

BOOKS

Guns and Violence: The English Experience

by Joyce Lee Malcolm

Harvard University Press • 2002 • 352 pages
• \$28.00

Reviewed by Clayton Cramer

Joyce Lee Malcolm's new book is not the masterpiece that her previous book, *To Keep and Bear Arms: The Origins of an Anglo-American Right*, was. Still, there is much to commend, and much to be learned from it.

Malcolm's strongest work here is her examination of the legal history of the right to keep and bear arms, the transformation of English law concerning the use of deadly force, and how British society has changed from supporting that right to actively opposing it. Not that many decades ago, gun ownership enjoyed widespread support in Britain; gun control was a distinctly minority position.

In 1893 the government proposed limiting ownership of handguns "less than fifteen inches long," ostensibly to reduce gun accidents. Members of Parliament pointed out that the government's own figures showed there simply wasn't a serious problem, and objected that the bill "attacked the natural right of everybody who desired to arm himself for his own protection. . . ." Two years later, a revised form of the bill, again motivated by gun accidents, received an even more ferocious scolding. MP Hopwood condemned its "disregard of individual liberty." MP Moulton criticized "interfering with such a large number of people" in the hopes of reducing "an accident list which amounted to something like eight or nine cases a year."

Malcolm explains that bureaucrats in the Home Office justified such a proposal because Britons were carrying pistols: "even ladies are taking to it." Indeed, and appar-

ently frequently. London police were still unarmed in 1909, when they chased payroll robbers across the north end of London. Along the way, these unarmed Bobbies "borrowed four pistols from passersby while other armed citizens fulfilled their legal obligation and joined the chase."

Malcolm's use of historical crime statistics is less persuasive because of the scattered, incomplete, and inconsistent nature of the data. Trying to use medieval crime statistics is a task fraught with difficulty; we should admire her willingness to make the attempt, even if the results are less than satisfying.

As Malcolm shows, violence in Britain had been in decline since guns became common in the late medieval period. Even after guns became common by the fifteenth century, violence seemed to be somewhat in decline. By Victorian times, when even handguns could be, and were, purchased over the counter by any adult, murder rates had fallen to levels that would make any American big-city mayor dance with joy.

While correlation does not establish causality, Malcolm's necessarily impressionistic evidence suggests that if gun availability causes violence, it cannot be a strong factor. Only in the last few decades, as the British government has adopted the most stringent gun-control laws in the Western world, has the violence problem increased. As I was writing this review, the *Manchester Guardian* reported that regular police foot patrols now included handguns and automatic weapons.

Though I doubt that the historical crime statistics that Malcolm has compiled will persuade many people that gun control is a poor crime measure, it should still provoke discussion. At a minimum her evidence suggests that if there is a connection between gun availability and violence in Britain, it's not in the direction that gun-control advocates—and most Britons—assume. Those who would like to believe otherwise will need to respond to the evidence that Malcolm presents.

The best case that gun-control advocates can make, based on the historical crime statistics that Malcolm has gathered, is either

that the medieval violent-crime statistics greatly exaggerate Merry Olde England's problems, or that the British government for the last two centuries has covered up 90–95 percent of modern murders. To Malcolm's credit, she points out some possible problems with the data from the last century or so, quoting the economic historian Howard Taylor that even nineteenth-century English murder statistics are suspect. Many murders may not have been reported in some jurisdictions "[b]ecause the discovery of a suspicious death and its subsequent investigation and prosecution could make a large dent in a police authority budget. . . ." It is *possible* that the apparent improvement in murder rates is far less impressive than it appears for this reason. But I think few historians or criminologists would want to claim that nineteenth-century undercounting of murders explains a two-orders-of-magnitude drop in murder rates.

The weakest part of Malcolm's book is the seventh chapter, where she writes what seems to be an excessively political argument concerning gun control and its effects on violence. I agree with her conclusions and find her arguments persuasive; they just seem out of place in an otherwise scholarly history. □

Clayton Cramer has written books about weapons regulation in America, black history, and the Civil War. His most recent book is Concealed Weapon Laws of the Early Republic: Dueling, Southern Violence, and Moral Reform (Praeger, 1999).

