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# FUTURE OF FREEDOM

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*When goods do not cross borders, soldiers will.*

— *Frédéric Bastiat*

# FUTURE OF FREEDOM

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# The Origins of America's Warfare State

by Jacob G. Hornberger



Given that most Americans living today were born and raised under a massive military establishment, the CIA, and the NSA, a large number of Americans very likely believe that the United States has always had this type of government.

Not so, as Michael Swanson shows in a new book, *The War State*. Swanson points out that America's warfare state didn't come into existence until more than 150 years after the country's inception. More important, he shows how the warfare state has not only altered our constitutional order in fundamental ways but also how it continues to pose a grave threat to the freedom and well-being of the American people.

Swanson begins by reminding people of the warning issued by Dwight Eisenhower in his Farewell Address in 1960. Eisenhower, a retired general who had served as the Allied commander in World War II, warned Americans of the dangers of the new massive "military-industrial complex" that had come to characterize American life:

Until the latest of our world conflicts, the United States had no armaments industry.... We have been compelled to create a permanent armaments industry of vast proportions. Added to this, three and a half million men and women are directly engaged in the defense establishment. We annually spend on military security alone more than the net income of all United States corporations.

Now this conjunction of an immense military establishment and a large arms industry is new in the American experience. The total influence — economic, political, even spiritual — is felt in every city, every statehouse, every office of the federal government. We recognize the imperative need for this development. Yet we

must not fail to comprehend its grave implications. Our toil, resources, and livelihood are all involved.

In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist. We must never let the weight of this combination endanger our liberties or democratic processes.

Emphasizing an important part of Eisenhower's speech, Swanson writes,

A key component of his speech is the word "new." Today we don't even think about the fact that the United States has the most powerful military in the world, with bases spread across the planet and a large portion of its federal budget devoted to military spending.... [Huge] military spending for the United States has always been a fact of life since the day you were born. That's why most don't even give it a second thought.

But this was not the case for President Eisenhower and the people of his generation. Before World War II, the United States never had a permanent arms industry.... [After] major wars, the country always demobilized its forces. That is, until World War II.

Swanson goes on to point out how different life was for pre-World War II Americans. Between World War I and World War II, fewer than 2.5 percent of Americans paid income taxes. In 1939, 93 percent of working Americans were paying no income taxes at all.

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Given the enormous demand for weaponry, World War II gave rise to a large corporate establishment that was oriented toward the production of military armaments. The end of the war would ordinarily have spelled doom for those businesses, whose revenue and profits were dependent on massive military spending.

This time around, however, things changed. Simultaneously with

the end of the war, the United States acquired a new enemy and a new “war,” which not only saved the enormous defense establishment but also ultimately made it one of the principal and permanent components of the American economy.

### The new enemy

That new enemy, of course, was the Soviet Union, which ironically had been America's partner and ally (and Nazi Germany's enemy) during World War II. The new “war” became known as the Cold War.

What had the Soviet Union done to become this new enemy of the United States?

First, it had continued to occupy and install puppet regimes in the eastern European countries it had invaded on its way to Nazi Germany. Second, it was a communist country, and communism was becoming attractive to people all over the world, igniting deep fears within U.S. officials that the United States might ultimately become communist too.

Thus, U.S. officials maintained that it was necessary for the United States to embark in a totally different direction from the one that had customarily been followed after previous wars. To save America from communism, it would be nec-

essary to convert the United States into a warfare state — also commonly known as a national-security state, or a garrison state — one whose government included a massive permanent military and intelligence establishment, ironically much like that of the totalitarian regimes.

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To save America from communism, it would be necessary to convert the United States into a warfare state.

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Given the mindset of conformity and deference to authority that characterized the American people in the 1940s and 1950s, hardly anyone challenged the necessity for the new direction or pointed out how such a military-intelligence apparatus would fundamentally alter the lives and fortunes of the American people. Among the few who did was Sen. Robert Taft, who was, as Swanson points out in chapter four, one of the subjects of John Kennedy's book *Profiles in Courage*.

It wasn't long, however, before U.S. officials expanded the Cold War to much more than a U.S.-Soviet confrontation. The U.S. government's quest soon became to ensure freedom from communism all across the globe.

The first pronouncement of this expanded mission became known as the Truman Doctrine, after the president who issued it in a 1947 speech. Harry Truman announced that it would be the policy of the United States to “support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures.”

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**NSC-68 helped launch the United States into a perpetual upward spiral of military spending.**

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More noteworthy, however, was Truman’s issuance of one of the most significant documents in U.S. history, one that was classified at the time as top-secret and that didn’t come to light until 30 years later. That document was NSC-68, which argued, falsely, that the Soviet Union was spending so much on defense that it would soon be able to attack and conquer Europe and the United States. NSC-68 helped launch the United States into a perpetual upward spiral of military spending and an ever-growing military establishment.

Meanwhile, another critical element of the warfare state, the CIA, was engaged in actions that were alien to the American way of life. Although the CIA was originally

intended to be only an intelligence-gathering agency, someone had slipped the following language into the National Security Act of 1947, which brought the CIA into existence: “to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct.”

The CIA would use that phrase to justify its ever-growing array of dark-side activities, including drug experimentation on unsuspecting people, coups, assassinations, bribery, murder, torture, invasions, regime-change operations, support of dictatorships, and similar practices.

### **The work of the CIA**

Among the CIA’s first activities was the ousting of Iran’s prime minister, Mohammad Mossadegh, and the ushering in of 26 years of dictatorial rule under the shah, or monarch, Mohammad Reza Pahlavi. To his credit, Truman had rejected the plan, in large part because it was nothing more than a way to help England get back its oil interests, which Mossadegh had nationalized. But once Eisenhower came to power, the CIA rebilled the plan as one to protect Iran and the West from the threat of communism. On that basis, Eisenhower authorized

the plan. While the operation succeeded in replacing Mossadegh with the shah, it also led to the Iranian revolution of 1979 and the anti-Americanism that came with it.

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One of Swanson's fascinating observations was that the Bay of Pigs plan originated within the CIA itself.

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One year later, in 1954, the CIA engineered the ouster of Guatemala's democratically elected president, Jacobo Arbenz, and his replacement by a succession of brutal military dictators. The justification was, once again, the threat of communism. But we shouldn't fail to note that many U.S. officials, including CIA Director Allen Dulles, had significant connections to the United Fruit Company, a major portion of whose massive land holdings in Guatemala had been nationalized by Arbenz. In an ominous new direction for America, the CIA also delivered to its newly installed military dictatorship a secret list of people who should be assassinated after the coup.

Swanson points out the stunning op-ed that Truman published in the *Washington Post* 30 days after John Kennedy was assassinated, in which he indicated that the CIA

had grown into a nefarious force that far exceeded its original intelligence-gathering purpose.

Kennedy, of course, had his own searing experience with the CIA. Soon after he took office, the CIA presented him with its plan for U.S.-supported Cuban exiles to invade Cuba, assuring the new president that the invasion would be successful without formal U.S. intervention. It was a lie. Believing that Kennedy would be compelled, once the operation was under way, to send in U.S. air support to save the invading forces, the CIA went ahead with the operation. Kennedy refused to provide the air support, and the operation was a disaster.

One of Swanson's fascinating observations is that the Bay of Pigs plan did not originate with either Eisenhower or Kennedy, neither of whom would have ever conceived or proposed it. It instead originated within the CIA itself.

The following year, 1962, brought the Cuban Missile Crisis, during which the Joint Chiefs of Staff advised Kennedy to immediately bomb, invade, and occupy Cuba. Kennedy rejected their advice, and it's a good thing he did because it would almost certainly have led to an all-out nuclear war between the United States and the Soviet Union.

The Cuban Missile Crisis was another searing experience for Kennedy. Having lost trust in the military and the CIA, he engaged in top-secret personal negotiations with Premier Nikita Khrushchev of the Soviet Union to end the Cold War, which obviously would have had major ramifications for America's warfare state. The new direction in which Kennedy was trying to move America before his death was best demonstrated in his famous "peace speech" at American University in June 1963, in which he challenged the entire purpose of America's warfare state:

What kind of peace do I mean? What kind of a peace do we seek? Not a Pax Americana forced on the world by American weapons of war. Not the peace of the grave or the security of the slave. I am talking about genuine peace, the kind of peace that makes life on earth worth living, the kind that enables men and nations to grow and to hope and to build a better life for their children — not merely peace for Americans but peace for all men and women — not merely peace in our time but peace for all time.

