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The Nationalization of the American People

by Jacob G. Hornberger

With military manpower shortages arising out of the war in Iraq, there is talk in the air that the federal government might reinstitute the draft, most likely sometime after the November election. Such a prospect should cause every American to reflect not only on the moral and philosophical relationship of the individual person and the state but also on how far Americans have strayed from the true principles of a free society.

How can a person truly be considered free when his government has the power to conscript him into military or civilian service? Let's begin our analysis with a case of total conscription. Suppose FBI agents appear at John Smith's door one day and order him to pack his bags and accompany them to a government facility. Upon arrival at the facility, Smith is given a written order signed by appropriate federal officials stating that that he is now required to work in this facility ... for the rest of his life. Pursuant to the order, the government agrees to furnish him room and board and even lets him continue voting. Under conscription rules, there is no appeal from the order. Smith resigns himself to his new life.

Would anyone consider Smith to be a free person? Not likely. After all, except for the voting, doesn't the example pretty much describe slavery in the Old South? The reason that those slaves were considered slaves was that they were forced to live and work for other human beings. They had no other choice. If they ran away, they would be hunted down and returned to their owner. They were not free to live their lives the way they chose.

But what if those slaves were permitted to marry and raise families? Would that make a difference? Most of us would say that it wouldn't make any difference at all, at least not in principle. Marriage might have improved the living conditions of the slave — that is, it might have brought him more happiness; but the essence of his condition — slavery — would not have changed one iota, especially because the possibility of marriage would be based on the slave-owner's permission.

What if the slaver-owner began paying a monthly stipend to the slave, in addition to providing his room and board? Any difference? Again, no, because while the slave would now

have more choices by virtue of the fact that he had more money to spend, he would still not be free to leave his home and place of work.

Thus, in any discussion of slavery, questions naturally arise regarding the nature and meaning of the term “freedom.” What does it mean to be a free person? Is democracy freedom? Is “freedom of expression” freedom? Can we consider a person who exercises these freedoms a free person?

Suppose slaves in the Old South had all those freedoms. Suppose they had the right to vote, not only for people in public office but also for the people who ran the plantations? Would they be considered free because they had the right to participate in the democratic process?

Most of us would say No, because the right to elect people who could change the system would not change the essential nature of the slaves’ condition. And while electing their overseers and taskmasters might result in a more benevolent form of slavery, it would be slavery nonetheless.

Suppose the slaves had the right to write articles and letters to the editor and give speeches against slavery. Would that make them free? Again, no, because the right to complain about their condition would not change the nature of their condition. They would remain slaves even though they had the right to speak out against slavery.

So obviously democracy and freedom of speech are not sufficient to guarantee freedom because it’s entirely possible for slavery, democracy, and freedom of speech to coexist.

Now, suppose the law in the Old South was changed, announcing that slaves would be required to work for their slave-owners only during the mornings but would be free to do whatever they wanted in the afternoons. Would we now consider them free people? Not likely, but some people might be tempted to suggest that, under the new law, slaves would be “freer” than those who lived under the old law. Yet wouldn’t the response be that freedom is an absolute — that is, a person is either free or not — and that it’s only slavery that comes in terms of degrees? The slaves under the new law might be less enslaved than before but they certainly could not be considered free in the genuine sense of that term because it would be the slave-owner (or the state) who was setting the percentage of time that the slave had to work and the time he had to himself.

Conscription and slavery

Let’s now return to the issue of conscription. How can conscription honestly be considered different from slavery? With conscription, the state has the authority to seize a person and require that he work for the state for room and board plus some government-approved stipend. The fact that the person is free to vote, marry, complain, and send letters to the editor is irrelevant. What matters is that the conscript has now been placed in the same position as the slave. He is no longer free to pursue his own hopes and dreams but rather must now live his life according the

dictates of government officials and their official rules and regulations. Moreover, unswerving obedience to commands and orders, especially those issued by the military authorities, is the essence of the conscript's new existence. Disobedience of orders, even orders to kill or die, entails punishment, possibly even execution.

But can't a person who lives in a democratic country that has conscription still be considered free? After all, he does get to vote, and his elected representatives are the ones who enact the draft law and who appoint the bureaucrats who administer the draft boards and the military officials who handle the housing, training, and needs of the draftees.

Suppose the U.S. Congress enacted a law requiring everyone to go to church on Sunday. Would we consider Americans to be free under that law? After all, someone could say, "Our duly elected congressmen, after much public debate and discussion, have in their infinite wisdom enacted this law. Everyone has had ample opportunity to participate in the process. If you're dissatisfied with the results, run for office yourself."

Fundamental rights and liberty

So why wouldn't the American people be considered free under such a law? A simple answer might be, "They wouldn't be free because our Constitution doesn't permit it." But isn't the real question, "Why doesn't our Constitution permit it"? That raises the critically important issue of how the Framers viewed the nature of freedom and the relationship of the individual person and the state.

