



Episode 1,096: Are Our Choices Really Hillary or Mitt? How One Historian Avoided Both

Guest: Kevin Gutzman

WOODS: I've not planned anything out, as I told you. I don't know where the heck this is going. Maybe it goes nowhere. I have no idea. But it just seemed like it would be interesting, because I had Brion McClanahan on not too long ago, and we talked a little bit about the evolution of his own thought, and we decided we got to get Gutzman on here to do the same thing. And somehow, I roped you into doing it at the last minute because you're a genial guy, and I sure appreciate that.

You are – I don't know if we have to, in telling your story, we have to reveal your age. Let's just say you were born at some point, and somehow, you went from that moment coming out of the womb to now, being Kevin Gutzman. Now, you have a set of views I would say – I don't know a lot of people who have the precise set of views you have on different things, because sometimes you'll say something that really surprises me. But in general, I would say you and I are probably in agreement at least 90% of the time. And you and I have the same level of contempt for the official conservative movement and all of that, like all of the – but at the same time, no sympathy for the left whatsoever either, so we have the same – I don't know if the word is enemies, but people we can't stand.

But I'm curious about how somebody gets to this point, because the positions that you believe in as a modern-day Jeffersonian are not the default position. The default position is to be for Hillary or for Mitt Romney. Those are the default positions. Or to be a conservative in a think-tank or a conservative who writes articles about why universals as opposed to nominalism is the important philosophical question of the 21st century. And you're not any of that, and I'm curious about how that came about. Was there any time in the life of Kevin Gutzman when he was a conventional thinker when it came to politics?

GUTZMAN: I think not. No, I don't think so.

WOODS: Isn't that funny? Because for me, I was. I was just a conventional, moderate Republican for a number of years – moderate Republican meaning I wanted big spending on everything.

GUTZMAN: Yeah, I never wanted that.

WOODS: I mean, I didn't want to cut spending anywhere. I couldn't think of anything to cut, so I was a moderate Republican.

GUTZMAN: Well, you know, Nancy Pelosi says there's not a dime to cut.

WOODS: Yeah, what could there be? Right, what could possibly be available to cut?

All right, so let's think about Kevin Gutzman in high school. Again, I'm not trying to date you, but you were in high school, let's just say, at some point. Are you politically aware in those days?

GUTZMAN: We should start a little earlier. I'm an Army brat, and I'm actually not abashed about telling people I'm 54 on this day in 2018. I'm 54.

WOODS: Okay.

GUTZMAN: And when I was a kid, my dad was in the Army, which means I was growing up the son of a fellow who was participating in the Vietnam War and volunteered to go and then volunteered again, even though he got two Purple Hearts the first time. And then after the Vietnam War experience, which ended for my dad in 1970, we moved to the Deep South. We lived in Louisiana.

And then we went to the Panama Canal Zone, where for the first time I became aware of federal politics, because Henry Kissinger had decided that it was a good idea to negotiate to give the Panama Canal to Panama. And I did not know anyone in Panama who was not a Panamanian who thought it was a good idea to give the Panama Canal to Panama. So the first time I became actually active, in an amusing way I guess now for a preteenager, was I was writing U.S. senators telling them I thought it was a bad idea to give the canal to Panama and explaining why this was true. And in the end, all the ones I wrote to voted against the treaty, but of course, I'm sure they would have voted against it had they never heard from me.

So from that point, I was interested in politics somewhat, and then of course in 1976 was the year that I returned to the United States from Panama, and that was the year in which there was only one presidential candidate who was opposed to giving the canal to Panama, and that was Ronald Reagan. So I became interested in Ronald Reagan because he was opposed to giving the canal to Panama.

From there, I periodically would read magazines my father got in the mail. He got *The University Bookman*, which used to be a kind of gratuity that came with a subscription to *National Review*, and he got *National Review*. And in the old days, there were three weekly news magazines. There was *Time*, there was *Newsweek*, and there was *U.S. News and World Report* –

WOODS: Yeah, I remember those days, yeah.

GUTZMAN: Yeah, my dad took *U.S. News and World Report*, which anybody who's old enough to remember will recognize as having the conservative, insofar as there was one – I think it was conservative kind of in the sense of, I don't know, Marco Rubio, kind of that far right.

WOODS: Right, yeah, yeah.

GUTZMAN: Yeah. So I followed the Reagan campaign in 1976 very intently, and then in 1980 I knew all the ins and outs of his policy proposals and so on. So I knew who Philip Roth was and who Jude Wanniski was and all those guys who were behind the tax program, and I knew

about the various constitutional arguments against particular federal spending initiatives and such. I guess that went a long way toward explaining how I was kind of a — I don't know, my dad would have told you if you asked him that was a Goldwater conservative, and that's probably how I would have described myself at the time.

