



Houston Objectivism Society

Vol.4, No. 4 October 1991 Newsletter

TJS & Potluck at October Meeting

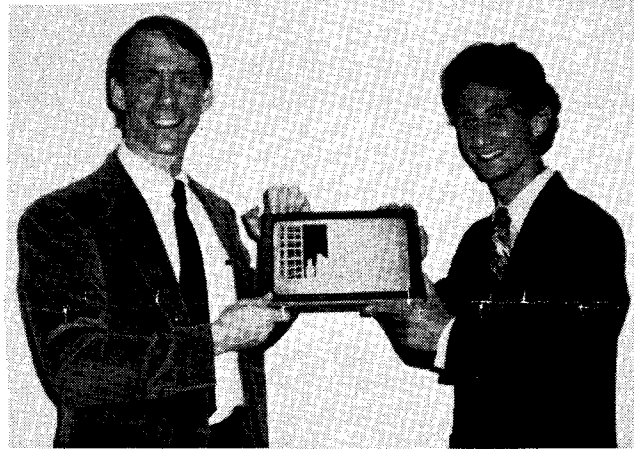
At the next HOS meeting, Anna Franco and Dwyane Hicks will informally discuss their two week attendance at the Thomas Jefferson School in San Diego this summer, and dinner will be served ala potluck. In case you haven't run across this activity, it consists of each attendee bringing a different dish, as coordinated by some culinary referee. Warren Ross has kindly acquiesced in that regard and now patiently awaits your call. His number is 468-2256.

The meeting will again be held at the Wallingford Apartments club house at 2750 Wallingford Drive. Wallingford intersects Westheimer two blocks west of Sam Houston beltway(8), in front of a Ninfa's Mexican restaurant. The club house is approximately one block south of Westheimer on the west side of Wallingford.

The meeting time has been moved up to 6:30, because of dinner, on Friday, October 4. Students and other poor people need not bring food, but ya'll please come.

August Reception Given Fountainhead Winner

Michael Sean Gersch was awarded one thousand dollars for his winning entry in *The Fountainhead* writing contest at a reception held for him at the University of Houston campus. In addition, he was given a plaque and a copy of *Atlas Shrugged*. Incidentally, Michael's father, Howard Gersch, was already familiar with Ayn Rand, and Michael had just started reading his father's copy of *Atlas Shrugged* when he heard of the contest. Michael's mother, Helene, and his sister, Allison, also



Warren Ross awards plaque to Michael Gersch

attended. It was a pleasure to meet Michael and his family and we wish him luck next year.

Contributions to the contest are sincerely appreciated, and we would like to thank the following: Richard Beals, Joe & Mollye Blackburn, Gary Bratz, Jim & Sandi Brents, Jeff Crow, Anna Franco, Dwyane Hicks, Kirk Mashue, J.P. Miller, Warren & Alice Ross, Pravin Shah, Ronnie Shoemaker, Alan Wenger and Yaromir Steiner.

"Perpetuity" at July Meeting

Attorney Michael Mazzone introduced HOS members to the "rule against perpetuities," a rule of real estate law, which provides that property may not be removed from commerce (made unsalable) for a period longer than approximately 21 years. Thus, a restriction is made on the stipulations of a will and therefore of ones use of property. The issue has been of interest to Objectivists because some have argued that it is a justified restriction on property.

A simple example may clarify the issue: W dies leaving a will which leaves his property to his children but with the qualification that the property be passed on to S in 50 years. After 40

years, the children may be ill-motivated to make any improvements on the property, leaving it fallow and useless for some-time. This is assuming they are alive. If not, there may pass a period of decades in which the property is outside anyone's realm.

The conventional justification for the law is that setting property outside the realm of ownership harms the "public" good. But the discussion that followed Michael's presentation pointed out that the perpetuity restriction helps to remove legal

uncertainty about the future state of property and is therefore attractive in terms of objective law. If W creates for S a "future interest" which retains even the possibility of being consumed beyond a certain period, say 21 years, the will is invalidated at W's death. (For those of you who saw the movie "Body Heat", starring Kathleen Turner and William Hurt, the plot turned on this law.) Thus legal certainty, while not wholly eliminated, is restricted within a limited period even at W's time of death.

