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*Genius, that power which dazzles mortal eyes, is
oft but perseverance in disguise.*

— *John Ruskin*

FUTURE OF FREEDOM

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Why We Don't Compromise, Part 5

by *Jacob G. Hornberger*



Like every other welfare-state program, health care is in constant crisis. That shouldn't surprise anyone. That's what socialism does. It produces crises in every area of society it touches. It's not a coincidence that America's health-care system went from being the best in the world to one that is perpetually in crisis and chaos.

The root of the problem is Medicare and Medicaid, two gigantic socialistic programs that are based on the notion that government should wield the power to take money from people to whom it belongs in order to give it to people to whom it does not belong. It's not a coincidence that once Medicare and Medicaid were enacted in the 1960s, health-care costs began to soar and have continued to soar ever since.

To deal with never-ending health-care crises after Medicare and Medicaid were adopted, federal officials have enacted an endless series of reforms, including a myriad of health-care and insurance regulations. Every reform makes the situation worse, which then brings about the demand for new reforms. Obamacare is just the latest example of this phenomenon.

So what's the solution to this governmentally produced health-care chaos? The solution is clear: Repeal, don't reform, every single government program that concerns health care, especially Medicare and Medicaid but also all health-care regulations. Leave health care entirely to the free market — that is, a market that is free of all government involvement and interference. Leave people free to keep their own money and to manage their own health-care decisions. Separate health care and charity from the state, just as our ancestors separated church and state.

That, in fact, is the only solution that is consistent with the principles of a free society. Freedom necessarily means that people keep everything they earn and decide for themselves what to do with it. That's one of the basic tenets of libertarianism.

Conservatives and liberals have a different perspective. They believe that it is the role of government to take care of people. They are firm believers in Medicare and Medicaid and are shocked and outraged whenever libertarians say that the two socialist programs should be abolished. They are convinced that if the federal government weren't providing "free" health-care services to the elderly and the poor, there would be countless people dying in the streets from lack of health care.

Economic fascism is a system in which the government permits people to keep their money but then controls and manipulates them into how to use it.

What about the crises that a welfare state produces? Conservatives and liberals always come up with their own favorite reform plan to deal with the crises. All the argumentation and debate between conservatives and liberals is over which reform plan should be adopted to deal with the crises.

For example, to address the ongoing health-care crisis, liberals proposed and adopted Obamacare, a socialistic program that forces every American to participate in it. It is no surprise that it is already pro-

ducing even more chaos and crises than existed before it was enacted.

Conservatives have spent an inordinate amount of time opposing Obamacare and showing why it should be repealed or drastically reformed. But ask yourself: What good would it do to repeal Obamacare, given that there would still be the ongoing health-care crisis that was the reason that Obamacare was adopted in the first place?

Fascism versus socialism

To deal with the crisis, conservatives — and some libertarians — have come up with their own reform plan. They propose that instead of Obamacare the government force people to deposit a portion of their income into health savings accounts, similar to individual retirement accounts. They call this plan a "free-market-oriented" approach to health care or health-care "choice."

But it is nothing of the sort. This particular reform is nothing more than a fascist approach to health care, no different from the Social Security reform plan that we discussed in part 4 of this essay. Recall that economic fascism is a system in which the government permits people to keep their money but then controls and manipulates

them into how to use it. By maintaining the aura of private ownership, the proponents of economic fascism maintain that their system is better than the system proposed by socialists, in which the government takes people's money and gives it to others.

Is a system of economic fascism better than a socialist one? Maybe and maybe not. Socialists and fascists have fought over that issue for a long time.

A genuinely free society entails, at the very least, keeping everything you earn and deciding for yourself what to do with it.

But what does that debate have to do with libertarianism, whose aim is to achieve the genuinely free society? Both socialism and fascism are based on the notion that government is the master and people are the serfs. Recall our minimum baseline position that we discussed earlier in this series: A genuinely free society entails, at the very least, keeping everything you earn and deciding for yourself what to do with it.

Why describe a fascist program as “free-market oriented” or based on “choice”? Because it makes conservatives feel good about main-

taining the tyranny of the status quo. Conservatives don't like radical change, not even when it's in the direction of freedom. Whatever the status quo is, they're devoted to conserving it. By calling statist reforms “free-market oriented” or based on “choice,” conservatives convince themselves that they are supporting “freedom and free markets” when, in truth, all that they're doing is supporting another statist program.

Of course, the master of this technique was Franklin Roosevelt, whose New Deal programs (e.g., Social Security and the National Industrial Recovery Act), as we discussed in part 4, consisted of a combination of socialism and fascism. By labeling his New Deal as a free-market reform to save America's free-enterprise system, he was able to garner the support of the American people, who would never have supported a program that was labeled socialist or fascist.

Notice something else of critical importance insofar as freedom is concerned: The proponent of health-care savings accounts never leads people to question the legitimacy of income taxation and Medicare and Medicaid. In fact, it's the exact opposite. By calling for mandatory health savings accounts, the

proponent actually plants the idea in the minds of people that government plays a legitimate role in controlling people's income and controlling and manipulating their health-care decisions.

The drug war

Let's move on to another area — drug laws, which constitute one of the gravest infringements on liberty that government could ever inflict on people. Imagine: Putting people into jail for sitting in the privacy of their homes and ingesting what they wish to ingest. The federal government has been doing that for decades.

Everyone agrees that the drug war has been a manifest failure in what drug-war proponents supposedly hoped to accomplish — a drug-free world, one in which few people would be ingesting illicit drugs. Today, several decades after the war on drugs was launched, there are more people than ever consuming illicit drugs.

Throughout the years, there have been groups that have done their best to relieve the horrific consequences of the drug laws.

For example, there are those who have worked for the reduction or even the elimination of “mandatory minimum sentences,” which

the law forces federal judges to mete out, as compared to permitting judges to show some degree of mercy on a case-by-case basis.

There are others who work to reform or eliminate “asset-forfeiture laws,” which authorize law-enforcement personnel to seize cash and other forms of property that are suspected of being part of the drug trade. There are countless horror stories in which drug agents have seized money from people and not even charged them with a crime. “Sue us if you want your money back,” is what they tell the victims.

Decades after the war on drugs was launched, there are more people than ever consuming illicit drugs.

Thus, those who are working to alleviate the harsh consequences of the drug war are doing fantastically important work. But, once again, let's be clear: It's not freedom. Even if the reformers are successful in achieving their end, it's not the genuinely free society. It is nothing more than a better way of life for the serfs, no different in principle from how reform would have brought a better way of life for the slaves on the plantation, as we discussed in part I of this essay.

There is but one solution to the drug war that is consistent with the principles of a free society: Abolish drug laws. Repeal all of them. Freedom necessarily entails the fundamental, God-given right to ingest whatever a person wants to ingest, whether it be liquor, beer, tobacco, fatty foods, sugar, marijuana, cocaine, heroin, or anything else.

Immigration

How about immigration controls?

Ever since I was a child growing up on a farm on the Rio Grande near Laredo, Texas, I have seen the periodic paroxysms of anxiety and depression that have struck people as part of the federal government's failed system of immigration controls. And it would be difficult to find a better example of Ludwig von Mises's dictum that one government intervention inevitably leads to more interventions, owing to the crises and chaos that inevitably are produced by each intervention.

There is one — and only one — solution to the decades-long, never-ending immigration crisis. That solution is: Open the borders to the free movements of people. Let me repeat that for emphasis: The only solution to the never-ending series of crises that come with immigra-

tion controls is to end the immigration controls. There is no other solution. Immigration reforms will only make the situation worse, and as Mises pointed out, each new intervention leads inexorably in the direction of a totally controlled society.

As Mises pointed out, each new intervention leads inexorably in the direction of a totally controlled society.

