
FUTURE OF FREEDOM

VOLUME 27 | NUMBER 9

SEPTEMBER 2016

*We are all dwarfs mounted upon the shoulders
of giants.*

— Fulbert of Chartres

FUTURE OF FREEDOM

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Future of Freedom is FFF's monthly journal of uncompromising essays on liberty. The price is \$25 for a one-year print subscription, \$15 for the email version. Past issues of *Future of Freedom* and *Freedom Daily* can be accessed on our website: www.fff.org.

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Muhammad Ali and America's Slave Society

by *Jacob G. Hornberger*



In an era in which vilification of Islam and Muslims has become a popular activity for many, it was ironic and somewhat humorous to see nearly everyone in America celebrating the life of Muhammad Ali, who was undoubtedly the most famous American Muslim in U.S. history.

As most people know, it wasn't always like that. When Ali refused to comply with a U.S. government draft order in 1964, he was vilified for being a draft dodger and, even worse, a communist sympathizer.

Keep in mind, after all, that 1964 was during the Cold War, when the official U.S. enemy was communism and communists, not Islam or Muslims. The communists

were coming to getting us, the U.S. national-security establishment was constantly warning Americans. America was in grave danger of being conquered and taken over by the worldwide communist conspiracy, officials in the Pentagon and the CIA said. Communist Cuba, only 90 miles away from American shores, was a communist dagger pointed at America's throat. And if the United States didn't stop the communists in Vietnam, the Asian dominoes would begin falling, they maintained, until America itself became Red.

In 1964, most Americans were buying into that frightening narrative. The national-security establishment, a type of totalitarian apparatus that had been grafted onto America's federal governmental system at the end of World War II, was at that time the be-all and end-all of the American people. Characterized by a mindset of conformity and deference to authority that had been inculcated in them from the first grade, Americans placed deep and abiding trust in the national-security state, never challenging its judgment, especially when it came to matters relating to communism and national security. If the Pentagon and the CIA said that it was necessary for the United States to

fight the communists in Vietnam, then that was just the way it was.

The essence of slavery

Then along came Muhammad Ali, who said, No. Refusing to follow an order to report to his draft board after he was reclassified 1A, Ali made critical remarks that went to the core of the national-security state's narrative, the most famous of which was, "Man, I ain't got no quarrel with them Vietcong."

The dangerous implication, of course, was that neither did America.

He didn't stop there. He also began telling audiences, "Why should me and other so-called Negroes go 10,000 miles away from home, here in America, to drop bombs and bullets on other innocent brown people who's never bothered us and I will say directly: No, I will not go."

No American was supposed to talk like that and especially not a black man. While it was considered somewhat permissible to challenge the war on grounds of conscientious objection or for religious reasons, which Ali also did, no one was supposed to challenge the central thesis of the national-security establishment — that America did in fact have a quarrel with them Vietcong and that if America didn't go fight them Vietcong, the Reds

would ultimately be running the federal government.

Owing both to his refusal to obey the draft order and his public pronouncements against the Vietnam War, Ali was considered clearly a threat to national security and had to be put down. After all, if more Americans were to lose their unquestioning faith in the Pentagon and the CIA, that could mean that the ever-growing flood of tax monies flowing into what President Eisenhower had called the military-industrial complex could be endangered.

Ali made critical remarks that went to the core of the national-security state's narrative.

The fact that Ali was black made him an even bigger threat to the national-security establishment and its war in Vietnam — much more serious than if he had been a white man. That's because American blacks were the predominant form of cannon fodder that was being sent to Vietnam, because blacks generally lacked the resources to gain draft deferments that were being handed out to people who went to college and also because blacks lacked the political influence to join Reserve Units and National Guard

units, which were being exempted from being sent to Vietnam. Imagine what could happen if American blacks starting listening to Ali and coming to the same conclusion — that they had no quarrel with them Vietcong.

Conscription and slavery

While the rest of America was vilifying and condemning Ali for his refusal to do his “patriotic” duty by complying with the draft, as Elvis Presley had “patriotically” done in the 1950s, there was one man who was steadfastly supporting Ali in his speeches — Martin Luther King.