### Getting the origin right

One of the greatest things about Swanson's book is that it is oriented toward the educated layman. That is, it is not an academic tome but is instead an easily readable history of the origins of America's warfare state. I was able to get through it in three evenings. I find it interesting that such a fine book was self-published (CreateSpace Independent Publishing Platform), something that many authors seem to be doing increasingly. According to the biographical sketch at the end of the book, Swanson lives in Virginia and received a master's degree in history from the University of Virginia. He dropped out of UVA's Ph.D. program to enter the business world and ran a hedge fund from 2003 to 2006. He now runs the website [wallstreetwindow.com](http://wallstreetwindow.com).

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**The Cold War ended 25 years ago,  
yet Americans are still saddled  
with the warfare state.**

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The Cold War, which was the original justification for this revolutionary change in America's governmental system, ended 25 years ago, yet Americans are still saddled with the warfare state. But to get the solution right, it is necessary to understand the origins of the problem.

As Swanson concludes,

Things are much darker at the moment. The world we live in today began after World War II with the creation of a permanent military-industrial complex and the transformation of the United States into a war state by the end of the 1950s. It changed the nation's relationship with the rest of the world and the American people's relationship with their own government. It helped to create a new power elite tied to a permanent government bureaucracy that made the real decisions of importance for the American people and fed them fear propaganda to get them to accept their decisions without question.... Even though the permanent government bureaucracy inside the executive branch of the federal government has become more and more powerful, the United States of America still has a

constitutional form of government and will continue to have one as long as the people stay active. The people must be armed with the knowledge to make wise decisions. They must know their history to understand the origins of our present predicament. We must all do our part.

This is one of the best books I have ever read on the origins and consequences of America's fateful turn toward a warfare state. It's essential reading for everyone interested in moving our nation into a peaceful, prosperous, harmonious, and free direction.

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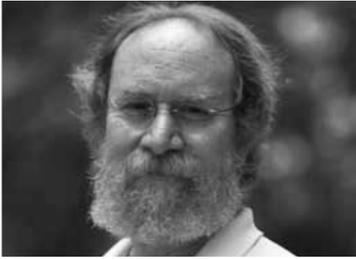
*Jacob Hornberger is founder and president of The Future of Freedom Foundation.*

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**NEXT MONTH:**  
"Two Brothers in Search of  
Monsters to Destroy"  
by *Jacob G. Hornberger*

# One Hundred Years of the Federal Reserve

by Sheldon Richman



Two days before Christmas 1913, President Woodrow Wilson signed the Federal Reserve Act, creating America's latest and current central bank, the Federal Reserve System. It's a sobering thought that in the 100 years since the Fed's creation, the dollar has lost 95 percent of its value. Had the Fed never been created, America would be dotted with Nickel Stores (other things being equal) instead of Dollar Stores. But that is just the beginning of the sad tale.

The Fed was not America's first experience with banking regulations or a central bank. From the very beginning, the United States had substantial money and banking regulations at the state and national levels, even with a gold standard. There was no free market or free banking. But

as the 19th century came to a close, the national banks, led by J.P. Morgan, were dissatisfied with the money and banking regime under the reigning National Banking system, and sought to regain their previous dominance. As Murray Rothbard wrote in *The Case Against the Fed*,

[The] banks desperately desired a Central Bank, not to place fetters on their own natural tendency to inflate, but, on the contrary, to enable them to inflate and expand together without incurring the penalties of market competition. As a lender of last resort, the Central Bank could permit and encourage them to inflate when they would ordinarily have to contract their loans in order to save themselves. In short, the real reason for the adoption of the Federal Reserve, and its promotion by the large banks, was the exact opposite of their loudly trumpeted motivations. Rather than create an institution to curb their own profits on behalf of the public interest, the banks sought a Central Bank to enhance their profits by permitting them to inflate far beyond the bounds set by free-market competition.

Cartelization — that is, the elimination of competition — was the objective, but with the public suspicious of monopoly, the bankers had to ally with Progressive intellectuals to persuade the American people that an overarching central-banking system would serve the general welfare. One newspaper announced Wilson’s signing of the Federal Reserve Act with this revealing sub-headline: “Wilson Declares It the First of Series of Constructive Acts to Aid Business.” (The alliance of big business and progressivism is documented in, among other works, Gabriel Kolko’s *Railroad and Regulation* and, especially, *The Triumph of Conservatism*.)

### A flop

How has the Fed performed over its nearly 100 years of operation? Fortunately monetary economists George A. Selgin, William D. Lastrapes, and Lawrence H. White have come up with a report card on the Fed. (“Has the Fed Been a Failure” can be found at the Cato Institute: <http://bit.ly/14E7v2R>.)

Even if we don’t count the interwar period (which some economists call the new Fed’s practice round), America’s central bank is a flop. Selgin, Lastrapes, and White sum up the record this way:

As the one-hundredth anniversary of the 1913 Federal Reserve Act approaches, we assess whether the nation’s experiment with the Federal Reserve has been a success or a failure. Drawing on a wide range of recent empirical research, we find the following: (1) The Fed’s full history (1914 to present) has been characterized by more rather than fewer symptoms of monetary and macroeconomic instability than the decades leading to the Fed’s establishment. (2) While the Fed’s performance has undoubtedly improved since World War II, even its postwar performance has not clearly surpassed that of its undoubtedly flawed predecessor, the National Banking system, before World War I.

The Fed’s dual mission is to support economic growth through stable prices and to ensure maximum employment. Thus Selgin, Lastrapes, and White assess America’s central bank according to “the relative extent of pre- and post-Federal Reserve Act price-level changes, pre- and post-Federal Reserve Act output fluctuations and business recessions, and pre- and post-Feder-

al Reserve Act financial crises.” The Fed’s performance, unsurprising to anyone familiar with the Austrian critique of central planning, has been dismal across the board. Here’s a sample of what they found.

### Inflation

“[Far] from achieving long-run price stability,” the authors write, the Fed “has allowed the purchasing power of the U.S. dollar, which was hardly different on the eve of the Fed’s creation from what it had been at the time of the dollar’s establishment as the official U.S. monetary unit, to fall dramatically.”

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**The dollar has lost  
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Let that sink in. From the late 18th century to the second decade of the 20th century, the purchasing power of the dollar was essentially stable. “A consumer basket selling for \$100 in 1790,” they write, “cost only slightly more, at \$108, than its (admittedly very rough) equivalent in 1913.” (Of course that extra \$8 bought far better products.)

“[Thereafter] the price soared, reaching \$2422 in 2008.... [Most] of the decline in the dollar’s pur-

chasing power has taken place since 1970, when the gold standard no longer placed any limits on the Fed’s powers of monetary control.”

In sum, the dollar has lost 95 percent of its purchasing power since the Fed has been in operation. What could be more damning?

### Deflation

Since the Great Depression, Selgin, Lastrapes, and White note, the Fed has eliminated deflation — defined as falling prices — from the U.S. economy. Gently falling prices were a welcome feature of the late 19th century. Imagine it: Each year people’s money bought more. Real incomes rose even when nominal incomes were unchanged. Yet economists, including the Fed’s departing chairman, Ben Bernanke, generally deem deflation as something bad. But Selgin et al. note that one kind of deflation can be beneficial. Benign deflation, they write, “is driven by improvements in aggregate supply — that is, by general reductions in unit production costs — which allow more goods to be produced from any given quantity of factor and which are therefore much more likely to be quickly and fully reflected in corresponding adjustments to actual (and not just equilibrium) prices. Historically,

benign deflation has been the far more common type.”

In the last quarter of the 19th century, prices fell 37 percent — 1.2 percent a year on average. Is that what the Fed saved us from? I’m not sure that gratitude is the proper response.

