

surprisingly, strong criticism. (The same issue also contains an essay by Bruce Ramsey, "What Conservatives Are Good For," arguing that libertarians should continue to work with conservatives, especially on the state level.) The *Liberty* symposium, and reader reaction to it, shows that the immigration is not nearly so settled an issue for libertarians as the movement's loudest voices might wish.

More plausible than either liberalitarianism or a revival of 1990s-style paleo-libertarianism, however, is a gradual reconfiguration of conservatism, liberalism, and libertarianism alike under the pressures of the War on Terror. Lindsey may have been more right than he realized when he wrote, "the real problem with our politics today is that the prevailing ideological categories are intellectually exhausted"; it may already be anachronistic to talk about libertarians aligning with the Left or the Right, when different factions of Left and Right are even beginning to align with one another, not in some grand theoretical project but in support of or opposition to the extreme measures that have so far characterized the War on Terror.

The highly unusual mixture of support for Sen. Jim Webb found among antiwar conservatives, conventional liberals, economic populists, and libertarians suggests what may be in the offing. If Left and Right really are outmoded terms, libertarians—and others who are beginning to peel away from the conservative establishment—should not wonder which side to choose. They should simply stay true to their philosophy and oppose government aggrandizement as effectively as they can—which, contra Lindsey, does not mean embracing energy taxes or forgetting that war is the health of the state. ■

*Daniel McCarthy is a senior editor at ISI books.*

# Demon Fries

New York City finds a new menace—at McDonald's.

**By Michael Brendan Dougherty**

EXACTLY 73 YEARS after the end of Prohibition, New York City's Board of Health announced its restrictions on the use of artificial trans fats in restaurants to be phased in over the next 18 months. The official announcement of a "healthier" New York touted the city's first-in-the-nation status. Boston and Chicago are already considering similar bans. Starbucks, reading the signs of the times, began to phase out the naughty grease from their brownies and muffins with the goal of being trans-fat free by 2008.

Civil libertarians smell a trend. Just as the smoking ban in bars has spread from one city to another, forcing smokers onto the street, so it seems that trans fats will be gradually confined to the home kitchen—and perhaps banished altogether.

Trans fat is made by adding hydrogen to vegetable oil. When Crisco developed its partially hydrogenated oil shortening products in 1911, its ingenious marketing ploy of including free cookbooks with its product helped to usher trans fats into the American diet. The partially hydrogenated oils gave baked goods a longer shelf-life than products made with saturated fats.

Ironically, health concerns helped drive up the use of hydrogenated oil products in the restaurant industry. In 1984, the Center for Science in the Public Interest (CSPI) campaigned for the use of partially hydrogenated oils in fast-food chains as an alternative to saturated fats when high cholesterol was the greatest cause for concern in health

circles. Beef tallow and other saturated fats thus disappeared from the industry. But by 1992, after weighing the importance of new studies on trans fats, the CSPI began to inveigh against partially hydrogenated oils.

Broad public concern about trans fats did not materialize until 2003 when the Food and Drug Administration mandated that all companies include the grams per serving of trans fat in their nutritional labeling by 2006. Also, BanTransFats.com, Inc. launched a well publicized suit against Kraft Foods aimed at removing trans fats from Oreo cookies. When Kraft agreed to comply, the suit was dropped. The market reacted quickly. Editors of health and beauty magazines had a new culprit to warn the body-conscious about and plenty of new studies denouncing trans fat at their disposal. Zero trans fat labels began appearing on processed and canned food everywhere, and even on foods that were obviously trans-fat free.

Before issuing the ban, the New York City Health Board found that nearly half of the city's restaurants use trans fats and that nearly one-third of New Yorkers' caloric intake comes from eating out on the town. Before restrictions were considered, the board, in an unconscious imitation of the temperance movement, embarked on a campaign of uplift and preaching. Pamphlets were distributed with the ominous equation: Partially Hydrogenated Oils = Trans fat = Heart Disease. Buyer beware! Restaurant owners were urged to give up the stuff voluntar-

ily. By the middle of 2006, the Board found that its campaign had failed entirely. There was no appreciable drop in the number of restaurants using partially hydrogenated oils.

