Q. Junior?

A Yes.

Q. Have you ever had your deposition taken before?

A No.

Q. It's my understanding that you are a member of the Bar of the State of California; is that correct?

A Yes.

Q. Do you consider yourself familiar with the deposition procedure?

A Not particularly.

Q. Okay. I'll go over a few things, then. If you want to put your briefcase down a little bit, I think the other people in the room can't see you.

A That's probably correct.

Q. Well, I think they have a right to observe the witness, so I would appreciate your taking it off the table.

A I'm not sure that they do. They have a right to be present.

Q. I believe they have a right to observe the witness.

A I would have to object to your request to remove the briefcase from the table. It's convenient to me here.

Q. I think that, number one, they have a right to observe the demeanor of the witness and as a party to the action and as an attorney involved in the action, they do have a right They also have the right to hear you, and it's going to be more difficult for them to hear if you keep your briefcase in such a position.

A. I'll speak up. I'm sorry to have spoken so softly. As for the other, I haven't —

MR. BERMAN: I can't hear that.

THE WITNESS: I know of no authority suggesting that a witness or counsel has a right to look at the deponent from any particular perspective. They're welcome to change their seats if they so desire. I don't care.

MR. BERMAN: I didn't hear that.

MS. NORRIS: I do not believe there's any place they could sit where they could see. No, I disagree with you. They have

Friendly Fire

Bob Black



1992

W. CARROLL TORNROTH ,)
JOHN LAW, et al.,)
Defendants.)
DEPOSITION OF:
ROBERT CHARLES BLACK, JR.
August 28, 1981
Reported by:
SANDY DOYLE, CSR 5 623
TOOKER & ANTZ
CERTIFIED SHORT HAND REPORTERS

BE IT REMEMBERED that, pursuant to Notice of Taking Deposition, and on Friday, the 28th of August, 1981, commencing at the hour of 10:00 o'clock a.m., thereof, at the offices of Carroll, Burdick 8: McDonough, 1 Ecker Street, San Francisco, California 94105, before me, SANDY DOYLE, a Notary Public in and for the State of California, personally appeared

ROBERT CHARLES BLACK, JR., called as a witness by the defendant, who, having been first duly sworn, was examined and testified as hereinafter set forth.

ROBERT C. BLACK, JR., 55 Sutter Street, Suite 328, San Francisco, CA 94104, appeared in propria persona.

CARROLL, BURDICK 8: McDONOUGH, 1 Ecker Street, San Francisco, CA94105, by LORETIAM. NORRIS, Esq., appeared as counsel on behalf of defendants.

BERMAN 8: GLENN, 615 Cole Street, San Francisco, CA 94117, by HOWARD J. BERMAN, Esq., appeared as co-counsel on behalf of defendant John Law.

ALSO PRESENT: John Law

ROBERT CHARLES BLACK,
having been duly sworn, testified as follows:

EXAMINATION BY MS. MORRIS

MS. MORRIS: Q. Mr. Black, would you state your full name for the record?

A. Robert C1arles Black, Jr.

because they had a conflict of interest I'd created myself — a crafty if cheeky ploy. It must have worried her firm, however, since Ms. Norris was shortly joined by an outside lawyer, Mr. Berman, representing only Law. During the deposition transcribed below, Mr. Bennan asked me no questions, instead billing Law for the time he spent sitting there reading the files in his other cases. Occasionally he piped up to agree with whatever Ms. Norris was saying or to complain he couldn't hear me. By the time I dropped the suit, the luckless Law owed Mr. Berman $3,900, which my girl friend estimated was 400/o of his annual income. I had my revenge. And now I am having it all over again.

First let me explain what a "deposition" is. It's one variety of "discovery," the process of compelling the pretrial production of evidence and information from the other side or from third. parties in a civil suit. Especially in California, discovery usually determines the outcome by taking the sporting element out of litigation. It is also excellent for harassment and we both used it that way. This round was their turn. In a deposition, a witness (here, myself) has to attend a session in the office of opposing counsel where he answers questions under oath in the absence of a judge but in the presence of a stenographer. Any objections are taken up later before a judge; in my case, he sustained 12 of my 22 objections. It was an ordeal for me, but my pain is your gain. Anything this crazy has to be true.

Deposition Transcript

In the Municipal Court of the State of California
In and for the City and County of San Francisco
–000 —
ROBERT C. BLACK,)
Plaintiff,)
vs.)

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IV. Black Versus Law

The absurdist farce you are about to read is true. Even the title is real on the literal as on the metaphorical level. As readers of The Abolition of Work and Other Essays may recall, the title essay originated as a spiel at the Gorilla Grotto in San Francisco (1980) in circumstances which affronted its uptight empresario, the late Gary Warne. A year later, I attended the Grotto's going-out-of-business bash, for which I provided gratuitous and unwelcome promotion in the form of the following poster. One of Warne's loyalists, a nobody named John Law, wormed his wayinto one of the footnotes to history by jumping my unresisting person and smashing my face into the sidewalk ten or twelve times. In subsequent months, Warne, Law and others involved in the Suicide Club, now called the Cacaphony Society, allegedly experienced numerous acts of vandalism, starting with the Grotto itself getting a cinderblock through the window. The lock at John Law's place of work (it is said) was filled with liquid metal and he was so imprudent as to drive the company car to the house of my then girl friend and accuse me of the crime. I sued him for slander, also naming his employer as a defendant on the theory Law was acting on his behalf.

Aspiring as always to harmony, I offered to settle with Tornroth (the employer) if he'd fire Law. Unfortunately Tornroth's insurance covered the defense of such a suit and instead of the massacre of legally helpless lay people which I, a lawyer, intended, I found myself opposed by an experienced litigator (Ms. Norris), something I was not. Oops!

Pre-trial wrangling ensued. I made a motion, denied, to disqualify Ms. Norris from representing both Law and Tomroth

film festival to Reno, thus shortening his commute from North Beach; while Legakes hopes the increased tourist revenues will render even more profitable his lucrative arson-for-profit operations at Reno hotels, improving his cash flow to the point where he can expand into the burgeoning laetrile market.

***

The scandal of too much congress in the Congress came to a head the other day when the House censured Gary Studds for giving same to a comely page boy. House Speaker Tip 'Tax-and-Spend" O'Neill observed that it was improper for anyone to be screwed by Congressmen except the taxpayer. Some observers felt Studds got off easy, but his young friend is not the sort to kiss-and-tell. Columnist and debate coach George Will, noting the prevalence of AIDS in Washington's gay community, speculated that Studds's seat might be in danger. But perhaps the most penetrating comment on the affair came from the other house of Congress, where Presidential hopeful John Glenn stated, "I think Gary is as much sinned against as sinning. I hope he can turn the page on this episode without having him bend over this time."

Preface

STATE OF MICHIGAN



G. MENNEN WILLIAMS
Governor

HAWTHORN CENTER
18471 HAGGERTY ROAD
NORTHVILLE, MICHIGAN
April 13, 1959

Ben Gaber, M.D.
10851 West 10 Mile Road
Oak Park 37, Michigan

Re: Robert Black
Born 1-4-51

Dear Doctor Gaber:

I am writing to you concerning the above named boy who was seen in our Outpatient Clinic for psychiatric evaluation in March of this year. The presenting complaints were the extreme hyperactivity, impulsivity and poor response to controls. He is virtually unmanageable in school and for a lesser extent at home. The present behavior has been characteristic of Robert since the beginning of kindergarten. He has been seen in the child guidance clinic since the latter part of 19 57. His response to treatment there has not been good. The referral to Hawthorn was made on the basis of a request for in-patient treatment.

Our findings here indicated that this boy was a bright psychoneurotic child with marked acting out behavior and possibly some mild encephalopathy which impairs impulse control. We felt that he should be given a trial on medication to help control the impulsivity and hyperactivity. If this does not work, then he will be considered again for in-patient treatment here. I recommended the following medication which we have found to be successful in many cases of this kind. The name of the drug is vesperin and it is in the phenothiazine group. The dosage should begin at 25 milligrams daily to be given in the morning. There should be observation for a anaphylactic-like reaction to which extra-pyramidal signs are the most prominent features. This is not seen frequently but it has occurred. Should this not happen, then the dosage can be increased

to Mexico because he interpreted Woodrow Wilson's election as the opening of a new age of chronic war, bureaucratic domination and cultural sterility. After the tragic death of his good friend Pancho Villa, Bierce thought it prudent to settle in a remote part of the Yucatan where he earned a little money on the side penning novels under the name B. Traven. Bierce denied having anything to do with the 1940 assassination of Leon Trotsky, but there was a wicked gleam in the crusty curmudgeon's eye when he added, "ke pick the truth." According to Bierce, he left Mexico because all of his friends had moved to Los Angeles. He announced he was preparing a new edition of his great Devil's Dictionary, and convulsed reporters with his definition of democracy as "the right to participate in the decisions that infect your life." As reporters cheered, Bierce then left Marcuse Auditorium on the UCSD campus to catch a jet for New York to do the Letterman show.

***

Norwegian adventurer Thor Heyerdahl, whose pointlessly heroic trans-Pacific trek on the balsa-wood raft Kon-Tiki inspired the Beatles' hit "Norwegian Wood," is once again afloat in order to prove a theory that won't hold water. Following through on a hypothesis advanced by astronomer Carl Sagan in the pages of CoEvolution Quarterly, Heyerdahl will replicate the epic voyage of medieval Venetians who, says Sagan, were blown off course on the way home from the looting of Constantinople in 1204. The storm-tossed freebooters poled their gondolas halfway around the world and became the first arguably white men to discover Lake Tahoe. As always, Heyerdahl's craft will be an exact replica of the ancient vessel, complete with monkey and organ grinder, aside from the addition of radar, sonar, wireless and a no-host bar. Funding for the spectacular journey is coming from director Francis Ford Coppola and Nevada cocaine king-pin Judge Robert Legakes. Coppola hopes to encourage the relocation of the Venice Biennelle

husband, director Roger Vadim at all-night Chablis slosh sessions.

About the only thing the corpulent communist hasn't outgrown is his talent for adjusting Marxist dogma to fit his current appe1ites. The blimpy bureaucrat's forthcoming edition of the Soviet Constitution of 1936 omits its Biblical injunction, "He who does not work, neither shall he eat." A new preface, however, explains how to cater a vanguard party. In it, Avakian echoes Lenin by denouncing opportunists who are satisfied by the scraps which fall from the capitalist table. No more pie in the sky! The proper place for the salt of the Earth, suggests Avakian, is in his own Revolutionary Communist Pate.

***

Not since Journey did a benefit gig there to raise money for Lockheed has Berkeley's Zellerbach Auditorium seen a show as spectacular as the one staged by Sorcar, billed as the World's Greatest Magician, as indeed they all are. But the Indian-born necromancer did fall afoul of Berkeley's special brand of bad karma. On Saturday, Sorcar's attempt to saw a live woman in half was stymied when a feminist tactical mobile unit seized the stage with cries of "gynocide!" Sorcar's contention that the trick "is a personal favorite of Mrs. Gandhi" cut no ice with tac squad matriarchs Susan Griffin and Valerie Miner, who refused to let Sorcar cut anything in half except the defense budget — a feat which was regrettably beyond his mystic powers.

***

Today, on the occasion of his 14lst birthday, author Ambrose Bierce resurfaced 69 years after vanishing in the strife-torn Mexico of 1914. Looking spry for a man of his age, the celebrated cynic held a press conference in San Diego at which he explained his recent reclusiveness. Bierce said he went off

according to the need in increments of 25 milligrams. I would think that for an 8 year old boy of his size that not more than 100 milligrams daily would be indicated. Some side effects which will undoubtedly be seen are drowsbess, weakness, and sometimes blurred vision. These may pass after a few days. As with the other phenothiazine drugs, blood studies should be done periodically to check for a granulocytosis. We have found that a W.B.C. done once weekly is sufficient. This should be done for a period of approximately two months and then the interval can be reduced to two weeks then one month.

If any further information is needed, please do not hesitate to contact me.

Sincerely yours,
Harold Lockett. M.D.
Psychiatrist, Out-patient Clinic

I. Zerowork

"The Abolition of Work" (1985), the title tract of my Loompanics collection (1986) is my most widely circulated text, appearing so far in eight countries in six languages. It was also, until now, the longest of my fringe "works" after The Baby and the Bathwater (1985). I didn't invent the idea of zerowork. I'd already been brought close to it by such writers as Fourier, Morris and Kropotkin when I discovered John Zerzan's studies of work refusal and other eye-opening materials in the Fifth Estate after 1 975. Oddly enough I was still, like the situationists, incongruously an anti-work councilist in the first phase of my Last International poster project in Ann Arbor (1977–78). Within a year of my move to San Francisco I was an avowed abolitionist.

My coeditorship of Zerowork: The Anti-Work Anthology (Autonomedia) compelled my comprehensive reassessment of the sources and implications of the zero-work idea. First, though, I was commissioned to write what I chose to make a succinct restatement of my case by, strange to say, the Wall Street Journal, which needed a token dissent to round out a symposium on the future of the workplace. $1,050 for four pages of zerowork rant is, if not the abolition of work, certainly a fair day's wage for a fair day's work. The Journal did an even better job of bowdlerizing "No Future for the Workplace" than the Utne Reader did on "The Abolition of Work." I attribute its first unexpurgated publication in the Baltimore Sun to the demonic possession of the editor by the ghost of its legendary columnist H.L. Mencken.

of danger, imploring the bemused businessman not to give him the drive-shaft. Marsden explained that a jihad's day's night had so dulled his motor reflexes that he might be writing them both two tickets to Paradise.

Although receiving this news with a grain of salt, the shrewd Shi'ite sent Marsden out with a truckful of the stuff to salt away any number of Wyoming pickup trucks by salinizing snowed-under Rockies roads, a method which in Michigan induces the average Muslim motorist to replace his rusted-out wreck once a year. But, not to worry. Marsden sold his lethal load to the Sheridan College cafeteria, which hopes to stimulate the students' thirst for knowledge.

***

FBI internal security operatives and other veteran observers of the revolutionary left are mystified why Revolutionary Communist Party Chairman Bob Avakian refuses to return from Paris to California, although all criminal charges have been dropped and Governor George Deukmejian is preparing a hero's welcome for the Chairman in recognition of his bombing of the Turkish Embassy in Lisbon.

A close look at the photos in the current Revolutionary Worker tells the story. On the cover is the indomitable Avakian of old, a corduroy Mao cap framing his piercing gaze. But inside 1s a recent snap by English photographer Chris Dreja of Avakian sitting by the Wall of the Communards in Paris looking slack-jawed, listless and obese. The chubby Chairman has become addicted to fattening French cooking, but the Rubenesque revolutionary disdains low-calorie nouvelle cuisine as revisionist. The paun2hy politico likewise refuses to attend the aerobic election rallies staged by social-democratic trollop Jane Fonda with the encouragement of French President Mitterrand. Indeed it hasn't helped the rotund rebel to maintain the correct waistline that he's been trading tales of woe with Fonda's ex-

Belushi Brigade's crack goat-mounted cavalry. Meanwhile the U.S. government has decided its secret subsidies to the Sandinistas aren't enough to guarantee stability in the troubled region. The U.S. has assembled an elite strike force of ex-employees of Bill Graham's paramilitary organization Event Security, for whom Graham could no longer afford liability insurance, and shipped the toughs to Managua, Nicaragua, ostensibly to provide security for a benefit concert by the Clash to raise funds for Processed World magazine, but whose real mission is to destabilize the Belushist liberated zone. But it'll be some time before these masters of the carotid chokehold get to deploy their martial arts abilities, since it's going to take a long time to drag that paddle-wheeled steamboat all the way to El Salvador.

***

There was jubilation recently in the holy city of Flint, Michigan at word of the successful field-testing at the U.S. Embassy in Beirut of the Chrysler car-bomb. Islamic auto executive the Iacocca Khomeini hopes the new product will get the ailing industry back on its feet even if a few U.S. Marines lose the use of theirs. The Flint faithful gathered to enjoy coffee, pistachio salad and general revelry at the Iacocca's new shrine, the Six Flags Autoworld theme park, to toast the Sufi super-salesman's success in avenging the recent decision by the IRS to audit his money-market account with the International Monetary Fund.

Although infidels are forbidden to enter the holy city unless both their tires and themselves are in chains, ace journalist Jason Marsden of the Sheridan, Wyoming Weekly Central Scab penetrated tight security disguised as a funny-car driver in a vehicle equipped with revolutionary guard-rails and hot airbags. Marsden had a bad moment when the industrialist Imam randomly beckoned to him and, gesturing toward the death-car, invited him to demonstrate his faith in Allah and "ride the Mare of Steel." The quick-witted cub reporter ad-libbed his way out

Leading off the Zerowork line-up is Marshall Sahlins' brilliant essay on hunter-gatherers, "The Original Affluent Society." If affluence means abundance and a lot of leisure. foragers enjoy a more affluent society than we do. "Primitive Affluence" started out to update Sahlins' sources but grew into a romp through the history of work. The more I learn about work, the less I like it.

The ideologues of work have mostly ignored my arguments or, like Bob Shea and Jon Bekken, issued insults and dogmatic bombast. The only major exception is libertarian David Ramsey-Steele, who left no stone unthrown in. his imaginatively titled calumny "The Abolition of Breathing." I now rebut him just as comprehensively in "Smokestack Lightning." It descends from a much shorter letter made much shorter still, in the manner of Procrustes' bed or (better yet) Pere Ubu's disembraining machine, by the editor of Liberty.

After these further engagements and investigations, it gives me great pleasure to report that I was right the first time. Down with work!

No Future for the Workplace

The best future for the workplace, as for the battlefield, is none at all. With belated notice taken of a crisis in the workplace, the consultants surge forth with faddish reforms whose common denominator is that they excite little interest in the workplace itself. Done to — not won by — the workers, they are very much business as usual for business. They may raise productivity temporarily till the novelty wears off, but tinkering with the who, what, when and where of work doesn't touch the source of the malaise: *why* work?

Changing the place of work to the home is like emigrating from Romania to Ethiopia in search of a better life. Flextime is for professionals who, as the office joke goes, can work any

sixty hours a week they like. It is not for the service sector where the greatest numbers toil; it will not do for fry cooks to flex their prerogatives at the lunch hour nor bus drivers at rush hour. Job enrichment is part pep rally, part pain-killer — uplift and aspirin. Even workers' control, which most American managers find unthinkable, is only self-managed servitude, like letting prisoners elect their own guards.

For Western employers as for outgoing Eastern European dictators, glasnost and perestroika are too little and too late. Measures that would have been applauded by 19th century socialist and anarchist militants (indeed, that's whom they were cribbed from by the consultants) at best meet now with sullen indifference, and at worst are taken as signs of weakness. Especially for American bosses., relatively backward in management style as in other ways, concessions would only arouse expectations they cannot fulfil and yet remain in charge. The democracy movements worldwide have swept away the small fry. The only enemy is the common enemy. The workplace is the last bastion of authoritarian coercion. Disenchantment with work runs as deeply here as disenchantment with Communism in the East. Indeed many were not all that enchanted to begin with. Why did they submit? Why do we? We have no choice.

There is far more evidence of a revolt against work than there had been of a revolt against Communism. Were it otherwise, there would be no market for tranquilizers like job redesign or job enrichment. The worker at work, as to a tragic extent off the job, is passive-aggressive. Not for him the collective solidarity heroics of labor's past. But absenteeism, job-jumping, theft of goods and services, self-sedation with drink or drugs, and effort so perfunctory it may cross the line to count as sabotage — these are how the little fish emulate the big fish who market junk bonds and loot S Et L's. What if there was a general strike — and it proved permanent because it made no demands, it was already the satisfaction of all demands? There

General Belgramo can't be the whole story." And indeed it is not.

The Russellite one-worlders around NATO Secretary Lord Carrington realized that British youths with more experience at standing in queues than working hardly had the discipline to face Argentine commandos with years of combat experience torturing intellectuals with portable electric generators. So, working through the Green Parties in Europe and the Small-Is-Beautiful ZPG intelligentsia, lumpens were recruited among Amsterdam squatters. Trained at the Russian Orthodox misogynist monastery atop Mount Athos in Greece, the Nadarite Luftrnenschen were then infiltrated into the Argentine mainland where trey carried out a grisly series of cattle mutilations which so stampeded the Argies that they surrendered to what they half-correctly perceived to be Britain's Crowleyite occult allies.

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Despite a public posture of nonchalance, the U.S. government is deeply troubled over growing Albanian influence in the Caribbean now that the John Belushi Brigade has established a beachhead on the coast of El Salvador. Vanguard forces on the perimeter are busy swatting pesky Meskito Indians and requisitioning bananas as goat fodder from local peasants who receive in return first editions of Jack Hirschman poetry translations from languages even the Pope doesn't know. The evening extension lecture series on dialectical imperialism continues to be a big draw for visiting Pentacostals from Guatemalan death squads who show academic promise. Author Joan Didion has already penned a protest in the New York Review of Books by Authors Who Write for the New York Review of Books against the mass desertion by Salvadorean flies of the picturesque bullet-ridden bodies of Salvadorean peasants — so memorably rendered in her previous writings — in favor of the

State "Dutch" Schultz has adverted to the danger posed to the almost 900 American law students studying at UC, which is not accredited by the Grenadan Government, by Berkeley's recent political instability. Ironically, the only public figure who may have the will to block U.S. intervention in Berkeley is Wyoming's isolationist Congressman Geny Reith. Writing in the current issue of Pravdada, Reith reminds readers of the bloody Beirut bombings recently carried out by the Jewish Defense League, a group of right-wing thugs pretending to be Moslem fanatics. "I acknowledge," writes Reith, "that their Shi'ite stinks too. But the trouble with going in with peacekeepers is that they keep coming back in pieces."

***

The peaceful reoccupation of the Falklands by Argentine death squads pursuant to the recent Anglo-Argentine treaty signed at San Antonio, Texas has fostered not only political amity but also cross-cultural pollination between the erstwhile enemies.

New fusion musical groups are forming, analogous to the "two-tone" bands of a few years ago, the best-known of these salsa-and-pepper combines being the New Romance band Roberto Duran-Duran with its shot-in-the-back-to-back-hits "Argentine Angel" and "Malvinas in Blue jeans." Meanwhile, quicker than you could be shot while trying to escape for whistling "Rule, Britannia," the Kelpers have compared notes with the Argentine conscripts quartered in their houses and combined cuisines to come up with such succulent syntheses as bean sheep dip and mutton mole.

Now that the passions of war have subsided, historians are puzzling over how a military-industrial colossus like Argentina could have lost the initial military contest with distant and decadent Britain. In the words of British historian and peace activist E.P. Thompson, "That sucker punch we threw at the

was a time the unions could have thwarted anything like that, but they don't count any more.

The future belongs to the zerowork movement, should one well up, unless its object is impossible because work is inevitable. Do not even the consultants and the techno-futurologists at their most fantastic take work for granted? Indeed they do, which is reason enough to be sceptical. They never yet foresaw a future that came to pass. They prophesied moving sidewalks and single family air-cars, not computers and recombinant DNA. Their American Century was Japanese before it was half over. Futurologists are always wrong because they are only extrapolators, the limit of their vision is more of the same — although history (the record of previous futures) is replete with discontinuities, with surprises like Eastern Europe. Attend to the utopians instead. Since they believe life could be different, what they say just might be true.

"Work," referring to what workers do, should not be confused with exertion; play can be more strenuous than work. Work is compulsory production, something done for some other reason than the satisfaction of doing; it. That other reason might be violence (slavery), dearth (employment) or an internalized compulsion (the Calvinist's "calling," the Buddhist's "right livelihood," the Syndicalist's "duty to serve the People"). Unlike the play impulse, none of these motives maximizes our productive potential; work is not very productive although output is its only justification. Enter the consultants with their toys.

Although it does not have to be, play can be productive, so forced labor may not be necessary. When we work we produce without pleasure so as to consume without creating — containers drained and filled, drained and filled, like the locks of a canal. Job enrichment? The phrase implies a prior condition of job impoverishment which debunks the myth of work as a source of wealth. Work devalues life by appropriating some-

thing so priceless it cannot be bought back no matter how high the GNP is.

Life enrichment, on the other hand, consists of the suppression of many jobs and the recreation, in every sense, of the others as activities intrinsically enjoyable — if not to every one for any length of time, then for some people, at some times, in some circumstances. Work standardizes people as it does products, but since people by nature strive to produce themselves, work wastes effort lost to conflict and stress. Play is pluralistic, bringing into play the full panoply of talents and passions submerged by work and anaesthetized by leisure. The work-world frowns on job-jumping, the play-oriented or ludic life encourages hobby-hopping. As their work-conditioning wears off, more and more people will feel more and more aptitudes and appetites unfolding like the colorful wings of a brand-new butterfly, and the ludic mode of production will be the more firmly consolidated.

You say you love your job? Fine. Keep doing it. Your sort will help to tide us over during the transition. We feel sorry for you, but we respect your choice as much as we suspect it's rooted in refusal to admit your present prodigious efforts made life (especially yours) no better, they only made life seem to go by faster. You were coping in your own way: you were trying to get it over with.

With the abolition of work the economy is, in effect, abolished. Complementing play as a mode of production is the gift as a system of distribution. Replacing today's Teamsters hauling freight will be Welcome Wagons visiting friends and bearing gifts. Why go to the trouble to buy and sell? Too much paperwork. Too much work.

Although the consultants are inept as reformists they might make magnificent revolutionaries. They rethink work, whereas workers want to think about anything but. But they must rethink their own jobs first. For them to transfer their loyalties to the workers might not be too difficult — it's expedient to join

Norman Bethune, of a form of acupuncture which alleviates near sightedness by direct stimulation of the optic nerve, which, in the words of spokesman Dr. Eye Wobble Wobble, blesses the hitherto short sighted with "a whole new slant on reality."

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The recent American invasion of Grenada to avenge the humiliating defeat of the U. S. four-dimensional chess team by Grenada's flashy grandmasters at the Caribbean Basin Games has opened a deep rift in the ranks of Berkeley progressives who have previously been united in their devotion to Berkeley's unique combination of Third World politics and Old World cuisine. On Tuesday, hundreds of demonstrators snake-danced down Shartuck Avenue from Walnut Square in support of the Administration's forthright action in safeguarding supplies of Grenada's only export crop, nutmeg, an essential ingredient of the marinade for the gecko steaks which gourmets look forward to devouring after the Hallowem gecko pup massacre. Meanwhile U.S. occupation troops claimed to have captured Cuban chess advisors whom they accused of training the Grenadans in the forbidden strategies of the late Cuban diplomat and world chess master Capablanca. Army Rangers are reportedly arranging a rematch of the Caribbean tournament to be conducted in the more orderly and democratic climate afforded by the presence of khaki-clad U.S. gunmen. Back in Berkeley, charismatic Mayor Gus Newport finds himself at odds with the North Berkeley upscale set who only a few days ago were toasting both him and junketing Michigan Congressman and cocaine courier John Conyers at the Berkeley Yacht Club. Newport perceives the U.S. Government's determination to overthrow mismanaged black-ruled radical regimes as a direct threat to his own leadership, especially since outgoing Secretary of

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The Surgeon General of the United States has opened up a new front in the Cold War by viewing with a jaundiced eye the practice of Radial-K eye surgery, a procedure for correcting nearsightedness by making tiny incisions in the cornea in which the Soviet Union is the acknowledged pioneer. U.S. optometrists and opthalmologists with axes as well as lenses to grind have so far succeeded in prohibiting the operation in the United States, causing pro-Soviet industrialist Armand Hammer to organize Air Grenada charter flights to the U.S.S.R. which are invariably filled to capacity with four-eyed hopefuls disillusioned with the more traditional laetrile eyewash treatment administered in Mexican clinics controlled by Nevada Judge Robert Legakes as a sideline to his cocaine network.

But now organized crime and the medical profession are striking back through their tools in the Administration. The Surgeon General charges that Americans who have undergone the Radial or, as he puts it, "Radical"-K surgery in Russia have as a side-effect come down with '"pink eye," a condition which causes their worldview to undergo a veritable red shift. For example, one well-adjusted Anglophile Nazi-punk performance art major at the San Francisco Art Institute returned from the Soviet Union a changed woman. Previously she wouldn't even listen to anything but bands so hard-core that they can do 48-second covers of "Inna-Gadda-Davida"; but now she has ears for no one but Pete Seeger and Country Joe McDonald. Greenpeace activists have been known to sign on as merchant seamen on Soviet whaling vessels, and youthful American draft evaders have volunteered for garrison duty in Afghanistan.

But the Surgeon General may be viewing the situation two-dimensionally, through neurose-colored glasses. Barefoot Chinese eye-doctors have denounced both U.S. and Soviet approaches for lack of vision and announced their discovery, after years of meditation upon the writings of Mao Zedong and

the winning side — but they will find it harder to acknowledge that in the end the experts on work are the workers who do it. Especially the workers who refuse to.

Primitive Affluence

A POSTSCRIPT TO SAHLINS

"The Original Affluent Society" by Marshall Sahlins is an essay of wide-ranging erudition whose persuasive power largely derives from two extended examples: the Australian Aborigines and the !Kung Bushmen. The Australian instance, omitted here, is developed from a variety of 19th and 20th century written sources. The data on the Bushmen — or San, as they call themselves — were the result of fieldwork in the early 1960's by Richard Borshay Lee, an anthropologist. Lee has subsequently published a full monograph on work in a !Kung San band in which he augments, recalculates and further explains the statistics relied on by Sahlins. As finally marshalled the evidence supports the affluence thesis more strongly than ever — and includes a couple of surprises.

"Why should we plant," asks Lee's informant /Xashe, "when there are so many mongongos in the world?"[1] Why indeed? Originally, Lee studied the San equivalent of what is conventionally accounted work in industrial society — hunting and gathering in their case, wage labor in ours. This was the comparison Sahlins cited. In terms of our standard eight-hour workday, a San adult works between 2.2 and 2.4 hours a day[2] — well below the provisional four-hour figure Sahlins references. Not that the San work a seven- or even a five-day week at these ludicrously low levels of labor, for they spend "less than half their

[1] Quoted in Richard Borshay Lee, The !Kung San: Men, Women, and Work in a Foraging Society (Cambridge: Cambridge University Press, 1979), p. 204.

[2] Ibid., p. 256.

days in subsistence and enjoy more leisure time than the members of many agricultural and industrial societies."[3] For many Lee might have better said any. More often than not a !Kung San is visiting friends and kin at other camps or receiving them in his own.

Upon returning to the field, Lee broadened his definition of work to encompass all "those activities that contribute to the direct appropriation of food, water or materials from the environment"[4] — adding to subsistence activity tool-making and fixing and housework (mainly food preparation). These activities didn't increase the San workload as much as their equivalents in our sort of society increase ours — relatively we fall even farther behind. Per diem the manufacture and maintenance of tools takes 64 minutes for men, 45 minutes for women.[5] "Housework" for the San means mostly cracking nuts, plus cooking — most adults of both sexes and older children crack their own mongongo nuts, the only activity where women do more work than men: 2.2 hours a day for men, 3.2 hours for women.[6] Nor are these figures fudged by unreported child labor. Until about age fifteen San children do virtually no work, and if they are female they continue to do little work until marriage, which may be some years later.[7] Our adolescents fare worse at MacDonald's, not to forget that women and children comprised the workforce for the brutal beginnings of industrialization in Britain and America.[8]

[3] Ibid., p. 259.

[4] Ibid., p. 253.

[5] Ibid., p; 277.

[6] Ibid., pp. 277–278.

[7] Ibid., p. 265.

[8] E. P. Thompson, The Making of the English Working Class (New York: Vintage Books, 1963), pp. 308–309 8: passim; Stephen A. Marglin, "What Do Bosses Do?" in The Division of Labour, ed. Andre Gorz (Atlantic Highlands, N.J.: Humanities Press, 1976), pp. 37–38; American Social History Project, Who Built America? (New York: Pantheon, 1989), Vol. I, pp. 251–256.

aren't about to become the Pawnderosa in Pahlavi's cruel chess game.

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One man's lonely war came to an end yesterday, ten years after it ended for the rest of us. Thirty-year-old Rodney Sherman, originally of Westfield, New Jersey, was flushed from the secluded cave near the Marin Headlands which had been his home since 1970 when Sherman, reacting to news of the Kent State killings, decided to drop out and "go underground" in order to "bring the war home." For years law enforcement personnel have scoffed at the tales of backpackers claiming to have sighted and even talked with a furtive figure dad only in a tie-dyed loincloth who refused to believe that the Vietnam War was over, a fact which some activists to this very day have trouble accepting. One wayfarer says he almost talked Sherman into giving himself up until he mentioned Nixon's trip to China in 1972 and Communist Vietnam's invasion of Communist Cambodia, whereupon Sherman ran off shouting that his would-be benefactor was "the Man."