As Hampton Dillinger points out in an excellent article in *Salon* entitled “When Muhammad Ali Took on America,” King was actually encouraging conscientious objection to serving in the military, telling audiences to “admire [Ali’s] courage. He is giving up fame. He is giving up millions of dollars to do what conscience tells him is right.” Considering King’s anti-draft, anti-war, and pro-civil-rights views expressed openly and publicly, it is certainly no wonder that the FBI and the national-security establishment considered him too to be a grave threat to national security and, therefore, spied on him, kept

secret files on him, encouraged him to kill himself, and maybe even orchestrated his assassination, as the King family believe.

It is clear that Ali, King, and other American blacks were recognizing, even if subconsciously, that conscription was nothing more than a form of slavery.

There was one man who was steadfastly supporting Ali in his speeches — Martin Luther King.

Under conscription, the government orders a person to leave his regular life and report to a military installation to serve the government for some period of time. That is the very essence of slavery.

Let’s make this point starker with a series of hypotheticals. Suppose the state of Mississippi were to enact a law requiring all blacks to work on southern plantations from age 21 to age 65. Wouldn’t most of us consider that to be slavery?

Let’s assume though that the law required plantation owners to pay such workers double the minimum wage. Would that make a difference? Not to most people. Despite the pay, I think most of us would say that that’s still slavery and that blacks instead have the right to live their lives free of that type of law.

Suppose the law said that American blacks had to work on the plantation for a period of only two years, as a service to society. Would that change some people's minds? It might for whites but my hunch is that most blacks would still see it as slavery. When people are forced to work for others, no matter the length of time, that is the essence of slavery.

When people are forced to work for others, no matter the length of time, that is the essence of slavery.

Notice, however, that when the government conscripts blacks and everyone else to serve the Cold War-era, totalitarian apparatus known as the national-security establishment, many people's perspectives change. At that point, they start waxing eloquent about "patriotism," "national service," the communist threat, the Muslim threat, the ISIS threat, or whoever else happens to be the official national-security state bugaboo of the day.

Daniel Webster certainly understood the evil, anti-freedom nature of conscription. In his excellent speech on conscription before the U.S. House of Representatives in 1814 (Google "Daniel Webster

Speech on Conscription"), he stated,

Is this, Sir, consistent with the character of a free Government? Is this civil liberty? Is this the real character of our Constitution? No sir, indeed it is not. The Constitution is libeled, foully libeled. The people of this country have not established for themselves such a fabric of despotism. They have not purchased at a vast expense of their own treasure and their own blood a Magna Carta to be slaves. Where is it written in the Constitution, in what article or section is it contained, that you may take children from their parents, and parents from their children, and compel them to fight the battles of any war, in which the folly or the wickedness of Government may engage it? Under what concealment has this power lain hidden, which now for the first time comes forth, with a tremendous and baleful aspect, to trample down and destroy the dearest rights of personal liberty? Who will show me any Constitutional injunction which makes it the

duty of the American people to surrender everything valuable in life, and even life itself, not when the safety of their country and its liberties may demand the sacrifice, but whenever the purposes of an ambitious and mischievous government may require it? Sir, I almost disdain to go to quotations and references to prove that such an abominable doctrine has no foundation in the Constitution of the country. It is enough to know that that instrument was intended as the basis of a free Government, and that the power contended for is incompatible with any notion of personal liberty. An attempt to maintain this doctrine upon the provisions of the Constitution is an exercise of perverse ingenuity to extract slavery from the substance of a free Government. It is an attempt to show, by proof and argument, that we ourselves are subjects of despotism, and that we have a right to chains and bondage, firmly secured to us and our children by the provisions of our Government. It has been the labor of other men, at other times, to

mitigate and reform the powers of Government by construction; to support the rights of personal security by every species of favorable and benign interpretation, and thus to infuse a free spirit into Governments not friendly in their general structure and formation to public liberty.

Ali was being seized and taken away to go thousands of miles away to kill people who had never attacked the United States.