### Recessions

It is no surprise that the pre-Fed U.S. economy — which was by no means a time of *laissez faire* and free banking — performed better in this regard than it did under the Fed’s command. The authors conclude,

[Although] contractions were indeed somewhat more frequent before the Fed’s establishment than after World War II (though not, it bears noting, more frequent than in the full Federal Reserve sample period), they were also almost three months shorter on average, and no more severe. Recoveries were also faster, with an average time from trough to previous peak of 7.7 months, as compared to 10.6 months. Allowing for the recent, 18-month-long contraction further strengthens these conclusions.

Longer recessions and slower recoveries are nothing to boast of. The Fed fails again.

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Government policy and Fed manipulations can create the very recessions that the Fed then tries to reverse.

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Alas, the failing record may not be persuasive to those who think that free markets are unstable and unsuitable for consistent growth. Who would set interest rates to guide the economy? The first answer is that government policy and Fed manipulations can create the very recessions that the Fed then tries to reverse. If the politicians and their court economists would get over their hubristic belief that they are stewards of the economy, macro-economic crises would disappear.

Besides, the Fed cannot set interest rates, not even its narrow federal-funds rate for overnight interbank loans. At most, it *targets* that rate by buying and selling government securities, but it doesn’t always hit its target. The idea that the Fed can even heavily *influence* mortgage and other interest rates ignores important facts.

First, the Fed’s operations are small compared to the huge and complex U.S. and world economies.

Writes monetary economist Richard Timberlake,

Traditional economics properly teaches that many complex market forces — countless investment and savings decisions not dependent on monetary factors — are essential in determining interest rates. The Fed funds rate that Fed policy can influence through its monopoly over the quantity of money is *inconsequential* in shaping most short-term and long-term rates in capital markets, unless that moneymaking power subsequently promotes a pervasive price inflation. [Emphasis added.]

Second, these days the Fed can't lower interest rates through monetary inflation beyond the very short run. Why not? Because lenders will quickly get wind of it and respond by raising their rates to avoid being harmed by price inflation. The higher interest rates will include an inflation premium, nullifying the attempt to lower rates. (The Fed can and does create money — \$85 billion a month currently — without igniting price and interest-rate inflation. How? By effectively borrowing back the newly created

money from the banks at interest. Since the Fed currently pays the banks interest on their reserves, they find it worthwhile to leave the money in their Fed accounts.)

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The idea that the Fed can even heavily influence mortgage and other interest rates ignores important facts.

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Regarding the ineffectiveness of inflation at lowering interest rates in the longer term, monetary economist Jeffrey Rogers Hummel adds,

Globalization, with the corresponding relaxation of exchange controls in all major countries, allows [investors] easily to flee to foreign currencies, with the result that changes in central-bank policy are almost immediately priced by exchange rates and interest rates. Add to this the ability to purchase from many governments securities that are indexed to inflation, and it becomes highly unlikely investors will be caught off guard by anything less than sudden, catastrophic hyperinflation (defined as more than 50% per month) — and maybe even not then.

### A new role

Note that inflation is not nearly the threat it once was because the benefits to the politicians in terms of seigniorage and debt monetization are small. (For more, see Hummel's "Government's Diminishing Benefits from Inflation" at <http://bit.ly/HksyiU>.) But that does not mean the Fed is harmless. On the contrary, since the financial crisis of 2008, the Fed has taken on a new role: allocator of capital to particular firms and sectors. "Bernanke has so expanded the Fed's discretionary actions beyond merely controlling the money stock that it has become a gigantic, financial central planner," Hummel writes.

Bernanke's targeted and sterilized bailouts have altered the fundamental nature of the Federal Reserve.... Bernanke has added to the Fed's traditional function of simply manipulating the money supply and letting the market determine where the credit will flow, the function of centrally allocating credit, much of which it has borrowed.... [The] Fed that emerged from the [housing and financial] crisis is no longer the same as

the Fed before the crisis.... Most economists appear not to appreciate fully how drastic the changes are that Bernanke has wrought.

Hummel concludes, "Helicopter Ben talks a good line about being ready to unleash quantitative easing, but this talk only imparts an aura of justification for the Fed's incredibly expanded role in allocating the country's scarce supply of savings. If anything, his policies were closer to a quantitative tightening. A better moniker would therefore be 'Bailout Ben.'"

With the Fed's turning from price inflation to capital allocation, Hummel fears that inflation hawks are fighting the last war. As the Fed embarks on its second century, it poses a new kind of danger, that of central planner.

Money was not invented by government. It was the spontaneous creation of people trying to ease exchange by overcoming the inconvenience of barter in the marketplace. Central banks like the Fed only messed money up, robbing the people of their purchasing power while facilitating warfare and welfare spending through irresponsible large-scale government borrowing.

Thus the Fed should not be allowed to see a new century. It should be deleted.

Visit his blog, “Free Association,” at [www.sheldonrichman.com](http://www.sheldonrichman.com).

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*Sheldon Richman is vice president of The Future of Freedom Foundation, editor of Future of Freedom, and author of Tethered Citizens: Time to Repeal the Welfare State and two other books published by FFF.*

**NEXT MONTH:**  
“Lysander Spooner on the  
National Debt”  
by Sheldon Richman

*The right of self-defence is the first law of nature: in most governments it has been the study of rulers to confine this right within the narrowest limits possible. Wherever standing armies are kept up, and the right of the people to keep and bear arms is, under any colour or pretext whatsoever, prohibited, liberty, if not already annihilated, is on the brink of destruction.*

— St. George Tucker

# A Supreme Rebuff for the USDA's Ruinous Raisin Regime

by James Bovard



**T**he Supreme Court in June finally opened the door for farmers to escape from one of the most dictatorial bureaucratic regimes in the federal government. But it remains to be seen whether farmers will secure freedom and justice or be dragged into another endless array of court battles and appeals.

The latest squabble has its origins in the New Deal. When Franklin Roosevelt became president in 1933, his secretary of the Department of Agriculture (USDA), Henry Wallace, and others urged him to appoint a temporary “farm dictator.” Congress quickly enacted legislation that vested vast power in the secretary and his deputies. Four years later Congress enacted the Agricultural

Marketing Agreement Act, which authorized the creation of marketing boards to forcibly boost prices.

Marketing orders were based on the New Deal philosophy of “managed abundance” — prosperity through “universal monopoly and universal scarcity.” Americans quickly realized that it was not in the public interest to give private industry a federal license to conspire to gouge their customers. But such prerogatives have been retained by USDA marketing committees.

The Raisin Administrative Committee, one of the most powerful boards, can confiscate up to half of raisin farmers’ harvest with little or no compensation. The feds perpetually invoke the danger of surpluses to nullify raisin farmers’ property rights. Marvin Horne, a 67-year-old raisin farmer in Fresno, Calif., was fined almost \$700,000 for refusing to surrender control of 47 percent of his harvest to the government committee in 2002.

Horne, who has been growing raisins for more than 40 years, has battled the raisin committee for more than a decade. At the start of the clash, he notified the USDA of why he was not submitting:

We are growers that will pack and market our raisins. We re-

serve our rights under the Constitution of the United States.... The Marketing Order Regulating Raisins has become a tool for grower bankruptcy, poverty, and involuntary servitude. The Marketing Order Regulating Raisins is a complete failure for growers, handlers, and the USDA.... We will not relinquish ownership of our crop. We put forth the money and effort to grow it, not the Raisin Administrative Committee. This is America, not a communist state.

Horne and his lawyers challenged the government because they considered the USDA penalties to be an “unconstitutional taking of private property without just compensation.” They fought all the way to the Supreme Court, which heard arguments on the case in late March. The sordid details of the case seemed to shock the Court’s “liberals.” Many, if not most, justices sounded clueless about how far USDA’s iron fist stretches. Justice Stephen Breyer was dumbfounded by that argument, declaring, “I can’t believe that Congress wanted the taxpayers to pay for a program that’s going to mean they have to pay higher prices as consumers.”

Breyer apparently never heard of the USDA’s sugar program, which intentionally inflates prices and costs consumers billions of dollars a year. Actually, the raisin regime is even more perverse — since it intentionally dumps supposed “surplus” raisins on world markets at fire-sale prices. Foreigners often pay much lower prices for California raisins than do Americans.

