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## **There Is No Freedom in Iraq, Part 3**

**by Jacob G. Hornberger**

Unfortunately, all too many Americans have swallowed — hook, line, and sinker — the Bush administration’s claim that the Iraqi people are now free. The U.S. invasion of Iraq has indeed ousted the brutal dictatorial regime that ruled the country, but that doesn’t necessarily mean that life under the regime that has replaced it constitutes freedom.

The Iraqi people are now living under direct military rule and will continue to do so for the indefinite future. Is military rule freedom? You might have a difficult time convincing people in Burma and Pakistan of that.

The fact is that life under military rule — even U.S. military rule — is not freedom. American and British military rulers might be more benign than foreign military officials but that does not convert life under their rule to freedom; it simply means that the tyranny is less tyrannical.

In fact, military rule is the perfect embodiment of a socialist society, and we all know that socialism is not freedom. It’s a command-and-control system in which orders are passed downward and in which nearly everyone maintains an inculcated mindset and culture of obedience.

Rule is by order and decree, which inevitably is ad hoc and arbitrary. Disobedience or resistance to those orders and decrees is not countenanced and is usually met with overwhelming force and violence.

Thus, it’s not a coincidence that the first and foremost task of U.S. troops in Iraq is to confiscate guns and other weapons. U.S. officials know what political regimes have known throughout history — that a disarmed society is, by necessity, an obedient society.

To belabor the obvious, if the military commanders issue orders or decrees that are overly oppressive, they know that with weapons people ultimately have the means to resist. Without any means to resist, the only realistic option that people have when they encounter tyranny is to obey.

That's why the Framers and our ancestors demanded the inclusion of the Second Amendment to the Constitution — to serve as a last-ditch protection against the tyranny of our own federal officials.

They understood that, given a severe crisis, there was the danger that U.S. officials would conduct themselves here in the United States much the same way as they are conducting themselves in Iraq.

Thus, as Judge Alex Kozinski of the Ninth Circuit Court of Appeals put it, the right to keep and bear arms was intended as a “doomsday” device — one that gives the American people the last-gasp means to resist the imposition of horrific tyranny by their own government officials.

In fact, those who suggest that the Constitution is an out-of-date, antiquated device, have no further to look than Iraq to see how wrong they really are. For occupied Iraq provides a textbook case for examining how federal officials conduct themselves in the absence of any constitutional restraints.

The situation in Iraq also constitutes a perfect model for Ludwig von Mises's dictum that one government intervention inevitably leads to more interventions, until government control over people's lives and fortunes becomes complete.

### **From intervention to intervention**

Consider: First, the U.S. government announces that its purpose of invading Iraq is to destroy Saddam Hussein's weapons of mass destruction and to oust Saddam from power so that democracy can prevail. The invasion takes place and it turns out that Saddam had no weapons of mass destruction but, in any event, the invasion does oust him from power.

Do U.S. forces then leave the country and leave the Iraqi people free to establish a new regime? No, because it is determined that that could result in a regime that is less friendly toward the United States than that of Saddam Hussein.

That's the reason that U.S. officials have banned democratic elections in Iraq for the near term and why U.S. officials or U.S.-chosen officials will remain as rulers of Iraq for the foreseeable future.

However, since some Iraqis might consider military rule and the absence of democracy to be tyranny, there is the possibility that they will use violence to end the tyranny.

In other words, since elections in which people could vote to oust the occupying regime are not an option for the Iraqi people, violence is actually the only means to accomplish that end.

Thus, the ruling regime (the United States) has determined that it's necessary to begin confiscating weapons and as quickly as possible.

How is that accomplished? Through widespread searches and seizures. Where? In the most likely place that people are hiding the weapons — in their homes and businesses.

So U.S. military authorities in Iraq have embarked upon a campaign in which they barge into people's homes and places of work, conducting intrusive searches of people's bodies and belongings in search of the weapons that could be used in opposition to the tyranny.

Unfortunately, all too many modern-day Americans see nothing wrong with any of this. So what if soldiers are entering people's homes and searching their belongings? They're American soldiers, aren't they? It's not as though our soldiers are mean people, right? And if people have nothing to hide, why should they care? After all, the Iraqi people are now free, you know.