Offensive war

There is another factor to consider: Unlike the case of Elvis Presley, who was drafted during a time of peace, Ali was being drafted not just to provide “service” to the military by, say, mowing lawns at some general’s house. He was being seized and taken away from his promising boxing career to go thousands of miles away to kill people who had never attacked the United States. As Ali put it in his succinct way:

Why should me and other so-called Negroes go 10,000 miles away from home, here in America, to drop bombs

and bullets on other innocent brown people who's never bothered us and I will say directly: No, I will not go.... Why should they ask me to put on a uniform and go 10,000 miles from home and drop bombs and bullets on brown people in Vietnam while so-called Negro people in Louisville are treated like dogs and denied simple human rights? No, I'm not going 10,000 miles from home to help murder and burn another poor nation simply to continue the domination of white slave masters of the darker people the world over. This is the day when such evils must come to an end.

Ali clearly recognized the irony — indeed, the hypocrisy — of conscripting people to fight and die for freedom.

In other words, the same government that had supported a denial of freedom for black men in America through segregation was seizing those same black men, conscripting them into serving the national-security establishment, forcing them to go thousands of miles away, and placing them in a posi-

tion of killing people who had never done anything to American blacks or any other Americans, or else be killed by them — and justifying it all in the name of “defending our freedom.”

Ali clearly recognized the irony — indeed, the hypocrisy — of conscripting people to fight and die for freedom. When a free people are genuinely threatened by others, no one needs to force them to fight — most of them will do so voluntarily and willingly. It is only in wars like the Vietnam War where people's freedom is not being threatened that the citizenry must be forced to fight.

Registration

Today there are many Americans who think that Ali's refusal to obey the government's order to serve the military is no longer relevant, given that the U.S. government has had a volunteer army for decades.

Nothing could be further from the truth. The pro-slavery mindset that undergirds a system of conscription is equally applicable under a system of conditional conscription — that is, one in which people can be drafted whenever the government deems it necessary and advisable.

The fact that the government still wields the authority to draft people is perfectly manifested in the fact that federal law requires every American male to register for the draft upon reaching the age of 18. Young American women might soon be subject to the same draft registration requirement.

What happens if someone refuses to register, just as Ali refused to comply with his draft order? He or she is prosecuted for a felony offense and is punished with incarceration for many years in a federal penitentiary. Don't forget, after all, that the Supreme Court ultimately ruled in Ali's favor not because it found the draft or the Vietnam War to be unconstitutional (which they clearly were) but because of Ali's religious convictions as a Muslim.

Draft registration is just the first step in a military system that is based on conscription. Under a system in which the government wields the power to conscript people, the government remains in the superior, dominant position and

the citizen remains in the subordinate, serf, or slave position, regardless of whether the draft registrants are actually being ordered to a military installation to serve the national-security establishment. The moment a citizen is required to register for the draft, either in peacetime or wartime, his position as serf or slave is established.

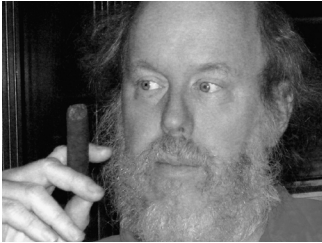
Muhammad Ali clearly understood that the draft, including draft registration, is just another form of slavery. Too bad Americans today, including many blacks and many young people, men and women alike, refuse to see that.

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

NEXT MONTH:
**“Dysfunctionality,
Violence, and Race in
American Society”**
by Jacob G. Hornberger

A Billion Dollars of Federally Funded Paranoia

by James Bovard



When it comes to mindless excess in the war on terror, it is difficult to compete with the 70+ fusion centers bankrolled by the Department of Homeland Security. They began to be set up around the nation shortly after 9/11 as federal-state-local partnerships to better track terrorist threats. But the centers have been a world-class boondoggle from the start.

Fusion centers have sent the federally funded roundup of data on Americans' private lives into overdrive. As the Brennan Center for Justice noted in 2012, "Until 9/11, police departments had limited authority to gather information on innocent activity, such as what people say in their houses of wor-

ship or at political meetings. Police could only examine this type of First Amendment-protected activity if there was a direct link to a suspected crime. But the attacks of 9/11 led law enforcement to turn this rule on its head."

