



**Comment on the Commentary of the Day**

by

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**Disclaimer: The following "Letters to the Editor" were sent to the respective publications on the dates indicated. Some were printed but many were not. The original articles that are being commented on may or may not be available on the internet and may require registration or subscription to access if they are. Some of the original articles are syndicated and therefore may have appeared in other publications also.**

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26 December 2010

Programming Director,  
 WTOP Radio  
 Washington, DC

Dear Sir or Madam:

During the 1pm hour your anchorman interviewed a pundit who proclaimed that "it's clear" that "America's high living standard is jeopardized [when] high-wage Americans trade with low-wage foreigners."

Really? Is Bill Gates's high living standard jeopardized when he trades with people  
 - auto workers, plumbers, personal body guards, etc.  
 - whose earnings are far lower than his? Do I jeopardize my living

standard by hiring low-wage Mexican immigrants to clean my house and by paying low-wage Korean immigrants to launder my shirts? Would I be even more prosperous if I traded only with people who earn per hour at least as much as I earn? Should I regret purchasing all the goods and services that I've purchased throughout my life from workers who produced those things at costs lower than I would have incurred had I produced those things for myself?

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26 December 2010

Editor, Boston Globe

Dear Editor:

Ronald Pies, MD, asserts that every individual has a "right" to "basic health care" - meaning, a right to receive such care without paying for it (Letters, Dec. 26).

The rights that Americans wisely cherish as being essential for a free society require only the refraining from action. Your right to speak freely requires me simply not to stop you from speaking; it does not require me to supply your megaphone.

Not so with a "right" to "basic health care." Elevating free access to a scarce good into a "right" imposes on strangers all

manner of ill-defined positive obligations - obligations that necessarily violate other, proper rights. For example, perhaps my "right" to basic health care means that I can force Dr. Pies away from his worship service in order that he attend (free of charge!) to my ruptured spleen. Or perhaps it means that I have the "right" to pay for my health care by confiscating part of his income. If so, how much of his income does my "right" entitle me to confiscate? Who knows?

And if Dr. Pies is planning to retire, do I have the "right" to force him to continue to work so that the supply of basic health care doesn't shrink? If Dr. Pies should die, am I entitled - again, to keep the supply of basic health care from shrinking - to force his children to study and practice medicine?

Does my right to basic health care imply that I can force my neighbor to pay for my cross-country skiing vacation on grounds that keeping fit is part of basic health care?

Talking about "rights" to scarce goods and services sounds right only to persons who are economically illiterate,

politically naive, and suffering the delusion that reality is optional.

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25 December 2010

Editor, Los Angeles Times

Dear Editor:

Reporting on the increasing number of jurors who refuse to return guilty verdicts against defendants charged with possessing marijuana, you quote a government prosecutor who tells jurors "We're not here to debate the laws. We're here to decide whether or not somebody broke the law" ("Juries are giving pot defendants a pass," Dec. 25).

This prosecutor is mistaken to assume that the law is simply that which the state declares it to be. A great advantage of trial by jury - an advantage applauded by the likes of John Adams, Thomas Jefferson, and James Madison - is to enable the community's sense of law and justice to moderate, or even to nullify, government's criminal statutes. As Edward Gibbon observed, "Whenever the offense inspires less horror than the punishment, the rigor of penal law is obliged to give way to the common feelings of mankind."

[Edward Gibbon, *The Decline and Fall of the Roman Empire*, Hans-Friedrich Mueller, ed. (2009 [1776]), Ch. XIV: <http://books.google.com/books?id=Lk--CO-llvQC&pg=PT296&lpg=PT296&dq=>]

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Fortunately, more and more people understand that punishing a peaceful person simply for smoking pot is horrible.

24 December 2010

Editor, The New York Times  
620 Eighth Avenue  
New York, NY 10018

To the Editor:

Whatever are the character flaws in the fictional Ebenezer Scrooge and in the real Newt Gingrich, Paul Krugman errs in equating the two men to each other ("The Humbug Express," Dec. 24).

Ebenezer (prior to receiving his ghostly admonitions) refused to part with his own money. Quite differently, Mr. Gingrich - in the context highlighted by Mr. Krugman - refused to force OTHER people to part with THEIR money.

Not knowing Mr. Gingrich personally, I've no idea where he is on the spectrum that ranges from greedy beast to generous benefactor. But I'm certain that he does not deserve to be called a "Scrooge" simply because he refuses to be party to taking money from A in order to give money to B.

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23 December 2010

Mr. Stephen J. Brady,  
President  
Sodexo Foundation  
Gaithersburg, MD

Dear Mr. Brady:

Your foundation's website says that "Forty-nine million people in the United States are at risk of hunger." While this statement's meaning is vague, I assume that you intend to suggest that 49 million people in America are so poor that they are at serious risk of suffering malnutrition.

Yet today's New York Times reports on a recent poll by the Pew Research Center that finds that the number of Americans who consider themselves to be middle-class is nine in ten ("So You Think You're Middle Class?" Dec. 23). That's 277 million Americans who don't think

of themselves as being poor. Even if we assume that every one of the 31 million other Americans thinks of himself or herself as being, not rich, but poor - and even if we further assume that every last one of those 31 million people is "at risk of hunger" - your figure of 49 million 'at-risk-of-hunger' Americans seems impossible to square with the Pew survey results.