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Justice Kagan suggested that the 1937 Agricultural Marketing Agreement Act could be “the world’s most outdated law.”

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Justice Elena Kagan suggested that the 1937 Agricultural Marketing Agreement Act, which authorizes the raisin restrictions, could be “the world’s most outdated law.” Though purporting to serve farmers, the act creates endless administrative hoops and legal tripwires for its beneficiaries. Justice Sonia Sotomayor sounded so confused by the case’s administrative and legal tangle that she was in danger of spinning out of her chair.

The Obama administration and the USDA insisted that, even though the government commandeers raisin farmers’ harvest, there was no “taking” because the seizure drives up the price of the remaining rai-

sins. They invoked a federal appeals court ruling that the government need not pay compensation because Horne and his wife “voluntarily choose to send their raisins into the stream of interstate commerce.”

Since farmers chose to sell their crop in interstate commerce, the government claimed that it was entitled to nearly unlimited sway over the harvest. But since when did state lines nullify property rights? The fact that a business's products are sold beyond its own neighborhood should not automatically turn the producer into bureaucratic cannon fodder. Or should we presume that the USDA is like a medieval robber baron, entitled to seize half of the produce that passes near his fortified checkpoint? Justice Antonin Scalia aptly described the USDA as offering farmers a choice: “Your raisins or your life.”

### Market orders

Though federal agricultural boards are empowered to coercively impose “orderly marketing,” the USDA has never defined what that term means. When asked what orderly marketing was, USDA Assistant Secretary for Marketing C.W. McMillan admitted in 1986, “I have no idea what that is. I have never heard anyone define orderly mar-

keting.” In practice, the term “orderly markets” has come to mean simply markets controlled by government officials and boards.

Marketing orders are intended to produce higher prices. In 1984 the USDA's chief judicial officer, Donald Campbell, declared that the secretary of agriculture's “statutory duty is to protect the interests of the producers.... The essential purpose of the [Agricultural Marketing] Act is to raise producer prices. If a marketing order can double producer prices in a particular year ... that is exactly what Congress had in mind when it passed the Act.”

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Justice Antonin Scalia aptly described the USDA as offering farmers a choice: “Your raisins or your life.”

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USDA-finagled higher prices usually lead to increased production and drive down consumption, which increases the amount of surplus. Marketing-order supply restrictions tend to make markets progressively more and more unbalanced. The more successful the USDA is in inflating prices, the greater the apparent need for government supply controls. Ed Schuh, the chairman of the agricultural economics department at the Uni-

versity of Minnesota, observed in 1985, “Ultimately it is the instability of government policy and government intervention that cause the instability in commodity markets.”

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Federal marketing orders exemplify the quasi-covert nature of much of contemporary government coercion.

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Supply controls epitomize the USDA’s paranoia toward price fluctuations — typical of any bureaucracy, where stability is the highest value, and risk and uncertainty are supreme evils. With marketing orders the USDA thinks it is better to have high prices every year than a low price one year and a high price the next year. Its preference is contrary to the inherent nature of agriculture, according to records dating back to 8000 B.C.

Federal marketing orders exemplify the quasi-covert nature of much of contemporary government coercion. If the USDA sent armed agents into every grocery store in the country and arrested shoppers who sought to buy too many California raisins, it would be universally denounced as God’s prize idiot. Instead, the government imposes its controls directly on California farms and fruit handlers — and few Americans recognize how their

government is thwarting the bounty of the nation’s farms.

It is unclear why the Obama administration feels obliged to defend the raisin regime. Perhaps the administration’s masterminds presume that it is another government program that cannot possibly be as stupid as it looks. Or perhaps the fact that the program is long-established proves that it deserves all the power it has seized. Many “liberals” have remained totally ignorant on USDA supply controls because they have scant curiosity on how government actually uses its power. Because they presume that government is benevolent, they do not need to sweat the specifics of its good deeds. But it is in the grisly details where Americans’ rights and liberties are increasingly shredded.

There is nothing unique about raisins that requires nullifying the constitutional rights of raisin growers. Markets for raisins are volatile — as are the markets for hundreds of other farm products grown in the United States. (In the absence of government, futures markets are capable of smoothing out extreme swings.) The raisin committee’s sweeping powers have failed to prevent vast swings in prices farmers receive. Many California farmers have simply given up, and the acre-

age devoted to raisin production has decreased by 75,000 acres since 2000. There is no excuse for restricting the supply of one commodity that should not apply to restricting the supply of all commodities. The same market mechanisms that suffice for radishes, raspberries, and rhubarb could serve raisins just fine.

In June the Supreme Court ruled unanimously against the Obama administration and USDA position. In an opinion written by Justice Clarence Thomas, the Court sent the case back to lower federal courts to rule on the constitutionality of the raisin roundup. Thomas wrote that a raisin handler “who refuses to comply with a marketing order and waits for an enforcement action will be liable for significant monetary penalties if his constitutional challenge fails.” He pointed out the injustice of requiring producers to jump through endless bureaucratic hoops before getting a court ruling: “In the case of an administrative enforcement proceeding, when a party raises a constitutional defense to an assessed fine, it would make little sense to require the party to pay the fine in one proceeding and then turn around and sue for recovery of that same money in another proceeding.”

The decision was hailed as a regulatory rollback by Rachel Brand of the U.S. Chamber of Commerce: “This case is about how many hoops individuals or businesses must jump through to stop the government from trampling their property rights. This boils down to the Court preventing regulators from strong-arming businesses with the threat of endless litigation.”

Though it would have been far better if the Supreme Court had directly condemned the USDA takings, at least the Court did not uphold the regulatory regime. The tenor of the justices' comments in oral arguments serves as a warning to any lower court that might choose to uphold the USDA confiscations.

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**NEXT MONTH:**  
“Common Sense versus  
Obama's Next War”  
by James Bovard

# Roger Williams: The Separation of Conscience and State

by Wendy McElroy



*There was a whole country in America ... to be set on fire by the rapid motion of a windmill in the head of one particular man ... one Mr. Roger Williams.*

— Cotton Mather,  
New England Puritan minister

Roger Williams (c. 1603–1683), founder of Rhode Island, was a key figure in forging the distinctive American character. The American was a self-governing man who was equal to all others in his enjoyment of freedom. Williams helped to create this American by making an intellectual connection that led to a unique protection of personal freedom. Liberty required the complete separation of church and state. A man's conscience must be free from all

interference from authority. He must have what Williams called “soul-liberty” rather than “soul-rape.”

At the same time Williams was preaching soul-liberty in America, the nations of Europe were practicing soul-control — an alliance between state and church, king and God. Some nations actively persecuted those who did not share the state-sanctioned religion; for example the Protestant Huguenots were persecuted by the French Catholic state and forced to flee for their lives. In Williams's homeland of England, religious disputes eventually sparked a series of civil wars.

But the Puritans who left England to exercise religious freedom did not wish to grant the same freedom to others. They replicated and embraced the idea of church and state as long as the institutions were under their control. Williams stood as an intellectual pioneer in espousing freedom of conscience. If a man's conscience was not his own, he contended, then that man could own nothing. If he did not have the right to weigh the world and reach his own conclusions, then he had no rights whatsoever.

It is commonly assumed that Williams's idea of soul-liberty led to the First Amendment, which states, “Congress shall make no law re-

specting an establishment of religion, or prohibiting the free exercise thereof...” The first words of the Bill of Rights guarantee soul-liberty even before freedom of speech or freedom of the press are mentioned.

### Williams and the wall between church and state

Although he had taken holy orders in the established Church of England (the Anglican Church), Williams was persuaded to Puritanism shortly thereafter. The Puritans sought to simplify the ceremonies and doctrines of the Anglican Church, which they believed resembled Catholicism too closely. The established church objected.

As crucial as religion was to the ensuing conflict, however, the backlash against Puritans in England was also political. The English Puritans tended to be middle-class merchants and affluent businessmen who had an influential presence in Parliament, where they promoted Puritan values. King James I (of England), from whom the King James Bible issued, was solidly Anglican. When the arrogant Charles I succeeded James in 1625, the royal hostility toward Puritans and other non-Anglican Protestants deepened. A tug of war erupted between Charles, who believed his authority was absolute,

and a Parliament that wanted to move toward a constitutional monarchy. That led to a campaign of persecution against the Puritans, who reasonably feared they would be stripped of their political offices and property. Those and other bitter tensions eventually ushered in three civil wars and the execution of Charles in 1649.