So up to college, I was on the right. And when I got to the University of Texas at Austin in the fall of 1981, the chapter of the College Republicans at UT was the biggest one in the country. And of course Reagan had just been elected, and within a year or two, the University Republicans at the University of Texas split into two parts. There were now two clubs, the University Republicans, which had hundreds of members, and the College Republicans, which had hundreds of members. And the difference between the two of them was that one was the Reaganite club and one was the Bush club.

So I was friends with officers in the Reaganite club, although they also had a club at the University of Texas called Young Conservatives of Texas, which was to the right of either of those. And I was a member of that too, although I didn't really do anything in association with that group.

WOODS: So what was the idea of the two groups? Were they divided over Reagan?

GUTZMAN: They were divided over Reagan versus Bush, yeah.

WOODS: I mean, that's just crazy. Who would feel that strongly about Bush? Really, who ever in his life felt that strongly about George H.W. Bush except his own mother?

GUTZMAN: Well, I guess — how old are you, Tom?

WOODS: I'm 45.

GUTZMAN: Okay, so you're 45, so you're 9 years younger than I am, so you would have been 9 or 10 when these things I'm describing were going on —

WOODS: That's right —

GUTZMAN: — and you wouldn't remember —

WOODS: And by the way, I was following them to the extent that a 9- or 10-year-old could follow them, such that in 1984 when I was 12 I watched the entirety of both the Republican and Democratic conventions on television, if you can believe that.

GUTZMAN: Ah, well, I do believe that.

WOODS: The parts that were televised I watched every night. Yeah, I watched every night. I wanted to see what the Democrats had to say, and then I couldn't — I watched that Gene Kirkpatrick speech about blaming America First, and I was pumping my fist at the TV, and all my friends are outside playing — yeah, all my — you can imagine how many friends a kid like this had. But I'm inside — I'm not kidding you, I literally had popcorn and I was watching the convention [laughing].

GUTZMAN: Well, the thing is, in 1980, the way that the Republican primary season worked was Reagan's positions were already known because he had nearly defeated the incumbent president, Gerald Ford, for the Republican nomination in '76. And so George Herbert Walker Bush decided, well, I'm going to be the anti-Reagan, and he took the anti-Reagan position on every significant issue. Not only did he endorse the transfer of the canal to Panama, but he —

WOODS: Which I guess we're now going to have to talk about at some point. I was hoping I could just avoid that. I guess we'll have to get to that in a minute. But go ahead.

GUTZMAN: Yeah, but he was pro-ERA; he was pro-Roe v. Wade; he was opposed to Reagan's military confrontationism — in other words, he favored détente instead of what had for a couple of decades been the conservative position of actually wanting to win the Cold War. He opposed Reagan's position on judicial appointments. Most people I think now think of George H.W. Bush as kind of — and this is in fact what he ran on in 1988 — as kind of a continuation of Reagan, but really, he was the anti-Reagan.

WOODS: Oh yeah, and during his campaign in '88, he hardly ever mentioned his involvement in the Reagan administration. Like they would taunt him about Reagan did this and Reagan did that, and it was only when he was really pressured he finally said, "Oh, you mean the Reagan-Bush years when we created 15 million new jobs?" Like, he could barely bring himself to even talk about it. It was fascinating.

GUTZMAN: Yeah, well, of course infamously at the 1988 Republican convention, he said that we're going to have a "kinder, gentler" America, and Mrs. Reagan said to the man that was sitting next to her, "Kinder and gentler than whom," you know?

WOODS: Right. Right, I know [laughing].

GUTZMAN: Yeah, so this insult to Reagan was just typical. Anyway, so that's why there came to be two Republican clubs at the University of Texas, and I was steadfastly on the right of this and actually probably on the right within the Reagan group. And I decided I thought I wanted to be a politician, so I applied for and was accepted to, given the chief fellowship at the university's LBJ School of Public Affairs. They had a joint degrees program with the law school at UT. So I thought if I'm going to be Phil Graham — he was my favorite politician. Actually, I still think he was a fabulous politician — then one way to do it would be to be a professor. That's the way Phil Graham became a congressman. And the other way was to be a lawyer. And so what I found eventually was that being a lawyer is totally uninteresting.

But at the LBJ School, I came into complete awareness of the fact that it's totally unsurprising today that essentially the entire federal bureaucracy has been trying to remove Trump from the presidency. People have been acting shocked that they're all a bunch of activist Democrats and are willing to flout the law to remove this president they don't like, but everybody at the LBJ School, all these soon-to-be top bureaucrats, everybody was a Democrat. In fact, most of them thought the Democrats were not far enough left. So I think out of my entering cohort of 101, there were two of us who had the Johnson family fellowship. I was one of them. And actually, one day in class, one of the professors said, The highest GRE score in your cohort was X, and he said my GRE score. So you know, I was the best student in the group. But virtually everybody there was on the left.

And so what I did was essentially I did my coursework, but I read other things on the side like, for example, Charles Murray's two great books *Losing Ground* and *In Pursuit of Happiness* and *Good Government*.