Thus, in order to reach a critical mass of people who finally recognize that, it is vitally important to challenge the structure of immigration controls itself. It is actually a socialist structure in the sense that the federal government is planning, in a top-down, command-and-control manner, the peaceful movements of millions of people. Why wouldn't we expect such a program to produce "planned chaos," which was the title that Mises gave one of his books? Central planning has always produced chaos and crises, and it will continue to do so, owing to socialism's inherent defectiveness.

Moreover, immigration controls violate the fundamental, God-given right of every person to pursue happiness in his own way,

especially by entering into mutually beneficial and consensual transactions with others. It's tempting to believe that when the Declaration of Independence talks about life, liberty, and the pursuit of happiness, it's referring only to Americans. It's not. It's referring to all people everywhere.

In order to finally restore a system of open borders — the system that exists between the several states of the union — it is necessary to cause people to question the apparatus itself. If people aren't questioning the apparatus, then it is a virtual certainty that the apparatus will remain intact.

This is a point that Hayek repeatedly made — central planning always leads to crises and chaos.

Of course, both conservatives and liberals are hopeless in the area of immigration. They love immigration controls, no matter how much suffering, chaos, and crises they produce. They're not about to give them up.

That leaves libertarians as the only hope for restoring a sense of morality, normality, rationality, and practicality to immigration. Libertarians know that only a system of

open borders will accomplish that.

Thus, it's disappointing when some libertarians give up advocating open borders and instead become immigration reformers. In the process of abandoning abolition and embracing reform, they no longer induce people to question the immigration-control apparatus itself.

For example, there are libertarians who devote their efforts to calling for "increased levels of immigration." They show how immigrants have played a positive role in America's economic history. They demonstrate how more immigrants will lead to increased economic prosperity in American society.

But notice what they don't do: They don't cause people to question the apparatus of immigration controls themselves. In fact, they actually do the opposite. They reinforce in people's minds that the government is in charge of determining who comes into the country and who doesn't. By calling for increased numbers of immigrants, they are essentially pleading with the government to exercise its central-planning powers by letting in more immigrants.

Of course, never mind that neither the libertarian immigration reformer nor the central planner

can ever know for certain how many immigrants are the ideal number. That's a point that the libertarian Austrian economist Friedrich Hayek repeatedly made — that the central planner can never know such things, which is precisely why central planning always leads to crises and chaos.

One thing is for sure: A system in which government is deciding whether to let in more immigrants is not freedom. Moreover, while it might make life better for some people, it does nothing to advance the free society because it doesn't lead people to question the moral or pragmatic illegitimacy of immigration controls themselves.

Let's now turn to the most massive infringement on the liberty and

prosperity of the American people in our time, one that clearly distinguishes libertarians from conservatives and liberals, one where calls for reform leave Americans with a permanent loss of freedom — the warfare state or, as it is also commonly known, the national-security state.

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

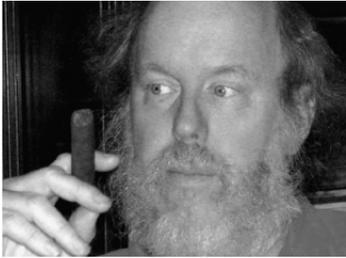
NEXT MONTH:
“Why We Don't
Compromise, Part 6”
by Jacob G. Hornberger

Here, indeed, is an explanation of the dissatisfaction with conditions of life so often expressed, since men who never knew want such as that in which the world lived during many by-gone centuries, are unable to value at its true worth such abundance as now exists, and are unhappy because it is not greater.

— E. Parmalee Prentice

Supreme Demolition for the Raisin Racket

by James Bovard



The December 2013 *Future of Freedom* contained my article “A Supreme Rebuff for USDA’s Ruinous Raisin Regime.” The legal case surrounding that controversy kept percolating in the courts for another 18 months. The Obama administration won a big victory in federal appeals court last year before getting squashed by the Supreme Court this past June. The Supremes put an end to federal raisin racketeering, but private-property rights remain in political crosshairs across the nation.

This case began in 2002, when the Agriculture Department’s Raisin Administrative Committee prohibited producers from selling 47 percent of their raisin harvest in order to drive up raisin prices as part of a “reserve” scheme. The fol-

lowing year, the Raisin Committee decreed that producers must forfeit 30 percent of their harvest to the Raisin Committee. Marvin and Laura Horne, raisin growers in Kerman, California, refused to submit, and the U.S. Department of Agriculture (USDA) slapped them with more than \$700,000 in fines. The Raisin Administrative Committee was empowered by a 1930s-era law that permitted seizing farmers’ harvests to protect them from gluts.

When the Supreme Court first heard this case in 2013, even liberal justices were amazed at the heavy-handed, archaic nature of the regulatory regime. During oral arguments, Justice Stephen Breyer declared, “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.” Justice Elena Kagan suggested that the statute authorizing the raisin cartel could be “the world’s most outdated law.”

Perhaps inspired by Justice Kagan’s quip, a Ninth Circuit federal Court of Appeals decision in May 2014 reached back a hundred years to justify perpetuating federal control of the raisin business. The decision declared, “Raisin prices rose rapidly between 1914 and 1920, peaking in 1921 at \$235 per ton.

This surge in prices spurred increased production, which in turn caused prices to plummet back down to between \$40 and \$60 per ton.” Crop prices skyrocketed during those years in large part because the World War I-era U.S. Food Administration cornered markets and vastly inflated demand by providing cheap credit to European allies to purchase boatloads of harvests. Federal intervention spurred a boom and bust that ravaged American farmers in the early 1920s.

The Ninth Circuit decision quotes a 1943 Supreme Court ruling justifying regimenting raisin farmers because the industry became “compelled to sell at less than parity prices.” But the parity index was concocted by government agricultural economists in the 1920s to justify federal aid to farmers. “Parity” was based on a set ratio of farm prices to nonfarm prices, in correlation with the ratio that prevailed in 1910–14, a boom time for farmers. Because production costs for both farm and nonfarm goods radically changed, it never made any economic sense to rely on “parity” but it was a popular political ploy.

The Ninth Circuit judges’ curiosity seemingly never extended beyond reading USDA press releases. Their decision declared that “the

Marketing Order ensures ‘orderly’ market conditions by regulating raisin supply.” But the Raisin Committee’s sweeping powers have failed to prevent vast swings in prices farmers receive. Many California farmers have shifted their land to other crops; the acreage devoted to raisin production has plunged since 2000. The Ninth Circuit effectively declared that a taking is not a taking if the government intends to benefit the victim, regardless of how much damage the government inflicts.

The Ninth Circuit effectively declared that a taking is not a taking if the government intends to benefit the victim.

The judges in the Court of Appeals played down the Hornes’ losses because they involved only “personal property” — not “real property,” such as land. The decision stressed that the “Hornes did not lose all economically valuable use of their personal property,” presumably because the feds did not take all their raisins.

The judges noted that “the Hornes can avoid the reserve requirement ... by planting different crops” that are not subject to federally authorized commandeering. Supreme Court Justice Antonin

Scalia captured the reality far better when he said in oral arguments in March 2013 that the USDA in effect offers farmers a choice: “Your raisins or your life.”

“Let them sell wine.”

The Hornes appealed the ruling of the Court of Appeals, and the Justice Department urged the Supreme Court to uphold the Ninth Circuit’s decision. The Obama administration continually shifted its legal defense and claimed earlier this year that there are no “takings” because of arcane paperwork shuffles regarding raisin ownership built into federal law. Apparently, federal action should not count as a seizure of property unless a SWAT team storms into the farm’s packing shed and commandeers the raisins at gunpoint. The Justice Department also asserted that federal dictates do not violate raisin farmers’ rights because they “can avoid the reserve requirement of the Marketing Order by ... planting different crops” or, presumably, by going to law school and becoming a federal lawyer who champions seizing farmers’ crops.

