



# Houston Objectivism Society

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## March Meeting Features Hugo's *The Man Who Laughs*

The next HOS meeting will feature dramatic readings from what Ayn Rand called Hugo's greatest novel, *The Man Who Laughs*. The book has been republished recently by The Atlantean Press, a California publishing venture devoted to the publication of works of romantic literature.

Members of HOS will read four character vignettes from the novel. Chris Land will read the description of Clancharlie, the Peer of England, whose integrity requires him to renounce his estates rather than swear allegiance to the restored monarchy after Cromwell. Anna Franco will read the description of Gwynplaine and Dea, the tender lovers bound to each other by the fact that, although he is horribly disfigured, she is blind and cannot see his face, only his soul. Dawn Phillips will read the description of Josiana, the bored courtesan who looks for adventure by chasing after Gwynplaine. Brian Phillips will read the description of Barkilphedro, the evil manipulator who discovers that Gwynplaine is the son of Clancharlie and hence the rightful heir to the Clancharlie estates...and the betrothed of Josiana.

Those familiar with Hugo know of his inventive, purposeful plots. Such purposeful actions can only be the consequence of purposeful, fully conscious and reality-oriented characters. These are the kind of characters that populate *The Man Who Laughs*. Come meet a few of this race of giants in what should prove to be both an enjoyable and inspiring evening.

The meeting begins at 7:30 pm, Friday, March 27, at the Wallingford Apartments, 2750 Wallingford, one block south of Westheimer, approximately three blocks west of Beltway 8.

## Reisman to Speak at University of Houston

Joe Burwell, President of Students of Objectivism at University of Houston, informs us that Dr. George Reisman will speak on "The Toxicity of Environmentalism" on April 16, 2:30 pm, in Room 160 at Melcher Hall. Dr. Reisman's speech in Houston will be one of many that he is making during a tour which will take him to many universities in the Midwest. Further inquiries should be addressed to Joe Burwell at 669-0688 or to Anna Franco at 781-1456. In addition we would like to thank Joe for his efforts in bringing Dr. Reisman to Houston.

## "One Against the Wind" Featured at January Meeting

This movie featured Judy Davis portraying Mary Lendell, an English-woman living in France during WWII. Lendell established and maintained an escape route back to England for Allied pilots. Unlike many current productions, which depict heroism as the endurance of suffering under trying circumstances, this dramatization emphasized the values pursued. Thus the primary focus of the Lendell character is not on what she suffered, though she did, but on the values she was fighting for. At one point, she is asked why is she doing this? Doesn't she care about her children? She answers: "Yes, and I also care about my grandchildren."

Another aspect emphasized is the character's commitment to reason in action. We are shown a woman who typically "thinks on her feet" and runs an escape network in occupied territory by means of her wit. Eschewing standard operating procedures, each of her operations is different in order to escaped detection.

"One Against the Wind" not only dramatizes the life of a remarkable

woman but a rare view of life and of values.

## Breast Implants and Products Liability

by  
Jeri Eagan

The recent events related to silicone breast implants present an illuminating example of several developments in non-objective law. One of them is the awesome power over the lives of individuals which administrative agencies now wield. Dr. Harry Binswanger, in his article in the January 1992 issue of *The Intellectual Activist*, "What is Objective Law?", describes the premises and evils of regulations promulgated by these agencies. The action by the FDA advisory panel further shows the irrational methods that are used. The FDA advisory panel concluded that:

*There have been many allegations, but no one has accepted them as statistically valid...We don't feel a clear cause and effect relationship has been established.*

Why then did the panel advise limiting the permissible use of implants to women who have been disfigured? A quote from Rita Freedman, a psychologist on the panel, expresses it most directly:

*After one woman's breasts are enlarged, she may report feeling happier and sexier...Soon a neighbor tries to measure up to the new standard on the block*

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*and feels more anxious,  
ashamed or inadequate.*

In other words, one should not be allowed to improve oneself, just to feel happier and sexier, because to do so may have negative psychological impacts on one's neighbors. This blatant espousal of egalitarianism is frightening. "Equality" in physical appearance is being sought by these altruists. How long will it be before the approach is applied to all plastic surgery? And why not ban the sale of all cosmetics?