WOODS: Both great, yeah.

GUTZMAN: Yeah, those actually and Thomas Sowell's book *Civil Rights: Rhetoric or Reality?*, those —

WOODS: Yes, thank you for saying that, by the way, because everybody forgets that book. They all want *Knowledge and Decisions* or this or that, but that one is totally overlooked and it packs a punch. It's 140 pages; it's my favorite Sowell book. Thank goodness you said that. All right, okay, go ahead.

GUTZMAN: Yeah, it's brilliant.

WOODS: It's amazing.

GUTZMAN: It's still topical because it just completely debunks the claim that women are systematically discriminated against and that's why they on average earn less than men. But anyway, so I was reading that kind of stuff, besides Raoul Berger's *Government by Judiciary* one, the way that federal judges' authority has been just completely abused in our system.

And unintentionally, then, my experience at LBJ drove me well further to the right. It mainly made me think these bureaucracies are just exactly what Kissinger and Nixon used to say. Famously Kissinger was sent by Nixon to China secretly to arrange Nixon's trip to China, because their feeling was that if the State Department knew that this was going on, it would become public and it would become a big issue and people in State would try to undermine it. And so that's why Kissinger spent a whole term as Nixon's National Security Advisor. Even though he was his chief foreign policy aide, he didn't want to put him in the State Department because he knew the State Department was completely controlled by not only the Democrats, but the left wing of the Democratic Party. So again, this idea that what's going on in the news today is something new or peculiar or it's just a response to Trump is totally false. And we've known this forever.

But anyway, so all this reading I was doing on the side was moving me obviously further away from the center of the LBJ School student body or even the professoriate there, but also, if you're talking about Sowell and Murray and Berger, this is not your Rich Lowry conservative stuff either.

WOODS: Yeah, yeah.

GUTZMAN: So another really great essay I read when I was in that first tour of graduate school was Mel Bradford's essay "The Heresy of Equality," Bradford replies to Jaffa. And, well, if you're a Straussian, that's wolf's bane I guess for you, and I was persuaded by that too. So all these influences together I think it's fair to say made me in kind of an uninformed way into a Jeffersonian. That's how I understand myself now. So I essentially believe that the American system was intended — insofar as there was popular consent to it, it was to a very limited

kind of government that's republican, and in general government programs are harmful, not just failed, but misconceived. They essentially can't work.

Oh, the one decent book that we were actually assigned at LBJ was Friedman's *Free to Choose*, which is along the same lines as Murray and Sowell.

WOODS: So the problem that one encounters with the official conservative movement is not primarily that they don't want to cut spending. That's the impression that's given. *Oh, they just don't want to cut spending.* No, it's that they're just not like me at all. They've absorbed almost every left-wing assumption about the way society works, I would say. I can't even talk to half these people. And then you can find some — there are still some decent conservative intellectuals out there with whom you can actually have a conversation, but they themselves I find are so withdrawn from current events. I'll never forget reading about the guy who, he wrote a whole study on Neoplatonic magic in the poetry of Edmund Spenser.

GUTZMAN: [laughing]

WOODS: Okay, I guess somebody has to do that, but that just means you're not part of the conversation about anything. And there's that whole wing of conservatism where they so don't want to be hated that they don't even dip their toe. They stay focused on topics nobody's going to bother them about, that Nancy Pelosi would be delighted if they devoted their career to that.

GUTZMAN: Right, Nancy MacLean wouldn't be bothered either, yeah.

WOODS: Ugh, Nancy MacLean, yeah. I just wrote an email about her the other day. That woman is just the worst.

GUTZMAN: She's typical, though. I could tell you just endless stories about encountering the same kind of half-baked, unacknowledged feminist claptrap. But anyway —

WOODS: Well, let me say a word though about her, if I may, because what is so interesting about her is that you and I, I'm contemptuous of most people on the left, but a lot of times some people on the left — you know, you know them, they're in your family, and you know them well enough to know they're not evil people. They don't really want to destroy society. They don't know any better, and so you're willing to cut them a little slack because you know them personally. And so if I see Uncle Joe over there and he's saying some crazy thing, I at least know what's motivating him. It's not wickedness. It's not, "I want to destroy civilization." It's that he's not that informed and he thinks this is the best way to help people. So if I had to give you a summary of from his point of view what he thinks he's doing, I could do it, because I have empathy for other people.

But Nancy MacLean just got done giving an answer at an event, where she accused libertarians of not having empathy for other people, and then went on — here she wrote a whole study of the American right, an entire study. And somebody said, "What motivates them?" And she couldn't even say, "Well, look, I'm sure they think they're helping people, even though the grounds for thinking that are very slim. I'm sure that's probably what they think." She couldn't even conceive of what they could be thinking. It must just be that they hate

other people. She couldn't even conceive of it. And this is after doing an entire study of these people.