The reason that the Constitution prohibits our government from forcing people to attend church is that there are certain rights that are so fundamental that they are beyond the reach of government, even a democratically elected one. In fact, that was the central point in the Declaration of Independence — that all men have been endowed with certain unalienable rights, that is, rights that cannot be taken away and that it is the purpose of government to secure, not destroy, these rights. If the government does become destructive of these rights, it is the right of the people to alter or abolish it, even violently if necessary, and institute new government.

Among those fundamental rights enumerated in the Declaration are life, liberty, and the pursuit of happiness. So ask yourself, How can life, liberty, and the pursuit of happiness be reconciled with the power of government to conscript people and even send them to their death? At the risk of belaboring the obvious, if one person has the power to force another to give up his hopes and dreams and the life he has chosen to live and to report to a government installation for the indefinite future to serve government bureaucrats and obey military commanders and even sacrifice his life, how can he honestly be considered a free person?

The fact that the prospect of conscription hangs over the head of every American is perhaps the best proof that Americans have inverted the meaning of freedom and the relationship that once existed between the individual and the state in American society. The fact that the draft

hasn't yet been reinstated is irrelevant. What matters is that most Americans today meekly accept that government is sovereign and supreme over their lives and that the individual is submissive and subservient. Americans of today might dispute whether a draft is necessary but how many of them honestly question the very notion of the power to conscript and ask themselves whether such a power can be reconciled with the principles of freedom?

Nationalizing income

Moreover, conscription is just one example among many of how differently modern-day Americans view freedom and the relationship between the individual and the state as compared with our ancestors. Consider, for example, the income tax. With the passage of the Sixteenth Amendment in 1913, Americans effectively nationalized everyone's income, just as surely as socialists were embarking on nationalization schemes all over the world.

Sometimes U.S. officials are nice and lower the income tax rates and increase the income-tax deductions, much as a slave-owner might have treated his slaves better this year than last year. But that's not what's important when it comes to freedom. What's important is that by having the power to set the rates and the deductions, the power over everyone's income was effectively turned over to the state, which then decided how much everyone was going to be permitted to keep. The situation is akin to parents who require their children to turn over their earnings to them, a portion of which is then doled out to their children as an allowance.

Compare that situation with that existing before 1913. At that time, Americans had the right to accumulate unlimited amounts of wealth and decide for themselves what to do with it. And there was nothing the government could do about it because the Constitution did not empower government officials to levy taxes on income. Imagine: No IRS, no income tax, and no income-tax returns. The reason lies in our ancestors' understanding of freedom. They believed that freedom included not just freedom of religion, freedom of the press, civil liberty, and political liberty, but also economic liberty. Economic liberty entails the right to engage in any occupation or business free of government restriction ("free enterprise"), to enter into mutually beneficial trades with others ("freedom of trade" or "freedom of contract"), to accumulate the fruits of one's earnings (no income tax), and to dispose of one's own wealth in his own way (no mandatory charity).

Our forefathers believed there was no way that the individual person could truly be considered free if the Congress, albeit democratically elected, had the unfettered power to take his income away from him or force him to spend his income in ways he might not otherwise do. They also knew that a restriction on such power was the only way to ensure freedom and the proper relationship between the individual person and the state, that is, a relationship in which the individual retained supremacy and sovereignty over the state.

The war on drugs

Another example: the government's decades-long war on drugs. It is virtually impossible to find anyone who argues that this war has been a success after several decades of warfare. In fact, even the most ardent of the drug-war proponents claim that the war must be waged more fiercely than ever because of the increasing levels of illicit drugs in society. Most of the arguments calling for an end to the war focus on its failures as well as all the destructive consequences of the war (e.g., violent crime, gang warfare, government corruption, and assaults on civil liberties).

Those practical arguments are, of course, important but they don't go to the heart of the matter: Under what moral authority does the government, albeit democratically elected, arrest, prosecute, and punish someone for ingesting a harmful substance? Or, who's the boss of a person's mouth and body — the state or the individual? In a free society, the answer is obvious: each person is free to ingest anything he wants and it is the duty of the government to protect, not destroy or regulate, this right. Everyone else might disagree with the choices made, just as they might disagree with a person's religious choices or with what he chooses to read, but the principles of freedom dictate that a person's peaceful choices, including what he puts into his mouth, are not subject to majority vote.

No one can honestly dispute that something is very wrong in our country today and that it's imperative that we get back on the right track. The best thing we could ever do to accomplish that is to return to first principles by examining the concepts of freedom, slavery, and government on which our nation was originally based. What did our forefathers mean by the terms "freedom" and "slavery"? Why did they believe that a Constitution that limited the powers of government was important and necessary? Why did they expressly restrict the powers of Congress in the Bill of Rights? How did they view the role of government in a free society and the relationship between the individual person and the state?

By discussing and debating those types of moral, political, and philosophical questions — just as our ancestors did in 1787 — we could begin the process of changing direction, toward establishing the free society for which most of us yearn, a society that tends toward prosperity, harmony, and peace.

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This article was originally published in the June 2004 edition of *Freedom Daily*.