological dependence.”

The Drug Enforcement Administration (DEA) also opposed adding anabolic steroids to the Controlled Substances Act. At a 1988 hearing, the DEA’s Gene Haislip argued that steroids did not share the “principally psychoactive” quality of other scheduled drugs, and were mostly used “to develop muscles, to increase physical performance, and perhaps simply to look good and appear to be more attractive to the opposite sex.” Haislip also didn’t want to add to the DEA’s workload. “We do, in fact, have our hands full with some other problems.”

But both Congress and sporting bodies saw steroids as a problem. And so in 1990, when Congress added anabolic steroids to the Controlled Substances Act, they were put in Schedule III, rather than Schedule I or II. That’s a crucial distinction, because unlike drugs labeled Schedule I—a category that contains marijuana, psilocybin, and LSD, among others—doctors can prescribe, pharmacists can sell, and patients can legally possess Schedule III drugs.

In 1988, domestic sales of legal testosterone were roughly \$18 million, according to a 2002 Institute of Medicine survey. By 1999, the market was \$100 million. Between 1999 and 2002, the number of testosterone prescriptions written in the U.S. each year more than doubled, from 648,000 to 1.75 million. From 2010 to 2013, the number of men filling testosterone prescriptions jumped from 1.2 million to 2.2 million. Today, the prescription testosterone market is worth more than \$2 billion, and is expected to crest at \$3 billion by the end of the decade. In its attempt to purge anabolic steroids from American culture, Congress paved the way for them to become an unremarkable fixture in the country’s medicine cabinets.

MEDICALIZATION

ABBOTT PHARMACEUTICALS' ANDROGEL, released in 2000, was the industry's first successful attempt to market testosterone as a prescription drug for men with "low T." Thanks to those efforts (and the internet), the target audience of men in their 50s, 60s, and 70s can essentially self-diagnose with the help of the ADAM questionnaire. (ADAM is an acronym for Androgen Deficiency in the Aging Male. The list of questions includes "Are you sad or grumpy?" and "Are your erections less strong?")

Prior to AndroGel's approval by the Food and Drug Administration (FDA), testosterone deficiency was not a condition most Americans knew about. Nor did they know a doctor could prescribe them testosterone. Today, millions of Americans are on testosterone therapy—anabolic steroids by a less objectionable name—and the medical community is waging an internecine war over who should get it and why.

On one side are the restrictionists. In the April 2015 *Journal of the American Geriatrics Society*, Thomas Perls of Boston Medical Center and David J. Handelsman of the University of Sydney deemed the "mass marketing of testosterone coupled with the permissive prescribing of testosterone for common, nonspecific, aging-related symptoms" to be "disease mongering." That same year, the FDA announced that "testosterone is being used extensively in attempts to relieve symptoms in men who have low testosterone for no apparent reason other than aging" and that "the benefits and safety of this use have not been established."

According to a drug use review commissioned by the FDA, 71 percent of the legal testosterone products sold in the U.S. between 2009 and 2013 were topical preparations such as AndroGel, itself the best-selling testosterone product in the United States.

Whether or not all these men "need" testosterone is difficult to say, because the definition of who qualifies for the therapy varies by doctor and specialty. Most doctors now agree that testosterone levels in men decline with age, and that testosterone deficiency is comorbid with—meaning it occurs alongside and correlates with—other health problems, like obesity. There's even some evidence that American men are experiencing a generational decline in testosterone. But what should be done about these age-related declines, if anything, is a contentious topic.

A post-adolescent male's serum testosterone level is considered normal if a blood test reveals anything between 300 and 1,000 nanograms per deciliter (ng/dl). The Endocrine Society, the leading professional organization for clinicians working in hormonal medicine, takes the most conservative stance on testosterone prescribing. That means encouraging doctors to test their patients on two different days when the patient is healthy, since viral infections, sleeplessness, stress, and corticosteroids can all suppress testosterone levels. Any patient with serum

testosterone levels at or even just slightly above 300 is "normal" under the Endocrine Society guidelines. Then again, so is a patient with testosterone levels that are three times higher.

Facing off against the restrictionists are doctors who take a broader view. "There is almost no other blood test that has that wide a range," says Abraham Morgantaler, a Boston urologist and faculty member at Harvard Medical School. An early pioneer of testosterone therapy, Morgantaler does not approve of giving it "for non-medical treatment," and he discourages patients from using testosterone he hasn't prescribed them. (Using two or more testosterone drugs simultaneously is called "stacking," and it's popular among bodybuilders.) Yet even with these stringent standards, he faces an uphill climb in convincing other doctors that "there's an enormous number of men who are walking around with undiagnosed testosterone deficiency."

"Most endocrinologists deal with diabetes and thyroid problems," Morgantaler explains. "That's 98 percent of their practice. They're unfamiliar and uncomfortable with low testosterone." That lack of familiarity may mean the average endocrinologist won't test for "free" testosterone (which is the amount of serum testosterone available for the body to use) or for androgen insensitivity (being less sensitive to androgens, says Morgantaler, means "if two people have the same testosterone levels, one of them will be fine, and the other will be symptomatic").

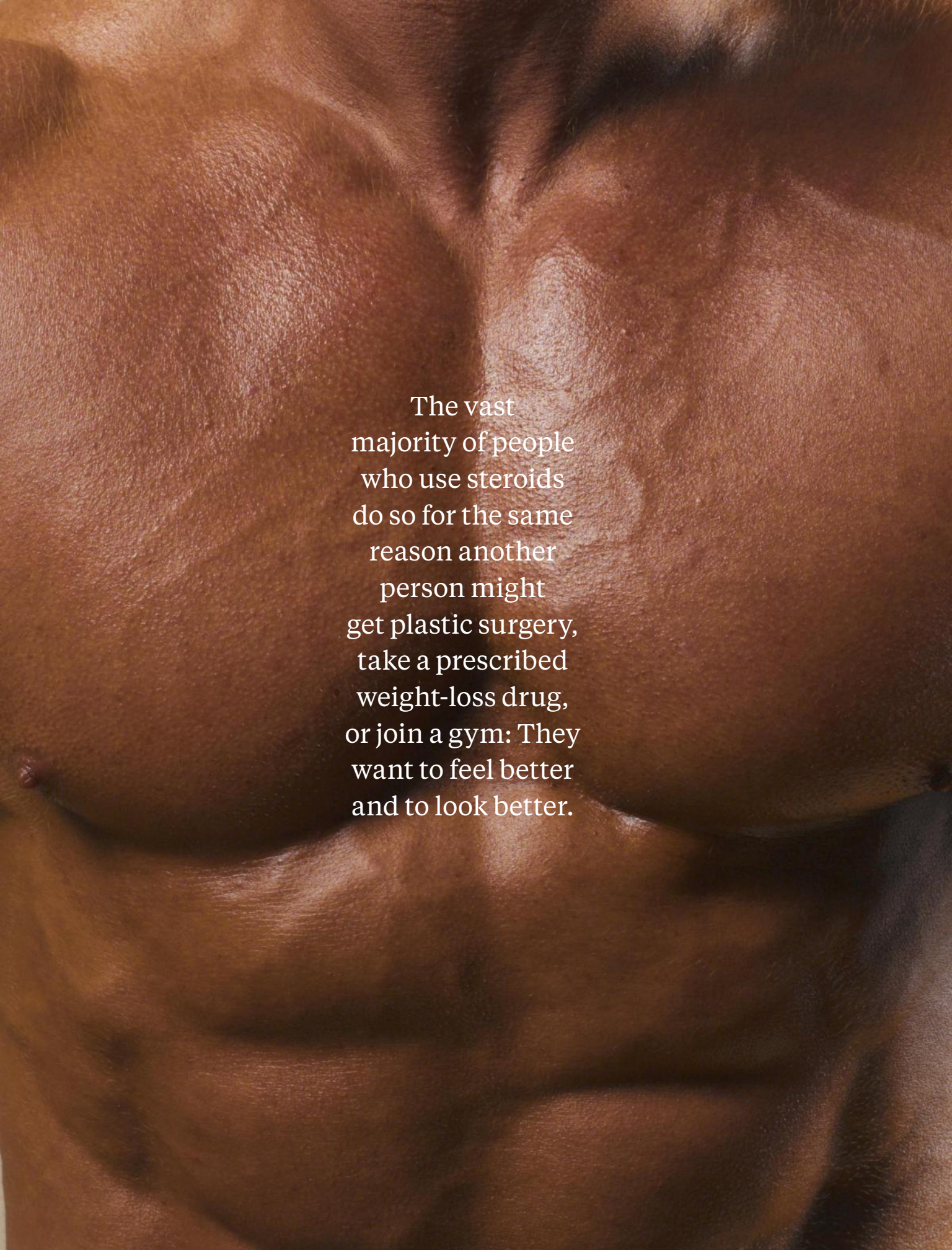
Some doctors will commence treatment for a patient who is on the low side of normal, and some will not. Some doctors will prescribe 200 milligrams of testosterone a week; some, like Morgantaler, believe it's unnecessary in most cases to exceed 100 mg a week; others will prescribe only 50 mg weekly. Some doctors encourage patients to use the gel preparation, while others only provide a patch, an implanted pellet, or injections. Of the latter, some use biweekly injections and some use weekly injections. Some doctors allow patients to inject themselves; others require an office visit. Some doctors will prescribe testosterone to women—who can also be deficient—while many more will not.