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### The first words of the Bill of Rights guarantee soul-liberty.

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Williams was intimately acquainted with the consequences of state involvement in religion, and he prudently emigrated to the New World before open violence erupted. An early wave of Puritans called Pilgrims had founded a colony at Plymouth in 1620. In February 1631, Williams and his wife arrived at the colony of Boston in the Massachusetts Bay Colony, where they were warmly welcomed. The welcome did not last long. Williams was immediately offered a prized teaching position, which he immediately rejected owing to a commitment to “separatism” — the belief that Puritans should break completely from a corrupt Church of England. In volume 1 of *Conceived in Liberty*, Murray Rothbard explained, “An individualist and a

fearless logician, Williams had concluded that the Puritan church in Massachusetts, being Separatist *de facto*, should also be Separatist *de jure*: that is, should break openly from communion with the Church of England. In short, he pursued the Puritans' logic further than they were willing to go, and thus embarrassed the Puritans a great deal."

Williams also rejected the governing document of the colony — the Massachusetts Bay Charter — in part because it sanctioned the confiscation of Indian land; arguably, Williams was also the first American abolitionist to argue against slavery. He also objected to the charter's civil punishment of religious dissent and disobedience. The latter position particularly outraged authorities. But Williams insisted that the individual alone could determine his relationship with God; all interference by authority was unjustified. "Forced worship stinks in God's nostrils," he proclaimed and provided specific criticisms.

That also must have embarrassed authorities because it exposed a contradiction within the Puritan position. Rothbard observed, "[A] Protestant theocracy must always suffer from a grave inner contradiction: for one significant tenet of Protestantism is the

individual's ability to interpret the Bible free of ecclesiastical dictates. Although particular Protestant creeds may have no intention of countenancing or permitting dissent, the Protestant stimulus to individual interpretation must inevitably provoke that very dissent."

Williams was reviled for his belief in the separation of church and state as well. He coined a phrase to describe this position; there should be a "wall of separation" between church and state. By this, he meant there should be no state funding or taxation of any religion and that religion should not determine the policies or operation of government.

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**Williams was also the first  
American abolitionist to argue  
against slavery.**

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More than a century and a half later, Thomas Jefferson used the same wording as Williams. In an 1802 letter, Jefferson called for a "wall of separation between church and state" in order to respect the intimate relationship between an individual and God. That letter is widely credited with being the source of the phrase commonly used to describe the First Amendment's guarantee of religious freedom: "the separation of church and state."

Puritan authorities in Massachusetts did not so readily embrace Williams's "wall." After all, their power to govern the colony came directly from religious qualifications. In 1635 Williams was banished but given a reasonable period in which to settle his affairs.

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**Williams also returned from England with a freshly published book that made him the foremost authority on American Indians.**

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When a plot was launched to kidnap the lingering Williams and transport him back to England, he fled and lived for three months with friendly Narragansett Indians. In 1636 he founded the colony of Providence through the rare act of purchasing land from Indians. Other towns nearby were similarly founded by religious refugees from Massachusetts. For example, the antinomians including Anne Hutchinson founded Portsmouth; antinomians believed that faith and not strict observance of the gospel was the true path to salvation. The area became a haven of religious tolerance that welcomed people of all faiths, including Quakers and Jews, and extended respect to Indian beliefs. In 1638 Williams founded the first Baptist church in Amer-

ica from which he himself quickly withdrew, preferring to become a "seeker" — a nondenominational Christian who sought only truth.

### The libertarian state of Rhode Island

Although he believed the king had no legal or moral right to grant title to Indian lands, Williams was practical enough to return to England in 1643 and obtain a Land Patent to secure his claim against neighboring colonies. In March 1644 he returned with official documents recognizing "the Providence Plantation in Narragansett Bay," which became a confederation of towns. ("Plantation" is an antiquated synonym for "colony.") He also returned with a freshly published book that made him the foremost authority on American Indians: *Key into the Languages of America or A help to the Language of the Natives in that part of America called New England*. Williams openly considered aspects of Indian culture to be superior to Europe's, and his book was the first attempt to educate American colonists on how to communicate productively with native residents.

When internal divisions threatened the confederation, Williams returned to England in the company of the Baptist minister John

Clarke to obtain a Royal Charter that would cement his claim to the colony. Clarke remained in England and argued tirelessly for the charter until it was granted in 1663 after ten years. The remarkable document affirmed the previous Patent but went much further. Among its unique features:

1. The right of land ownership was explicitly extended to Indians.
2. Absolute religious freedom was assured.
3. Rhode Island became a *de facto* independent state that made its own laws and elected its own officers.

Rhode Island became renowned among colonies for the unparalleled freedom enjoyed by all individuals, including women and Indians.

### The “bloody tenent” of the state

John Cotton is widely viewed as the most influential theologian of his day in Massachusetts. He and Williams were mirror images on several points. Cotton advocated a strong alliance between church and state, and he came to advocate the harsh punishment of heretics. Cotton also believed men could not

find salvation by themselves but required the grace of God.

When Williams was banished from Massachusetts, Cotton corresponded with him on theological points and to explain that the expulsion was due to the tendency of Williams’s “doctrines to disturb the peace of the church and state.” Williams replied. The matter might have ended there if one of Cotton’s letters had not also appeared in a London newspaper. Williams’s public response was *Mr. Cotton’s Letter Lately Printed, Examined and Answered* (1644).

The correspondence prompted Williams’s best-known political work as well: *The Bloody Tenent of Persecution, for Cause of Conscience, Discussed in a Conference between Truth and Peace* (1644). The book constitutes one of the earliest defenses of the separation of church and state. Written as a dialogue between Truth and Peace, the book drew upon the Old and New Testament to argue that religious conformity violated God’s will. Williams concluded, “God requireth not an uniformity of religion to be enacted and enforced in any civil state; which enforced uniformity, sooner or later, is the greatest occasion of civil war, ravishing consciences, persecution of Christ Jesus in His

servants, and of the hypocrisy and destruction of millions of souls.”

Cotton responded to *The Bloody Tenent* with a publication of his own, *The Bloody Tenent, Washed, and Made White in the Blood of the Lamb* (1647). In turn, Williams responded with *The Bloody Tenent yet More Bloody: by Mr. Cotton's Endeavour to Wash it White in the Blood of the Lamb* (1652).

The most important impact of the exchange was its likely influence on several Founding Fathers. In his book *Religious Freedom: Rights and Liberties under the Law*, Melvin Urofsky wrote, “Whether or not Jefferson read Roger Williams, there is a direct link between the ideals of the ‘bloody tenent’ and the ideals expressed in the Statute and the First Amendment.” “The Statute” refers to the Virginia Statute for Religious Freedom (1786) drafted by Jefferson. The Statute strengthened the religious protections within the Virginia Bill of Rights (1776) drafted by George Mason with assistance from James Madison. Those documents led directly to the First Amendment of the Bill of Rights

(1791), which was championed by both Jefferson and Madison.

Specific ideas argued by Williams are expressed in the main body of the Constitution as well. For example, Article VI, paragraph 3 reads, “no religious test shall ever be required as a qualification to any office or public trust under the United States.” That reflects Williams’s belief that no political office or act should be predicated on a religious qualification.

The most compelling argument for Williams’s likely influence, however, is the implausibility of Jefferson’s and Madison’s being unaware of history that occurred in their own backyards. They were highly educated men to whom religious freedom was a driving passion. In their writings and the measures they supported, both Jefferson and Madison expressed the same political views as Williams — sometimes in much the same language.

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*Wendy McElroy is a fellow of the Independent Institute and the author of The Art of Being Free.*

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## “Trust Us”

by John Glaser



On June 7 Barack Obama made his first public statements about the NSA surveillance programs leaked by the whistleblower Edward Snowden. After justifying the programs as subject to congressional and judicial oversight, he insisted he did not want “to suggest that, you know, you just say ‘trust me, we’re doing the right thing, we know who the bad guys are.’”

