

# Conservative Magazines and the Presumption of Liberty:

## A Content Analysis on Sex, Gambling, and Drugs

By

Daniel B. Klein and Jason Briggeman  
Contact: [dklein@gmu.edu](mailto:dklein@gmu.edu), [jbriggem@gmu.edu](mailto:jbriggem@gmu.edu)

Draft date: February 13, 2009

*Abstract:* Conservatives say they are for small government and individual liberty, but a content analysis of leading conservative magazines shows that most have preponderantly failed to take pro-liberty positions on sex, gambling, and drugs. Besides many anti-liberty commissions, the magazines may be criticized for anti-liberty omission—that is, failing to oppose anti-liberty policies. Magazines investigated include *National Review*, *The Weekly Standard*, *The American Enterprise*, and *The American Spectator*. We find that *National Review* has had the strongest record on liberty on the issues treated, while the others have preponderantly failed to be pro-liberty or have even been anti-liberty.

*Keywords:* Conservative, liberty, sex, drugs, gambling.

*JEL codes:* A13

To appear in *The Independent Review*

*Acknowledgements:* This paper has built on research conducted under Daniel Klein's supervision in a graduate course at George Mason University. Initial investigations were conducted on sex by Victoria Bryant, on gambling by Andrew Roth, and on drugs by Robert Gehl. Thorough research under Jason Briggeman's supervision was conducted by R. Warren Anderson. The cooperation and extensive efforts of these individuals made the current paper possible, and we extend to them our gratitude.

Excel file containing the data and coding:

[www.gmu.edu/departments/economics/klein/Assets/conservative\\_magazines\\_data.xls](http://www.gmu.edu/departments/economics/klein/Assets/conservative_magazines_data.xls)

When the very first issue of *National Review* was published in 1955, William F. Buckley Jr. declared, “It is the job of centralized government (in peacetime) to protect its citizens’ life, liberty, and property. All other activities of the government tend to diminish freedom and hamper progress” (5).

But the leading magazines and newspapers of the conservative movement—*National Review*, *The Weekly Standard*, *The American Spectator*, and the now-defunct *The American Enterprise*—more often than not fail to oppose government intrusion into America’s bedrooms, gambling places, and drug activities. Real champions of liberty uphold a presumption of liberty: Current restrictions on such activities would not be docilely accepted but rather would be challenged with the burden of proof. Yet most of the conservative magazines either support the restrictions or omit any active criticism. Of the magazines examined, *National Review* has had the strongest liberty record on the issues treated, while the others, on the whole, have preponderantly failed to be pro-liberty or have even been anti-liberty.

The investigation is conducted with the firm understanding that the liberty principle does not speak to issues concerning government rules for the use of government property. Liberty does not hold that drugs, prostitution, and gambling be tolerated in public schools, public parks, and so on. Liberty holds, rather, that such rules are for owners to decide. We scored the magazine content with such understanding. Moreover, we do not mean to suggest that classical liberalism/libertarianism insists on axiomatic adherence to the liberty principle. But classical liberalism/libertarianism does uphold a *presumption* of liberty. It holds that the burden of proof should be on coercion or intervention, even when such is the status quo.

## Method

The research covers material published in the print editions of the four magazines through 2007. We conducted systematic searches using several electronic databases in order to maximize coverage. Tables in this document give the article counts generated by our searches, breaking the numbers into relevant hits (i.e., articles that discussed the issue in at least some detail) and hits that should be ignored (e.g., passing references, duplicates, etc.). The relevant articles are further broken down into those that take no position on the issue versus those that stake out a clear position, and those taking a position are classified as advocating a move toward a more libertarian position, toward a more interventionist position, or supporting the status quo.

