

Record-Breaking Year for Essay Contests, Free Books Program

2009 marks the continuation of a trend of increasing entries to ARI's [essay contests](#). With final numbers still being tallied, more than 16,000 *Anthem* and 7,000 *Fountainhead* entries have been received—figures which surpass previous records by more than 13 percent.

Whether 2009 will witness a record-breaking trifecta won't be known until the September 17 deadline for the *Atlas Shrugged* contest has passed. Last year 1,900 students entered that contest; also a record.

The tally in the [Free Books to Teachers](#) program, which *Impact* discussed extensively [last month](#), has also reached a new high. The program distributed close to 350,000 of Ayn Rand's books in academic year

2008–09, smashing the previous record by 14,000 and beating last year's number by more than 50,000.

"The growth of ARI's essay contests and Free Books program is evidence of an educa-

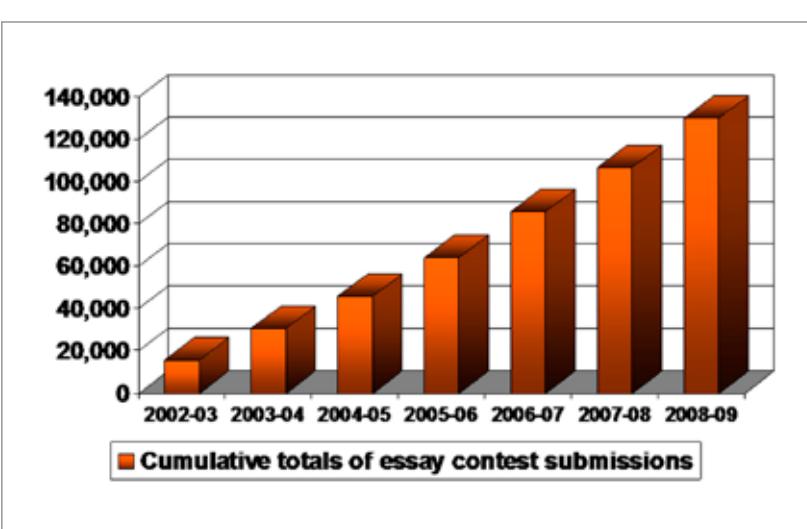
tional system much more receptive to Ayn Rand than in years past," said ARI's executive director Yaron Brook. "And that receptivity is in no small part due to the Free Books program and the essay contests themselves. These programs ensure that hundreds of thousands of students are reading and thinking about Ayn Rand's ideas each year. That is essential to changing the culture.

"I would like to thank those in our Education department for their hard work. I would

also like to thank the essay contest graders, final judges and the donors who fund these programs. All of these individuals have been indispensable to our education successes."

ARI awards \$81,250 in

prizes each year through its essay contests, which are open to students in eighth grade through college. Winners of the essay contests will be announced later this year, and the winning essays published in *Impact*.



ARC Reaching Millions on Pajamas TV and Glenn Beck

Pajamas TV

Yaron Brook and Ayn Rand Center intellectuals have been making regular appearances on the Internet television news site Pajamas TV (www.pjtv.com) for the past two months. The relationship began on March 18, when Dr. Brook appeared on Pajamas TV to discuss rising *Atlas Shrugged* book sales and the relevance of Ayn Rand's ideas to today's events. Since then Dr. Brook and ARC intellectuals have been interviewed on Pajamas TV numerous times.



Elan Journo on Pajamas TV's *Sharia and Jihad Review* program

Recent appearances include Dr. Brook discussing the enduring threat posed by Islamic totalitarianism (May 1), ARC fellow Elan Journo on the rise of the Taliban in Pakistan (May 6), Dr. Brook and ARC analyst Alex Epstein discussing the government's nationalization of the Detroit auto industry

(May 8), Mr. Epstein discussing monopolies (May 15), Dr. Brook and Mr. Epstein on energy policy (May 23), Dr. Brook on Israel and the Middle East (May 20), ARC analyst Thomas Bowden on selecting a new Supreme Court justice (May 22), and ARC fellow Keith Lockitch discussing energy and the environment (May 29).

The Pajamas TV interviews usually last 15–20 minutes, allowing for a more in-depth discussion of the issues than is typically possible on television or radio. With 3.5 million viewers visiting Pajamas Media Web sites each month, this new format provides an excellent opportunity to educate the public on how Ayn Rand's ideas are applicable to events of the day. Look for ARC intellectuals on Pajamas TV every Friday, and possibly more often than that.

Glenn Beck Program

In addition to the new exposure gained from appearances on Pajamas TV, ARC intellectuals continue to make appearances on Fox News Channel's *Glenn Beck Program*. Dr. Brook was interviewed on the program at the end of April about President Obama's takeover of the Detroit auto industry, and again on May 11 to discuss government abuse of power.

On May 4 ARI board member Harry Binswanger appeared on the program to weigh in on

Yaron Brook at Virginia Republican State Convention



Yaron Brook was one of four keynote speakers at the [2009 Virginia Republican State Convention](#), which drew more than ten thousand to Richmond, Virginia, the last weekend in May. Dr. Brook defended the morality of capitalism to a sold-out audience of five hundred fifty.

Dr. Brook pulled no punches before the standing-room-only crowd, lambasting the Republicans for their part in the erosion of individual rights in the United States. The audience responded by interrupting Dr. Brook's speech twelve times with rousing applause—and giving him a standing ovation upon its conclusion.

The invitation to speak at the convention followed a January speaking engagement to a group of Virginia Republicans, who were so taken by the message that they lobbied for Dr. Brook to give the same talk before their fellow delegates. The other keynote speakers at the two-day event were Massachusetts governor Mitt Romney, Fox News Channel host Sean Hannity and a member of British Parliament.

The Ayn Rand Center hosted a booth at the convention, manned by ARC vice president Lin Zinser, ARC media specialist Kurt Kramer and volunteers Sydney Gunst and Doug Rafner. The four gave away pamphlets and other materials and answered many questions about Ayn Rand and the

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ARI at Los Angeles Times Book Festival

Continuing an almost decade-long tradition, ARI hosted a booth at the Los Angeles Times Festival of Books at the end of April. The annual book fair is one of the largest in the world, and this year brought 130,000 book lovers to the UCLA campus. The event features hundreds of booths selling books and presenting talks and panel discussions with authors and publishers.