But, he added, “If people can’t trust not only the executive branch but also don’t trust Congress, and don’t trust federal judges, to make sure that we’re abiding by the Constitution with due process and rule of law, then we’re going to have some problems here.”

The problem isn’t so much that the American people don’t trust their government with unprece-

ded powers in the realm of national security, but that the government continues to insist on our trust despite an incontestable track record of deceit and incompetence.

Generations of political leaders have lied the country into war, feigned ignorance of illegal activities they personally administered, and knowingly violated countless Americans’ constitutional rights. And yet, despite his sarcastic denial of a “trust me” doctrine, one of Obama’s central tenets, in an unprecedentedly secretive administration, has been exactly that: trust us.

The debate over NSA spying prior to Edward Snowden’s leaks was inappreciable. In total silence the Obama administration was carrying out and expanding the agency’s surveillance operations.

In a now notorious exchange, Sen. Ron Wyden asked James Clapper, director of national intelligence, four months before Snowden’s leaks, whether the NSA collects data on millions of Americans. An awkward, reluctant Clapper, displaying the classic poker tell of avoiding eye contact and scratching his perspiring brow, responded, “No, sir.” Pressed by Wyden, Clapper clarified, “Not wittingly.”

Following the *Guardian*’s release of classified documents that

irrefutably contradicted Clapper’s answer, the director apologized with an explanation that would have made George Orwell blush. The lie he told was simply the “least untruthful” answer he could think of.

Strike one.

The White House and several members of Congress have been regularly telling the American people that the NSA programs are legal, constitutional, and checked by thorough congressional oversight.

But members of Congress have openly complained that the NSA systematically denies them basic information about surveillance programs. And in a 2011 FISA court ruling, significant parts of the NSA’s domestic spying activities were found to be in violation of the Fourth Amendment. And finally, as the *Washington Post* reported in August, an internal audit found that the NSA “has broken privacy rules or overstepped its legal authority thousands of times each year since Congress granted the agency broad new powers in 2008.”

Strike two.

In August, the president appeared on Jay Leno’s show and misleadingly said, “There is no spying on Americans.”

A mere two days later, the *New York Times* reported, “The National

Security Agency is searching the contents of vast amounts of Americans’ e-mail and text communications into and out of the country, hunting for people who mention information about foreigners under surveillance, according to intelligence officials.”

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**Defenders of the NSA programs are saying, “Trust us, despite the fact that we have been repeatedly exposed as liars.”**

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The report added, “While it has long been known that the agency conducts extensive computer searches of data it vacuums up overseas, that it is systematically searching — without warrants — through the contents of Americans’ communications that cross the border reveals more about the scale of its secret operations.”

Strike three.

“This is a truly incredible state of affairs,” the Cato Institute’s Julian Sanchez wrote weeks before the leaks. “We are being asked to take it as an article of faith that this [surveillance] is absolutely necessary to the security of the United States, even though similar claims about the original [Bush administration] warrantless wiretap program could not be substantiated by later internal audits.”

In other words, defenders of the NSA programs are saying, “Trust us, despite the fact that we have been repeatedly exposed as liars.”

### A history of deceit

It isn’t just the administration’s flatfooted response to getting their hands caught in the cookie jar that makes trust difficult to achieve.

In an August 9 press conference, Obama insisted that the government “is not interested in spying on ordinary people.” The problem is that history tells us otherwise.

The 1975 Church Committee discovered that the NSA, in a program begun in 1947, had been monitoring Americans’ telegram messages at a rate of 150,000 per month.

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Hersh also uncovered “dozens of other illegal activities by members of the CIA.”

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The FBI’s counterintelligence program, or COINTELPRO, spied on the peaceful, constitutionally protected activities of Americans from the 1950s to the 1970s. Tactics included exerting psychological warfare against political dissidents, forging documents, false propaganda, wrongful imprisonment, and even assassination.

“The Central Intelligence Agency, directly violating its charter, conducted a massive, illegal domestic intelligence operation during the Nixon Administration against the antiwar movement and other dissident groups in the United States,” *New York Times* reporter Seymour Hersh revealed in 1974.

Hersh also uncovered “dozens of other illegal activities by members of the CIA inside the United States, beginning in the 1950s, including break-ins, wiretapping and the surreptitious inspection of mail.”

The abuse continues to the present. In 2012 a Senate investigation found that the Department of Homeland Security’s intelligence-sharing hubs, called fusion centers, disrupted no actual terrorist plots and mostly targeted Americans with no connection to terrorism.

The internal investigation found that fusion centers were “circulating information about Ron Paul supporters, the ACLU, activists on both sides of the abortion debate, war protesters and advocates of gun rights,” according to the Associated Press.

The problem with trust goes far beyond domestic-surveillance issues. The Bush administration similarly demanded America’s trust when it deceived the American people in order to justify a war with Iraq.

An investigation by a committee in the House of Representatives in 2004 identified “237 misleading statements about the threat posed by Iraq that were made by President Bush, Vice President Cheney, Secretary Rumsfeld, Secretary Powell, and National Security Adviser Rice. These statements were made in 125 separate appearances, consisting of 40 speeches, 26 press conferences and briefings, 53 interviews, 4 written statements, and 2 congressional testimonies.”

Not only did it deliberately insinuate that Saddam Hussein had some connection to the 9/11 attacks, but the Bush administration exerted significant pressure on the intelligence community to provide justification for the Iraq War on the grounds of a WMD threat. According to John Brennan, who was deputy director of the CIA at the time, “We were being asked to do things and to make sure that that justification was out there.”

The leaked minutes of a conversation between British intelligence officials and Prime Minister Tony Blair, referred to as the “Downing Street memo,” encapsulates the entire disingenuous case for war. “Bush wanted to remove Saddam, through military action, justified by the conjunction of terrorism and

WMD,” the secret memo reads. “But the intelligence and facts were being fixed around the policy.”

Going to war on false pretexts has a long history too. Last August marked the 49th anniversary of the Gulf of Tonkin Resolution, passed overwhelmingly by a Congress that was told by the Johnson administration that U.S. warships off the coast of Vietnam had been attacked without provocation by “communist aggression.”

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**The Bush administration exerted pressure on the intelligence community to provide justification for the Iraq War.**

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That escalated the Vietnam War to what it eventually became: a pointless quagmire that cost more than 50,000 American lives and millions of Vietnamese. But a secret NSA account of the Tonkin Gulf incident, declassified in 2005, found that, contrary to claims that justified the war, “no attack happened that night.”

The NSA “withheld” the entirety of the intelligence, the declassified account revealed, “in order to substantiate that claim” that the United States “had been deliberately attacked by the North Vietnamese.”

## Drone lies

The Obama administration has mostly avoided telling lies to justify war. Instead, he tends to keep his wars secret. But the dishonesty about the drone war, for example, has been flagrant.

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**Obama has ordered more than 500 drone strikes that have killed thousands of people.**

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According to the most comprehensive estimates, Obama has ordered more than 500 drone strikes, which have killed thousands of people in Pakistan, Yemen, Somalia, and beyond.

John Brennan, then Obama's national security adviser, said in June 2011 that "there hasn't been a single collateral death [over the past year] because of the exceptional proficiency, precision of the capabilities that we've been able to develop."

To close observers of Obama's drone war, that sounded absurd. And indeed it was: despite Brennan's claim, The Bureau of Investigative Journalism has documented hundreds of civilian casualties in the drone war.

The president has also claimed that he targets only "specific senior operational leaders of al-Qaeda and

associated forces" involved in the September 11, 2001, attacks. "It has to be a threat that is serious and not speculative," Obama said on CNN.

But according to classified documents obtained by the McClatchy newspaper group, the U.S. government has deliberately targeted for death by drone "groups other than al Qaeda, including the Haqqani network, several Pakistani Taliban factions and the unidentified individuals described only as 'foreign fighters' and 'other militants.'"

"At other times, the CIA killed people who only were suspected, associated with, or who probably belonged to militant groups."