### **Civil liberties**

Fortunately, however, that was not the mindset of the Framers and our ancestors when they ensured the passage of the Fourth Amendment to the Constitution. They had had enough of warrantless searches and seizures from their tyrant — King George. They weren't about to permit federal officials to do to them what King George had done to them — and what U.S. officials are doing to the people of Iraq.

What if U.S. officials arrest someone for supposedly violating their gun decree? (Recall that under military rule there are no laws enacted by a legislature according to which people can govern their conduct; instead rule is by military order and decree.) Do they take him before a magistrate for an arraignment? Do they set bail? Do they seek an indictment from a grand jury? Do they permit him to retain counsel? Do they summon Iraqi citizens for a jury trial? Is there an independent judge presiding over the proceedings?

There is none of that. Remember: this is military rule, with no constitutional restraints and no judicial oversight whatsoever. When people are arrested in occupied Iraq, they disappear into some military prison or dungeon (or worse) until U.S. officials decide that they are to be released. When there is no judicial oversight, "justice" is fairly simple. Just ask any of the army generals who ruled in Argentina or Chile during the era of the "disappeared ones."

That's why the Framers and our ancestors ensured the passage of the Fourth, Fifth, Sixth, and Eighth Amendments to the Constitution — to protect us from our own federal officials' attempts to punish the "guilty." Our forbearers understood how government officials would conduct themselves if such express constraints were not imposed upon them. What better proof of their wisdom could one have than occupied Iraq?

Is that all U.S. officials are doing in Iraq? If only it were. Keep in mind that ideas are oftentimes much more dangerous than bullets. Ideas move people to action. That's the reason that dictatorships throughout history have done everything possible to suppress their dissemination.

Which is exactly why the U.S. military regime is suppressing dissent and criticism in Iraq. Ever since it supplanted the Saddam Hussein regime, it has regulated the media and even banned publications that were critical of the new regime.

That's why the Framers and our ancestors ensured the passage of the First Amendment. They knew that public officials throughout history had used their political power to suppress the dissemination of information and criticism.

### **Reestablishing socialism**

And, of course, let's not forget that there is the socialism being reestablished in Iraq to which modern-day Americans have become so accustomed here in the United States. Government schooling. Government health care. Government social security. Government income taxation. Government money and monetary policy. Government welfare. Government ownership of the means of production. Public housing.

In fact, it would be difficult to distinguish the economic philosophy and policies of Saddam Hussein's Ba'ath Party from those of the U.S. military authorities (or, for that matter, from those of the Republican and Democratic parties).

Yes, it's true that today's Americans view all these socialist programs as "freedom from fear" and "freedom from want," but in truth they are not freedom at all. As models of socialist central planning, they are an abrogation of freedom. That's why our American ancestors who lived in 1890, for example, lived without any of these programs. They viewed freedom in a different way than modern-day Americans.

### **The downside to occupation**

There is the obvious downside to the occupation of Iraq. First, there is the distinct danger that Americans will continue to believe that U.S. military rule is "freedom," which means that in the midst of a crisis here at home, they might be tempted to embrace U.S. officials' attempt to impose the same type of "freedom" on us.

Second, American GIs will continue to die under the false guise of dying for "freedom."

Third, the U.S. occupying force in Iraq might well generate terrorist attacks here in the United States, which will bring even more infringements on our freedom in the name of "national security."

Fourth, the out-of-control government spending that is being used to finance welfare programs in both the United States and Iraq will guarantee the imposition of higher taxes on the American people, which historically have been considered an infringement of freedom.

Finally, with its occupation of Iraq and its ability to operate without any constitutional constraints, the U.S. military will unfortunately be considered by the world a model of American freedom. With nondemocratic rule, gun control, warrantless searches and seizures, denial of due process of law, censorship, and socialist economic and educational programs, people all over the world might well conclude that all that the U.S. military is doing in Iraq is what Americans stand for and believe in. What a giant tragedy that would be.

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**This article was originally published in the September 2003 edition of *Freedom Daily*.**