While all restrictions on business ultimately impact on the consumer's freedom of choice, few consumers seem to realize it and news media rarely mention it. In this case, however, the normally favored attitude of paternalism towards consumers has clashed with a more narrow paternalism towards women, a controversial view since the publication of *The Feminine Mystique*. This perhaps explains why the arguments opposed to government regulation and in support of a person's right to choose received some media attention.

Despite this favorable publicity, however, it is extremely unlikely that silicone breast implants will be available by a year from now. Bristol Myers Squibb Co. suspended shipments last April. Dow Corning is considering whether to continue its manufacture. The unavailability of these devices will not be the result of the FDA banning them, because of new scientific evidence or for any other reason. Nor will it be due to doctors deciding that all the paperwork and administrative burden imposed by the FDA are too much to warrant continuing the procedure. Rather, the elimination of these implants will be achieved through lawsuits.

During the last year, jury verdicts of \$4.45 million and \$7.3 million have been rendered against implant makers. The Association of Trial Lawyers has established a formal Breast Implant Litigation Group. One law firm has already invested \$3 million in up-front money on behalf of women allegedly injured by breast implants. Hundreds of suits have been filed and class actions

are being sought. But if the FDA advisory panel, who presumably studied the available evidence, concluded that there is no cause and effect relationship, how are these lawsuits being won and even more lucrative ones being anticipated? What about Dow Corning's 329 studies conducted over the last thirty years, which established that the use of silicone in breast implants is safe? Doesn't this matter? And what if a woman wants to assume whatever risks may be involved?

The answers lie in products liability law. This area of law is a revolutionary development that has occurred just during the last thirty years, with America at the forefront. It is second only to the emergence of regulatory laws in terms of its departure from objectivity and its evil impacts. Tracing its development reveals a precipitous descent from 18th century English common law, which Binswanger describes as "a nearly perfect system from the stand point of objectivity".

#### **First: Destroy Contracts**

Products liability law is the culmination of initially separate developments in contract law and torts law. Contract law is essential for a man to be able to plan long range when dealing with other men. Having voluntarily entered into an agreement with someone, it is important to be able to rely on that person to uphold his end of the bargain. Early contract law provided that these agreements would be enforced by the courts, so long as certain conditions were met. The parties to the contract were free to agree on the terms. Unless the contract was for the purpose of committing an illegal act (such as a murder for hire), the courts would review objective evidence regarding the terms intended by the parties and would enforce those terms. This has been called "private law" since no outside authority dictated the provisions. Even if a person entered into an agreement that subsequently proved to be a "bad deal", they were still committed to honor it.

When involved with the sale of goods, parties were free to determine who would bear the risk of product

defects. As a marketing strategy, some sellers offered warranties. This promise of future performance was protected by contract law. When warranties were not provided, buyers bore the risks. This freedom of contract was deemed to be crucial enough for the drafters of the U. S. Constitution to provide in Article I, Section 10 that "No state shall...pass any...Law impairing the Obligation of Contract." Properly enforced by the courts, contract law worked extremely well. Given the ability to plan long range, vast industries were built. Mass production and distribution channels provided a wide selection of products of increasing quality to consumers. Standardized warranty contracts were a key part of this development. They allowed producers to predict the extent of their liability for product defects. Buyers could choose products with more extensive warranties if this was important to them. This success, which resulted in "big business" and less direct contact between a producer and the ultimate consumer, served as the basis for the attack on contract laws.

The foremost leader of this attack was Frederick Kessler, a German scholar who came to the U.S. to flee Hitler's regime and became a law professor at the University of Chicago Law School. In his numerous books and legal treatises, he painted a vivid, but unsubstantiated picture of the poor, innocent, helpless consumer facing the big, powerful, evil producers who were dictating the terms of the contract. These consumers, he argued, were lacking in bargaining power and were therefore uninformed and unable to influence manufacturers' behavior. He suggested that the courts should protect these weak parties rather than merely enforce agreements.

Kessler's position was that freedom of contract was only applicable in an economy comprised of small entrepreneurs and merchants. This smallness somehow fostered equality. He equated the "economic power" of big business with the political power of governments. And he confused the ability to set terms in the "private laws" of contracts with the capacity of governments to legislate.

## **The Christopher Columbus Controversy: Western Civilization vs. Primitivism and Ethnicity**

**by Michael S. Berliner, Ph.D.  
Executive Director, The Ayn Rand Institute**

To the “politically correct,” the 500th anniversary of the discovery of America is no cause for celebration. And even before 1992 began, their protests resulted in a significant victory: the naming of an American Indian as co-grand marshal in the 1992 Rose Parade. Parade officials caved in to critics, who denounced the tournament committee when it first named as grand marshal Cristobal Colon, a direct descendant of Christopher Columbus. But the actual target of those critics was not simply Colon; it was Western civilization.