During the discussion period, several points were argued about this law. One was that restrictions on property by the deceased contradict the concept of property itself and should therefore not be recognized by government. In effect, this view disallows the creation of a future interest.

Another pointed out that government does not exist to protect whim, be it that of the dead or the living. For the living, rights exist to protect the rational, and the irrational is protected only so far as rational behavior is possible and effects of that behavior are borne

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by the actor involved. For example, a man's right to drill water in seemingly irrational circumstances cannot be denied so long as it is his wealth being expended for the drilling. The same criteria can exist beyond a man's life for some period of time: A man can make a reasonable judgement about whom to bequeath his property, and only a gain can be bequeathed, not a loss. But beyond a certain point in time and circumstance, a man's view of the future can be neither rational nor irrational but only arational. Thus attempting to direct the use of property 100 years after one's death is beyond rational judgement and undercuts the very purpose of property--the maintenance of the living.

All agreed, however, that the perpetuity restriction was not a major one and that such issues can only be addressed in the context of fundamentals. By contrast, one may remember that many ante bellum Southerners held property to be axiomatic, that one properly kept what one had paid for, even if it consisted of human life.

Michael Mazzone also presented this topic at the Thomas Jefferson School in a panel discussion format.

The Thomas Hearings

by
Dwyane Hicks

Part of an exchange between Senator Paul Simon (Democrat from Illinois) and candidate for the Supreme Court, Judge Clarence Thomas:

Q. One of the questions we face is what really makes Judge Thomas tick...

How do I reconcile what I sense are two Clarence Thomases? One is the Clarence Thomas testifying here, that Holy Cross student, and the other is the Clarence Thomas that says government cannot be compassionate. Though here you said you favor public housing--if I can use another illustration--you were in the magazine Reason, you were interviewed: "So would you describe yourself as a libertarian?" And you say as part of the answer: "I certainly have some very strong libertarian leanings, yes." And then you say: "I tend to really be partial to Ayn Rand,

the author."

When she died, the New York Times had this comment about her: "Her morality constituted a reversal of the traditional Judeo-Christian ethic because it viewed rational selfishness as a virtue and altruism as a vice." She was opposed to Medicare, she was opposed to a lot of things that a lot of us would say are part of having a responsibility to those less fortunate in our society.

Anyway, I see these two Clarence Thomases, one who has written some extremely Conservative and...I would even say insensitive things, maybe you wouldn't agree with that description, and then I hear the Clarence Thomas with a heart. Senator Heflin says you're in part an enigma, and that is part of the enigma, here. How do I put those two Clarence Thomases together, and which is the real Clarence Thomas?

A. Senator, that's all a part of me. You know, I used to ask myself how could my grandfather care about us, when he was such a hard man sometimes. But, you know, in the final analysis, I found that he was the one who cared the most because he told the truth and he tried to help us to help ourselves and he was honest and straightforward with us, as opposed to pampering us, and prepared us for difficult problems that would confront us.

With respect to the statement about government, I think I attempted, in the government being compassionate, and I don't have that full quote, but I think that the rest of that statement was something to the effect that *people* are compassionate. Government, in my view, has an obligation to solve those problems and to address those problems. We may disagree as to what the best solution is, or as policy makers, but the fact of the matter is that, from my standpoint, as a community, as people who live in an organized society, we have an obligation as a people to make sure that other people are not left out... But as individuals, I think that we have the capacity to be compassionate to others, without that obligation, beyond that obligation.

Q. But, as individuals--no one will argue with that--but collectively, we also have responsibilities.

A. Exactly.

Q. Your statement--"I don't see how government can be compassionate; only people can be compassionate...and then only with their own money, not that of others."--we have to make decisions, here, where we're going to say we're going to take some money from taxpayers for public housing, for food stamps, for things that are important--anyway, this is the dilemma that we, one of the dilemmas, and it is--well, it's kind of, this quote, here, where you're siding with the privileged in a lot of the things.