In short, testosterone-prescribing practices vary wildly. And that fractured landscape presents an arbitrage opportunity for recreational users who have done their homework.

MOTIVATION

THE BEST EVIDENCE we have that patients are using testosterone therapy for performance enhancement—what some doctors call "non-medical" use—comes from the patients themselves.

A 2007 survey of nearly 2,000 anabolic steroid users revealed both motivations for use and methods of drug acquisition. The study, published in the *Journal of the International Society of Sports Nutrition*, was conducted by psychologists Jason Cohen and Jack Darkes, criminal defense attorney Rick Collins, and

A close-up photograph of a person's face, focusing on the forehead and eyes. The skin is a rich, warm brown color and appears smooth and well-maintained. The lighting is soft, highlighting the texture of the skin. The person's eyes are closed, and their expression is neutral. The text is centered over the forehead area.

The vast majority of people who use steroids do so for the same reason another person might get plastic surgery, take a prescribed weight-loss drug, or join a gym: They want to feel better and to look better.



pathologist Daniel Gwartney. The four men used steroid message boards, mass email lists, and muscle-magazine ads to recruit anabolic steroid users for an anonymous survey on what drugs they use and why.

The study, which had the largest sample size of any survey yet conducted of anabolic steroid users, found that 45 percent of respondents held at least a bachelor's degree and 83 percent were employed. Fifty percent made between \$40,000 and \$100,000 a year, and 25 percent made between \$100,000 and \$300,000 a year. More than 700 participants had jobs in banking, law, engineering, or computer science, while 112 worked in health care and 77 identified as members of law enforcement, as private security, or as first responders.

A study of 231 anabolic steroid users that was published by the Mayo Clinic in 2016 paints practically the same picture. "Most were white, were older than 25 years, were employed with above average income, and had received a formal education beyond high school," the authors wrote.

The users' motivations were not what we've come to expect from media reports about anabolic steroids. On a ranked scale, the Cohen study found that professional bodybuilding and professional sports were of little to no importance, while increasing strength, muscle mass, confidence, and appearance all ranked at the very top. ("Attract sex partners" was smack dab in the middle.) The Mayo Clinic study found similar motives.

Both surveys, along with a 2006 poll of 500 anabolic steroid users conducted by doctors at University of California, Los Angeles (UCLA), share the same inherent methodological weakness: While online surveys are an acceptable way to capture the sentiments of specific groups, they don't necessarily provide comprehensive data about everyone using steroids non-medically. Cohen and company could not "completely rule out" that "the use of an

In one survey from 2006, 91 percent of respondents said "they would prefer to use [anabolic steroids] legally under the direct supervision of a knowledgeable physician," but only 37 percent had ever discussed their drug use with a doctor.

Internet survey strategy could have [led] to an over-sampling of those with higher education and socio-economic status."

The authors of the Mayo Clinic study write, however, that "the association of increasing age with higher incomes, being married, and being self-employed are also consistent with trends observed in the broader U.S. population (as indicated in 2010 U.S. Census data), which suggests that the current survey provides a demographically appropriate representative sample of the population."

Even in the absence of more conventional polling—which is difficult to carry out due to the legal status of many of these drugs—it's safe to assume that the vast majority of people who use steroids do so for the same reason another person might get plastic surgery, take a prescribed weight-loss drug, or join a gym: They want to feel better and to look better.

COLLABORATION

NEARLY HALF OF all steroid users still buy drugs online, according to the Mayo Clinic, UCLA, and Cohen studies. But those reports also show a clear increase in prescription testosterone use. The UCLA doctors found that 11 percent of users get their testosterone from a doctor; in the Cohen study, the figure was 6 percent. In the Mayo study, conducted roughly 10 years later, nearly 28 percent were using prescription testosterone.

The rise among anabolic steroid users reflects the incredible role that the internet has played not only in providing men with access to illegal muscle drugs but also in educating them about how to obtain them legally. On dozens of online forums, steroid users have access to each other and to a wealth of clinical data going back decades.

There are threads dedicated to crashing your natural testosterone level in order to qualify for a prescription (getting drunk, barely sleeping, and using illegally acquired steroids will all do the

trick). There are dosage instructions for “ancillary” drugs such as aromatase inhibitors, which block the conversion of excess testosterone to estrogen (the process by which steroid users develop gynecomastia, or “gyno”—an increase in glandular tissue under the nipple commonly called “man boobs”). There are discussions of post-cycle therapy, a timed cocktail of prescription drugs that restores natural testicular function. While the vast majority of the substances discussed in these forums have been extensively tested in human beings and are approved by the FDA, none of them were designed to benefit non-medical users of anabolic steroids. Men have pieced together their off-label usefulness over decades, drawing on peer-reviewed papers and on trial and error.

“I’ve used several different compounds, both as a responsible user and as an idiot teenager,” says a D.C.-based software engineer who asked me to identify him as Matt, “and I’ve watched the underground knowledge of steroids blossom over the years with the advent of popular online communities that are geared toward performance enhancement.” Forums like T Nation (the *t* stands for *testosterone*) and websites like PubMed, a clearinghouse for clinical research hosted by the National Institutes of Health, have been “key for recreational users like myself.”

Matt started using steroids in high school while playing football. He continued to use them on and off for years—fathering two children with his wife between drug cycles—until complications from a vasectomy forced him to go on testosterone replacement therapy. “I ended up with a honeydew for a nutsack” after infection set in, he says. “Three months of missed work and two surgeries later, I had low testosterone.”

Users like Matt have watched the muscle drug ecosystem evolve away from the “bro science” of the ’80s and ’90s and toward a collective research project focused on balancing the pursuit of an ideal physique with the desire to live a normal lifespan, start a family, and have a stable career.

“Before everyone was on the internet, you basically had to be in a hardcore powerlifting gym for months or years to find a connection. But the stereotypical gym dealer is a dying breed, and besides, these days most of those guys just buy the stuff online and then mark it up anyway.” Meanwhile, people who want to know exactly what they’re taking go to a doctor.

As a result of this shift to the web, where “lifetime users and lifetime researchers make themselves available,” Matt says he and his compatriots are “much more informed and more concerned about learning how to use these compounds safely.”