In the same way that the Obama administration denied that Obamacare would penalize individuals without health insurance, it is now

claiming that the Agriculture Department’s seizures of raisins do not harm farmers. The Justice Department’s brief asserted that “the net effect of the reserve-pool requirement is to raise the value of a producer’s raisins as a whole, by stabilizing the market price of raisins and increasing revenues from the sale” of the remainder of the crop. But for that to be true, the regulatory scheme would have to double the price of raisins in some years.

Sun-Maid concluded that “producers will suffer economic harm” from perpetuating archaic restrictions on marketing.

In its brief filed with the Supreme Court, the Obama administration claimed that the “marketing order’s fair and proven measures for stabilizing the raisin market” are overwhelmingly supported by raisin growers. However, the brief failed to disclose that the super-heavyweight of the raisin industry, Sun-Maid, formally requested on November 17 that the secretary of Agriculture end all volume controls on raisin sales. Sun-Maid, whose 650 farmers account for almost 30 percent of California raisin production, concluded that “producers

will suffer economic harm” from perpetuating archaic restrictions on marketing.

The Agriculture Department’s controls are sowing chaos. Sun-Maid points out that “there is no short-term or long-term predictability regarding the marketing of a [raisin] crop because of the potential volume regulation provisions. Producers have great difficulty in projecting potential future revenue,” which makes it more difficult “to obtain credit financing to cover production expenses.”

The Obama administration claimed the raisin grab was justified because the farmers benefited from federal regulation of their industry.

But the Supreme Court thwarted the Obama administration effort to redefine property rights into a meaningless vapor. Chief Justice John Roberts, writing for an 8-1 majority, declared, “The Government contends that the reserve requirement is not a taking because raisin growers voluntarily choose to participate in the raisin market. According to the Government, if raisin growers don’t like it, they can ‘plant different crops,’ or ‘sell their raisin-variety grapes as table grapes

or for use in juice or wine.’ ‘Let them sell wine’ is probably not much more comforting to the raisin growers than similar retorts have been to others throughout history.”

The Obama administration claimed the raisin grab was justified because the farmers benefited from federal regulation of their industry. Roberts retorted, “The Government cites no support for its hypothetical-based approach, or its notion that general regulatory activity such as enforcement of quality standards can constitute just compensation for a specific physical taking.”

Roberts scoffed at the notion that the government deserved deference because it permitted farmers to sell their crops: “Selling produce in interstate commerce ... [is] not a special governmental benefit that the government may hold hostage, to be ransomed by the waiver of constitutional protection.”

The Obama administration, carrying water for the USDA, sought to throw a bureaucratic smokescreen over the Raisin Administrative Committee’s processes, pretending that it did not actually commandeer the raisins. But Justice Clarence Thomas, in a concurring opinion, noted that the government committee “takes the

raisins of citizens and, among other things, gives them away or sells them to exporters, foreign importers, and foreign governments.”

The Supreme Court smashed the Obama administration’s implication that the Fifth Amendment takings clause was meant only to protect land, not other property. Roberts declared, “The government has a categorical duty to pay just compensation when it takes your car, just as when it takes your home.” The Obama team’s attempt to effectively obliterate constitutional protection for the vast majority of property in the nation should have been far more controversial.

The only justice who swallowed the administration’s line was Sandra Sotomayor, who insisted that a taking occurs only “where all property rights have been destroyed by governmental action.... It is not a per se taking if it does not result in the destruction of every property right.” Her standard would provide an engraved invitation for a vast increase of government ravaging.

In response to the decision, Carrie Severino of the Judicial Crisis Network declared, “The Court struck a blow for all Americans today by tossing out the administra-

tion’s nonsensical argument that it doesn’t have to compensate people for seizing their personal property. That argument is well past its expiration date.”

After the Supremes announced their ruling, the *Wall Street Journal* reported that the USDA was “studying the Court’s decision.” A USDA spokesman declared, “The federal marketing order provides the industry in California with the ability to establish and modify handling regulations meant to improve global marketing opportunities for producers and handlers.” Perhaps USDA bureaucrats mistakenly believed that they could appeal the Supreme Court’s decision.

James Bovard serves as policy advisor to The Future of Freedom Foundation and is the author of a new ebook memoir, Public Policy Hooligan, as well as Attention Deficit Democracy and eight other books.

NEXT MONTH:

“The Failure of the Americans with Disabilities Act”
by James Bovard

The Consistency of Libertarianism

by *Laurence M. Vance*



The essence of libertarianism is that a person should be free to live his life in any manner he chooses as long as his activities are peaceful, his interactions are consensual, and his associations are voluntary.

Conservative godfather Russell Kirk (1918–1994) was right, at least on this point, when he said that a man who calls himself a libertarian because he “believes in an enduring moral order, the Constitution of the United States, established American way of life, and a free economy” is actually “a conservative, even if he labors under an imperfect understanding of the general terms of politics.” That is because to the libertarian, liberty is the chief end: freedom from aggression and violence against person and property

as long as one respects the person and property of others.

Now, I don’t know of anyone who wouldn’t want such freedom and wouldn’t readily assent to this “nonaggression principle” — until you bring government into the picture. I don’t know of anyone (except perhaps a criminal) who wouldn’t say that acts of aggression and violence against one’s person (like murder or assault) or against one’s property (like burglary or arson) are wrong and should be prosecuted and punished. But libertarians go a step further and consistently extend their nonaggression principle to actions of government.

Libertarians believe that as long as a man doesn’t infringe upon the liberty of others by committing, or threatening to commit, acts of fraud, theft, aggression, or violence against their person or property, the government should leave him alone to pursue his own happiness, engage in commerce, make his own choices, take part in economic enterprises, enjoy the fruits of his labor, and accumulate wealth — all without license, permission, regulation, or interference from the state.

Most conservatives, however — including those who believe in the Constitution and the enduring moral order, established American

way of life, and free economy described by Kirk — deem it completely appropriate for government

(1) to punish people for engaging in entirely peaceful, voluntary, and consensual actions that do not aggress against the person or property of others; or

(2) to take people's resources against their will, by force if necessary, and transfer or redistribute them to other citizens or foreigners as the government sees fit.

In a libertarian society, that is, a free society, the only possible legitimate functions of government are defense, judicial, and policing activities. That does not require anything like a monolithic, authoritarian, intrusive, nanny state such as the U.S. government has become. In a libertarian society, there is simply no justification for any government action beyond keeping the peace, prosecuting and punishing those who initiate violence against person or property, providing a forum for dispute resolution, and constraining those who would attempt to interfere with people's peaceful actions — and the case has

even been made that elements of those could be handled privately. In a free society, there would be no such thing as nebulous crimes against nature, society, or the state. Every crime would have to have a tangible and identifiable victim.

But if there is one thing aside from its simplicity that makes libertarianism the ideal political philosophy it is its consistency.

In a free society, the only possible legitimate functions of government are defense, judicial, and policing activities.

The aforementioned Russell Kirk bemoaned, “The ruinous failing of the ideologues who call themselves libertarians is their fanatic attachment to a simple solitary principle — that is, to the notion of personal freedom as the whole end of the civil social order, and indeed of human existence.” Some conservatives, when writing about libertarianism, are fond of quoting a line from Ralph Waldo Emerson's essay “Self-Reliance” — without regard to context or meaning — “A foolish consistency is the hobgoblin of little minds, adored by little statesmen and philosophers and divines.” And it's not just conservatives who bewail libertarian-

ism's consistency. Tony Greco, writing against libertarianism for the leftist *Daily Kos*, says that libertarians can never achieve mass appeal because they are "hobbled by their principled consistency."

Libertarians consider the nonaggression principle to be both absolute in scope and universal in application.

But libertarianism is anything but foolish or provincial, and its consistency is its strength. Unlike liberalism and conservatism, libertarianism consistently applies the nonaggression principle, and consistently applies to government actions the same standard. This is because libertarians consider the nonaggression principle to be both absolute in scope and universal in application.