Sales at the Institute's booth were more than twice as high as last year. The *Atlas Shrugged* mass market paperback was the top seller, with sales more than four times last year's total. *The Fountainhead*, *Capitalism: The Unknown Ideal* and *The Virtue of Selfishness* were also very popular.

ARI's booth drew such a crowd, in fact, that ARI analyst Alex Epstein was asked to attend the second day of the festival in order to field questions on Ayn Rand's philosophy. He spent the day answering questions from curious newcomers to long-time Ayn Rand fans, freeing booth operators Anu Seppala, ARI vice president of Cultural

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Discovering Ayn Rand's Philosophy

Socialism vs. Fascism

Each month Impact suggests readings and other resources for fans of Ayn Rand's fiction who wish to learn more about her philosophy, Objectivism.

Statism, the political doctrine that man's life belongs to the state, has many guises. Two of the dominant forms in which statism manifested itself in the twentieth century were socialism and fascism. As both of these terms are being used today to characterize the U.S. government's growing intervention in the economy, it is worthwhile to revisit Ayn Rand's careful disambiguation of the two.

"The difference between [socialism and fascism] is superficial and purely formal, but it is significant psychologically: it brings the authoritarian nature of a planned economy crudely into the open.

"The main characteristic of socialism (and of communism) is public ownership of the means of production, and, therefore, the abolition of private property. The right to property is the right of use and disposal. Under fascism, men retain the semblance or pretense of private property, but the government holds total power over its use and disposal. . . .

"Under fascism, citizens retain the responsibilities of owning property, without freedom to act and without any of the advantages of ownership. Under socialism, government officials acquire all the advantages of ownership, without any of the responsibilities, since they do not hold title to the property, but merely the right to use it—at least until the next purge. In either case, the government officials hold the economic, political and legal power of life or death over the citizens.

"Needless to say, under either system, the inequalities of income and standard of living are greater than anything possible under a free economy—and a man's position is determined, not by his productive ability and achievement, but by political pull and force.

"Under both systems, sacrifice is invoked as a magic, omnipotent solution in any crisis—and 'the public good' is the altar on which victims are immolated. But there are stylistic differences of emphasis. The socialist-communist axis keeps promising to achieve abundance, material comfort and security for its victims, in some indeterminate future. The fascist-Nazi axis scorns material comfort and security, and keeps extolling some undefined sort of spiritual duty, service and conquest. The socialist-communist axis offers its victims an alleged social ideal. The fascist-Nazi axis offers nothing but loose talk about some unspecified form of racial or national 'greatness.' The socialist-communist axis proclaims some grandiose economic plan, which keeps receding year by year. The fascist-Nazi axis merely extols leadership—leadership without purpose, program or direction—and power for power's sake." ("The Fascist New Frontier," *The Ayn Rand Column*)

Elsewhere, Ayn Rand elaborated on the fundamental attribute of all forms of statism. "A statist system—whether of a communist, fascist, Nazi, socialist or 'welfare' type—is based on the . . . government's unlimited power, which means: on the rule of brute force. The differences among statist systems are only a matter of time and degree; the principle is the same. Under statism, the government is not a policeman, but a legalized criminal that holds the power to use physical force in any manner and for any purpose it pleases against legally disarmed, defenseless victims.

"Nothing can ever justify so monstrously evil a theory. Nothing can justify the horror, the brutality, the plunder, the destruction, the starvation, the slave-labor camps, the torture chambers, the wholesale slaughter of statist dictatorships." ("War and Peace," *The Objectivist Newsletter*)

For more on this topic, see "The Roots of War," "The New Fascism: Rule by Consensus" and "'Extremism,' or The Art of Smearing" in *Capitalism: The Unknown Ideal*, as well as "The Monument Builders" in *The Virtue of Selfishness*. All of these items can be purchased from the Ayn Rand Bookstore. To order, please visit [www.aynrandbookstore.com](http://aynrandbookstore.com) or call 1-800-729-6149.

Anthem Foundation Announces Two New Gifts

The following is excerpted from a recent letter to donors of the *Anthem Foundation for Objectivist Scholarship*.

Dear Anthem Foundation donor:



I have some terrific news to share with you.

In recent days, we have succeeded in securing two new university programs that will employ Objectivist intellectuals with the support of the Anthem Foundation.

- Dr. John Lewis has been hired as a visiting associate professor at Duke University where he will teach and engage in scholarly activities under the auspices of the Philosophy, Politics and Economics Program (PPE). Duke's PPE program is highly regarded and is expected to expand significantly in future years.
- The University of North Carolina at Chapel Hill has asked that Dr. Greg Salmieri bring an Anthem-supported Fellowship in Objectivity and Values to its Department of Philosophy—which will support him for up to three years at UNC in various research projects and will

provide him with additional teaching experience.

Of tremendous significance is the fact that each new program will have a Fund for the Study of Objectivism for both Dr. Lewis and Dr. Salmieri. I am thrilled that two more top American universities have embraced Objectivism as the subject of serious scholarship.

Added to the existing programs at the University of Texas at Austin (Tara Smith), the University of Pittsburgh (Allan Gotthelf) and Chapman University (Amy Peikoff), these are crucial steps forward in our long-term goal of supporting Objectivist academics at well-respected institutions.

The new positions at Duke and Chapel Hill will also receive significant support from the BB&T Foundation. Thanks to John Allison's efforts, BB&T is providing half of the funding for the positions; the Anthem Foundation has committed to providing the other half. This partnership with the BB&T Foundation means, in effect, that Anthem donors will see their individual dollars have a much larger impact. . . .