Are there really 18 million people in America who are so unaware of their own circumstances that, even though YOU classify them as being "at risk of hunger," THEY classify themselves, not as poor, but as middle-class? Seems dubious, to say the least.

While I applaud your efforts to extend a helping hand to needy Americans, you should do so honestly. In fact, hunger is NOT a problem in America – not for 49 million people; not even for 31 million people. In fact, no modern American this side of mental insanity or criminal captivity comes close to starving to death.

Our society's elimination of one of history's most consistent killers – starvation and malnutrition

from too little food – is complete. This victory should be celebrated rather than obscured by claims, such as that which adorns your website, that are somewhere between inexcusably obscure and blatantly false.

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22 December 2010

Friends,

Did protectionist tariffs contribute to, or obstruct, America's economic growth during the 19th century? In this essay, I address this question:

<http://www.thefreemanonline.org/columns/thoughts-on-freedom/tariffs-and-freedom/>

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22 December 2010

Friends,

Mark Perry, my former research assistant at GMU

Econ (and now a visiting scholar at AEI), is co-author of this important and fact-rich essay on the causes of today's economic troubles:

<http://www.american.com/archive/2010/december/how-government-failure-caused-the-great-recession>

22 December 2010

Editor, The New York Times  
620 Eighth Avenue  
New York, NY 10018

To the Editor:

Pauline Maier applauds Justice Stephen Breyer's claim that (as summarized by Ms. Maier) "the historical record - in particular, James Madison's thoughts and writings - supports the dissenters in the 2008 case District of Columbia v. Heller, in which the Supreme Court said the Second Amendment established an individual right to bear arms, and on that basis struck down a District of Columbia ban on handguns" ("Justice Breyer's Sharp Aim," Dec. 22).

I wonder if Justice Breyer and Ms. Maier are familiar with the writings of noted Second amendment scholar Sanford Levinson.

Prof. Levinson supports a policy of gun control, but he finds that the history of the Second amendment is "embarrassing" for those, such as Justice Breyer, who argue that Madison & Co. did not intend to enumerate an individual right to bear arms.

According to Prof. Levinson, "There is strong evidence that 'militia' refers to all of the people, or least all of those treated as full citizens of the community.

Consider, for example, the question asked by George Mason, one of the Virginians who refused to sign the Constitution because of its lack of a Bill of Rights: 'Who are the militia? They consist now of the whole people.'"

As for Madison himself, Levinson notes that "James Madison, for example, speaks in Federalist Number Forty-Six of 'the advantage of being armed, which the Americans possess over the people of almost every other nation.' The advantage in question was not merely the defense of American borders; a standing army might well accomplish that. Rather, an armed public was advantageous in protecting political liberty. It is therefore no surprise that

the Federal Farmer, the nom de plume of an anti-federalist critic of the new Constitution and its absence of a Bill of Rights, could write that 'to preserve liberty, it is essential that the whole body of the people always possess arms, and be taught alike, especially when young, how to use them....' On this matter, at least, there was no cleavage between the pro-ratification Madison and his opponent." [Sanford Levinson, "The Embarrassing Second Amendment," Yale Law Journal, Volume 99, 1989, pp. 637-659:

<http://www.firearmsandliberty.com/embar.html>]

21 December 2010

Editor, The Wall Street Journal  
1211 6th Ave.  
New York, NY 10036

To the Editor:

You report that "Giant companies such as Bank of America Corp., J.P. Morgan Chase & Co., Goldman Sachs Group Inc. and Morgan Stanley that are considered critical to the U.S. economy, could be forced to award half or more of their executives' pay in the form stock or other deferred compensation, instead of

up-front cash" ("U.S. Mulls New Push to Shape Bank Pay," Dec. 21).

Proponents of government regulation insist that no institution is more critical to the U.S. economy than is the U.S. government. So reason dictates that the same rules that apply to executives at the likes of Morgan Stanley should apply also to those who set and execute Uncle Sam's policies. Members of Congress and all top White House officials - including the President - should receive at least half of their pay in the form of ten-year bonds whose redemption values are structured to rise with decreases in the national debt and fall with increases in the national debt.

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20 December 2010

Editor, Washington Post  
1150 15th St., NW  
Washington, DC 20071

Dear Editor:

E.J. Dionne writes, "if we offshore the manufacturing that results from home-grown innovation, we will eventually lose our advantages in innovation itself" ("Even progressives need CEOs," Dec. 20).

Mr. Dionne is confused.

The chief source of the loss of manufacturing jobs over the past several decades is not offshoring; rather, it's the very innovation that Mr. Dionne praises.

In other words, "the manufacturing that results from home-grown innovation" is manufacturing that, by its nature, relies heavily upon the intensive use of machines, chemical processes, and other non-human means of production. And one essential pre-requisite for much of this labor-saving innovation is global trade that expands the size of markets and, thus, increases the potential returns to innovation.

If Mr. Dionne and his fellow "Progressives" really wish "home-grown innovation" to continue, they should stop lamenting the consequences of such innovation - and start championing free trade.