They share logs of their cycles—the length of time users are “on” steroids—documenting the changes in their appearance as well as side effects, such as acne, hair loss, and gyno. They share dosing regimens in search of feedback, and they challenge people to back up their claims with links to peer-reviewed research. Newbies are routinely told to have their blood tested

before, during, and after their cycles, and teenagers are told to wait until they’ve reached full maturity.

The result is a pool of knowledge, both clinical and anecdotal, that far exceeds what most medical students learn about anabolic steroids during four years of medical school.

Yet there are still risks involved. Steroid users have each other, but they often lack professional medical guidance. In the 2006 UCLA survey, 91 percent of respondents said “they would prefer to use [anabolic steroids] legally under the direct supervision of a knowledgeable physician,” but only 37 percent had ever discussed their drug use with a doctor. While the Mayo Clinic survey found that 69 percent of respondents regularly see a physician, participants weren’t asked whether they disclose their steroid use during visits.

This remains the Achilles’ heel of steroid prohibition. All three surveys found that most users take anabolic steroids in dosages that far exceed what a testosterone therapy doctor would prescribe, and are also likely using other muscle-building or weight-loss drugs, some of which—like the industrial chemical DNP, an ingredient in explosives—are categorically dangerous even in small amounts.

The majority of participants in each survey reported getting blood work done for their cholesterol levels, red blood cell counts, and liver health, something that’s easier than ever in the age of private lab tests. But increased physician involvement would go a long way toward protecting user health. “I’ve done five cycles over the course of 10 years. In hindsight, I know that most of what I took was not safe, in the sense that I had no way of knowing what it was, whether it was ‘clean,’ whether the dose was correct,” Ned, the academic who began using in college, wrote in an email.

Even still, it’s hard to deny that the internet has made testosterone use both safer and more effective. In the process, the net has helped it go mainstream. Few people know that better than Chris Shugart, the chief content officer at T Nation and a leading voice for expanding testosterone access in order to provide “a safe and legal boost.”

When he first started advocating for non-medical use of testosterone therapy, Shugart says the practice was “associated with steroid users, drug cheats, and ‘roid rage.”” But today, “there are low-T centers and men’s health clinics right next to Whole Foods and Super Cuts that routinely prescribe testosterone.”

ACTUALIZATION

DRUG POLICY REFORMERS almost never include muscle drugs in their reform agendas, perhaps because comparatively few people are busted for steroid trafficking. In 2015, federal judges sentenced 6,468 methamphetamine offenders, 6,166 cocaine offenders, 3,543 marijuana offenders, and 2,744 heroin

offenders, but only 50 steroid offenders. That's 50 people too many, but it's not a number around which you can build a protest movement.

Ordering drugs off the black market poses a risk, regardless of how well-informed the buyers may be, but adverse reactions to anabolic steroids aren't a public health problem so far. Testosterone will never inspire the same cultural panic as, say, opioids, because the negative effects of testosterone use—arterial sclerosis, tumor growth, liver disease—tend to occur over years, if not decades, and only with certain compounds and dosages. Congress could mitigate those effects by rescheduling steroids and allowing doctors to prescribe them for non-medical purposes, but doctors aren't clamoring for that power and federal lawmakers have shown little interest in re- or descheduling anything.

As long as legal restrictions on steroid use remain, there will still be raids and arrests. The Justice Department will continue to add new formulations to the Controlled Substances Act just as quickly as chemists create them. Steroid users will still suffer bodily harm from dirty drugs and sloppy dosing protocols. In the absence of further clinical trials—highly unlikely since testosterone is off-patent—a divided medical community will continue to bicker about the safety and efficacy of the stuff even as millions of men use it.

But in a way, the war on steroids has already been won and the users are the victors. The internet is not going away, nor is the human desire to tweak and enhance the body. As we advance

toward a future in which people are ever more modifiable, the things steroid users do will seem less strange.

Some once-potent arguments have already lost their luster. The mass proliferation of testosterone therapy has all but extinguished the idea that steroids make men uncontrollably violent. (With more than 2 million legal users roaming around, there should have been a noticeable uptick in violent crime if the stereotypes were true.) And the cultural objections about vanity are even less compelling. If the increase in Type II diabetes and other diseases associated with sedentary habits and junk food tells us anything, it's that Americans could stand to be far more vain about their bodies.

Steroid users have learned to think for themselves—to figure out what works for them and what doesn't; to weigh risks and rewards; and to aggressively investigate a lie that federal legislators had tried to push at gunpoint, in the idea that using steroids to get leaner and stronger would ruin their lives and compromise their characters.

Matt's occasional online purchases make him a criminal, but they have not made him less of a husband, a worse software engineer, or a bad father. Just the opposite, in fact: "Steroid use has motivated me to work out more, it's made me leaner, helps me sleep better and feel better. It's also kept my sex life very much alive and active," he wrote. "I have few regrets." ■

MIKE RIGGS is a reporter at *Reason*.



That Old-Time Civil Religion

Faith, dogma, and the constant reinvention of U.S. foreign policy

DANIEL MCCARTHY



EVER MIND THE First Amendment; the United States has an official religion after all. It's a civil religion, and the deity's role is to bestow blessings on the state. The "Supreme Architect," "the Almighty Being," "the Infinite Power," and "the Being Who Regulates

the Destiny of Nations" are just a few of the sobriquets that Benjamin Franklin, George Washington, Thomas Jefferson, and James Madison gave to the nation's nondenominational guardian spirit.

For some the civil religion might be mere symbolism; others might conflate it with Christianity. Either way, it helps give the nation a sense of purpose, or so historian Walter McDougall contends.

In *The Tragedy of U.S. Foreign Policy*, McDougall traces how changes in the American civil religion (or "ACR") have shaped the country's attitudes toward war and peace. From the founding until the Spanish-American War of 1898, what McDougall calls the "Classical ACR" (or "Neo-Classical ACR" after the Civil War) prevailed. It was a faith of national expansion on the North American continent, but it did not, in the words of John Quincy Adams, "go forth in search of monsters to destroy" overseas. A new faith took hold in the last decade of the 19th century: the "Progressive American Civil Religion," which became an even more firmly entrenched "Neo-Progressive ACR" during the Cold War. This was a militant faith that conceived of the nation's mission as being, in George W. Bush's words, to "end tyranny in our world." Today a third faith, the "Millennial ACR," aspires to unite the world through a global economy and regime of universal rights. It too has roots in the Cold War, though McDougall identifies it primarily with presidents Clinton and Obama.

You'll notice a pattern. Each civil religion has a "neo" phase that emerges when its original formulation runs into trouble. The basic impulse—toward staying at home, asserting American primacy in international affairs, or uniting the world—stays the same, but the rhetoric gets updated. And the progression from one civil religion to the next is not strictly linear: After World War I, for example, the Progressive ACR was partly discredited and the broadly non-interventionist Classical ACR enjoyed a slight return. Similarly, the globalist Millen-

nial ACR was knocked back by the 9/11 attacks and the wars of the George W. Bush years, which brought the Cold War-style "Neo-Progressive ACR" back into fashion.

McDougall, who teaches history and international relations at the University of Pennsylvania, is a zestful writer as well as a meticulous scholar. He sometimes writes like a prophet—not in the sense of foretelling the future, but in relying on compact insight rather than step-by-step logical argument. He covers the sweep of U.S. foreign policy over some 200 years in a little more than 350 pages. Hang tight and enjoy the ride.

McDougall is at his best when zooming in on the details of history and revealing the truth to be rather different from what other writers have led us to believe. *The Tragedy of U.S. Foreign Policy* is, among other things, a rejoinder to Robert Kagan's 2006 book *Dangerous Nation*, which argues that America has always aspired to remake the world in the image of its own values. McDougall shows that Abraham Lincoln, for one, never supported wars to promote revolution or to spread liberalism through empire building. Lincoln's son Robert made a rare public statement to denounce an attempt by then-President Theodore Roosevelt to link his father's name to an imperialist foreign policy.