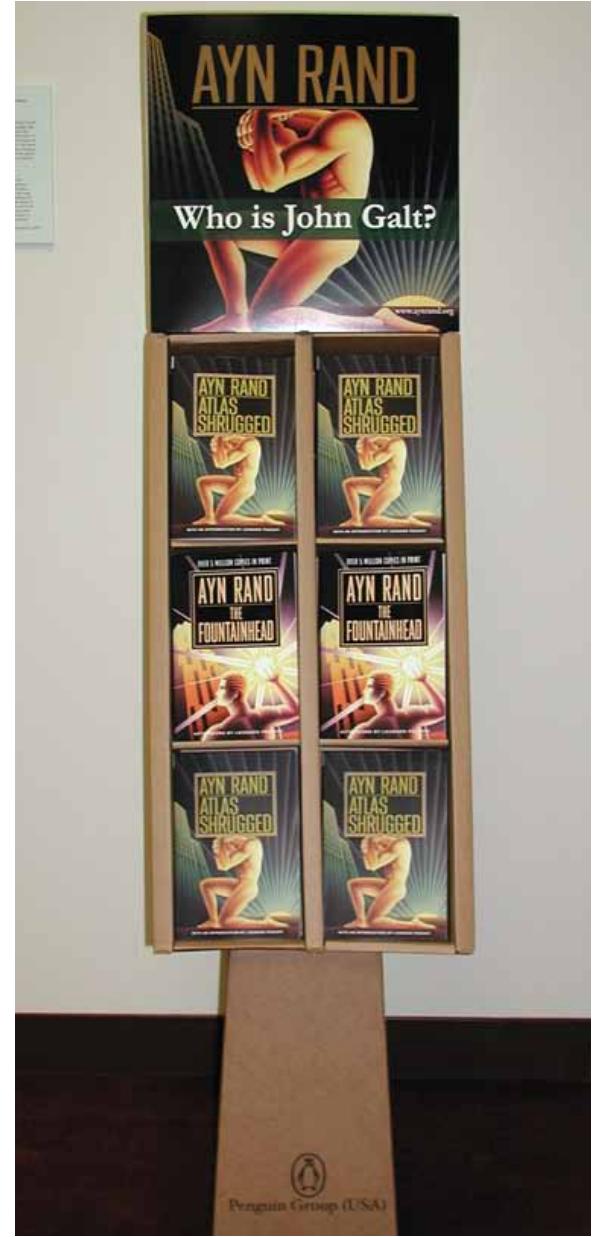
Sincerely,

Debi Ghate

Debi Ghate
Senior Director

Barnes & Noble Features Floor Displays of *Atlas Shrugged* and *The Fountainhead*

In response to the surge of interest in Ayn Rand, new free-standing floor displays of the trade paperback editions of *Atlas Shrugged* and *The Fountainhead* have been placed in virtually all two thousand Barnes & Noble bookstores in the United States. The length of time the displays are up will vary from store to store depending on how quickly the books in each display are sold and whether the stores restock them. Forty thousand books will be showcased in this way.



These 15" x 5' displays can be found in Barnes & Noble bookstores across the United States.

"This promotion will be the most extensive display ever achieved for Ayn Rand's books in Barnes & Noble or any other chain," said ARI Publishing manager Richard Ralston. "And it takes place fifty-two years after publication of *Atlas Shrugged* and sixty-six years after publication of *The Fountainhead*.

"In the past it has been very difficult to place these displays due to the competition for prime display space in these stores. The publisher, Penguin, was able to place these floor displays with Barnes & Noble on unusually short notice due to the chain's interest in the currently high sales of these editions."

Reports from trade sources indicate that consumer purchases of Ayn Rand's *Atlas Shrugged* have tripled in the first four months of 2009 compared to the first four months of 2008. This is even more extraordinary when one considers that 2008 saw an all-time record for annual sales of the novel.

Moreover, the sales explosion of *Atlas Shrugged* is taking place amidst a substantial drop in overall book sales for publishers. "The eighty-four publishers of the Association of American Publishers recently reported a 6.8 percent drop in sales so far in 2009, and a 17 percent drop for March alone," said Mr. Ralston. "Sales of adult trade paperbacks, the category to which the *Atlas Shrugged* sales figures pertain, have fallen 35.8 percent."

More than 6,500,000 copies of *Atlas Shrugged* have been sold to date.

OAC Student Activism



Another successful year of the Objectivist Academic Center has come to a close. This year more than one hundred forty students participated in the program, which offers both an undergraduate and graduate education in Ayn Rand's philosophy. Most of these students are in college or have professional careers, and take OAC courses in addition to an already busy workload.

Despite their full schedules, many of these students also engage in activism. They are founders or members of Objectivist campus clubs at their universities; they write op-eds and letters to newspapers; and they organize community or campus discussion groups. Even after they graduate from the OAC, many of them continue to advocate for Ayn Rand's ideas. The education they received in the OAC is often cited as crucial to their efforts.

This month, and next, *Impact* will highlight a number of these students in recognition of their contribution to the spread of Ayn Rand's ideas in the culture.



Doug Altner is a first-year OAC student and an assistant professor of mathematics at a D.C.-area college. He completed his Ph.D. in industrial and systems engineering in 2008 at Georgia Institute of Technology, where for three semesters he also served as president of the campus club

Students of Objectivism. He has continued that activism in his present position, organizing an *Atlas Shrugged* book discussion group for faculty and staff, and even purchasing free copies of *Atlas Shrugged* for students. Recently Dr. Altner joined ARI analyst Thomas Bowden as a volunteer to promote ARI programs at a student conference in D.C.

"I love the OAC program," Dr. Altner told *Impact*. "I look forward to the weekly lessons. In particular, the writing class has been enormously helpful at improving the quality of my writing and the rate at which I produce it."



Ray Girn

Ray Girn is CEO of LePort Schools, a network of five private schools in Orange County, California. Mr. Girn completed the OAC undergraduate program in 2007 and is currently an OAC graduate student. He has been an activist for Objectivism since he was an undergraduate at

the University of Toronto, where he published a campus paper with an Objectivist perspective and ran a successful campus club.

Among his greatest activist successes is *The Undercurrent*, an Objectivist newspaper written for students and distributed to universities across North America. Mr. Girn joined four other OAC students in founding *The Undercurrent* in 2004, and is now the paper's editor in chief and a member of the board of directors of TU Publications, Inc., the 501(c)(3) nonprofit corporation that publishes the paper. The eight-page print newspaper is produced each semester and distributed by students at more than forty universities. Production and mailing costs are paid for by donor support.