Fusion centers do a far better job of stoking paranoia than of catching terrorists. Various fusion centers have attached the "extremist" tag to gun-rights activists, anti-immigration zealots, and individuals and groups "rejecting federal authority in favor of state or local authority" — even though many of the Founding Fathers shared the same creed. A 2012 DHS report went even further, stating that being "reverent of individual liberty" is one of the traits of potential right-wing terrorists. Such absurd standards help explain why the federal terrorist watchlist now contains more than a million names.

Federal management is so slipshod that a 2012 Senate investigation found that the federal estimates of spending on fusion centers varied by more than 400 percent — ranging from \$289 million to \$1.4 billion. A DHS internal report found that 4 of 72 fusion centers did not actually exist, but that did not deter DHS officials from continuing to exaggerate the number of

such centers. The *Washington Post* highlighted a few of the dubious findings: “More than \$2 million was spent on a center for Philadelphia that never opened. In Ohio, officials used the money to buy rugged laptop computers and then gave them to a local morgue. San Diego officials bought 55 flat-screen televisions to help them collect ‘open-source intelligence’ — better known as cable television news.”

A Senate investigation found no evidence that the fusion centers had provided any assistance in detecting or disrupting any terrorist plots.

A Senate investigation found that DHS intelligence officers at fusion centers produced intelligence of “uneven quality — oftentimes shoddy, rarely timely, sometimes endangering citizens’ civil liberties and Privacy Act protections, occasionally taken from already-published public sources, and more often than not unrelated to terrorism.” A Senate investigation found no evidence that the fusion centers had provided any assistance in detecting or disrupting any terrorist plots. Sen. Tom Coburn, who spearheaded the Senate investigation, observed, “Unfortunately, DHS has re-

sisted oversight of these centers. The Department opted not to inform Congress or the public of serious problems plaguing its fusion center and broader intelligence efforts. When this Subcommittee requested documents that would help it identify these issues, the Department initially resisted turning them over, arguing that they were protected by privilege, too sensitive to share, were protected by confidentiality agreements, or did not exist at all.”

Spying on your neighbors

The Senate report laid out a cavalcade of fusion-center snafus. The *New York Times* summarized one case: “An Illinois [fusion] center reported that Russian hackers had broken into the computer system of a local water district in Springfield and sent computer commands that triggered a water pump to burn out. But it turned out that a repair technician had remotely accessed the water district’s computer system while he was on vacation in Russia.”

The fusion centers help create databases with SARs (Suspicious Activity Reports), which are usually garbage even by the lowly standard of government data. The Los Angeles Police Department encourages citizens to file reports on “individuals who stay at bus or train stops for

extended periods while buses and trains come and go,” “individuals who carry on long conversations on pay or cellular telephones,” and “joggers who stand and stretch for an inordinate amount of time.” The Kentucky Office of Homeland Security encourages people to report “people avoiding eye contact,” “people in places they don’t belong,” or homes or apartments that have numerous visitors “arriving and leaving at unusual hours,” as PBS’s *Frontline* reported. Colorado’s fusion center “produced a fear-mongering public-service announcement asking the public to report innocuous behaviors such as photography, note-taking, drawing, and collecting money for charity as ‘warning signs’ of terrorism,” the American Civil Liberties Union reported.

The Constitution Project concluded in a 2012 report that DHS fusion centers “pose serious risks to civil liberties, including rights of free speech, free assembly, freedom of religion, racial and religious equality, privacy, and the right to be free from unnecessary government intrusion. Several fusion centers have issued bulletins that characterize a wide variety of religious and political groups as threats to national security. In some instances, state law enforcement agencies that

funnel information to fusion centers have improperly monitored and infiltrated anti-war and environmental organizations.”

Dylan Murphy reported at CounterPunch, “Between 2005-2007 the DHS and Maryland State Police spied upon and infiltrated anti-war, anti-death penalty and animal rights groups. Despite the fact that these were peaceful protesters who engaged in no criminal activity the surveillance went on for several years with many activists being designated terrorists.” The ACLU’s Nancy Murray wrote, “We now have proof of what peace groups and activists have long suspected: Boston Police officers have worked within the local fusion spying center, the Boston Regional Intelligence Center (BRIC), to monitor the lawful political activity of local peace groups and track their movements and beliefs.”

