

THE OUTSTATER

Burke's maxim:
Taxpayers are
not sheep.

cigarette tax won't work, wouldn't have worked, couldn't have worked, or at least in the way advertised.

Why?

Because it is part of a tax structure built on compulsive and addictive behavior—human nature, in other words.

This is a commodity certain to be in supply. It is a commodity, though, whose price is pegged to the inscrutability of the heart. Its economics are therefore unpredictable to such as those who inhabit a legislature.

A regular at the Acme Bar, and an expert in the taxable vices, can show you some fascinating calculations completed on his bar napkin even before the governor had finished announcing the proposed tax.

Figuring in a fence's 50 percent cut, an enterprising Hoosier with a souped-up truck and good night vision could earn more than \$2,000 smuggling a load of cigarettes into Indiana.¹

This is not to recommend such a venture. It is merely to make the point that it will cost to keep such persons sitting on their bar stool and not behind the wheel of Marlboro-laden 4x4s.

There will be the cost of extra patrolmen, tax agents, prosecutors, jailers, defense attorneys, etc. Not considered is lost revenue from failed cigarette retailers on our borders with both Kentucky and Michigan, states with especially low cigarette taxes.^{2,3}

Those who dismiss such costs are referred to Great Britain's experience with the Stamp Act, a seemingly reasonable attempt by the chancellor of the exchequer to get the colonists to "invest" (as we now say) in their government.

The tax, which was supposed to retire the debt on the Seven Years War, was so resisted that it did not even pay for its own administration.⁴

It was, as Edmund Burke would later remark, an attempt at "shearing the wolf."

That's the point so easily missed by Evan Bayh and other politicians dependent on up-to-the-minute polls and targeted television campaigns. *Taxpayers are not sheep.* They never have been. There always comes a point where the tax is more costly to levy than it is worth.

Tax-paying, to this ultimate degree, is voluntary.⁵

And so it is with the cigarette tax, regardless of what the people up there thought they were deciding. ☉

ENDNOTES

1. Assumes the pickup truck holds 48 cubic feet or 1,382 cartons of cigarettes. Kentucky has a tax of 3 cents per pack compared with the proposed Indiana tax of 33.5 cents. That allows \$3.05 per carton "profit."

2. DeBoar, Larry. "Cigarette Sales, Prices, Taxes and Revenues in Indiana," prepared for the Commission on State Tax and Financing Policy, July 31, 1992.

3. "Excise Taxes Affect Border Business," a guest editorial by Art Arnold in the June 16 *Fort Wayne News-Sentinel*.

4. Baron de Montesquieu, "The Spirit of the Laws." (New York: Hafner Publishing Co. 1962.)

5. It is estimated that even during the period in the former Soviet Union when "commercialism" was a capital offense fully a quarter of the economy was black market.

LAST PARAGRAPHS

Crime and Human Nature

"We know that crime, like all human behavior, has causes, and that science has made progress — and will make more progress — in identifying them, but the very process by which we learn to avoid crime requires that the courts act as if crime were wholly the result of free choice. Contemplating the complexity and mystery of human behavior, whether we study its criminal or noncriminal forms, should make us determined to keep that balance — of causes, and of social responses — firmly in mind."

— James Q. Wilson
and Richard J. Herrnstein

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Commissioned essays on what works and what doesn't

MILITARY NECESSITY AND HOMOSEXUALITY

Our "New Gender Order" is not fighting fit



"A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty, and to maintain a free government."

— Massachusetts Bill of Rights, 1780.

by R.D. RAY

The defense of the military ban against homosexuals rests historically and legally upon government deference, particularly by Congress and the federal courts and the U.S. Supreme Court, to the military on the basis of "military necessity." Its singular mission is, as stated by the Secretary of Defense, on March 26, 1992, "to fight and win our wars," to defend America from enemies foreign and domestic.

Anything or anyone who interferes with or inhibits the military's ability to accomplish that high calling with the fewest casualties is a threat to national security. The military is an entirely separate society apart from the civilian society and necessarily governed by different rules and standards. Soldiers are recruited and selected from classified groups based on military selection criteria that were developed over time and proven on the battlefield. First and foremost the battlefield demands that young recruits between the ages of 18 to 26 be able-bodied. The military "discriminates" against classifications or groups such as convicted felons, non-high school graduates, drug users, the physically disabled, etc., because those groups have characteristics shown to be unfit for military service.

For example, there is absolutely no reason based upon military necessity's battlefield standard to assign women, who as a group physically have one-third less strength, agility, speed and endurance than men, to the combat arms. This is especially true when the military is reducing forces and ample numbers of able-bodied men are available for combat service. The extraordinary physical demands of combat on land, sea and air are unchanging and are still critically important in war. Military leaders declare that the battlefield has not become less demanding because of today's advanced technology, but rather more lethal.