The Undercurrent maintains an active blog, produces flyers with which students can poster their campuses and oversees a campaign called Campus Media Response, which seeks to engage campus newspapers in a discussion of today's issues. The spring edition was handed out at many of the April tea-party rallies, and a special edition of the newspaper is planned for July 4.

"I have long believed that activism is a central value in my life," said Mr. Girn. "I find both the process and the result tremendously rewarding, and I can't imagine just standing on the sidelines in such a pivotal time, without having a hand in changing my world for the better. Activism is my way of expressing the fact that at the grand historical level, just as in my career and personal life, I can act to achieve the things that matter to me. The OAC has been instrumental in helping me to develop the skills to understand, articulate and communicate my viewpoint. In fact, many of those writing, editing or otherwise involved in *The Undercurrent* are or

have been OAC students. The OAC is where future world changers go to school."



Amit Ghate

Amit Ghate, a stock trader and fourth-year student in the OAC, entered the OAC with a twofold goal: "to improve my understanding of Objectivism in order to better guide and direct my own life, and to become a more proficient advocate of the rational ideas necessary to defend a free society."

Mr. Ghate was awarded a \$2,000 scholarship from the Betty and Daniel Bloomfield Scholarship Fund for academic year 2007–08, a prize given annually to the top student in each OAC class. His activism efforts this year alone include writing published editorials for ARC ("Let Them Fail" and "In Defense of Speculators and Short-Sellers"), Pajamas Media ("Ayn Rand as Prophet?") and "Questioning the Value of Regulation") and *Capitalism* magazine ("Stop the Assault on Our Public Markets").

Mr. Ghate helped establish the OEditors mailing list, which provides editorial feedback to those writing editorials and letters to the editor. OEditors is a derivative of Diana Hsieh's OActivist mailing list, a private mailing list for Objectivist activists. Mr. Ghate also regularly sends in letters to the editor and leaves comments on Internet message boards.

Even with these accomplishments, Mr. Ghate says he is only "halfway" to achieving the activism goals he set for himself for the year.

As a working professional, Mr. Ghate is not eligible for the tuition scholarships provided to full-time college students in the OAC. He nonetheless remarked, "even though I'm a tuition-paying OAC student, I know that the OAC wouldn't exist without the generous support of donors. So part of my motivation to help spread Ayn Rand's ideas is as an expression of my gratitude to the donors who've made possible the invaluable education I've received through the OAC. To you, many thanks!"

The OAC is now accepting applications for the 2009–10 academic year. The application deadline is July 31. For more information, visit www.objectivistacademiccenter.org.

The Objectivist Academic Center Faculty and Staff



Left to right: Debi Ghate (vice president of Academic programs), Dr. Keith Lockitch (professor), Chris Elsee (Academic coordinator), Alex Epstein (teaching assistant), Eric Brunner (Dean's assistant), Elan Journo (teaching assistant) and (insert) Dr. Onkar Ghate (Dean)



"A thank you to all OAC faculty, staff and students for another successful year."
—Onkar Ghate

Yaron Brook at Virginia Republican State Convention, *continued from page 1*

Center's position on various issues.

"Several people told me they were very excited to see Yaron speak, as they had seen him on *Glenn Beck*," said Lin Zinser. "Our booth created a lot of interest, and some controversy, as a number of attendees engaged us on issues of abortion and atheism."

Barnes & Noble also had a booth at the event, where copies of *Atlas Shrugged* and other books appropriate to the convention audience were sold. The bookstore reported brisk sales throughout the event.

Prior to speaking at the Republican convention, Dr. Brook spoke before the West Virginia Chapter of the Young Presidents' Association the evening of Thursday, May 28. Dr. Brook discussed the importance of Ayn Rand today as well as the morality of capitalism. The event took place at the University of Charleston.



OCON™

A presentation on activism has been added to the schedule for Objectivist Summer Conference 2009, which takes place July 3–11 at the Seaport Hotel in Boston. At the July 8 dinner Lin Zinser, ARC vice president of Public Outreach, will provide some "behind the scenes" details about ARC activism during the past nine months. Some of these activities, which included

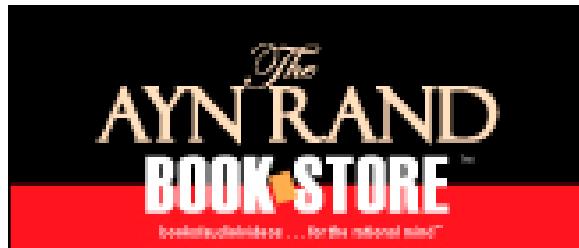
Objectivist Summer Conference 2009 Schedule Update and Last Call for Registration

Objectivist volunteers and non-Objectivist groups, may surprise you. She will also provide a preview of future ARC activism

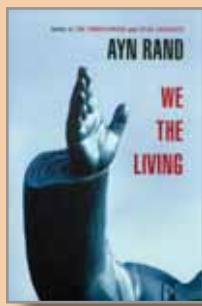
In addition, the Objectivist Academic Center will host a number of events. There will be an invitation-only mixer for OAC students and an invitation-only mixer for graduate students and professors. Those interested in learning more about the OAC are invited to an information session on Tuesday, July 7, at 4:30. Room locations will be announced at the

conference.

The conference offers ten General Session lectures, sixteen optional courses, opening and closing night banquets, a "Meet the ARI Intellectuals" dinner, an Independence Day celebration, two dance workshops, a special reception for Anthem Foundation donors, a panel discussion on Objectivism in academia and a presentation titled "The State of ARI." For full conference details and preregistration, visit www.objectivistconferences.com/ocon2009.