GUTZMAN: Yeah, and the thing is that this means she doesn't have a historical sensibility, you know? So for example, I've spent years now writing about Thomas Jefferson and James Madison, and one of their most important initiatives was establishing the peculiar American governmental policy regarding religion. Now, I happen to think that, to some extent, the Jeffersonian departure in American religious policy is a failure, but I have never before publicly said that. I don't think you would get that from reading my books. And why wouldn't you? Because I'm a historian. I'm not an editorial writer. So if I wanted to write something about the place of religion in contemporary American society, I might blame Jefferson or Madison or both of them or a larger current of which they were part. But my point is the job that MacLean is supposed to do is supposed to be to understand somebody like James Buchanan and then tell us about him, not give you some completely bogus, *Well, he lived in Tennessee so obviously he was influenced by the National Agrarians, whom he never mentioned in his 10,000 surviving pages of writing.*

WOODS: Right. Never.

GUTZMAN: It's just absurd, right, yeah. So she's not a historian. It's a different kind of activity that she's engaged in. When I was in grad school, I took a class reading colloquium on the 20th century South from Paul Gaston, who for a long time had been the 20th century South guy at UVA. And we read her book *Behind the Mask of Chivalry*, and basically the point of that book was that the second Ku Klux Klan, the one that started in the late teens, early '20s, was about "gender." It was about sex. Really? The Klan was about sex? Because I'm pretty sure the main thing the Klan was about was they hated black people, not sex. I mean, of course they believed in sex roles because they were mainly Protestants –

WOODS: But so did everybody in society at the time, right? Everybody believed that.

GUTZMAN: Yeah, so she makes – how could she possibly come to this conclusion? Well, it's her preexisting conclusion. *Here's an idea I'd like to try to prove.* Again, that's not a historical approach to this kind of thing. You don't go into it with a theory you want to prove; you go into it with questions and then you find out what the answers are and then you write about them.

WOODS: By the way, I don't know if I'm speaking out of turn in saying this, but didn't you tell me that there was a gathering over at the professor's house and he wound up apologizing for assigning that book?

GUTZMAN: Yes. Yeah, Gaston, yeah. And he's a really staunch left-winger. He's actually personally unpleasant in that connection to a couple of people who were in that class with me. But he just treated that book with derision and was apologetic for having assigned it. And I'm not saying this to knock MacLean as a person, but I think her work is just not what you'd expect from a professional historian. Even if you leave aside the fact that some of the omissions in the latest book are just incompetent, if they're not mendacious, the whole project isn't historical.

WOODS: And by the way, I don't want to assume – I think we've assumed for a little too long here that everybody knows who Nancy MacLean is. If you don't know, good for you. Great. But she's the author of a book last year called *Democracy in Chains*, purporting to find the origin of why the right in America is so radical – whereas I find the right in America to be totally boring. I mean, it would be interesting to live in a world where the problem is the right is too radical, but she says that she's able to –

GUTZMAN: Well, her theory was that the Koch brothers and James Buchanan decided they were going to use particular arguments to keep black people down, and of course this has just no connection to anything that –

WOODS: To reality at all, yeah.

GUTZMAN: – the Koch brothers did or Buchanan ever wanted. In fact, our mutual acquaintance Phil Magnus has discovered all kinds of evidence that it's entirely to the contrary.

WOODS: Well, he invites W.H. Hutt from South Africa to come speak about apartheid. W.H. Hutt was the biggest academic opponent of apartheid you could possibly imagine. So the thing is crazy.

GUTZMAN: Actually, while Hutt was at UVA at the behest of Buchanan, he traveled around Virginia giving talks comparing apartheid and segregation and saying they're both evil. So yeah, she could have known that if she'd wanted to. So anyway, actually, this kind of behavior, though, does remind me of a couple of the people I knew on the faculty at the LBJ School when I was in grad school there, and their attitudes and behavior toward students really helped to push me toward a more libertarian, Jeffersonian way of thinking about government in general.

WOODS: Yeah, sure.

GUTZMAN: Which is exactly the opposite of what they wanted it to do.

WOODS: Now, a guy like you, you've got just crazy academic credentials. You have a law degree. You have a PhD in history. You have the LBJ degree. You have all this knowledge. You've written books published by top publishers with endorsements by major, major scholars in the field. You should be one of the most celebrated intellectuals in the conservative movement, and yet, oddly enough, you're not and you're not on Mark Levin's show, you're not on these big show. I don't want to bring up Mark Levin. Let's not talk about him. We've talked about him enough. But you get my point?

GUTZMAN: [laughing] Yeah.

WOODS: Why should that be? And I realize I should be answering that so you don't have to be immodest, but what the heck is going on here? You have every – you have impeccable credentials and you're rock-solid on things. Is that precisely why they don't want you? I mean, why do you not fit in?