Vouchers Within Reason: A Child-Centered Approach to Education Reform

by James G. Dwyer

Cornell University Press • 2002 • 248 pages
• \$32.50

Reviewed by Cathy Duffy

Finally, someone on the left has presented a thoughtful rationale for why the left should favor vouchers: They can be used to push religion out of private schools and

further reduce the ability of parents to inculcate their children with their values.

In *Vouchers Within Reason*, James Dwyer tells us, "The great promise of school vouchers is that they provide a mechanism for accomplishing what some states once tried to do but ultimately found required more effort and resolve than they were willing to expend—namely, to rein in the practices of the worst religious schools, whose operators and parent clients vehemently and forcefully resist involuntary imposition of regulations." An animus toward religious schooling and parental influence over their children's education resides at the heart of Dwyer's argument. Those who share his animus are likely to find his arguments compelling, and others might give them serious thought, considering his position as an assistant professor of law at the College of William and Mary and his expertise in this area evidenced by his previous book, *Religious Schools v. Children's Rights*.

One of Dwyer's contentions is that most voucher arguments on both sides have been based on adult-centered, rather than child-centered, concerns. In making his own proposal, he outlines requirements that he claims are child-centered. However, those requirements (including nonsexist teaching, rejection of at least some religious instruction, and inculcation of state-approved viewpoints) are based on his own adult belief system and "liberal," statist view. Dwyer totally misses the irony in his claim that what he advocates is child-centered rather than adult-centered, since his central concern seems the best interests of the state—which was under adult control last time I checked. He writes that "the state must ultimately decide what the interests of children, individually or collectively, are." This makes it acceptable to him to impose those beliefs on children and protect children from parental beliefs.

Dwyer believes that many parents will keep their children in religious schools no matter what, so it is up to the state to look out for children's interests by using vouchers as a mechanism to force "improvement" in the secular education provided within such

schools. Dwyer goes so far as to say that states should be *compelled* to offer vouchers to fund a “good secular education” within private schools.

His argument rests on his curious assumption that the majority of private schools presently offer a substandard academic education. However, a recent study from the National Center for Education Statistics shows private-school students consistently and significantly outscoring their government-school counterparts in fourth, eighth, and twelfth grades. Additionally, a higher percentage of private-school students go on to college.

Dwyer uses supposed academic deficiencies as an excuse to advance government control over private schools. Voucher-receiving schools would be required to compartmentalize religious education apart from other courses, allow children to opt out of any religious activities or instruction, use tests that would force schools to teach state-approved content, and agree not to teach religious beliefs that the state deems harmful.

Since Dwyer is also concerned about “psychological harms children might incur in some schools,” he suggests voucher-receiving schools might also be required to sign a pledge to avoid practices the state might deem harmful such as “confining students to individual workstations . . . , instilling intolerant and dogmatic attitudes, and threatening children’s self-esteem and psychological well-being with constant reminders of their sinfulness and admonitions about the tragic consequences of not conforming to religious precepts.” His argument rests on the assumption that education experts have the wisdom to determine what is good for all children, including not just academics, but also their psychological, social, and spiritual development.

Dwyer seems to view the state as the ultimate “grantor of rights”—the national “parent.” He comments: “the state also bears responsibility for their [children] being in a religious school, because it is the state that gives parents the power to put them there.” Following Dwyer’s logic, if the state grants

parents the option of enrolling their children in a private school, there should be no question about the state’s right to control what goes on in private schools, whether or not it funds them.

While many of us might disagree with Dwyer’s presuppositions, arguments, and conclusions, this book is important since it will likely provide the basis of a growing movement by the left to co-opt the voucher movement. Those who, like Dwyer, yearn for greater government control of private schooling will unwittingly be aided by conservative voucher advocates who will take vouchers at any price. But for people who oppose vouchers for fear that they will convert private schools into government-school look-alikes, this book is a fine exposé of how some on the left see the “reform”: as the Trojan Horse that will give them power to control all schools. □

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Strikebreaking and Intimidation: Mercenaries and Masculinity in Twentieth-Century America

by Stephen H. Norwood

University of North Carolina Press • 2002
• 328 pages • \$19.95 paperback

Reviewed by Charles W. Baird

In this book, Stephen Norwood, professor of history at the University of Oklahoma, purports to give the reader a history of strikebreaking in the United States. His underlying assumptions are that union organizing and striking are what good people do to confront and defeat malevolent employers; that workers who choose to remain union-free are traitors to the working class; and that any forms of self-defense used by employers during labor disputes are perfidious (even fascist) acts. Strikers

are manly, while any who would oppose them are either sniveling cowards (workers who don't go along) or despicable mercenaries hired by employers to prey on innocent unionists. Norwood's history is sometimes correct, but often badly tainted by his philosophy that individual rights must be subordinated to the supposed collective good.