That provided "proof that the United States has lied in the drone wars," in the words of Micah Zenko, a fellow at the Council on Foreign Relations.

That kind of serial lying understandably undermines the public's trust in government — just as when the Reagan administration secretly and illegally sold weapons to Iran in order to continue supporting the ruthless Contra rebels in Nicaragua in violation of explicit congressional action to stop that support.

"The power of the presidency is often thought to reside within this Oval Office," Reagan announced in a televised address on the scandal.

“Yet it doesn’t rest here. It rests in you, the American people, and in your trust.”

The president proceeded to violate that trust in his very next utterances by playing dumb and claiming not to have known what his own administration was doing, a dubious claim at best.

The Obama administration has overseen an extraordinary growth of secret surveillance and covert war. Keeping a lid on it all has proven difficult, but the extreme secrecy in the administration’s management of national security often al-

lows it to bypass Congress and the courts and public scrutiny. In place of those checks and balances are supposed to be blind faith and trust that abuses won’t happen.

Given recent history, that is simply too much to ask.

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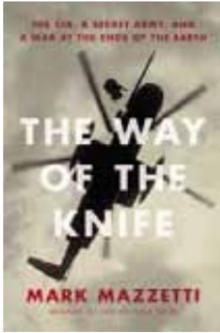
*Obstacles are those frightful things you can see when you take your eyes off your goal.*

— Henry Ford

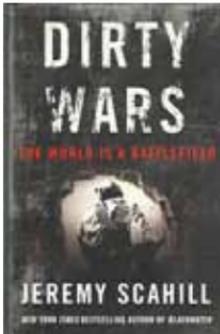
## The Killing Years

by Matthew Harwood

*The Way of the Knife: The CIA, a Secret Army, and a War at the Ends of the Earth* by Mark Mazzetti (Penguin Press 2013), 400 pages.



*Dirty Wars: The World Is a Battlefield* by Jeremy Scahill (Nation Books 2013), 680 pages.



The young man reached across the table and pushed the timer's red button. Looking up at the faces of a few members

of a Senate Judiciary subcommittee, Farea Al-muslimi, a Yemeni youth activist and former U.S. exchange student, nervously began to speak. He told the senators that just a week before a U.S. drone had unnecessarily vaporized a member of al-Qaeda in the Arabian Peninsula along with three other men in his remote village, instantly turning the populace against the United States. What is considered risk-free by the national-security state, Al-muslimi warned, is anything but. "What radicals had previously failed to achieve in my village, one drone strike accomplished in an instant: there is now an intense anger and growing hatred of America," he testified.

In five short minutes, Al-muslimi had cut through the sterile, bureaucratic abstractions of the U.S. drone wars and delivered an impassioned plea to his second homeland: stop terrorizing innocent Yemenis with remote-control killing. His message could easily be spoken by any number of Afghans, Pakistanis, or Somalis as the U.S. global war on terrorism enters its twelfth year.

That plea, however, will probably be ignored by a Defense Department, a CIA, a White House, a Congress, and, unfortunately, a people enamored with the almost divine ability to eliminate their en-

emies from thousands of miles away with the push of a button, the killer watching from the safety of his monitor's glow. Yet as Mark Mazzetti and Jeremy Scahill document in *The Way of the Knife* and *Dirty Wars*, the United States's embrace of extrajudicial killing isn't done only by drone, whether dispatched by the CIA or the Pentagon, but by terrorizing night raids by Special Forces under the authority of the Joint Special Operations Command, or JSOC.

### Immoral mindset

Since al-Qaeda marred a brilliant blue September sky more than a decade ago, the two powerful centralized bureaucracies of the CIA and the Defense Department have mutated grotesquely into two ultra-violent leviathans, often fighting each other for supremacy. They now resemble one another and operate outside of democratic constraints of oversight and accountability, creating more enemies than they destroy. While Mazzetti and Scahill tell complementary, often overlapping stories, Mazzetti's *Way of the Knife* concentrates on the CIA's embrace of its Cold War-era role of global hitman, while Scahill is more concerned with the transformation of the JSOC from a train-

ing force into the president's private death squad with its own awesome intelligence capability.

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**The CIA and the Defense Department have mutated grotesquely into two ultra-violent leviathans.**

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Central to both Mazzetti's and Scahill's stories is how two provisions under the U.S. Code separating "covert" and "clandestine" activities became essentially meaningless after 9/11 and eroded any kind of congressional oversight or accountability of U.S. kinetic operations far from any battlefield. Title 50 governs covert intelligence activities, which gives the White House "plausible deniability" after they are carried out. The rub, however, is that before a covert action can be carried out the White House must brief the House and Senate Intelligence Committees — requirements that Vice President Dick Cheney and Defense Secretary Donald Rumsfeld disdained.

The way around requirements of oversight of covert actions was Title 10, which applies to "traditional military activities" that are "connected to 'ongoing' or 'anticipated' hostilities" and defines another kind of secret activity, clandestine operations.

Such operations were attractive to Cheney and Rumsfeld because there were no congressional reporting requirements. Combine that with Congress's passage of the Authorization to Use Military Force (AUMF) against al-Qaeda immediately after 9/11, which gave the president the authority to go after the organization anywhere on earth, and Title 10 provided a legal basis to deploy military assets in secret anywhere al-Qaeda was or could be. "Title 10 operations conducted in 'Preparing the Battlespace' had even fewer congressional requirements, and with the congressional resolution authorizing a global war, the National Command Authority could use its power to direct military operations without having to classify them as covert actions," writes Scahill. "This had always been a gray area open for exploitation." Cheney and Rumsfeld obliged by remaking the JSOC into a global killing machine.

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**Cheney and Rumsfeld  
remade the JSOC into a global  
killing machine.**

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JSOC personnel, according to Col. Walter Patrick Lang, who spent much of his military career in dark ops, constitute the Neanderthals of the U.S. military. The JSOC was mod-

eled on Britain's Special Air Service, its personnel, like SAS personnel, don't go native; "they kill the natives," he told Scahill. "These people are not very well educated about the larger picture of the effect that [their operations] have on the position of the United States in the world." In stunning and graphic detail, Scahill recounts the rise of the JSOC, propelled by Cheney's and Rumsfeld's determination to build a personal army, largely unconstrained by international or domestic law, for an imperial presidency. "So if you have no one in any branch — whether it's judicial, legislative or executive — who's interested in upholding the law, then you can do pretty much what you want," Col. Douglas Macgregor, who was on the Iraq war planning team, explained to Scahill. "And I think that's ultimately what's happened."

One of the primary characteristics of a democracy is its adherence to the rule of law, not the rule of men. Scahill explores how disturbing the rule of men is, particularly when those men aren't particularly moral creatures. His account of how the JSOC's brutal tactics of mass arrests, long detentions, and torture throughout Iraq — particularly in Camp NAMA ("Nasty-Ass Military Area") in pursuit of imaginary weapons of mass destruction

and then in reaction to the country's rising resistance — helped sustain and fuel the so-called insurgency is devastating. And as Iraq wound down, the JSOC went truly global, along with its bloody, immoral mindset. “If there's one person they're going after and there's thirty-four [other] people in the building, thirty-five people are going to die,” a military intelligence source tells Scahill. “That's the mentality.”

### Blowback

And there are serious repercussions for conducting a secret and ultraviolent foreign policy when the cold logic of killing dominates the U.S. national-security state. While the overwhelming majority of Americans have no idea what their government is doing overseas, you can be sure people on the receiving end of America's violence across the Middle East, the Horn of Africa, and Central Asia, whether directly or indirectly, understand that Washington is playing a significant role in their suffering. Much as it did during the Cold War, the United States has empowered and propped up brutal regimes and proxy forces to fight Islamic militants and terrorists, particularly in Somalia and Yemen. Blowback, naturally, ensued.

In Somalia the CIA funded the same warlords they fought in the early 1990s, which led to the Black Hawk Down debacle, to hunt down al-Qaeda and stem the rising Islamic Courts Union, which tried to solve the chaos of Somalia through Islamic, or sharia, law. What was the outcome of “running guns to some of the biggest thugs in Somalia?” in the words Michael Zorick, the State Department's political officer for Somalia at the time. “[The] covert operation blew up in the CIA's face,” writes Mazzetti. “Instead of weakening the Islamists, it tipped the balance in Somalia in the other direction. Somalis began to embrace the Islamic Courts Union as a way to rid the country of foreign influence and finally bring an end to the warlord rule that had balkanized the country.”