GUTZMAN: Well, it's kind of accidental, I think. My first book is called *The Politically Incorrect Guide to the Constitution*, and when the *Claremont Review of Books* reviewed it, they gave it to a guy who really didn't understand it. And the only thing he pulled out of it was that I didn't agree with Lincoln about the constitutionality of secession. So he called me a neoconfederate, which is – actually, it sounds like just some offhand sobriquet, but really, among academics that's a term with an actual definition and it has five components. And I disagree with four of the five components. So it's either just a slander to call me that or it's ignorance. But in any event, that seems I think to be one of the reasons why I'm kind of *persona non grata*.

And then there was also this thing with Levin, where somehow, although I hear him on the radio and agree with him probably 80% of the time, the first time he ever stooped to notice me was when he was attacking me for saying that Ron Paul's foreign policy was like the Founding Fathers'. That was also just out of the blue, and I was in the right, as in the other case. And you know, so it's accidental, I guess. I think a lot of life is fortuitous.

WOODS: The funny thing is Levin wound up recommending in a celebrated book that sold many copies some of the same strategies you recommend for the future, his so-called *Liberty Amendments*. He criticized you for them.

GUTZMAN: For years.

WOODS: Then he winds up adopting them. Yeah [laughing].

GUTZMAN: For years. Yeah, actually what happened was that when my first book came out, Mike Church had me on, and then he had me on again, and he had me on many times, and then eventually there was a cover story about him in *The American Conservative* saying that I had completely changed his worldview. And after a while of hearing me kind of give my jeremiads about American constitutional culture, he said, "Well, isn't there anything we could do?" And I usually kind of slough that off with, "I'm a historian. I don't do hope. That's for Sunday morning," or whatever. And then I finally said, well, there is this unused part of Article Five of the Constitution. The states could initiate an amendment convention. And when Levin heard about that, he bashed it. And then he bashed it again and he called me names and he called Mike Church names. For years he did that. For two years he was bashing us constantly. And then he published a book about, which I think the last I heard it sold like 750,000 copies. So my idea literally made Mark Levin millions of dollars. And he never thanked me. He didn't cite me. He never took back calling me names.

WOODS: Or apologized, right.

GUTZMAN: I mean, nothing.

WOODS: What kind of person is that?

GUTZMAN: I have never heard of such a thing.

WOODS: I have never – that is amazing that you could act like that. That is absolutely amazing.

GUTZMAN: He literally made millions of dollars from my idea, and the last anybody knows about me from him on this score is that I'm an idiot.

WOODS: Yeah.

GUTZMAN: Yeah.

WOODS: Yeah.

GUTZMAN: [laughing]

WOODS: [laughing] It's incredible.

GUTZMAN: So how about that?

WOODS: Yeah.

GUTZMAN: That's kind of – wow.

WOODS: Yeah, and in fact, didn't you review – you reviewed a book of his, and you were very gracious about it, which is the exact opposite of how he would ever be.

GUTZMAN: Yeah, I reviewed *The Liberty Amendments*.

WOODS: That's was it? It was that one? Okay, yeah [laughing].

GUTZMAN: Yeah, I reviewed it in *The American Conservative* online, and I gave the whole history of these events without saying anything negative about him. I just said he criticized me and he criticized Mike Church for years, but hey, Saint Paul converted on the road to Damascus, so you know, welcome to the club, Mark. Let's do this or something. You know, I was not a bit angry with him. I'm not angry with him; I just find it kind of appalling. And actually, if you ever listen to his show, the way he treats people who call who are foolhardy enough to call in disagreeing with him is pretty much like this thing with me, although the fact that he's literally made millions of dollars off my idea and never even said, "You know, this was actually Kevin Gutzman's idea" –

WOODS: Yeah, right, yeah.

GUTZMAN: He and I have mutual acquaintances whom I have told this story and given that review to, and they have just been aghast. But there you go.

WOODS: Yeah, yeah, that is crazy.

GUTZMAN: So anyway, I think those two things help to account for the fact that – although I can get essays published in some of the major conservative magazines and so on, and I've organized panels at the Philadelphia Society and Liberty Fund conferences and so on, I'm not as prominent as you might expect me to be.

WOODS: Right, right. I'm kind of – I haven't been interested in being involved in the Philadelphia Society, but I think I'm in kind of the same situation, that they kind of know who I am, and if I'm at a thing they're not going to boycott it, that sort of thing, but that's about as far as it goes.

GUTZMAN: Actually, ISI regularly includes your picture in their fundraising.

WOODS: I know. Right next to Bill Kristol. It's so funny, yeah.

GUTZMAN: [laughing]

WOODS: I enjoy that because I know it must get under his skin, so that's funny. You said something about the Cold War. I'll just say quickly on that, I had Pat Buchanan on a couple months ago – no, well, it must have been a while ago, because he had a brand-new book on Nixon. It was like a memoir.

GUTZMAN: Right, right.

WOODS: And obviously Vietnam looms very large in that. And by the way, what I find fascinating in reading that book is looking at, frankly, the pictures. There's Pat like in his late 20s, sitting there with his leg crossed in the Oval Office just talking with – he must have just thought, *I'm on top of the world here*. It's just crazy.