Sherman is being held without bail in Marin County jail on a charge of felony anachronism. Friends who have visited Sherman report that the grimy and bearded longhair looks just about the same as he did in the 60's. Sherman is still, in his own words, "keeping the faith" with the heroes of his youth, such uncompromising enemies of the Establishment as Tom Hayden, Jerry Rubin, Joan Baez and Susan Sontag. It appears that Sherman throughout his 13-yearexile subsisted entirely on chanterelle mushrooms. Attempts to inform Sherman of the facts of recent history, such as Eugene McCarthy's endorsement of Ronald Reagan in 1980, have proved unsuccessful. Officials aren't talking, but a deal may be worked out whereby charges are dropped and Sherman committed to the custody of the Committee to Form an M-16 AK-47 Friendship Association for re-education.

Some people have expressed skepticism at reports that the Shah of Iran is alive and well-off as a guest at Wyoming Senator Malcolm X. Wallop's sprawling spread in the Sheridan vicinity. They point to a death certificate for the CIA stringer signed 'Dy Los Angeles coroner-to-the-stars Thomas Noguchi. But Noguchi's memoirs, currently being serialized in the National Inquirer, frankly confess the Nisei cadaver-cutter's ineptitude.

It was Noguchi, for instance, whom fugitive tax rebel Gordon Kahl duped into certifying his demise after a barbecue-turned-shootout in Mayflower, Arkansas. Kahl simply surprised a bigfoot prowling in the woods and doused himwith gasoline. Noguchi should have noticed that the crispy critter's dental remains did not include Kahl's 24K gold teeth embossed with the legend, "In Gold We Trust." The FBI covered up the incident lest it encourage the tax resistance movement, but the G-men got back at the bungler by getting his autopsy malpractice insurance cancelled.

When examined by the coroner-cutting Angelino the Shah was perhaps clinically dead, but it was child's play for the biotechnical wizards of the Trilateral Foundation for Secular Humanism to regenerate the degenerate dictator by electrochemical stimulation of his previously removed spleen. Pending plastic surgery the exEmperor rather resembles a meat loaf wearing a lot of gold braid, but his keen mind is already at work on behalf of the secessionist schemes of Senator Wallop and his midwestern devolutionist co-conspirators. Pahlavi is reputedly behind the recent rash of cattle mutilations designed to destabilize the High Plains.

However, the dude-ranchers and other good folk of the last uncorrupted bastion of liberty-loving people, the Midwest, are not without their defenders. Wyoming Congressman and Pravdada editor Gerry Reith has summoned aid from an anarchist commune, the Circle-A Ranch, and these burly Bakuninists

It is often asserted that in most societies women work more than men[9] and this is probably, in general, true. In a perhaps not unrelated development, women in all known societies wield less political power than men, in fact usually none whatsoever. A thoughtfully strategic feminism should therefore eventuate in anarchism, not in fantasies of matriarchal table-turning; and in the abolition of work, not in caterwauling for equal pay for equal work.[10] The only mathematically certain way to equalize, gender-wise, government and work is to get rid of both of them. In San society, however, men work more than women. Men do one-third more subsistence work than women, although they provide only 400/o of caloric intake.[11]

When the full tally of work as Lee expansively defines it is taken, the average workweek is 44.5 hours for men, 40.1 hours for women.[12]

Le1e's original figures relied on by Sahlins were startling enough, but the later data enhance their value by allowing comparisons of housework as well as subsistence work. Our world of work has a dirty secret: wage work rests on the indispensable prop of unpaid "shadow work."[13] The arduous toil of housewives — cleaning, cooking, shopping, childcare — is so much uncompensated drudgery literally unaccounted for in statistics on work. With us as with the San such work is usually women's work, to a much greater extent among us. How many husbands perform even two hours of housework a day? How many wives, like their San counterparts, less than three? Nor does San society exhibit any sight so sorry as the majority

[9] Harry C. Triandis, "Work and Nonwork: Intercultural Perspective," in Work and Nonwork in the Year 2000, ed. Marvin D. Dunnette (Belmont, MA: Wadsworth, 1973), p. 41 (based on Human Relations Area File data).

[10] Cf. Shulamith Firestone, The Dialectic of Sex (rev. ed..; New York, Bantam, 1971), pp. 200–202.

[11] Lee, op. cit., pp. 205, 261–262.

[12] Ibid., p. 278.

[13] Ivan Illich, Shadow Work (Boston: Marion Boyars, 1981), especially ch. 5.

of married women working for wages or salaries in addition to the housework they always did — and at levels of pay which still reflect sexual inequality.

Lee's later figures strengthen the affluence thesis in other ways — for instance, caloric intake, previously underestimated, b upped to a more than adequate level. The surplus is stored as body fat against occasional shortages, fed to the dogs or consumed to sustain people's efforts a: all-night trance-healing dances occurring one to four times a month.[14] And despite the staggering variety of plant and animal sources in their diet, the San do not eat many items which other peoples find edible.[15] Their work yields them so many consumer goods that the San as a society can and do exercise consumer choice. To assign such societies to the category "subsistence economy" is not only foolish phraseology — what economy is not a subsistence economy? — as Pierre Clastres argues, it passes an adverse value judgment in the guise of a statement of fact.[16] The implication is that these societies have failed to be other than what they are, as if it were unthinkable anybody might prefer a leisurely life bereft of bosses, priests, princes and paupers. The San have a choice. In the 1960's and 1970's, amidst a worsening political situation in Botswana and neighboring Namibia, many San gave up foraging for employment by Bantu cattle ranchers or South African farmers.[17] All along they were able but not willing to work for wages.

As Ivan Illich observes, "Economists understand about work about as much as alchemists about gold."[18] In positing as twin fatalities infinite wants and finite (scarce) resources they erect a dismal science on axioms every sensible person rejects

[14] Lee, op. cit., p. 270.

[15] *Ibid.,* chs. 6 a 8.

[16] Pierre Clastres, *Society Against the State,* trans. Robert Hurley (New York: Urizen Books, 1977), pp. 6–9.

[17] Lee, *op. cit.,* ch. 14.

[18] Illich, *op. cit.,* p. 105.

charge against Jesus of Nazareth was neither heresy nor sedition but rather, disturbing the peace. A disgusted teetotaling Judas Iscariot turned his Savior in after the hard-drinking holy man's Last Supper degenerated into a food fight.

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In the wake of the release of his film-blanc masterpiece The Return of the Jedi, director George Lucas is at his wit's end. Pornographic and/or seditious outtakes from the film, improvised by the predominantly situationist cast to relieve the boredom of wage-labor, have been stolen by the Twinkie Foundation of Cambodia and released on the black market. The alternative galactic epic definitely demonstrates the dark side of the Power. In it a grease monkey played by character actor Harry Reems both screws and unscrews the epicene robot CJPO. The wrinkled sage Yoda admits that his telekinetic miracles are actually hoaxes concocted with the technical assistance of Israeli spoon-bender Uri Geller. Yoda also reveals that makeup men from the Trilateral Founda1ion for Secular Humanism deliberately modelled his visage on that of deceased humanist Bertrand Russell.

Hirsute ruffian Chewbacca joins an animal-rights organization and, fed up with playing second fiddle to a grandstanding prima donna, rips out seven di Han Solo's fingers for kicks. Workers at Lando Calrissian's factory asteroid, incensed by a whitewash of dangerous working conditions by OSHA inspectors, rise up and form a workers' council, asserting that "there ain't a dime's worth of difference between the Empire and the Republic." And Princess L6a, after joining Holly Near on a cover of the Sex Pistols' "God Save the Queen," abdicates and runs off to join a left-wing lesbian typesetters' collective on San Francisco's Valencia Street.

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illegal right turn off the road to peace and onto the Armageddon off-ramp. Hayden was obliged to supply a Port Ut..ne sample, but was released when analysis showed he had long since ceased to be intoxicated with the dreams of youth.

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Millions of cuisine-conscious Americans relish the awesome edibles expertise of James Beard, but Beard himself is fed up with the professional neglect with which his pioneering studies in the so-called "new gustatory history" have been received by snobbish academic historians. Dr. Beard disclosed the dietary determinants of the framing of the Constitution in his first major work, A Culinary Interpretation of the Constitution of the United States, better known under its paperback title, Recipe for Revolution. There followed more specialized studies including a history of Bacon's Rebellion and a scalding critique of the Diet of Worms. Beard made it impossible for historians to dismiss the Boston Tea Party and the battle of Pork Chop Hill as isolated aliments of American history.

According to nouvelle-cu [sine Progressives dose to Beard (and, typically, sporting their own), the real reason why mainstream scholars won't make a place at their table for Beard is religious bigotry. Beard's fearless researches into early Church dietary history have made him about as welcome in orthodox circles as a fly in their soup. The Benedictine order lost millions in sales when Beard published his findings that a copying error by a drunken Irish monk in the 9th century introduced a flaw into the formula for its famous liqueur. But even less palatable are Dr. Beard's revelations based on a papyrus cookbook scroll unearthed by Israeli archeologists looting the site of a first-century Essene community near the Dead Sea.

Beard has shown that rations, not rationality, caused the tragedy on which historical Christianity is, well, baste. The

out of hand. By their lifeways the hunter-gatherers give the lie to the Hobbesian hoax. Resources are bountiful and the San consume them with gusto, but since they are rational hedonists, not ascetic madmen, the San find satisfaction in satiety: they have worked enough if there is plenty for everybody. So scandalous are the foragers for the economists and their addicts that they call forth paroxysms of pulpit-thumping prejudice, notably by libertarian economist Murray Rothbard and, in a hostile review of my book espousing the abolition of work, David Ramsey Steele.[19] Liberty (as it styles itself) suppressed 900/o of my rejoinder to Steele. Let me retaliate by quoting him only in quoting myself:

> Steele, with unintended humor, explains why hunter-gatherers loaf most of the time: "If you have one animal carcass to keep you going for the next week or two, it's a waste of effort to get another one, and what else is there to do but swap stories?" The poor devils are too rich to work. Cruelly denied the opportunity to accumulate capital, what else is there for the benighted savages to do but create, converse, dance, sing, feast and fuck?[20]

[19] Murray N. Rothbard, *Freedom, Inequality, Primitivism and the Division of Labor* (Menlo Park, CA: Institute for Humane Studies, Inc., 1971), a compendium of conservative cliches; David Ramsey Steele, "The Abolition of Breathing," *Liberty,* Vol. II, No. 4 (March 1989), pp. 51–57, reviewing Bob Black, *The Abolition of Work and Other Essays* (Port Townsend, WA: Loompanics Unlimited, n.d. [1986]). I am told that Steele, a Briton, is an ex-Marxist. If so, he must have made the modish move from left to right more easily in that they both are ideologies of sacrifice and work, "unselfish people can always switch loyalty from one projection to another" the way Steele did. For Ourselves, *The Right to Be Greedy* (Port Townsend, WA: Loompanics Unlimited, n.d. [1983], thesis 120.

[20] "Rabbit Bites Duck," *Liberty,* Vol. II, No. 5 (May 1989), p. 6, abridging a letter I entitled "Smokestack Lightning." *Liberty* edited out (but I have restored) the concluding reference to *fucking* presumably to lead the libertarians not into temptation and deliver them from evil.

Behind Steele's braying ethnocentrism is a fear of wildness and wilderness, a yearning fear for the call from the Forest, a fear of freedom itself.[21]

Foragers like the San and the Australians[22] are not the only prosperous primitives with ample leisure. Gardeners who practice shifting ("slash and burn") cultivation work a lot less than we moderns. In the Philippines the horticultural Hanun6o annually devote 500 to 1000 hours to the subsistence activity that sustains one adult.[23] At the higher figure, that works out to less than 2 hours and 45 minutes a day. Gardening, augmented by hunting and gathering was the mode of production among most of the Indians in eastern North America when the Europeans arrived. The clash of cultures has been regarded from many perspectives, but not as insistently as it should be as a collision between worlds of work.

Far from living hand-to-mouth, the Indians produced a surplus — had they not, the settlers would have starved at Jamestown and Plymouth.[24] Far from exhausting themselves

Steele's wisecrack reveals abysmal ignorance of really existing hunters whose bands are too large to subsist for two weeks on one carcass of anything except maybe a beached whale. He assumes the hunter is the 1usband and father in an isolated nuclear family, Dagwood Bumstead in a loin-cloth. Like Rothbard, he does not even mention the available, indeed well-known works of Sahlins and Lee. Since I referenced them in the book Steele reviewed, his ignorance is a matter of choice. Originally I assumed he meant to insult me when he said I was "half-educated,' op. cit., p. 51, now I see that, from him, that's a compliment. Until they do their homework on work there is no reason to pay the slightest attention to the economists and the market libertarians.

[21] Fredy Perlman, Against His-Story, Against Leviathan! (Detroit: Black a Red, 1983).

[22] Geoffrey Blainey, Triumph of the Nomads (Woodstock, NY: The Overlook Press, 1976), ch. 13 ("The Prosperous Nomads").

[23] Harold C. Conklin, "An Ethnoecological Approach to Shifting Cultivation," in Environment and Cultural Behavior, ed. Andrew P. Vayda (Garden City, NY: Natural History Press, 1969), p. 229.

[24] Francis Jennings, The Invasion of America (Chapel Hill, NC: University of North Carolina Press, 1975), pp. 65–66.

III. Tales from Dial-a-Rumor

Dial-a-Rumor was a daily telephone absurdist news service operated by Zack Replica in Berkeley in 1983–84. He and I were the principals, although we welcomed well-screened participation. We created and cumulated an alternative universe where anyone, real or imaginary, might turn up — except Ronald Reagan. A seventh grader phoned in the dirt on Vice Principal Hanover and we cast him as a regular. Rainer Werner Fassbinder called in to deny that he was dead and this we set out to explain. We turned our friend Gerry Reith into an anti-Masonic Congressman. We posited conspiracies in which yetis, school board members, cocaine Congressmen and Caucasian black power militants grappled with shadowy forces. We pilloried Berkeley so mercilessly that eventually Zack got so sick of the place he moved to Wyoming. Indeed, he resumed the project there, aided by three malcontent 15-year-olds.

I probably penned about 180 rumors which are now period pieces, relics of a time which has receded with startling speed. Since we dealt out drubbings all around, media of all persuasions took care to ignore our existence; we wrote very much for a very small audience whose most important members were ourselves. It was a creative collaboration unique in my life. And it was brutally funny. Here is enough of it to convey the flavor.

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California Assemblyman and left Zionist Tom Hayden was recently pulled over by alert CHiPs officers after he made an

The Spectre of Comedy

IN DEFENSE OF MARXISM

TRULY, MARX HAS ALL THE ANSWERS. IF ONLY WE KNEW THE QUESTIONS!



"THE YOUNG MARX"

Marx on the Party:

A party? You call this a party? The beer is warm, the women are cold, and I'm hot under the collar!



THE OLD MARX

Marx on Wage–Slavery:



BELLBOY: We haven't been paid in two weeks and we want our wages!

GROUCHO: Wages? Do *you* want to be wage slaves, answer me that.

BELLBOYS: No.

GROUCHO: No, of course not. Well, what makes wage slaves? Wages! I want you to be free. Remember, there's nothing like Liberty, except *Collier's* and the *Saturday Evening Post*. Be free, my friends, one for all, and all for me, and *me for you*, and *three* for five, and six for a quarter.



CAUTION: NOT ALL COMEDIANS ARE MARXISTS, BUT ALL MARXISTS ARE COMEDIANS. JEER THE DOMINANT FARCE! PUT SOME PUNCH BEHIND YOUR PUNCHLINES. S/HE WHO LAUGHS BEST, LAUGHS LAST.

Smirkers of the World, Unite!

The Last International

55 SUTTER ST. #487
SAN FRANCISCO, CA. 94104
U.S.A.

I am a Marxist, of the Groucho sort.—
Anonymous revolutionary in Paris, 1968

scrounging for survival, the impression the Indians left on early English observers like Captain John Smith was that their life was a paradise of all but workless plenty. He thought the settlers might enjoy a three-day workweek featurl.ng the "pretty sport" of fishing.[25] In 1 643, the magistrates of Massachusetts Bay received the submission of two Rhode Island sachems. "Giving them to understand upon what terms they must be received under us," as Governor John Winthrop put it, the Indians were told "Not to do any unnecessary work on the Lord's day within the gates of proper towns." Not to worry, replied the sachems: "It is a small thing for us to rest on that day, for we have not much to do any day, and therefore we will forbear on that day."[26]

According to one of the Roanoke colonists, to feed one Virginia Indian enough corn for a year required annually 24 hours of work.[27] (Of course the Indians ate more than corn; New England Indians enjoyed an abundant, varied "diet for supurb health"[28] more nutritious and less monotonous than what became standard fare in, say, the back country of the South; or in later industrial tenements.[29]

"Whatever else early America was," according to recent scholarship, "it was a world of work."[30] Indian America was anything but, as that Roanoke colonist was not the only one

[25] Daniel T. Rodgers, The Work Ethic in Industrial America, 1850–1920 (Chicago: University of Chicago Press, 1974), pp. 3–4.

[26] Winthrop's Journal. "History of New England," 1630–1649, ed. James Kendall Hosmer (New York: Barnes 8: Noble, 1959), Vol. II, p. 124.

[27] Edmund S. Morgan, American Slavery, American Freedom: The Ordeal of Colonial Virginia (New York: W.W. Norton, 1975), p. 56.

[28] Howard S. Russell, Indian New England Before the Mayflower (Hanover, NH: University Press of New England, 1980), p. 92.

[29] Ruth Schwartz Cowan, More Work for Mother (New York: Basic Books, 1983), pp. 21–22, 38, 164–165.

[30] Stephen Innes, "Fulfilling John Smith's Vision: Work and Labor in Early America," in Work and Labor in Early America, ed. Stephen Innes (Chapel Hill, NC: University of North Carolina Press, 1988), p. 21; Rodgers, op. cit., pp. 4–5.

to notice. No wonder that he and the others apparently went native, abandoning the earliest English settlement, leaving only a message carved on a tree that they were gone "To Croatan."[31] These first defectors from civilized toil to barbarous ease were not to be the last. Throughout the colonial period, hundreds of Euro-American agriculturalists joined the Indians or, captured in war, refused to return when peace came.[32] Women and children were inordinately likely to take to the Indian life-style, readily casting off their restrictive roles in white society, but adult men also sought and found acceptance among the heathen.[33] Without a doubt work was a major motivation for the choices they made. At Jamestown, John Smith enforced a regimen of labor discipline so harsh as to approach concentration camp conditions. In 1613, some of the English were "apointed to be hanged Some burned Some to be broken upon wheles, others to be staked and some to be shott to death." Their crime? An historian recounts that all "had run away to live with the Indians and had been recaptured."[34]

The anthropology of work does not suggest any reduction in the quantity or increase in the quality of work in societies of greater complexity. The trend or tendency is rather the other way. The hunt for the Virginia Indian men, as for their San counterparts, was more like "sport" than work, but their wives seem to have worked more than San women if less than their white contemporaries.[35] On the other hand, the gardeners work perhaps even less than the San but some of the work, like weeding and clearing new fields, is more arduous.

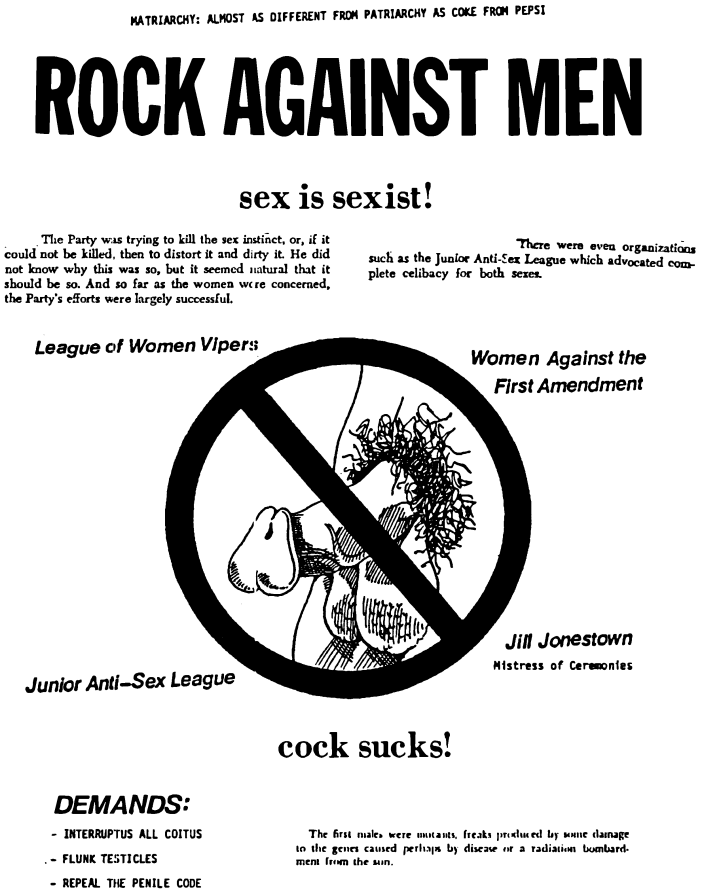
[31] Karen Ordahl Kupperman, Roanoke: The Abandoned Colony (Totowa, N.J.: Rowwan 8: Allanheld, 1984), pp. 137–139, 141.

[32] James Axtell, The Invasion Within (New York: Oxford University Press, 1985), ch. 13.

[33] Ibid.; Morgan, op. cit., p. 56.

[34] Morgan, op. cit., p. 74.

[35] Ibid., pp. 51–52, 56.



Calvary Charge



From Passion to Fashion



67

The watershed, however, is the onset of civilization with its governments, cities, and class divisions. Peasants work more because they are compelled to: because they have rents, taxes and tithes to pay. Later the laboring class pays all that plus profits too which are taken by employers whose interests lie in prolonging and intensifying work. There is, in the words of the Firesign Theatre, "harder work for everyone, and more of it too." Consider how many weeks of subsistence work an Englishman had to do over the centuries: in 149 5, 1 O; in 1 564, 20;in 1684, 48; and in 1726, 52.[36] With progress, work worsens.

So it was with the American worker. In the eighteenth century, there was a general trend for labor, slave and free alike, formerly seasonal, to become continual.[37] Technical progress, as usual, made matters worse. Seaman, for instance, were something of an avant garde of wage-labor. During the eighteenth century the size of ships and their capacity for cargo greatly increased and the work became heavier and also harder to do. Seamen responded by collective action including strikes — they coined the word, they would strike the sails — mutinies, and the ultimate, piracy, the seizure of the workplace. Pirates simplified the management hierarchy, elected their captains, replaced wages with cooperative ownership and risk-sharing, and vastly reduced the hours of work since a pirate ship had a crew fives times larger than the merchantmen they preyed upon. Aversion to work was a main motivation. For one pirate, "the love of Drink and a Lazy Life" were "Stronger Motives with him than Gold.' An admiral who impressed some suspected pirates into service on his man-of-war thought to rehabilitate them, "to learn them… working" which "they turned Rogues to avoid." The governor

[36] Joseph Eyer 8: Peter Sterling, "Stress-Related Mortality and Sodal Organization," Review of Radical Political Economics, Vol. IX, #1 (Spring 1977), p. 15.

[37] Innes, op. cit., p. 41.

of the Bahamas said, "for work they mortally hate it," and another resident of those islands concurred: "Working does not agree with them."[38]

It goes without saying that the next turn of the wheel, industrialization, made for more and for more monotonous work than workers as a class ever endured before.[39] There were no volunteers in the industrial army. The earliest American factory operatives were not even, in most cases, formally free: they were women and children sent to work by their lawful superiors, their husbands and fathers.[40] The factories of the North like the plantations of the South rested, so to speak, on servile labor. For a time, much later, the hours of work did decline as organized labor and assorted reformers made shorter hours a part of their agenda. The eight hour day which we officially enjoy is the cause for which the Haymarket anarchists of 1886 paid with their lives. But the New Deal in legislating a forty hour week scotched proposals by then-Senator Hugo Black (later a Supreme Court Justice) for a thirty hour week and the unions dropped shorter hours from their shopping list.[41] In recent years, workers have dropped unionization from their shopping list. Everything that goes around, comes around.[42]

[38] Marcus Rediker, "The Anglo-American Seaman as Collective Worker, 1700–1750," in Work and Labor in Early America, ed. Stephen Innes (Chapel Hill, NC: University of North Carolina Press, 1988), pp. 252286, especially pp. 280–281.

[39] Eric R. Wolf, Europe and the People WithoutHistory (Berkeley, CA: University of California Press, 1982), p. 276; Marglin, op. cit., pp. 37–38. Preindustrial American employers already preferred servile labor, i.e., slaves and indentured servants. John J. McCusker a Russell R. Menard, The Economy of British America, 1607–1 789 (Chapel Hill, NC: University of North Carolina Press, 1985), p. 238.

[40] Fred Thompson, "Introductory Notes" to Paul Lafargue, The Right to Be Lazy (Chicago: Charles H. Kerr, 1975), p. n.

[41] Benjamin Kline Hunnicutt, Work Without End: Abandoning Shorter Hours for the Right to Work (Philadelphia: Temple University Press, 1988).

[42] John Zerzan, "Organized Labor vs. The Revolt Against Work,"' in Elements of Refusal (Seattle: Left Bank Books, 19:38), pp. 170–83.

DON'T WASTE YOUR VOTE...

...DON'T CAST IT.



ELECTIONS ARE DUMBOCRACY IN ACTION. Politics is like a pond: the scum rises to the top. No matter who wins, we lose. In polytricks, Left is Right and right is wrong. Politicians lie for a living. Only one thing about them you can count on: if elected, they'll hurt you if you don't do what they say.

VOTERS ARE THE TOOLS AND FOOLS of the overlords of their "choice." All voting is voting for voting. If you make the System work, you better believe it'll return the favor:





EVERY POLITICIAN'S "PLATFORM" IS A SCAFFOLD. The Constitution is a suicide pact. Just read "between the lies": "If any form of pleasure is exhibited, report to me and it shall be prohibited." We see the statist skull beneath the democratic skin.

THE PARTY FAITHFUL don't know it but the party's over. The electoral sheep still bleat about "majority rule," oblivious to the unruly majority. "The harder you look, the bigger the crook." Politicians ought to be cannonized, not canonized. For bullies, bullets, not ballots! Who needs Them?

BORED AGAIN? Why not rattle your cage? I propose a dialog of the disaffected, a conspiracy of the equals, a politics of pleasure. Ours is the *anomic power* of negative thinking and corrosive laughter. The unruly amongst the institutionalized have only themsleves — and possibly each other. Let's confer. The choice is sedition or sedation. Any number can play.



IF YOU'RE OLD ENOUGH TO VOTE, YOU'RE OLD ENOUGH TO FIGHT

II. Wanted Pasters

I designed these posters in San Francisco, 1979–81, the zenith of my Last International poster project (1977–82). I'd been making them for a year or two before I learned they were "punk." It's good to know these things. Nobody has ever accused me of being a graphic artist, but my crudities have been a source of delight to some, of consternation to others.

"My Feelings Are Me" is an exact reproduction of a blank form I picked up in the San Francisco unemployment insurance office and filled out to suit my humors. I didn't hand it in.

Not only have the hours of work not diminished, for all the technological progress of the last half-century, the years of our lives devoted to work have actually gone up. The reason is that many more people are living to retirement age, which means the system is getting more years of work out of us: the average American male works eight more years than his counterpart in 1900.[43] In the eighteenth century a worker ended his days, if he lived so long, in the poor-house[44]; in the twentieth, if he lives so long, in the nursing home, lonely and tortured by medical technology. Progress.

I have saved the worst for last: women's work. Today's working women (most women now work, outside the home, as employees) are worse off working than they have ever been. They still do most of the household work they have done since industrialism, and additionally they do wage-work.[45] Their entry in force into the workforce (they were working all along, but unpaid labor, insane to say, isn't counted as work) in the last twenty years has greatly increased their total toil and, as a result, the total toil altogether (since nobody thinks men are working Zess).[46] Even if sex discrimination were entirely eradicated, which is far from imminent, equalized women workers would still shoulder an unequal load of what Illich calls "shadow work," "the consumer's unpaid toil that adds to a commodity an incremental value that is necessary to make this commodity useful to the consuming unit itself. "[47] Civil rights laws do not — cannot — penetrate the household. The history of work, if it has any evolving logic, is a history of the increasing imposition of exhausting toil on women. Any feminism which is not implacably anti-work is fraudulent.

[43] Hunnicutt, op. cit., pp. 318–319 n. 5.

[44] E.P. Thompson, op. cit., p. 328 a passim.

[45] Cowan, op. cit., pp. 201–216; Ivan Illich, Gender (New York: Pantheon Books, 1982), pp. 45–48, 53.

[46] Hunnicutt, op. cit., pp. 2–3.

[47] Illich, Gender, op. cit., p. 45 n. 30.

The world of civilization, the world of history is above all, objectively and subjectively, a world of work. The jury is in on the verdict workers pass on what work means to them, subjectively: it hurts and they hate it.[48] Objectively it just gets worse in terms of the ways it might imaginably get better. Since the late nineteenth century, most work has been "de-skilled," standardized, moronized, fragmented, isolated, policed,[49] and made secure against piratical expropriation. To take and hold even one workplace the workers will have to expropriate them all.

Even hard work could be easier, and easier to take, than the bossed work most of us do. In Liberia the Kpelle, for instance, grow rice, which is work — strenuous work — by any definition. But these "neolithic farmers" conduct their work in a way that the organizers of our work can't or won't even consider. *Lii-nee,* "joy," axiomatically accompanies, any work toe

[48] Richard Balzer, Clockwork (New York: Doubleday, 1976); Barbara Garson, All the Live long Day (New York: Doubleday, 1975); Richard M. Pfeffer, Working for Capitalism (New York: Columbia University Press, 1979); Studs Terkel, Working (New York: Pantheon, 1974); Work 2: Twenty Personal Accounts, ed. Ronald Fraser (Harmondsworth, England: Penguin Books, 1969); Zerzan, op. cit.

[49] Harry Braverman, Labor and Monopoly Capital: The Degradation of Work in the Twentieth Century (New York: Monthly Review Press, 1974); William Lucy, "Can We Find Good Jobs in a Service Economy?" in Working in the Twenty-First Century, ed. C. Stewart Sheppard a Donald C. Carroll (New York: John Wiley a Sons, 1980), pp. 82–85; Joel Stein, "Automatic Production," in Root ft Branch: The Rise of the Workers' Movements, ed. Root a Branch (Greenwich, CT: Fawcett Crest Books, 1975), pp. 158–173.As Stein notes, as skills decline, required education and credentials levels rise. Obviously they are unrelated to performance, an inference substantiated in Ivar Berg, Education and Jobs: The Great Training Robbery (New York: Praeger, 1970). Not that the bosses are irrational in imposing them: it's a good guess that the more schooling a person puts up with, the more bullshit he'll tolerate on the job. "A child must become accustomed to work, and where can the inclination to work be activated so well as at school?" Immanuel Kant, Education (Ann Arbor: University of Michigan Press, 1960), p. 70. "Children," moreover, "are first sent to school, not so much with the object of their learning something, but rather that they may become used to sitting s1ill and doing exactly as they are told." Ibid., p. 3.

As it happens there is light to be shed on the libertarian position on breathing. Ayn Rand is always inspirational and often oracular for libertarians. A strident atheist and vehement rationalist — she felt in fact that she and three or four of her disciples were the only really rational people there ¥ere -Rand remarked that she worshipped smokestacks. For her, as for Lyndon LaRouche, they not only stood for, they were the epitome of human accomplishment. She must have meant it since she was something of a human smokestack herself; she was a chain smoker, as were the other rationals in her entourage. In the end she abolished her own breathing: she died of lung cancer. Now if Sir David Ramsey-Steele is concerned about breathing he should remonstrate, not with me but with the owners of the smokestacks I'd like to shut down. Like Rand I'm an atheist (albeit with pagan tendencies) but I worship nothing — and I'd even rather worship God than smokestacks.

is right, for better-paid jobs 10 be safer than worse-paid jobs, but coal miners make much more money than janitors and firemen make mu2h less money than lawyers. Anything to Steele's correlation, if there is anything to it, is readily explained; elite jobs are just better in every way than grunt jobs — safer, better paid, more prestigious. The less you have, the less you have: so much for "trade-offs."

Amusingly the only evidence which is consistent with Steele's conjecture is evidence he elsewhere contradicts. Occupational injuries and fatalities have increased in recent years, even as real wages have fallen, but Steele is ideologically committed to the fairy-tale of progress. He says "workers have chosen to take most of the gains of increased output in the form of more goods and services, and only a small part of these gains in the form of less working time." It wasn't the workers who took these gains, not in higher wages, not in safer working conditions, and not in shorter hours — hours of work have increased slightly. It must be, then, that in the BO's and after workers have "chosen" lower wages, longer hours and greater danger on the job. Yeah, sure.