Who are strikebreakers? They are workers already employed who choose not to strike, replacement workers hired by employers during strikes, and private security agencies hired to protect the private property rights of employers and to supply replacement workers during strikes. Norwood describes them as "scabs," "invaders," "Cossacks," and, his favorite, "lumpenproletarians." He never attempts to see the disputes from the perspectives of strikebreakers and employers. Strikers are always right no matter what they do and how they do it.

The title of the introduction, "The Emergence of the Anti-Labor Mercenary," is misleading. What he writes about is the anti-union mercenary. He treats "union" and "labor" as synonyms throughout the book because, in his mind, every worker should be sympathetic to unions. The title of the epilogue is "Anti-Unionism in America, 1945–2000," but that is a slip of the pen, for his confusion regarding non-union labor remains.

In chapter 1 Norwood tells stories of students at elite universities who, with the support of benighted professors and sinister administrators, offered to serve as replacement workers in the first third of the twentieth century. Chapter 2 is devoted to the urban transit strikes of 1900–1929. Chapter 3 laments the role of African Americans as strikebreakers even though, as Norwood admits, the unions typically excluded blacks. Chapter 4 describes the battles between unionized and union-free labor in the coal mines. Chapters 5 and 6 recount the battles in the auto industry. They're all variations on the same theme, namely, the evil of opposing the demands of union leaders, which are unquestionably just and reasonable.

Norwood laments that, except in the government sector, more and more workers have been deciding to remain union-free since the 1950s. He attributes this to a decline of masculinity, and, of course, to the evils wrought by President Reagan and his National Labor Relations Board. It is impossible for him to believe that unions are a declining industry simply because workers find them increasingly irrelevant and, perhaps even harmful to their interests.

Norwood is so pro-union that he doesn't even notice the irony. He condemns Ford Motor Company for telling its workers "not to do business with any concern—milk companies, laundries, grocers—that did not deliver in Ford cars." On the other hand, he thinks it is perfectly just for unions to have their members boycott union-free businesses.

Norwood does tell of some truly reprehensible acts taken by employers, their mercenaries, the police, and the military. Worst of all was the infamous Ludlow Massacre, April 20, 1914, in Colorado during a coal mine strike. The state militia fired on the unarmed occupants of a tent colony, not on company property, killing many unionists and sympathizers. The militia then burned the colony down, killing even more people. Such outrages create sympathy for the union movement.

But the Ludlow Massacre was not typical. Most violence during the strikes recounted by Norwood was initiated by strikers and their leaders. It was they who used violence to prevent willing replacement workers from accepting jobs from employers willing to hire them. Strikers clearly have a right to refuse to work when they find the terms offered by employers unacceptable. But they have no right to prevent others from doing the work they refuse to do. Strikers do not, contrary to Norwood, own their jobs. The rights of workers are delimited by the hiring contracts under which they become employees.

Norwood would find my perspective on strikes and strikebreakers to be just as outrageous as I find his to be. Nevertheless, I recommend this book to all who are inter-

ested in the history of American labor disputes. Norwood tells interesting stories, and he tells them well. He just doesn't interpret most of them correctly. □

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Bias: A CBS Insider Exposes How the Media Distort the News

by Bernard Goldberg

Regnery Publishing • 2002 • 232 pages • \$27.95 hardcover; \$13.95 HarperPerennial paperback

Reviewed by John Hood

It has all been said before, by scholars and critics with greater knowledge of the subject, in books and articles that were better written and edited, in exposés more telling and explosive. The American news media, particularly the so-called “prestige press” comprising the broadcast networks and the major New York and Washington newspapers and magazines, are filled with a pervasive left-wing bias.