Other considerations had to be taken into account, so the Board rounded up public comments. Acknowledging New York's religious and ethnic diversity, the Health Board sought the counsel of kosher bakeries to ensure that dairy-free products could be made without trans fats. Fast-food restaurants complained the most. But after the Board of Health tallied the comments, they found only 74 of 2,287 respondents opposed the restrictions on trans fats. The anti-ban column featured Domino's Pizza, Wendy's, Applebee's, and Burger King. In the pro-ban column were several New York hospitals and Harvard University, and groups like the American Diabetes Association and the National Hispanic Medical Association.

**WITH THREATS OF A MERE \$200 FINE PER VIOLATION, THESE COLORFUL HOLES IN THE WALL WILL LIKELY CONTINUE TO IGNORE THE WISHES OF THE NATIONAL HISPANIC MEDICAL ASSOCIATION AND HARVARD UNIVERSITY.**

The ban does not affect New York's social classes in equal measure. Manhattan tourist traps like the Magnolia Bakery, equally famous for its mentions on "Sex and the City" as for its buttercream cupcakes, has never used partially hydrogenated oils in its baking. Why would they? Crisco is for use in suburban homes and hole-in-the-wall restaurants. Similarly, higher-end establishments like Po on Cornelia Street in Greenwich Village use "olive oil, butter or nothing," according to manager Jonathan Casteel.

Overwhelmingly, the ban affects fast-food chains and smaller enterprises, like bakeries and ethnic restaurants in

the outer boroughs. This presents a unique enforcement situation. Asian buffets in Astoria have health-board thermometers put into their dishes only once a year, and despite 364 days of lukewarm food under fading heat lamps, they remain cheap, open, and frequented. With threats of a mere \$200 fine per violation, these colorful holes in the wall will likely continue to ignore the wishes of the National Hispanic Medical Association and Harvard University if it suits them.

Walt Riker, a spokesman for McDonald's, says that the Golden Arches will be ready to comply with New York's regulations when they go into effect, noting the company's "aggressive test program for alternative oils" that has been running since 2002. An employee who wished to remain anonymous at the McDonald's near Fordham University in the Bronx seemed distraught at the news. "I just hope corporate tells us

what's up. ... The city can't just change our fries like that. People love them things." He's right. They do.

The challenges for fast-food chains are particularly tough as their food is mass-produced. According to Riker, not only must customers be unable to tell the difference in taste, but the replacement oil also must not present any new "technical issues." Fast-food chains have tens of millions of dollars invested in infrastructure built to keep their cooking oils at certain temperatures, and their cost calculations take into account the "fry life" of oil and how each oil reacts with each food and temperature differently.

McDonald's can hardly sacrifice the hash brown to save the french fry. Food industries fear that the cycle will continue. After transitioning from saturated fats to hydrogenated oils in the 1980s, fast-food chains—which remain popular because of their food's taste, convenience, and low price—will again have to spend millions in search of another cure for another health panic.

The logic of the restrictions appears persuasive. Since some of the costs of medical treatment are socialized, it is in the public interest for people to be healthy. Why not save some of the poor souls who can only afford cheeseburgers from McDonald's dollar menu? But even if the ban is successful in lowering the number of people who die from heart disease in New York, it will likely not reduce expenditures on health care. As University of Chicago law professor Richard Posner points out, "Diseases in effect compete with each other; if a person is saved from one disease, this increases the 'market' for another disease." This means more studies, more health scares, more exhortations from medical school faculty for action, and more regulation. It also means less personal responsibility for consumers.

An era of culinary history is ending. A series of health scares and the demands to drive down cost in an industrializing food industry made hydrogenated oils ubiquitous in our food culture. Now a series of health scares and the prospect of heart disease and obesity driving up the cost of the nation's health care will see them dumped from their fry bins forever.