Peopling the continent—even when it already had quite a few other people—was the great mission that America's first civil religion endorsed. God wanted America to grow. But projecting power into Europe or Asia, acquiring bases or imperial possessions overseas, was not part of the divine plan. "Manifest Destiny remained a blessing (or curse) exclusive to North America," writes McDougall.

Washington, Adams, Jefferson, Madison, and Monroe did not try to tip the balance of power between France and England or join in the wars of national liberation that broke out in the early 19th century. *The Edinburgh Review* in 1820 called for the U.S. to team up with the British empire to promote liberalism and oppose reactionary monarchism in Europe. In response to that call, John Quincy Adams gave a famous address insisting that America "is the well-wisher to the freedom and independence of all. She is the champion and vindicator only of her own."

But by the 1890s, two movements had arisen that would drive America into the business of overseas empire. One was "advocates of the 'large policy,'" who, as McDougall writes, "wanted a network of strategic naval bases to command the approaches to Central America (where they hoped a canal

would be dug); they wanted to enforce the Monroe Doctrine against European and Japanese interlopers and perhaps plant Old Glory somewhere in the western Pacific.” The other force was “the advocates of ¡Cuba Libre!” who “wanted the United States to undertake a selfless humanitarian mission that involved little risk to itself, just ninety miles from its shores, against contemptible Spanish Catholic colonialists.”

President McKinley “hesitated, delayed, agonized, even wept and prayed over what to do. It seemed even the religious lobby was calling on him to transgress” against the spirit of the old foreign policy. This was the beginning of the Progressive ACR, which would depend on church support in the century to come.

The year the U.S. entered World War I, the evangelist Billy Sunday declared: “Christianity and Patriotism are synonymous terms, and hell and traitors are synonymous.” After the Second World War, McDougall writes, “Capitol Hill was buried with letters denouncing any postwar return to isolationism as un-Christian.” During the Cold War, the Knights of Columbus campaigned to add “under God” to the Pledge of Allegiance, to heighten the contrast between God-blessed America and godless Communism. The U.S. government itself framed the Cold War in such terms. NSC-68—the national security document that outlined America’s strategy against the Communists—described the enemy as “a new fanatic faith, antithetical to our own.”

Churches were far from alone in pushing American civil religion in a more interventionist direction. McDougall points as well to the importance of figures like Henry Luce and Walt Disney in developing the Neo-Progressive and Millennial varieties of America’s civil religion. Presidents became high priests—reluctantly in the case of Dwight Eisenhower, who told Luce in 1952, “I would have noth-

The year the U.S. entered World War I, the evangelist Billy Sunday declared: “Christianity and Patriotism are synonymous terms, and hell and traitors are synonymous.”

ing but contempt for myself if I were to join a church in order to be nominated President of the United States” but who got baptized anyway once he became president. In 1955, he told the American Legion’s “Back to God” convention, “Without God there could be no American form of government, nor an American way of life. Recognition of the Supreme Being is the first—the most basic—expression of Americanism.”

Other Cold War presidents followed suit, endorsing the national, non-denominational civil religion whether they were sincere churchgoers or not. The more visionary they became in looking beyond the Cold War, the more the Millennial ACR rose into view, an image of the world united in prosperity and freedom under one nondescript, universal deity. By the time Barack Obama came to office, 18 years after the liquidation of the Soviet Union, the Millennial ACR seemed to be on course to becoming a Global Civil Religion, despite the setbacks under George W. Bush. Certainly something like blind faith has to be invoked to explain how Obama came to be awarded the Nobel Peace Prize before he had ended either of the wars Bush had started. (He never did end the war in Afghanistan.)

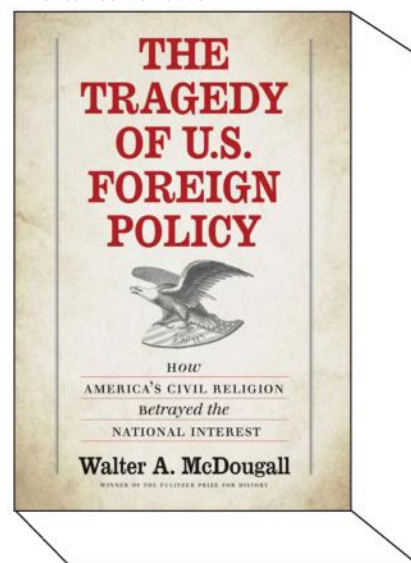
It’s too soon to say what Donald Trump might mean for America’s civil religion. Does his America First rhetoric promise a return to the Classical ACR? Or, like the last Republican president, will he turn out to be Neo-Progressive

after all? Whatever the case, if we follow the pattern McDougall sets out, the third civil religion will eventually be reborn as a “Neo-Millennial ACR.”

That worries McDougall. “What American Civil Religion retained from Christianity,” he writes, “is universality, which in secular form can only mean world government.” That in turn “can only reinforce the Machiavellian, Hobbesian, and Rousseauian manifestations of the will to power.” McDougall recognizes the utility of having a civil religion, which “can provide the emotional glue binding diverse groups to each other and to shared institutions and national interests.” But he’s a political skeptic, not a true believer. “Civil religion turns toxic,” he concludes, “when twisted into a Jacobin creed and peddled to people at home through mythical history and forced down foreign throats at gunpoint.”

Yet his book provides at least one ray of hope: American leaders before 1898 had the opportunity to meddle in the world, but they chose not to. Americans still have a choice, and they might yet rediscover that old-time civil religion. ■

DANIEL MCCARTHY is editor at large of *The American Conservative*.



The Tragedy of U.S. Foreign Policy: How America's Civil Religion Betrayed the National Interest, by Walter A. McDougall, Yale University Press, 408 pages, \$30

From SoHo to Bushwick

A journey through New York's gentrification

RICHARD KOSTELANETZ



SOME DECADES AGO, the great divide in New York City culture was between uptown and downtown. The former contained the prominent museums, the commercial publishers, and the WASP establishment. The latter held the less established artists and

writers, the best galleries for selling recent art, and the independent intellectuals. Uptown New Yorkers often took pride in never going downtown, where people lived in shabbier lodgings, often renovated from factories. Those of us residing downtown, as I did from 1966 to 2010, thought we might get a nosebleed if we traveled north of 14th Street.

Toward the end of the last century, as downtown Manhattan became slicker, uptown people and institutions started to move downtown, often creating replicas of the areas they had left in a process commonly called *gentrification*. SoHo, the downtown neighborhood south of Houston Street, started as an industrial slum but became within 40 years a populous artists' colony and then a high-end shopping mall. Kay S. Hymowitz's *The New Brooklyn* describes how, in the late 20th century, a comparable gentrification developed across the East River in Brooklyn, a borough that had previously been a bedroom community for people who couldn't afford Manhattan.

The crucial truth of this sort of gentrification is that it's essentially extragovernmental. Politicians can't encourage it, because it starts with decisions made by individuals about where they want to live, often renovating newly purchased buildings for themselves and their partners, legal or informal. Developers, who by definition build for others, sometimes follow; other times, not. Governments customarily acknowledge gentrification at the behest of developers and voting residents, who are often in conflict with each other. In SoHo, the most extraordinary concentration of artistic excellence in American history wasn't "planned"—not by individuals and not by any public agency. Major developers never entered SoHo proper because some artists campaigned early to have it officially declared a "historic district" whose architectural integrity couldn't be violated. (The Trump SoHo hotel is actually several blocks west of SoHo proper, exploiting the neighborhood's fame at another address.)

The central setting of *The New Brooklyn* is Park Slope, the Brooklyn neighborhood where Hymowitz and her family moved during the 1980s. Running slightly downhill from magnificent Prospect Park to the once-polluted Gowanus Canal, it was a century ago a mostly Irish working-class neighborhood filled with uniform-looking handsome brownstones arrayed on long streets.