And yet, former CBS newsman Bernard Goldberg's light and fluffy book, *Bias*, spent several weeks atop the *New York Times* bestseller list. Perhaps that's the ultimate irony, for as Goldberg notes, the relatively simple-minded folk who produce network news tend to treat the *Times* as a combination of a crib sheet, a daily production memo, and the Bible.

I wanted to like *Bias*. I especially looked forward to it because of the event that led to its publication. In 1996 Goldberg wrote a devastating and insightful critique of a thinly veiled CBS screed by the clueless Eric Engberg against presidential candidate Steve Forbes's flat-tax proposal. I saw the Engberg piece. It was terrible, marred not just by ignorance of basic economic issues but even a contempt for them. Goldberg's piece, which ran on the editorial page of the *Wall Street Journal*, was a refreshing admission of media culpability by someone who had spent

more than a quarter of a century as a television news reporter.

That piece almost got Goldberg fired. The delicious part of the story was that CBS, which made its reputation through investigative journalism and whistleblowers on programs like *60 Minutes*, proved itself completely intolerant of anyone blowing the whistle on its own nefarious practices. (Goldberg had pursued the bias issue with his superiors for years before writing the *Journal* piece.)

Eventually, the internal pressure and damage to his career forced Goldberg to take early retirement from the network. Soon afterward he landed a book contract. The result, however, falls far short of what one might have expected. Other than filling out, at excessive length, the details of the Engberg fracas, the book adds little new to one's understanding of why the mainstream news media fail to cover politics and public policy with evenhandedness. Because I have dealt with reporters on a daily basis and grappled with these issues personally for 14 years now, perhaps I am not giving Goldberg sufficient credit for breaking the news about media bias to a wider audience. What sounds familiar to me might seem revelatory to his readers. Only, I suspect not.

Moreover, the book is a poor exercise in writing. It repeats itself; it assails the senses with italics and exclamation points; and it flogs what is often only a middling joke so much that it surrenders any pretense at humor and becomes painful. Goldberg denies early on that the book is an attempt at revenge against his CBS tormentors. “Anyone who writes a book to be vindictive is almost certainly insane,” he writes. But I think any objective reader would come to the conclusion that, in addition to the substantive issues that Goldberg does address, much of his book reads a lot like an extended session of score-settling.

It's not that I don't think Goldberg has legitimate scores to settle. Furthermore, once he leaves his personal story and delves into slanted media coverage of such issues as race, working mothers, homelessness, and other issues, he's largely on solid ground.

The prestige press does work from an ideological “script,” though as Goldberg correctly points out, it doesn’t reflect a conscious effort to deceive or an elaborate “liberal” conspiracy. The networks, the big newspapers, the newsweeklies—they’re staffed with folks who pretty much came from the same places, went to the same schools and colleges, and share the same simpleminded, ’60s-era soft leftism that leaves little room for questioning their presuppositions or weighing various points of view.

I found *Bias* disappointing precisely because it could have been so much better. Goldberg relies heavily on work that has already been published by the Media Research Center, Center on Media and Public Affairs, and other familiar sources. He supplies lengthy quotes from *Commentary* essays and *Policy Review* articles that many of us read and digested years ago.

Furthermore, *Bias* would have benefited tremendously from endnotes, an index, or at least a bibliography.

Goldberg is a veteran of *television*; I mean no disrespect, but his breezy style and lack of scholarship aren’t surprising. What he needed was a good editor and a publisher’s commitment to quality. What he, and his readers, got from Regnery fell short of its usual level of work.

Still, *Bias* hit the bestseller list, Goldberg received tons of coverage (thanks to the new news sources offering competition to the prestige press), and the issue of media bias and what to do about it is getting the attention it has long deserved. □

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Locke, Jefferson and the Justices: Foundations and Failures of the U.S. Government

by George M. Stephens

Algora Publishing • 2002 • 224 pages
• \$28.95 hardcover; \$21.95 paperback

Reviewed by George C. Leef

Those of us who know the philosophy of the Founders and the long trajectory of our history understand that our nation began with a strong commitment to individual liberty and has been sliding into a collectivistic, authoritarian swamp ever since. But we are a tiny minority. Most Americans know little or nothing about the beliefs of the Founders (much less the *reasons* for those beliefs) and can’t imagine that Americans once lived without Social Security, minimum-wage laws, government schools, “wars” against poverty and drugs, and so on endlessly. Therefore, it is beneficial to have books that instruct readers about the limited-government concept of the Founders and how we have been steadily moving away from it.