### Conservative Magazines on Sex

<i>National Review</i> on sex	1955-1990	1991-2000	2001-2007	totals
pro-liberalization	5	2	4	11
status quo	13	5	4	22
interventionist	16	12	18	46
relevant but no position	30	31	11	72
total relevant	64	50	37	151
irrelevant/should not count	118	138	96	352
total search hits	182	188	133	503

Many articles and editorials in *National Review* have supported at least a limited right to pornography. In a 1961 article about pornography, Francis Russell wrote “I think there might even be a high and inaccessible place in the library for the works of Henry Miller” (157). “Even if it were trash,” columnist D. Keith Mano added in 1975, “pornography has a crucial role in the growth of film as art” (1481).

*NR* writers have also often stood in support of political efforts to restrict pornography, particularly at the level of local government. “We have had enough experience of court-revised ideals to see the other side of the coin of legalized permissiveness,” author Malachi B. Martin wrote in 1977, as he lamented the “purging of our ideals from the laws that mark out the public ground-rules of our lives” (998).

In a 1986 editorial about the Meese Commission on Pornography, Buckley asked why, given that there was a market for porn, “should not the willing buyer and the willing seller enter into conventional arrangements?” His answer was that “lust is an appetite that needs to be regulated,” and that “a sophisticated society acknowledges that sex is often an unruly passion” (55).

In 2001, *NR* editor Jay Nordlinger called for states to establish “porn czars” and for the prosecution of internet companies and cable companies that hosted porn sites and porn channels. He also urged citizens to write to companies that produce salacious ads and denounce them.

While there is little evidence of a change over time in the attitudes of *NR* writers on sex issues, at least one prominent writer moved in a libertarian direction. Ernest van den Haag was a Fordham University public policy professor and a prominent law-and-order conservative. Late in his career, he changed his mind about pornography. “Providing it truly is private,” he wrote in 1993, “I now do not think any consensual sexual activity, including discreet prostitution and pornography, should be regulated by the government...History demonstrates that, when tolerated, pornography and prostitution tend to be contained” (59).

<i>American Spectator on sex</i>	1988-2000	2001-2007	totals
pro-liberalization	1	0	1
status quo	0	1	1
interventionist	2	4	6
relevant but no position	27	8	35
total relevant	30	13	43
irrelevant/should not count	98	42	140
total search hits	128	55	183

<i>American Enterprise on sex</i>	1990-2000	2001-2006	totals
pro-liberalization	0	0	0
status quo	1	0	1
interventionist	0	1	1
relevant but no position	10	7	17
total relevant	11	8	19
irrelevant/should not count	35	30	65
total search hits	46	38	84

<i>Weekly Standard on sex</i>	1994-2000	2001-2007	totals
pro-liberalization	2	1	3
status quo	0	0	0
interventionist	5	0	5
relevant but no position	37	8	45
total relevant	44	9	53
irrelevant/should not count	116	114	230
total search hits	160	123	283

Other conservative journals have also tended to favor government intervention to restrict access to pornography. Boston College professor David Lowenthal wrote in *The Weekly Standard* in 1999: “The mass media – the movies, television, and recordings – need to be regulated, and not only because of appeals to irresponsible lust. They have immersed us in violence as well, habituated us to the most extreme brutality, held it up as a model and surrounded us by images of hateful human types so memorable as to cause a psychological insecurity that is dangerous. The only answer is governmental regulation, if necessary prior to publication – that is, censorship” (21ff). In 2003, Jonah Goldberg, a

*National Review* editor as well as an *American Enterprise* columnist, wrote in the latter periodical that “the entire culture, particularly the media, has been brainwashed to believe that censorship is always and everywhere a threat to our freedom” (52). Although there is good sense in Goldberg’s core point, he did not draw lines based on the domains of government properties.

### Conservative Magazines on Gambling

<b><i>National Review on gambling</i></b>	1955-1990	1991-2000	2001-2007	totals
pro-liberalization	3	1	1	5
status quo	0	1	2	3
interventionist	0	1	1	2
relevant but no position	17	15	15	47
total relevant	20	18	19	57
irrelevant/should not count	59	133	89	281
total search hits	79	151	108	338

When it has made relevant comments, *National Review* has been largely tolerant of gambling. In 1965, Buckley suggested that conservative candidates for mayoral positions would do well to advocate the legalization of gambling. More recently, Goldberg advocated eliminating legal restrictions on games of poker (2002). But support for liberalization has been merely tepid.