The politically correct view is that Columbus did not discover America, because people had lived here for thousands of years. Worse yet, it’s claimed, the main legacy of Columbus is death and destruction. Pasadena’s vice-mayor, Rick Cole, branded Columbus’s descendant “a symbol of greed, slavery, rape and genocide.” And one Indian leader likened the celebration of Columbus’s arrival to a celebration of Hitler and the Holocaust.

Did Columbus “discover” America? Yes—in every important respect. This does not mean that no human eye had been cast on America before Columbus arrived. It does mean that Columbus brought America to the attention of the civilized world, i.e., to the growing, scientific civilizations of Western Europe. The result, ultimately, was the United States of America. It was Columbus’s discovery *for Western Europe* that led to the influx of ideas and people on which this nation was founded—and on which it still rests. The opening of America brought the ideas and achievements of Aristotle, Galileo, Newton, and the thousands of thinkers, writers, and inventors who followed. What they replaced was a way of life dominated by fatalism, passivity, superstition, and magic.

Prior to 1492, what is now the United States was sparsely inhabited, unused, and undeveloped. The inhabitants were primarily hunter/gatherers, wandering

across the land, living from hand to mouth and from day to day. There was virtually no change, no growth for thousands of years. With rare exception, life was nasty, brutish, and short: there was no wheel, no written language, no division of labor, little agriculture and scant permanent settlement; but there were endless, bloody wars. Whatever the problems it brought, the vilified Western culture also brought enormous, un-dreamed-of benefits, without which most of today’s Indians would be infinitely poorer or not even alive.

The particular actions of Columbus and his men are irrelevant to the current controversy: Columbus should be honored, for in so doing, we honor Western civilization. But the critics do not want to bestow such honor, and this is the real reason for the opposition to Columbus as the discoverer of America. Their real goal is to denigrate the values of Western civilization and to glorify the primitivism, mysticism, and collectivism embodied in the tribal cultures of American Indians. They decry the glorification of the West as “Eurocentrism.” We should, they claim, replace our reverence

for Western civilization with multiculturalism, which regards all cultures as morally equal. In fact, they aren’t.

Some cultures are better than others: a free society is better than slavery; reason is better than brute force as a way to deal with other men;

productivity is better than stagnation and unthinking adherence to tradition. In fact, Western civilization stands for man at his best. It stands for the values that make human life possible: reason, science, self-reliance, individualism, ambition, productive achievement. The values of Western civilization are values for all men; they cut across gender, ethnicity, and geography. We should honor Western civilization not for the ethnocentric reason that some of us happen to have European ancestors but because it is the objectively superior culture.

***Western civilization stands for man at his best. It stands for the values that make human life possible: reason, science, self-reliance, individualism, ambition, productive achievement.***

Underlying the political collectivism of the anti-Columbus crowd is a racist view of human nature. They claim that one's identity is primarily ethnic: if one thinks his ancestors were good, he will supposedly feel good about himself; if he thinks his ancestors were bad, he will supposedly feel self-loathing. But it doesn't work; the achievements or failures of one's ancestors are monumentally irrelevant to one's actual worth as a person. Only the lack of a sense of self leads one to look to others to provide what passes for a sense of identity. Neither the deeds nor misdeeds of others are his own; he can take neither credit nor blame for what someone else chose to do. There are no racial achievements or racial failures, only individual achievements and individual failures. One cannot inherit moral worth or moral vice. "Self-esteem through others" is a self-contradiction.

Thus the sham of "preserving one's heritage" as a rational value. Thus the cruel hoax of "multicultural

education" as an antidote to racism: it will continue to create even more racism. As Ayn Rand observed in her article "Global Balkanization" (in *The Voice of Reason: Essays in Objectivist Thought*), "the advocacy of 'ethnicity' means racism plus tradition—i.e., racism plus conformity....There is no surer way to infect mankind with hatred—brute, blind, virulent hatred—than by splitting it into ethnic groups or tribes."

The immigrants who built this country in the 18th and 19th centuries came here not to wallow in "ethnic pride" nor to mindlessly repeat the ways of their ancestors. They embraced the essence of Western civilization. They were—at least implicitly—individualists.