SPOTLIGHT ON THE BOOKSTORE *We the Living* Trade Edition

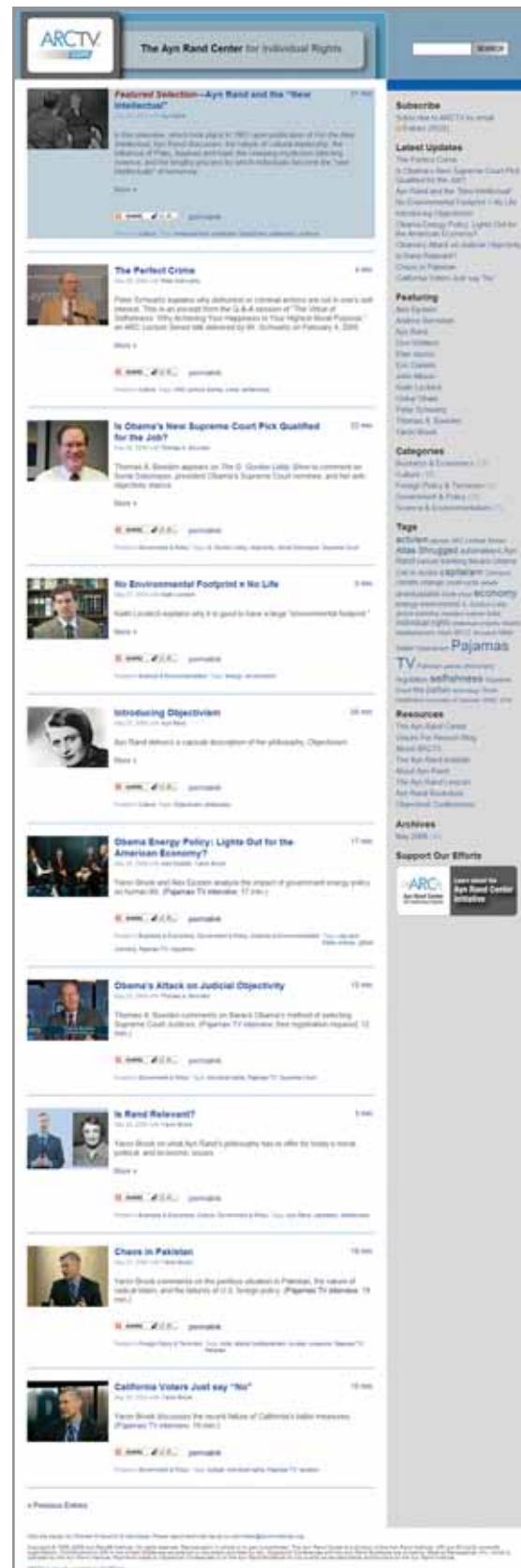


A new trade paperback edition of *We the Living*, Ayn Rand's first full-length novel, has been released by New American Library. The most autobiographical of Ayn Rand's fiction, *We the Living* is the story of three heroic figures struggling beneath Soviet oppression. Yet as Ayn Rand explained, and as Leonard Peikoff reiterates in a new introduction, the novel is not a story about Soviet Russia, but about the evils of totalitarianism wherever it may spring up.

The new trade paperback edition of *We the Living* is available at the Ayn Rand Bookstore, along with hundreds of other titles. Visit www.aynrandbookstore.com or call 1-800-729-6149 to order.

NEW ARCTV Web Site

ARC intellectuals have been in such demand for interviews this year that the Center has launched a new Web site to keep track of it all. ARCTV is the new source for audio and video recordings featuring ARC intellectuals or ARC events. Whenever a new recording is made available, you'll hear of it on ARCTV. Visitors can choose to be notified of ARCTV updates by subscribing to the Web site's RSS feed or e-mail list. Visit the site at <http://arc-tv.com>.



Congratulations to Robert Mayhew, Essays Authors

Essays on Ayn Rand's "Atlas Shrugged," a new collection of essays by Objectivist scholars, edited by Robert Mayhew, is now available in bookstores. The anthology is the last volume in the *Essays* series, which examines Ayn Rand's four major works of fiction. ARI's Jeff Britting, Debi Ghate, Onkar Ghate and Richard Ralston are contributing authors.

"*Essays on Ayn Rand's 'Atlas Shrugged,'* is another fantastic work of scholarship produced by Dr. Mayhew," said Yaron Brook. "The *Essays* series has been invaluable in educating academia and the world at large on the meaning, complexity and significance of Ayn Rand's novels. As Ayn Rand's presence in academia continues to grow, these anthologies will inspire and serve as the foundation for future scholarly works exploring Ayn Rand's corpus. Congratulations and 'thank you' to Dr. Mayhew and all who contributed!"

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Editors: Don Watkins, Jeff Scialabba
Editorial Advisers: Dr. Yaron Brook, Mark Chapman, Debi Ghate, Anu Seppala, Lin Zinser
Designer: Simon Federman
Printing: David Antonacci
Copy Editor: Donna Montreza

Headquarters: 2121 Alton Parkway, Suite 250
Irvine, CA 92606-4926 **Phone:** 949-222-6550 **Fax:** 949-222-6558
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The Ayn Rand® Institute
2121 Alton Parkway
Suite 250
Irvine, CA 92606

ARC Reaching Millions on Pajamas TV and Glenn Beck, *continued from page 1*



Obama's proposal to take over all student loans. "How do we stop this [ever-expanding government]?" asked Mr. Beck. "You need a philosophical revolution," replied Dr. Binswanger. "That's why I'm in philosophy. I want to teach the principles of individual rights and egoism. . . .

"Ayn Rand was the biggest advocate of individualism. That's what made this country great. All the other countries are collectivist. The group, the royal court, the tribe—those are the people to whom you owe your life. . . . But in America you're born free. . . . Well, that was the idea."

Impact Online

A PDF version of *Impact* is now available online at www.aynrand.org/impact. Although the print edition remains available with a \$35 minimum annual contribution to ARI, donors may opt instead to receive *Impact* by e-mail each month. This will ensure earlier arrival of the newsletter for the donor and will save ARI \$30 annually per donor on printing and mailing costs. The online

version of *Impact* will occasionally include supplementary material not available in the print edition. In addition, the PDF *Impact* has the benefit of hyperlinks directing readers to other web-based content. To opt out of receiving the paper version of *Impact*, please see instructions in the lower-right-hand corner of the enclosed envelope, or e-mail your request to donorservices@aynrand.org.

There is no minimum contribution, but those who wish to receive the print version of the newsletter must contribute \$35 or more annually.

If you wish to help ARI reduce costs and provide more funding for its programs, check here to receive the electronic version of the newsletter only, and clearly write your e-mail address in the space below.