<b><i>American Spectator on gambling</i></b>	1988-2000	2001-2007	totals
pro-liberalization	2	1	3
status quo	0	0	0
interventionist	0	0	0
relevant but no position	13	2	15
total relevant	15	3	18
irrelevant/should not count	127	38	165
total search hits	142	41	183

<b><i>American Enterprise on gambling</i></b>	1990-2000	2001-2006	totals
pro-liberalization	3	0	3
status quo	0	0	0
interventionist	0	3	3
relevant but no position	3	8	11
total relevant	6	11	17
irrelevant/should not count	45	48	93
total search hits	51	59	110

<b><i>Weekly Standard on gambling</i></b>	1994-2000	2001-2007	totals
pro-liberalization	1	0	1
status quo	0	0	0
interventionist	3	1	4
relevant but no position	23	31	54
total relevant	27	32	59
irrelevant/should not count	118	122	240
total search hits	145	154	299

All of the pro-liberalization articles on gambling in the other three magazines involve calls for an end to state-sponsored gambling; none call for the liberalization of laws that restrict private gambling. *The American Spectator* editor-in-chief R. Emmett Tyrrell Jr. wrote in 1996: “Gambling is a breeding swamp for crime. Sure, some can enjoy it in moderation just as many enjoy booze in moderation. That is why we allow Las Vegas and the neighborhood pub. But the state ought not to champion gambling any more than it champions alcohol” (15). That same year, Blake Hurst wrote in *The American Enterprise*: “Governments may not be able to control vice, but surely they ought not encourage it” (62ff). These calls to “not encourage” seem to mean “not liberalize.”

In the last decade, three articles in *The American Enterprise* criticized legal and business arrangements involving Indian casinos, including a piece titled “The Festering Problem of Indian ‘Sovereignty’” (Golab 2004b; also Carolan 2002, Golab 2004a).

David Tell of *The Weekly Standard* took a more broadly anti-gambling position in three late-1990s editorials, complaining in 1999 that “America’s real sweepstakes problem, the giant industry of private and state-sponsored gambling, continues to metastasize. And no more than a handful of our politicians seem to care” (1999a, 9ff; also Tell 1997, 1999b).

### Conservative Magazines on Drugs

<i>National Review</i> on drugs	1955-1990	1991-2000	2001-2007	totals
pro-liberalization	20	22	18	60
status quo	10	1	2	13
interventionist	8	1	3	12
relevant but no position	55	35	8	98
total relevant	93	59	31	183
irrelevant/should not count	100	99	45	244
total search hits	193	158	76	427

*National Review* has moved from a centrist position on drugs in its early decades to an overtly pro-liberalization position in the last two decades, mirroring Buckley’s personal shift. He openly grappled with the issue during the late 1960s, supporting the status quo with regard to marijuana prohibition while occasionally mentioning a desire for more information (such as suggesting that experiments with marijuana be carried out with volunteer prisoners) (1970). But in 1972, *NR* ran a piece by Richard Cowan with the strident title “American Conservatives Should Revise Their Position on Marijuana,” upon which several *NR* writers including Buckley (1972) commented favorably. Thereafter *NR* has been generally hostile to drug prohibition, publishing titles such as “A Lost Cause Is a Lost Cause” (Buckley 1989), “The War on Drugs Is Lost” (Nadelmann et al 1996), and “War No More: The Folly and Futility of Drug Prohibition” (Lynch 2001). Even during the George W. Bush administration, Buckley (2002, 2005), Ethan

Nadelmann (2004a, 2004b), and Jacob Sullum (2005, 2006) each wrote multiple *NR* pieces criticizing prohibition, including a Buckley mockery of “drug warriors” who remained focused on pot even as meth had gained popularity.