We can see the consistency of libertarianism in operation by contrasting it with the liberal and conservative responses to some concrete examples of government actions that occur on a regular basis that violate some aspect of the non-aggression principle.

We can look first at an example of how the government punishes people for engaging in entirely peaceful, voluntary, and consensual

actions that do not aggress against the person or property of others.

Drug use

Liberals and conservatives are united in their belief that the federal and state governments should classify drugs on a schedule, have a drug-enforcement agency, have drug-abuse prevention programs, and decree that certain drugs are legal for anyone to purchase, to be kept behind the counter, available for purchase only in limited quantities, to be used only by physicians administering medical treatment, available only if prescribed by a licensed physician, or illegal for anyone to purchase.

However, liberals and conservatives differ among themselves and each other on the type and amount of drugs that should be restricted or prohibited. Should marijuana use be legal for medical purposes? Should the possession of small amounts of marijuana be decriminalized? If so, then how many joints or how many grams should be allowed? Should the recreational use of marijuana be permitted? Should users of crack cocaine do more prison time than users of powder cocaine? Should stores keep certain legal drugs behind the counter? Should drug policy be left entirely

up to the states? Should the United States help other countries to wage war on drugs? Should drug “traffickers” receive stiffer sentences? Should some drug dealers not be eligible for parole? Should drug possession be a felony or a misdemeanor? Should there be mandatory minimum prison sentences for possessing certain amounts of illegal drugs?

Libertarianism considers those questions to be irrelevant. It consistently maintains that there should be no laws, restrictions, or regulations of any kind regarding the buying, selling, growing, processing, manufacturing, advertising, using, or possessing of any drug for any reason. The war on drugs has failed to reduce drug abuse, drug smuggling, drug availability, and drug overdoses. The financial and human costs of the drug war far exceed any of its supposed benefits. The war on drugs has needlessly clogged the judicial system, swelled prison populations, fostered violence, hindered legitimate pain treatment, corrupted law enforcement, eroded civil liberties, and destroyed financial privacy.

But even if none of those things were true, since it is neither the proper role of government nor the business of any individual to regu-

late or prohibit what a man desires to inhale or ingest into his own body, the war on drugs is really a war on personal freedom, private property, personal responsibility, individual liberty, personal and financial privacy, and the free market. The solution to the problem of drug abuse is to be found in family, friends, acquaintances, co-workers, physicians, psychologists, psychiatrists, social workers, religion, treatment centers, and ministers — not in the government. A free society includes the freedom to use or abuse drugs just as a free society includes the freedom to use or abuse alcohol.

The war on drugs has failed to reduce drug abuse, drug smuggling, drug availability, and drug overdoses.

Almost exactly the same thing could be said regarding other victimless crimes such as gambling and prostitution. Vices are not crimes.

We can next look at some examples of how the government violates the nonaggression principle by taking people’s resources against their will, by force if necessary, and transferring or redistributing them to other citizens or foreigners as the government sees fit.

Welfare

Liberals and conservatives are united in their belief that the federal and state governments should provide public assistance, have entitlement programs, maintain a safety net, and guarantee income security. Liberals and conservatives both believe that government should take money from some Americans and redistribute it to other Americans in the form of cash benefits and job training to the unemployed; cash assistance to those who are disabled (SSI) or have a temporary need (TANF); food aid to low-income women who are pregnant or have small children (WIC); Social Security and Medicare to the elderly; refundable tax credits to the working poor (EITC); and Medicaid, subsidized health insurance (SCHIP), food stamps (SNAP), free or reduced-price school breakfasts and lunches (NSLP), rent subsidies (Section 8), and heating assistance (LIHEAP) to those below some arbitrary poverty line.

However, liberals and conservatives differ among themselves and each other as to the type of, amount of, work requirements of, eligibility for, frequency of, permanency of, and cost-of-living increases of the welfare. Should unemployment benefits be extended? If so then for

how long and in what amount? Should Medicaid pay for abortions or birth control? How much should doctors be paid for procedures covered by Medicare? Should food-stamp and SSI benefits have annual increases? Should WIC benefits be increased if a woman has a child out of wedlock? Should cash benefits have a work requirement or a time limit? Should passing a drug test be required before one can receive welfare benefits? Some conservatives object to cash payments of any kind but have no problem with other forms of welfare — except when it comes to Social Security. In that case, both liberals and conservatives think Social Security should be “saved” so that future generations of the elderly can be supported by the young.

Libertarianism maintains that providing welfare of any kind is an illegitimate and unconstitutional function of government.

Libertarianism considers those questions to be irrelevant. It consistently maintains that providing welfare of any kind is an illegitimate and unconstitutional function of government. And it is always wrong to take money from those who work and give it to those who don't.

Therefore, no American — not men, not women, not single mothers, not pregnant women, not children, not the hungry, not the disabled, not the sick, not the elderly, not the unemployed, not the poor — should receive any welfare benefits from the government of any kind or for any reason. The government has no resources of its own. Everything it has to give to some Americans has first been involuntarily transferred out of the pockets of other Americans. Generosity is a hallmark of Americans. But government charity crowds out genuine charity. All Americans should therefore be able to keep the entirety of the fruits of their labors and give or not give to those in need — individually or through charities — as they see fit. But charity must be voluntary. A free society includes the freedom to be generous or stingy, benevolent or miserly, charitable or uncharitable. But that is up to each individual American to decide.

Education

Liberals and conservatives are united in their belief that the federal government should have a Department of Education, give grants and loans to college students, and help fund the states' elementary and sec-

ondary education programs. However, liberals and conservatives differ among themselves and each other regarding the amount of funding schools should receive, testing requirements, teacher qualifications, the extent of federal control, admission requirements, student-loan interest rates, the role of religion, and an assortment of school policies. Should Head Start be expanded to help more “at risk” children? Should students at public schools be required to wear uniforms? What should the interest rate be on federal student loans? What should the maximum Pell Grant be? Should Pell Grants have annual increases? Should vouchers be provided so that children can escape failing public schools and attend “the school of their choice”? How much control should the federal government have over state and local education policies? Should “No Child Left Behind” and “Common Core” be reformed or repealed? Should the power of the teachers' unions be curtailed? Should there be higher standards for teachers? Should there be more technology in the classroom? Should prayer and Bible reading be restored to public schools? Should schools have health clinics? If so, should they provide contraception

information and devices to students? Should the Ten Commandments be posted in schools? Should teachers be allowed to carry guns?

Libertarianism considers those questions to be irrelevant. It consistently maintains that it is an illegitimate purpose of the U.S. government to have anything to do with the education of anyone's children. And it is immoral to force some Americans to pay for the education of other Americans' children. That means that there should be no federal Head Start program; student loans; Pell Grants; Department of Education, vouchers; Elementary and Secondary Education Act; Higher Education Act; teacher education or certification requirements; school accreditation; math and science initiatives; or Title IX, special-education, diversity, or bilingual-education mandates. The education of children is the responsibility of parents, not the state. How they choose to do that should be entirely up to them. In a free society, education would be a service offered on the free market just like haircuts, tanning, car repair, or any other service.

Foreign aid

Liberals and conservatives are united in their belief that the federal

government should take money from American taxpayers and give it to foreign governments and organizations as foreign aid. However, liberals and conservatives differ among themselves and each other as to the nature and amount of the aid. Should the aid take the form of cash, food, construction projects, or technology? How much aid should be given? For how long should the aid be given? Should a country's foreign aid be tied to its human-rights record, its free-speech and free-press laws, its voting pattern in the United Nations, its poverty rate, its GDP, its economic growth, or its actions in fighting the drug war? Should aid in the form of weapons systems and military assistance be prohibited? Should aid be given only to countries that are U.S. allies, friendly to Israel, or have overseas U.S. military bases?

Libertarianism maintains that no country should receive foreign aid from the U.S. government in any amount or for any reason.