Individualism is the only alternative to the racism of political correctness. We must recognize that everyone is a sovereign entity, with the power of choice and independent judgment. The values of self-esteem and Western civilization should be proudly proclaimed.

**Versions of this article  
have been published in the  
Los Angeles Times,  
Minneapolis Star Tribune,  
Buffalo News,  
Charlotte Observer,  
San Jose Mercury News,  
Hartford Courant,  
Fort Worth Star-Telegram,  
and other newspapers.**

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From these mistaken premises he concluded that big business was a threat to democracy.

Regarding natural rights, he said:

*To be sure, the belief in absolute principles of justice and inalienable human rights did form a most powerful ideological weapon in the hands of the political philosophers of the middle class struggling for political freedom. But as soon as the fight was won, natural law in the form of a theory of natural rights tended to become an instrument for the protection of vested interests against progressive social legislation.*

In other words, absolute principles are fine, as long as they suit his purpose at the time. The particular "progressive" social legislation which Kessler sought was that of "consumer protection". He wanted to replace the absolute right of consumers and producers to determine the terms of their contracts with someone else dictating terms that they considered better for them. His preferred means of achieving this was to have contract terms directly regulated by the government. But he realized that there was a bit too much individualism in America for that to work. So, instead, he tried using the courts--to smuggle his ideas into the venerable concepts of common law.

Relying on Kessler and other legal scholars and ignoring decades of prior cases, activist judges began by implying warranties where there were none. Manufacturers responded by explicitly disclaiming warranties. They attempted to define more precisely what they offered for sale--a product and not an insurance contract. Courts responded to this by ignoring disclaimers completely because they were deemed to be "against public policy". In one case involving an automobile manufacturer, the court explicitly stated that "an instinctively felt sense of justice cries out against such a sharp bargain."

The point has been reached where courts freely rewrite provisions in private contracts related to risk sharing.

Other provisions which the court may arbitrarily decide it does not like are also being ignored. The concept of the parties setting the terms of an agreement and relying on courts to enforce them, if necessary, is clearly being eroded. And with it, man's ability to plan long range is being impaired.

#### **Then: Distort Torts**

The proper function of government is that of using retaliatory force to defend the rights of individuals. In 17th century England, the criminal courts did this by punishing the criminal and by requiring the criminal to provide compensation to his victim. Over the years, the process of achieving these goals became split into two legal realms. In criminal law today, crimes are considered to be committed "against the peace and dignity of the state", rather than against the victim. Any fines levied through criminal prosecution are paid to the state. The compensation of victims became a civil action and developed into an area called tort law.

Like early crimes, torts initially required the injuring party to have some intent to cause the action which resulted in harm to someone else. Categories of these early "intentional torts" were similar to crimes; battery, assault, trespass, libel, etc.

Later a new basis for tort liability slowly developed--that of negligence. It was recognized that sometimes a person's action may harm the person or property of another even if the person did not intend such a result. But if a "reasonable man" should have been able to "foresee" the results, that person should still be liable. Negligence was a means of compensating a victim of someone's unthinking behavior. It was originally applied in a very limited number of cases, and only when there was no consensual relationship, such as a contract, between the parties. If the injured party himself also acted negligently, then he was not allowed any recovery.

Another development in tort law involved the area of strict liability. As initially envisioned, this concept applied to "ultrahazardous activities", such as

blasting or in keeping dangerous animals. Despite the amount of care taken by persons engaged in these activities, they were held to be liable if a mishap occurred and someone was injured. The rationale was that some activities are so inherently dangerous that persons engaged in them should bear any losses which result.

Essentially, this was the status of tort law in the 1930's when Fleming James, a law professor at Yale University Law School, set his life long goal to revolutionize it. James saw accidents as inevitable consequences of productive activity, and he considered the primary function of tort law to be that of compensation of the victims of accidents. Irrespective of fault, of whose action caused the accident, and of whether the accident could have been avoided, the victim must be compensated. And by whom? The evil producers, of course. If more than one business was connected to the event, he proposed that the one with the greatest risk-bearing capacity (i.e. deep pockets) should bear the loss. In no case should the victim be required to bear the loss of the accident or to insure against it. The costs of the loss should be born by the producer who can then "pass along the cost" to a greater number of people. The result would be a form of social insurance or risk distribution.