<b><i>American Spectator on drugs</i></b>	1988-2000	2001-2007	totals
pro-liberalization	6	1	7
status quo	1	0	1
interventionist	5	1	6
relevant but no position	28	6	34
total relevant	40	8	48
irrelevant/should not count	83	18	101
total search hits	123	26	149

While the *American Spectator* had a rather evenly mixed record on drugs during the 1990s, it has published only one judgment piece on the subject since 9/11. This was a 2004 article by the then-interventionist Bob Barr, who wrote in part: “If the Colombian president had the same type of support and understanding from Washington as we give unquestioningly to civilian leaders in Afghanistan and Iraq who simply mouth pro-American sound-bites and are then invited to the State of the Union address, perhaps we'd finally start seeing the success of our efforts in Colombia that our children and our brave anti-drug warriors deserve” (29).

<b><i>American Enterprise on drugs</i></b>	1990-2000	2001-2006	totals
pro-liberalization	0	0	0
status quo	0	2	2
interventionist	5	1	6
relevant but no position	12	6	18
total relevant	17	9	26
irrelevant/should not count	46	20	66
total search hits	63	29	92

*The American Enterprise* supported drug prohibition; for an example, consider a 1996 offering of “Two Views” as to why drug use was rising. John J. DiIulio Jr. complained that “The drug legalization movement and its anti-incarceration allies have...promoted the utterly false view that the ‘war on drugs’ is rabidly racist and horribly expensive” (23). Ostensibly opposing him, Ed Koch wrote that, “Some drug laws need to be reformed. We should reduce prison sentences for low-level offenders and increase sentences for more serious drug crimes. For minor offenders convicted under state law, why not add flogging to the available punishments?” (23)

<b><i>Weekly Standard on drugs</i></b>	1994-2000	2001-2007	totals
pro-liberalization	1	2	3
status quo	1	5	6
interventionist	8	1	9
relevant but no position	21	13	34
total relevant	31	21	52
irrelevant/should not count	98	82	180
total search hits	129	103	232

The *Weekly Standard* has also been a platform for drug prohibitionists, though perhaps with some signs of moderation in recent years. Its stridency during the 1990s is clear in article titles such as “General Clinton, Losing the Drug War” (Tell 1996) and “He Didn’t Inhale, but Americans Are” (unidentified author 1996). David Tell in 2001 took up against libertarians in furtherance of the cause of the future director of the Office of National Drug Control Policy: “It might profit certain ‘free market conservatives’ we know, before next they sneer at John Walters's resistance to drug legalization, to have another peek at their *Wealth of Nations* – where they will discover that the unregulated production and consumption of deadly poison isn't quite what Adam Smith had in mind”

(9ff).<sup>\*</sup> But Charlotte Allen did write in 2007 that “Some mandatory-sentencing schemes for drug violations are undoubtedly too harsh on first-time offenders” (41).

### Three Major Public Philosophies

If a movement claims to be pro-liberty, an evaluation of the integrity of that claim must look at two things: (1) What the movement says, and (2) what it fails to say. So far as what the conservative magazines say on the issues of sex, gambling, and drugs, their record is checkered. *National Review* has been the most pro-liberalization, with *The Weekly Standard* and *The American Enterprise* probably the least pro-liberalization. On the second score, what they fail to say, the magazines can be faulted almost across the board for not staking out clear pro-liberty positions on the issues—again with *National Review* being something of an exception, particularly on the drug issue. On the whole, the conservative magazines reveal that conservatives fail to uphold the presumption of liberty.

This investigation underscores that nowadays the menu of major public philosophies offers three options: conservatism, social democracy, and classical liberalism/libertarianism. Only the third upholds the presumption of liberty.

About the authors:

Daniel Klein is professor of economics at George Mason University, associate fellow of the Ratio Institute, and editor of *Econ Journal Watch*. Jason Briggeman is a doctoral student in economics at George Mason University.