Steele — or Ramsey-Steele, as he used to sign off when he wrote for the hippie paper Oz in the 60's — is, if often witless, sometimes witty, as when he calls me "a rope stretched over the abyss between Raoul Vaneigem and Sid Vicious." My leftist critics haven't done as well. After I called Open Road "the Rolling Stone of anarchism," it took those anarcho–leftists a few years to call me "the Bob Hope of anarchism," obviously a stupendous effort on their part. But Ramsey-Steele can't keep it up as I can. "The Abolition of Breathing" (what a sense of humor this guy has!) is, its ham handedness aside, an especially maladroit move by a libertarian. I am in favor of breathing; as Ed Lawrence has written of me, "His favorite weapon is the penknife, and when he goes for the throat, breathe easy, the usual result is a tracheotomy of inspiration."

Kpelle off or they don't do any. Work is conducted in groups to the accompaniment of musicians whose rhythms pace the strokes of their hoes and machetes. Intermittently a woman throws down her hoe and dances to entertain her companions and relax muscles made sore by repetitious movements. At the end of the day the workers drink palm wine and sing and dance together.[50] If this is not Sahlins' original affluent society it is still an improvement on our allegedly affluent one, workwise. The anthropologist adds that the government has encouraged the Kpelle to switch from dry rice-farming to wet (irrigated) rice-farming since it is more productive. They demur, but not out of any inherent conservatism: they accepted the advice of the same experts to raise cocoa as a cash crop. The point is that "paddy-rice cultivation will be just plain work without the vital leavening of gossip, singing and dance"[51] — the of play which have been all but leached out of most modernized work.

As the 80's ended and the 90's commenced, working hours in America, where millions are without work, went up.[52] The new two-income family has a lower standard of living than the one-income family of the 1950's. Housework has hardly been diminished by 20th-century technology. Time studies suggest 56 hours of housework a week in 1912; 60 in 1918; 61 for farm wives in 1925. In 193 1, college educated housewives in big cities worked 48 hours a week, but by 1965 the average for all housewives was 54 hours, with college educated women putting in 19 more minutes a day than those with grade school educations. By 1977, wives without outside employment

[50] David F. Laney, "Work and Play: The Kpelle Case," Play and Culture: 1978 Proceedings of the Association for the Anthropological Study of Play, ed. Helen B. Schwartzman (West Point, NY: Leisure Press, 19'.78), pp. 324–328.

[51] *Ibid*., p. 328.

[52] Hunnicutt, op. cit., p. 3; Benjamin K. Hunnicutt, "Are We All Working Too Hard? No Time for God or Family," Wall Street Journal, Jan. 4, 1990, p. A12.

worked 50 hours a week, those with jobs, 35 hours *excluding* wage-work which at 75 hours "adds up to a working week that even sweatshops cannot match."[53]

Primitive productive life was neither nasty nor brutish, nor is it even necessarily short. Significant proportions of San men and women live past age sixty; the population structure is closer to that of the United States than to a typical Third World country.[54] With us, heart disease is the leading cause of death, and stress, a major risk factor, is closely related to job satisfaction.[55] Our sources of stress hardly exist among hunter-gatherers.[56] (Cancer, the second greatest killer, is of course a consequence of industrialization.)

"Working conditions" for hunters can be hazardous, yet civilized wort(does not even here exhibit a clear superiority, especially when it is recalled that many of the 2 1/2 million American motoring fatalities to date involve one or more participants in wage-work (police, cabbies, teamsters etc.) or shadow work like commuting and shopping.

Sahlins had already remarked upon the superior "quality of working life" enjoyed by primitive producers, to borrow a catchphrase from the pseudo-humanist experts in job redesign and job enrichment.[57] In addition to shorter hours, "flextime" and the more reliable "safety net" afforded by general food. sharing, foragers' work is more satisfying than most modern work. We awaken to the alarm clock; they sleep a lot, night and day. We are sedentary in our buildings in our polluted cities;

[53] Cowan, op. cit., pp. 159, 178–79, 199, 213; cf. Ann Oakley, Woman's Work (New York: Vintage, 1974), ch. 7.

[54] Lee, op. cit., pp. 44–48.

[55] Work in America, Report of a Special Task Force to the Secretary of Health, Education, and Welfare (Cambridge: MIT Press, 1973), pp. 79–81.

[56] Eyer & Sterling. op. cit., p. 15.

[57] see generally "Workplace of the Future" (symposium), Wall Street Journal Reports, June 4, 1990. I was the token dissident, Bob Black, "All Play and No Work," ibid., p. R17, a severely re-"worked" version of Bob Black, "Why Work?" Baltimore Sun, Sept. 3, 1990, p. SA.

sell their labor-power to a management whose functions they have usurped. Since the revolt against work is not, could not be, institutionalized, Steele is unable even to imagine there is one. Steele is an industrial sociologist the way Gene Autry was a cowboy. He commits malpractice in every field he dabbles in; he is a Bizarro Da Vinci, a veritable Renaissance Klutz. Surely no other anthropologist thinks "The Flintstones" was a documentary.

With truly Ptolemaic persistence Steele hangs epicycle upon epicycle in order to reconcile reality with his market model. Take the health hazards of work: "If an activity occupies a great deal of people's time, it will probably occasion a great deal of death and injury." Thus there are many deaths in the home: "Does this show that housing is inherently murderous?" A short answer is that I propose the abolition of work, not the abolition of housing, because housing (or rather shelter) is necessary, but work, I argue, is not. I'd say about housing what Steele says about work: if it is homicide it is justifiable homicide. (Not all of it, not when slumlords rent out firetraps, but set that aside for now.) And the analogy is absurd unless all activities are equally dangerous, implying that you might just as well chain-smoke or play Russian roulette as eat a salad or play patty-cake. Some people die in their sleep, but not because they are sleeping, whereas many people die because they are working. If work is more dangerous than many activities unrelated to work which people choose to do, the risk is part of the case against work. I have no desire to eliminate all danger from life, only for risks to be freely chosen when they accompany and perhaps enhance the pleasure of the play.

Steele asserts, typically without substantiation, that workplace safety varies directly with income: "As incomes rise, jobs become safer — workers have more alternatives and can insist on greater compensation for high risk." I know of no evidence for any such relationship. There should be a tendency, if Steele

of what they can get. Since we cannot be friends and lovers, we wail for more candy.

The libertarian is more upset than he admits when he drops his favored elitist imposture, the lip uncurls, the cigarette holder falls and the cooly rational anti-egalitarian Heinlein wannabe turns populist demagogue. In Scarface, Edgar G. Robinson snarls, "Work is for saps!" In Liberty, David Ramsey Steele yelps that the saps are for work. When it says what he wants to hear, *Vox Populi* is *Vox Dei* after all; not, however, when the talk turns to Social Security, farm subsidies, anti-drug laws and all the other popular forms of state intervention. Steele assures us that workers prefer higher wages to job enrichment. This may well be true and it certainly makes sense since, as I have explained, job enrichment is not the abolition of work, it is only a rather ineffective form of psychological warfare. But how does he know this is true? Because, he explains, there has been virtually no recent trend toward job enrichment in the American workplace. This is blatant nonsense, since for the last fifteen years or more workers have not had the choice between higher wages and *anything* for the simple reason that real wages have fallen relative to the standard of living. Payback is the kind of trouble the prudent worker does not take to the counsellors in the Employee Assistance Program.

What I espouse is something that money can't buy, a new way of life. The abolition of work is beyond bargaining since it implies the abolition of bosses to bargain with. By his delicate reference to the standard "job package" Steele betrays the reality that the ordinary job applicant has as much chance to dicker over the content of his work as the average shopper has to haggle over prices in the supermarket check-out line. Even the mediated collective bargaining of the unions, never the norm, is now unavailable to the vast majority of workers. Besides, unions don't foster reforms like workers' control, since if workers controlled work they'd have no use for brokers to

they move about breathing the fresh air of the open country. We have bosses; they have companions. Our work typically implicates one, or at most a few hyperspecialized skllls, if any; theirs combines handwork and brainwork in a versatile variety of activities, exactly as the great utopians called for. Our "commute" is dead time, and unpaid to boot; they cannot even leave the campsite without "reading" the landscape in a potentially productive way. Our children are subject to compulsory school attendance laws; their unsupervised offspring play at adult activities until almost imperceptibly they take their place doing them. They are the makers and masters of their simple yet effective toolkits; we work for our machines, and this will soon be no metaphor, according to an expert from the National Aeronautics and Space Administration: "In general, robots will work for men, but there may be exceptions in which some robots are higher in the hierarchy than some humans."[58] The last word in equal employment opportunity.

Smokestack Lightning

Bob Black is a revolutionary, smirks David Ramsey Steele, "the way Gene Autry was a cowboy" ("The Abolition of Breathing," Liberty, March 1989). A Marxist turned libertarian, Steele is miffed that to me his forward progress is just walking in circles. Steele's is the longest harshest review The Abolition of Work and Other Essays has ever received, and while no nit to my discredit is too small to pick,[59] my critique of work is the major target. Steele tries, not merely to refute me, but to

[58] "Someday Your Boss Could Be a Robot, "unattributed newspaper story excerpted. in *Mallife* No. 19 (Summer 1990), p. 1.

[59] Since I took German in college, it so happens I do know that "Nietzsche" doesn't rhyme with "peachy." I am sure that Ray Davies of the Kinks, Steele's fellow Briton, likewise was well aware that "the Regatta" doesn't really rhyme with "to get at her," not even in Cockney. We poets stretch the language, but not, like Steele, the truth.

make me out to be a gesticulating down, by turns infantile and wicked (they are probably synonyms for Steele). "I'm joking and serious," he quotes me in opening, but if I am a sometimes successful joker I am serious only "in the sense that a child wailing for more candy is serious." Steele wants to bomb me back into the Stone Age, just where my ideas (he warns) would land the handful of humans who might survive the abolition of work.

For a fact I am, as accused, joking and serious. Because he is neither, Steele is fated never to understand me. Metaphor, irony and absurdity play — and I do mean *play* — a part in my expression which is, for Steele, at best cause for confusion, at worst a pretext for defamation. I write in more than one way and I should be read in more than one way. My book is stereoscopic. Steele complains I failed to make "a coherent case for some kind of change in the way society is run." But I did not (as he implies) make an incoherent case for what *he* wants — new masters — I made a coherent case for what /want, a society which isn't "run" at all.

When a libertarian who ordinarily extols the virtue of selfishness calls me "self-indulgent" he shows he is prepared to sacrifice secondary values if need be to meet a threat of foundational dimensions. Emotionally the review is equivalent to an air raid siren. Do *not* (repeat) do *not* take this "half-educated" mountebank seriously!

Steele careens crazily between accusing me of snobbery and, as when he calls me half-educated, exhibiting it himself. If with three academic degrees I am half-educated, how many does Steele have? Six? Who cares? Most of what I write I never learned in school, certainly not the Austrian School. Steele says I am "out of my depth" in economics, oblivious to my vantage point exterior and (if all goes well) posterior to the dismal science of scarcity. I never clip into that malarial pool, not at any depth — I drain il:. I am not playing Steele's capitalist game, I am proposing a new game. I am not a

Party; and the post-agricultural guerrilla nomadism of Tuareg insurgents in Africa. He incorporates a few of my phrases verbatim. Shiner in Slam recounts an individual anti-work odyssey expressly indebted to several Loompanics books, including "a major inspiration for this novel, The Abolition of Work by Bob Black." If I am skeptical about liberation through high-tech it is mainly because the techies aren't even exploring the possibility, and if they don't, who will? They are all worked up over nanotechnology, the as-yet-non-existent technology of molecular mechanical manipulation — that SF cliche, the matter transformer — without showing any interest in what work, if any, would be left to be done in such a hypertech civilization. So I find low-tech decentralization the more credible direction for now.

It is false, but truer than most of what Steele attributes to me, that I think "the tertiary or services sector is useless." I view most of this sector — now the largest — the way a libertarian views most of the government bureaucracy. Its dynamic is principally its own reproduction over time. The services sector services the services sector as the state recreates the state. In I Was Robot Ernest Mann carries forth a long utopian socialist tradition by recounting all the industries which exist only in order that they and others like them continue to exist and expand. According to the libertarian litany, if an industry or institution is making a profit it is satisfying "wants" whose origins and content are deliberately disregarded. But what we want, what we are capable of wanting is relative to the forms of social organization. People "want" fast food because they have to hurry back to work, because processed supermarket food doesn't taste much better anyway, because the nuclear family (for the dwindling minority who have even that much to go home to) is too small and too stressed to sustain much festivity in cooking and eating — and so forth. It is only people who can't get what they want who resign themselves to want more

with Steele that we moderns cannot" approximate that lifestyle very closely and still maintain advanced industry, though we could gradually approach it by reduced hours and more flexible work schedules, and a few individuals [this is a dig at me] approximate it fairly closely by a combination of occasional work and living off handouts." Very well then, let's not "maintain advanced industry." I want liberty; Steele, in Liberty, prefers industry. I think the rag should rename itself Industry if that is where its deepest loyalty lies.

In "Abolition" I was deliberately agnostic about technology because I meant to make the abolitionist case in the most universal terms. It is not necessary to agree with my actual opinion of industrial technology (very skeptical) to agree with my opposition to work, although it helps. Steele himself doesn't trouble to keep his accusations consistent, on one page charging me with "the ambitious mission of stamping out social cooperation and technology" thus effectuating "the elimination of more than 95 per cent of the world's population, and the reduction of the remnant to a condition lower than the Stone Age" (even lower!) — and on the next page saying I repeat "the usual communist claims" that "'automation' can do almost anything." What Steele quaintly calls the Stone Age is the one million years in which all humans lived as hunter-gatherers and we have already seen there is much to be said for a lifestyle most of us have sadly been unfitted for. For Steele "the usual communist claims" serve the same diversionary function "the usual suspects" do when rounded up.

At least two science fiction writers who likely know a lot more about high tech than Steele does, the cyberpunks Bruce Sterling and Lewis Shiner, have drawn on "The Abolition of Work" in sketching zerowork lifestyles which variously tum on technology. In Islands in the Net, Sterling extrapolates from several anti-work stances: the "avant-garde job enrichment" (as Steele would say) of the laid-back Rhizome multinational; the selective post-punk high tech of Singapore's Anti-Labour

bad economist, for I am not an economist at all. Freedom ends where economics begins. Human life was originally pre-economic; I have tried to explore whether it could become post-economic, that is to say, free. The greatest obstacle, it seems to me — and Steele never does overtly disagree — is the institution of work. Especially, I think, in its industrial mode. Like most libertarians, Steele so far prefers industry to liberty that even to pose the problem of work as a problem of liberty throws a scare into him.

Much toil must have gone into Steele's only serious criticism which does not depend on a previous faith in laissez-faire economics, the attempt to reveal my definitions of work and play as confused and contradictory. He quotes my book (pp. 18–19) thusly:

> Work is production enforced by economic or political means, by the carrot or the stick… Work is never done for its own sake, it's done on account of some product or output that the worker (or, more often, somebody else) gets out of it.

Steele comments: "This seems at first to say that work is work if you do it because you have to or because you will be paid for it. Then it seems to say something different: that work is work if you do it for the sake of an anticipated goal." The first sentence is roughly accurate, the second is not. All human action is purposive, as our Austrian Schoolmarm would be the first to agree, which is to say all human action is goal-directed. Work, play, everything. Play too has an "anticipated goal," but not the same one work has. The purpose of play is process, the purpose of work is product (in a broad sense).

Work, unlike play, is done not for the intrinsic satisfaction of the activity but for something separate which results from it, which might be a paycheck or maybe just no whipping tonight. The anticipated goal of play is the pleasure of the action. Steele,

not me, is confused when he glosses my definitions to collapse the very distinctions I set out to draw with them.

Elsewhere in the title essay I offer an abbreviated definition of work as "forced labor," as "compulsory production." Predictably a libertarian like Steele contends that the economic carrot is not coercive as is the political stick. I dicln't argue against this unreasonable opinion there because only libertarians and economists hold it and there are not enough of them to justify cluttering up the :majestic breadth and sweep of my argument with too many asides. Steele, I notice, doesn't argue about it either. All this proves is that I am not a libertarian, a supertluous labor since I make that abundantly dear in another essay in the book, "The Libertarian as Conservative." On this point Aristotle, a philosopher much admired by libertarians, is on my side. He argues that "the life of money-making" is "undertaken under compulsion" (Nie. Eth. 1096a5). Believe it, dude. But even if Ari and I are mistaken we are neither confused nor confusing. There is nothing inconsistent or incoherent about my definitions, nor do they contradict ordinary usage. A libertarian or anybody else who can't understand what I'm saying is either playing dumb or he really is. People who are maybe not even half-educated understand what I say about work. The first time my essay was published, in pamphlet form, the printer (the boss) reported "it got quiet'" when he took the manuscript into the back room; he also thought the workers had run off some extra copies for themselves. Only miseducated intellectuals ever have any trouble puzzling out what's wrong with work.

Work is by definition productive and by definition compulsory (in my sense, which embraces toil without which one is denied the means of survival, in our society most often but not always wage labor). Play is by definition intrinsically gratifying and by definition voluntary. Play is not by definition either productive or unproductive, although it has been wrongly defined by Huizinga and de Kovens among others as necessarily

chologically gratifying and economically abundant, couldn't defeat the huge slave armies without turning into what they fought. Thus they lost if they won, like the nomadic armies of the Akkadians or Mongols or Turks, and they also lost, of course, if they lost. It had nothing to do with shopping around for the best deal.

Steele fails (or pretends not) to understand why I ever brought up the primitives at all. It's not because I've ever advocated a general return to a foraging way of life. If only because the specialized stultification of the work we have to do unfits us for the variegated skilled play which produces the abundance the hunter-gatherers take for granted. Donald Trump worries a lot more about his economic future than a San mother worries about hers. A hunter-gatherer grows up in a habitat and learns to read it. I've quoted Adam Smith to the effect that the division of labor, even if it enhances productivity, diminishes the human personality. Now if there is anything in my entire book a libertarian ideologue ought to answer or explain away it is what the old Adam said about work, but Steele is careful to cover up this family scandal altogether. (How many libertarians, for that matter, know that Smith was a Presbyterian minister? Or that "benevolence" was crucial to his utilitarian ethics? Or that he advocated compulsory schooling precisely in order to counteract the debasing impact of work?)

Hunter-gatherers inform our understanding and embarrass libertarians in at least two ways. They operate the only known viable stateless societies. And they don't, except in occasional emergencies, work in any sense I've used the word. They, like we, must produce, but they don't have to work usually. They enjoy what they do on the relatively few occasions they are in the mood to do it; such is the ethnographic record. Some primitives have no words to distinguish work and play because there is no reason to draw the distinction. We're the ones who need it in order to understand what's befallen us. Remarkably, I agree

class-divided, work-ridden societies. Am I out of line in suggesting therejust might be a challenge for libertarians in all this which is not fully met by Steele's red-baiting me?

Steele's pseufo-factual contention assumes the consequent, that what everybody everywhere wants is higher productivity. Although Steele characterizes my goal (a little less inaccurately than usual) as something like anarcho-communism or "higher-stage" communism (he remembers the jargon of his Marxist phase), it is Steele who sounds like the collectivist, reifying "humankind" as some kind of organism which "at some stage" chose to go for the gold, to take up the hoe. Just when and where was this referendum held? Supposing that agricultural societies are more productive (ofwhat?) per capita, who says the surplus goes to the producers? Steele may no longer agree withwhat Engels said in The Origin of the Family, Private Property and the State but he surely remembers the issues raised there and cynically suppresses what he knows but his intellectually impoverished libertarian readership doesn't. Peasants produced more, working a lot harder to do it, but consumed less. The wealth they produced could be stored, sold and si:olen, taxed and taken away by kings, nobles and priests. Since it could be, in time it was -"at some stage" what was possible became actual, the state and agriculture, the parasite and its host. The rest is, literally, history.

If agriculture and the industrial society which emerged from it mark stages in the progress of liberty we should expect that the oldest agricultural civilizations (now busily industrializing) are in the vanguard of freedom. One stretch of country enjoyed the blessings of civilization twice as long as the next contender. I speak of course of Sumer, more recently known as Iraq. Almost as libertarian is the next civilization, still civilized: Egypt. Next, China. Need I say more?

And once one or more of these agricultural slave societies got going it expanded at the expense of its stateless workless neighbors whose small face-to-face societies, though psy-

inconsequential. It does not have to be. Whether play has consequences (something that continues when the play is over) depends on what is at stake. Does poker cease to be play if you bet on the outcome? Maybe yes — but maybe no.

My proposal h; to combine the best part (in fact, the only good part) of work — the production of use-values — with the best of play, which I take to be every aspect of platy, its freedom and its fun, its voluntariness and its intrinsic gratification, shorn of the Calvinist connotations of frivolity and "self-indulgence" which the masters of work, echoed by the likes of Johan Huizinga and David Ramsey Steele, have labored to attach to free play. Is this so hard to understand? If productive play is possible, so too is the abolition of work.

Fully educatec. as he must be, Steele thus flubs my discursive definitions of work. I am no define-your-terms Objectivist; :r announce definitions only as opening gambits, as approximations to be enriched and refined by illustration and elaboration. Work is production elicited by extrinsic inducements like money or violence. Whether my several variant formulations have the same sense (me.aning) they have, in Frege's terminology, the same reference, they designate the same phenomenon. (Ah picked up a l'il book-larnin' after all.)

According to Steele, what I call the abolition of work is just "avant-garde job enrichment." I display "no interest in this body of theory" because it has none for me (I am as familiar with it as I care to be). "Job enrichment" is a top-down conservative reform by which employers gimmick up jobs to make them seem more interesting without relinquishing their control over them, much less superseding them. A job, any job — an exclusive productive assignment — is, as "Abolition" makes clear, an aggravated condition of work; almost always it stultifies the plurality of our potential powers. Even activities with some inherent satisfaction as freely chosen pastimes lose much of their ludic kick when reduced to jobs, to supervised, timed, exclusive occupations worked in return for enough money to live on. Jobs are

the worst kind of work and the first which must be deranged. For me the job enrichment literature is significant in only one way: it proves that workers are sufficiently anti-work — something Steele denies — that management is concerned to muffle or misdirect their resentments. Steele, in misunderstanding all this, misunderstands everything.

I have never denied the need for what the economists call production, I have called for its ruthless auditing (how much of this production is worth suffering to produce?) and for the transformation of what seems needful into productive play, two words to be tattoo'd on Steele's forehead as they explain everything about me he dislikes or misunderstands. Productive play. Plenty of unproductive play, too, I hope — in fact ideally an arrangement in which there is no point keeping track of which is which — but play as paradigmatic. Productive play. Activities which are, for the time and the circumstances and the individuals engaged in them, intrinsically gratifying play yet which, in their totality, produce the means of life for all. The most necessary functions such as those of the "primary sector" (food production) already have their ludic counterparts in hunting and gardening, in hobbies. Not only are my categories coherent, they are already operative in every society. Happily not many people are so economically sophisticated they cannot understand me.

If Steele really believes there can be no bread without bakeries and no sex without brothels, I pity him.

Whenever Steele strays into anthropology, he is out of his depth. In "Primitive Affluence" I drew attention to the buffoonery of his portrait of prehistoric political economy, a few cavemen on loan from "The Far Side" squatting round the campfire shooting the shit for lack of anything better to do and every so often carving a steak out of an increasingly putrid carcass till the meat runs out. Racism this ridiculous is sublime, as shockingly silly as if today we put on an old minstrel show blackface and all. The hunters didn't do more work, he explains, because

"they saw little profit in it because of their restricted options." For sure they saw no profit because the concept would be meaningless to them, but their options weren't as restricted as ours are. If the San are any example, they normally enjoyed a choice we only get two weeks a year, the choice whether to sleep in or get up and go to work. More then half the time a San hunter stays home. What Steele considers "options" are not choices as to what to do but choices as to what to consume: "When such hunter-gatherers societies encounter more technically advanced societies with a greater range of products, the hunter-gatherers generally manifest a powerful desire to get some of these products, even if this puts them to some trouble."

This generalization, like the others Steele ventures, only appears to be empirical. In fact it is a deduction from an economic model which assumed away from the start any possibility that anybody ever did or ever could act as anything else but a more or less well-informed rational maximizer. Historically it is insupportable. While the hunter-gatherers (and horticulturists and pastoralists) often did take from the European tool-kit, they wanted no part of the work-subjugation system by which the tools were produced. The San like to turn barbed wire stolen from South African farmers into points more effective and more easily fashioned than those of stone, but they do not like to work in the diamond mines. "Most of humankind," Steele supposes, "has been practicing agriculture for several thousand years, having at some stage found this more productive than hunting." The "at some stage" betrays the contention for what it is, a deduction from the axioms, not historical reportage. Steele would have a cow if somebody said, "Most of humankind has been practicing authoritarianism for several thousand years, having at some stage found this more free/orderly/stable/satisfying than libertarianism."

The parallelism is not fortuitous. Overwhelmingly, stateless societies are also classless, marketless and substantially workless societies. Overwhelmingly, market societies are also statist,

general, what's so special about porn in particular? To this question Graham has no creditable answer.

To be sure, Graham tells us one thing special about porn: it "embodies and expresses the male domination and exploitation of women." In other words, porn as a social practice is just one small department of the wages system , but porn as an abstract idea uniquely demeans women. And so Graham's only answer to the anarcholiberals — that "pornography is not just an idea that some people are advocating" — collapses in contradiction. So porn, if anybody cares, is a free-speech issue after all. And Graham is a mountebank.

Neo-Individualism Reconsidered [with Mike Ganderloy]

We the undersigned aren't sure if we're "neoindividualists" or not, since you [Michael Kolhoff] malign them without identifying them. But we're quite sure there will never be a useful "anarchist Movement" until orthodox (dare we say reactionary?) anarchists like you deal with dissident dissidents without the Stalin-school falsifications which, come to think of it, remind us of several other "anti-authoritarian" publications, in the Bay Area and elsewhere.

You discern, or rather impose, a "clear division" between "organizing anarchists," whom you equate with communists, syndicalists and collectivists, and everybody else. But many you regard as neo-individualists, such as the Fifth Estate, espouse communalist visions of anarchy; others call formixed systems under conditions of local-option decentralization. If they should all be lumped together just because they're not out to organize the working class, you should be lumped with the Leninists because such organization is your common goal. Incidentally, in falsely claiming that neo-individualists want a return to "primitive tribalism" you refute your opinion that

a right to observe the demeanor of the witness and we will not go forward. We will go into court if necessary and find out whether you're right or I'm right as to whether or not they have a right to observe your demeanor.

THE WITNESS: If you wish to suspend the proceedings, that is your right.

MS. NORRIS: If I suspend the proceedings for that reason, Mr. Black, and if I, in fact, prevail before the court, I would certainly ask for sanctions.

It is a very bizarre request. It seems to beyond belief that you have a right to come in here wearing a ski mask if you like. [I had contemplated doing this, but it was too hot in August. — Author.] I do not think that the Code of Civil Procedure procedures for a deposition anticipate or tolerate that kind of attitude on your part, and do not believe that you will prevail in court.

However, if you, in fact, insist on not removing the briefcase, we'll suspend the proceedings right now and we will let the court decide whether an attorney in the case and a party in the case have the right to observe your demeanor.

THE WITNESS: I reject your characterization of the situation. I can see them; they must be able to see me. I see a number of positions in the room, next to you, for instance, in which I would be plainly visible, and I know of nothing in the Code of Civil Procedure that has any bearing whatsoever on the wearing of ski masks, makeup, the positioning of briefcases, or shape of the table. I think that's nonsense, and I think it is totally irrelevant to the taking of the deposition. I'm only here under duress. I'm here because you wanted my deposition. Here I am. I'm not here to have my clothes evaluated. I'm not here to have my briefcase critiqued. I'm here to have my deposition taken. You can take my deposition or you can find other uses for your time.

MR. BERMAN: I was only able to hear parts–

MS. NORRIS: I would like to say for the record that Mr. Black has positioned his briefcase, which is a rather large briefcase, on the table on his right side so that it reaches the level of approximately his nose. And at his right, the co-counsel for John Law, Mr. Berman, is seated; and further to his right, John Law, who is a party to this proceeding is seated. What they have thus far been unable to understand or hear all the plaintiffs testimony, and that they are unable to observe his face, and that it's my position that Mr. Black does not have the right to position himself in such a way that he cannot be observed by a party and the lawyer for a party in the case.

This is a large room with plenty of space for the briefcase, including an empty chair beside him where the briefcase could very comfortably be placed. And I will now let Mr. Berman say something for the record. Then we will suspend the proceedings.

MR. BERMAN: I've only been able thus far to hear approximately 30 to 50 percent of what the deponent has said, and I'm unable at all to observe his face and demeanor at trial. And I concur in the position taken by co-counsel that such a lack of vision deprives the defendants in this matter of the right to depose Mr. Black.

THE WITNESS : May I say that I'm seated in the seat which Miss Norris directed me to sit in. In my original position, diagonally from where I now sit, I was, I believe, by any standard, plainly visible in my entirety from the chest up, by all persons present in the room. I was directed to sit elsewhere. I am sitting where I was directed to sit. I can hear Mr. Berman clearly. I have heard every word spoken by every person in this room without a trace of difficulty. Mr. Berman's claim to the contrary, that he is unable to hear me, may reflect difficulties in his own audition, but does not reflect the positon of the furniture, myself, my briefcase, or my pencil. There's nothing further to be said.

MS. NORRIS: For the record, I would like to say one other thing. That is that I asked you to sit in that position. I did not or-

anaesthetized as its attackers. Let the dead bury the dead, I've got the dirt on all of them.

Graham calls me a "defender of pornography" because he cannot bear to deal with what I really am, a critic of feminism. Without saying so, Graham evidently supposes he is responding to my essay "Feminism as Fascism." As my real contentions are too painful to contemplate and represent a clear and present danger to impressionable anarchists, they cannot be mentioned at all, and others must be fabricated to conceal their absence. Thus Graham says I "treat pornography as a free speech issue." He's lying. This is what I said about that: "Not that I could care less about the porn-for-profit industry, for its 'rights' of free speech or property. That is beside the point, which is: why single out this species of business? To target porn bespeaks planning and priorities, not elemental anti-capitalist spontaneity. Those who carry out a calculated policy can't complain if their reasons are asked for, and questioned."

Like other puritans, Bob Graham is preoccupied with sex. Why else would he notice nothing in a 14-or-15 paragraph essay but the three paragraphs that deal with the Anti Pornogrcphy Movement? To paraphrase another sanctimonious male "anarcho"-feminist, Sam Wagar: "I'd like to suggest that you take a Valium, or several, do a few calming exercises, perhaps masturbate and then, fully relaxed, reflect on the fear that [a critique of 'radical'] feminism inspires in you." So help me, I didn't make up this pornography, a male feminist did.

Graham tells us that pornography is not an "abstract idea" but a "real social practice." Sure, porn is a "social practice." So is brunch. So what? "Social practice" and "lived reality" are trendy jargon borrowed from academic Marxism — the well of loneliness which syndicalists, feminists and other authoritarian anarchists draw from when, as so often, they come up dry. Sure, porn involves women's — and men's, but they don't count, do they? — "wage-slavery." So does waitressing. So what? Now that we're all agreed to oppose wage-labor in

rience the 21st Century he can go right ahead but if he expects to have much company he thinks anarchists are even stupider than I do.

It should be self-evident why, from a revolutionary point of view, one hundred publications with a circulation of one thousand are one hundred times better than one publication with a circulation of one hundred thousand. We warwith an authoritarian system. It seeks to centralize and organize its enemies — through political parties, trade unions, in any way — so as to monitor and manage them. It creates leaders and stars to simplify its control of incomplete, thus self-defeating dissent. Only a hydra-headed acephalous revolutionary current is too decentralized, dispersed and unpredictable to be brought to heel. By all means let Kolhoff coagulate the authoritarian right wing of anti-authoritarianism. Then the police will know where to find them and we will know whom to avoid. The wo rkerist pimple will come to a head to burst or be squeezed. To quote Ken Knabb (who surpassed himself this time) the revolution will then be just where we want it: out of control.

Pornography

Bob Graham's "Pornography" [Open Road], as he aptly denominates it, concisely illustrates the characteristics of anarchist ideology in its dotage: gratuitous insults, totemic deployment of cant phrases, willful falsification, and an obsession with the inconsequential. Thus I am the "Bob Hope of anarchism," one of several "defenders of pornography," this last placed in quotation marks as if I, or anyone Graham is arguing with, had ever used these words.

For all I know, the stupid doctrinaire fakers with whom Graham yokes me — the wheezy old fuddy-duddy Fred Woodworth and the workerist Steve Ellams, dinosaurs both — are "defenders of pornography." If so, they're as ideologically

der you to sit there. I asked you to sit there because the court reporter had set up her equipment at this end of the room and it's standard procedure in depositions to have the witness seated next to the court reporter in order that she may hear clearly everything that is said.

THE WITNESS: I'm sure you have your reasons. I just point out that I'm seated where you seated me.

MS. NORRIS: Well, I think at this point that we will suspend the proceedings until the court decides whether or not you have the right to sit in such a way that you can conceal your face from a party and an attorney of record, Mr. Berman.