The premises underlying James' work imply a strong belief in determinism. He cites "medical studies" which purport to show that a person's actions are the inevitable result of heredity and environment. Without volition, there is no moral blame. Since a person is never to blame for the accidents that may befall him, he should not be required to bear the loss alone. All of society should share in the loss.

#### **And Make the Producers Pay**

From a synthesis of these developments in contract law and tort law, there emerged a new theory of civil obligation, known generally as products liability. Using the theories of "implied warranty" and "strict liability", courts began holding manufacturers liable for any harm related to their products. The goal was to achieve the social insurance

proposed by James, which was, in essence, a tax on producers. The system was structured such that one-third of the proceeds were paid to the persons who effectively acted as tax collectors (contingency fee lawyers).

Negligent behavior on the part of the producer is not required to be shown. The magnitude or results of the studies conducted by Dow Corning on breast implants will not matter, since it is not their negligence that is at issue.

Neither does misuse on the part of the consumer make any difference. Some courts may allow manufacturers to escape liability by properly warning consumers of the dangers of misuse of the product. This is why you will see some absurd statements about products you buy. For example, on an electric hair dryer, "do not immerse in water"; on household cleaners, "not for internal consumption"; on a popcorn popper, "do not clean while hot".

In reviewing evidence related to the product, courts at one time required that it be demonstrated that there was a manufacturing defect in the specific product involved in the injury. Later, the field was broadened by allowing proof of a "design defect" to be sufficient. This could mean anything. Courts can decide that a child's sleepwear is defective if no flame retardant chemicals are added; a single control shower faucet is defective since turning it all the way to one side will allow only hot water to spray; a lawn mower is defective because a man had a heart attack while trying to pull the rope.

Once a "design defect" has been established, the only other issue required is that of causation. A few persuasive "experts" testifying about their unscientific opinions will meet this burden of proof.

A producer cannot fully escape liability. In fact, he is expected to be omniscient: to anticipate every possible misuse of his product and provide for it and to anticipate every conceivable technology that may develop to make the product safer. This is impossible.

The principle has become that if someone is injured, regardless of context, then someone else must pay. Each of us pay, as a significant cost of the

products we buy. We also suffer from the non availability of products. Silicone breast implants will join the list, along with small airplanes, toxin detectors and numerous beneficial drugs.

Ideas do matter. Legal proposals by a handful of legal scholars based on bad ideas have had a profound influence on life in America. Egalitarianism has led to significant loss of freedom through government regulations. Freedom of contract is a casualty of this idea. Determinism has led to courts ignoring man's volition and devising a system to have everyone pay for the negligence of a few. The antidote for these disturbing trends is also ideas--those of Objectivism. [Editor: On March 18, Dow Corning announced that they were discontinuing the manufacturing of implants because of product liability.] \$

## Zoning in Houston Far from Unique

by  
J. Brian Phillips

*The following article was recently submitted to local newspapers.*

During the debate over zoning, zoning advocates made many claims. Houston, they told us, would avoid the problems for which zoning is notorious--e.g., corruption and political favoritism. They insisted that a "common vision" would guide the city's future development. Zoning, they promised, would "empower the people." Property rights, the argument went, would be better protected under zoning. Zoning would lead us to economic prosperity and a better "quality of life." Houston, it was repeated like a religious mantra, would develop "a unique form of zoning."

Such ambitious promises of future benefits are often made during political debates. However, delivering on those promises can prove to be a much more difficult challenge, particularly when those promises are grounded in false premises.

While the implementation of the zoning ordinance remains months away,

Houstonians are already getting a taste of what life will be like under zoning. Several recent ordinances--as well as the actions of the Zoning Strategies Committee--have demonstrated just how well zoning will live up to the promises its advocates made.

To properly evaluate any political policy, one must first identify the premises underlying that policy. One must understand what ideas are assumed to be true, and what those ideas imply. Only when one has identified the fundamental principles involved can one determine the long-term consequences of any policy or action.

The essence of zoning, and its sole reason for existing, is to grant government the power to control all land use. A land owner may only use his property for the uses specified by the government--any other use is a crime.

Zoning removes control of property from its rightful owner and vests that control in the hands of bureaucrats. Zoning grants the municipal government de facto ownership of all property within the community. Zoning permits public officials to impose any standard they choose upon the citizenry. Zoning is founded on the premise that government should have unlimited powers.