There is also no sound military reason based upon this "military necessity" standard for allowing open homosexuals to serve in the military. In recent weeks the press has dealt with a variety of disruptions to the military's good order and discipline raised by the possible

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elimination of the ban: morale and cohesion; lack of privacy; fraternization; favoritism; sexual harassment; etc. While these are important considerations, the decision is fundamentally flawed for one primary reason: The homosexuals are not as a group able-bodied. They are known to carry extremely high rates of disease brought on because of the nature of their sexual practices and the promiscuity which is a hallmark of their lifestyle.

Evidence to this fact abounds: The August 3, 1992, issue of *Newsweek* reported that 87 percent of all AIDS cases in adults over the age of 24 are attributable to drug use needle-sharing and male-to-male sex. Of AIDS patients aged 13 to 24, 77 percent admit to male-to-male sex. A compilation of recent health studies¹ shows that homosexuals account for 80 percent of America's most serious Sexually Transmitted Diseases (STD); despite the fact that they account for less than 2 percent of the total American population. Youths engaging in homosexual behavior are 23 times more likely to contract a sexually transmitted disease than strictly heterosexual youths. Lesbians are 19 times more likely than heterosexual women to have had syphilis, twice as likely to suffer from genital warts, and four times as likely to have scabies. Male homosexuals are 14 times more likely to have had syphilis than male heterosexuals. They are also thousands of times more likely to contract AIDS. According to the Centers for Disease Control, at least two-thirds of all AIDS cases in the United States are directly attributable to homosexual conduct.²

It is often argued by homosexual advocates that this destructive behavior is merely a reaction to society's unwillingness to accept homosexuality. But San Francisco, with its open validation of homosexuality, has an overabundance of the social and medical woes associated with homosexuality.

If America's elected officials permit homosexuals to openly serve in the military with America's sons and daughters, knowing full well that homosexuals carry, in overwhelming numbers, a disease more deadly than war's killing fields, they will answer to America's families. To place American servicemen and women at risk with no military purpose or benefit is very, very wrong.

HOMOSEXUAL PRACTICES

"Skin color is a benign, non-behavioral characteristic. Sexual orientation is perhaps

*the most profound of human behavioral characteristics. Comparison of the two is a convenient but invalid argument."*³

— General Colin Powell, chairman of the Joint Chiefs Of Staff.

Sexuality may be the most profound and powerful life force, requiring strong discipline and commitment to be channeled in healthy ways or it can become destructive and deadly. Early in the 1970s, Dr. William H. Masters of St. Louis announced to the nation's press that homosexuality is "natural" and by direct implication a normal sexual act or sexual condition. In so doing, Dr. Masters had "raised the status of the anus to the level of the vagina. What was until then a purely excretory organ had become a genital one — by decree."⁴ With the onslaught of AIDS there has been a blizzard of educational information on "safe sex" precautions for homosexuals printed and disseminated largely with government funds. An understanding of homosexual practices drawn from information in the "safe sex" materials may prove helpful to America as it deliberates the suitability of homosexuals serving openly in the military.

Beside the general "gay" sexual practices of mutual masturbation and fellatio/cunnilingus, other homosexual practices which are common in the "lifestyle" are more bizarre: Anal intercourse that often causes tearing or bruising of the anus or rectal wall, which is only one cell thick and not designed for this extreme activity.⁵ Anal penetration (penetration of the anus by hand, arm, or foreign objects) — In 1983, well over a third of homosexuals admitted to participating in "fisting" — the insertion of hands or arms through the anus. Anal penetration by large objects (including bottles, cucumbers, carrots, light bulbs, dildos and other such "toys") greatly increases tearing, bruising, and the risk of infection. It also debilitates the sphincter muscles which control the anus and bowel movements.⁶ According to one medical study, 'fist fornication' is becoming increasingly common.⁷ About 80 percent of homosexuals regularly use their tongues to stimulate the anuses of their partners, thus ingesting biologically significant amounts of fecal matter.⁸ According to one clinical study: 92 percent of these men reported that they practiced anilingus [rimming]. This practice is particularly associated with the high incidence among homosexuals of Hepatitis A

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and Hepatitis B.⁹ About 30 percent of homosexuals admitted to having "showered" in the urine of others, and about 20 percent admitted to ingesting urine. About 15 percent said they regularly seek to be urinated upon, and over 8 percent said they regularly ingest it.¹⁰ In the latest national random survey, 17 percent of homosexuals admitted to having eaten or handled the feces of their partners, and 12 percent reported to giving and receiving enemas for sexual pleasure.¹¹ Sadomasochism — At least a quarter of homosexuals admit to ritual domination of partners, which involves the use of physical force, violence, and sometimes mutilation as a sexual stimulant.