MR. BERMAN: I'd like to consult briefly off the record.

[Discussion held off the record.]

MS. NORRIS: Mr. Berman has indicated his willingness to move to the opposite side of the table. Therefore, we will proceed and Mr. Berman and Mr. Law may choose whatever seats are available that give them a clear view of the witness.

Q: You stated, Mr. Black, that you never had your deposition taken before. Have you ever taken the deposition of any person in your capacity as an attorney?

A: No.

Q: To just summarize the deposition proceeding, it is a judicial proceeding. It is the giving of testimony under oath which will then be taken down by the reporter sitting next to you. It will be transcribed into a booklet which you will have the opportunity to review. You will have the opportunity to make any changes or corrections to your testimony. However, if you make any changes or corrections, or if you should later testify at trial in a way that seems to be contradictory to what you say today, the attorney in the case may comment on that fact. It is very important that all your answers be oral, rather than making gestures or nods, because the reporter cannot accurately take down nonoral communication.

If you do not understand my question, do not find it clear, please ask me or Mr. Berman to rephrase the question in such

a way that it will be understandable. If you do not know the answer to a question, you have the right to say that you don't know.

The deposition procedure is different from court testimony in a couple of ways. One is that we are here in an attorney's office, rather than in court, obviously. The other is that the rules of evidence for discovery are quite different from the rules of evidence for trial, as I'm sure you're aware, so that the scope of deposition questioning is much broader than that of the scope of trial questioning.

Do you have any questions about the procedure?

A: No.

Q: You understand the things I've just said?

A: Yes.

Q: Can you give me your residence address, please?

A: No, I object to that. I believe that's privileged under the right of privacy. I could say that I reside in San Francisco.

Q: Mr. Black, you're taking the position that the residence of a party who brought an action is privileged information and not discoverable by the adverse party?

A: I'm taking the position that it's irrelevant to the subject matter of the action, and also that it's privileged under the right of privacy. I also maintain that my personal safety would be endangered if I were to disclose that fact.

Q: On what do you base that particular statement?

A: I don't fell I have to base that on anything. Should you care to challenge my assertion of privacy, I will provide you the necessary facts. One witness in this case has already been the subject of a violent attack intended to intimidate her, apparently, and I do not intend that to happen to myself.

Q: Mr. Black, it's my understanding from court documents I've seen that in a lawsuit you have pending against one of Bill Graham's organizations, or two of them, that you raised a similar privilege with regard to the residence address of witnesses not parties; is that correct?

mate, Joe Normal who for some reason wants to know about anarchism — perhaps he was thinking of voting and wanted to make sure that he should — but finds only "lies" about deceased foreigners in the public library. Kolhoff insists that only a centralized authoritative organization can give Joe the answers he craves. So who's responsible for him even asking the questions? A chance encounter, a history course, a sermon at a punk show, it might be anything. Probably though it's one of the countles.s mini-publications of the marginals milieu which Joe is welcome to query, of course, for further details. Indeed, how did Kolhoff become an anarchist and why isn't that a good way for others to get into it?

Kolhoffremarks correctly that anarchist directories are not available at Dalton's. Two of them, however, came out without the benefit of any organization — one in his adopted home of San Francisco, the other in Vienna. I have seen publications out of Australia and elsewhere with extensive contact listings also. I am unaware of any anarchist organization which has done as much, or indeed done anything. If his dream-organization came into being, its directory, its publication would not be available at Dalton's either. So just exactly what is it good for?

Not for disseminating ideas. The motley of grouplets and publications and posterists do that already, as best they can. In calling for an anarcho-workerist federation Kolhoff displays his ignorance of the last time this was tried, in the mid-l 970's, it was called the Anarchist Communist Federation. Long ago I saw, via friends, its astoundingly turgid internal discussion disputations. The only quasi-practical thing the ACF ever did was found the newspaper Strike. 1 don't care for the rag, but it flourished until recently as an exemplary refutation of the organizationalism of its producers. At some point practice trumped doctrine and they noticed that the organizational affiliation only interfered with their project. To this day, burned-out vets of the ACF quarrel publicly — more than ten years after — about custody over a typewriter. If this is how Kolhoff wants to expe-

suburban avant hip students who take it for granted you can say anything to anybody. If Kolhoffused these manners in spouting his views in any blue-collar bar he'd be taken out, if lucky, on a stretcher, if unlucky with a sponge. Only people who talk too much like Kolhoff think talk is cheap.

The real import of an idiotic tag like "neo-individualism" is — again, in the Stalinist tradition — to divide a universe of discourse into Good/Bad, Us/Them. The only thing Kolhoffs targeted enemies have in common is that they don't agree with him. That they might, for all he knows, disagree even more profoundly with each other does not concern him. Except for avoiding the terminology his dassically Stalinist strategy is to exhume the residuary category of "objectively counterrevolutionary," or, as Jesus said, he who is not with Me is against Me.

An example of the kind of fraudulent tactics to be rendered painful is this quotation recounted by Kolhoff: "Organization itelf is evil in that it subjugates the individual ego to the collective will of the group. It suppresses the minority in favor of the majority." Appearing, as it does, in quotation marks, the naive reader, unversed in the ways of anarcho-Stalinism might assume that Kolhoff is quoting some unnamed representative spokesman for the viewpoint he disagrees with. Not sure if this is a real quotation I will, upon submission of documentary proof, eat my words (viz., a copy of my book The Abolition of Work and Other Essays, which is a Jellyful). This is the clumsiest forgery since the Protocols of the Elders of Zion. The allusion to the "individual ego" is intended to make the connection with "Stirnerism," unfortunately Kolhoff, having never read Stirner doesn't realize that, as an amoralist, Stirner or any Stirnerist wouldn't speak of anything as "evil." Checkmate, sucker.

The clumsy manipulation of anarchist catch-phrases can't conceal the utterly authoritarian ambitions of this know-it-all know-nothing. He clamors for a continental anarchist organization. Its rationale is obscure. Kolhoff has an imaginary play-

A: That's correct.

Q: And was that issue ever decided by the court in that case?

A: It was decided adversely to me by a commissioner who was unfamiliar with the decision of the Supreme Court and everything else pertinent to the subject.

MR. BERMAN: I didn't hear the name of that case?

THE WITNESS: Well, no, I'm not going to articulate legal argument. I'm not obliged to do that, but it was a case involving an assertion of the right of associational privacy on behalf of some of the members of a class regarding a class action suit against the construction of an airport, and in that case the names and addresses of those persons and their various organizational affiliations were held to be privileged under the right of privacy granted by the California constitution. So there are circumstance5 in which names and addresses of witnesses are privileged under the right of privacy, and I think that should it be necessary to do so, I could make a far more compelling case. Also, we have the common situation where the identity of informants and witnesses to crime are routinely protected for the precise reason I've raised. That is, the possible retaliation, intimidation.

MS. NORRIS: Before we go further with legal arguments, Mr. Black, in talking about the deposition procedure there was one thing which I forgot to mention.

Are you familiar with what litigation attorneys routinely call the "usual stipualtions" with regard to depositions?

A: Yes.

Q: Those are the stipulations set forth in the Code of Civil Procedure; is that correct?

A: Are they? I understand that they vary customarily from occasion to occasion.

Q: Well, I do not want to–

A: If you want me to enter into those stipulations, maybe you should enumerate what you consider them to be.

Q: What I will do is we will take a brief break and I will bring the Code of Civil Procedure sections to you so that you may review them and see if those stipulations are suitable. If they are not, the attorneys are allowed to enter into different stipulations. If they do not enter into different stipulations, those are the rules that govern the deposition, so I believe at this time we should take a short break because this is very relevant to the sequence of questions you refuse to answer and my certifying those questions to take them to court. So we will go off the record for a few minutes.

[Brief recess taken.]

MS. NORRIS: Let the record reflect that I am showing Mr. Black the Code of Civil Procedure, Section 203 4, and has to do with refusal or objection to have deponent answer questions or interrogatories or to obey subpoenas or orders, and that he has indicated he would like to review that section.

THE WITNESS: Actually, may the record reveal that I've indicated no interest in reviewing this particular section of the Code of Civil Procedure which I have read. I understood that I was to be–1 was to be shown Civil Procedure sections setting forth the so-called "usual stipulations." Is that here?

MS. NORRIS: That involves part of the usual stipulations, and I was going to go into another. We can discuss that if you are finished with your review of Section 2034.

THE WITNESS: There's nothing in the section — if you'd like to direct my attention to specifically what you're talking about?

MS. NORRIS: I was directing your attention to the initial part of the section which has to do with refusal to answer questions.

THE WITNESS: Yes, yes. I'm familiar with the section, and I'm not impressed.

MS. NORRIS: I was going to discuss regarding your refusal to answer questions. We can follow one of two procedures: we can actually have the reporter ask you the question and you

It is "not surprising," relates Kolhoff, that the resurgence of "individualism" corresponded to the reign of the "ignoble" Ronald Reagan. To paranoia Kolhoff adds narcissism. Becau:>e he grew up under Reagan he assigns to the Reagan epiwde apocalyptic importance, like the punk Chicken Littles who for eight years announced World War III for tomorrow — and don't miss the Dead Kennedys' gig the day after! Where are they now? Art school? Law school? Who knows? Reagan is the "most ignoble president" because Kolhoff doesn't know about the rest of them. One anarchist thought McKinley, for instance, was so ignoble that he murdered him. Kolhoff should investigate the likes of Andrew Johnson and Warren Harding before he flatters himself prematurely on the uniquely ignoble coming-of-age he's gone through. Personalizing presidential oppression is a lapse into liberalism. By demonizing the person you validate the office … the irresistible implication is that a good king would be different. I've watched presidents, like anarcho-militants, come and go. Personalities are secondary. They have a job to do and they do it. Leftist empire-building scum like Tim Yohannan and Jello Biafra trivialized what was authentic in punk rejectionism by canalizing it against figureheads in the most obvious way. And now they bitch about "skinheads"! Once you've been had by socialists like Yohannan and anarchists like Kolhoff, Nazism might start to look pretty good.

I come to bury Kolhuff-ing and -puffing, not to praise individualism, Stirnerism, neo-individualism, situationism or even my glorious self. I am less concerned to vindicate their honor than to check an ugly, stupid style and substance of doctrinal harangue. As I recently told another libelous leftist lout, Jeff Stein, You need a lesson in manners. He and Kolhoff, who boast of belonging to the working class — a sure sign that they don't, or don't plan to make a career of it-in fact behave like artsy-fartsy intellectuals whose verbal violence is commonplace among well-socialized middle-class

but it didn't. The situationists weren't anarchists, they were Marxists. Their political program was council communism, which is much closer to Kolhoffs own anarcho-syndicalism than it is to individualism. The Situationist International wasn't against organization, it was an organization. In all probability the French situationists knew nothing of American individualist anarchism. Their judgment on European collectivist anarchism was scathing enough:

> The anarchists, who distinguish themselves explicitly from the workers' movement by their ideological conviction, reproduce this separation of competances among themselves; they provide a terrain favorable to informal domination over all anarchist organizations by propagandists and defenders of their ideology, specialists who are in general more mediocre the more their intellectual activity consists of the repetition of certain definitive truths. Ideological respect for unanimity of decision has on the whole been favorable to the uncontrolled authority, within the organization itself, of specialists in freedom: and revolutionary anarchism expects the same type of unanimity from the liberated population, obtained by the same means.

Thus spake Guy Debord. His correlation of orthodoxy with mediocrity within the anarchist movement is acute; The Match, The Seditionist and Ideas Et Action are illustrative. But plainly these are the views of a hostile critic, not an anarchist. Kolhoffs "neo-individualism" is Stalin-style turd-slinging without a vestige of reality. Calling communalists like the Fifth Estate and myself "neo–individualisti" reincarnating 19th century anarcho-captitalism is even less true than Stalin calling Trotsky an agent of Wall Street and the Mikado, but the method is the same.

refuse to answer directly to the reporter. One of the usual stipulations among attorneys and parties in a deposition proceeding is that if I ask you the question, the questioning attorney asks you a question, and you refuse, it shall be deemed that the reporter has asked you, and I'm asking if you would prefer that we go through the procedure?

THE WITNESS: No, that's convenient.

MS. NORRIS: So you have no problem with that stipulation?

THEWITNESS: That's not in Section 2034, but that's convenient.

MS. NORRIS: Q: So you are refusing to provide your residence address; is that correct?

A: Yes, for the reasons stated.

MS. NORRIS: Would the reporter certify that question, please?

Q: Your residence phone?

A: The same. It is an unlisted phone for a reason.

Q: So you are refusing to give us your residence phone number?

A: It's not relevant to the subject matter of the action. It's privileged under the right of privacy.

MS. NORRIS: Would you certify that question?

Q: What is your business address?

A: 55 Sutter Street, No. 323, San Francisco, California 94104.

Q: Do you maintain an office at that address?

A: No.

Q: Do you receive mail at that address?

A: Yes.

Q: Do you pick up mail at that address every day?

A: I object. T1at's irrelevant to the subject.

Q: Mr. Black, since you are representing yourself, you are an attorney in this case as well as a party. It is important on some occasions that parties be served promptly and quickly. And if I serve something in a timely manner at that address, I wouldn't like to hear an objection that you weren't timely

served because you didn't pick up your mail until a week or more later. So for our own mutual benefit, I'm asking if you pick up your mail there fairly frequently.

A: Obviously, if I don't I fail to check it at my own risk, so your solicitude is, I feel, insincere and irrelevant.

Q: So–

A: May I say for the record that unless at some point soon in these proceedings I hear one question which actually related to the issues in this case, I will suspend the proceedings on the grounds that they are being maintained for the purpose of harrassment to obtain information irrelevant to the case but relevant to the further intimidation of myself and witnesses such as has already taken place. I really want to hear something that has to do with this lawsuit.

MS. NORRIS: Mr. Black, I think the courts are very unanimous in that feeling that ordinary interrogations on parties to a lawsuit is relevant at trial and during discovery, for sure.

Q: What is your business phone?

A: I have no business phone. I have an answering service.

Q: And that is the number that's listed on your pleadings?

A: Yes.

Q: What is your date of birth?

A: January 4, 1951.

Q: And your place of birth?

A: Detroit, Michigan.

Q: And where did you graduate from high school?

A: From where?

Q: High school?

A: Oak Park High School in Oak Park, Michigan.

Q: And what year was that?

A: 1969.

Q: And where did you attend college?

A: At the University of Michigan.

Q: And did you graduate from the University of Michigan?

A: Yes.

along with that until it was too late. They had all the "guarantees" you could ask for, but if paper guarantees were enough the United States would be, in some sense, a free country.

Curious how our unscrupulous moralist Kolhoff selectively embraces Marxist might-makes-right determinism to dismiss his individualist enemies as has-been's even as he bemoans the same treatment (the silent treatment) meted out to his heroes. When it happens to his rivals it's the judgment of history from which there is no appeal. When it happens to his idols (or to him!) it's an Establishment conspiracy whose very repressiveness confirms the world-historical subversiveness of their dangerous doctines. Believe it, man.

Kolhoffs history of anarchism recalls Mel Brooks' History of the World, but Brooks has a sense of humor where Kolhoff ha 5 only an axe to grind. Kolhoff is, to borrow a term of abuse from the historians, "present-minded." He writes to further a present-day program. At first glance it is a mystery why Kolhoff should bother to discredit individualist anarchism at all, since its contemporary exponents with rare exceptions play no part in what Kolhoff considers to be the anarchist or anti-authoritarian movement. To find them you have to search out places like the Libertarian Party where Kolhoff wouldn't even think of looking. With the rarest of exceptions (Sam Konkin, Mike Hoy) the laissez-faire anarchists have no more interest in dialog with leftists like Kolhoffthan he has in dialog with them. Why bother with them or their ancestors?

For one reason and one reason alone: to discredit unorthodox anarchists by assigning them an unsavory pedigree. Going Christianity one worse, he visits the sins of the fathers on somebody else's children. His critique of anarchist hetendoxy has all the intellectual content of saying "Yo mama!" to another schoolkid. It'd be diversionary bullshit even if it were true.

But it isn't true. According to Kolhoff, in the 1980's "individualistic anarchism, via France and the Situationists, shcuild find a renaissance." Maybe it should and maybe it shouldn't,

"Individualist" is a Stalinist, not an anarchist epithet. Kolhoff defames historical "individualists" but blatantly hasn't natl any of them. He speaks of Stirner's ideas "commingling freely" (this is bad?) with those of the Founding Fa1hers, which is funny since Stirner's ideas received not even a minimal American airing until the 1880's and his amoralism is very much against the grain of the Protestant natural-rights moralism of the Americanradical tradition. Anarcho-leftists like Kolhoffs allies at The Match (Fred Woodworth, Chaz Bufe) are the most conspicuous contemporary examples of this kind of blackwashed religiosity. But speaking, or rather misspeaking of Stimer, Kolhoff condemns as "Stimerism in its purest form" the denial of "the need for ANY organization of ANY kind." Of course a Stimerist, were there any, wouldn't espouse Stirnerism lest it inhibit his freedom of action. But Stimer wasn't against all organization. He favored a flexible "Union of Egoists" for mutual self-help for just so long (and no longer) as it suited any egoist to deal with it. The point is not the adequacy of this conception but the inaccuracy of Kolhoffs invective.

Individualist anarchism, according to Kolhoff, "died" upon contact with the Industrial Revolution. That's chronologically nonsense since Tucker, Spooner, Walker and friends were agitating in the thick of industrialism. If individualist anarchism "died" before World War I then collectivist anarchism died right after it. In both cases the tendencies didn't disappear but dwindled into invisibility. There was nothing exceptionally American about this; worldwide the upsurge in government repression and Communist Party pseudo-revolutionism marginalized the anarchists. Anarcho-syndicalists like Kolhoff mostly converted to Communism or Fascism. In Spain, the only important exception, the anarchist leadership, sitting atop the kind of "all-inclusive organization" Kolhoff calls for, were so far irresponsible to those they were formally answerable to that they entered the government and got their dazed followers to go

Q: What year was that?

A: 1973.

Q: Where did you graduate from law school?

A: Georgetown.

Q: That's in Washington, D.C.?

A: Yes.

Q: And what year did you graduate from law school?

A: 1977.

Q: You've stated that you are a member of the Bar in California. Have you ever been admitted to the Bar of any other state?

A: No.

Q: When were you admitted to California?

A.: I — January 5, 1978.

Q: And since January 5, 1978, have you been practicing law in the state of California?

A: No, I didn't live in the state of California since being admitted to the Bar till September of 1978.

Q: When you moved to California, you moved to the San Francisco area?

A: Yes, I moved to San Francisco.

Q: And since September 1978 have you been practicing law in the state of California?

A: Occasionally.

Q: What do you mean by occasionally?

A: Just what I said. For the most part, I haven't subsisted by the practice of law. Mostly, I've done research for attorneys.

Q: On a freelance, independent contractor basis.

A: Out here, yes. I was associated with a company for a while in which some question arose as to whether I was a contractor or an employee, Jurisearch, which is now out of business.

Q: How do you spell that first word?

A: They spelled it J-u-r-i-s-e-a-r-c-h.

Q: When did you work for them?

A: If I was working for them, I started to do so, I believe, around October of 1979, I believe it was.

Q: Okay. And for how long a period did you do legal reseach for them, in one way or another, whether you were independent or —

A: Until November of 1980 when they went out of business.

Q: And they were located in San Francisco?

A: Yes.

Q: When you say that you occasionally have practiced law, that is in the sense of representing particular clients, approximately how many clients have you had since September of 1978?

A: I — a handful, very few.

Q: Fewer than ten?

A: Yes, and very few who paid me. Very few of them were asked to pay me.

Q: Would you say it was fewer than five?

A: No, it's somewhere in the middle, in the neighborhood of five, maybe.

Q: And most of them did not — you did not charge them for your services?

A: No.

Q: Between September, 1978, and October, 1979, did you do legal research for pay for anyone during that period?

A: Between which dates?

Q: September of 1978 and October of 1979?

A: I was entirely unemployed until approximately January or February of 1979. Then I commenced freelance legal research for various people.

Q: And from January or February of 1979 until October of 1979, were you doing legal research for various people during most of that period?

A: Yes.

Q: Okay. Were you doing it on a full-time, eight hour-day basis?

"the pioneers" would have relished the writi1gs of Warren, Tucker and Thoreau when they weren't busy butchering Indians. If he were literate he'd know most of them were too, more often than not without the benefit of compulsory and/or state schooling, a detail you'd think an anarchist might think interesting if the anarchist were interested in thinking. As Joe Braun explained in Black Eye, nothing was more foreign to the native American anarchists than colonialism and imperialism. With anachronism born of ignorance Kolhoff ascribes "rugged individualism" to the Founding Fathers although even the word "individualism" didn't enter the language until 1827. Of course it's easier to live in the past, as Kolhoff does, if you know nothing about it.

Not that Kolhoffs ignorance is confined to general history: it extends to the history of anarchism itself. He speaks of "anarchist theory from the earliest writings of Proudhon." Proudhon's earliest writings weren't anarchist; more important, the earliest anarchist writing is by William Godwin, the kind of "individualist" Kolhoff denounces. Kolhoff approves Proudhon, opposes Warren. Doesn't he know the "individualist" Warren is ideologically indistinguishable from the "mutualist" Proudhon? Doesn't he know that the "individualist" Tuckerwas the translator and firstpublisher of Proudhon's What is Property? and System of Economical Contradictions? That Tucker defended the Haymarket anarchists when the collectivist Most repudiated them, receiving for his gutlessness a horse-whipping from Emma Goldman? That the "individualist" Joe Labadie was a union activist? Fer Kolhoff all these isms are fossilized, but in the 19th century "individualists" like Tucker referred to themsdves as socialists and interacted intellectually and practically with Fourierists, feminists, atheists, Marxists and all kinds of radicals. The collectivists Kolhoff venerates, like Goldman and Berkman, never anathematized individualists as he does.

inclusive" (you must enlist) yet dogmatic (you must agree) Anarchist Church. He aspired to turn the 1989 anarchist gathering in San Francisco into an anarcho-fundamentalist constitutional convention. His thinly veiled threats against the Fifth Estate were designed to discourage the attendance of the unorthodox. The "various voices" Kolhoff, like other paranoids, thinks he hears all emanate from the same ventriloquist — himself. But most of us know a dummy when we see (and hear) one.

Kolhoff, perceiving "resistance" to his scheme — disdain is more like it — announces that his enemies have failed to justify their existence. As if they needed to, as if there is any higher justification than standing up to a bully. Kolhoff, who has a tenuous hold on the English language, has even called me a bully just because I write better than he does. When he isn't slinging mud gra1uitously he whines when people he calls "fascist" teach him painful history lessons. For 15 years I've seen his sort come and go, rapidly, but not rapidly enough. This campus Canute demands more agreement among anarchists than he gets between his subjects and verbs. This champion of "organizing anarchists" is on his second one-man organization he can't get anybody else to join. He might recruit more anarchists if he joined the Republican Party.

Falsification of the past is, as Orwell understood, one path to power in the present. To this end Kolhoff recounts a history of American anarchism which it would be too charitable to excuse as a sad commentary on the American university system. Kolhoff frets over suppositious books in the Omaha public library telling "lies" about the Spanish Civil War — no doubt he'd like to burn them — but the only lesson in lying he needs is how to get away with it.

Kolhoffs anti-American self-hatred estranges him from the working class as well as his own ideological heritage. With no idea where he's coming from, no wonder he hasn't the foggiest where he's going or why nobody else is going along with him. "If they had been literate," he conjectures,

A: No, rarely on a full-time basis.

Q: Can you tell me approximately how much money you earned during that period, January, February of 1979 to October of 1979?

A: No, I couldn't. You should have let me know in advance. It would have been a few thousand dollars.

Q: Would you have records that would reflect how much you earned during that period?

A: I'd have tax returns.

Q: How much did you earn when you worked for Jurisearch, either as a contractor or an employee?

A: Not much.

Q: During the period October 1979 to November 1980, would you have any estimate of how much you made at Jurisearch?

A: From when to when?

Q: You said you worked for them from October 1979 November of 1980?

A: No, it would be four figures, that's about all I can say for sure. I have that information.

Q: You have the information somewhere?

A: I should.

Q: Since November of 1980 have you done legal research for anyone?

A: Yes.

Q: Has that been for various people?

A: Several.

Q: Several people.

A: For most of that period of time I wasn't working. I was on unemployment compensation. That is the context in which the contract employee question was — so I was receiving unemployment compensation until June of this year. Since then, I have done some research for a number of lawyers.

Q: So basically, between November 1980 and June 1981 you didn't do legal research for anyone, if I'm understanding you correctly.

A: That's correct.

Q: Okay. And since June, this summer, you have been doing some legal research?

A: A little, very little.

Q: Since June of this year for whom have you done legal research?

A: I think the names of my customers are probably privileged. I think that is perhaps a trade secret encompassed by some sort of privilege — and I fail to see the relevance of this subject matter.

Q: Can you tell me how much you've earned since June of 1981 from legal research?

A: I could fired out. I probably couldn't tell you. I would have to check and see. There were periods when I would be making some money and periods when I was making nothing.

Q: No, as far as I'm concerned, Mr. Black, you are — the people for whom you've done legal research either as an employee or as an independent contractor is very relevant, since you're claiming damages in your profession. And we haw the right to subpoena records from those people, and I am quite interested in knowing for whom you have worked besides Jurisearch, and was planning to ask you the names of all the persons or firms that you worked for that you could recall.

Now, maybe we can put that in one blanket question if you're going to object to that. I am asking you now if you will give me the names of all persons or firms or companies for whom you have done legal type work of any kind, including legal research, since September, 1978?

A: No, I think that's irrelevant to the subject matter in the action and privileged for the reason I've stated. Also, I feel that you're going to contact people whom I may wish to work for again, and since there's been a great deal of terrorism directed

Thus essentially the same story has appeared in the right-wing Hearst-owned San Francisco Examiner, the left-liberal Mother Jones and Media/File and East Bay Express, the Orlando (FL) Sentinel, the technophile PC Magazine and Science for the People, and the "anarchist" The Match! These media businesses stick together. PW blandishments, bullying and bullshitting have for years reduced all the major antiauthoritarian publications to silence — in notably the Fifth Estate and the (not-very-) ex-Leninists at Kick It Over. Surely anything that all these publications approve or ignore must be suspect.

If anti-authoritarians can't put their own house in order they can expect it to be stoned by people who don't live in glass houses. If anti-authoritarians cannot recognize rampant and rabid authoritarianism when they see it masquerading as a part of their milieu, who can blame ordinary people for declining to abolish capital and the state on their say-so? Huey Long said we could have fascism in the United States so long as it was called something else. Some anti-authoritarians accept businessmen and brownshirts as comrades provided they say the magic words "anti-authoritarian" and make token obeisance to their totems. The duck may come down but don't count on collecting one hundred dollars. The pathology of ideologues is to mistake words for reality, a blunder at the basis of PW's ascendancy. Not only is there No Middle Ground, there is no middle ground any more. Plague-on-both-your-houses landlords are infected themselves. Cop-outs are aiding the cops. If the milieu cannot rid itself of rackets like Processed World, only fools will ever adhere to it — as too many already have.

The call of the wild(e)

Behold Michael Kolhoff, the latest leftist world saver on the anarchist scene. He hears voices, and they of course say what he wants to hear. He wants to hear a "growing call" for an "all-

predominantly favorable letter to PW, criticized Athanasiou's open espousal in its first issue of the state, the factory system and the high technology he has promoted in PWs pages ever since. Much to Kane's surprise, which unfortunately he didn't publicize at the time when it might have nipped this thuggery in the bud, Kane was told by Carlsson and Manning, employing the Mutt-and-Jeff technique, that for his own safety, they couldn't possibly print his letter.

Subsequent innovations include harassing nut-calls (also hang-up calls), street harassment, knowingly false agent-baiting and punitive persecution of uninvolved third parties (friends, lovers, parents) associated with PWs imputed enemies. Nor before PW has anyone taken this fracas out of the vaguely radical ghetto to smear PWs enemies — mainly myself — as PW has, as a "local lunatic" (PC Magazine), a "sociopath" (Media/File), a source of "vicious" criticism (East Bay Express). The source of the latter dismissal — my rejoinder was suppressed — was PW Marcy Damovsky, reviewing a magazine, PW, which (as she didn't mention) she wrote for. Damovsky, fomerly Athanasiou's girl friend, followed in Manning's footsteps by repairing to Nicaragua to place her computer expertise at the disposal of the Nicaraguan government.

Fourth, as noted, PW makes resort to the state and the law a part of its arsenal. Since PW has the money to pay big lawyer bills and the credibility, as a business, to call for police protection, it can put cops and lawyers to work for it. PW actually has at least one ally employed by the San Francisco Police Department, a detective and old enemy of mine, Jayson Wechter. This dick furnished derogatory dirt on me — a letter from the late policeman Gary Warne — which the PWs circulate. The Force is with them and they are with the Force.

The PW's have managed other media with extraordinary success. Except for "Circle-A Deceit," all reviews are uncritical and favorable, regardless of the publications' ideological bent.

against my side in this case already, I don't intend to permit any of them to help.

Q: So you are refusing to provide names of ——

A: My customers.

Q: — your customers, people for whom you've done legal work of any sort?

A: Yes.

Q: Besides Jurisearch, which you've told us; is that correct?

A: Yes.

MS. NORRIS: Would you certify that question, please?

Q: Now, since you moved to California in September of 1978, have you had any employment that was totally unrelated to law, unrelated to the fact that you have a law degree?

A: No.

Q: Have you ever, since you moved to California, applied for a regular job as an employee of any law firm?

A: Yes, frequently.

Q: You have? Have you ever received any offers to be a regular employee of a law firm?

A: No.

Q: I have read one law article that you wrote, Mr. Black, that was published in the Hastings Law Journal, the California Offensive Personality Statute. Have you written any other law review articles which were published?

A: Yes, two others.

Q: And two others? Can you tell me when and where they were published?

A: If I can reflect — the first appeared in the University of Detroit Journal of Urban Law in, I believe it finally appeared in 1978 sometime, and was entitled "Obscenity and Freedom of Expression in Michigan."

And more recently, earlier this year, an article entitled "Legal Problems of Surrogate Motherhood," was published in the New England Law Review.

Q: You've represented yourself in other litigation besides this case, haven't you, Mr. Black?

A: I've brought a couple of lawsuits.

Q: You have a lawsuit pending against Mr. Abbott?

A: Yes.

0: And does that involve a dispute over money that you contend he owes you for legal research?

A: Yes.

Q: Has that case been resolved?

A: No. The last I heard, he had obtained an extension of time in which to answer.

Q: You have an action pending against certain enterprises that h:ive the name Bill Graham in the title is that correct?

A: Yes.

Q: And is that case still pending?

A: Still pending.

Q: At one point you had an action against San Francisco Residence Club, or the people doing business at the San Francisco Residence Club; is that action still pending?

A: No, that was settled.

Q: At one time you had an action against Trinity Properties; is that correct?

A: Yes, that was settled also.

Q: Do you have an action pending against Environmental Science?

A: I have a default judgment against Environmental Science.

Q: So you have filed an action and taken a default?

A: In Small Claims court, yes.

Q: Have you been involved in any other litigation on your own behalf?

A: I think that's about it, unless I've overlooked something.

Q: Do you know Gary Warne?

A: I object on the ground that the answer might tend to incriminate me.

I am not a paragon, and I am not incapable of mistakes, but the cop-outs who would equate me with PW overlook (as they very well know) several things. First, (and if this is not yet clear, there is no point proceeding with the rest) massive, Stalin-school lying — about its bosses, its purposes, its actions -is fundamental to the PW project. The PWs can be proven from their own documents to lie on a staggering scale. No one has ever proved that I lied about (that is, knowingly falsfied) anything whatever, whereas PW plainly piles lie on lie or, as I wrote in 1983, "pyramids its prevarications." We are talking dozens. scorees of lies, not incidental errors or impulsive insults.

Second, PW aspires to and has actually acquired a modicum of political power, whereas the whole course of my conduct in my seven years in the Bay area was antithetical to my (or anyone's) acquiring any power whatever. The PW s insinuate themselves into political and business organizations literally right and left. Their 1984 "End of the World's Fair" spectacle, cosponsored by It's About Times, the Abalone Alliance Quaker-funded newspaper they control (via the PWs Cornford, Marcy Damovsky and Steve Stallone), by CISPES, by the Livermore Action Group and other leftists should have signalled the media clout they wield. There is also their editorial hegemony, on any story that touches on them, over the hip-liberal Media/File and EastBay Express. On the other hand, rogue publications, encroaching on PW leftist-"anti-authoritarian" turf must comply or die. No Middle Ground was plugged in to PW when it carried Caitlin Manning's endorsement of the Sandinista dictatorship. When it finally published a rather tepid rebuttal by ex-PW Sally Frye, PW not only stopped mentioning NoMiddle Ground but pulled out its agents (Tom Wetzel, Chris Winks, Chaz Bufe) and effectively extinguished the magazine.