Into Park Slope after 1980 moved young urban professionals, customarily called *yuppies*, who, 'tis said, couldn't afford the similar housing found on Manhattan's Upper West Side. They renovated the brownstones, often quite elegantly and sometimes idiosyncratically, as they occupied the streets running down from the park. The lower the number of the nearby crossing avenues (running down from No. 8), the less classy the side-street housing. Different subway lines could get Park Slope residents into Manhattan within 30 minutes.

While this story of *What It Takes To Bring a City Back*, to quote the book's subtitle, is a good and true account for Park Slope, Hymowitz appears to know less about other Brooklyn neighborhoods with slightly different histories. Just east of there, on the other side of Flatbush Avenue, is Prospect Heights, which had fewer white people than Park Slope; east of it is Crown Heights, which is still occupied by West Indians and ultra-orthodox Lubavitcher Jews.

Well north is Boerum Hill, which had obstacles in ominous public-housing projects absent from Park Slope. Curiously, Hymowitz thinks the novelist L.J. Davis, whose 1971 book *A Meaningful Life* described an early Brooklyn renovation, resided in Park Slope when he actually lived in Boerum Hill.

Yet another part of Brooklyn, this one north of the active downtown area, is Williamsburg, which attracted artists who might have gone to SoHo before prices there suddenly escalated in 1980. Williamsburg offered artists empty factory buildings that were scarce in Park Slope and Boerum Hill. (Hymowitz notes that between 1950 and 2000, the number of blue-collar jobs in NYC declined from 1,000,000 to 43,000, leaving behind many empty industrial spaces now called *lofts*.) Indicatively, Hymowitz fails to mention the art galleries, once so populous here, perhaps because she doesn't know about them or, since they were scarce in her Park Slope, because she cannot recognize their importance in gentrification.

Though gentrification displaces people, she notes that the urban working class consists of apartment renters who are

More Stuff. for rich people. More Williamsburg. CONDOBURG

as inherently mobile as people in their 20s: Both are prepared to relocate to cheaper housing. Another truth about gentrification that she doesn't mention is that fearsome neighborhoods can be self-policing. One reason that my own Brooklyn neighborhood is not as foreboding as it used to be is that the bad guys have gone, if not to jail, at least elsewhere. During my own years here, a West Indian-Panamanian who worked evening security with his uniform suit and tie would come down my street most afternoons screaming Spanish epithets at the drug dealers operating out of a bodega and a cigar store. Now they're gone, and he's quiet.

While this book's chapters about Sunset Park and Bedford-Stuyvesant are informative, Hymowitz doesn't seem to know anything about Bushwick, which has become the favorite for artists and art lovers born after, say, 1980. The development of this "New Brooklyn" is yet more remarkable and surprising, because the 'hood resisted the efforts of urban planners for so long. What the wise guys couldn't imagine, and were slow to recognize, is that a semi-industrial neighborhood far from any large park or waterfront—as geographically distant from Park Slope as it is from Manhattan—could attract urban pioneers prepared to purchase and renovate.

The City of New York responded to these developments in the early 2000s by refurbishing the Canarsie subway

line, now called the L-train, that services Bushwick. (This also benefited the developers who built high-end high-rise apartments along Williamsburg's coast on the East River.) In my 2014 book *Artists' SoHo*, I suggest that the current successor to SoHo is not a single circumscribed neighborhood but areas near stations along this L-train, most of which are east of Williamsburg. Now that its western precincts have become more expensive, I think gentrification will continue in Bushwick east of the Morgan Avenue stop, which has been for several years now the outpost of art galleries that have survived.

It might even reach my own (mostly Latino) neighborhood, which is four subway stops farther east, although one discouraging factor on my immediate avenue is a huge automobile junkyard with spare parts for the many small car-repair shops that constitute the principal business around here. A second obstacle is the presence, opposite the junkyard, of a *vivero*—a store traditionally selling live fowl. This one also offers live winsome sheep and goats, thanks to a young halal butcher in residence, and it stinks into the street, to put it mildly.

Jeuri Live Poultry Inc. has occupied its single-story building for decades, so it is likely to stay put until its customers for very fresh meat evaporate. (Free market rules.) Meanwhile, the owner of the junkyard told me recently, as he was closing his outer fence, that no developer has ever made him an offer for his

land, even though the height of his piled wrecks has visibly declined over the past few years.

Conversely, my 'hood might mark an Old Brooklyn—an outlier of modest two-story residences between factories (and a mammoth Amazon distribution center), all of which resist development. Just east of me is a huge cemetery, which can't be violated. Either way, whatever happens, the city government can't move us. ■

RICHARD KOSTELANETZ is the author of many books about the arts in America, including *SoHo: The Rise and Fall of an Artists' Colony* (Routledge) and *Artists' SoHo* (Fordham University Press).



The New Brooklyn, by Kay S. Hymowitz, Rowman & Littlefield, 198 pages, \$27



**3D PRINTING
MODULONE**

KATHERINE MANGU-WARD

A Ukrainian company has unveiled a cheap autonomous mobile house with a 3D-printed frame. The PassivDom modul-One includes solar panels, batteries for power storage, and an inverter, as well as water storage, purification, and independent sewage. The frame is made of carbon fiber, fiberglass, and polyurethane. It claims to be the “warmest house in the world” thanks to new thermal tech, and the entire structure is recyclable.

The whole shebang sells for \$65,000. So far, only one model seems to exist, but the company claims potential buyers will be able to test drive the unit soon.

If you’re shopping for new digs with disaster in mind, the firm offers a “Zombie apocalypse” package, which includes armored glazing on the structure’s extensive transparent walls, a perimeter alarm, extra storage for toilet paper, and a “gift-edition” Bible.

Another set of upgrades, the “not in my backyard” package, includes extensive insurance coverage, an alarm system, and the rather whimsical addition of “a replica of a Kalashnikov.”

VIDEO GAME

THE LEGEND OF ZELDA: BREATH OF THE WILD

ROBBY SOAVE

Even the most inventive video games feel tedious at times, just because of the nature of the beast: Go left until the screen fades to black, jump over that obstacle, complete this puzzle, return a magical artifact to its owner, mash the A button, repeat. A video game is a series of commands made by a computer and dutifully inputted by a player. The best games succeed only because they disguise this fact better than others.

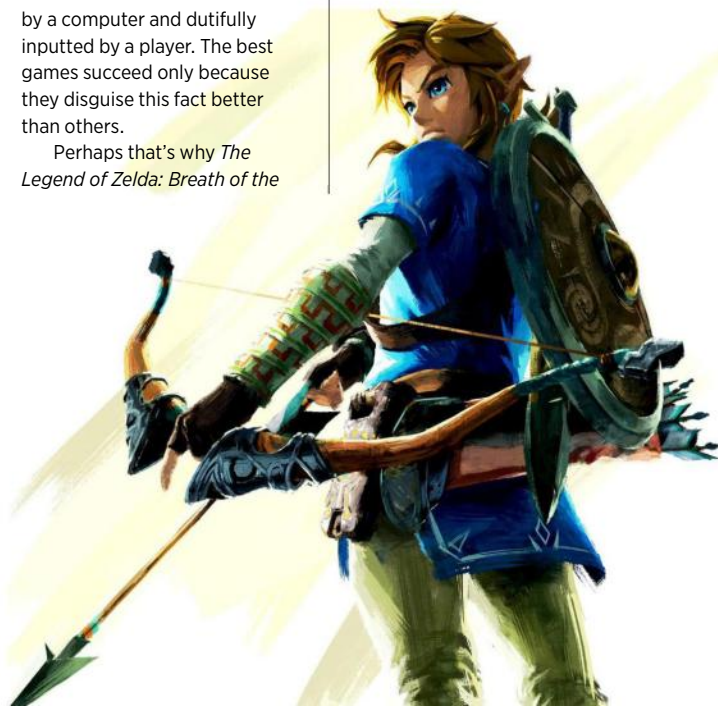
Perhaps that’s why *The Legend of Zelda: Breath of the*

Wild, the long-awaited new installment of Nintendo’s most acclaimed franchise, feels so revolutionary: The game yields control of the iconic protagonist, the elven action-hero Link, and sets him free (with little instruction or fanfare) in a place called Hyrule.