The focus of male homosexuals is upon the anus. Contact with feces is an anathema to soldiers. Every soldier's first overnight in the field includes instruction in basic field sanitation, avoiding the diseases that come from mishandling feces — and yet the military is being asked to lift the ban on a classification of people whose sexual practices involve oral-anal contact and the ingestion of human feces. The prohibitions against mishandling feces in the field date at least from biblical times.

POLITICALLY CORRECT SCIENCE

"A latrine outside the camp is required, and a spade, to cover up your filth."

— Deuteronomy 23:13

The military is fully aware that the reports for nearly 10 years show that AIDS is still spread predominately by male-to-male sex. Others in academia, science, popular entertainment and the media appear to have misled the Pentagon and the American people about the "harmlessness" of homosexuality. On the contrary, homosexuality is a grave threat to not only our nation's health but also our national security in several ways. Almost all homosexuals engage in sexual practices involving degradation or humiliation rarely practiced by heterosexuals.¹² The degrading nature of such practices constitutes the real basis of the homosexual security threat as photographs or a video of a service member or of a civilian policy-maker in such an extremely compromising position makes them vulnerable to blackmail or extortion.¹³

A Department of Defense report by Theodore Sarbin entitled, "Homosexuality and Personal Security," was leaked to the

press in October 1991, by an openly homosexual Congressman. The press quoted the Sarbin study saying that gay conduct is "unrelated to moral character" and claimed that homosexual and heterosexual trustworthiness and conduct are "identical." Sarbin's assertion is astounding when sexual infidelity and promiscuity are at the core of homosexual behavior, and it is inherently hostility to the moral order America was founded upon.

The much ballyhooed Sarbin study is little more than a pro-homosexual polemic. Sarbin's study ignores many facts, repeats falsehoods concerning the nature of homosexuality, offers sheer conjecture regarding the nature of opposition to homosexuality, automatically discounts scientific and moral arguments against homosexuality and overlooks counter-espionage case histories involving homosexuals who became traitors through blackmail.¹⁴ Its list of references includes not a single source on the actual experience of intelligence services with homosexuality.

Also, Sarbin's oft-cited authority, John Money, blatantly demanded legalized adult-child sex in the "man/boy love" journal *Paedophilia*. Sarbin authority, Bullough, is one of a score of social science editors of *Paedophilia*.¹⁵

"The love between men and boys is at the foundation of homosexuality,"¹⁶ or so says a recent editorial in the *Sentinel*, San Francisco's premier homosexual publication. A plank in the "gay rights" agenda of 1972 called for striking down the age of consent laws which would allow sexual relations between adults and children. An organization called the North American Man/Boy Love Association (NAMBLA) champions "intergenerational sex." The Rene Guyon Society expresses its philosophy in its motto, "sex before eight or it's too late."

In spite of the flaws inherent in Sarbin's work, the study has gone on to influence judges, legislators, civilians and military personnel to force change with regard to homosexuals and security clearances. The chairman of the House Intelligence Committee and others encouraged the director of the CIA to stop the long-standing practice of asking potential CIA employees in lie-detector tests whether they are homosexual and also stopped investigating sexual orientation when updating security clearances. The decision followed a 1991 study ordered by Mr. Gates

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and encouraged by Mr. McCurdy that found no case of a CIA employee's ever having been blackmailed into committing espionage on account of homosexuality.¹⁷

Yet American agents in the CIA have been turned against their country after blackmail threats related to homosexual behavior. James Speyer Kronthal was entrapped by photographs of his sexual activity twice by hostile intelligence services — first by the Gestapo before World War II and later by the KGB while he was serving as the CIA's station chief in Bern, Switzerland.¹⁸ In Kronthal's case, the absence of a ban on homosexuality would not have protected him from the blackmail which made him a traitor: the nature of Kronthal's depravity was among other things a preference for young boys.

With the stakes so incredibly high, would homosexual leaders and their friends falsify data in order to gain ground? They did, as a matter of record, conceal health data from their own populations in San Francisco and New York during the early days of the AIDS epidemic.

The real connection between homosexual sexual practices and AIDS was squelched. Even gay leaders like Randy Shilts and Larry Kramer were outraged. One thing is certain: homosexuals would move rapidly forward in their quest for a new gender and sexual moral order if the military ban on homosexual behavior is lifted. ○

ENDNOTES

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2. "The HIV/AIDS Surveillance Report: Year-End Edition," U.S. Department of Health and Human Services, Centers for Disease Control, National Center for Infectious Diseases, Division of HIV/AIDS, January, 1992, p. 9.