Business consultant and economist George M. Stephens has written just that sort of book in *Locke, Jefferson and the Justices*. He gives the reader a clear exposition of the views of John Locke, then shows how Locke’s philosophy influenced the American patriots in their decision to break with the British crown. Then Stephens discusses the steady descent from the pinnacle of freedom to our modern condition of almost omnipotent government, with particular emphasis on the instrumental role played by the Supreme Court. He concludes on an optimistic note, arguing that Locke’s ideas on government are still just as sound now as they were when first written and that the Supreme Court has moved somewhat back toward a jurisprudence that protects Lockean rights.

To begin with, Locke forcefully argued that the purpose of government was nothing more than the protection of property. “The great and chief end, therefore, of men’s unit-

ing into commonwealths, and putting themselves under government, is the preservation of their property.” Locke wrote. But in constituting government with its powers of coercion, people were playing with fire. Coercion could easily be used by unscrupulous individuals who wanted to use government to run other people’s lives. Locke therefore advised strong restraints on government power to prevent the shield from being used as a sword.

The American Founders had read Locke and understood that his concept of government limited to the defense of life, liberty, and property was the only one that would give every person the freedom to maximize his happiness. And they also understood that Locke was right in advising restraints on government. “To reduce the dangers,” Stephens writes, “those who drafted our Constitution limited the kinds of laws government may make.” The Constitution was supposed to protect the people against the misuse of power by granting Congress the authority to pass only a very limited set of laws.

The problem, Stephens observes, was that from the beginning, there were Americans who wanted to use government power for an array of purposes not authorized in the Constitution. Alexander Hamilton famously wanted an activist government and argued that the “general welfare” clause was inserted to give Congress broad discretion in spending money. Stephens points out that Hamilton made only one brief appearance at the constitutional convention, giving a speech advocating monarchy, and when that wasn’t well received he left for good. Citing Hamilton as an expert on the intentions of the drafters of the Constitution is absurd, especially when Madison was in attendance throughout and took thorough notes. Madison always maintained that the general-welfare clause was inserted as a further limit on the powers expressly granted, not to give Congress carte blanche.

Serious erosion of our constitutional scheme, and thereby of the protection of individual rights, took place under the “Progressives” who sought and obtained

expanded government powers for “social causes.” But the dam burst during the New Deal, when the Supreme Court abandoned protection for property rights and economic liberty. The Court, Stephens correctly points out, approved taxing, spending, and regulation that would have appalled Jefferson or Madison. One of the decisive blows was struck in *United States v. Butler*, where the Court had to decide whether the general-welfare clause gave constitutional cover for New Deal programs that did not come under any of the enumerated powers of Congress. Harking back to the Hamilton-Madison dispute over the meaning of that clause, the justices said that they were persuaded that Hamilton made the better case. Stephens notes the intellectual dishonesty in that politically driven decision.

After expounding on the damage done to the Constitution in case after case, Stephens ends optimistically. The Rehnquist Court has made some steps back toward enforcement of constitutional limits on federal power, and our author thinks decisions like *U.S. v. Lopez* may presage a return to a stricter reading of the Constitution. My own guess is that the justices will never undo the damage they have done to the protection Americans are supposed to have for life, liberty, and property. Prognostication, however, is not the main point of the book. Read it to understand what our government was supposed to be and how we went astray. □

George Leef is the book review editor of Ideas on Liberty.

The Real Lincoln: A New Look at Abraham Lincoln, His Agenda, and an Unnecessary War

by Thomas DiLorenzo

Prima Publishing • 2002 • 272 pages • \$24.95

Reviewed by John Majewski

For more than 140 years, classical liberals have heatedly debated the meaning of the American Civil War. During the war itself, British classical liberals—including

John Bright and Richard Cobden, leaders of Britain's free-trade movement—enthusiastically supported the northern war effort, arguing that the South's strong support for slavery represented a grave threat to liberty throughout the world. Many other classical liberals, including the likes of Lord Acton, interpreted the War as an unnecessary economic and political calamity that facilitated America's long journey toward a centralized, interventionist state.