The Kentucky Office of Homeland Security encourages people to report “people avoiding eye contact.”

Some of the most harebrained advice comes directly from the DHS. In a 2003 terrorist advisory, it warned local law-enforcement agencies to keep an eye on anyone who

“expressed dislike of attitudes and decisions of the U.S. government.” DHS officials also urged local lawmen to be on alert for potential suicide bombers who could be detected by such traits as a “pale face from recent shaving of beard.” They “may appear to be in a ‘trance,’” or their “eyes appear to be focused and vigilant”; either their “clothing is out of sync with the weather” or their “clothing is loose.” Perhaps to ensure that there will never be a shortage of suspects, federal experts advised local agencies of another tell-tale terrorist warning sign: someone for whom “waiting in a grocery store line becomes intolerable.”

The ACLU reported that training materials taught soldiers and others that public protests were “low level terrorism.”

The Pentagon has its own catch-all definitions of suspicious or terrorist-related behavior. Its Counterintelligence Field Activity program covertly gathered information on Americans who protested the Iraq War or who were involved with websites critical of U.S. military policy. The Pentagon has conducted surveillance on anti-war protests and gatherings, including one at a Quaker meetinghouse in Florida. Names

gathered in such fishnets are added to a Pentagon database involving the “terrorism threat warning process,” according to *Newsweek*.

More and more enemies

The Pentagon’s homeland surveillance efforts should have been no surprise considering the values promoted in its anti-terrorism training materials. The ACLU reported in 2009 that training materials taught soldiers and others that public protests were “low level terrorism.” The ACLU derided that lesson as “an egregious insult to constitutional values.”

Unfortunately, the 2012 Senate exposé of fusion-center follies did nothing to deter other agencies from casting an even wider — and more ludicrous — net for terrorist suspects. In 2014, the National Counterterrorism Center produced a report entitled “Countering Violent Extremism: A Guide for Practitioners and Analysts.” As *The Intercept* summarized, the report “suggests that police, social workers and educators rate individuals on a scale of one to five in categories such as ‘Expressions of Hopelessness, Futility,’ ... and ‘Connection to Group Identity (Race, Nationality, Religion, Ethnicity)’ ... to alert government officials to individuals at

risk of turning to radical violence, and to families or communities at risk of incubating extremist ideologies.” The report recommended judging families by their level of “Parent-Child Bonding” and rating localities on the basis in part of the “presence of ideologues or recruiters.” Would copies of *Atlas Shrugged* on a living-room bookshelf be enough to trigger a warning of a family at risk of “extremist ideologies”? Former FBI agent Mike German commented, “The idea that the federal government would encourage local police, teachers, medical, and social-service employees to rate the communities, individuals, and families they serve for their potential to become terrorists is abhorrent on its face.”

Once the government gets into the surveillance business, bureaucratic momentum spurs the continual creation of new classes of potential enemies. A similar metamorphosis occurred in the 1960s and 1970s, when the FBI decided to use illegal powers to target people who garnered official displeasure. Nixon White House aide Tom Charles Huston explained that the FBI’s COINTELPRO program continually stretched its target list “from the kid with a bomb to the kid with a picket sign, and from the

kid with the picket sign to the kid with the bumper sticker of the opposing candidate. And you just keep going down the line.”

Though the fusion centers are a dud on the anti-terrorist front, perhaps they are a big success in making Americans wary of speaking out against government abuses. In the 1960s and 1970s, FBI agents were encouraged to conduct interviews with anti-war protesters to “enhance the paranoia endemic in these circles and further serve to get the point across that there is an FBI agent behind every mailbox.” Nowadays, many Americans fear that there is a federal agent watching every email or click on the Internet — thus making dissent more dangerous than ever.