The premise which underlies zoning does not vary from city to city--it is the very nature of zoning. Consequently, a "unique" form of zoning is impossible for Houston to attain. Actual practice is demonstrating this. Consider:

In December 1991 City Council approved a landscaping ordinance. This law requires developers to include a certain number and size of trees and shrubs on their projects. Council member Christin Hartung, who sponsored the ordinance, once defended the law by saying: "I think it's important that we have an ordinance that continues to give Houstonians the quality of life no matter where they live."

One month later City Council approved an ordinance requiring the removal of 70% of the city's billboards over the next twenty years. Council member Eleanor Tinsley, an opponent of billboards, claimed that the ordinance would improve the city's "quality

of life”.

These ordinances have several things in common. First, each is generally a part of a comprehensive zoning plan. Second, supporters of these ordinances claimed that our “quality of life” would be enhanced, that our city would be more beautiful, and, therefore, Houston would be better able to attract new businesses.

A more beautiful city, a higher “quality of life”, and a prosperous economy are worthy goals; however, good intentions do not necessarily make good policies. For example, “quality of life” is a matter of individual values. Each of us has different goals, different aspirations; we seek different things. For each of us, “quality of life” means something different, i.e., we each have different values.

The issue then becomes: Whose version of “quality of life” will prevail? The landscaping and billboard ordinances demonstrate the answer: Those with political power. These laws literally make it illegal to attempt to pursue a “quality of life” which differs from the political authority.

Supporters of the ban on billboards have made no secret that they seek to destroy the billboard industry by legislating it out of existence. There are few clearer examples of those with political power using that power to impose their values upon others. The billboard ban demonstrates that city officials have no qualms about sacrificing a legitimate industry for some alleged future benefits. Today it is billboards, tomorrow it might be your business.

Zoning advocates claim that zoning is “democratic,” that zoning will “empower the people”. This implies that the majority may do as it chooses simply because it is the majority. While this premise is abhorrent enough, consider what is actually occurring through the actions of the Zoning Strategies Committee, which is currently developing a zoning map for Houston.

The committee recently distributed a 51-page document titled “Proposed Zoning Approach & Ordinance Outline for Houston Zoning Ordinance.” Both the public and the media were denied access to this document. Furthermore,

the committee also prohibits reporters from recording their meetings.

If zoning is so “democratic”, why the secrecy? If Houston is going to avoid corruption and political favoritism, why is the zoning plan being developed behind closed doors? If zoning will “empower the people”, why is the public denied access to the plan? If a “common vision” is sought for the city, why are so few involved in developing the plan?

Again, there is nothing unique about this. Such elitism and secrecy is typical of zoning in other cities and obviously will be a part of zoning in Houston. Houston will never have a unique form of zoning. Nor will Houston be immune to the horrors which zoning inflicts upon the citizens of other cities.

Imagine for example, that you have a large tree on your property. You wish to remove it, but city officials prohibit you from doing so. The city of Honolulu has such an ordinance.

Imagine for example, that in response to the growing wave of crime, you wish to put burglar bars on your windows. The city prohibits you from doing so because it has classified your home as an historical building. This is precisely what happened to a couple in Allentown, Pennsylvania.

Imagine for example, that you wish to make a little extra money by allowing a sign company to erect a billboard on a vacant lot you own and pay taxes on. The city of Houston however, has most likely already ruled that you cannot do this.

Imagine that you have followed all of the city’s prescribed guidelines, received the requisite approvals and permits and erected a \$14 million building. How would you react if, upon completion the city informed you that your building violated the zoning ordinance--even though you had previously received permission from the zoning commission. This is precisely what happened to Albert Ginsberg, who was ordered to remove the offending stories of his building by the City of New York.

Of course, it is easy to say that these injustices occurred to other peo-

ple in other cities, that such things could never happen in Houston. After all, zoning advocates promised as much.

Even if Houston were somehow able to avoid the corruption and political favoritism for which zoning is notorious, zoning is wrong as a matter of principle. It is wrong because it violates property rights.

The right to property means the right of use and disposal, i.e., the right to use one’s property in any manner one chooses (provided that use does not violate the rights of others). It is meaningless to say that an individual who does not have control over his property retains any rights to that property.

Indeed, in 1987 the Supreme Court ruled that when zoning prevents a landowner from using his property, that property has been “taken” in the meaning of the Fifth Amendment. The Court ruled that local governments must compensate such landowners. The meaning of this ruling is quite clear: In principle, zoning amounts to a seizure of property.