What does make Clarence Thomas tick?

Much of what Thomas has publicly spoken and written is not only stirring but free of modern newspeak, ambiguity and "ethnicity", even when talking about racial issues. He is obviously not a Liberal, but his testimony leaves open the question of whether he is a Conservative, a pragmatist or a principled advocate of freedom.

Thomas has long been part of a Conservative administration, and his praise for an article arguing against abortion on the basis of natural law has been interpreted by Liberals as betraying his views on abortion. Thomas, however, declared in the hearings that his purpose in praising the article was to proselytize a Conservative audience in the cause of natural rights by holding up the work of "one of their own". It remains to be seen whether Thomas held abortion in contempt or was dubiously sacrificing the issue in favor of one which he held to be more fundamental.

Thomas emphasized the importance of natural law, a current buzzword for Conservatives, who see it not in any Objectivist sense but in the manner of a general sanction born of tradition, "family" values and God's grace. This is another example of the religious Right attempting to re-make the world view of the founding fathers. As Brian Phillips has remarked, what Conservatives call natural law is more honestly identified as supernatural law.

To my knowledge, Thomas has not referred to natural law in this way, and when asked on what basis he might rule on whether a fetus was a person, he

Schedule of Events

Friday Evening

Registration and reception will be held in the Bluebonnet Room of the conference hotel.

Saturday and Sunday Mornings

Papers will be presented during the morning sessions. Paper presentations will include: *Ethical and Political Aspects of Esthetics* by Ohad Kamin; *A Philosophic Defense of Advertising* by Jerry Kirkpatrick; *Government Without Taxation* by Brian Philips; and *Modern First Amendment Value in Broadcasting and Commercial Speech* by Barry Vacker.

Saturday and Sunday Afternoons

Workshops will be offered in the afternoons, as well as a concurrent art exhibition. A dramatic reading of a new play by Ann Ciccolella will be presented Saturday afternoon.

Saturday Evening

Artistic presentations, as well as social events, will be featured in the evening.

Sponsored by:

Hill Country Objectivist Association
Houston Objectivism Society



Aspiration by Bonnie McLeary

The Hill Country Objectivist Association Presents:

Third Annual Texas Objectivist Societies Conference

*Austin, Texas
November 15-17, 1991*

Paper Presentations

Workshops

Art Exhibits

Entertainment

Purpose

Join students of Objectivism from around the country in a weekend of lectures, workshops, art, stimulating discussion, and fun.

Agenda

Papers

The morning sessions will consist of presentation of papers by conference participants dealing with a broad variety of applications of philosophy. This will provide a unique opportunity to hear original work by students of Objectivism.

Workshops

Workshops will be offered as a forum for presentations, activities and informal discussions, consisting of a variety of topics from art appreciation to intellectual activism.

Art

Conference participants will be given an opportunity to view and enjoy Romantic art. This will provide a unique occasion for presenting, viewing, and enjoying selected art work created by students of Objectivism.

Social Events

A variety of social events will be available for making and renewing friendships in informal surroundings.

Registration

An early registration price of \$68 per person is available before October 10, 1991. After this date, registration will be \$78 per person. Registration at the door will be \$88, if space is available. Special rates are available to all students and attendees presenting papers, workshops, art, or entertainment. These rates are: \$48 per person for registration before October 10, and \$58 for registration after this date. The registration fee includes buffet lunch on Saturday and Sunday, refreshments during breaks and social events, as well as admission to all conference functions. Attendees will receive a copy of the conference proceedings, which will include selected papers, literature, and workshop synopses. Please complete the attached registration form and return it to the address noted on the form.

Accommodations

The conference will be held at the Holiday Inn Town Lake Hotel located at 20 North IH 35 in Austin. Discounted rates of \$50 (single) and \$55 (double) are available for conference attendees. Reservations may be made by calling (512) 472-8211. Please make your reservations before October 15th, and mention the **Texas Objectivist Societies Conference** to receive the discount.