To say that Hyrule is vast would be quite the understatement. Indeed, this is the game’s most impressive achievement, and what distinguishes it from earlier entries: The world is larger than that of almost any other video game ever designed. The combined worlds of all previous *Zelda* games wouldn’t come close to filling even a quarter of this one’s map.

And Link has nearly complete freedom to explore it. See a mountain that looks interesting? Climb it. Notice an out-of-place fortress in the distance? Jump off the mountain, open your glider, and let the wind carry you there. Realize you’re sailing over an undiscovered town? Deactivate the glider and drop in unannounced.

In a departure from the series’ norm, Link doesn’t even obtain his ultimate weapon, the Master Sword, during the course of natural events. But it’s out there, somewhere. That no one told you how or where to find it makes stumbling across the fabled blade feel all the more rewarding.



**TV
BORDERLINE**

ERIC BOEHM

Any fan of *The Office* who has ever dealt with the Transportation Security Administration will find a lot of similarities, and a lot to like, about the British series *Borderline*. Rather than riffing on the mundane and awkward hilarity of corporate daily life, *Borderline* mines an equally deep (and, at the moment, more politically relevant) vein: bureaucracies charged with enforcing immigration and customs law.

The mockumentary-style sitcom follows a small group of customs agents stationed at the fictional Northend International Airport as they deal with an overbearing boss, intolerable coworkers, and confounding orders from the Home Office. In one episode, the boss explains new security guidelines instructing them to give extra scrutiny to anyone who seems “out of the ordinary.”

“What qualifies as ‘out of the ordinary?’” asks Andy (*Borderline*’s version of Pam Beasley, the relatively normal girl trapped with the coterie of weirdos), trying to expose the new directive for the thinly veiled racial profiling that it is.

“Well, like a man with a bomb,” comes the obvious response, earning eyerolls from the agents—and the audience. One agent then uses the vague directive to detain an attractive female traveler until he’s able to determine whether she’s single and get her phone number.

Far from being patriotic soldiers in the war on terror, *Borderline* argues, the government agents stationed at our borders are no different from people everywhere working at jobs they hate just to pay the bills. The first season is now available on Netflix.

DOCUMENTARY

BEWARE THE SLENDERMAN

SCOTT SHACKFORD

In a culture that frequently seeks scapegoats for shocking acts of violence—everything from rap music to video games to the Second Amendment—the HBO documentary *Beware the Slenderman* is notable for its calm analysis of how an internet-invented boogeyman led to a real-world stabbing.

Think of Slenderman as the Freddy Krueger of the new millennium. The tall, faceless, suited gentleman was first created in 2009 as part of an online photo editing contest. He quickly became a crowd-sourced villain, a supernaturally creepy child snatcher who inspired stories, amateur videos, and video games.

In 2014, two 12-year-old girls in Wisconsin allegedly decided to kill a young friend to impress Slenderman. They failed, but not for lack of trying. The children lured their victim out into the woods and stabbed her 19 times.

Beware the Slenderman documents the details of the attack as well as the subsequent arrests and court cases against the two girls. It includes conversations with family members and some extremely discomfiting police interviews with the kids accused of the stabbings. They do not seem to have any real sense of the gravity of the situation. The documentary is careful to frame its storytelling in terms of the girls' mental health, and while it explores the culture and spread of Slenderman as an online phenomenon, a viewer will not be left feeling as though the fictional monster and those who brought him to "life" have been blamed. **F**



COMICS

THE TORTURE REPORT

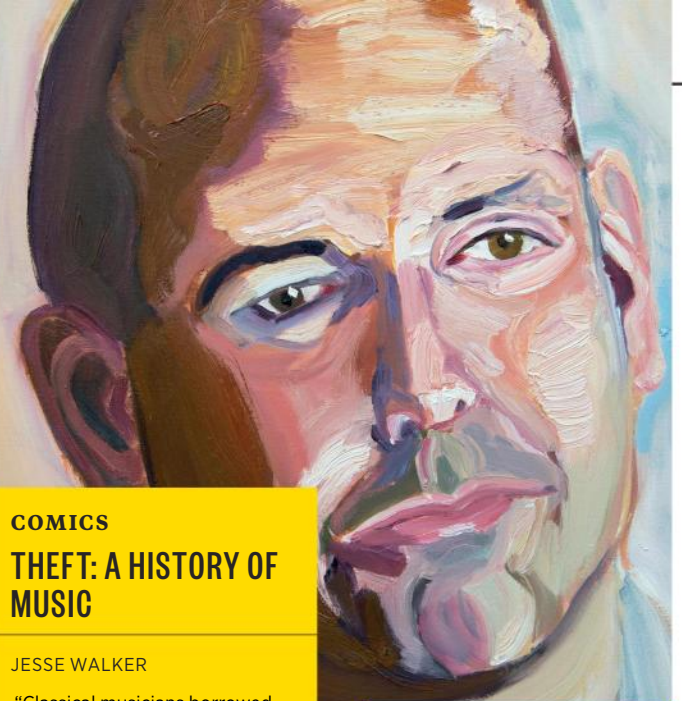
ED KRAYEWSKI

Sleep deprivation, water dousing, abdominal slaps, dietary manipulation—these were just some of the “enhanced interrogation techniques” mentioned in what’s generally known as the 2014 Senate torture report. (It is officially called the *Senate Select Committee on Intelligence Central Intelligence Agency’s Detention and Interrogation Program*.) These disturbing practices are described, and often illustrated, in *The Torture Report* (Nation Books), a comic-book adaptation by writer Sid Jacobson and artist Ernie Colón.

The Senate report clocked in at 6,770 pages, but only a 525-page summary has been released to the public so far. The graphic novel is 113 pages, and provides an important service by making the report more accessible to the general public, with plenty of text but also enough illustrations and narratives to bring alive the stories running through the lawmakers’ report.

Those include the stories of the politicians behind the program, such as President George W. Bush and Vice President Dick Cheney, and those who were critical of it and helped bring it to the public’s attention, such as Sen. Dianne Feinstein (D-Calif.), the Intelligence Committee’s chair from 2009 to 2014.

But the book does not neglect the terror suspects/torture victims themselves, men such as Abu Zubaydah and Khalid Sheikh Mohammed. It also features characters involved in the broader terrorist/torture drama, from Al Qaeda head Osama bin Laden to terrorism suspect José Padilla, whose alleged “dirty bomb” plot the CIA insisted it found through enhanced interrogations. (Padilla was actually arrested before those interrogations took place.) **F**



COMICS

THEFT: A HISTORY OF MUSIC

JESSE WALKER

“Classical musicians borrowed from each other all the time!” a historian declares. “It’s like an insane game of musical Chutes and Ladders.” An actual game of Chutes and Ladders follows, with annotations explaining where Beethoven borrowed from Handel, Brahms from Beethoven, Mahler from Brahms. Sampling and remixing, we’re reminded, are a lot older than hip-hop.

That sequence comes about a fifth of the way through *Theft: A History of Music*, a 259-page comic about an art form’s evolving interactions with markets, technology, and the law. With a scope that stretches from medieval troubadours to modern rappers, *Theft* shows not just how common borrowing has been but how music is shaped by the social context that produces it. In the baroque era, for example, composers created pieces for particular occasions, so it was widely seen as acceptable to revise an old tune for a new setting. Later composers started to make money from sales of sheet music, and—in a related development—“original genius” became more prized.