---

<sup>\*</sup> Incidentally, Tell’s allusion to Adam Smith is unsound; there is almost nothing in Smith’s writings smacking of such paternalism.

## References

- Allen, Charlotte. 2007. A Woman's Place. *Weekly Standard*, June 4.
- Barr, Bob. 2004. The War Without End. *American Spectator*, April.
- Buckley Jr., William F. 1955. Publisher's Statement. *National Review*, November 19.
- . 1965. Mayor, Anyone? *National Review*, June 15.
- . 1970. Pot in Prison. *National Review*, February 24.
- . 1972. The Spirit of the Law. *National Review*, December 8.
- . 1986. Topsy-turvy. *National Review*, August 29.
- . 1989. A Lost Cause Is a Lost Cause. *National Review*, September 29.
- . 2002. The Pot War Boiling. *National Review*, November 25.
- . 2005. The Druggies' Drug of Choice These Days Seems to Be Meth, but the Drug Warriors' Drug of Choice Is Still Pot. *National Review*, September 12.
- Carolan, Matthew. 2002. Killing Buffalo? *American Enterprise*, July/August.
- Cowan, Richard C. 1972. American Conservatives Should Revise Their Position on Marijuana. *National Review*, December 8.
- DiIulio Jr., John J. and Ed Koch. 1996. Why Is Drug Use Rising Again? *American Enterprise*, May.
- Golab, Jan. 2004a. Arnold Schwarzenegger Girds For Indian War. *American Enterprise*, January/February.
- . 2004b. The Festering Problem of Indian 'Sovereignty'. *American Enterprise*, September.
- Goldberg, Jonah. 2002. And Another Thing.... *National Review*, October 28.
- . 2003. Free Speech Rots from the Inside Out. *American Enterprise*, January/February.
- Hurst, Blake. 1996. The Government As Gambling Partner. *American Enterprise*, March.
- Lowenthal, David. 1999. The Case for Censorship. *Weekly Standard*, August 23.

- Lynch, Timothy. 2001. War No More: The Folly and Futility of Drug Prohibition. *National Review*, February 5.
- Mano, D. Keith. 1975. The Pornographer. *National Review*, December 19.
- Martin, Malachi. 1977. On Human Love. *National Review*, September 2.
- Nadelmann, Ethan A., Kurt L. Schmoke, Robert W. Sweet, Thomas Szasz, Robert B. Duke and William F. Buckley Jr. 1996. The War on Drugs Is Lost. *National Review*, February 12.
- Nadelmann, Ethan A. 2004a. An End to Marijuana Prohibition: The Drive to Legalize Picks Up. *National Review*, July 12.
- . 2004b. The Future of an Illusion: On the Drug War, Believe Your Own Eyes. *National Review*, September 27.
- Nordlinger, Jay. 2001. Getting Aroused. *National Review*, November 19.
- Russell, Francis. 1961. Problem of Pornography. *National Review*, September 11.
- Sullum, Jacob. 2005. The Doctor Is Not a Criminal: A Painful Drug-War Case in Virginia. *National Review*, May 23.
- . 2006. Talking Smack. *National Review*, November 6.
- Tell, David. 1996. General Clinton, Losing the Drug War. *Weekly Standard*, May 13.
- . 1997. Wanna Bet? *Weekly Standard*, December 15.
- . 1999a. An Outrage? You Bet. *Weekly Standard*, March 29.
- . 1999b. A Gambling Backlash? *Weekly Standard*, November 15.
- . 2001. John Walters and His Critics. *Weekly Standard*, May 21.
- Tyrrell Jr., R. Emmett. 1996. The Continuing Crisis: Quick Draw McGraws. *American Spectator*, February.
- (Unidentified author). 1996. He Didn't Inhale, But Americans Are. *Weekly Standard*, August 19.
- van den Haag, Ernest. 1993. An Expert Witness Disagrees. *National Review*, November 1.