Libertarianism considers those questions to be irrelevant. It consistently maintains that no country should receive foreign aid from the U.S. government in any amount, at

any time, or for any reason. Like domestic charity, foreign charity should be entirely voluntary. And like the decision to aid one's friends, neighbors, or family, the decision to aid foreigners is a decision for each American to make. A free society includes the freedom to be unconcerned or insensitive to the plight of foreigners who are less fortunate.

Disaster relief

Liberals and conservatives are united in their belief that the federal government should take money from American taxpayers and use it to provide relief in foreign countries whenever there is a major earthquake, flood, typhoon, mudslide, tsunami, or other natural disaster. Even the few conservatives who object on principle to foreign aid are usually willing to support disaster relief. However, as with the subject of foreign aid, liberals and conservatives differ among themselves and each other about the nature and amount of the disaster relief. Should the relief take the form of medicine, food, equipment, generators, blankets, rebuilding infrastructure, and the erection of temporary shelters, or just providing engineering or technical assistance? How much relief should be given? For how long should the relief be

given? Should there be any strings attached to receiving the relief? How much of a role, if any, should the U.S. military play in disaster relief?

Taking resources from one's neighbor to give to those in need is not distributing relief but engaging in theft.

Libertarianism considers those questions to be irrelevant. It consistently maintains that no country should be given disaster relief by the U.S. government at any time or for any reason. Just as taking resources from one's neighbor to give to those in need is not distributing relief but engaging in theft, so U.S. government relief to foreigners in need instead of relief provided voluntarily through the generosity of American individuals and organizations is likewise theft. A free society includes the freedom to be unconcerned about the plight of refugees, insensitive to starving children, apathetic toward human suffering, and indifferent concerning natural disasters. If it is neither constitutional nor a proper function of the U.S. government to provide disaster relief to its own citizens, then it is certainly inappropriate to provide it to foreigners in other countries.

Libertarianism is simply consistent. Unlike all varieties of liberalism and conservatism, there is no hesitation in libertarianism, no apprehension, no compromise, no situation ethics, and no exceptions. Liberty is the chief political end. The free market is not really free unless it is completely free of government regulation and interference. Property rights are inviolable. Laissez faire is just and right, natural and inherent, moral and ethical. That means that government agents should leave alone the person and

property of those who don't threaten or initiate violence against the person or property of others.

The consistency of libertarianism is a bulwark of liberty, property, and peace.

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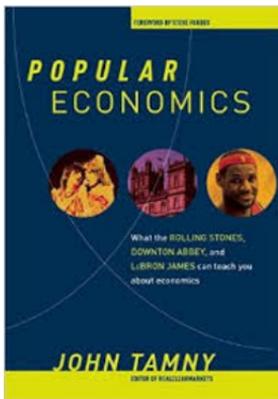
He who permits himself to tell a lie once, finds it much easier to do it a second and a third time, till at length it becomes habitual; he tells lies without attending to it, and truths without the world's believing him. This falsehood of the tongue leads to that of the heart, and in time depraves all its good dispositions.

— Thomas Jefferson

An Enjoyable Guide to Economics

by Richard M. Ebeling

Popular Economics: What the Rolling Stones, Downton Abbey, and LeBron James Can Teach You about Economics by John Tamny (Washington, D.C.: Regnery Publishing, 2015) 279 pages.



It is often pointed out that man's improved circumstances on this Earth over the centuries has been the result of the accumulated knowledge that each generation takes from the preceding ones, to which it then adds its own contributions as its legacy to the generations that follow.

Understand the laws of nature and you can learn to distinguish be-

tween those things to which humans must adapt and conform and those things in nature that man can “harness” to serve his purposes.

Hit your head hard enough against a large stone block and you may seriously hurt yourself. Apply a set of properly positioned pulleys and levers, and that heavy, large stone block can be moved to where you want to position it in constructing a building.

One of the younger human sciences is economics. It began to be formally developed only in the eighteenth century, especially among a handful of Scottish and French thinkers. They discovered and explained that there are laws in the social arena just as there are laws of nature.

There are laws of supply and demand that reflect and emerge out of the logic of human choice and decision-making under conditions of scarcity in circumstances in which individuals discover potential mutual gains from trade.

There are certain institutional rules and relationships under which individuals will have incentives to improve their own circumstances while also and at the same time improving the conditions of others.

And there are government policies and interventions that, if in

place or introduced, will prevent the smooth workings of the market order that spontaneously develops and coordinates the interactions of multitudes of transactors in the competitive processes of production, sale, and purchase.

Tamny asks us to realize that taxes are the prices that government imposes on us to be allowed to work and earn a living.

But it often seems as if there is no successful accumulation of such knowledge about the competitive market system, because each generation appears to fall into the same misguided and disruptive government policies that prevent or retard the greater prosperity that could be man's if only he were left alone to peacefully and productively associate with his fellow human beings.

That is why each generation has to be taught anew the lessons of the workings of the market order. A recent attempt at this is John Tamny's *Popular Economics*. It is a uniquely readable, clear, and common-sense approach for understanding the premises and power of free markets.

Tamny devotes almost a third of the book to challenge the rationales and defenses of taxes on income, capital gains, corporate earnings,

and estates. He asks us to realize that taxes are the prices that government imposes on us to be allowed to work and earn a living. Think of it as the extortion money imposed by a gang running a protection racket, if you are to be left alone to work, produce, and keep whatever you've earned after paying the thugs who otherwise can ruin you and your business.

Rewarding talent

The core of Tamny's argument is that production and jobs are dependent upon people's being willing and able to earn an income out of which they decide to set aside a certain amount as savings. By saving instead of consuming resources that otherwise would be employed for satisfying our more immediate wants, those resources are freed up to be used for making capital — machines, tools, equipment — that makes work more productive, increases the quantities and qualities of the goods available to all of us, and improves the standard of living for everyone in society over time.

Entrepreneurs may have brilliant ideas that can make our lives a lot better, but if there is not the available savings to provide the financial wherewithal and the real resources that enable investments

to be undertaken, those great ideas remain unfulfilled possibilities in the minds of creative and innovative businessmen.

By taxing income, businesses, and estates, government siphons off part of the ability for people to do the work, savings, and investment out of which wealth, opportunities, and prosperity come.

Tamny then hammers away that government regulation of business not only is not needed to maintain and sustain an open and competitive market, but invariably misdirects market-based decision-making that prevents a more successful satisfying of consumer demands, and brings about inefficient uses of the scarce resources of the society.

Tamny hammers away that government regulation invariably misdirects market-based decision-making.

Furthermore, he argues that the market always rewards talent. The successful and gifted earn high salaries or gain large profits precisely because they demonstrate their capacity in anticipating future market demands, directing production in the right way to satisfy consumers, and they do so better than their closest competitors.

On the other hand, who is likely to be drawn to the relatively much-lower-paying employments in government bureaucracies and regulatory agencies? The “best and the brightest,” or the far more mediocre and uninformed in terms of the ways and workings of real markets?

Thus, with a frequent tone of both sarcasm and even contempt, Tamny asks why we should ever expect that those who do not demonstrate any capacity for entrepreneurial talent and ability to be able to understand and know enough to tell actual free-enterprisers in the marketplace how they should run their business, what products they should offer consumers, and with what investments and technologies? It is, as he says, the incompetent and uninformed bureaucrats dictating to the entrepreneurially talented and knowledgeable.

He also debunks many of the standard arguments against free trade: that trade deficits are bad for American prosperity, that “outsourcing” costs American jobs, and that America should be self-sufficient in certain “essential” raw materials.

He reminds us that in the division of labor all of us specialize in the supplying of some good or service. In doing so, we “export” our

specialized good so as to earn the financial means to then “import” all the other goods and services that others are offering to us. We have a balance of trade “surplus” with those who buy more of our product or service than we buy of theirs, and we run trade “deficits” with those in society from whom we buy more of their products than they have purchased of ours.