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

NEXT MONTH:
“My Blowup at the Enviro
Checkpoint”
by James Bovard

Let the States Decide

by *Laurence M. Vance*



The federal minimum wage was instituted by the Fair Labor Standards Act of 1938. The rate was initially set at \$0.25 an hour. By 1961, it had quadrupled to \$1.00 an hour. The federal minimum has been at \$7.25 an hour since 2009 — the result of the Fair Minimum Wage Act of 2007 that raised the federal minimum wage in three steps from \$5.15 per hour to \$5.85 per hour in 2007, to \$6.55 per hour in 2008, and finally to \$7.25 per hour on July 24, 2009. However, states are perfectly free to enact a higher minimum wage in accordance with their constitutions.

Currently, twenty-nine states and the District of Columbia have minimum wages that are above the federal minimum. Higher state minimum wages range from \$7.50 in Maine and New Mexico to \$10 an

hour in California and Massachusetts. Thanks in part to automatic cost of living–increase provisions, fourteen states began the new year with higher minimum wages. The minimum wage in Washington, D.C., increased to \$11.50 an hour on July 1. The states of Maryland (\$9.25) and Minnesota (\$9.50) also just recently increased their minimum wages. This is a trend that is sure to continue because of much agitation around the country for a \$15 per hour minimum wage by groups such as Fight for 15 and 15 Now. Two states have already passed legislation to gradually raise their minimum wages to \$15 an hour: California, effective January 1, 2022, and New York, effective December 31, 2018. Several cities have their own minimum-wage laws and have already increased their minimum wage above their state levels, some to \$15 an hour.

Former Democratic presidential candidate Bernie Sanders — a Vermont senator and self-proclaimed socialist — has steadfastly called for an increase in the “starvation” federal minimum wage of \$7.25 to a “living wage” of \$15 an hour. The Democratic presidential nominee, Hillary Clinton, believes that “we are long overdue in raising the minimum wage.” Although she

initially argued for an increase to just \$12 an hour, after continued pressure from Sanders, she eventually began to talk about an increase to \$15 an hour. As reported by the *Huffington Post*, “In an interview on ABC’s ‘This Week’ with George Stephanopoulos, Clinton said she would sign a \$15 minimum wage bill put forth by Democrats if it had certain stipulations in it. The new wage floor would have to be phased in gradually and the effects of the hike would have to be evaluated in areas with lower costs of living.”

**“I’d rather leave it to the states.
Let the states decide.”**

Only one of the original Republican presidential candidates consistently expressed support for increasing the federal minimum wage: Rick Santorum. Ben Carson originally said he was in favor of increasing it but then recanted. Donald Trump has progressed in the other direction. Last fall, during an appearance on MSNBC’s *Morning Joe*, Trump asserted that having a low minimum wage was “not a bad thing for this country.” During a Republican presidential debate late last year, Trump said of the minimum wage that “we have to leave it the way it is.” But after winning the

Indiana primary in 2016, he softened his opposition to an increase in the minimum wage. When asked by CNN whether he would consider an increase in the minimum wage, Trump replied that he was “looking at that” and “open to doing something with it.” He emphasized that he was “actually very different from most Republicans” on the issue. Soon after that, on NBC’s *Meet the Press*, Trump had the following exchange with the show’s host, Chuck Todd, about the minimum wage:

TODD: Minimum wage. Minimum wage. At a debate, you know. You remember what you said. You thought you didn’t want to touch it. Now you’re open to it. What changed?

TRUMP: Let me just tell you, I’ve been traveling the country for many months. Since June 16th I’m all over. Today I’m in the state of Washington, where the arena right behind me, you probably hear, is packed with thousands and thousands of people. I’m doing that right after I finish you. I have seen what’s going on. And I don’t know how people make it on \$7.25 an hour. Now, with

that being said, I would like to see an increase of some magnitude. But I'd rather leave it to the states. Let the states decide. Because don't forget, the states have to compete with each other. So you may have a governor —

TODD: Right. You want the fed — but should the federal government set a floor, and then you let the states —

TRUMP: No, I'd rather have the states go out and do what they have to do. And the states compete with each other, not only other countries, but they compete with each other, Chuck. So I like the idea of let the states decide. But I think people should get more. I think they're out there. They're working. It is a very low number. You know, with what's happened to the economy, with what's happened to the cost. I mean, it's just — I don't know how you live on \$7.25 an hour. But I would say, Let the states decide.