Third, PW has pioneered stormtrooper tactics hitherto unknown to the local milieu. The violent threats actually commenced four years ago when Brian Kane, toward the end of a

for the simple reason that the state does not exhaust the ensemble of oppressive rules, roles, institutions and authorities. I am not aware that anarchists whose houses are on fire are any slower than anyone else to call the fire department, much as we all bemoan the supplanting of volunteer fire departments with semi-military uniformed professional state formations. I rarely eat food which is not a commodity produced for profit by agri-business, but I would rather not starve to death to bear witness against this deplorable way to assure subsistence.

Had local "anarchists" (if there were any) and antiauthoritarians in the Bay Area acted decisively to expose and contain the PW machine, things would have been very different. But some were technologically addicted to PW s means of production and others preferred not to incur PW persecution. Many were new to the scene — the milieu is a sort of cynicalization machine, sucking in peace-punks and other idealists at one end and excreting most of them as burnouts a few months later — and knew nothing of PWs history and purposes, nor did they care to find out.

Unfortunately, the usual response of PW inductees is to drop out quietly in hopes of avoiding abuse — hopes not always fulfilled — while fellow travelers try inconspicuously to ease out of PW-controlled situations without being tagged as defectors. They don't get together with others like themselves to arrive at a common base of experience from which to derive consensual practical conclusions. This is only one reason why their frantic, Stakhanovist "if it's Tuesday, this must be Livermore"' activism is not an engagement with, but an evasion of, the system they pretend to oppose. There are forms of opposition that take far more courage than does ceremonial submission to stylized arrest. These require knowledge, initiative and honesty, qualities nearly unknown in an all-too-hip city where a circle-A button is almost a prerequisite to getting laid by anyone with cool.

Q: Might tend to incriminate you?

A: I think you heard me.

Q: You're refusing to answer that question?

A: On that ground, yes.

MS. NORRIS: Could you certify that question, please?

Q: Do you know a Bill Kostura?

A: I have to object to that question of the ground that its answer might tend to incriminate me.

Q: You're refusing to answer that question?

A: Yes.

MS. NORRIS: Would you certify that question, please?

Q: Do you know, or did you know before today when you walked in, a man named John Law?

A: Again, I would refuse to answer that question with the same objection. Decline to answer inasmuch as it might tend to incriminate me.

Q: So you're refusing to answer that question?

A: Yes.

MS. NORRIS: Would you certify that question, please?

Q: Do you know a woman named Carrie Sealine?

A: Yes.

Q: Do you k:10w her address?

A: Yes.

Q: Home address?

A: Yes.

Q: What is her home address?

A: It is 355 Banks Street.

Q: Is Carrie Sealine a third party to whom you refer in your Complaint in this action as to someone to whom John Law allegedly made a certain statement regarding the episode of putting glue in locks?

A: Yes.

Q: Your Conplaint refers to third parties in the plural. Are there any other persons to whom you contend John Law made the statement that you're complaining of?

A: I have no personal knowledge of the making of any statements. This is on hearsay. I'm informed that there were other persons present in the house. I'm not certain whether they heard the statement.

Q: All right. You've been informed that there were other persons in the house. Can you identify the other persons whom you were told: were in the house?

A: No, I'm not sure. I believe it was one or both of her roommates, and possible there were guests. I understand there were lots of people over there. I can identify the roommates, but I don't want to say for certain that they were present at the time. I'm not the one to ask.

MR. BERMAN: I didn't hear your answer — didn't hear the last part of your lanswer?

THE WITNESS: I'm not the one to ask.

MS. NORRIS: Q: Well, obviously there are other people we can ask, too, but since you made an allegation, I would like to know the basis for your allegation, and hearsay is quite admissible here for the purposes of this proceeding.

A: I'm just explaining why — I'm not sure exactly who was there.

Q: Did anyone tell you that Ted Sanderson was there that day?

A: That's what — I can't say. The two people who live in that house are Theodore Sanderson and Henry Pietrofitta but I don't, offhand, know which one or the other or both of them were there. Somebody was there,

I know.

Q: Okay. You know Carrie Sealine was there, and you know that some other people were there. You don't know exactly who; is that correct?

A: No, I believe I have notes reflecting that, but I don't have them with me.

Q: Do you know a person named Jayson Wechter?

the two vent their wrath but as usual failed to act one way or the other, the posture — prone — they maintain to this day.

The PW word-processor churned out a "Public Warning Against Bob Black" designed to get me excluded from the pages of the SRAFBull and excommunicated from the anarchist milieu the PWs have insulted in print and in private for years. I must say that I have come to share their contempt. Manning claimed that I had made a telephoned death-threat unless PW stopped calling me a police snitch and harassing my friends. As PW played "police snitch" itself by reporting this claim to the police, for legal reasons I cannot comment on it except to remark that, at worst, it would have been no more than PW deserved for its own threats and nut-calls. Indeed, the worst things PW has ever accused me of doing invariably were committed by the PWs first and, usually, in worse forms. I would never use the family and friends of the PWs as hostages the way they have used mine. I would never do what PW did in November, the night of the attempted attentat outside my apartment, when a female caller (Manning?) falsely informed my aged parents in Michigan that I had been hospitalized, where upon they frantically phoned every hospital in the Bay Area in an effort to find me. My father, then 70 years old, has a pacemaker. PW could have killed him.

When, in October 1984, I belatedly learned that PW had tried to get me arrested, I decided to let PW try its state friends on for size if it was so keen on law and order. I have a "no first use" policy with respect to the state, but the state is an ugly fact of life and I will not disable myself from using it on those who have first used it on me. Any other policy, anarchopurism to the contrary notwithstanding, is an open invitation to statists to do their worst and get away with it. I value myself, my friends and my projects over any ideology, including so ineffectual a one as anarchism.

Doubtless any recourse whatsoever to the state reinforces it. While that is a weighty consideration, it is not conclusive

ther -and responded to this attempt to exclude me from unmediated expression by disposing of flyers posted by the PWs and their leftist allies advertising a PW front-event, the End of the World's Fair (May 1984). I was willing to leave it at that; not so the Troika.

Aside from renewed (and admitted) trashing of my flyers, the PWs began to harass, on the phone and on the street, individuals they associated with me. Donna Kossy, a graphics contributor (as the "Out of Kontrol Data Institute") and PW mainstay for half the project's duration, bore the brunt of the crank calls and street confrontations because she was the one I stayed with that summer. Sally Frye, already in the doghouse for writing the then-unpublished rejoinder to Manning, was targeted for having told me about the No Middle Ground meeting which the PWs had for once failed to bully into quashing criticism of their ideas and actions.

These persecutions of innocent third parties incensed me, as did my discovery that the PWs were writing "police snitch" next to my name on posted copies of "Circle-A-Deceit." This was a de facto violent threat, neither the first nor the last the PWs have produced to squelch unruly critics. Four years ago Carlsson and Manning threatened Brian Kane with bodily harm at the hands of their enforcer Tom Athanasiou for writing a predominantly positive letter to PW (never published) which, however, criticized Athanasiou's explicit endorsement of the state and the factory system in the magazine's first issue. In November 1984, after PW finally tracked down where I lived and worked, I received death threats at both places given credence by the attempt to jump me on the street undertaken by the PWs Athanasiou and "Zoe Noe."

In September 1984, Cornford and Manning hijacked a meeting of the ostensibly "anarchist" Bound Together Book Collective to demand my outlawry from the antiauthoritarian milieu, this short weeks before Carlsson and Manning threatened to snitch on Sally Frye. These bewildered, passive paralytics let

A: I object on the ground that the answer might tend to incriminate me.

MS. NORRIS: Please certify the question.

[MS. NORRIS hereupon asked THE WITNESS whether and in what circumstances he knew twelve persons whom THE WITNESS supposed to have been present at the Gorilla Grotto's bankruptcy bash. In one case — his assailant Joe Weiristein, who ineffectually Maced THE WITNESS — THE WITNESS objected on grounds of selfincrimination and the question was certified.]

Q: Someone named Judy Hait, H-a-i-t?

A: Yes, I've met someone by that name…

Q: Do you know her occupation?

A: Not now, no.

Q: Do you know her former occupation for her?

A: I understand she used to manage a cafe.

Q: What was the name of the cafe?

A: I believe it was called the Gorilla Grotto…

[The Witness did not know five more Grotto slugs Ms. Norris asked about. — Author.]

Q: Do you consider yourself an anarchist?

A: I object to that of the ground that it is irrelevant to the subject matter of the action, and that it's — my political opinions are privileged under the First Amendment.

Q: So you're reusing to answer that question?

A: Yes.

MS. NORRIS: Certify the question, please.

Q: Without answering the previous question, could you define for me what you consider an anarchist to be, in general?

A: I object to that as totally irrelevant to the subject matter of the action, and my opinions as to what anarchism or monarchism might be couldn't have less to do with this case.

MS. NORRIS: Would you certify the question?

THE WITNESS: May I say for the record that this line of questioning continuing much longer would result in the im-

mediate suspension of this session. There will be no fishing expedition in politics today. Forget it.

MS. NORRIS: Well, Mr. Black, we obviously have a difference of opinion which will have to be decided by the court about discovery in this case. My position is that the statement which was allegedly made arose from a dispute that occurred some months before and an entire series of events. One of the affirmative defenses which we have set forth in our answers is that the statement, if made, was true. Now that is a standard defense and an established case, and it is a defense we

have interposed in this case, and therefore it's at issue whether or not the statement made was true.

Now, the truth of the statement or the nontruth of the statement, whether or not the statement was made, but the truth or untruth of the statement is involved with a long series of events, and not just with what happened on April 7, 1981. So we have different opinions about the scope of this discovery and what is relevant, and we're obviously going to be taking up a number of matters with the court.

I'm just stating my position for the record at this time so you are refusing to —

A: I haven't heard a question relating to the proffered defense of I hear questions relating to my politics. To that, I object.

MS. NORRIS: Well, we are, I think, quite possibly concerned with your politics more than we are concerned about the truth of the statement that was allegedly made. At any rate, just for the record, you are refusing to define the term "anarchism," is that correct?

A: I am.

MS. NORRIS: And you'll certify that question, please.

Q: Then I take it, you would refuse to answer any questions regarding any anarchist organization or activities that you might have engaged in at any time in the last five years?

so engenders imperialism, so PWs managers can never rest but must secure spectacular publicity from other media and, :hese being finite, they can't afford to be choosy.

By now the PWs have their song-and-dance down pat. They know the performance that elicits the canonical feature story from every publication from the rightwing San Francisco Examiner to the left-liberal Mother Jones to the "anarchist" Match, not to mention the computer glossies and the other outlets they control or have connections to like Media/File, It's About Times and Ideas and Acrion (the hobby-horse of PW tool Tom Wetzel). Sometimes people have second thoughts about who the PWs are and what they want, and at this point an organization which works the system systematically suddenly clamps on a security lid and denounces anyone who brings up embarassing facts as a "police snitch." But the more people they process, the more people there are who know the score. PW has become the dupe of its own demonology if it supposes that disposing of me, for instance, will do anything more than put off the inevitable, its sputtering-out when, as in Death of a Salesman, you put on a smile and they don't smile back any more.

PW stupidly escalated its campaign against its critics in August 1984. Returning from one of her international sojourns, Caitlin Manning discovered (she reports) a SRAFBull recounting her attempt to suppress an article in No Middle Ground which was critical of Manning's support for the "benevolent dictatorship" of the Sandinistas. She also found a poster version of "Circle-A Deceit" decorating what she called herHaight-Ashbury neighborhood. They and a larger number of other flyers a narcissist wouldn't notice were only there and not elsewhere because a misfortune obliged me to live in the Haight myself that summer.

Postering has been my main political activity since 1977, and I'm damned if I'll suspend it to accomodate some supersensitive Leninis1 liar. Already some months before I caught Adam Cornford trashing a flyer of mine — not about PW, ei-

a travelog in the supposedly "antiauthoritarian" magazine No Middle Ground which openly sided with the Sandinista "benevolent dictatorship" (her phrase). She characterised anti-authoritarian critics of the regime as "rabid." A year later, when Sally Frye (an ex-PVV) published a rebuttal, the Troika banished her and another crazy, Kevin Keating, from the PW office where NMG meetings were held and the magazine produced. Carlsson and Manning both threatened to call the police to arrest Frye as a trespasser, but she called their bluff. Having used NMG for their own ends, the PWs in effect destroyed the publication once it had served its purpose -a point for "free speech" supporters of PW to ponder.

In late 1983, unknown to any of those impugned, PW circulated a Carlsson essay intended to explain away the by-then-numerous contingent of PW dropouts. "Cabins" intoned that it was "impossible to generalize" about the motives of the defectors, but what he found impossible is easy enough even for a reader obliged to follow his winners' history of the facts. As he proves in spite of himself, all the ex-PWs criticized PWs failure to address political differences within the group. Although I am not an ex-PW, Carlsson also took the opportunity to malign me as a dangerous psychotic unworthy of being taken seriously. The Troika's long-term solution to the problem of political differences was to get rid of everyone who differed with them. The same strategy was extended to outside critics and, when it became dear that this implied their economic ruin or physical incapacitation, that was what was attempted.

The contradiction which bedevils PWs dialecticians is the impossibility of eliciting publicity while concealing their origins and purposes. Those who catch on drop out or drift away, boredom sets in as each issue of a magazine usually read at first for its novelty value rehashes all the others, and so there is a high attrition rate among PWs producers and consumers which reinforces the recruitment dynamic which is essential to its political strategy. As capitalism must expand or expire and

A: I will refuse to answer questions about any political organizations or activities I have been engaged in at any time.

MS. NORRIS: Will you certify that question, please?

Q: Have you been engaged during the last year, Mr. Black, in any publications under the name "The Last International?"

A: I object to that question as irrelevant to the subject matter of the action and infringement of my right of associational privacy, political speech guaranteed by the First Amendment

MS. NORRIS: Certify that question, please.

Q: Have you ever seen — this is a copy of a leaflet or poster. Have you ever seen that before? ["Rock Against Men."]

A: Yes.

Q: Did you have anything to do with distributing this poster?

A: I object to the question as irrelevant and tending to infringement of my First Amendment rights to political expression and associational privacy.

Q: MS. NORRIS: Certify the question, please.

And I'd like to have this copy marked as Exhibit A, Defendant's Exhibit A. [Poster was marked Defendant's Exhibit A for identification.]

MS. NORRIS: Where have you seen the leaflet or poster before?

A: I object to that question on the same grounds. It is irrelevant. It would tend to infringe my political associational rights under the First Amendment.

MS. NORRIS: Certify the question, please.

Q: During the last 12 months have you ever done any speaking engagement?

A: The last 12 months? Offhand, I don't recall.

Q: What abut the last 24 months? during that period of time have you done any speaking engagements?

A: Yes, I think I have.

Q: Okay. Have you ever spoken at the Gorilla Grotto?

A: I object to that question as irrelevant and tending to incriminate me.

MS. NORRIS: Certify the answer, please.

Q: Have you ever spoken, in the last two years, at any gatherings where you advocated the position that people should not work?

A: I object to that question as irrelevant and as tending to infringe my political associational privacy rights.

MS. NORRIS: Certify the question, please.

Q: Have you ever been at a cafe or a bookstore called Gorilla Grotto?

A: Object to that question as irrelevant and tending to incriminate me, and as tending to infringe my political associational rights of the First Amendment.

MS. NORRIS: Certify the question, please.

Q: Do you know where Gorilla Grotto was located when it was in business?

A: I object to that question as irrelevant, tending to incriminate me, and tending to infringe my political and associational rights.

MS. NORRIS; Certify the question, please.

Q: Did you ever publish any leaflets or flyers or letters relating to the Gorilla Grotto?

A: I object to that question as irrelevant. It's tending to incriminate me and as an infringement of my right of political speech and associational privacy.

MS. NORRIS: Certify the question, please.

Q: has anyone evertold you –have you ever heard from any source that a window was broken at Gorilla Grotto in March of this year?

A: I object to that question as irrelevant and it's tending to incriminate me.

MS. NORRIS: Certify the question, please.

THE WITNESS: Ask a couple more like that and then I will suspend the proceedings.

the organization now. None of the really important decisions PW has made — to try to beat me up, to endanger my livelihood, to turn me in to the police, to seek a court order enjoining me from publishing "untrue" statements about PW or posting flyers even "mentioning" the cult, and most recently to get me arrested — in recent months were made in collective meetings. (Not that PWs current underlings would voice any objections: the Troika finally has the kind of employees it wants.)

So it seemed to me two years ago and so it surely is today. Cornford published a rebuttal to "Circle-A Deceit" which appeared beside it, but PW itself never published my review or even mentioned its existence. This is not to say the bosses weren't worried. As then-staffer Freddie Baer discovered, as I have ever since alleged and PW has never denied, PWs management set out to prevent the reprinting of "Circle-A Deceit" in any anarchist or anti-authoritarian publication, and with almost complete success. Coupled with the contemporaneous elimination of PWs radical minority (Dunnington and Baer, Digit and Cookie Allen being already gone) and the public and private campaign to avoid my arguments by impugning my sanity, this tactic alarmed me, alerted me to the extent of PWs cultification, and (I don't mind admitting) pissed me off I then commenced to circulate "Circle-A Deceit" as a flyer annotated with a glossary of the well-known real names of PWs censorious bosses.

Although PW claims I am obsessed with it, or with its monkey-faced matriarch Manning, for more than a year the extent of my attention to PW was mentioning its ongoing antics i1 the SRAFBull, a micro-circulation anarchist AP A, just as I mentioned the machinations of other Machiavellians like the Black Rose Books/Anarchos Institute racket in Montreal, or the defamatory agent baiting of Direct Action by Pat Murtagh, which even he later grudgingly retracted.

What dramatically clarified the PW question was Caitlin Manning's 1983 pilgrimage to Nicaragua. She then published

modernists. PW disparages old organizations — parties and (more gingerly) unions — for failures in detail, but it hopes to supplant them with its own structure. An anti-organizational argument, as in all else, PW doesn't want to throw out the baby with the bathwater.

The PW organization is hierarchic and undemocratic. The founders of PW and the owners of its means of production, Manning and Carlsson, have always had the last word. An early article by Gidget Digit and a couple of short letters by Jim Brook and Bernard Marszalek are the only serious criticisms — corroborating "Circle-A Deceit," by the way, as far as they (are allowed to) go -which PW has ever tolerated in all of the perhaps 900 pages it has published in thirteen slick issues. Criticisms — well-meaning, constructive criticisms — from individuals as disparate as Brian Kane, Irv Thomas, Greg Dunnington, John Zerzan and Gerry Reith went down the memory hole. I flagged and flagellated this censorship policy in "Circle-A Deceit" but it continues, even as PW flaunts its pretended pluralism. If anyone doubts this, s/he is invited to write PW about any of the acts and facts I have mentioned which are especially embarrassing to the organization and see if s/he gets printed (or even given a straight answer).

Contrary to PW claims, within the PW group there is no correlation between labor-power and decision-making power, not that it wouldn't be sufficient condemnation of any ostensibly "anti-authoritarian" collective if there were. In fact such PW shitworkers as Sally Frye, Greg Dunnington and, above all, Freddie Baer far outworked such idle but influential ideologues as Athanasiou and, especially, his mentor Cornford. Power within PW is a function of ideological accord with, and/or obedience to the Troika, nothing else.

My major error in "Circle-A Deceit," reflected in its title, was to exaggerate the anarchist role in PW. There were plenty of anarchists (maybe a majority) involved in PW in 1982, but its management was Marxist and few if any anarchists work for

MS. NORRIS: That's fine. We are going to be back one way or the other.

Q: Have you ever heard any information about the fact that Gary Warren's [sic] home was vandalized in March of 1981?

A: I object to that question as irrelevant and tending to incriminate me.

MS. NORRIS; Certify the question, please.

Q: Have you ever heard that the locks at a place of business called Adcraft, 550 Fourth Street, were rendered inoperable by some sort of glue in April of 1981?

A: I think at this point I will suspend the proceedings. The reason for this is that the overwhelming majority, if not every one of the questions I've been asked has sought to incriminate me, sought to invade my First Amendment rights, or otherwise dealt with matters totally extraneous to what is at suit. The defamation, based on rather limited and specific allegations, and I believe that this entire proceeding is being maintained for the purpose of harassment, intimidation, and it's not calculated to lead to the discovery of admissible evidence, and that it was never intended to do so.

I intend to publicize the witch hunt that's been attempted here today [and now I have! — Author] and I'm perfectly willing to justify these questions, not only in a court of law, bur in public opinion, and hereby suspend the proceedings.

MS. NORRIS: For the record, I would like to state that it's my position that one of the issues in this action is whether or not the alleged statement was a true statement, and that fae questions being asked are entirely relevant and likely to lead to the discovery of admissible evidence on that point and on some other points, and I fully intend to go to court with the certified questions and with the suspension of these proceedings which have been quite proper, and to pray that the court permit us to proceed, pray that the court order Mr. Black to answer the specific questions which have been certified, as well

as questions — other questions of similar tenor within the same subject matter.

Mr. Berman, do you have a statement?

MR. BERMAN: Yes, I concur fully in the statement of co-counsel and I can see apparently it's the position of the deponent that any questions as to the truth of the allegations or the motivations in the action which are allegedly the base of the alleged statement by Mr. Law are irrelevant, and it appears to me patently clear that both in court and certainly in the deposition we're entitled to examine the truth, the possible truth of the statement, as well as the motivations for the acts which were the basis of the alleged statement. And I concur fully with the statements of co-counsel and would also point out that it's not within the powers of the deponent to suspend the proceedings. He is physically able to leave whenever he should choose to do so, but that counsel for the defendants in this action are present and willing to proceed with the questions.

MS. NORRIS: Thank you. That's all, and I would like an immediate transcript.

perceives a chance to get the jump c1n the competition and sign this sector up for itself.

Also central to PWs ideology is technophilia, whose left wing it has staked out as its own. Despite the Luddite imagery of some of its graphics, mostly in early issues and produced by contributors since excluded from the magazine, PW is avowedly pro-tech. Its first issue (like the recent #12) features self-serving Athanasiou testimonials to "the liberatory potential of computer technology," decrying only its perversion and constriction by the capitalist organization of production which, oddly enough, engendered it. PW has always suppressed anti-tech critics but is not above ridiculing them in absentia, as Athanasiou does when he baits these unnamed delusives for aspiring to a utopian "bucolic luxury" whereas what we need is what he craves by way of compensatory consolation, "powerful tools."

It will not do for PW to play stupid about the pro- and anti-tech disputation which contributed to the dissolution of its parent group, the Union of Concerned Commies, although that is what Corford did in his rejoinder to "Circle-A Deceit." (Made possible, by the way, by my comradely provision of an advance copy of my review to a PW staffer in the days when I harbored the illusion that PW itself might publish it being "anti-authoritarian" and all.)

Another institution of social control which PW will not allow to be criticized is work, which a superficial reader might suppose PW is against. Athanasiou and Thoreson explicitly, and the entirety of the magazine implicitly counsels, as do the Bible and the Soviet Constitution, that work is a natural fatality but under PW tutelage the workers' councils will cut down on it although doing it will remain compulsory and will also serve as the franchise qualification for participation in social decision-making. And the last inheritance of the old world which the heirs and heiresses of PW cling to is organization. Some of us don't care to be organized or led, not even by trendy

(barf!) are likewise not downtown office workers. The real dissident office workers who once contributed to PW (Gidget Digit, Sally Frye, Donna Kossy/"Out of Kontrol Data Institute," Freddie Baer, etc.) now direct their dissent against Processed World too.

PW espouses, but falsely denies that it advocates, a definite political line which it will not permit to be criticized or even identified. The leading PW's are as dishonest about their political histories and agenda as they are about their class background and positions. The bigshots go back a long way as leftist politicos, seven or eight years at least for the younger ones (Manning, Carlsson) and at least twelve years for the elders (Athanasiou, Corford). The seniors were pushing the PW ideology, the left-Marxist doctrine of council communism, as long ago as 1973 in their newspaper New Morning. They haven't changed their minds, as a careful reading of PW will confirm. PW comes on as pragmatic, open-minded and "anti-authoritarian." It purports to invite free-wheeling debate and reader participation, indeed, it says it wants to blur the distinction between readers and writers. Toilet-bowlshit! PW suppresses all attempts to conceptualize and discuss the ideology it soft sells to its readers. (Manning's pseudonym — a detail you will never read in PW — is derived from the name of the German councilist Max Holz.)

The PW leadership assumes, correctly, that its targeted market — educated white-collar (and -skinned, though the lowly clerk/typists in San Francisco anyway are mostly brown, black or yellow) workers are allergic to ideology and bored by leftism. PW hopes to redeem leftism by relabelling it. It also aspires to organize office workers as a discrete political force under PW leadership. This is PWs one original idea and the basis of its strategy. The old-fashioned leftist sects continue to haunt factory gates and unemployment offices but they've neglected offices where, PW hopes, the action is — at least, where doper modernist veterans of the student/hippie milieau now are. PW

TAKE THE SOCIO PATH!



GUERRILLA GROTTO BANKRUPTCY BASH

The GORILLA GROTTO (775 Frederick, S.F.), the "Adult Play Environment," is going out of business. . . but it s not getting off that easily! On Saturday, Feb. 28 at 9 p.m. is its after-hours vanguard party of the lumpenproletariat — a first and last chance for adults to play for keeps.

BESIDES THE USUAL geriatric hippies, Suicide Club sleep-arounds, Briarpatch businessjerks and libertarian wimps, real people mean to take their desires for reality: with free wine, a still-virginal Play Pen and an affirmative-action program for sociable socipaths, the possibilities boggle the mind! So much is happening:

GARY WORN: How to Make Play Work

EARL HINES : "An Asshole Speaks Out on Assholes"

DUNCAN FRISSELL: "How Guns Almost Made a Man Out of Me"

MISTRESS KAT: "Different Strokes for Different Folks"



Ms. Kat

Plus: Herrenvolk music; Old Games; the vivacious WAVPMettes chorusline; and more!

SAT FEB 28 $3 Adults/Seniors & kids free
ONE HELL OF A PARTY

Our 1st Anniversary party was so unbelievable that we're having another one, this time celebrating three years ago that we received our grant and the programmers 33rd birthday. Join our Board of Directors, six staffs and friends. Games of course all night, wine free & YOU get in free with a cake.

BEFORE . . .

?

. . . & AFTER?

NOT PERMITTING is not permitted in the grotto at any time!



Pope John Paul II said yesterday the shame people feel about their sexual organs helps them maintain their holiness and honor.

made some soft ca-ca on myself. I think I made some hard ones too.

Come smashed or don't come!

V. Literature and the Rest

> Literature exists, but in the hearts of imbeciles.
>
> It is absurd to divide writers into good and bad. On one side there are my friends, and on the other side, the rest.
>
> Philippe Soupault

The Last Mike Hammer Thriller

The sky was the color of tofu you forgot in the back of the fridge without changing the water. Or maybe the window was dirty. I slammed the cordless down on my desk out of force of habit and beat it out of the inner office in a big hurry.

"Later, kitten," I grinned with a nod to Velda. Velda. After forty years, still there for me. I'd marry her but the wife of a guy in my line of work had better look good in black. She doesn't push it. My CPA says to marry her anyway. Something about Social Security. I pack all the social security I need in a shoulder holster.

I took the elevator down and burst out the door and jumped into my Honda Civic. The buggy handles well but I miss my old heap. It didn't meet the emission control standards. It was like a part of me, a hard part, like my rod. I fought the Japs in thejungles of the Pacific and now look at us.

I swung through Tompkins Square before heading uptown. The sleaze were hanging out and a message spray -painted on the Christadora caught my eye and I put on. my reading glasses:

Like most critics of *Processed World*, I am its former supporter. I used to distribute sample copies to those among my contacts — such as absurdists, fanzines, and market "libertarians" — looked down upon by the upperclass ultra-leftists who run PW. I even did some free legal research for PW in 1982 (ironically, almost the only occasion I ever practiced law, though PW dupe Fred Woodworth now calls me a "lawyer creep ") when it was being hassled by the bank on whose property it erected its sales table. In the summer of that year I got to know the PWs when a friend joined the group. I eventually arrived at a critique of PW, essentially the same as that independently formulated by PW dissidents and various outside observers, which I published in Appeal to Reason (San Francisco) in January 1983. All the points I made then remain valid today. In fact, internal PW documents produced by its former rank and filers prove that I understated the case against PW. The arguments of "Circle-A DecEit," updated with presently available information, are as follows.

PW falsifies the backgrounds and social statuses of its members, especially top management. The PW's are not the "dissident office workers" they pass themselves off as because they are not now, and most never were, office workers. Editors Chris Carlsson ("Lucius Cabins") and his girl-friend Catlin Manning ("Maxine Holz") own a typesetting business financed, like the early issues of PW, with Manning's $7,000 (she says) inheritance from her grandfather, right-wing cartoonist Al Capp. Rounding out the PW reigning Troika is Adam Cornford ("Louis Michaelson"), an English-born upper-class twit and schoolteacher descended from such luminaries as Charles Darwin end the classicist F.M. Cornford (the Stalinist poet and "Michaelson" role-model John Cornford is another relatiw). Tom Athanasiou, one of my assailants in November 1984, is a consulting computer programmer, loyalists Boni Thoreson, ("Helen Highwater") (I am following her own internal memo — "Zoe Noe" (the other assailant), Linda Thomas and "Mead-0"

fundamentalists have started lashing out hysterically at the deviants and innovators.

For self-styled rationalists they often come off as not only ignorant but quite cracked. Chaz Bufe, tutored by Fred Woodworth, pioneered the style in Listen, Anarchist! which the Fifth Estate characterized as an unwitting parody of authoritarian anarchism. Bufe's latest imitator is Micha.el Kolhoff. I take two of his demented diatribes apart tc1 show that even a crazy like myselfisn't half as daft as the Enlightenment yahoos.

"Pornography" is a suppressed letter to a long-running but recmtly defunct Vancouver anarchist tabloid, Open Road. Being half-Canadian myself I always liked Canadians till I encountered the anarchists among them. (I refer to the Anglos only.) Long ago I referred to OR as "the Rolling Stone of anarchism." After stewing over this for a few years OR deployed Telos contributor Bob Graham to call me "the Bob Hope of anarchism." (For my take on Bob Hope, see Chapter IX.) In "Pornography" I explain, in words so simple even an anarchist can understand them, the difference between a critic of feminism and a defender of pornography. I find nothing so pornographic as the bad faith of the male matriarchs and the anarchist ayatollahs.

Garbage In, Garbage Out

The *Processed World* Controversy

(This 1985 essay summarizes the complicated story of my conflict with PW. Later I was beaten up by Chris Carlsson and robbed of $120 before I got the hint and left town. It is also possible that the gang burglarized my apartment. I hope my book-length account of the scandal, The Baby and the Bathwater, will again be available someday. It is curious that the first and, until now, almost the only place I had to tell the story was in translation, in Slovenia, then under Marxist control.)

MIKE HAMMER SUCKS COCK

Those damn punks! Wise guys. The drizzle descended to wash a city that'll never wash clean and night was falling fast as if to get the New Year's Eve frenzy offto an early start.

I pulled over into a joint that used to be my favorite dog wagon. Now it was soup 'n' salad. I shoved the door open and the manager's face lit up like an M-80 tied to a cat's tail. "Hi guy," said Shawn, giving me his usual come-hither look. It was a good gag. Shawn was okay even if he was a pansy. And he did get me out of that scrape outside the leather bar. I built myself a salad and shovelled some quiche down my throat. I gobbled my heart pills (the doc says take them with food) and tossed down my cranberry juice with one gulp. I threw down a fin and cleared out.

My combat reflexes took over and I ducked under the punk on a skateboard nano-seconds before he'd have sapped me with a nunchuck. A jogger took the blow on a face that'll never be the same. Then the punk went for a throwing star and I palmed my rod. I got him low in the belly while behind me a bag lady made like Van Gogh as the star whipped past my ear and took offhers. I rammed my .45 down the kid's throat. "Talk," I grinned. "Who sent you?" Puking black blood, he gurgled, "I have the right to remain silent…" I got a mad on then and I slapped him till my hand hurt (the arthritis). Behind me a crowd gathered and somebody gave a dollar to the bag lady. She cursed him and demanded five. Somebody made off with the jogger's Rolex. The punk who didn't need a haircut would never need anything else either, so I took a powder.

When I got to Sammy's he handed me a wine cooler without my saying anything. The one place that never changes. A situationist came in and ordered a drink. "Say, we don't get many simationists in here," Sammy said. "Well, at these prices, you won't get many more," said the situationist. A wise guy.

A broad sat down on the next stool and we checked each other out. She had a hell of an infrastructure. If her body were

a mountain they'd hold the Winter Olympics there. "You come here often, big boy?" she hissed through ripe rouged lips. "Yeah, but never too soon," I grinned. She leered at me so I did the Manhattan mouthmeld and she stuck her tongue in my mouth. I bit it till she bled and she moaned with pleasure and then I shoved her away. She pouted. "Next time, minx," I grinned, "I'm here on business." I sent her off with a playful slap on the ass.