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**In Somalia the CIA funded the same warlords they fought in the early 1990s.**

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Washington's disastrous meddling, however, continued by aiding Christian Ethiopia's invasion of Muslim Somalia in 2006. “The idea,” one official said that year, “was to get the Ethiopians to fight our war.” But the invasion's brutality only angered Somalis, empowering

the rise of the al-Qaeda-aligned and -backed al Shabab militia. “Al Shabab would emerge as the premier jihadi force in Somalia — and would soon control more land than any other al Qaeda-affiliated group in history,” Scahill explains. “U.S. policy had backfired spectacularly, transforming a ragtag group of relative nobodies in Somalia, in just a few short years, into the new heroes of al Qaeda’s global struggle.”

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**Obama’s targeted-killing program was expanded because the White House didn’t want to create more detainees and liberal outrage.**

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In Yemen the United States erred by propping up the brutal Machiavellian regime of Ali Abdullah Saleh in return for his approval of targeting al-Qaeda inside the country. In November 2002 the CIA conducted its first drone strike, killing the person alleged to be the mastermind behind the USS *Cole* attack in 2000 along with an American citizen in the vehicle. (Saleh lied about the attack, telling Yemenis that the truck was carrying a canister of gas, which triggered an explosion.)

In return for permission to carry out counterterrorism operations in Yemen, the United States fun-

neled massive amounts of assistance to Saleh, including training for his special forces, which the autocrat used to kill Houthi rebels in the northwest and to further repress Yemen’s people. As happened in Iraq, Saleh’s imprisonment of hundreds of people for al-Qaeda affiliations turned Yemen’s prisons into radicalization factories. “These men were tossed in security prisons with other more experienced fighters who did much to radicalize their younger more impressionable fellow inmates in the shared cells,” Scahill quotes Yemeni expert Gregory Johnsen telling the Senate Foreign Relations Committee in 2010. Yet the wily Saleh was playing both sides. When the Houthi rebellion broke out, he brokered a deal with al-Qaeda: fight the rebels and the crackdown would end. That enabled al-Qaeda in the Arabian Peninsula, infamous for the 2009 underwear bomb plot against a Detroit-bound airliner, to arise.

### The insider advantage

Reading Mazzetti and Scahill back to back also illuminates the tension between the mainstream media, represented by Mazzetti, and the independent press, represented by Scahill, when covering national-security matters. Mazzet-

ti's reportage is that of the consummate insider, with privileged access to those in and around Obama's imperial court that writing for the *New York Times* provides. And that certainly carries benefits. The biggest revelation of *The Way of the Knife* is that Obama's Orwellian-named targeted-killing program was expanded because the White House didn't want to create more detainees and provoke liberal outrage by rendering captives to brutal governments for interrogation after banning the Bush administration's torture program and promising to close Gitmo. "They never came out and said they would start killing people because they couldn't interrogate them, but the implication was unmistakable," said CIA lawyer John Rizzo, who sat in on meetings with Obama's national-security team.

Obama would double down on drone strikes, ordering more in his first 10 months in office than Bush had during all eight years of his administration. An unknown proportion of the strikes were so-called signature strikes, where death shot down like lightning from the sky against people Obama's national-security state didn't even know the identities of. "In the early days, for our consciences we wanted to know who we were killing before anyone

pulled the trigger," Richard Blee, former head of the CIA's Bin Laden unit, told Mazzetti about the CIA's role in the killing program. "Now, we're lighting these people up all over the place."

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**Obama would double down on drone strikes, ordering more in his first 10 months than Bush had during all eight years of his administration.**

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But Mazzetti's proximity to power, however, is also a weakness, because the price of access is the need to retain it. A prime example of that is his recounting of how American-born Islamic preacher Anwar al-Awlaki found his way onto Obama's kill list and was finally blown to bits by the CIA in the Yemeni wilderness. Despite providing no evidence that Awlaki had become more than a propagandist, Mazzetti matter-of-factly reports that "[because] al-Awlaki had a senior position inside al Qaeda in the Arabian Peninsula [AQAP] and had declared war on the United States ... he no longer had a Constitutional right to due process." Why? Because a classified Department of Justice Office of Legal Counsel memo said so. Mazzetti, unfortunately, doesn't dig deeper or provide the reader

with a sense of how deeply disturbing and historic the decision to extrajudicially kill an American citizen far from any battlefield was.

### The masquerade

Scahill, on the other hand, is rightly obsessed with Awlaki and his transformation from moderate imam, who preached at a suburban Virginia mosque just a few miles from the Pentagon on 9/11, and the firebrand preacher exhorting American Muslims to violently rise up against their government in retaliation for its attacks against Muslims worldwide. Rather than label him as evil incarnate, Scahill sees Awlaki as a human being, essentially a loving father infuriated by U.S. foreign policy who took a very dark turn. “It is difficult to watch the hours of footage and conclude that he was simply a good actor,” Scahill comments after watching videotapes of Awlaki, especially with his children. (That Awlaki’s own son would perish in a drone strike two weeks after his own drone-derived death is worthy of Greek tragedy. Or as Obama’s former press secretary Robert Gibbs so eloquently put it, Abdulrahman “should have [had] a far more responsible father.”)

Scahill also paints a disturbing picture of what else fueled al-Awla-

ki’s virulent hatred of America. Under the direction of the United States in mid-2006, Saleh’s government arrested Awlaki and placed him in solitary confinement for his increasingly radical preaching, increasingly online and thus global, for 18 months. At the behest of Awlaki’s powerful tribe, Saleh finally released him in defiance of U.S. objections because the Saleh government had no evidence to warrant his incarceration. Before al-Awlaki was ever accused of helping to plan the 2009 underwear bomb plot or the 2010 cartridge bomb plot, Yemen’s vice president told his father, Nasser, he had a choice when he was pressing for Anwar’s release: “Do you want to keep Anwar locked up or do you want me to release him ‘to be killed by an American drone?’” Little less than four years later, Awlaki would be dead, assassinated by his own country without any due process and without any evidence presented that he was a senior operational member of AQAP.

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“Do you want to keep Anwar locked up or do you want me to release him ‘to be killed by an American drone?’”

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Scahill’s triumph is in vividly and empathetically describing how

a man many Americans see as a traitorous ghoul could declare his former homeland the enemy. It's always wise to acknowledge that one's adversaries are flawed human beings who are probably operating on the assumption that they're doing the moral thing too. Unfortunately, politics doesn't allow this, although Scahill shows why it's so important: Many of Awlaki's criticisms of the United States are valid and, more important, demonstrate why there are people around the world intent on murdering Americans. It has nothing to do with America's (fast-diminishing) freedoms. And as long as U.S. foreign policy remains as Mazzetti and Scahill document, Awlaki's message will help inspire successive waves of Islamic militancy.

Many people worldwide see a bloodlust in the American mentality. For some it's certainly the common conceit that "it's better than us." But for others, there's something darker lurking about: casual, catastrophic violence masquerading as patriotism and nobility. In their own ways, Mazzetti and Scahill turn this cancerous malignancy — represented by the CIA and the JSOC — over in their hands and examine it closely. It isn't pretty.

And it can't end well. It occurs largely with no public outrage or protest as Americans empower incredibly violent men and women to deliver an illusion of security to us. "[The] kingdom of darkness ... is nothing else but a confederacy of deceivers that, to obtain dominion over men in this present world, endeavour, by dark and erroneous doctrines, to extinguish in them the light," wrote Thomas Hobbes in a passage from *Leviathan* that seems incredibly apt for today.

The country that at least rhetorically tried to adhere to John Quincy Adams's maxim has indeed done just the opposite. And it is no surprise that when a nation goes abroad in search of monsters to destroy, it invariably finds them. Less often acknowledged, however, is that hunting monsters ensures that the full moon's transformative light washes over the hunters as well, and in their metamorphosis they do unspeakable things in the shadows.

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