GUTZMAN: Yeah.

WOODS: But anyway, obviously he's deeply invested in that, and I said to him, Look, what I think is being missed here is the domestic consequences of that war were very substantial. It definitely fueled the counterculture. I'm not saying there would have been no counterculture, but man, did it fuel it. And meanwhile, it was a huge expenditure of manpower, huge expenditure of cash. The result was the country went communist anyway, and yet, it turns out that wound up not being the end of the world. I mean, who the heck cares if Vietnam goes communist? Yeah, obviously I understand for those people it's a terrible tragedy. But from our point of view, we can't solve that problem. If Chad goes communist, well, it's a tragedy, but we can't solve all the problems in the world. That's what makes us Burkean conservatives is that kind of attitude. And meanwhile, you're undermining your own society at home, which is completely unraveling.

So I said, given that it had no obvious negative consequences from the point of view of U.S. security, wouldn't it have been better to not do it and not let the Soviet Union use it as propaganda against us, that we're trying to keep down nationalist revolutions and so on? Why not just stay out of it, save the money, build up your own society, and watch the centrally planned Soviet economy collapse when it has to hold up all these economic basket cases that it calls allies around the world? Why am I wrong to think that way?

GUTZMAN: You're asking me this question?

WOODS: I am. I thought you would disagree with me.

GUTZMAN: Oh, okay. Well, people often say now that of course the Soviet economy was going to implode eventually, but nobody realized that at the time. And some people have said – actually, I think it's common among Rothbardians to say of course it's so irrationally organized that a centrally planned economy was bound to collapse and look at these expensive interventions in the economy. And you know, I guess my answer to that is usually, okay, well, Diocletian initiated terrible agriculture reforms in the 3rd century, and that's why Constantinople was conquered in 1453. I mean, yeah, okay. In the long runs, governments tend to collapse, but I don't think that was a foregone conclusion at all. I think it could easily still exist now. The Soviet Union was more prosperous than North Korea is today, so why did it have to end? I just don't agree with that.

In fact, one of Gorbachev's foreign ministry guys, Alexander Bessmertnykh, spoke at a retrospective on the Cold War in Havana like ten years ago now, I think. And he said the reason why we had to have perestroika was because Gorbachev was worried about SDI working. And he thought we're not going to be able to compete in military technology unless we reorganize our economy. And then he said of course once you had the idea of perestroika, which was a kind of freeing up of the economy, then you had to have glasnost. You had to have an actual opening of discussion in the Soviet Union. And he said then of course once you had glasnost, then people are going to be able to say I don't really approve of communism in general, and that's why communism ended.

So on the one hand, you have American left-wingers in an odd kind of agreement with anarchists saying the Soviet Union just ended. It was just going to. And on the other hand, you have this guy who's a foreign minister of the Soviet Union saying no, actually, it ended ultimately because of Reagan's military buildup and SDI.

WOODS: Yeah, I've heard both claims. Even Bill Clinton says that he feels like Reagan's interventions may have hastened the end by – I don't know if he estimated the number of years, but some number of years. I've heard that.

GUTZMAN: Well, I think there's no reason to think that the Soviet Union would have ended even by now. Why would it have needed to end by now? You can have a police state. They have a police state in China today. So why did it have to end? This idea that of course Russia would cease to have a dictatorship – really? Do you know anything about Russian history? When did Russia not have a dictatorship?

WOODS: Well, that's true. But okay, all the satellite countries? And if the satellite countries start to go...

GUTZMAN: Okay, so Russia was definitely eventually not going to be governing Lithuania or Estonia or the Crimean Peninsula? You think that was inevitable? I don't. I don't. In fact, I think it's arguable that Gorbachev didn't have to do what he ended up doing when he allowed the secession of various component parts of the old Russian Empire. He could have just said, "Okay, Poland and East Germany, you're no longer going to be occupied by the Red Army." But anyway, so the bottom line is I don't necessarily buy this argument. It may be accurate. I think it probably isn't. It assumes that economic fallacies implemented by governments necessarily lead to those societies' collapses, and we've seen many examples in history of that not being true.

But then there are a couple of other components of your account of this I also want to take issue with. One is the U.S. basically pulled out of Vietnam in 1972. And then the following year, the North Vietnamese tried to invade South Vietnam, which successfully defended itself. What happened then was Watergate. And then Ted Kennedy succeeded in pushing through legislation over Nixon's veto saying that the U.S. would no longer provide air support to South Vietnam in case of a North Vietnamese invasion. Then North Vietnam successfully invaded and conquered the country.

So I think the same thing would have happened if we had adopted a policy of not providing air and other support to, say, South Korea in case of another invasion or to West Germany in the case of another invasion. This was not a result of a foregone conclusion to the American intervention; this was because of the foolish, kind of gratuitous slap at the war by Kennedy, who was constantly angling to be elected president with support of the left wing and the Democratic Party. I think there's no reason to think that South Vietnam wouldn't still be an independent country today if that hadn't happened. But in any event, there's no way to test these theses.