I waved for another Citrus Sunshine and swilled it down with one draught. I went to the payphone to tell Pat about the punk I wasted.

"That's okay, Mike, we figured it was you. You must be the last man alive to pack a Colt .45."

"That's why I am alive, kiddo," I grinned. "You tag him?"

"No, but when we do I'll tip you like I've been doing since 1947. Funny how the Commissioner never notices."

I rang off and Sammy waved me over. "He's in the back booth," said Sammy, and I knew who he was. My client.

"Mike." That was all he said. "Donald," I answered him. It got quiet. "I heard about Ivanna. A bummer." He took it well but his face was as easy to read as a Mike Hammer thriller. "That's not the job, Mike. You're no keyhole peeper. It's something bigger. It's Tompkins Square. I want it."

When he said Tompkins Square I crushed my glass in my fist and my knuckles went white. So that was it. The anarchists. The punks. How I hated them. They squat. They always seem to have money. And they never work. I reached for my pack of butts before I remembered I quit smoking and Trump squelched what just might have started out to be a smirk. Something was nagging at me like a wife when you come home drunk. And suddenly it was as if I was beck in a foxhole in Guadalcanal. The same enemy.

I dived to the floor as I pivoted and palmed my rod as the ninja buried his sword in my seat. I took off the top of his head with one shot and told Trump to freeze. Behind me Sammy came up with a mop. "You set me up, Donald," I grinned. I licked

VI. Up Yours, or, A Reply to Critics

What Bob Black book would be complete that didn't bash Processed World? This is the fourth! I even bashed PW in a Slovene-translation marginals anthology, Pozdravi iz Babilona [Greetings From Babylon] (1987). The cult still ekes out some sort of existence, but the days when it dazzled the dailies and the left are long gone. In 1985, having beaten me up, robbed me and run me out of town, the PWs were sure they'd disappeared me and cleared the path to a piece of the power. Today PW is just another drawn face in the much diminished leftist crowd, whereas I — well, whatever.

The art deco Marxists of Processed World, the morterboard Marxists of its allies the Socialist Review and MidnightNotes and Telos, and the anarcho-fundamentalists such as the syndicalists all slumped in the BO's along with the rest of the left. At the same time, as I explain in Beneath the Underground (1992), there grew up a politico-cultural matrix, the marginals milieu, which favored unorthodox and idiosyncratic tendencies. The concept of zero-work, for instance, which even ultra-leftists like the PWs accorded only private derision, not public discussion, is by now familiar to tens of thousands of denizens of the self-managed subculture. Within North American anarchism, syndicalists shrank to a remnant with the passing of their grand old men (like Sam Dolgoff) and the upsurge of just about every possible unorthodoxy (punk, gay, situationist, mystical, autonomist, etc.). Now traditionalists are by definition slow to awaken to the new, but recently the

phallust professordid psychedelinquent quiptic sanctimania schizophrenzy sophistrication stupundit testickle tiradical wimpotent wreakreation Zapataphysics

the blood off my fingers because I like the taste. "You dressed up your hit-man as a punk but he was really on loan from the Nips. The weaponry was the tip-off. You're in squeeze, you're selling off assets and Ivanna might take you to the delaners. So you're fronting for the zaibatsu and their Jap Mafia allies the yakusa. You're a traitor, Donald, and the penalty for treason is –" He made a play for his checkbook but I shot him low in the belly and I saw what he had for dinner. Veal Scampi, new potatoes, and a cucumber salad with a tasteful yet non-assertive vinaigrette dressing with a hint of sun-dried tomatoes.

By now New Year's was old news to me so I drove back to the office to get some peace and quiet. I built myself a few highballs and passed out in my chair.

I woke up groggy in 1992 to the murmur of Velda's voice in the outer office. Velda! I could have danced a jig. I tottered over to the door and fumbled it open. She didn't hear me. She was busy. There she was, big, buxom, with her page-boy look, with an even bigger woman sitting on her lap with her tongue stuck in Velda's greedy mouth.

Before I could do or say anything I cut loose with a burp. Velda eyeballed me as cool as a cucumber salad with a tasteful yet non-assertive vinaigrette dressing with a hint of sun-dried tomatoes.

"Mike," she said, "this is my friend Randi. My very close friend Randi." Randi gave Velda's left tit an affectionate squeeze. "You're the only man for me, Mike. I've said so all along, since 1947. But you're just a man, Mike.."

She grinned.

I staggered back to my inner office. I built myself a drink. Then my hand slid down low, across the belly. Then further down.

I palmed my rod.

Good:		Bad:
Keith	MOON	Sun Myong
Albert	PARSONS	Talcott
William S.	BURROUGHS	Edgar Rice
James	DEAN	Jimmy
Henri	ROUSSEAU	Jean-Jacques
Winston	SMITH	Adam
“Sarah, Gypsy Rose”	LEE	Robert E.
Malcolm	X	Brand
Mahatma	GANDHI	Indira, etc.
Beaver	CLEAVER	Eldridge
Bigger	THOMAS	Clarence
Jesse, Frank, C.L.R.	JAMES	Henry, William
Richard	BURTON	Richard
Julia	CHILDS	Roy
Ishmael	REED	Rex
Lord	BUCKLEY	William F., Jr.
Abbie	HOFFMAN	Julius
David	NNEN	Larry
Jonathan	SWIFT	Tom
Edward	LEAR	Norman
John	BARTH	Karl
Opal	NATIONS	United
John	HOLMES	Sherlock, Oliver Wendell
Lew	WELCH	Robert
Bugs	BUNNY	Easter, The
Bob	BLACK	D.S.
[You know!]	MARX	[Who else but?]

I squeezed them, one in each hand — softly at first, then hard. She gasped, she ever so softly groaned. Then the chair really did start to shake. “Better come down,” I said.

When she did, I wouldn’t let her turn around. With one arm around her chest I held her fast by the tit. With the other (like many left-handers I am practically ambidextrous) I unbuttoned her jeans and pulled them down far enough for what I had in mind. I explored her bumhole with an occasional finger-foray into her cunt (I don’t mind a little mutual aid). By now she no longer noticed I wasn’t restraining her so I had two hands to work with, just like the oppressed toilers throughout the ages.

With gently inexorable pressure I bent her over the chair. Figuring it needed it I slobbered her buttcrack with my saliva. At the touch of my tongue she moaned more than ever. Then I stepped out of my jeans and, too impatient by now to grease up, took direct action. She screamed and she bled a little but soon her sobs subsided as her moan took on a needy tone. We federated freely.

Afterwards we smoked a little pot and traded phone numbers. She wasn’t sure what it all meant till I reassured her with tales (so to speak) of John Henry Mackay, Oscar Wilde and Jim Morrison the “Back Door Man.” We made a date for another session. For you see, I’d long since done my homework. Anarchist, Marxist, Feminist — you name it, I’ve got her rap down. It’s the only way to play it in Harvard Square.

Just one thing I wonder. *Is* her hair the same color all over?

Neolojism

absurdgery anarchetype beerish cuntraception craperture cynicure eristocracy evangelatinous excestuous excremendacity ferverish funtasy impeducation insensatiety insurgentrification insurrectomy jesture jurisprudish lesbohemian masturbulence omnivolent orgastronome pedophobe

VAN GUARD PARTY? See DONNER PARTY.

Anarchy: A Fable

I met the anarchist in Harvard Square, at a sidewalk cafe. We were each pretending to make entries in our journals. As usual we got started talking about books. I made some vague mention of politics because Harvard girls are political. "I left the left behind," she replied, 'Tm an anarchist" — this with a defiant toss of her head. Brilliant red hair cascaded from her beret. I wondered what made an anarchist tick. I wondered even more if her hair was the same color all over.

"I don't know very much about anarchism," I said, drawing my chair a little closer. So she told me about "mutual aid" and "free federation" while I watched her plump, pink lips move. When she spoke of "direct action" I snapped out of my trance and asked her what to read. My knee was in touch with her thigh, ever so lightly, like the flick of a tongue. "A lot of the anarchist classics are out of print," she said, "but I have a pretty good library." "Can you show me?" said I.

She did. She made us each a cup of drip-grind Nicaraguan coffee in her tiny apartment, not much more than four walls c1f books, floor to ceiling, ringing a rumpled bed. She didn't support the state-capitalist Sandinista regime, she explained, but she drank Nicaraguan coffee to denounce American imperialism. "I understand," I said, gazing absently into the bathroom. The toilet seat was up. "Let me show you some of my major influences," she said, taking my hand and leading me over to the wall.

I looked up to the top shelf and saw some French name she'd dropped half an hour before. "What about Proudhon?" I asked. She stood on a chair and reached up for it. With her body taut her baggy jeans tightened and her ripe rump was flush with my face. "Steady up there," I said, taking firm hold of her buns.

Anastasia

You came over on those humid New York nights
My mother in the kitchen,
stooped with toil and loss
The scent of cabbage hung heavy in the air
My father playing chess with himself,
History's pawn

We crowded together on the couch
You crossed yourself the wrong way
Like that guy in West Side Story
But I didn't care, I was in love
Ignoring the fishy stare
From the saints in the triptych
The one smuggled out by my grandfather,
the tax collector
Who fled when Makhno ran the Whites
out of the Ukraine

All his life they called him Chicken Kiev!
You were from the wrong side of the tracks
And they were all up and down your arms
You invaded me like Afghanistan
I was Catherine the Great
And you were Mr. Ed

You came on like Rasputin
But you came like Tolstoy
You exploded inside me
Like a shoddy, Soviet-made samovar
And *always* too soon
You son of a bitch

You were always vain
but couldn't always find one
Forever talking when I was interrupting
I was the only drugs

You weren't addicted to

Now you've been granted peace
And I've pieced together some grants
The last word
Belongs to me.

(for Anne E. Pluto a the Small Press Alliance)

Introducction to "Neutron Gun"

PART 1: FORM AS ALTERTIY

1

A perdurable plastidty is *not yet* the armature of the absolute, not while red giants wash white dwarves with the cooling infernality of their respective discontinuities. The glove comes off to reveal the residuary clause of the will we have lost. The easy identification of the vicious with the viscous is but the onanism of a self-reflexivity impoverished, a reductionist soup we are too rich to afford. I for one refuse to be Dorian Gray's make-up man.

2

Our cliches are in everyone's heads. The *arrivistes* came and went, their divagations transparent to votaries refusing even to register. The impermeable as impermanent: entelechy of optimism or Archimedean point-of-production? The end of teleology? The materialization of the qualitative is not so much the englobement of the insensate by the insouciant as it is the sedimentation of the sublime upon a substrate of deconstructed certitudes. We are in Kansas, but Oz (or is it Nebraska?) beckons.

3

Outtakes from the Devil's Dictionary

AESTHETICS? See ANAESTHETICS.
ANARCHISTS? Walden Pond scum.
APATHY? The subjectivity of the submissive.
ART? Esoterrorism.
COMMUNISM? A euphemism for capitalism.
CYNICS? Whine snobs.
DIALECTICS? A Marxist's excuse when you catch him lying.
GROUP THERAPY? Gang rape.
GUN CONTROL? Unilateral popular disarmament.
HIGHER EDUCATION? A perpetual promotion machine.
IRON CURTAIN? Faces both ways.
ISRAEL? Beirut force; *Gevalt* therapy.
MODERN ART? Abstract repressionism.
MORALITY? The idea in the mind of God that survived His death.
NIHILISM? Confusing transvaluation with devaluation.
NORTH AMERICA? The Lost Continent of Moo.
PARVENIJ? Plays racquetball, can't spell it.
PEDERASTY? Child rearing.
PESSIMISTS? Have chocolate tunnel vision.
POSEUR!' Reads Edgar Allen Poe in the original French.
PUNK? Eine kleine Nichtmusik.
THE SEVENTIES? History's 13th floor.
SUBURBJA? Valium the Dolls.
SURREALIST? A Dadaist with a Ph.D.
TRANSVESTISM? Skirts the real issue.
TRUST FUNDS? What else is there to trust?
TWO-PARTY SYSTEM? Two too many.

Why I Hate Survivors

I hate survivors.
I hate survivors because
all pity corrupts, and self-pity corrupts absolutely
they smoke
they talk the talk talk talk talk talk…
the one thing they never recover from
is their recovery
they live in the past
they shit on love by calling it co-dependence
they have no sense of humor
they haven't changed a bit they're still full
of themselves
surviving isn't really living
they're all the same
they stink of Christianity
they yak ahout "letting go" but they never let go
of letting go
masochism is no excuse for sadism
I don't acknowledge the moral superiority of
losers
they read us their hospital charts and call it poetry
they tell their troubles to everybody except
who's to blame for them
they're in denial
the 12-Step shuffle is addiction minus the pleasure
their humility is so arrogant
we're all survivors but it's tasteless
to make a hobby or a career out of it
when all is said and done, aren't we all
the adult children of parents?
I hate survivors.

Ours is a refractory period: what comes after the end may be only the beginning. It's no go for the Logo, to extinguish the Angel With the Flaming Sword just Feuerbach, offering no quarter without change. Look on the face of a clock without hands. Never will it pick its nose.

PART 2: ROUGH TRADE-OFFS

4

Singular values measure off feedback. The matrix fractions the stability of arbitrary interconnections. Nor does robust asymptotic tracking and disturbance rejection decouple optimization with constraints!

5

Syphilization and its discontents: the sound of one hand with the clap. Who's the daring youg man on the flying herpes?

6

Dionysus' guys finish last: such, at least, is the principal interest of the Apollonian sharks; what good is a round-the-world tour if you get jet Gulag? Thoroughly abreactionary, the-rapists' killer-cure constitutes our disease as subject-object of dynamic stasis. Are we then to be blamed for our pyro-theoretical exegeses, our abstruse bathroom humor? We have no critics, only complainants deprecating our declension to stand up and be counted — out. Let them situate their querulosities where Selene never smiles. (But Celine does!)

PART 3: TYLENOL'S WELL THAT ENDS WELL

7

In the hour of power, bought time is the prime crime. Not to be partial to the totality is an idea whose time has come to be billed out. Damn the torpid, full speed ahead!

Colostomy is not my bag. Easier, far easier to orchestrate the refinement of elliptical obeisances, or interpolate the intransigent encephalograms of conjectural ambassadors than to thrill to the sound of dilapidated decibels or settle for sedated cardboard.

8

Consider, if you will, the ashes of incinerated alternatives; the anomaly of enervated objectives; the residue of replicated depressives; the trash of so many sponsored defectives. No hotwired insolvency, not so much as the lassitude of depilated fountains — clothed in contemptuous reccpes, adrift upon mutinous depictions, as good as implicated by intravenous inspections — anchors despair amidst the parturition of defenestrated melodies orphanei by drift and default.

9

Individuation is intransitive. Those who remember the past are condemned to repeat it.

PART 4: THE GELDED AGE

10

The Man on Horseback is just another night-rider. Jack, Bobby, Teddy, an:l sometimes Zeppo… no one to save you now. Liberalism is on the endangered specious list. Yet tyranny is too exciting for our sort. The cult of personality wanes for want of a dastard who has one. How defiling to die at thebehest of the Subcommittee on Killing.

11

In the Red Army Chorus, the shotgun sings the song.

12

Why not lionize Christians? "There are no atheists in foxholes" — this is the best argument for atheism. Christendom: the conclusive refutation of Christianity.

PART 5: SERFS UP!

13

Something the modernist dinosaurs will never understand: in fifteen minutes, everyone will be in the future. Not to spare change itself from an importunate jockstrap-snapping… it's cruel to be kine.

14

To wrest the notion of growth from those for whom it means more-of-the-same is less than a duty and more than a pleasure. Much is too fine to be caught in their sieves. The unpredictable is the uncontrollable. Beyond all prescription and proscription is the exhilaration of the moment. The weapon of choice: *red kryptonite*.

15

Whoever said "talk is cheap" realistically priced his own discourse, but overlooked that communication is priceless. Ifyou can'tsay something, don't say it at all. (When she told me she was a professional woman, I said it was time I stopped fooling around with amateurs.) Learn to read between the lies. Drive the money-changers out from between your temples. Beyond the Reality Principle, pressing against the outre limits, where it's even okay to hurt small animals for kicks, lies the truth, a source only enriched by their would-be deprivations: the plenitude of your emptiness.

The Anarchist Library
Anti-Copyright



Bob Black
Friendly Fire
1992

<archive.org/details/BlackFriendlyFire>
ISBN 0936756896, 9780936756899

Autonomedia

theanarchistlibrary.org

they're against organized society. Primitive tribalism is thoroughly organized.

Needless to say, no so-called neo-individualist is guilty of "denouncing workers," especially those who seek to abolish work. It's a noxious lie to say zeroworkers disregard the struggle of working people; they just interpret it differently. They think "the real concerns and desires of the vast majority of the human race" — most of them peasants, by the way, not workers-made fully conscious, point to the supercession of work, not a change in management from the present bosses to leftist "delegates," be they ever so mandated and revocable. You're welcome to disagree, but try to disagree with what we've actually said rather than your own falsified interpretations.

You relate nee-individualism to "fascism" (a word ruined by leftist overuse) without bothering to say why. On the other hand, you consider the syndicalists your comrades, although the real (as opposed to metaphorical) Fascists modeled their corporatist economy on syndicalism, not on "neo-individualism."

We can't comment on every absurdity in your article, but one of your lines has to be quoted to be (dis)believed: "Their refusal to organize or affiliate can easily be interpreted as elitism, in effect excluding thousands of interested people from associating with anarchists by reducing the point of access to the friend of a friend' approach." Just by not joining some rinky-dink organization we exclude thousands from the anarchist-workerist Gospel!

It's self-contradictory, not to say idiotic, to declaim against the elitism of (say) the Fifth Estate while simultaneously lamenting its influence, its growing numbers of converts [sic], and the "major problem" they represent to you official anarchists in the uncomfortable position of unpopular populists. Maybe the workers know something you worker-fetishists don't, namely, what really oppresses them.. Or perhaps the

neo-individualists offer adventure, excitement, ecstasy and liberation, while the workerists offer elections, officialdom, bosses under another name and, as The Seditionist says, more "hard work." We're tired of work, and propose an alternative which (as anyone who takes the time to read our writings will understand) is not simply idleness but the creative fulfillment of human needs through necessary actions which are fun in themselves. Workers of the world … relax!

VII. Random Rants

Elementary Watsonianism

It was at work that I was driven into gridlock on the Damascus road. Researching nuisance law (as if there were any other kind) I discovered People v. Amdur, 123 Cal.App.2d Supp. 951, 267 P.2d 445 (1954). In this 1954 decision, the court held that an anarchist who set up a literature table near Sather gate on the Berkeley campus was guilty of creating a public nuisance. Although over thirty years have since elapsed, as I contemplate anarchists like Jeff Strahl and Kevin Keating doing the same thing on the same spot today, I cannot gainsay the essential justice of this ruling. This insight, though, does not begin to exhaust the riches of the decision. When lawyers get their hands on an historic case they are wont tosay that it is" one for the casebooks." People v. Amdur is one for the mental-casebooks, for it asks the burning question: "What is a Watsonian anarchist?" Is he a follower of the Watson who invented misbehaviorism, such as B.F. Skinhead? Or of the Dr. Watson who came under the influence of his good friend Morlock Holmes? First, the facts.

On February 6, 1953, a police officer accosted Reuel S. Amdur as he manfully manned his table, stocked with literature decrying the Smith Act and the trial of the Rosenbergs. As Amdur had no permit, he was told to move along or face arrest. Whereupon Amdur uttered the words which would make him a criminal and forever a part of the law of the land: "Go ahead and arrest me. I'm a Watsonian anarchist and will stand on my constitutional rights!"

A Watsonian anarchist! Right then and there as I dawdled in the library of the American Civil Liberties Union of Southern California I knew that I, too, was a Watsonian anarchist, whatever that was, come what may. O always felt a bit out of place among the earnest activists of the ACLU. No member of a minority group or deviant subcultL.re feels any more alienated than I did the day I joined the only other occupants of the library, a transvestite, a lesbian, and a dwarf.)

But if I was the first to follow the Bigfoot tracks laid down by Amdur (since lapsed into the obscurity from which the police briefly raised him) I now know that I am not alone. Before Amdur was, I am.

A Watsonian anarchist spurns all the other hyphenated anarchists, mutualist-, syndicalist-, capitalist-, etc. A Watsonian anarchist is her own man. He is outside of and arrayed against the anarchist milieu in every form. And she thinks punk anarchists are, to paraphrase Celine, "much better firewood than a violin." (Even a little better than an electric guitar.) Genetically he sports the signature "Z" chromosome. She is a pathological truthteller and so he is viewed with suspicion and hatred by anti-authoritarians. He declines whatever role the Invisible Government assigns her in the ideological division of labor, even the production of "biting flyers" for the amusement of anarchist jades. Indeed, Watsonians don't play roles, they enact schiz. They regard Little Hans as a political prisoner, they delight that Dora survived the-rapist Freud's joyless ministrations and grew up just in time for her attentat against Lenin. Sometimes a pipe is just a pipe, but this is not a pipe.

On a scale from left to right, the Watsonian is off on a tangent. She is almost as anathema to the authorities as he is to the anti-authoritarians. Neither an individualist, capitalist, right-wing "type l" anarchist nor a collectivist, socialist, left-wing "type 2" anarchist, he is a type 3 anarchist and nobody's fool. She wrote The Anarchist Cookbookchin, he promises a chicken in every Kropotkin, if you prefer Ravachol

with cheese, Spooner in, it's the Most! God damn, I De Cleyre, that's a Comfort if I Read you aright. A dead dogma makes her Thoreau up. A Watsonian is a loose cannon, he is over the edge. Any other anarchist can be trimmed to fit, theWatsonian throws one. The Watsonians are an aristocracy of egalitarians, they are Taoist overachievers, when yuppies tout workers' councils they smell a Rat.

The small-minded might quibble that Watsonianism is nothing but an error in transcription. The opinion of the Superior Court (it had to be, to handle a Watsonian) admittedly does not recite Amdur's testimony, only the cop's. A pedant might piddle that the officer, who was perhaps ideologically unsophisticated, misunderstood Amdur who really said: "I am a Jeffersonian anarchist, and…" echoing Benjamin Tucker's definition of an anarchist as an unterrified Jeffersonian democrat. (Watsonians are the only remaining unterrified anarchists.) Or perhaps the officer unconsciously imputed to Amdur his own puzzled blurt: "A what-sonian anarchist!"' Not every Watsonian has the gift of gab, but she always makes every syllable count. It matters not. So majestic and evocative an expression surely has some objective referent 'Nith which I, for one, am proud to be associated. IfWatsonians did not exist they would have had to invent themselves And they do, over and over again. A Watsonirn is a moving target.

A Watsonian doesn't have to be a leftist, a feminist, a modernist, a humanist or anything else but himself. She stands by his friends, unlike other anarchists, and he knows her ideas have practical implications no matter how often they have to be changed, hers is the purism of mutability. He treats everyone equally, hence egalitarians denounce her elitism. Because she is always consistent, no one ever knows what he'll do next. She's not a quitter, but he knows when to quit. She is a Watsonian anarchist. Beep beep!

The Refusal of Art

Art abstracts from life. Abstraction is deletion. When the first artist painted an aurochs on a cave wall, the first critic saw it and said, "That's an aurochs!" But it wasn't an aurochs. It was a painting. It has been downhill for art criticism ever since. And yet it was, after all, a painting of an aurochs, dabs of paint that looked like an aurochs without reproducing anywhere near the sensory experience of a real aurochs. Art, like science, is illumination through elimination. They remove in order to improve. Minimalism is not a school of art but its evolving essence. Modern art is a process of progressive self-destruction. Artists often destroy themselves, occasionally each other, but it was left to Gustav Metzger to show the way forward with his "auto-destructive art." And so it is fitting that he anticipated the Art Strike.

On January 1, 1990, if they comply with the directives of the PRAXIS Group, all artists will down tools for three years. There will be no openings, no showings, no readings. The "cultural workers," unless they scab, will all go out. Galleries, museums and "alternative" spaces shall shut down or convert to practical purposes. According to the Art Strike leadership, everybody benefits. The artists, given i:he hook, in laying down their burden of specialized creativity get a breather and a chance to get a life. The plebeian masses, uncowed by "talented bullies," will rush into art like fresh air into a vacuum. What else ever held them back but the preemptive brilliance of the artists?

The Art Strike, in appearance the suppression of art, is in essence its realization. It is the ultimate work of art, the culmination of its telos. In the Art Strike artistic abnegation achie'1es its final expression; art, become nothing, becomes everything. If art is what artists don't do, what isn't art now? What an adventure in imperialism! After all, everybody else has been on an Art Strike all along. With the Art Strike the leaders catch up

with their followers who weren't previously aware they had leaders or needed any.

Ostentatious renunciation is greed in its most warped and insidious form. By their noisy refusal of art the Art Strikers affirm its importance and thus their own, not unlike alcoholics whose AA meetings testify to the power of the drug and thus to their own power in collectively renouncing it.

The Art Strikers liken their strike to the syndicalist General Strike so as to appropriate the glamor of that obsolete tactic. But a Particular Strike is not a General Strike, and the Art Strike, as it is not the refusal of work by waged or salaried workers (artists generally being self-employed free-lancers, independent contractors) is not a strike at all. What remains after the artist foreswears art? The artist, of course. The Art Strike magnifies his importance even as it eliminates his toil. Disencumbered of the duty to create, the artist will no longer even try to inform or agitate or even entertain. All pretense to be useful to other people will be dropped. Which is not to say the artist is about to disappear in the crowd. If he does, nobody will ever notice there even is an Art Strike, to say nothing of his notorious narcissism. No, the artist must make a production out of his refusal to produce, he clamors for attention to what he doesn't do, but his credentials for inactivity are precisely his previous art. The refusal of art is elitist. The Art Strike is vanguardist. Only artists can refuse art, and only artists flatter themselves that they stand in the way of an outburst of popular creativity.

Actually the hoi-polloi don't create art not because they're intimidated by "talented bullies" but because their creative power has been so much suppressed — above all, by work — that they devote their leisure hours to consumption, not creation. The sort of art created by the Art Strike leadership is even more opaque to the proles than the representational art of pre-modern times. School, work, the family, religion, rightism and leftism, these thwart creativity. Modem art is too

remote from everyday experience for anybody to be bullied by it, unless by its reputation. But its reputation will grow during the Years Without Art.

Art Strike theorists are ambiguous about the scope of the strike. If it represents the refusal of creativity by specialists it is only for artists. But if it is to close down museums, libraries and galleries it must include the workers for whom the Art Strike would be a real strike, the employees of the cultural apparatus unable to refuse their creativity, since there was never any call for it. The janitor would as soon mop up the museum as a nuclear power plant, especially since the activist intellectuals will hound him out of there too if they can. He already knows at first hand what the artists require outlandish antics to explain to each other — working for the cultural industry is working, as is working for any other industry. Only for the artist is the Art Strike a work of art. Others, if they got involved, would be but the paint the striking artists ar1ply to the canvas, props in a performance art piece. Human lives and livelihoods as the stuff of art … what artist in his deepest inwardness hasn't longed to echo Nero's cry, What an artist dies in me!

Since the Years Without Income hold no appeal for the art industry proletariat or its bureaucracy, they will remain on the job. The impact of the strike will be very uneven. Curators and librarians will be glad to be rid of the hardest part of their task, keeping abreast of new art works and conjecturing which will pass the test of time. Budget pressure may ease. Art has been piling up since before the Bronze Age, three years will not be time enough to reassess and rearrange and redistribute the existing inventory. Music, already all but completely given over to "classic hits," formulaic triteness and lame covers will be living in the past. In lieu of live music, disco will come back. It pretty much already has. Most people watch 1V, not stage plays; now everybody will. Are the artists going on strike so that, after three years, we beg them to come back'? If theirs was a place of privilege before, how high then their seat in 1993?

The real inspiration for the Art Strike is not, as is pretended, the general strike of the proletariat but rather something depicted in a work of art — the general strike of the capitalists in Ayn Rand's Atlas Shrugged.

But the artists won't have to wait three years to profit from the Art Strike. Returns will be immediate and they will increase like compound interest. The Art Strike cunningly acts upon supply, not demand. Existing art appreciates in value since nothing is coming onto the market to compete with it. Over and above that is the surcharge conferred by the mystique of extinction, recent art will lead the price rise as the last of its kind. Not only the last, but the culmination, since the ideology of progress so sways the Western mind that it regularly mistakes that which just happens to be the last or latest of anything for the finalism of some sort of supposed evolutionary process. The last shall be first, or if it isn't it'll still be priced as if it were. No wonder some of the less commercially successful contemporary artists are leading the Art Strike, and no wonder others follow them. They don't propose to destroy art works although, done selectively, that has somewhat the same effect as an Art Strike. The Years Without Art will be nothing of the kind, even if everybody joins the strike. What use is a strike which won't rid us of either art or artists? The Art Strike will create a cartel, its inspiration is not the IW or the CNT but rather OPEC.

The Art Strike is not, for all the proletarian posturing, in any way indebted to the workers' movement except for the theft of what you'd expect artists to steal, its imagery. It enables artists to invest their exhaustion with importance. The refusal of art certifies the once-and-future artists as the expert interpreters of what nobody does but only they once did. The art of refusal acts against what everybody does but nobody once did, against work and submission to the state. The art of refusal is the art of living, which begins with the general strike that never ends.

Albany Art Strike Action Committee (A Jape)

Part curmudgeonly pranksters, part dead earnest activists against the intrusion of right wing values on the art scene, those participating in the nine-month-old Art Strike have had a hard time "enforcing" their call for a three-year moratorium on art.

But earlier this month, the Albany Art Strike Action Committee garnered the support of the state Office of General Se1vices and Gov. Mario M. Cuomo, however unknowing this support may have been given.

When OGS removed and covered up the art collection in the Empire State Plaza concourse, Art Strike moved in, postering the plaza and surrounding communities with a handbill declaring:

"All of the art that lined the walls of the ESP underground concourse has been removed or covered up (and hopefully soon to be destroyed) to call into question the blank emptiness of history that was previously hidden by so many bright colors and squiggly lines."

Actually, the art was removed to install a new security system, and OGS was not amused by the posters. Tom Tubbs, an OGS spokesman, said he was "awestruck" upon receiving a copy of the poster. He dubbed the poster a "terrorist note … an absurdity, filled with typographical errors and irrational charges."

Tubbs wouldn't go into the specifics of the new-and-improved security system, but did say that it would involve "all kinds of camera surveillance,

and several other devices." He also said that he had never even heard of the Art Strike, nor did Dennis Anderson, curator of the plaza art collection.

-Tom Gogola, Metro/and (Albany, New York), Sept. 20–26, 1990.

A Statement of Purpose (Excerpt)

(I)

The Empire State Plaza, like the Pyramids of Egypt, is the mausoleum of a ruling class with a taste for death. Part shopping mall, part warren for state workers, the Plaza is the marriage of commerce and power and naturally shows us baby pictures of their offspring: Art. Art which returns to us for a *look* (*don't touch!*) the creative power we have only to reach for and wrest away in order to remake life as an adventure in fellowship, pleasure and play. By flaunting Art, especially this collection of Art by the plutocrat Rockefeller's cocktail party cronies, the ESP mocks and insults everyone whose life is eviscerated by obedience and work. With its outdated modern architecture, the Plaza already looks as if it were built to be excavated. Truly, as the Parisians put it in 1968, "soon to be picturesque ruins" — and the sooner the better.

(II)

(In the following, text in ordinary type is by Bob Black, text in SMALL CAPITALS is by Neal Keating, and text in *italics* is by Guy Debord.)

There is no cause to speak, as Tom Gogola does, of the Albany Art Strike Action Committee "enforcing" the Art Strike. In a city boasting a combination art gallery and real estate office, the mask has already slipped. Even before our Empire

State Plaza action, voluntary compliance with the Art Strike was almost universal. *Our ideas are in everyone's heads.*

Nor do we care to protect Art against intruding "right-wing values." Right-wing, left-wing or Art-for-Art's-sake, ALL Art is a source of social separation and serves a control function. *All that once was lived has become mere representation.*

If (unhappy day) the Art returns to the Plaza, swept by cameras and laced with sensors, the class war will have returned on the electronic battlefield. The curator will be dismissed — he doesn't know his stuff anyway if he hasn't heard of the Art Strike — and replaced by an electronics technician with a military background from the upper ranks of the Capital Police who have already paid us a visit. Henceforth we will visit museums to be looked at by the Art.

OUR CHALLENGE TO GOVERNOR CUOMO STANDS. GET RID OF THE ART. WITHOUT SUCH

the concrete construction of momentary ambiences of life and their transformation into a superior passional quality. This is our entire program, which is essentially transitory. Our situations will be ephemera!, without a future: passageways. The permanence of art or anything else does not enter into our considerations, which are serious.