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Justice Holmes and the Empty Constitution

by Thomas Bowden



This is an excerpt from ARC analyst Thomas Bowden's forthcoming article in the summer edition of The Objective Standard. ARC analyst Alex Epstein will have an article in the same issue, titled "Energy at the Speed of Thought: The Original Alternative Energy Market."

On April 17, 1905, Justice Oliver Wendell Holmes Jr. issued his dissenting opinion in the case of *Lochner v. New York*.¹ At a mere 617 words, the dissent was dwarfed by the 9,000 words it took for the Supreme Court's eight other Justices to present their own opinions. But none of this bothered Holmes, who prided himself on writing concisely. "The vulgar hardly will believe an opinion important unless it is padded like a militia brigadier general," he once wrote to a friend. "You know my view on that theme. The little snakes are the poisonous ones."²

Of the many "little snakes" that would slither from Justice Holmes's pen during his thirty years on the Supreme Court, the biting, eloquent dissent in *Lochner* carried perhaps the most powerful venom. A dissent is a judicial opinion in which a judge explains his disagreement with the other judges whose majority votes control a case's outcome. As one jurist put it, a dissent "is an appeal . . . to the intelligence of a future day, when a later decision may possibly correct the error into which the dissenting judge believes the court to have been betrayed."³ Holmes's *Lochner* dissent, though little noticed at first, soon attained celebrity status and eventually became an icon. Scholars have called it "the greatest judicial opinion of the last hundred years" and "a major turning point in American constitutional jurisprudence."⁴ Today, his dissent not only exerts strong influence over constitutional interpretation and the terms of public debate, but it also serves as a litmus test

for discerning a judge's fundamental view of the United States Constitution. This means that any Supreme Court nominee who dares to question Holmes's wisdom invites a fierce confirmation battle and risks Senate rejection. As one observer recently remarked, "The ghost of *Lochner* continues to haunt American constitutional law."⁵

Holmes's dissent in *Lochner* blasted the majority opinion endorsed by five members of the nine-man Court. Holmes, as if anticipating the modern era of "sound bites," littered his dissent with pithy, quotable nuggets that seemed to render the truth of his opinions transparently obvious. Prominent scholars have called the dissent a "rhetorical masterpiece" that "contains some of the most lauded language in legal history."⁶ His "appeal to the intelligence of a future day" was a stunning success. So thoroughly did Holmes flay the majority's reasoning that Ronald Dworkin, a prominent modern legal philosopher, dismisses the majority decision as an "infamous . . . example of bad constitutional adjudication" that gives off a "stench"; and Richard A. Posner, prolific author and federal appellate judge, writes that *Lochner* is the type of decision that "stinks in the nostrils of modern liberals and modern conservatives alike."⁷

What heinous offense did the *Lochner* majority commit to provoke Holmes's caustic dissent? It was not the fact that they had struck down a New York law setting maximum working hours for bakers. Holmes personally disapproved of such paternalistic laws and never questioned the Supreme Court's power to strike down legislation that violated some particular clause in the Constitution.⁸ No, in Holmes's eyes the majority's unforgivable sin did not lie in the particular result they reached, but in the method by which they reached it. The majority interpreted the Constitution as if it embodies a principled commitment to protecting individual liberty. But no such foundational principle exists, Holmes asserted, and the sooner judges realize they are expounding an empty Constitution—

empty of *any* underlying view on the relationship of the individual to the state—the sooner they will step aside and allow legislators to decide the fate of individuals such as Joseph *Lochner*. . . .

Acknowledgments: The author would like to thank Onkar Ghate for his invaluable suggestions and editing, Adam Mossoff and Larry Salzman for their helpful comments on earlier drafts, Peter Schwartz for sharing his thoughts on legal interpretation, and Rebecca Knapp for her editorial assistance.

1. *Lochner v. New York*, 198 U.S. 45, 65 (1905) (Holmes, J., dissenting).
2. Sheldon M. Novick, *Honorable Justice: The Life of Oliver Wendell Holmes* (Boston: Little, Brown and Co., 1989), p. 283.
3. Charles Evans Hughes, *The Supreme Court of the United States*, quoted in Catherine Drinker Bowen, *Yankee from Olympus: Justice Holmes and His Family* (Boston: Little, Brown and Co., 1943), p. 373.
4. Richard A. Posner, *Law and Literature* (Cambridge, MA: Harvard University Press, 1998), p. 271; G. Edward White, *Justice Oliver Wendell Holmes: Law and the Inner Self* (New York: Oxford University Press, 1993), p. 324.
5. David E. Bernstein, review of Michael J. Phillips, *The Lochner Court, Myth and Reality: Substantive Due Process from the 1890s to the 1930s*, *Law and History Review*, vol. 21 (Spring 2003), p. 231.
6. Posner, *Law and Literature*, p. 271; Bernard H. Siegan, *Economic Liberties and the Constitution* (Chicago: University of Chicago Press, 1980), p. 203.
7. Ronald Dworkin, *Freedom's Law: The Moral Reading of the American Constitution* (Cambridge, MA: Harvard University Press, 1997), pp. 82, 208; Richard A. Posner, *Overcoming Law* (Cambridge, MA: Harvard University Press, 1995), pp. 179–80.
8. Albert W. Alschuler, *Law Without Values: The Life, Work, and Legacy of Justice Holmes* (Chicago: University of Chicago Press, 2000), p. 63; Posner, *Law and Literature*, p. 269.

Seattle-Portland Objectivist Network

This is part of a series highlighting Objectivist community groups. More information can be found at the Objectivist Community Group page at the ARC Web site. Impact would like to thank Rachel Miner, Andrew Miner and Burgess Laughlin for their contribution to this interview.

While we encourage Objectivist community groups, they are not affiliated with ARI or ARC. The appearance of a community group in Impact does not imply ARI or ARC's endorsement.

Impact: *How did the Seattle-Portland Objectivist Network begin?*

Burgess Laughlin: The original group in this area was the Portland Area Objectivists (PAO), which I founded around 1993 with the assistance of Brad Williams. We were motivated mainly by the desire to socialize with like-minded individuals—those who understood the basics of the philosophy and agreed with it as far as they had studied it.

A secondary impetus was our own education, and to this aim we formed study groups, ad hoc, as the desire arose. For example, we spent eighteen months going through Leonard Peikoff's *Objectivism: The Philosophy of Ayn Rand*.