WOODS: Right, and then of course you can also just debate do you actually have the right to take — I don't have any sons, but I have five daughters and you know where egalitarianism is heading these days. Do you actually —

GUTZMAN: Oh, yeah, I oppose conscription. As you know, I oppose conscription.

WOODS: Okay, all right, okay.

GUTZMAN: Yeah, you and I wrote a book with a chapter against conscription, and I —

WOODS: Oh yeah. How about that [laughing]? That's right. We did, didn't we?

GUTZMAN: I am entirely — I think conscription's unconstitutional, at least federal conscription is.

WOODS: And in fact, you wrote that chapter. You wrote the chapter on conscription.

GUTZMAN: Well, now the word is out. Yes, I did.

WOODS: The word is out. Just to give you some more street cred here with my books. The book we're talking about here, by the way, is our book that we wrote together called *Who Killed the Constitution?*

GUTZMAN: Right.

WOODS: Yeah, that was interesting. All right, look, I don't really want to talk about the Panama Canal, but you brought it up so darn much that if I don't, people are going to be saying, "Why didn't you" — so just give me your — what's your spiel about the Panama Canal, and why should I care? I mean, of course, now it's kind of water under the bridge, so to speak, but why did it matter?

GUTZMAN: Well, I actually don't think it's water under the bridge, and this helps to explain part of my contempt for a political posture. Unlike most people who agree with me about the most political questions, I am strongly in favor of border enforcement. And the reason for that is I lived for four years in Panama, and so I know what the place is like. Actually, Panama is, for people who aren't familiar with anything south of the border, Panama is not one of the poorer countries in Central or South America. It's kind of the median. It was basically created by the United States to be the place where the Panama Canal was, and its economic ties have long been strongly to the United States.

But I lived there in the early to mid '70s. They had what most Latin American countries have mostly had, which was military dictatorship at the head of an oligarchical society with an overwhelming preponderance of peasants in the population who basically weren't really educated at all. They had in Panama no distinction between the army and the police force, so my block had a Guardia Nacional guy with an M16 on his shoulder there on the corner every day. And if you ate in a local restaurant, you might get sick. My father got a tapeworm, for example. My mother used to like sweet and sour pork at a restaurant that was closed for serving mouse meat in its sweet and sour pork. I got mugged on my front step when one day, the only day the Guardia Nacional guy was not on the corner, some guys mugged me in the front yard. Was that a coincidence? The fellow who was the generalissimo when we were there had his plane explode in midair, and then his successor was Manuel Noriega, and then after Noriega came, the blown-up guy's son, the elected president of Panama, Torrijos.

So in general, I think the reason those places are benighted is because of the culture, and not only the culture generally, the political cultures are backward, counterproductive, inconsistent with American mores, American values, American traditions. I think some number of people can be assimilated, but I think just bringing in all of Latin America – and by the way, if you lived in Guatemala or El Salvador or Panama, you'd want to live here too. So if we have open borders, we're going to end up being one, big California, and that to me is a highly undesirable outcome. So I favor controlling the border, taking in skilled people, not preferring any *campesina* who can make his way across the Rio Grande over a Swedish physicist who's been waiting for six years to immigrate. That to me is crazy.

And anyway, when I lived in Panama, it was a common feature of local life that broken-down buses would be on the side of the road all the time. The train half the time didn't work. My brother, who was seven years old, got stuck in an elevator in a high rise for eight hours one day. If we gave the Panama Canal to Panama, that was what was going to happen to the Panama Canal.

When the Panama Canal belonged to the U.S., which was from the 1900s until 1999, there never was a period of more than one day when it was closed. Since we gave it to Panama in 1999, there have been times when it was closed for weeks at a time. This was totally predictable, and I know it was predictable because I predicted it, and so did everybody I knew. We all thought this would happen. And besides which, of course, we also thought that countries hostile to the U.S. would end up with ready access to if not control of the Panama Canal, and that's apparently the case in Panama now as well. So I learned from living in Panama both to oppose the idea of giving the canal to Panama and to think that it's just foolish to think it doesn't matter who lives here, essentially.

WOODS: I talked about that a little bit in a recent episode where I was talking to Dave Smith, but as long as I have you here and you're obviously an expert on the Constitution, I sometimes

get this question: where, other than naturalization, which is different, where does the Constitution give the federal government any power over immigration? That's a question I've been asked, and I'd like to know what your answer is.