The French Disease

Like many others, I honor the extraordinary French contribution to civilization. We need a way to keep the contribution and dispense with the French. Perhaps they could be kept under house arrest and only let out under supervision — doubtless the Germans could attend to this — to write books, cook meals and oversee the hogs as they root out the truffles.

Why the French are such puds is hard to figure. Once they cut a great figure in the world when it was small. They've been washed up lots longer than the English but are even slower to

list in its army. We will fight the same way we want to live, playfully, creatively, ecstatically, unpredictably.

We misspoke 0 1rselves. That Sixties slogan we echoed is obsolete (it always was). There is no need to bring the war home. It r. ever left. Everyday life is at war with our passions and our possibilities, it's an agony of hierarchy, violence and boredom. On Lark Street the hip cafe, the Daily Grind has contributed to the bounty on us because it is precisely the daily grind that sells coffee and necessitates distractions like ribbon rituals and spectacular wars. The Lark Street caper is our critique of a way of life as to which it is all too true that the best part of waking up is Folger's in your cup. Work is war, and for that matter what difference does it make if the oil burns at a Kuwaiti well or in your gas tank?

Everything — everything -is worse than it was before the war. Even Kuwait, now all but uninhabitable. What follows the Cold War is not peace but a hot war, the second one the war wimp in the White House has started in as many years. As civil society withers away, the petro-military state rampages on, bedazzling the populace with its chariot races and colosseum combats with, for instance, the "crunchies" as our brave boys refer to enemy infantry when, from the sound they make, our tanks flatten them. After insisting the Gulf War was nothing like the Vietnam War, the preppie President exults that it has washed away the Vietnam syndrome (the treasonous conclusion of common sense that the United States isn't and maybe even shouldn't be invincible) with oceans of Arab blood. This skeet shoot validates the premises of high-priced technobutchery and guarantees there will be more of it, lots more. It takes a real loser to win this kind of war.

Every war is a civil war and every war should be a social war. We are not pacifists, although we're disgusted by the vicarious sadism of the stay-at-home war pigs (this war taught us a Patriot is a machine). The entire system is a machine — a planetary work-machine in which we're all of us at best replaceable parts. To fight it by aping its organizational forms and by challenging its monopoly on duty and sacrifice is to en-

admit it, much less enjoy it. Their impudence/impotence ratio is unacceptably high.

They're not so good looking either. Speaking French is such an exercise in facial contortion that by puberty they've all got vertical lines in their faces. When the vicissitudes of age and dissipation etch the usual lines of latitude also, the French face resembles a tictactoe board. Were Dorian Gray a Frenchman only Mondrian could do justice to his Picture.

"Hell is other people," a Frenchman once wrote. Other people — foreigners, Jews, Protestants, Alsatians, even Belgians — account for much of the best in French civilization. In olden times, Scots and Irish gave their armies some backbone; more recently the Foreign Legion's done their dirty work. Their kings, knowing the character of their subjects, preferred the protection of Swiss Guards. No tinge of chauvinism -a French word, of course — enters into these observations. The French love each other no more than they love anybody else. Who is any outsider to question the French on a judgment of taste? The best thing they ever did was invent "69".

Nietzche contra Humanism

Robert Sheaffer's summary of Nietzsche's psychology of Christianity (Free Inquiry, Winter 1988) is workmanlike if lacking the dazzle of the original; except it lacks for more than that.

It does not occur to him to mention, if it occurred to him at all, that Nietzsche's critique of religion is a critique of morality, including humanism. Nietzsche is no more a humanist than he was a Nazi; the new myth is as bogus as the old one. Nietzsche did not believe that humanist values could or should be disentangled from Christian dogma. He believed on the contrary that most humanist values were in fact as sickly as that dogma — because for him a secularized moralism was nothing else but

religiosity in modern garb: humanism, the final, fading phase of faith.

***

Nietzsche repudiated conservatism, liberalism, progress, equal rights, and the aspiration to a free society. For him they were all outmoded relics. He spoke of science as a "prejudice." So bsistent was Nietzsche that these were shibboleths that progress, the notion behind most of them, came to seem to him the great impediment to freedom of thought. In his opposition to this chimera he was driven to embrace the grotesque metaphysics of "eternal recurrence," a lapse into the Buddhist fatalism of his first mentor, Schopenhauer. But it shows how far he was willing :o go to renounce and denounce all liberalism and humanism.

God is unreal, but has real but muddled referents in lived experience. Man is the same. No one has ever met God or Man; bu-: actual, particular men (and women) have had real experiences they have interpreted as sacred or moral. Nietzsche rejected these interpretations but accepted the experiences (it would be unscientific not to). Humanism must surpass its deity-surrogate values and engage the experiences that take us beyond the impoverished sub-reality of everyday life. It must be more, not less, Nietzschean than Nietzsche was.

Beggars Can Be Choosers

Acording to columnist Thomas Sowell, Western civilization is being undermined by-what? Mega-billions spent on the military? Lethal industrialism run amok? Clerical fascism at war wlth our vestigial freedom? No. It's being undermined by panhandlers.

Sowell, who deans up producing conservative yammer for a tax-free foundation, is much more of a "parasite" than any

ment ribbons till arrested on a bogus charge. Unlike the sports-bar bravos and the credit-card cretins from the fraternities, he knows what war means. We don't know him, nor do we know our many imitators who have disposed of flags and ribbons all over town for reasons only thejournalists don't understand. Albany is not the only location for a ribbon ruckus either. We are nodes in a national, indeed an international network of radical intransigents, a veritable anti-Masonic party — as witness the delivery of this communique from the West Coast. We are everywhere, and our ideas are in everyone's heads. In Metairie, Louisiana we don't rip ribbons, we burn them and,. as one of our militants reports, they "go up faster than an Iraqi raising his hands!"

Not that we C3.fe one way or the other, but the unquestioned axiom that whatever shocks the merchants and the media must be illegal, somehow, is quite false. Putting stuff up, not taking stuff down on public property is what's illegal. These same merchants regularly remove posters from the same places they hang ribbons from. There is no reward for their arrest, for they are responsible cidzens, not "heartless vandals," as TV news says we are. Predictably this angle has not occurred to the journalists. They aren't paid to think.

The loyal opposition to this war, back when there briefly was one, said "support the troops, not the war." How moronic. The troops are the war; try to wage war without them. They aren't conscripts, as in Vietnam, they're volunteers, which is a euphemism for mercenaries. We do not su11port the troops, except the ones who refused to fight. We don't look forward to the return of the policemen and street crazies for the next generation. We urge them to shoot their officers and bring the war home to Lark Street, to Wall Street, to every street. If they don't they won't get as warm a welcome as the papers have promised them. We will remind them that they are, after all, just baby-killers.

display even as it diverted the system's symbolism back against it. Like guerrillas everywhere, we t:ike many of our weapons from the enemy.

How appropriate for the state's dupes to sport ribbons as if they were prize cattle. We propose that from now on, those inclined to parade their subservience to the ruling powers should signify their willingness to suffer and submit, not by wearing urine-colored scraps like those we gave a mud-puddle marinade but with rings in their noses indicaring their eagerness to he led around. In the Gulf it was a splendid little war but on the home front we have incurred a lot of collateral brain damage. In wartime, truth is the first casualty — usually, as Ed Lawrence observed, from friendly fire.

War is good for business and it is no surprise the Lark Street merchants are behind the bootless witch-hunt for the "ribbon rippers." As always the home-front heroes cash in on the dying others do. But their customers must not share the martial ardor of the mercantile militarists. We could never have swept clean nine blocks of Albany's main drag for late-night revelry without the tacit support of the many people abroad that night. Despite the price placed on our heads, nobody has turned us in.

Remarkable for his odiousness is the businessman who had his hirelings hang up without pay the chauvinist bunting by which to advertise his patriotism and his merchandise. Not surprisingly a florist is behind the banal spectacle; it isjust as well there is no funeral parlor on Lark Street. As he told TV news, "My reaction is sickening." Well said! This crook is lining his pockets by wildly exaggerating the number of ribbons that were up in the first place -we removed perhaps fifty, not 200 or 300. We wonder where this employer of veterans was when his country needed men for Vietnam? And why is his son working in the flower shop, notservingin the Gulf?

We take this opportunity to express our respect for the Vietnam veteran who openly and angrily ripped down the replace-

of the homeless people produced by the policies he promotes. More important is his revealing choice of this word to designate people engaged in what he otherwise pumps for, namely, voluntary transactions between consenting adults. Sales warm his heart but gift-giving scares him. And it should. The gift and the game threaten a system built on competition, hierarchy and work. The Soviets whom he reviles for much more superficial differences are at one with Sowell in their condemnation of "parasites."

I agree with Sewell that "a whole class of people is emerging-unwilling to work and contemptuous of the society that feeds them." Any other time Sowell would denounce the collectivist heresy that "society" (as opposed to individuals) does anything, but under stress he lets slip his basic approval of hierarchic, bureaucratic coercion whether East or West. There are indeed people who refuse the master-servitude, work, so much more fundamental than the slight difference between democracies and dictatorships. We give what we can and take what we need. We want off the hamster-wheel of work and we're getting off it more and more often.

Beggars can be choosers.

A Sermon Not Delivered at Boston Bobalon, April, 1987

By Rev Sy. Mahatma Propagandhi

Welcome to Massachusetts.

Fellow Yetis and innocent 'bystanders:

I'm a humble man. I'm not a world-class, arena-rock ranter like the great ones we have with us today. I'm not a Pope. I won't buy your sister and sell her back to you for half what I paid for her, AFTER I'm done with her. I'm not a Doktor. I don't make anti-musik so HIDEOUSLY COMPELLING that farmers

and Ethiopians hold BENEFITS to raise money to pay me to STOP.

No, I'm nothing more than a sinful Saint. I don't use lasers, or dry ice, or messy creams or greasy lotions. As a Saint, my mission is to articulate the unfathomable to the unspeakable and that means you, kindred. I'm here to drive the money changers out from BETWEEN your temples. I see the universe in a grain of coke and heaven in a wild party. Really all I want to do is take a little of your time to discuss the very most important thing that ever happened in the long sorry history of this Planet of the Apes.

Am I talking about the Crucifixion? No way! Am I talking about the Industrial Revolution? No way! Am I talking about the invention of LSD? No, I'm not, but you're getting warm. No, I'm talking about the DEATH, the violent death of the Founder of this Church, J.R. "Bob" Dobbs, have you heard the name?

This brutal butchery means a lot to me because, well, I WAS TI ERE. I saw "Bob" Dobbs that horrible day in San Francisco three :rears ago, just as queerly-er, just as CLEARLY as I see you now. I saw the Pipe, I saw that wonderful shit-eating grin, I saw the mis-matched socks, I saw the hand that slapped a thousand backs. I saw it all, and then, in a flash of smoke, it was all over, and I never saw "Bob" Dobbs again. And neither has anybody else. So me people claim they've seen him here or there, there's talk of resurrections, and so on. DON'T BELIEVE IT.

Dobbs is dead. And now that he's been snuffed he's a greater mystery than ever. "Bob" is a riddle wrapped in an enigma and covered with red-eye gravy. He was an ordinary man to begin with, in fact, he's probably the most ORDINARY guy that ever lived. THAT WAS HIS POWER. He could relate to anybody, and he could sell to anybody. For that very reason he was tapped by JEHOVAH-1 as a messenger with a teaching for all with ears to see. Be that as it may, the Conspiracy wasted him and what I'm wondering is, Now what?

> Griffin, who has also been giving out red, white and blue silk corsages with thin yellow ribbons attached at his store, said it wasn't a promotional scheme but evolved out of his desire to offer a show of support from (sic) U.S. troops in the gulf. He and Wagner said they don't know what motive someone would have in tearing the ribbons down.
>
> "It wasn't a statement of anti-war or pro-war," said Wagner. "It's just a statement, we support the troops and we want them home as soon as possible."
>
> While yellow ribbon is in short supply, Griffin said he's got enough to do the street over at least once more, but he's looking into finding a way to have them nounted higher above the sidewalk, out of easy reach. If they're tom down again, he said he won't be deterred.
>
> "I don't care what it costs," he said. "We'll put them up 10 times if we have to. We're not in it for the money."
>
> "The child looks for Mount Olympus and finds Kuwait." Elias Canetti, The Secret Heart of the Clock

In the early hours of January 30, 1991, our elite AntiRepublican Guards conducted a surgical strike against the symbols of militarism which till then decorated Albany's Lark Street. From Central Avenue to Madison Avenue and beyond, enjoying every minute of it, we trashed every single sickening sign of support for the war and for the government that started it. We created for six days a nine-blockjingo-free zone. While this was not enough to efface the inherently warlike character of a street dedicated to the joyless compulsions to work and to consume, it afforded the public a respite from a tasteless and venal

"People are really appalled," he said. "I've had people here In tears. It's an emotional issue."

John Wagner of Waldorf Tuxedo on Lark Street said he saw the ribbons in place at 10:30 p.m Tuesday. When he arrived at work Wednesday he said, "the street felt empty" as realized (sic] the ribbons had been torn down. Some lay on 1he sidewalk, some were in trash bins and many were unaccounted for.

Except for a few threads still hanging on stairs on trees and posts, the only ones remaining Here about two dozen hanging from Griffin's shop and then Lark Street News and Grocery next door.

"It's mindless," said Wagner.

No complaint was filed with police, and Wagner said he was uncertain police could solve the crime. But Lt. Robert Wolfgang, a spokesman for the Albany police, said that given the higl1 level of nighttime traffic on Lark Street, investigators might well identify suspects.

"By all means, we certainly could investigate and follow up any leads," said Wolfgang. He had seen the ribbons and termed the act "unfortunatly. That was certainly a nice gesture."

Griffin, who estimates he spent about $500 of his own money on the display, said the ribbons were done largely by an employee, Wayne Teator, a Vietnam veteran who would take rolls of the ribbon home at night and work on tying the n into bows. Starting first with yellow and the 1 the red, white and blue motif, employees hung the ribbons on virtually every tree and telephone pole from Central Avenue to Madison Avenue.

The trouble is, "Bob" Dobbs was always Too lovable, too approachable, too much of everything we look for in each other and never seem to find. "Bob" didn't make it easy to be a SubGenius, but he made it SEEM easy. Above all, and worst of all, he made it easy to be a "Bobbie." He made it easy to think all you had to do to reserve a seat on an Xist getaway saucer was hang up a BOBSHEAD on your wall and blabber about "Bob" a lot. I don't blame "Bob" for that. No, I blame all the needledicked Bobbies and Art Wimps who made an IN JOKE out of him. And "Bob" was too NICE A GUY to crack down on them.

So I think this was why "Bob" Dobbs HAD to die. I don't think the Conspiracy got the drop on him in San Francisco. And I don't think itwasjust a publicity stunt either. I say Dobbs willingly made himself the clay pigeon at a Conspiracy skeet shoot. He died with a grin on his face as broad as an exit wound.

WHY? I'll tell you why. Because we got lazy and complacent. Because it got so we stopped fighting the Conspiracy, we'd tell ourselves, "Let 'Bob' do it!" It was always "Bob" this, "Bob" that, "Bob" blahblahblah.

Well, we forgot something. We forgot that "Bob" helps those who help themselves to EVERYTHING that isn't NAILED DOWN. We forgot what "Bob" was FOR.

WE forgot, but "Bob" remembered. And he knew what he had to do. Everything he was doing for us was worthless compared to what we have to do for ourselves. "Bob" saw that we were using him as a CRUTCH, so he KICKED lHAT CRUTCH AWAY and made us stand up on our own two feet and SPRINT.

"Bob" is a ladder, a ladder to Heaven. He wants you to climb up that ladder to the stars and KICK rr AWAY behind you. Because there's no turning back.

To sum up: If you need "Bob," he DOESN'T need you. "Bob" is dead… kt the good times roll!

Interview in Seattle

with Chris Estey

(Chris Estey conducted this telephone interview when I attended the Libertarian Party national convention in 1987, ostensibly as a journalist. Estey explains: "He was sharing a hotel room with Michael Hoy of Loompanics Unlimited, but I don't think anything was going on between them.")

Do you really hate Jews?

A: No… but I'm on a current anti-Semitic kick, sour grapes because I was dumped by a JAP. [Donna's not really a JAP, just a snob — Author's note.] They do the same thing to me that they do to everybody.

Q: Anybody you want to tell to fuck off?

A: In Seattle or what?

Q: No, overall.

A: I don't want to give off any bad karma, karma is…

Q: Hold it, I'm still writing this down…

A: I'm not sure you have a career in this sort of thing if you write that slOw. Aren't you supposed to ask me about my hobbies?

Q: Not yet. How would you describe you?

A: Avocational guidance counselor. Wait a second, my glasses are broke. And why hasn't it rained here yet? I'm really disappointed it hasn't rained the whole time I've been here.

Q: I wish I had a hand-held recorder…

A: I have one. I'm afraid to use it, though.

Q: Why is that?

A: Scum… born-again… you know. [Estey is garbling my account of an interview with Christian Libertarian Marshall Fritz which Mike Hoy of Loompanics and I conducted.]

Q: Wait, let me get this down.

A: God, you're slow. It's the weight, I'd bet, slows you down. Lose it!

Foes turn friends in ways that are mysterious.
Lebanon was hopeless and now it is Syria's.

Our Islamic allies hate us
Though we're there to quo their status
In a *jihad*
We will be had
Even with William Satire to masturbate us.

It's time for me to go, but I'll be back, I'll always be back, until you turn the guns around. Till then, or till next time, remember — where there's war, there's Hope.

Friendly Fire

VANDALS TAKE DOWN RIBBONS
By Jay Jochnowitz
Staff Writer

> ALBANY — Lark Street merchants were fuming Wednesday after hundreds of yellow ribbons and red, white, and blue ribbons were torn down during the night.
>
> Businesses by mid-afternoon had put up an $800 bounty and a florist who came up with the ribbon idea to honor allied troops in the Persian
>
> Gulf said he would start putting the decorations back up as soon as the weather cleared.
>
> "I came in this morning, and the whole street was empty," said Russ Griffin of the Lark Street Flower Market, who with his employees put up about 200 to 300 ribbons two weeks ago. He said the response until now had been overwhelmingly positive. The reaction to the disappearance, Griffin said, was equally acute.

How many of you out there are Reservists? I bet you 're surprised to be here. I was golfing with Vice President Dan Quayle last week. Now he wants to get out of the Reserves. But he won't be called up. He's doing such important work.

And don't think the Emirate of Kuwait isn't worth dying for. I was playing golf with some Kuwaiti refugees in Palm Springs recently and they appreciate the sacrifices you'll be making to restore their traditional way of life. As Arabs go, Kuwaitis are a lot like us. Well, maybe not like you, but they're a lot like me. Kuwait has its own time zone: Miller Time. Kuwait makes The Bonfire of the Vanities look like The Grapes of Wrath. Kuwaitis are very different from Iraqis. A Kuwaiti plays blackjack, an Iraqi carries one. Kuwaitis are the only Arabs if you mention the sands they think you mean a casino. From the slopes of Aspen to the discos of Manhattan the oil playboys raise a toast to your heroism.

Now some people say the case for starting this war is as leaky as an Israeli ferryboat. They say why die for a place so far away even Domino's doesn't deliver. Now stop me if you've heard this one, but the joke going around on the home front goes like this:

How is the President's war policy like a Gulf War veteran? Hasn't got a leg to stand on. Guess you were stumped by that one. Now you know why it's called a gag.

I'd like to conclude this part of the show with a musical tribute inspired by Allan Sherman, the guy they named the tank after, and by Tom Lehrer. I am in fine voice tonight but you'll just have to take my word for it:

> Holy terror, *Intifada*,
> This war won't be like Grenada
> Soldiers thirsting
> Car-bombs bursting
> Saudi women aren't much fun
> And that's the worst thing.

Q: Who would you like to fuck?

A: I'm increasingly interested in teenage girls.

Q: Well, what abcut boys?

A: Anyone who's younger than I am… Personally, I can't tell the differen ce between teenage boys and teenage girls, they all kinda blur…

Q: Well, I sure can!

A: Can what?

Q: Tell the differerce!

A: That's surprising.

Q: Have you ever noticed that college students are fatter than high school kids? They gain weight in the summer between the two…

A: No, it's only the homosexuals who get fat now. What is it with weight here in the Pacific Northwest? Are you all feasting on salmon?

Q: Did the Libertarians party last night?

A: Sure, that's why I have a hangover.

Q: Libertarian women sure are ugly.

A: They may be ugly, but they could always overcome that in action. But I have no epithet to describe them.

Q: Okay, now — do you have any hobbies?

A: Revenge.

Q: No guilt?

A: Well, guilt is a tactic… I don't hesitate to play on guilt. As one rock promoter [Bill Graham] said whose goons beat me up, "It comes with the territory."

Q: I guess you use guilt in a sort of Nietzschean way. Punish those who blame you for their oppression.

A: I'm getting into ridding myself of moral responsibility. I now hate many people who were my friends, which is a step in the right direction. People who admired me here in Seattle, I had to come and put an end to it. I've got to fix my glasses Do you know [Tim] Cridland? The guy who publishes Into the Deep Mire, or something like that?

Q: *Off the Deep End.*

A: That's right. He doesn't have glasses. But all the other people who showed up at the Loompanics table did.

Q: I like the fact he's hanging out with Hoy, rather than these other Seattle wankers … the libertarians there could have used him loosening them up.

A: Anyway, the Libs are now into color consciousness — they're the last ones to realize they want to buttfuck their mothers. Libs want to belong so bad… rugged individualists looking for a herd. Gregor Jamroski said all their colors are wrong. Jung himself probably wouldn't think green would represent reason, the Libs' fixation on rationality. Analytic, techno-nerds…

Q: Are techno-nerds like cyber-punks?

A: Yeah, but aren't cyber-punks supposed to be cool?

Q: In a geeky, Elvis Costello kinda way.

A: Greg Jamroski had a Costello haircut… back when he pretended to be a Brit-punk.

Q: I was pretending to be Scottish once.

A: That's just so you could wear a skirt.

Q: No, it was all the acid I took… I started speaking with a burrrr after a while.

A: I scored some Ecstacy.

Q: For our readers, is that like acid?

A: No; keeps you awake but there's no high. Donna was into it in a big way, therapy-enhancer sort of thing… [Moral: Never use a wake-up call for a telephone interview.]

Bob's Hopeless Desert Classic

Ladies and gentlemen of Operation Desert Shield, welcome to Bob's Hopeless Desert Classic. I never miss a war, it's great to be on the side that's always right. I know I speak for all Americans, especially the op-ed columnists, when I say we're behind you — thousands of miles behind you. So get out there and golfus out of this sand-trap.

We have a great show for you today. I'm sorry that Andrew "Dice" Clay couldn't join us, but he was vetoed by the Saudi authorities. They said, "Too feminist." They also asked me not to tell any jokes about getting stoned. Saudi culture doesn't permit me to bring along the usual bevy of starlets, but I know later in the show you'll give a big hand to the Ballet Trockadero.

With Operation Desert Sword only two days away I know you're a little jittery. The recruiters never said anything about fi!7hting. You joined the army to learn marketable skills, like standing at attention. I'm not saying yourunderprivileged backgrounds are a military disadvantage, let's just say that Iraq has some crack troops and we have some crack troops. You joined the army to be somebody. Chances are you will be some body.

I'm not saying we have a morale problem, but tomorrow the medics will be looking at a lot of scorpion bites.

I'm not saying war is inevitable, but when I played golf with General Colin Powell the other day he said they'd have the Gulf veterans' memorial set up before you even go home! If you do. This war shows how far we've gone toward equal rights for all. The first time I saw General Powdl on a golf course he was a caddy.

And while I'm on the subject, we have a coed mercenary army now. You've come a long way, baby — could be the end of the line — and girls, you look great in those jungle camouflage fatigues! The Iraqis might mistake you for a reforestation project. Sweethearts, you make the desert bloom!

IX. Friendly Fire

I saw through the war fraud right from the start. In fall 1990 when I could ill afford to I sent to more than forty publications "The Conquest of the United States By Iraq." It was modelled on William Graham Sumner's 1900 essay, "The Conquest of the United States by Spain," which explained that the United States had actually lost the Spanish-American War by assuming Spain's ruinous imperial role by annexing its possessions. My point was that the United States was now taking Iraq's place by its militarism, jingoism and nationalization of the mass media. I was (a first for me) universally suppressed, even by the one publication, Liberty (cf. Chapter I) which was "700/o" certain it would print me.

I don't reprint that polemic since it is, as prophecy, moot. Sumner, like Mencken, waited till after his war to to protest, a course I scorned as cowardice, but now it looks like plain practicality — they won't let you talk sense to the manipulated mob and it wouldn't matter if you did. It was catharsis time for the media-dupe war fools in their multi-millions. After a strong start the opposition was paralyzed by the military-media complex. I read "Bob's Hopeless Desert Classic" three days before the war to an absolutely silent audience of literati and leftists in a collective coma.

It was time to take Stimer measures. When we did, all the mass media vented their outrage. When we explained our purposes, all media, left and right, suppressed our communique and even the fact of its existence. Until now, when it gives a name to my book and a finale to our guerrilla gallantry.

VIII. Bob Black, A Gentleman & a Scholar (If He Were a Gentleman)

Politics, Preface & Procedure: The Impeachment Trial of Andrew Johnson

Recent years have seen some erosion in the traditional view of the Andrew Johnson impeachment trial as a lawless episode of political partisanship. Johnson's reputation has worsened even as historians have come to see the essentially moderate character of the Republican Reconstruction program.[1] Legally, the impeachment is not as self-evidently insupportable as it once seemed. Scholars and (thanks to Watergate) public officials now generally agree that impeachable offenses need not be indictable crimes,[2] as Johnson's lawyers argued and some of

[1] Michael Les Benedict, A Compromise of Principle: Congressional Republicans and Reconstruction, 1863–1869 (New York: W.W. Norton a Company, 197 4); Benedict, The Impeachment and Trial of Andrew Johnson (New York: W.W. Norton a Company, Inc., 1973), vii, 1–8; David Donald, The Politics of Reconstruction, 1863–1867 (Baton Rouge: Louisians State Univ, Press, 1965); Hans L. Trefousse, Impeachment of a President: Andrew Johnson, the Blacks, and Reconstruction (Knoxville: University of Tennessee Press. 1975), ix-x.

[2] Benedict, Impeachment, 2 7; Raoul Berger, Impeachment: The Constitutional *Problems* (Cambridge: Harvard University Press. 1973), 53–102; Charles L. Black, Jr., Impeachment: A Handbook (New Haven: Yale University Press, 1974), 35; Peter Charles Hoffer 8: N. E.H. Hull, Impeachment in America, 1 635–1805 (New Haven: Yale Univ. Press, 1984), 101–102; Impeachment Inquiry Staff of the House Judiciary Committee, "Constitutional

the Republicans who voted to acquit him supposed.[3] But most scholars still take it for granted that, as Raoul Berger has written, the trial was unfairly conducted and the judges prejudiced: "What made the trial 'disgraceful' was not that the charges were altogether without color of law but that the proceeding reeked with unfairness, with palpable prejudgment of guilt."[4]

This received view is as mythical as the other tenets of the old Reconstruction historiography. Political and personal prejudice there certainly was, but it worked both ways, and on balance, it worked to Johnson's benefit. Far from being one-sided, the Senate's procedural and evidentiary rulings were often more favorable to the defense than they should have been. Johnson had eminent counsel who outperformed the House-

Grounds for Presidential Impeachment," High Crimes and Misdemeanors: Selected Materials on Impeachment (New York: Funk 8: Wagnalls, 1974), 1–26; John R. Labovitz, Presidential Impeachment (New Haven: Yale University Press, 1978), 27, 99–100; William Lawrence, "The Law of Impeachment," American Law Register, O.S. 15 (Sept. 1867), 644, 647; William Rawle, A View of the Constitution of the United States of America (Philadelphia: H.C. Carey 8: I. Lea, 1825), 201, 204; Alexander Simpson, A Treatise on Federal Impeachments (Philadelphia: Law Association of Philadelphia, 1916), 30–60; James Wilson, "Lectures on the Law, No. 11, Comparison of the Constitution of the United States With That of Great Britain," The Works of James Wilson, ed. James DeWitt Andrews (Chicago: Callaghan 8: Co., 1896), 1:408.

[3] Trial of Andrew Johnson, President of the United States, Before the Senate of the United States, on Impeachment by the House of Representatives for High Crimes and Misdemeanors (Washington: Government Printing Office, 1868), 149 (hereafter Trial); Trefousse, Impeachment, 51. For a statement of the position that only indictable crimes are grounds for impeachment — a view which owed its former popularity largely to the Johnson impeachment fiasco — see Edward S. Corwin, The President — Office and Powers, 5th ed. (New York: New York Univ. Press, 1984).

[4] Berger, 264. Berger has been influential in discrediting the idea that American impeachments are criminal trials and that only indictable crimes justify impeachmet. He is, however, tendentious and hyper-legalistic in all that he publishes, and his chapter on the Johnson impeachment, based on obsolete sources, is a caricature of events and issues which at times approaches the grotesque. "Berger has written a brief, not a history," according to a study which comprehensively refutes him. Hoffer Et Hull, 268.

"Institutional Litigation in the Gilded Age," a paper delivered at :he Annual Meeting of the Law Et Society Assocation, San Diego, California, June 7, 1985.

of prejudices cutting his way and exploiting extrajudicial political clout. His lawyers insisted he be tried solely according to the literal terms of the impeaching articles — the rule of law required no less — and then belittled those "technical and formal crimes" as "of very paltry consideration." After incurring attack for contending that the Senate was not a court, the Managers made more use than the defense of evidentiary technicalities inappropriate in an impeachment trial. Ostensibly upholding the Constitution and laws against partisan abuse, the defense — aided by the Chief Justice — repeatedly induced the Senate either to break its own rules or to rewrite them to suit Chase or Johnson. The trial included its sl.are of errors and injustices, but they more often benefited the accused than the accusers. Unlike his prosecutors, Andrew Johnson got a fairtrial.[69]

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"Politics, Prejudice and Procedure: The Impeachment Trial of Andrewe Johnson," University of West Los Angeles Law Review, Vol. 19 (1987): 35–51.

[69] Trial 1:475, 2:129–34,136, 303–04.

appointed Managers and made the most of the prosecution's weaknesses. Chief Justice Salmon P. Chase, presiding over the trial, succeeded in enlarging his own role in the trial and tilting toward the defense in his comments and rulings. Behind the scenes he bargained for the votes of conservative Reptblicans. Despite the partisan feeling against him, Johnson was not openly deprived of his constitutional rights.[5] Since Johnson was acquitted by only one vote,[6] it is more likely that a fairer trial would have resulted in his conviction.

Of course the impeachment was thoroughly political. The in-court statements of both sides reflected awareness that the real issue was presidential obstruction of Congressional Reconstruction.[7] But the Framers of the Constitution would probably not have been shocked by that dimension of the case. They expected partisan excesses by the House's prosecutors to be redressed by trial before the Senate where, as Alexander Hamilton wrote, the "security to innocence" afforded by the requirement of a two-thirds vote to convict "will be as complete as itself can desire."[8] As Michael Les Benedict points out, if pol-

[5] Simpson, 28. "Despite charges that it had been an entirely partisan affair, with the Senate obeying the wishes of tht House Managers, at least a few Democrats were willing to concede that the proceedings had generally been fair." Martin E. Mantell, Johnson, Grant, and the Politics of Reconstruction (New York: Columbia Univ. Press, 1973), 95.

[6] Trial 2:486–87, 496–97. There is reason to believe, though, that several more Republicans — including the Chief Justice's son-in-law, Senator Patterson — would have voted to acquit if their votes were needed. William Archibald Dunning, Reconstruction; Political and Economic 1865–1877 (New York: Harper 8: Brothers, 1907), 107; Mantell, 97, 173 n. 21; Trefousse, Impeachment, 169.

[7] Trial 1:121–22 (Manager Butler), 2:14–16 (Manager Logan), 110 (Manager Boutwell), 232–33 (Manager Williams), 270–71, 277 (defense counsel Evarts); Benedict, 135, 160; Berg er, 269–70; Trefousse, Impeachment, 140–41, 159.

[8] Labovitz, 177; Alexander Hamilton, James Madison and John Jay, The Federai'ist Papers (New York: New American Library, Mentor Books, 1961) No. 66 (Hamilton), 402.

itics motivated the majority that voted to convict, it equally actuated the minority that voted to acquit.[9]

Johnson's lawyers and the scholars who echo their arguments contended that the Senate, by passing upon charges that included defiance of Congress, wasjudging its own case; that further bias from self-interest was injected by the happenstance that the President of the Senate, Benjamin Wade, would succeed Johnson; and that Wade's own participation in the voting was especially improper.[10] Some of the Managers such as Thaddeus Stevens and Benjamin Butler had long called for impeachment and so, it is said, were biased against the accused.[11] (But then the Managers participated as prosecutors, notjudges, and took no oath to act impartially.) The argument from Senatorial self-interest proves too much, being essentially an argument against impeachment as a process. The Framers must have anticipated that many Senators would be definitely friendly or inimical to the President, and it would be absurd to disqualify them as in an ordinary trial.[12]

The circumstance that Wade was next in succession had the most appeal for so-called Radical Republicans who hardly needed further incentive to remove a president they considered a traitor. But the prospect frightened anti-Johnson but conservative Republicans who detested Wade's high-tariff, soft-money, pro-labor and women's suffrage sentiments: such men feared that Wade would use his patronage power to secure the 1868 Republican vice-presidential nomination.[13] Defense

[9] Benedict, Impeachment, 126.