Back in the Bronx, gazing into the oil bubbling through a fresh basket of fries, the chatty McDonald's employee asks, "You think billions of customers don't know what they get? They do. Now do you want some of these fries, or what?" ■

# Leftward Christian Soldiers

With a new generation of leaders preaching social justice over cultural concerns, the Religious Right may not remain an automatic Republican constituency.

By Darryl Hart

WITH WOUNDS STILL FRESH from the midterm elections, conservative supporters of the Republican Party now have to endure the salt of electoral analysis. One theory has it that the GOP lost because it went too far in accommodating the Religious Right. In fact, in analysis written well before the elections, pundits complained about the evangelical takeover of the Republican Party. Andrew Sullivan in his book, *The Conservative Soul: How We Lost It, How to Get it Back*, argues that someone like John McCain is incapable of receiving the Republican nomination for president in 2008 because the Religious Right dominates the party's infrastructure. So too in his recent book, *American Theocracy*, Kevin Phillips alleges that evangelical Protestantism increasingly defines the GOP coalition and its constituents.

But the rush to blame Republicans for playing with spiritual fire actually misses a much more compelling story: the growing erosion of evangelical support for the GOP. If current trends continue, baby boomer evangelicals may be the first generation of white Protestants in U.S. history to abandon the Republican Party. In the 2004 election, 78 percent of evangelical Christians voted for George W. Bush, and just 22 percent voted for Kerry. In the recent midterm elections, 28 percent voted for Democrats—not a huge gain, though with 40 percent claiming to be dissatisfied with the direction of the country, they should scarcely be considered an automatic constituency.

The typical way of explaining evangelical support for the GOP is by following the trail of right-wing Protestant ideologies spawned by the fundamentalist controversy of the 1920s and hostility to the New Deal prior to World War II. The old Christian Right included such hardliners as Gerald Winrod, who in 1938 ran for the Senate in the Kansas Republican primaries and Carl McIntire, the notorious Presbyterian fundamentalist radio personality. Their outspoken opposition to the culture of vice associated with alcohol, the teaching of evolution in public schools, and later their fierce hostility to Communism defined fundamentalist Protestant politics. A large helping of teaching about the end of human history added to the apparent harshness of the old Christian Right's politics and gave evangelicals the boldness to read domestic affairs and international relations as signposts on the road to Christ's return.

What energized the Religious Right of the late 1970s and early 1980s, however, owed less to a belief in a cosmic contest between the forces of good and evil than to the older Anglo-American outlook that associated the faith of God-fearing American Protestants with the health of a free and virtuous society. Even though white Protestants were divided after the 1920s along conservative and liberal theological lines, both sides of the evangelical-mainline division preferred an American society dominated by WASP culture.

Before 1970, thanks to the efforts of traditional Protestants, the United

States was a generally family-friendly place. Schools included prayer and Bible reading, abortion was illegal, federal officials were not threatening to bus children to a school in another neighborhood, and domesticity was still the ideal for women. All in all, the so-called Protestant establishment, although theologically suspect from an evangelical perspective, maintained exactly what would draw the Religious Right of Jerry Falwell and company into the arena of national politics—standards of public decency and a nation that needed a religious foundation for its domestic and foreign affairs.

Mark A. Noll's summary of Protestant political convictions in the Progressive era explains just how much the political agenda of the post-1970 Religious Right meshed with that of the so-called liberal Protestant establishment. The University of Notre Dame historian writes:

Protestants in the progressive era relied instinctively on the Bible to provide their ideals of justice. ... They were reformists at home and missionaries abroad who felt that cooperation among Protestants signaled the advance of civilization. ... [T]hey continued to suspect Catholics as being anti-American, they promoted the public schools as agents of a broad form of Christianization, and they were overwhelmingly united behind prohibition as the key step toward a renewed society.