Note that three times Trump said about the minimum wage, “let the states decide.” Now, Trump is

not a constitutional scholar any more than he is a champion of federalism, but what he said about the states' deciding on a minimum wage is the key to shrinking the federal leviathan and restoring the republic created by the Founders.

The Constitution

Constitution Week and Constitution Day are celebrated during the month of September each year.

States' deciding on a minimum wage is the key to shrinking the federal leviathan.

The observance of Constitution Week runs from September 17 to September 23. The Daughters of the American Revolution petitioned Congress in 1955 to set aside the week to commemorate “America's most important document.” Congress passed a joint resolution to that effect, and it was signed into law on August 2, 1956, by Dwight Eisenhower.

“I am an American Day” was designated by Congress in 1940 to be the third Sunday in May. In 1952, this observation was moved to September 17 and renamed “Citizenship Day.” In 2004, it was re-packaged by an amendment to an omnibus spending bill as “Consti-

tution Day and Citizenship Day.” However, the emphasis is on the Constitution. The new law requires the head of each federal agency or department to provide “each new employee of the agency or department with educational and training materials concerning the U.S. Constitution as part of the orientation materials provided the new employee” and “educational and training materials concerning the U.S. Constitution to each of its employees on September 17 of each year.” It also requires “each educational institution that receives Federal funds for a fiscal year to hold an educational program on the U.S. Constitution on September 17 of such year for its students.”

“The powers delegated by the proposed Constitution to the Federal Government, are few and defined.”

This date was so designated because it is the anniversary of the signing of the U.S. Constitution in 1787. The Constitution was written by the delegates from twelve states to the Philadelphia Convention, which met from May 25 to September 17, 1787. The Constitution was sent to the states for ratification on September 28, 1787. On December 7, 1787,

Delaware became the first state to ratify the Constitution. The ninth state needed for ratification was obtained on June 21, 1788, when New Hampshire ratified. After Virginia (June 25) and New York (July 26) also ratified the Constitution in 1788, the Confederation Congress passed a resolution on September 13, 1788, to put the new Constitution into effect. The operation of the new government under the Constitution began on March 4, 1789. That is why the terms of the president, vice president, and members of Congress used to begin on March 4 instead of beginning in January as they do now, as so designated by the Twentieth Amendment ratified in 1933.

The United States was set up as a federal system of government where the states, through the Constitution, granted a limited number of powers to a central government — not the other way around. As James Madison succinctly explained in Federalist No. 45,

The powers delegated by the proposed Constitution to the Federal Government, are few and defined. Those which are to remain in the State Governments are numerous and indefinite. The former will be

exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with which last the power of taxation will for the most part, be connected. The powers reserved to the several States will extend to all the objects, which, in the ordinary course of affairs, concern the lives, liberties and properties of the people, and the internal order, improvement, and prosperity of the State.

There are about thirty enumerated powers congressional powers listed throughout the Constitution. Everything else is reserved to the states — even without the addition of the Bill of Rights and its Tenth Amendment.

Is it constitutional for the federal government to establish a minimum wage?

Most of those powers are found in the eighteen paragraphs of Article I, Section 8. One concerns commerce. One concerns naturalization and bankruptcies. One concerns post offices and post roads. One concerns copyrights and patents. One concerns federal courts. One concerns maritime crimes. One

concerns the governance of the District of Columbia. Four of them concern taxes and money. Six concern the militia and the military. The last one — the “elastic” clause — gives Congress the power “to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.”

Elsewhere in the Constitution we read that Congress may also admit new states into the Union, propose amendments to the Constitution, regulate national elections, establish courts inferior to the Supreme Court, direct the location of the place for the trial of a crime not committed within a state, declare the punishment for treason, provide the manner in which the public acts and records in each state are accepted by the others, dispose of and regulate the territory or other property of the United States, give the states consent to lay imposts or duties on imports or exports, and provide for the case of the removal, death, resignation, or inability of the president or vice president.