GUTZMAN: Ah, well, there are two parts to this, to my answer to that. One is it depends on whether you think commerce with foreign countries includes coming and going. If it doesn't, then I don't know that there is a hook in the federal Constitution for federal power over immigration. But that doesn't answer the question, because what we have here is the typical kind of situation in constitutional law in which, because over time the federal government has misused and abused the Constitution, we don't ever amend it. So if by now, if 50 years ago, if 100 years ago the consensus had been the federal government doesn't have any power over immigration, we would have amended it. We haven't done anything about that because there hasn't been any felt need to do so; there's just been a general kind of inertial acceptance of the idea that government could regulate immigration. So my first inclination is to say that there's not any, but then my next point is, well, but then that's because the federal government has acted as if there were.

WOODS: But we wouldn't accept that in any other area, right? Education, health, we wouldn't say, well, it's a long-standing tradition now so I guess we just take it. So is there a double standard?

GUTZMAN: No, I'm not saying there's a – no, that's not what I'm saying. What I'm saying is –

WOODS: That's why I'm giving you a chance. I'm giving you a chance here.

GUTZMAN: Yeah. I think the only reason – if we concluded, and I've never actually researched the question, whether people expected there to be federal control over immigration besides over naturalization, and of course that wasn't as much an issue then because we didn't have the same kind of system of benefits that people were going to receive the minute they arrived as we have now.

You know, here's the thing. Actually, I realized the other day one reason I'm opposed to mass immigration is because essentially all of the people who are immigrating are going immediately to be eligible for perpetual legal and other preferences over my progeny. That is, if you come here from Guatemala or Haiti or Brazil, you get affirmative action against every Gutzman who ever exists forever, and so do all of your descendants to world without end, amen. And this is highly problematic, even if it were neutral, even if the people we're talking about were skilled. I'm not sure that would be a good enough reason to say I don't want any immigration at all. It's not actually my position that I don't want any immigration at all, but that's obviously a highly problematic component of this problem, this political problem we now have.

Anyway, I think that there should be federal control over immigration. And, oh, here's another thing. If there were no federal control over immigration, there would be state control over immigration. But what we have now is that the federal government, because it has long claimed control over immigration, doesn't allow states to control immigration. So for example, one magnet for people to move to the United States is that – what, 20 years ago now? 30 years ago? – federal judges in California decided that California voters' referendum banning paying for the education and various benefits of illegal aliens in California was unconstitutional. If we didn't have that, then I think there'd be far fewer such people here.

And if you're an illegal alien in Connecticut, where I live today, you're eligible to pay in-state tuition at state universities. Meanwhile, my nephews who live in Michigan who are tenth generation residents of the United States are not eligible for in-state tuition on Connecticut.

So Arizona and Alabama have tried to control who can vote, and they've been told you can't do that because this discriminates against foreigners on an ethnic basis. On the same grounds, some of these judges have stayed President Trump's proclamations about security of people who are coming here from particular countries. You can't do that because they are disproportionately not, you know, northern Europeans.

So the federal government's behavior has kept the states from having any say in who comes into their territories at all. If we didn't have federal immigration rules, I'm sure we would have state immigration rules. Texas would have an immigration system tomorrow if you said, from now on, federal government will have nothing to do with it; this is a state prerogative. They would immediately have a border, Texas would. I think Arizona would too. California probably wouldn't. Maybe New Mexico wouldn't. But Arizona and Texas would have a border tomorrow.

WOODS: All right, these are interesting answers because I've wondered about this, and I thought that was probably roughly what the answer would be. Kevin, you're over at KevinGutzman.com if people want to look into your books and stuff. I'm going to link to a bunch of them at TomWoods.com/1096. I don't know, you and I can just sit here and talk, especially if I see you, which hasn't been in a long time, right? When was the last time I saw you? Years now, right?

GUTZMAN: Yeah, how about that?

WOODS: Been quite a while.

GUTZMAN: I think it must have been years now, yeah.

WOODS: Yeah, but when I do see you, it's just non-stop gabbing, just like this, non-stop. So anyway, look, you and I gabbed, we had the record button pressed, we're going to release it to the public. But anyway, I think it's good. It's some good material we covered. Any one of these topics, obviously you and I could do a half hour on and just hash out a bit, but I wanted this to be more of a potpourri episode where we don't dwell too long on any one thing and just chit chat. But I can't talk about Nancy MacLean enough these days because of that stupid remark she made the other day about libertarians. If you're not on my email list, folks, you missed my smash of this woman, and I'm not publishing it anywhere else. I only do my writing for people on my email list these days. So anyway, Kevin, thanks for being here. And what is your next project, if we may ask that?

GUTZMAN: Well, right now I'm working on my next book, which is called *The Virginia Dynasty: Presidents Thomas Jefferson, James Madison, and James Monroe*, and it's going to be the first ever account of these six consecutive terms. I think of it as a single administration implementing the entire Jeffersonian republican program and seeing how it played out. And some of it was a smashing success, and some of it was a notable debacle. So that's what I'm working on mostly. I'm also doing various other projects along the way.

WOODS: Nice, okay. Well, we'll definitely look forward to that. I cannot think of anyone better for that particular job. All right, thanks so much, Kevin. I appreciate it.

GUTZMAN: You're welcome.