Zoning vests immense powers in City Council and those who will make zoning decisions. Only the most naive can believe that corruption and political favoritism will not result, that those with political connections will benefit while others have their projects denied. It has happened in other cities and it will happen in Houston.

Zoning is not the benevolent institution its advocates would like us to believe. It is a weapon wielded by the politically powerful to impose their views and values upon others. It has happened in other cities and it is happening in Houston.

In principle zoning does not vary from city to city. In practice the only thing which does vary are the details of its implementation and the names of its victims.

So much for Houston’s “unique form of zoning”. \$



TO THE EDITOR:  
[Express-News, San Antonio, 12/10/91]

Sir: Many “environmentalists” have called for the imple-

mentation of a mandatory recycling program for San Antonio to realize the alleged value of "environmental hygiene" at any cost.

Many self-appointed ecologists have complemented such "progressive communities" as the states of Washington and Maine and the local municipalities of Pleasanton and Alamo Heights for their compulsory recycling programs.

Their survey of history on this topic, however, is incomplete. Compulsory recycling was first implemented as a coercive state social policy in Adolf Hitler's Third Reich.

Lothrop Stoddard noted this type of coercive program in October 1939 and wrote of it in his 1940 book, *Into the Darkness: Nazi Germany Today*:

"What we in America call trash must be carefully segregated into the following categories: (1) Newspapers, magazines and other clean paper; (2) rags; (3) bottles; (4) old metal; (5) broken furniture or about any thing else that is thrown away. City collectors come around for this segregated trash at regular intervals. There are no private junk dealers. An all seeing paternal state attends to even this petty salvage. Wartime Germany overlooks no

details."

In *The Political Testament of Hermann Goering*, Hitler's Reichsmarshal said of this program, "People said these were childish methods and did not think I could regulate an economy in this manner."

Compulsory recycling of garbage, whether in Nazi Germany or elsewhere, is a bad idea.

Recycling the trashy concept of the initiation of deadly force by government to solve alleged social problems is what America opposed in World War II.

John W. Beason

[San Antonio Light, 12/30/91]

The solution to the nationwide youth gang problem consists of instilling in the potential gang members the body of knowledge and values required for making better choices. The values of Western civilization, America's original foundation, if taught to these children would provide the knowledge and values needed to eliminate gang membership and violence.

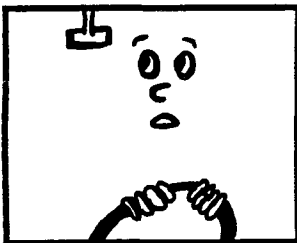
Economics professor George Reisman of Pepperdine University has shown that this body of knowledge and values is *open to everyone* to practice it.

Briefly stated, Western values include but are not limited to the following: the value of man above all other species due to his unique power of reason; the proper use of reason to identify a universe ruled by natural laws open to human understanding through mathematics and science; individual self-responsibility and the need to respect each individual human's right to life, liberty, private property and the pursuit of happiness; the need for government limited only to defending individual rights and prohibited from initiating deadly force, which means equality before the law; on this foundation, the validity of capitalism, unlimited technological progress, an ever-rising living standard and the individual's competency to succeed. A proper view of businessman as heroes and benefactors, such as dinnerware innovator Josiah Wedgwood (1730-1795), for example, would then emerge.

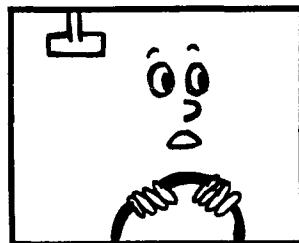
Once these children learn this knowledge and values, the necessity for identification as a gang member would disappear. Thereafter, the children could instruct some of the college professors and the politicians about Western values, since they more desperately need it.

John W. Beason

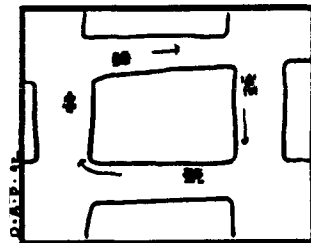
### The Adventures of Al Truist



Oh no! I need to go straight, but the person behind me wants to turn right on red.



It's happening again! I guess it won't hurt to turn right again.



Al is detained by his ethical code...into the night.

HOS President <i>Warren S. Ross</i>	HOS Executive Committee:
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