Conference Registration

name: _____

address: _____

city: _____ state: _____

zip: _____ phone: _____

Please reserve space for _____ participants at the Third Annual Texas Objectivist Societies Conference. Enclosed is

- \$48 student fee early registration (before October 10th)
- \$68 per person early registration (before October 10th)
- \$58 regular student fee
- \$78 per person regular registration
- \$88 per person at the door

- Do you have any special dietary restrictions: vegetarian, low sodium, etc?

Please return with registration fee, payable to:

Hill Country Objectivist Association
501 Kingfisher Creek Drive
Austin, Texas 78748

Please allow 3 weeks for confirmation.

answered "on the basis of medical evidence" even though offered the options of medicine, philosophy and theology.

When asked about prayer in school, Thomas stated that he was cautious about government's perceived endorsement of religion and that government should not be involved.

In regard to being pragmatic, Thomas acquiesced in the Bush administration's strategy for the hearings. This included an opening statement which stressed the childhood poverty and racist environment of Thomas and his entry to Yale Law School through "minority" preference, although it appears this preference was unnecessary. In addition, Thomas qualified, made ambiguous and undermined the seriousness of his previous writings. Liberals were unable to elicit specific opinions from him about sensitive issues such as abortion. His evasion on these issues was transparent, based on a superficial argument of judicial impartiality.

It may be that Thomas was persuaded that one week of "stonewalling", in contrast to Judge Bork, was well worth thirty years on the nation's highest bench. If so, this decision was atypical but may prove costly, an issue addressed later.

Clarence Thomas has been outspoken and principled on a number of issues. He has advocated not just pragmatic deregulation of business (loosening the chains of the slave) but elevation of property rights to the level of what is called civil rights, i.e., First Amendment rights.

In defending his interest in natural rights, he has pointed out that the founding fathers believed in them and created the "positive law" of the Constitution on their basis. While denying natural law as a *method* of adjudication, he has maintained that it is important to understand what the framers meant. While administration strategists consider this issue "arcane", i.e., concerned with principle, it is clear that Liberals and Thomas recognize its importance.

Thomas criticizes *Brown v. Board of Education* (abolishing the principle of "separate but equal") not for its result but for its shoddy reasoning and subsequent shallow foundation. Essen-

tially, advocates of desegregation in this case argued that black self-contempt was caused by segregation. The decision is vulnerable to being identified as an instance of "assuming the cause", and it was not so much a recognition of individual rights as it was a humanitarian gift of privilege from a liberal elite. For a pragmatist, this and over thirty years of desegregation would be more than adequate. But Thomas has indicated his yearning for a more substantive legal grounding.

Even in the hearings, Thomas maintained an important individualist distinction in regard to preferential treatment of "minorities". When pressed by Senator Spector about Affirmative Action, Thomas affirmed the value of recruiting outstanding people from difficult backgrounds, pointedly giving racially-indifferent examples: "a white kid from Appalachia", "a Cajun from Louisiana" or "a black kid or Hispanic kid from the inner cities."

Later, Senator Kennedy questioned Thomas' support of the conclusions made by Thomas Sowell about group discrimination. In *Civil Rights Rhetoric: A Reality*, Sowell finds ample causes other than racist or sexist discrimination to explain disparities between races or sexes in pay, etc. Thomas explained to Kennedy that a racial imbalance does not automatically derive from discrimination, pointedly referring to the racial make-up of the committee examining him.

Here, I think the difference between the collectivist viewpoint of Kennedy and the individualist viewpoint of Thomas was crucial: Thomas implicitly identifies the fallacy of assuming the cause of statistical information because he is aware of individualist causes. For Kennedy, membership in a group is enough to explain any human result and, I might add, a life raft to the man of no self-worth.

I believe the prospect of seeing Clarence Thomas on the Supreme Court is a very good one, although his tactical approach to the hearings was mistaken and disappointing. The advocates of determinism would do well to look at Thomas, a man who has had to struggle against a double barrage of false ideas and values, the first by virtue of being educated and the second

by virtue of being black.