The text does its share of borrowing itself: There are allusions to everything from Kafka to *The Jetsons*. Some of the jokes fall flat, but the book has only one big drawback: It can’t play the music it describes. Some creative borrower should turn it into an animated movie. **F**

PAINTING

PORTRAITS OF COURAGE

STEPHANIE SLADE

Almost 52,000 Americans have been wounded in action during the 21st century wars in Afghanistan and Iraq, according to the Congressional Budget Office. Some 98 of them are featured in a new book by George W. Bush, *Portraits of Courage: A Commander in Chief’s Tribute to America’s Warriors* (Crown Publishers). The coffee-table tome, which includes paintings by the former president paired with stories about his subjects’ lives and his own interactions with them, became a No. 1 best-seller in March.

Some reviewers have found in the works evidence that guilt weighs on Bush’s conscience. After all, each pictured man and woman suffered harm while carrying out his orders in what have come to be seen, at best, as ill-considered conflicts. But Bush’s tone is one of reverence for their sacrifice, not regret. Whether the project represents a self-aware attempt to atone for his mistakes or an obstinate effort to glorify his choices by waving the flag over those who endured their consequences is for the reader to decide. **F**

15

YEARS AGO

June 2002

"Ashcroft's immediate response to the 9/11 attacks was to sink into a dark Orwellian morass of secret detentions, warrantless wiretaps, and eavesdropping on lawyers."

BRIAN DOHERTY

"John Ashcroft's Power Grab"

"Havana is famously seething with Cubans trying to pump dollars from tourists. Walk through the central city as a blond man in a white T-shirt, and you'll spend your days hearing the hissing 'kss-kss!' sound of people trying to grab your attention. It isn't all about money scams, cheap cigars, and prostitutes. Just as often—maybe more often—the approaching strangers and instant friends just want to talk, to practice their foreign languages, to pepper you with questions about the outside world."

MATT WELCH

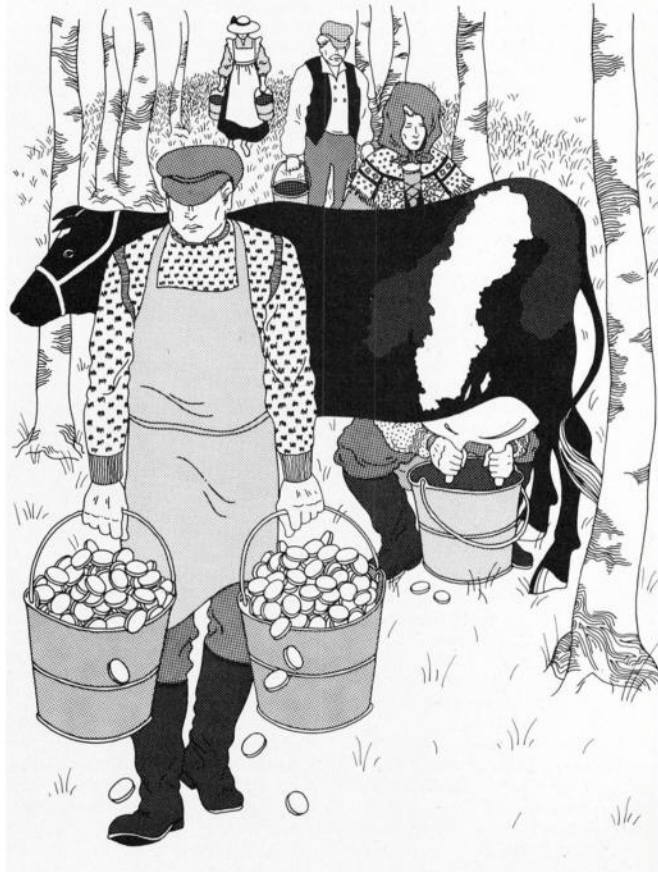
"Foul Ball"

20

YEARS AGO

June 1997

"Personally, I don't care whether the 'cyber-rich' give away their millions (unless, of course, they give them to REASON). Through their own good work, they've already contributed enormously to the betterment of human life. They do, however, have a 'social responsibility' to take their money seriously: to resist suggestions that they should rush to give it away



without considering the effects on the very freedoms that have made them prosper."

RICK HENDERSON

"How Green Is the Valley?"

"The threats are everywhere, we are told: If children are not hounded by ritual satanic child abusers at day care or by perverts on the Internet, then they're sucking in too much asbestos at school, or chewing on too much lead at home; if television, purportedly the babysitter of choice in the overwhelming majority of American homes, hasn't transformed kids into underperforming, slack-jawed dullards, it has overstimulated them into feral children who must be tamed with Ritalin and Prozac; if we haven't failed the kids by not spending unlimited amounts of tax money on them, then we have transformed them into shallow consumers who can only measure affection in terms of dollars spent; if they're not at elevated risks

of brain cancer from eating hot dogs, then they're likely to become punch-drunk from heading soccer balls; and on and on."

NICK GILLESPIE

"Child-Proofing the World"

30

YEARS AGO

June 1987

"The great myth of ideological crusades is to assume that once you exorcise the devil, there won't be another devil popping up. Once the Soviet Union is removed, there will be some other power, some other system, that you will find just as flagrant and just as egregious."

CHRISTOPHER LAYNE

"The Reagan Doctrine"

"A university is a haven for free inquiry where ideas—including unpopular or controversial ones—can be discussed freely and peacefully, where the pursuit of knowledge is the highest value. That's what I expected, anyway, when I enrolled as a journalism student at California State University, Northridge. I am sad to report that...the marketplace of ideas is heavily regulated in order to promote 'sensitivity' to minority groups."

JAMES TARANTO

"Teaching Intolerance"

35

YEARS AGO

June 1982

"The real solution to California's water problems—and the only one that is ever going to work in the long run—is to begin treating water like any other good, allowing it to be bought and sold in the marketplace. As Garrett Hardin finally concluded, 'The tragedy of the commons... is averted by private property, or something formally like it.' Someone must claim ownership to water and market it in order to maximize both rents and profits. Otherwise, it will simply remain in a political taffy-pull, with everyone claiming inalienable 'rights' and 'needs' and the government frantically running around trying to fulfill its self-assumed responsibilities, until there are no resources left to be had."

WILLIAM TUCKER

"Billions Down the Drain"

"What disheartened me is the way the social welfare system set up in Sweden has affected the moral behavior itself of the Swedish people. I am led to the conclusion that social welfare provisions... engender misuse."

ERIC BRODIN

"Cynics and Cheats"

MEET ERIC JULY:

Your New Favorite Anarcho-Capitalist Christian Rap-Metal Artist

INTERVIEW BY STEPHEN HUMPHRIES

It starts out as a typical music video. A camera follows a rapper into an abandoned warehouse, where artists thrash their heads in time to a Richter-magnitude rock riff. But this is no ordinary rap-metal group. For starters, the song is called “Statism.” Listen closely and you’ll hear the emcee, 27-year-old self-identified anarcho-capitalist Eric July, railing against handouts and arguing that taxation is theft. His band is Backwordz, and it recently signed to Stay Sick Recordings, a record label launched by Chris Fronzak of the immensely popular metalcore band Attila.

Q: Tell me about your upbringing.

A: It’s just a typical story: Young black kid, no father around, ends up being a knucklehead. My mother was working two or three jobs at a time just for me. I was getting in trouble a lot. She put me in [a school in another town]. She gave me her car to drive me out there. It’s funny, because we talk about school choice. We had to go through back ways to get admitted into a school by using other people’s addresses.

Q: Backwordz has been described as the libertarian Rage Against the Machine. To his credit, Rage’s guitarist, Tom Morello, has criticized Obama for “war crimes” and “drone murders” and has been vocal in his support of Edward Snowden.