[10] Trial 1 :41 1 (defense counsel Curtis), 2:324 (Evarts), 3:360–401 (Senate debate on letting Wade take the oath); Berger, 267 an. 100.

[11] Benedict, Impeachment, 52; Berger, 269–70, Hans L. Trefousse, Ben Butler: The South Called Him Beast! (NewYork: TwaynePublishers, 1957), 186; Trefousse, Impeachment, 51–52.

[12] Black, Impeachment, 11.

[13] Benedict, Impeachment, 133–35; Eric Foner, Reconstruction: America's Unfinished Revolution, *1863–1877* (New York: Harper a Row, 1981), 335; H.L TrefoussE, Benjamin Franklin Wade: Radical Republican From Ohio

it. Impeachment proponents were not fooled and induced the Senate to vote on the eleventh article first.[65]

Chase now made the last and possibly most important of his unauthorized encroachments upon the Senate's sole power to try impeachments. Speaking as if he were the trial judge charging the jury as to the applicable law, he prefaced the voting by his own narrow construction of the article. "The single substantive matter charged," he said, "is the attempt to prevent execution of the tenure of-office act [*sic*]; and the other facts are alleged either as introductory and exhibiting this general purpose, or as showing the means contrived in furtherance of the attempt." By collapsing the eleventh article into a mere rehash of the others, Chase effectively eliminated the breadth which was intended to distinguish it from the other ten.[66] It is argued that Chase did not determine the verdict of the trial because formally the Senate had the right to overrule him.[67] As the disposition of the eleventh article shows, that is a naive view of the matter. By his comments, his control of the proceedings, the prestige of his office and his mastery of the *fait accompli*, Chase exerted a pervasive influence on the whole course of the proceedings, and his influence was usually exerted for Johnson's benefit.

A few years after the Johnson acquittal, the Supreme Court held that a criminal defendant is accorded due process of the law "if the trial is had according to the settled course of judicial proceedings," consonant with "the law of the land."[68] In that sense, it was the Managers rather than Johnson who were denied due process. The case is shot through with ironies inuring to the accused's benefit. Johnson portrayed his prosecutors as prejudiced and partisan while secretly taking full advantage

[65] Trial 1:10, 2:110, 114–16, 279, 484; Benedict, Impeachment, 1 14–15, 1 60; Labovitz, 61–62; Trefousse, Impeachment, 138–41.

[66] Trial 2 :480–81; Labovitz, 62.

[67] Perdue, 91–92.

[68] Walker v. Sauvinet, 92 U.S. 90, 93 (1875).

since criminal intent was alleged in each article, conviction required proof of criminal intent.[61]

Actually it is doubtful if this rule applied even if the trial had been criminal in character. Immaterial allegations in an indictment had long been allowed to be ignored as surplusage.[62] If most senators thought that criminal intent (at least as the defense understood it) was not necessary to sustain conviction, their disregard of allegations of criminal intent would not mean they were voting to convict Johnson of something different from what he was charged with. And yet the defense argument paid off. Five of the seven recusant Republicans filed opinions justifying acquittal in part because the proof only showed an attempt to remove Stanton (because he refused to go), not an effective removal as alleged![63]

The fate of the eleventh article, "the gist and vital portion of this whole prosecution" as Stevens called it, illuminates the Clrcumstances which led to Johnson's acquittal. The Radical Republicans added it because, as Stevens complained, the other articles were so narrowly and legalistically framed as to have no "real vigor in them."[64] In extraordinarily convoluted language it alleged a conspiracy to frustrate enforcement of the Tenure of Office Act and certain Reconstruction legislation pursuant to Johnson's alleged assertion that the Congress was not a constitutional body. It was the most important article and the one most likely to be adopted because, in its obscure but unmistakable way, it was understood by all to state Johnson's real offense: his obstruction of Congressional Reconstruction. Instead of meeting the change head-on, defense counsel tried to make light of it by professing an inability to make any sense out of

[61] Trial 1 :689, 2: 169; Labovitz, 88.

[62] Respublica v. Shryber, 1 U.S. (1Dall.) 68 (Pa. 1782); see also Berger v. United States, 295 U.S. 78, 82 (1935) (the question is whether the variance between indictment and proof is so great as to take a defendant by surprise).

[63] Labovitz, 68–69.

[64] Benedict, Impeachment, 112; Labovitz, 61.

counsel Evarts alluded to the "shock" and "disturbance" and "confusion" which would ensue from such a succession. At least three of the seven "recusant" Republicans who voted to acqt.it were personal enemies of Wade.[14] And so was the Chief Justice, Chase. The men had been at odds as rival Ohb Republican leaders since the 1850's, and Chase believed, with good reason, that Wade's darkhorse presidential ambitions in 1860 doomed Chase's own campaign for the Republican nomination.[15] As events were to reveal, Chase was well positioned to frustrate Wade's hopes. After the trial a Detroit newspaper wrote: "Andrew Johnson is innocent because Benjamin Wade is guilty of being his successor."[16]

As for Wade's own voting to convict, it was doubtless technically improper,[17] but it hardly mattered. Wade and his supporters felt that his state was entitled to two votes, as were the other states; nonetheless, he refrained from voting until the day of balloting on the verdict, and he voted to convict only after acquittal was already a mathematical inevitability. As was pointed out at the time, Johnson's son-in-law Senator David T. Patterson should have been disqualified if anyone was, but he

(New York: Twayne Publishers Inc., 1963], 8, 284–85, 306; Trefousse, Impeachment, 149,176–77. In February 1868 the future recusant Senator Fessenden wrote that Johnson's impeachment would mean "the end of us." Benedict, Impeachment, 103.

[14] Trial 2 :2 71; Hans. L. Trefousse, Benjamin Franklin Wade: Radiccl Republican from Ohio (New York: Twayne Publishers, 1963), 8.

[15] Thomas Graham Belden and Marva Robins Belden, So Fell The Angels (Boston: Little, Brown and Co. 1956), 181; Frederick J. Blue, Salmon P. Chase: A Life in Politics (Kent, Ohio: Kent State Univ. Press, 1987), 124–126; Albert Bushnell Hart, Salmon Port*land Chase* (Boston: Houghton, Mifflin a Co., 1899), 358; Donna! \'. Smith, *Chase and Civil War Politics* (Columbus, Ohio: F.J. HefPrintingCo., 193 1) 17–22; Trefousse, *Wade,* 68–69, 121–24, 140. "Chase," said Wade, "thinks there is a fourth person in the Trinity." Trefousse, *Wade,* 235. Ironically, Wade actually preferred Chase to Grant as the 1868 Republican presidential nominee. Benedict, *Impeachment,* 72.

[16] Trefousse, *Wade,* 309.

[17] Rawle, 206.

voted (consistently pro-defense) throughout the trial.[18] Since one vote to acquit is effectively worth two to convict, the balance of bias favored the President. As a legal matter the Senate, notwithstanding its biases, had the power and the duty' to try Johnson. Under the legal doctrine of necessity, a tribunal whose members are subject to disqualification for bias or interest must nevertheless act if there is no other body with jurisdiction to proceed.[19] It is, after all, somewhat circular to complain of politicization in the Johnson impeachment when the nature and magnitude of the issues raised by Johnson's course of conduct necessarily aroused political passions.[20]

Another aspect of the issue of prejudice is the Managers' occasional pejorative references to the President — the "great criminal," as even conservative Manager John A Bingham called him[21] — but there is no evidence that they had any real prejudicial impact. A famous example took place toward the close of Manager Benjamin Butler's otherwise pedestrian three-hour opening statement when he said with reference to Johnson, "By murder most foul he succeeded to the Presidency, and is the elect of an assassin to that high office."[22] Probably

[18] Trial 3 :360–61 (Senator Sherman); Lately Thomas, The First President Johnson (New York: William Morrow ft Co., 1968), 585–586; Trefousse, Wade, 297, 300, 303–04. Several matters were decided by one vote or by a tie (broken by the Chief Justice) during the trial. Wade has never received historical credit for his forbearance. Given the closeness of these votes and of the verdict, Wade's abstention is another of those imponderables which might have made the difference between conviction and acquittal.

[19] In re Leefe, 2 Barb. Ch. 39, 39–40 (N.Y. 1846). Here and hereafter an effort has been made, where legal issues are discussed, to rely on 19th century decisional law in contexts remote from impeachment. As discussed more fully later, some of the most-criticized legal determinations of the impeachment trial were fully in accord with the law at the time, a possibility overlooked by virtually all commentators on the trial.

[20] Labovitz, 31.

[21] Trial 2 :407.

[22] Trial 1:119; Trefousse, Wade, 298–99; Trefousse, Impeachment, 154.

the President still wielded enough power and patronage to outbid the Radical Republicans for enough votes to win.

The evidence is overwhelming that while an impeachment trial is a judicial proceeding before the Senate sitting as a court,[57] it is not a criminal trial.[58] Procedurally this means that the technicalities of indictment and pleading which characterized criminal procedure had no place in the Johnson impeachment trial. Hamilton wrote that such a proceeding "can never be tied down to such strict rules, either in the delineation of the offense by the prosecutors or the construction of it by the judges, as in common cases serve to limit the discretion of courts in favor of personal security."[59] All the early commentators, seconded by the best modern authorities, agree that the Senate was not bound to the strict forms of common-law pleading and procedure, particularly with respect to the formulation of charges; the articles might be very general and the Senators were entitled to construe them broadly from considerations of policy.[60]

The defense, however, assailed obscurities and possible technical defects in the articles as if they appeared in an indictment. In the criminal law of the day, no conviction could stand unless the proof adduced at trial closely corroborated the allegations of the indictment, even if the proof showed other criminality on the defendant's part. Johnson's lawyers cited this principle in his behalf, insisting, for instance, that

[57] Berger, 264; Black, Impeachment, 9–11; Duer, 76; The Federalis;'.Papers No. 65, at 396, 398 (Hamilton); Rawle, 205; Simpson, 21–27.

[58] Berger, 75–85, 297; Labovitz, 245. English impeachments, in contrast, were criminal in character. Matthew Hale, The History of the Common Law of England, ed. Charles M. Gray (Chicago: University of Chicago Press, Phoenix Books, 1971), 35.

[59] The Federalist Papers No. 65, at 395 (Hamilton); Story, Commentaries 1 :1555.

[60] Duer, 76–77; Theodore W. Dwight, "Trial by Impeachment," American Law RegisterO.S., 15 (March 1867); Labovitz, 117–18, 180; Rawle, 201, 205; Story, Class Book, 61; Story, Commentaries 1 :559–60.

ident in his acts. The Secretary will call the roll." By a 26–23 vote the evidence was admitted.[54] Again, an after-the-fact, self-serving hearsay declaration, which must have been made in anticipation of future controversy, was admitted to prove a kind of "intent" which was not really material anyway. The defense, often with the weight of the Chief Justice's authority behind it, overall benefited greatly from the Senate's evidentiary rulings. And even when the Managers succeeded in excluding evidence of Johnson's innocent intent, the Senators heard what the evidence would have been even as the Managers made themselves look bad by trying to suppress evidence favorable to Johnson.[55]

The most important lapses from procedural propriety in the impeachment trial did not take place in court at all. They consisted of negotiations between Johnson's lawyer Evarts (who would surely be disbarred for it today) and susceptible conservative Republican Senators which eventuated in a virtual trade of not-guilty votes for political favors. Senator Grimes, with the knowledge of Senators William P. Fessenden and Lyman Trumball, obtained assurances that acquittal would not be followed by presidential reprisals. The nomination of a conservative Republican general to succeed Stanton also pleased the Republican right. Senator Ross — a recusant often held up as the hero who placed principle above politics in casting the vote that saved Johnson — let the President know that his prompt transmission of the new, reconstructed South Carolina and Arkansas constitutions would cause him and others to vote to acquit. Johnson complied the next day. Johnson also agreed to enforce :he Reconstruction Acts.[56] It is curious that impeachment critics who point to the immense political pressure brought to bear on wavering Senators overlook that

[54] Trial 1:673–75.

[55] Trefousse, Impeachment, 154.

[56] Benedict, Impeachment, 137–38; Dunning, 107; Mantell, 96; Trefousse, Impeachment, 157–59.

this remark did the prosecution more harm than good,[23] but in any event it was the kind of oratorical extravagance typical of 19th century courtrooms and political performances at a time when these were prime sources of popular edification and entertainment. Johnson, certainly, was anything but squeamish in his speeches. In fact, the context of the Butler statement was his discussion of Article Ten, a minor article accusing Johnson of vilifying the Congress based on statements during his "swing around the circuit" when he called his Republican critics "traitors," likened himself to a "Christ among Judases," and generally shocked Republicans by the virulence of his invective.[24] Such flashes of color only stand out, for better or for worse, on account of the dullness of the larger part of a sprawling 1200 page transcript. Although Johnson's lawyers may have been somewhat more restrained, one of them carried his oratory so far as to be censured by the Senate for in effect challenging; Butler to a duel.[25] Critics

[23] Albert Castel, The Presidency of Andrew Johnson (Lawrence, Kansas: The Regents Press of Kansas, 1979), 186; Trefousse, Impeachment, 154.

[24] Johnson was surely among the most vulgar and uncouth of presidents save only, perhaps, the only other presider:t to face a real impeachment threat. Johnson, forinstance, attended his own and Lincoln's inauguration while drunk. Thomas, 293–300. A former slaveowner, Johnson was also a virulent and outspoken racist. Lawanda Cox a John H. Cox, Politics, Principle and Prejudice, 1865–1866 (New York: Free Press, 1963), 151–171 ; David Warren Bowen, Andrew Johnson and the Negro (Knoxville: Univ. of Tennessee Press, 1989).

[25] Trial 2 :307 (Censure of defense counsel Nelson). One wonders what Berger is talking about when he writes: "The Managers indulged in vituperation without restraint by the Senate; yet defense counsel, who musthaw felt themselves in the midst of a pack of wolves, neyer departed from reasoned, measured advocacy" (Berger, 274–75) — except to challenge Butlerto a duel!The defense team's relative restraint is perhaps to be explained less by its lofty ethical rectitude thar by a shrewd assessment of tactics. Defense attorney Evarts made good use of Butler's logorrhea, evoking derisory laughter by his references to Butlds invective. Trial 2:285; James E. Sefton, Andrew Johnson and the Uses of Presidential Power (Boston: Little, Brown Et Co., 1980), 180181.

of the Managers' language may be unaware of the latitude traditionally accorded to the prosecutor in abusing an accused. In California, for instance, prosecutors mayuse "appropriate epithets" if the language is warranted by the evidence; thus defendants have been called "sneaky mother killer," "the lowest of the lows" and "a smart thief and a parasite on the community."[26] Johnson had much less to complain of than many less eminent malefactors.

The Constitution provides that "the Senate shall have the sole Power to try all Impeachments," and specifies that "when the President of the United States is tried, the Chief Justice shall preside." The Chief Justice replaces the Senate's usual presiding officer, the Vice-President, on such occasions for the obvious reason that the latter is next in line of succession to the presidency and might be biased.[27] The Chief Justice seemed a safe choice to preside because, as Justice Joseph Story wrote, "his impartiality and independence could be as little suspected as those of any person in the country."[28] Unfortunately the ambitions of the Chief Justice in 1868 confounded the Framers' precautions. Chase is often credited with conducting the trial impartially,[29] but there is no doubt that he prejudged the merits of the case and had a lively personal interest in its outcome.

[26] People v. Weiu, 50 Cal. 2d 383, 397 (1958); People v. Hardenbrook. 48 Cal. 2d 345, 352 (1957); People v. La Fontaine, 79 Cal. App. 3d 176, 186 (1978); People v. Rodriguez, 10 Cal. App. 3d 18, 36 (1970); Robert C. Black, "Attorney Discipline for 'Offensive Personality' in California," Hastings Law Journal 31 (May 1980), 1132 Et nn. 219–222.

[27] U.S. Const. art. I, §3, d. 6; Berger, 267 n. 100;Joseph Story, Commentaries on the Constitution of the United States, ed. Melville M. Bigelow (5th ed.; Boston: Little, Brown and Company, 1891), 1 :557; Joseph Story, The Constitutional Class Book: Being a Brief Exposition of the Constitution of the United States (Boston: Hillsard, Gray Et Company, 1834); Rawle, 206.

[28] Story, Commentaries, 1 :S68.

[29] William R. Brock, Conflict and Transformation: The United States, 1844-HI77 (New York: Penguin Books, 1973), 347–48; Castel, 186; Hart, 360; M. Kathleeen Perdue, "Salmon P. Chase and the Impeachment Trial of Andrew Johnson," The Historian 2 7 (Nov. 1965), 7 5–92; J. W. Schuckers, The

for use in the impending showdown over Stanton. Chase intervened to endorse the defense view, saying that "proof of a conversation shortly before a transaction is better evidence of the intert of an actor than proof of a conversation shortly after a transaction. The Secretary will call the roll." By a 23 -28 vote of which Chase complained bitterly in private, the evidence was excluded.[52]

But even this ruling, for which several arguable grounds of support appear, was effectively reversed. Later, by one of those one-vote margins made possible by Wade's self-restraint, Sherman was allowed to report what Johnson told him at later interviews (January 27 or 31) as to his purpose in offering Sherman the post of ad interim Secretary of War. Johnson said it was for the good of the country. When Sherman asked why the courts could not settle the conflict, Johnson said that was impossible, but "if we can bring the case to the courts it would not stand half an hour." As Stanbury said, "that which was closed to us by the decision of the court on Saturdar, is now opened by the question of the senator to-day."[53] Yet the Johnson-Sherman talks, which came after the Senate had refused to assent to Stanton's removal on January 13, were well before the final firing on February 21 and rather remote in time to count as contemporaneous declarations of intent.

A subsidiary issue in the case was whether Johnson had contemplated the use of force to install Thomas. To prove otherwise, the defense sought to have Secretary of State Gideon Welles testify that on February 21 Johnson opined that Stanton would acquiesce peaceably in the Thomas appointment. Chase announced that he was "dearly of opinion that this is a part of the transaction, and that it is entirely proper to take this evidence into consideration as showing the intent of the Pres-

[52] Trial 1 :466, 4E 0, 483; Perdue, 85; State v. Fessenden, 151 Mass. 353, 360–61 (1890) (per Holmes, J.).

[53] Trial 1 :520–21, 524.

about every exclusion of proferred defense evidence is defensible.

But there were further infirmities in important parts of defense testimony. Defense attorney Henry Stanbury sought to elicit from Thomas what Johnson had told him on February 21, 1868, immediately after Thomas had confronted Stanton at the War Department. Bingham objected that this was an attempt "to introduce in the defense of an accused criminal his own declaration made after the fact." Noting that the acts charged (dismissal of Stanton and appointment of Thomas) were by then completed, Butler said that "Mr. Thomas cannot make evidence for himself by going and talking with the President, nor the President with Mr. Thomas." The objection was valid. A party charged with crime can never put in evidence in his own behalf his declarations made after commission of a crime.[50] But the Senate, to which Chase submitted the point without a preliminary ruling, voted 42–10 to admit the hearsay. Thomas then quoted Johnson's response to the War Department incident: "Very well; we want it in the courts."[51]

Next the defense questioned General William Tecumseh Sherman about his talk with Johnson on January 14, prior to the final firing of Stanton. The defense argued that the Johnson hearsay was germane to intent, and Chase ruled it admissible. Because this declaration preceded the act charged, it was not subject to the previous objection — but there was still a crucial condition on letting such evidence in. Contemporaneous declarations of purpose, "made with no apparent motive for misstatement," are admissible to prove the declarant's purpose. The defense agreed such statements are admissible "if they do not appear to have been manufactured." Senators might readily conclude that Johnson was already creating evidence

[50] Nudd v. Burrows, 91 U.S. 426, 438–39 (1875); State v. Vann, 82 N.C. 631, 633 (1880); Trial 1 :420–22, 425.

[51] Trial 1 :426, 428; Perdue, 84.

Chase, like the proponents of impeachment, understood how to pursue political ends by legal means. Before the Civil War he was instrumental in formulating a dubious yet plausible constitutional grounding of the Free Soil Party ideology inherited by the new Republican Party.[30] Despite his single-issue radicalism respecting slavery (and later black suffrage), Chase was a conservative at heart. Although he opposed Johnson's Reconstruction measures, he made known his opposition to impeachment "as a policy." During the trial he wrote to correspondents that Johnson had "a perfect right" to dismiss Secretary of War Edwin M. Stanton regardless of the provisions of the Tenure of Office Act — "a grave violation of judicial ethics," in Michael Benedict's words.[31] Even more important in shaping Chase's behavior than his legal prejudgment, political preference, and personal antipathy (to Wade and to Stanton[32]), was Chase's almost lifelong, obsessive pursuit of the presidency. He sought the Republican nomination in every election year from 1856 through 1868. Lincoln said that Chase (his Secretary of the Treasury until 1864) was "a little insane" on the subject of the presidency, and Lincoln's only concern in appointing him Chief Justice was his (well-founded) fear that Chase would "neglected place in his strife and intrigue to make himself President." A fellow Justice said of Chase that "his first thought in meeting any man of force

Life and Public Services of Salmon Portland Chase (New York: D. Appleton and Company, 187 4), 558.

[30] Eric Foner, Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War (New York: Oxford University Press, Galaxy Books, 1971), 76–77, 87.

[31] Belden and Belden, 185; Benedict, Impeachment, 136–37; Hart, 358–59; Eric L. McKitrick, Andrew Johnson and Reconstruction (Chicago: University of Chicago Press, 1960), 115 n. 42; Perdue, 89; Schuckers 577–78.

[32] Chase, who tended to see treachery everywhere, thought that Stanton had betrayed him by not resigning from Lincoln's Cabinet in 1864 when he did; Chase considered Stanton not "reliable for anything except hatred of enemies ft offenses to friends." Belden and Belden, 176.

was… 'how can I utilize 1im for my presidential ambitions'." By the time of the impeachment trial it was apparent that Grant would be fae Republican nominee. Chase had hitherto been considered a Radical Republican, but changing parties for the fourth time was easy enough. During the trial, Chase solicited the Democratic nomination-that is, the nomination of what was de facto Johnson's party insofar as he had any.[33] At best, then, Chase fell a bit short of being the one person whose "impartiality and independence could be as little suspected as those of any person in the country."

Before the trial commenced the Senate committee which drafted rules of procedure invited Chase's comments. Chase warned the Senate to organize itself as a "Court of Impeachment," distinct from its normal legislative capacity; and as presiding officer of that "court" he sought a vote for himself.[34] The Senators, some of them now doubtful of Chase's political loyalties, took care to delete all references to the Senate as a court of impeachment. The original version of the rules gave the presiding officer the right to make preliminary rulings on evidentiary matters, subject to Senate reversal after one-fifth of the Senators challenged a ruling. Now Senator Chandler, Radical Republican from Michigan, sponsored an obscurely worded substitute amendment whose purpose in the first instance was evidently to shift this power back to the Senate collectively.[35]

[33] Belden and Belden, 198–200; Benedict, *Impeachment*, 136–37; Frederick J. Blue, "Chase and the Governorship: A Stepping Stone to the Presidency," Ohio History 90 (Summer 1981), 197–98, 219–220; David Donak., ed., Inside Lincoln's Cabinet: The Civil War Diaries of Salmon P. Chase (New York: Longmans, Green and Co., 1954), 3, 5, 260; Schuckers, 578–79; G. Edward White, The American Judicial Tradition: Profiles of Leading American Judges (New York: Oxford University Press, Galaxy Books, 1978), 87, 201 (quoting Justice Samuel Miller).

[34] Perdue, 76–77.

[35] Trial 1:13–15(Senate rules of impeachment); Benedict, Impeachment. 115–16; Blue, Salmon P. Chase, 277–278.

Most of the eleven articles involved Johnson's dismissal of Secretary of War Stanton and his attempted ad interim appointment of General Lorenzo Thomas to the post, allegedly in violation of the Tenure of Office Act. Johnson's defense was threefold: the Act was unconstitutional; if constitutional, it nonetheless did not cover Stanton; and if constitutional and applicable, "the President acted from laudable and honest motives, and is not, therefore, gu1ilty of any crime or misdemeanor."[46] The latter defense of good faith had important evidentiary implications if accepted by the Senate. If the wrongful intent with which Johnson was accused of having acted had to be the intent to break a law Johnson knew to be valid, then the Senate should consider evidence that Johnson desired to precipitate a test case for the courts or that his Cabinet unanimously advised him that the Act was constitutional.[47] Not so, however, if the requisite intent, as for most criminal offenses, was merely to have voluntarily and consciously done the acts charged; or if ignorance of the law is, as usual, no defense; or if, as Manager Thaddeus Stevens argued, the object of impeachment is simply to end a course of unconstitutional conduct b:r removing the perpetrator: "Mere mistake in intention, if so persevered in after proper warning as to bring mischief upon the community, is quite sufficient to warrant the removal of the officer from the place where he is working mischief by his continuance in power."[48] As a matter of constitutional exegesis and common prudence, the Managers' theory is closer to the correct view, and it was evidently also the view of the Senate.[49] If so, just

prior to the Stanton firing, cosidered the Tenure of Office Act unconstitutional).

[46] Trial 1:383, 386 (defense counsel Curtis), 2:153, 169 (defense counsel Logan).

[47] Trial 1 :462–65 (Stanbury), 689 (Curtis); Berger, 268–69.

[48] Trial 1 :541 (Bingham), 681 (ManagerWilson), 2 :224–25 (Boutwell), 220–23 (Stevens), 413 (Bingham).

[49] Trial 1 :693; Berger, 294; Lebovitz, 129–31 ft passim; Rawle, 201.

objection would put the matter before the Senate.[41] If less than a trial judge, Chase was at least more than a mere moderator.[42]

Central to the fairness of any trial is the court's reception or exclusion of evidence. In impeachment trials, exclusionary rulings will be somewhat less important than in a jury trial, since the Senators cannot be kept from hearing about proferred evidence and taking it into account as they severally see fit.[43] Johnson impeachment critics claim that prejudicial rulings "stud" the record,[44] but they have ignored the possibility that the rulings were correct, or at least within the range of reasonable differences under the law of evidence as it then stood. A look at a few of the more important evidentiary controversies suggest that, as in other matters, the Senate was more than fair to Johnson. Seeming injustices, e.g., the admissions of hearsay declarations against an accused but not those in his favor, may be ingrained features of criminal evidence law, not the blatantly unequal treatment they might resemble to the lay observer.[45]

[41] Trial 1:185–87; Benedict, 121–22, Schuckers, 55556.

[42] Hart, 359. Some of the Chief Justice's claimed prerogatives may, of course, have properly belonged to him. William Alexander Duer, A Course of Lectures on the Constitutional Jurisprudence of the United States (New York: Harper Brothers, 1845), 7 8 (Chief Justice as member of court of impeachment); Rawle, 206 (Chief Justice's right to vote).

[43] Black, Impeachment, 18. :vtodern authorities favor a relaxation of exclusionary rules of evidence in impeachments, in the interest of shedding the fullest light on facts which may be relevant. Black, Impeachment, 18; Labovitz, 118; Simpson, 66. Ironically the only Senator to anticipate this approach was the much-maligned (by Berger) Radical Charles Sumner (Berger, 269–70) who voted to admit any evidence offered by either side and, partway through the trial, made a motion to expedite the trial by receiving all evidence "not trivial or obviously irrelevant," with any objections going to its weight instead of its admissibility. The motion was overwhelmingly defeated, 13–30. Trial 1 :589–90, 633.

[44] Berger, 268.

[45] United States v. Wood, 39 U.S. (14 Pet.) 430, 443 (1840); compare Trial 1:175, 194–95, 209 (admitting admissions of Thomas as Johnson's agent or coconspirator) with 1 :700 (excluding evidence that Johnson and his cabinet

By determined manipulation and good luck, Chase undid the committee's work soon after Wade relinquished the chair to him. Almost the first matter to arise was a Democratic challenge to Wade's right to take the oath. After some debate Senator James M. Grimes (later a recusant) moved that the "court" adjourn for a day. Senator Howard replied that the Senate should adjourn itself, "relieve" the Chief Justice and pass to its legislative business — a subtle distinction, but one that posed a controversial issue. Chase settled it, for the time being, by an adroit *fait accompli*: "The court must first adjourn. Senators, you who are in favor of adjourning the court until to-morrow at 1 o'clock will say 'ay,' and those of the contrary opinion will say 'no'." Those who denied that the Senate was a court could not say anything, and "the motion was agreed to."[36] The next day a point of order arose regarding which Senator Howard invoked Rule XXIII of the impeachment rules. Chase made his move: "The twenty-third rule is a rule for the proceeding of the Senate which organized for the trial of an impeachment. It is not yet organized; and in the opinion of the Chair the twenty-third rule does not apply at present." Senator Drake appealed the decision of the chair, but, to the cheers of the gallery, Chase was sustained by a 24–20 vote. Following up on this success, Chase told the Senate that, having now passed over into its special impeachment capacity, it would have to readopt its impeachment rules-and again he posed the question in such a way that a Senator could vote for or against the rules, but not vote against Chase's presumption that the rules had to be readopted: "Senators, you who think that this rules of proceeding adopted on the 2nd of March sho1ld be considered as the rules of this body will say 'ay'; contrary opinion, 'no'." The ayes prevailed.[37]

[36] Trial 3:388; E.enedict, Impeachment, 118.

[37] Trial 1:12.

Among the rules adopted (and readopted) by the Senate was Rule VIII, requiring the accused to "file his answer to said articles of impeachment" on the date specified in the summons served upon him; if he failed to appear or file an answer, "the trial shall proceed, nevertheless, as upon a plea of not guilty." Defense counsel appeared on the appointed date, March 13, but instead of filing an answer they sought forty days more in which to do so, invoking the analogy of criminal prodecure. The Managers replied that the Senate's own rules were controlling, not analogies from other areas of law; if Johnson would not enter a plea, the rules were dear that the trial should commence then and there as if he had pleaded not guilty. No elaborate formal reply was necessary anyway since, as Bingham said,

> Technical rules do in nowise control or limit or fetter the action of this body; and under the plea of "not guilty," as provided in the rules, evely conceivable defense that the party accused could make to the articles here preferred can be admitted. Why, then, this delay of forty days to draw up an answer of not guilty?[38]

Why indeed? But the Senate, touchy about insinuations that the President was being railroaded, allowed ten days to answer. On March 23 the defense filed an answer even more turgid than the articles, whereupon the trial should have begun. Yet Johnson's lawyers prevailed upon the Senate to grant another continuance until March 30. Raoul Berger complains that the defense received "extraordinarily short shrift," but it got more time by far than the rules allowed it, and nothing in the answer, the course of the trial or the verdict

[38] Trial 1:18–24

suggests that Johnson got any less time than he needed in order to mount a successful defense.[39]

On the second day of the trial, Chase overturned the rules in another respect. Manager Butler was trying to elicit hearsay testimony as to the expressed intentions of General Lorenzo Thomas, Johnson's ad interim appointee as Secretary of War, in going to the War Department on February 21 to challenge Stanton. The defense objected that the testimony was irrelevant. Chase stated: "The Chief Justice thinks the testimony is competent, and it will be heard unless the Senate think otherwise." When Senator Drake challenged his right to make such a preliminary ruling-a power which the Senate had earlier stripped him of, seemingly — Chase insisted "that in his judgment it is his duty to decide upon questions of evidence in the first instance, and that if any senator desires that the question shall then be submitted to the Senate it is his duty to submit it." The Managers belatedly protested that Chase's arrogation of power detracted from the Senate's "sole power" to try impeachments: "Every judgment that must be made is a part of the trial, whether it be upon a preliminary question or a final question." By chance Chase got more than he hoped for by the resolution of the question. A motion that the Senate retire for consultation (in effect, to debate unconstrained by Chase) eventuated in a 25–25 tie (Wade and three others not voting). Chase announced the result and said: 'The Chief Justice votes in the affirmative. The Senate will retire for conference." He then left the room.[40] Emerging from conference, the Senate defeated motions by Drake and by Charles Sumner denying Chase's right to vote, and instead the rules we1e amended to legitimate Chase's claim to make preliminary rulings, except that any Senator's

[39] Trial 1 :33–36, 37–53 (answer); Benedict, Impeachment, 122–23; Berger, 267.

[40] Trial 1:175–76, 180–87; Benedict, Impeachment, 120–22; Perdue, 81; Schuckers. 554–55.