3. General Colin L. Powell, Chairman of the Joint Chiefs of Staff, letter to Rep. Patricia Schroeder, 6 May 1992.

4. Socarides, *Beyond Sexual Freedom* (New York: Quadrangle, 1977), p. 121.

5. Paul Cameron, Ph.D., *Exposing the AIDS Scandal* (Lafayette, LA: Huntington House, 1988), pp. 148-151.

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9. Walters, "Sexual Transmission of Hepatitis A in Homosexual Men: Incidence and Mechanism," *New England Journal of Medicine*, [vol. 302, 1980], pp. 435-38; and Hepatitis B in Homosexual Men, *American Journal of Medicine*, 3A-21S-3A-25S [1989].

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13. William R. Corson, et al., *Widows* (New York: Crown Publishers, 1989).

14. Theodore R. Sarbin, Ph.D., and Kenneth E. Karols, M.D., Ph.D., *Nonconforming Sexual Orientations and Military Suitability*, Washington, DC: Defense Personnel Security Research and Education Center, December 1988.

15. Judith Reisman & Edward W. Eichel, *Sex, and Fraud: The indoctrination of a People* (Lafayette, LA: Huntington House Publishers, 1990), pp. 23-24. See also Judith A.

16. "No Place for Homo-homophobia," *supra*.

17. Commentary: Morton Kondracke, "Incoming fusillade . . . fired in haste?" *The Washington Times*, 25 November 1992.

18. William R. Corson, et al., *Widows* (New York: Crown Publishers, 1989).

Colonel Ray's study has been abridged for publication in this journal. Members can receive a complete text by sending \$2.50 to "At Issue: Military" care of the foundation.

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TERMINATION: MENCKEN HAD THE RIGHT IDEA

"Term limits are a bad idea whose time has come."

— Ed Crane, president of Cato Institute,
at a recent speech in Indianapolis.

Around here, we call it the Mencken Solution. It was H.L. Mencken who suggested that politicians be conscripted as infantrymen are conscripted, but taking care to shoot any who demonstrate a talent for the job.

The Mencken Solution would have Frank O'Bannon (who assumed the power of the executive last month to prevent a vote on the budget) in front of a firing squad.

This is not leading up to a politician bashing. We have friends in the Legislature who carry our very best hopes for the survival of constitutional government. The Mencken Solution and Lt. Governor O'Bannon's audacity merely remind us that, given the chance, we would favor term limits for all state office-holders — the lot of them, the crooked and the straight, the leeching and the productive, the devious and the heroic.

Please know that limiting terms is not a reform, it is a tactic. It is meant only to slow the advance of a legislative corruption seen in multiple votes, incomprehensible budgets, hidden taxes and regulations, unaccountable revenue streams and other devices of the professional politician. At best, limiting terms, in the absence of a vigorous media, is merely the fastest, surest way to begin the restoration of democratic and constitutional authority to the individual citizen.

Note that we said we would favor term limits *if given the chance* — that is, if Indiana permitted the process of the referendum, which, alas, it does not. Prospects are better, however, regarding federal offices.

State legislators, unwilling to limit their own terms, are more than willing to discuss limiting someone else's. The name of 4th District Rep. Jill Long, another candidate for the Mencken Solution, would undoubtedly come up.

It is a mere assumption, but a good one, that Miss Long considers the job of U.S. representative not only the best she has ever had but *the best she could ever hope to have*. She certainly isn't going to lose it tripping over the occasional political conviction.

In fact, Miss Long's voting record is hardly distinguishable from many of her conservative colleagues. That's because as a favorite of the House leadership she so often is allowed to cast votes solely for political posture.

As William Jefferson Blythe-Clinton's unpopularity approached bottom last month, Miss Long began reminding voters that she had always described herself as a "fiscal conservative." Before the House vote on the "deficit-reduction" budget, she told local newspapers that she was "leaning against the president's plan" because it relied too heavily on taxes and too lightly on spending cuts.

That, of course, is what northeast Indiana voters expect to hear from their representative. But did Miss Long actually vote with her constituency and against her president?

Hardly, although you couldn't tell it by reading the newspapers. Both Fort Wayne papers reported prominently that Miss Long voted against the Blythe-Clinton plan on the final House vote. But at deadline neither paper had reported that she earlier voted with the leadership for HR 186, which blocked any of a dozen politically viable spending cuts from reaching the House floor. The move ensured passage of the Blythe-Clinton bill.

A few days after the vote there was a letter in the *News-Sentinel* chastising the editor for such a careless if not ideologically weighted oversight: "Where is your paper when it comes to reporting fully or giving citizens adequate information on which to make judgments?" the letter writer asked. "You do the citizens of this district a disservice by biased and less-than-complete reporting on the actions of our representative to the national government, Miss Long is in her third term. What has she accomplished, what legislation has she put forth or co-sponsored to bring about *that which she claims to care about?*"

That last is a question fewer and fewer of our representatives — either in Washington or Indianapolis — can answer convincingly. Those who try, though, are more likely to be those who would submit to the Mencken Solution. — tcl