It is not so much that gold appreciates in value, as it is that the paper currency depreciates against its tradability for an ounce of gold.

But at the end of the day, our overall balance of payments must balance, since expenditures of all kinds cannot exceed revenues earned or received from all sources of income. This is no less true when we sum over all the individuals who are doing such “exporting” and “importing” who happen to live within a geographical area defined on a map as a nation-state.

Money

Finally, Tamny turns to the issue of money, inflation, and economic prosperity. He rightly reminds us that money originally is not the creature or creation of the state. It is

a commodity selected by the participants of the market over many centuries, as they found certain goods most useful as a medium of exchange and as a unit of account to facilitate complex transactions that would be impossible under barter.

Historically, the commodities most frequently chosen by the market have been gold and silver. Gold’s attraction and advantage, Tamny insists, is its far more stable and predictable value compared with other commodities and government paper monies.

Inflation is a devaluation of a government’s paper currency relative to its market value in terms of gold. In an era of fiat monies, it is not so much that gold appreciates in value, as it is that the paper currency depreciates against its tradability for an ounce of gold.

However, I must say that I found this part of the book devoted to money and inflation to be the weakest. After debunking many of the wrong-headed explanations for the booms and busts of the last several decades, Tamny fails to present a logical and convincing “positive” interpretation of how and why the business cycle follows the course it does.

While he tips his hat to Ludwig von Mises at several points in some

chapters of the books, he does not draw upon those insights by Mises and his “Austrian” colleague, F.A. Hayek, on money and the business cycle that would have enriched and strengthened his own arguments against government intervention in monetary and banking matters.

But regardless of that, I cannot praise John Tamny enough in presenting the case for capitalism, free markets, saving and investment, and entrepreneurial creativity in an especially breezy writing style that makes virtually every chapter an enjoyable read. This is especially the case because each chapter explains the principle and logic being focused on through down-to-earth, everyday examples taken from the

actions and innovations of actual enterprisers from many walks of business and social life.

The ideas come alive in the lives of real people, through both their successes and their failures, but always with the underlying insight that only freedom makes a peaceful and prosperous society possible from which all can benefit.

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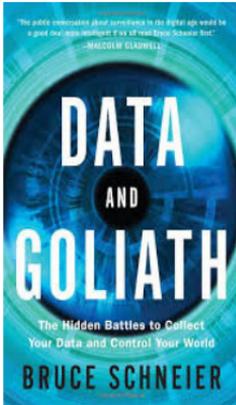
It is the great multiplication of the productions of all the different arts, in consequence of the division of labour, which occasions, in a well-governed society, that universal opulence which extends itself to the lowest ranks of the people.

— Adam Smith

Your Data or Your Life

by Matthew Harwood

Data and Goliath: The Hidden Battles to Collect Your Data and Control Your World by Bruce Schneier (New York: W.W. Norton & Company, 2015), 400 pages.



Your data or your life. Distilled to its essence, this is the argument of surveillance hawks who want U.S. law enforcement and intelligence agencies to retain their intrusive, unlawful, and unconstitutional surveillance apparatuses that were radically expanded after 9/11. Their message is as subtle as an ISIS snuff film and also about as simple, clear, and pernicious, as cybersecurity expert and cryptographer Bruce Schneier expertly documents in his compre-

hensive *Data and Goliath: The Hidden Battles to Collect Your Data and Control Your World*.

“The government offers us this deal: if you let us have all of your data, we can protect you from crime and terrorism,” writes Schneier. “It’s a rip-off. It doesn’t work. And it overemphasizes group security at the expense of individual security.”

Throughout 200-plus pages, Schneier documents how the trade-offs we’ve made — often without informed consent — have created the “golden age of surveillance” we’re living in, as the technologies we all use and carry around reveal all there is to know about us, even what we’re thinking about. Acting as an invaluable guide to the digital (under)world, he masterfully explains in simple and clear prose how governments and corporations — often in cahoots — collect, store, and analyze our data to control and manipulate us, both as citizens and as consumers. He also, maybe more important, outlines how we can fight back, both individually and collectively, and wrest our privacy back from the powers that be.

The public-private surveillance partnership

The surveillance state couldn’t exist in the form it does today with-

out corporate complicity. “Corporate surveillance and government surveillance aren’t separate,” says Schneier. “They’re intertwined; the two support each other. It’s a public-private surveillance partnership that spans the world.”

When whistleblower Edward Snowden disclosed the National Security Agency’s “collect-it-all” voracity to journalists Glenn Greenwald and Laura Poitras two years ago, the public began to learn how much the technology companies we increasingly rely on for modern life were in bed with the government — whether voluntarily or coercively.

Under Section 215 of the USA PATRIOT Act, the government compelled Verizon and other telecoms to give them calling records of their customers so that the NSA could build a giant database and then map personal networks in pursuit of terrorists. Under Section 702 of the FISA Amendments Act, the government requests data on certain foreign users from Internet service providers, such as Facebook and Google, as part of the PRISM program. It also uses the same provision to tap the Internet’s backbone, sifting through the contents of electronic communications to and from the United States looking for suspicious keywords relating to

“foreign intelligence information,” which is far more expansive than counterterrorism and includes economic espionage.

(Full disclosure: I work for the ACLU, which has challenged the constitutionality of dragnet government surveillance conducted under Section 215 of the USA PATRIOT Act and Section 702 of the FISA Amendments Act, and which also represents Edward Snowden.)

The government requests data from Internet service providers, such as Facebook and Google.

While household names such as Google, Facebook, and Verizon comply with government surveillance requests, their hands are legally forced, even though they could put up a bigger fight, as Yahoo did back in 2008 in opposition to the PRISM program. Nevertheless, as Schneier observes, the reason government can twist their arms is that those companies also have the same big data appetite as the NSA.

While those companies certainly surveil their customers, their business models aren’t built around helping governments secretly upend privacy. But that is at least partly the corporatist business model of many others, whether they are de-

fense firms, such as Booz Allen Hamilton (Snowden's former employer); cyberweapons manufacturers, such as Gamma Group, which sell their capabilities to odious regimes to facilitate spying on targets' computers and smartphones; or data aggregators, such as Acxiom, which collect public records and then sell them back to governments. Companies like those, and the list is by no means exhaustive, are the most shameless and unseemly corporatists of the corporate capitalist world, receiving taxpayers' money to enrich themselves while purposively empowering the scariest aspects of the state.

"Surveillance makes us feel like prey, just as it makes the surveillors act like predators."

Whether wittingly, unwittingly, or indifferently, companies facilitate government surveillance. "It's less Big Brother, and more hundreds of tattletale little brothers," writes Schneier. And things will only get worse as more and more mundane technologies — refrigerators, thermostats, lighting systems — get connected and collect all the digital detritus we leave behind. The Internet of Things is the surveillance of everything. Governments know

that, and they will increasingly have more doors to come a-knocking on.

False choices

The effect of constant surveillance is fear and control. It's a biological response. Many animals, mammals especially, don't like being watched. "We consider it a physical threat, because animals in the natural world are surveilled by predators," Schneier writes, summarizing the work of biologist Peter Watts. "Surveillance makes us feel like prey, just as it makes the surveillors act like predators."

Outside the state of nature, mass, perpetual surveillance is an agent of social control. Its point is to impose the status quo and breed conformity. When there's an ever-present watcher, or at least the threat of one as in philosopher Jeremy Betham's panopticon, people will steer clear of unorthodox ideas or countercultural behaviors. Without privacy, freedom is constrained to the point of atrophy. Like a muscle, it needs to be flexed regularly, often in seclusion.

In fact, as Schneier convincingly argues, privacy combined with the government's limited capabilities to identify lawbreakers is a social good that aids progress. "Think about it this way," he writes. "Across the US,

states are on the verge of reversing decades-old laws about homosexual relationships and marijuana use. If the old laws could have been perfectly enforced through surveillance, society would never have reached the point where the majority of citizens thought those things were okay.”