The Seattle-Portland Objectivist Network (SPON) was formed in 2003 as a merger of PAO and Andrew and Rachel Miner's Seattle group.

Impact: *How did the Seattle group originally come about?*

Rachel Miner: My husband and I began attending PAO's quarterly dinners in 2002, when we moved from Connecticut to Centralia, Washington. Centralia is about halfway between Seattle and Portland—roughly an hour and a half drive away from each. Seeing that many Seattle residents also attended these dinners, we opened our home to the group as a meeting place in 2003 and received great attendance. In 2004 we moved to the Seattle

area and began having regular potluck socials every eight weeks.

Impact: *How does SPON find members and organize events?*

Andrew Miner: In the beginning we added members mostly by word of mouth. Today we receive many requests through Facebook, which has become our primary organizational tool. Those who are interested in joining SPON must follow the admission procedure on our Web site. If we or they have any questions, we'll often invite them to our home for a more private, quiet evening. As Burgess has mentioned, the goal is socializing with "like-minded" individuals, and this gives us and them a good chance to learn if we can both achieve that goal.

RM: We set our dates six months in advance, so members always know the date of the next three potluck socials. RSVPs are collected via Facebook and by e-mail. Socials begin at noon on a Saturday, and we usually have twenty to thirty people coming and going throughout the day. Many of the out-of-town visitors spend the night. Sometimes Seattle residents do too if we all get talking late enough. After a leisurely Sunday breakfast, the last attendees head home.

Impact: *How has the group evolved?*



Members of the Seattle-Portland Objectivist Network

BL: In the first few years, as it grew in membership, it became a formal organization with rules and officers. Then it devolved. We found that none of the formalities were necessary. What is important is that one or two people be willing to make a persistent, long-term commitment to organizing, scheduling and overseeing the club.

RM: We have gradually grown, but the principles have stayed the same. These are still events where Objectivists can rest from defending their values.

Impact: *How many members does the group have today?*

AM: About fifty-five for the entire Seattle-Portland network.

Impact: *Could you provide a few examples of specific events you have organized?*

BL: I occasionally lead special events such as the April 2008 "walk and talk" in my neighborhood. Everyone had an assignment to do a little research about one of the buildings along our route: Amtrak; a privately built bridge (1911); "low-income housing;" an environmentalist center; high-rise condos; and a whole district transformed by the incentive of greatly reduced taxation. The theme in part was the so-called public-private partnership that statists push today and the effect it has on our world of daily living. The walk was a success. It ended with a dinner in the area.

RM: The cozy potluck socials are the base of our Seattle group. Once a member brought his plane to the local airport and we ferried people from our home for rides. Occasionally other members will host a gathering in the "off" month. I remember one occasion was a BBQ on the rooftop of a member's condo building. Seattle members will also travel to special Portland events such as the educational walks.

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The Ayn Rand Archives: Promoting the Study of Ayn Rand's Place in American Intellectual Life

This is a guest column by Jeff Britting, manager of the Ayn Rand Archives.



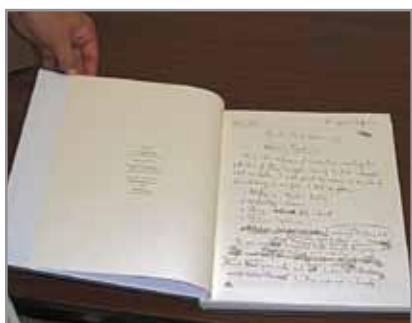
The Ayn Rand Archives was established in 1995 as a repository of documents in all media by and about Ayn Rand. Our long-range goal: to become the definitive documentary resource for scholars researching Ayn Rand's thought and influence.

At its inception, the Archives faced a mountain of interrelated tasks. These included inventorying and arranging Ayn Rand's papers, preserving and conserving documents, and acquiring new documentary material showing Ayn Rand's influence, not just within the United States but throughout the world. And, equally important to our future goal was promoting the Archives for use by serious scholars and, thereafter, fielding their reference questions and hosting their research visits.

Today, I am proud to say that we have reached our goal: the Archives is the most comprehensive Ayn Rand-themed repository in existence—a fact known to researchers of all stripes. Media outlets such as National Public Radio, *Los Angeles Times*, *New York Times* and the BBC, among others, consider the Archives an important source for information about Ayn Rand.

The same is true of scholars. Halfway through the year 2009, we have already hosted more visiting scholars than in any past year. The result? By the end of 2009, six book-length studies, which credit the Archives as a scholarly resource, will be published. This evidence of use defines a new phase in the Archives' effort to promote the serious study of Ayn Rand. I would like to recount the steps that have lead to our present success and indicate why that success is important.

The first published use of material from Ayn Rand's papers came long before the establishment of the Ayn Rand Archives, with the publication in *The Objectivist Forum* (in 1983–85) of excerpts from Ayn Rand's notes and journals. The first stand-alone publication was *The Early Ayn Rand* in 1984, which included unpublished early fiction. Over the course of nearly a decade, the Ayn Rand Papers furnished historic documents



A selection from the multivolume reproduction of the Ayn Rand Papers (Manuscript Division, Library of Congress), available at the Ayn Rand Archives

incorporated into introductions or as supplements to Ayn Rand's major novels *Anthem*, *The Fountainhead* and *Atlas Shrugged*.

With the publication of *Letters of Ayn Rand* in 1995 and *Journals of Ayn Rand* in 1996, the Archives achieved a new level of awareness among researchers. A steady series of projects resulted, which included: the Academy Award-nominated documentary *Ayn Rand: A Sense of Life*, directed by Michael Paxton (Strand Releasing, 1998), and its companion book (Gibbs-Smith Publisher, 1998); four volumes of essays on Ayn Rand's novels, edited by Robert Mayhew (Lexington Books); *Ayn Rand*, the illustrated biography I wrote (Overlook Press, 2005); and numerous lectures on Ayn Rand's life and works. In addition, the Archives provided material for and/or cosponsored exhibits at the Frances Howard Goldwyn Hollywood Regional Library, the Herbert Hoover Presidential Library and Museum, the U.S. National Archives and Records Administration in Washington, D.C., and the Vladimir Nabokov Museum in St. Petersburg, Russia.