A: There are things that we can absolutely say, “hey man, we agree.” But if you start talking about minimum wage...Tom was out there performing for \$15 per hour. No. We don’t need to raise it; we need to get rid of it.

Q: What do you think about the Civil Rights Act?

A: I have a problem with forcing people to be segregated. I also have a problem [if] you’re telling people what to do with their private property....It’s a bad [law], because it means that racist private business owners gotta hide. Now I have to give you money because I don’t know that you’re a racist. I would much rather that he had a sign on the door that says, “We don’t sell to blacks.”

Q: You’ve criticized liberals for viewing themselves as “superior to black people.”

A: It’s a bigotry of low expectations because they think black people are too stupid to figure out themselves how to live peacefully or how to live without being poor. If people understood self-ownership, they would realize that they can better their own life. [Libertarian economists] Walter Williams and Thomas Sowell have done a great job of highlighting that what the welfare state does is incentivize people to fail. If you get above that line, we take everything away from you. You stay below it, we’ll pay for your housing, your food. Communities have no incentives to build their own solutions—market solutions—because the state is being mommy and daddy.

Q: How does your Christianity inform your political views?

A: Who nailed Jesus to the cross? The state! We can argue that the people who feared Jesus used the state to get him killed. The devil went up on a mountaintop and said, “All this is mine.” He was talking about all the kingdoms. I would argue that earthly government is the last thing I should be supporting as a Christian.

Q: In your publicity photos, you wear a baseball hat that says, “Taxation is theft.”

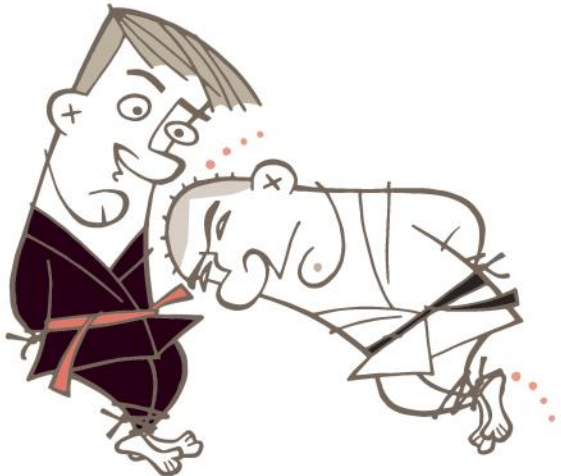
A: If I’m on stage and people are looking at me, I might as well have something on that will make them think. Music is nothing more than a vehicle to drive home our message.

This interview has been condensed and edited for style and clarity. For a longer version, go to reason.com.



A judge in Providence, Rhode Island, has dismissed a ticket and fine issued to a woman for parking in a spot two seconds before it became legal to park there.

When members of the North Carolina Military Commission saw that press and members of the public had actually showed up to a public meeting where a presentation on a wind farm would be held, they pulled that item from the agenda and told everyone it would be discussed at a later date. Then, after the public and the media left, members of the commission heard the presentation anyway.



For almost a decade, Montreal has hosted the Canadian championship in Brazilian jujitsu. But organizers had to cancel this year's tournament at the last minute after cops told them it would violate a national law banning combat sports not recognized by the International Olympic Committee. The police threatened to arrest every athlete who took part in the event. But the relevant law defines *combat sports* as those involving striking with the hands or feet. Brazilian jujitsu is a grappling event.

Heather Lindsay and Lexene Charles say the racial slur scrawled on their garage door in Stamford, Connecti-



cut, isn't the first time their home has been vandalized. Police haven't taken the incidents seriously, they complain, so they've vowed not to remove the graffiti until cops properly investigate the matter. City officials have responded by slapping them with a blight citation, which carries a \$100-a-day fine.

The Russian government has prohibited children under the age of 16 from seeing the new version of *Beauty and the Beast* because it has a gay character. Russia bars what it calls "gay propaganda" aimed at minors.

In Prince George's County, Maryland, police officer James Sims has been suspended for one year and sentenced to three years' probation after pleading guilty to taking upskirt photos—reportedly of women he pulled over for traffic stops.

The European Union parliament has voted to remove the immunity of French presi-

dential candidate Marine Le Pen. The move allows her to be prosecuted for publishing violent images, in this case images of executions committed by the Islamic State.

Wisconsin state officials recently reminded distributors of Kerrygold Irish butter that selling butter that hasn't been certified by an official panel of experts can result in a fine of up to \$1,000 or six months in jail.

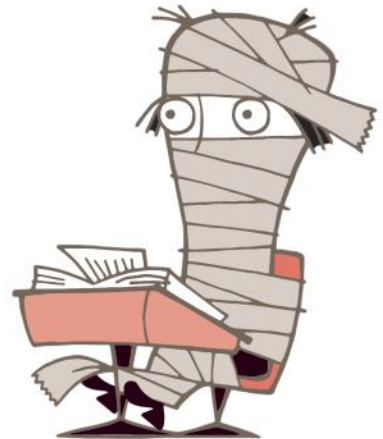
The Utah legislature has approved a bill that would lower the blood alcohol content level for DUI charges to 0.05 from 0.08.

Police in Manchester, England, have apologized for Taser-ing an unarmed blind man. Still, Assistant Chief Constable Garry Shewan says it "appeared to be an appropriate decision" at the time because it was dark and cops mistook the man's folded cane for a gun.

Newfoundland Youth Bowling has agreed to return the gold medals to a team that won a recent tournament but not to overturn a ruling that disqualified them after the tournament was over. Their offense: One 7-year-old bowler's pants were not the proper shade of black.



A teacher at Michigan's Bangor High School has resigned after she was recorded duct-taping a student to his desk. The teacher reportedly said that the student moves his arms when he talks and it was distracting.



A new ordinance in Milwaukee County, Wisconsin, will require the developers of *Pokemon Go* and similar games to get a permit to host an event if their product will bring people into county parks. Officials blame *Pokemon Go* for traffic congestion, excessive trash in the parks, and other problems.

—CHARLES OLIVER

I was the U.S. tour manager for a Burmese Christian band.

When I was driving through Oklahoma, law enforcement seized \$53,000 the band had raised for a Thai orphanage and a Burmese college and tried to keep it using civil forfeiture.

I fought this outrageous practice and I won.

I am IJ.

*Eb Wab
Dallas, TX*

www.IJ.org

*Institute for Justice
National Law Firm for Liberty*



ANNA RICHTER is a Students For Liberty (SFL) Campus Coordinator at the **University of Missouri**. Her goal is to make students feel welcome in sharing their thoughts and views and in expressing themselves freely on campus. Along with being a Campus Coordinator, **Anna is a Speak Freely Advocate, focusing on freedom of speech and free expression.**

Free speech came under fire at Mizzou in late 2015, and Anna fills a critical role in keeping liberty alive there as an SFL Campus Coordinator.

"To help push back against censorship... we hope to have a student-led debate, capitalizing on the interest surrounding an anti-Semitic harassment case on campus. The debate will be focused on drawing lines between speech and harassment, and how the word 'aggression' plays into both of those."

As a Speak Freely Advocate, Anna will participate in **SFL's Speak Freely Summit on April 29th at the University of Maryland**. The conference will focus on freedom of speech and expression and include renowned speakers such as **Dave Rubin** (the Rubin Report), **Faisal Al Mutar** (Global Secular Humanist Movement) and **Sara Taksler** (producer with the Daily Show).

"This is one of the reasons that Students For Liberty is so vital in creating a more peaceful and prosperous world - we work to identify real issues that real people face, and work hand in hand to develop solutions that acknowledge people as fellow humans."

For information on the **Speak Freely Summit**, visit: www.studentsforliberty.org/SpeakFreelySummit



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