Thomas' situation is not unlike that of Objectivist philosophy students with an eye trained ultimately on a tenured position. The student knows that integrity is a virtue, but he also knows that malicious professors decrying any absolutes will screen out any outspoken advocate of reason. The student knows also that the state-supported university system prevents any real open competition and that virtue never ignores context. Integrity is owed primarily not to one's opponents but to oneself. Where it can be only an instrument of self-destruction, it is not virtue.

But Thomas had some important advantages: His hearing was broadcast to the nation, his cause was just and his audience, the American people, was sympathetic to his cause, properly articulated. If Oliver North could back down a Congressional committee and become a blue-collar hero with patriotism and homespun ideology, Clarence Thomas could have blown this committee away.

For example, he might have reminded Senator Simon that ante-bellum plantation owners also thought that they had a right to deny people the fruits of their labor, that they considered this their compassionate duty to inferiors. Thomas could have pointed out that the welfare-state is institutionalized privilege, with elitists like Simon forcing what they regard as important on the rest of us. Clarence Thomas could have cited Walter Williams in stating that a regulated economy locks out the newcomer to a market and that civil rights untranslated into property rights is a gross hypocrisy unbecoming a bow-tied champion of idealism.

To Senator Kennedy, the hero of Chappaquiddick, Thomas could have stressed that the individual is the unit of human existence, that individuals cause effects and that a Senator with a life-long record of evading responsibility for his actions (college test cheating, Chappaquiddick, evading Florida police) has no business judging anyone's fitness for a position, least of all a candidate for the Supreme Court.

Thomas will probably be confirmed but, by these means, at a cost. The moral authority of the committee remains unchallenged, Thomas under-

mines his natural law as unserious philosophical musings and Thomas' view of Oliver Wendell Holmes changes from nihilist to great man. If Thomas is confirmed, the effects from these hearings may linger.



Comments on Letter Writing

Instead of printing letters in this issue, I would like to comment on some letters that Warren Ross has written recently. Firstly, Warren sent letters and copies of Dr. George Reisman's *Education and the Racist Road to Barbarism* to several professors who are members of the National Association of Scholars (NAS), a group dedicated to fighting political correctness on the campuses. Steven Balch, President and Executive Director of NAS, responded to Warren's letter, saying that Dr. Reisman was a member of the group and that they expected to make use of his talents.

Perhaps, Professor Balch was already aware of Dr. Reisman, perhaps not. Warren's efforts may have bolstered Dr. Reisman's efforts, or they may have actually introduced Professor Balch to Dr. Reisman's excellent essay. It is worth noting that the effects of letter writing are not always apparent.

Another example of this is Warren's letter to the Wall Street Journal concerning an editorial expressing gratitude to those who have opposed communism over the years, in light of its existential collapse. Warren responded to the editorial by pointing out the efforts of Ayn Rand in this regard, since her name was unmentioned in the editorial. Warren's letter was not printed, but this one was:

I am glad you printed an editorial tribute to the people who contributed to the demise of communism. I would like to add two names:

Ludwig von Mises. The man who, in 1922 ("Socialism"), debunked all the myths of a scientific base for socialist theories. We owe him an enormous debt for this work, and for a lot more.

Announcements

\$ "Adopt-a-Library" program--Give one hardbound copy of Dr. Peikoff's *Objectivism: The Philosophy of Ayn Rand* to a Houston-area library. Those who wish to contribute may either send \$24.95 or a hardbound copy of the book to Warren Ross (). He will arrange for the donation with the Central Branch of the Houston Public Library. Alternatively, if you donate to a branch library outside the Houston system (Fort Bend, etc.), please arrange for the donation yourself and contact Warren with details for publication in the newsletter. Our goal is 25 copies donated to Houston-area libraries.

\$ I hope to distribute the 1990 Texas Objectivist Societies Proceedings soon. Sorry for the delay.

\$ Written contributions to this newsletter are welcome.

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The Houston Objectivism Society Newsletter supports Objectivism and the Ayn Rand Institute; however, we do not purport to represent or speak for the same. The Newsletter is published bimonthly for members, and membership dues are \$10 per year.