The NSA undermined a global encryption standard.

The trade-offs surveillance hawks argue we must make — freedom and privacy in favor of security — are false ones. Liberty, privacy, and security aren’t contradictory values that must be balanced; they’re reinforcing. This insight was enshrined in the Fourth Amendment’s “right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” Yes, foreign threats such as terrorists are scary and dangerous, but they are no match for a government that doesn’t respect its citizens’ rights or recognize limits to its power.

Unfortunately, the United States has demonstrated how true that is. For more than a decade, the federal government secretly subverted the people’s security from government guaranteed by the Fourth Amend-

ment through its mass surveillance programs, with very little to show for it. As Barack Obama’s own review group concluded, the NSA’s call records program, recently ruled illegal by a federal appeals court, didn’t thwart one terrorist attack. And by engaging in mass rather than targeted surveillance, Schneier argues, the NSA is only creating infinite haystacks to search through for the needles it seeks, which does make us less safe. The military intelligence community already has a name for this problem. Analysts call it “drinking from a fire hose.”

But it gets worse. The NSA’s desire for information was so insatiable that it undermined a global encryption standard and inserted security vulnerabilities, known as backdoors, into computer hardware and software so it could steal the data it wanted or watch over targets. It also hoards security vulnerabilities — known as “zero days” — that allow it to break into a system rather than reporting them to the vendor so they can be fixed. That is akin to the government’s knowing the flaws in a popular door lock but keeping it to itself, regardless of how many thieves benefit from it, just in case some time in the future it wants to break into some suspect’s home. “Its actions,” writes Schneier,

“put surveillance ahead of security, and end up making all less secure.”

Even today the U.S. government continues to argue nonsensically that security is a threat to security. The FBI is currently pushing for legislation that would require tech companies to build surveillance capabilities into their networks and products, increasing the chances that hackers and foreign adversaries can exploit the same vulnerabilities. By making us less safe on purpose, the government undermines one of the most persuasive arguments for its very existence: providing for the security of its citizens.

Our data, our lives

There are no easy solutions to the predicament we find ourselves in because, as Schneier observes, “the surveillance society snuck up on us.” Monitoring and data collection are baked into the overwhelming majority of the technologies we use because storage is cheap and the information is valuable to advertisers and data aggregators, which enable government easy access to it, whether legally or surreptitiously.

Nevertheless, Schneier’s many solutions — whether aimed at governments, corporations, or individuals — flow from one starting principle: Individuals, not the collectors,

should own their personal data, although not in a commercial sense. “Privacy needs to be a fundamental right, not a property right,” he asserts, urging citizens in democracies to use government regulation to rein in both the surveillance state and the corporate panopticon. Specifically, Schneier advocates “a right to delete,” where individuals could demand companies purge their systems of personal information.

Even today the U.S. government continues to argue nonsensically that security is a threat to security.

Libertarians would object, saying that the free market would sort this all out, especially through contractual relations between consumers and businesses as well as through competition, but Schneier is skeptical because of the symbiotic relationship between government and technology corporations.

Libertarian entrepreneurs and technologists, particularly in Silicon Valley, should take note of Schneier’s skepticism and do their best to outline free-market technological solutions to the problems he identifies. Apple has begun to do that by building privacy into its products. For instance, iPhones are

encrypted by default, making it incredibly hard for an adversary to get to the device's contents without knowing the passcode.

Conversely, the public-private surveillance partnership also makes Schneier's call for democratic reform seem unlikely. Because so much money and power flow from surveillance, there are already potent constituencies in government and big business that will work vigorously to destroy any reform movement. Schneier understands that and urges us not to descend into despair. "Every major policy shift in history looked futile in the beginning," he writes. "That's just the way of it."

In the meantime, Schneier calls for people to defend themselves from surveillance. For individual users, Schneier recommends encrypting your communications as much as possible and choosing to do business with companies that protect privacy. People uncomfortable with the idea of corporations' and governments' knowing what they search for and do online should use online anonymity tools, such as Tor. Outside of Congress's prohibiting mass surveillance or the

Supreme Court's ruling it unconstitutional, that is the best way to kick some dirt in the surveillance state's electronic eye.

"Good defense will force those who want to surveil us to choose their targets," says Schneier, "and they simply don't have the resources to target everyone."

While *Data and Goliath* is the perfect introduction to corporate and government surveillance and its implications for the digital newcomer, Schneier's arguments for the enduring value of privacy for basic human dignity and security make this book essential for genuine democratic debate. Snowden disclosed the NSA's secrets to spark such a discussion, and Schneier performs a public service by demonstrating why privacy is essential to both individual and collective flourishing.

Schneier isn't just smart. He has heart.

Matthew Harwood is a writer living in New Jersey. He is senior writer/editor of the American Civil Liberties Union.

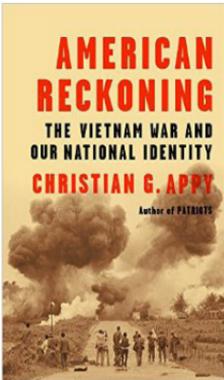
Teaching is something that can be provided for, changed, or stopped. It is good or bad, brilliant or stupid, plentiful or scarce.... Education is something else again, something intangible, unpredictable. Education comes from within; it is a man's own doing, or rather it happens to him — sometimes because of the teaching he has had, sometimes in spite of it.

— Jacques Barzun

The Vietnam War and the Permanent War State

by Gareth Porter

American Reckoning: The Vietnam War and Our National Identity by Christian G. Appy (Viking Press, 2015), 416 pages.



In his new book, *American Reckoning: The Vietnam War and Our National Identity*, Christian G. Appy deals with some big historical and conceptual problems of great interest to Americans and non-Americans who seek an end to the permanent war state that has developed in the United States. As the subtitle of *American Reckoning* suggests, Appy seeks to establish how the Vietnam War was related to the American “national identity”

but also how the war altered that identity.

Appy argues in the very first chapter that the central tenet in the American national identity was the belief in American “exceptionalism” — “the broad faith that the United States has been a unique force for good in the world,” as he defines it. And his “main argument,” he writes, is that the Vietnam War “shattered” that idea. Appy suggests that the Vietnam War was enabled by a popular belief in American exceptionalism that had been long and deeply imbedded in the nation’s culture.

The argument about the connection between American culture and ideology, on one hand, and the Vietnam War, on the other, involves two quite distinct issues: why the United States went to war in Vietnam and why the vast majority of Americans supported it for so long. But Appy does not distinguish between those two issues. He appears to suggest that the American nation was so thoroughly penetrated by the ideology of exceptionalism that there was no distinction between the ideas and interests of the political-bureaucratic elite and the rest of the population in regard to Vietnam. He cites Henry Kissinger and popular religiosity as equally rele-

vant to understanding the role of exceptionalism in American life in the Vietnam era.

The historical episodes recounted by Appy on the relationship between popular beliefs and opinion on U.S. policy in Southeast Asia during the period leading up to the war itself cannot be defined as the working out of “national identity” or American cultural values. What Appy shows — more powerfully than any previous work on the American war in Vietnam — is how the public’s understanding of the realities in Vietnam and their relationship to the U.S. military was the product of a very deliberate and thorough job by the U.S. government and its minions in the news media of manipulating it.

Growing U.S. involvement in Vietnam was connected to broad cultural trends in the United States in the 1950s.

Appy argues in the first chapter of the book, “Saving Vietnam,” that growing U.S. involvement in Vietnam was connected to broad cultural trends in the United States in the 1950s. He makes the point that the rise of religiosity was a dominant leitmotif of U.S. social change during that decade and that Cathol-

icism was the most rapidly growing religious group in the country. He suggests that it was a key to the development of popular support for the U.S. role in Vietnam, recounting the influence on public opinion on Communism in general and Vietnam in particular, of such iconic figures as Francis Cardinal Spellman and Bishop Fulton J. Sheen.