Thomas J. DiLorenzo's *The Real Lincoln* attempts to add to classical-liberal scholarship of the Civil War era. DiLorenzo argues that Abraham Lincoln fought the Civil War to advance a mercantilist agenda of corporate welfare, nationalized banking, and protective tariffs. The Civil War, he argues, was unnecessary to free the slaves; the federal government might have compensated slaveholders and put an end to the institution at a fraction of the cost of a long, bloody conflict. Lincoln's embrace of centralization led him to become a "dictator" who regularly violated civil liberties and committed war crimes against southern civilians. DiLorenzo also blames Lincoln's policies for Reconstruction, which *The Real Lincoln* portrays as "a vindictive, abusive, corrupt, political racket."

The question of whether or not war was necessary to end slavery is an important, complex question that deserves careful study. *The Real Lincoln* offers a reminder of what the war cost America, both in material and ideological terms. Especially useful is DiLorenzo's critique of Lincoln's economic policies, which often favored politically powerful corporate interests at the expense of ordinary taxpayers and citizens. Many of the problems of the Gilded Age, which historians often vaguely attribute to capitalism, resulted from specific Republican policies that subsidized railroads and other corporations. The long reign of corporate welfare on the national level, DiLorenzo correctly argues, began in the Civil War era.

DiLorenzo's critique of Lincoln, though, is sometimes too shrill and tendentious, missing opportunities to explore complex questions from a classical-liberal perspective.

DiLorenzo's claim that Lincoln should have pushed for compensated emancipation, for example, might very well contradict basic classical-liberal principles because it implies that slaveholders had a legitimate property right in the labor of others. Such a thought would have horrified abolitionists such as William Lloyd Garrison, who vigorously opposed such schemes. In his discussion of Reconstruction, DiLorenzo seems to dismiss the radical Republican proposal to redistribute land to slaves to compensate for generations of lost labor. As the victims of the largest and most grievous coercive transfer in American history, did not slaves deserve at least some type of compensation?

More troubling still is DiLorenzo's failure to seriously analyze the hostility of southern whites to individual liberty. DiLorenzo criticizes Lincoln's support of government subsidies to transportation companies, yet he never mentions that southern state governments spent tens of millions of dollars to build railroads and canals before the Civil War. DiLorenzo castigates Lincoln's failure to support abolitionism, but he never mentions that many white southerners aggressively defended slavery as a "positive good."

DiLorenzo attacks Lincoln for establishing an American empire, yet he ignores the strong southern support for the Mexican War, which perhaps did more to establish an American empire than any other single conflict. DiLorenzo condemns Lincoln for his unjust treatment of Indians, yet overlooks the aggressive efforts of white southerners to remove the Cherokees, which culminated in the infamous Trail of Tears. DiLorenzo takes great pains to highlight Lincoln's racism, yet his only reference to southern racism is to excuse it as a "venting of frustration" against Republican Reconstruction policies.

Southern wrongs, of course, did not excuse Lincoln's serious shortcomings. Yet any serious evaluation of Lincoln and the Civil War era must take into account the stated desire of white southerners to perpetuate slavery through a strong, central government of their own. Far from valiantly supporting limited government, Confeder-

ates protected slavery in their constitution, established conscription, created a ruinous inflation, and instituted a form of war socialism. Failure to even mention those issues sometimes makes DiLorenzo's book seem more like a neo-Confederate defense of the South than a thoughtful consideration of complex issues.

Finally, I should note that other scholars have found that DiLorenzo has used quotations out of context. In the few cases I could examine in detail, those criticisms are correct. Such sloppiness is particularly distress-

ing because DiLorenzo accuses other historians of ideological bias and poor scholarship.

The Real Lincoln does make important points that need to be considered in the historical evaluation of Lincoln, but the book disappoints. Readers searching for a sophisticated libertarian critique of the Civil War would do better to consult Jeffrey Hummel's more considered and scholarly analysis in *Emancipating Slaves, Enslaving Free Men: A History of the American Civil War*. □

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