Research interest continues to grow. Presently, the Archives is serving as a major resource for a number of forthcoming publications, including Shoshana Milgram's authorized full biography of Ayn Rand, Scott McConnell's *100 Voices: An Oral History of Ayn Rand* and Blackwell Publishing's *Ayn Rand: A Companion to Her Works and Thought*, coedited by Allan Gotthelf and Greg Salmieri.

As a special collection of the Ayn Rand Institute, the Archives administers a nonpartisan access policy and makes its materials available to all serious researchers. As a result, the Archives' influence has grown. Among the dozens of individuals from three continents who have made use of the Archives are many non-Objectivists. The first independent scholarly use of the Archives materials occurred in 1999, which resulted in the book *Skyscraper Cinema: Architecture and Gender in American Film* (Merrill Schleier, University of Minnesota Press, 2009).

Other works acknowledging the Archives' assistance, to be published this year, include: an unauthorized biography, *Ayn Rand and the World She Made* (Anne C. Heller, Random House, forthcoming); and a study of American intellectual history, *Goddess of the Market Place: Ayn Rand and the American Right* (Jennifer Burns, Oxford University Press, forthcoming). Recently defended at the University of Kentucky's department of history was Aaron Weinacht's dissertation "What Would Bazarov and John Galt Do? Ayn Rand as a Latter-Day Russian Nihilist," which analyzes *Atlas Shrugged* as a continuation of the nineteenth-century Russian novel of ideas.

As a consequence of the Archives' openness to serious scholars, some books will be published that have a negative assessment of Ayn Rand or Objectivism. Nevertheless, the Archives furthers the Ayn Rand Institute's goals even when the resulting

publications are not sympathetic to our cause. The history of the Archives has shown that it fosters interest in Ayn Rand and Objectivism by means of a "benevolent spiral": every Archives-based work that is published alerts other scholars to Ayn Rand's contributions to their field and to the existence of the Archives. This results in increased interest in Ayn Rand and the Archives, which results in further publications and an ever-widening audience.

Maintaining the Archives as the definitive source of information about Ayn Rand enhances the status of the Ayn Rand Institute as a scholarly organization—and the Archives' nonpartisan approach is essential to gaining this recognition.

The Archives and its enabling of Ayn Rand scholarship work has only begun. The growth and penetration of Ayn Rand into contemporary culture, both in America and around the world, will insure the growth of the Archives' collections and their availability to future scholars. The "benevolent spiral" will continue to expand. As to the future prospects for Ayn Rand scholarship: in a growing number of academic fields, graduate students no longer experience Ayn Rand as a bar to entry. On the contrary, the study of her life and thought is an emerging field with long-range professional opportunities.

The "benevolent spiral" enabled by the Ayn Rand Archives has helped to promote a serious consideration of Ayn Rand—which, in turn, is helping Objectivism gain its rightful place in American intellectual life. I would like to thank all of the donors that have made—and continue to make—the Archives and its programs possible.

ARI at Los Angeles Times Book Festival, *continued from page 1*

programs, and Matthew Morgen, ARI's campus club coordinator, to sell an unprecedented number of books.

"I think the L.A. Times Festival of Books is a tremendous educational and advocacy platform for ARI," said Mr. Epstein. "This is an event at which well over 100,000 people decided to spend their weekend looking for new books to read. And an amazing number of them—enough to practically overload our booth all day—were eager to talk about Ayn Rand, and to connect or reconnect with her books and ideas. It was a pleasure to answer questions from Ayn Rand enthusiasts of every conceivable variety."

ARI Publishing department manager Richard Ralston and Ayn Rand Archives department manager Jeff Britting were also on hand to discuss Ayn Rand's life and the publishing history of her books. Assisting with booth operations were ARI Education department manager Marilee Dahl and Education department specialist Matt Ludin.

Seattle-Portland Objectivist Network,

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Impact: *How has ARI been of assistance to SPON?*

BL: As inspiration and as a source of information about Objectivism and activism, and also occasionally as a referral route. The community listing on ARI's Web site has been a boon, as isolated individuals can now contact us directly.

Impact: *How has your group contributed to the spread of Ayn Rand's ideas?*

BL: By encouraging study—as a serious option—and by encouraging donations, but mostly by bringing value-charged individuals together and seeing their individual activist energy (and donations) increase as a result of the excitement that comes from associating with like-minded individuals. SPON is designed for pleasure, but it provides fertile ground from which other efforts can grow. An example is Study Groups for Objectivists, which Brad Williams and I founded last year

(www.studygroupsforobjectivists.com/sgoApp/).

Our private SPON page on Facebook includes an honor roll for activists and their activities, which have included sending letters to the editor, donating to ARI, engaging in public speaking, maintaining weblogs and even the writing of a novel.

Impact: *What has been the most valuable aspect of organizing your community group?*

BL: Meeting individuals who are seriously—and successfully—applying Objectivism to their lives. That is refueling personally and it reaffirms my growing confidence in the Objectivist movement and its future.

RM: We relish the friendships and uplifting conversations. It is so inspiring and energizing to hear everyone's accomplishments and experience genuine admiration.

Impact: *What advice would you give to those interested in organizing a community group?*

RM: I think the first thing I would do, if I were starting from scratch, would be to place inquiries for local Objectivists in multiple sources, from

Objectivist blogs to ARI's Web site. Then I would survey the responses to determine whether a study group, a social group or perhaps a physical activity group was most likely to succeed. Assuming a sufficient number of responses from individuals who share my values, I would proceed from there.

BL: As concisely as possible, I would suggest a minimum set of three essential guidelines:

1. Define your purposes clearly, ideally having a separate organization for each major purpose: educational, activist, social.

2. Set clear written standards for admittance. Even a single inappropriate person can, in the long-run, poison the atmosphere of a local organization.

3. Avoid organizer burnout: Keep it simple. Each organizer should pick one or two activities he most wants to perform and let other individuals take care of the remaining tasks. If no one volunteers, then leave the other functions not performed.

Similarly, if a member wants the group to do an additional function, then that individual needs to organize it, without burdening the group as a whole.