It can certainly be reasonably argued that the enormous popularity among American Catholics in particular of such conservative anti-Communist figures was a factor in the readiness of the U.S. public to be led into war against a peasant revolt supported by a Third World revolutionary state. But the connection between a figure such as Spellman, who fulminated against “Christ-hating Communists whose allegiance is pledged to Satan” and support for U.S. aggressive policy in Southeast Asia does not constitute evidence of popular belief in American exceptionalism at work.

Tom Dooley

The story in Appy’s first chapter that this reviewer found most revealing about the American Catholic anti-Communist connection with the Vietnam War is the story of how Tom Dooley, a Navy doctor who worked in a refugee camp in

Haiphong in the final phase of the Franco-Viet Minh War and its aftermath, told stories of American kindness and Communist brutality in Vietnam that reached millions through *Reader's Digest*, his own best-selling books, and television appearances starting in the latter half of the 1950s.

By the time of his death of cancer in 1961, Dooley had become the third-most esteemed person on Earth.

The cutting edge of Dooley's account was his tales of Communists crucifying Vietnamese Catholics and sticking chopsticks through the eardrums of their children. His grisly stories of Communist atrocities were never supported by any other source, even though the U.S. Information Service sought to get confirming details, as Appy's account documents. Yet no one questioned their veracity at the time or through the entire U.S. war in Vietnam that followed a decade later.

Many years after the war people who had worked with him revealed the truth: Dooley had fabricated the stories out of whole cloth. But it was those stories that had ingratiated Dooley with powerful people whose interests it served. The Chief

of Naval Operations, Admiral Arleigh Burke, for example, wrote a forward for Dooley's first book, *Deliver Us from Evil*.

Dooley was forced to resign from the Navy after a Naval Intelligence sting operation established that he was a homosexual, but the Navy kept the information under wraps, allowing him to establish medical clinics and hospitals in Northern Laos and write two more books that pushed more stories of atrocities by Communist forces, while passing on information to the CIA. The major mass print and electronic media outlets all featured Dooley and his stories of Communist horrors. By the time of his death of cancer in 1961, Dooley had become the third-most esteemed person on Earth, just after the pope and the former president, Dwight D. Eisenhower. But although his charm and talent for self-promotion were important in his rise to fame, it was primarily the result of decisions by powerful figures in the national-security state and their allies in the media. And Dooley's role in shaping the popular American view of Vietnam was not so much to confirm the unique goodness of the American people as to peddle a systematic deception about the Vietnamese adversary.

The salient point about the link between popular culture and readiness for war, at least by the mid 20th century, I would suggest, is that it is a product of highly unequal power relations between elite and mass in regard to the communications media. Popular thinking about the U.S. role in the world had long ceased to be a reflection of genuine popular culture. Well before U.S. troops splashed ashore at Danang in 1965, those who controlled the levers of power in American society had been consciously manipulating mass opinion about both the world in general and Vietnam in particular for many years.

Appy's argument that the Vietnam War "shattered" the U.S. belief in American exceptionalism is developed in detail in a chapter called "The War at Home" that is arguably the best in the book. As he recounts in a series of riveting wartime episodes, the Vietnam War provoked the deepest social and political divisions the United States had ever experienced except for the Civil War itself.

Here was an expression of cultural and political values that was truly popular in character, emerging out of the individual responses of millions of people to the experience of a war that was obviously evil and irrational. The intense and even vio-

lent socio-political conflicts to which the anti-war movement gave rise provide the most dramatic accounts in the entire book. Appy's retelling of the killing of protestors at Kent State in May 1970 is a wrenching tale of deliberately planned political murder by the warfare state. His recounting of carefully planned attacks by anti-war demonstrators in Manhattan a few days after Kent State is a fascinating case study of how pro-war workers were used by reactionary labor leaders to strike back at Americans who were challenging their values. And Appy identifies a dark political nexus between the pro-war union leadership behind those attacks and the Nixon White House.

Before 1965, those who controlled the levers of power in American society had been consciously manipulating mass opinion.

My only complaint about Appy's treatment of the side of his argument devoted to the impact of the war and the dissent it stirred in American society is that he did not carry it far enough. What is missing from his analysis is any reference to the fact that the institutions of the warfare state itself were actually forced to go on the defensive. An important part

of the story of the U.S. war in Vietnam is how the breadth and depth of popular anti-war sentiment led to a weakening of the power of the military-industrial-congressional complex as well as that of the CIA for nearly fifteen years after the war had finally ended.

A permanent war state

In his final chapter Appy traces the fortunes of what evolved into a permanent war state after 9/11 over the four decades that have passed since the end of the U.S. war in Vietnam. His story-telling approach to this daunting task, going back and forth between vignettes of meetings involving administration policymakers and snapshots of public opinion, makes *Reckoning* more readable but at the cost of losing focus on the key issue of the underlying conflict over the power of the warfare state.

Appy identifies a dark political nexus between the pro-war union leadership and the Nixon White House.

A crucial point in that history is what happened after the George W. Bush administration succeeded in its plot to build a political consensus for an invasion of Iraq on false

pretenses of a WMD threat. Appy recalls how millions of protestors responded to the invasion by what he calls “the largest global outpouring of antiwar dissent in history.” Although that moment seemed to show that a strong, spontaneous anti-war movement still existed in 2003, the movement disappeared almost without a trace over the next few years. This writer recalls conversations with activists in Northern Virginia during the latter stages of the Iraq War who had moved on to housing and other local issues after their initial involvement in opposing the war. They felt disempowered and dispirited on the question of American wars.

That demobilization was seemingly unconnected with the broad trend in public opinion toward the war. Frightened at first by the Bush campaign like a deer in the headlights, public opinion recovered its composure within two years and began to turn on the Iraq war as it had done on Vietnam. Those two contrasting sets of facts pose a deeper question about what was really happening in the cultural-political struggle for national identity during the post-9/11 period.

In his final chapter, Appy seeks to explain the underlying socio-political shifts that explain the con-

tradition between profound unease in the society about Iraq and Afghanistan and the seeming popular political passivity on the issue, even as it became clear that the United States was becoming a “permanent war state” during the second Bush administration and especially during the Obama administrations. He points to the all-volunteer force fighting the wars and the underlying context of economic crisis, which was “capped off by the Great Recession” that began in 2008.

Those factors were undoubtedly factors that diminished the capacity for activism in the country. But Appy goes on to raise an entirely different issue: has American society lost its innocence and accepted the idea that America is an empire? He seems to suggest that the answer is yes, but he loses the analytical focus on how and why that is the case. He bounces from one subject to another — from the Bush administration official’s revealing comment (attributed to Karl Rove) contrasting “the reality-based community” with the administration’s ability to “create our own reality,” to the phenomenon of General Petraeus’s promotion of counter-insurgency and his own success — then circles back to a 2010 Gallup poll in which 80 percent of those surveyed agreed

that the U.S. history and Constitution make it “unique” and “the greatest country in the world.”

Has American society lost its innocence and accepted the idea that America is an empire?

What Appy’s discursive approach to the problem establishes, however, is not that a belief in American exceptionalism drove the process that has led to the present permanent war state but simply that dissenting views have been marginalized sufficiently to consolidate the power of that state within a state. What opponents of the permanent war state have needed is a tightly focused account of how that state has consolidated its power in large part through the demobilization of activism and an analysis of what, if anything, could reverse that process. Appy’s book doesn’t provide such an account and analysis, but it does whet the appetite for them.

Gareth Porter is a historian, journalist, and policy analyst on U.S. foreign and military policy. His latest book is Perils of Dominance: Imbalance of Power and the Road to War in Vietnam (University of California Press, 2005).

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