The minimum wage again

The arguments against the minimum wage are many and varied, and have been made by economists of every political persuasion. The

simple fact that minimum-wage laws violate freedom of contract by infringing upon the right of an employer and an employee to make whatever wage agreement they choose is sufficient to oppose the government's setting a minimum wage. But in keeping with the scope of this article, the question must be asked: Is it constitutional for the federal government to establish a minimum wage? The answer is that it is certainly *not* constitutional for the federal government to do so. The Constitution clearly contains no mention of a minimum wage. That in and of itself should end the discussion. But that's not all. The Constitution doesn't authorize the federal government to set maximum or minimum prices on anything, establish wage and hour standards, decree how many hours should be in the work week, regulate overtime pay, mandate family leave, or even have a Department of Labor.

Since the United States has a Constitution and a federal system of government, since the powers "which are to remain in the State governments are numerous and indefinite," since the powers "reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the

lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State," and since the Tenth Amendment says that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"—if there is to be a minimum wage, then it is up to the states to decide to institute it, make exceptions to it, establish penalties for noncompliance with it, and raise or lower it in response to inflation, economic conditions, the cost of living, the Consumer Price Index, or simply political pressure.

The Constitution doesn't authorize the federal government to set maximum or minimum prices on anything.

Twenty-nine states have minimum wages that are above the federal minimum. Sixteen states have a minimum wage equal to the federal minimum. Five states have established no minimum wage. There is no question that things might be quite different if a federal minimum wage had never been established. Is it a good thing if the states establish minimum wages? Not at all. All of the economic and philosophical ar-

guments against the federal minimum wage apply equally to state minimum wages. Without a federal minimum wage, libertarians would just as strongly object to any minimum wage instituted by a state, county, or city. The point is simply that to support a federal minimum wage is to oppose the Constitution and the federal system of government of the United States.

Other issues

It is not just on the issue of the minimum wage that the states should decide. There are a whole host of things the federal government is involved in that it shouldn't be. To illustrate, I want to briefly mention seven of them.

There are a whole host of things the federal government is involved in that it shouldn't be.

The drug war. Although many states have legalized marijuana for medical purposes and a handful have legalized marijuana for recreational use, the federal government still classifies marijuana as a Schedule I drug, just as it classifies heroin and LSD. Yet, there is nothing in the Constitution that gives the federal government the authority to have a Controlled Substances Act, an Of-

fice of National Drug Control Policy, or a Drug Enforcement Agency, or to wage war against drugs.

Organ sales. The buying and selling of human organs for transplantation is currently illegal under federal law. The National Organ Transplant Act of 1984 outlawed the sale of organs and established the Organ Procurement and Transplantation Network. The authority for the federal government to do so is clearly not constitutional.

Public education. Although every state operates a public educational system from grade school to the university level, the federal government is heavily involved in regulating and funding education through the Elementary and Secondary Education Act, Pell Grants, student loans, and the Department of Education. Yet, the Constitution doesn't authorize the federal government to have anything to do with education.

Gun control. In spite of the Second Amendment, the federal government has a myriad of gun-control laws. It also licenses gun dealers, operates the National Instant Criminal Background Check System, and has a Bureau of Alcohol, Tobacco, Firearms, and Explosives. But, of course, the federal government has no constitutional

authority whatsoever to do any of those things.

Health care. In addition to the federal government's socialized medical programs such as Medicare, Medicaid, and SCHIP, it also funds vaccination programs, HIV/AIDS-prevention initiatives, clinical trials, medical research, and federal laboratories; has medical-licensing, medical-records, and insurance laws; and regulates medical devices, drugs, medical schools, hospitals, nursing homes, and physicians. The Constitution doesn't authorize the federal government to have or do any of those things, any more than it authorizes the federal government to have a Food and Drug Administration, National Institutes of Health, or Department of Health and Human Services.

The states shouldn't set a minimum wage, any more than they should wage war against drugs, forbid organ sales, or provide public education.

Welfare. The federal government's welfare system includes roughly 80 means-tested programs that provide cash, food, housing, and social services to poor and lower-income Americans. But since the Constitution nowhere authorizes

the federal government to set up any of those programs — and certainly not to take money from some Americans and give it to other Americans — providing welfare is an illegitimate function of the federal government.

Social Security. This is not only a relic of Roosevelt's New Deal, it is now the most expensive item in the federal budget. But since the Constitution nowhere gives the federal government the authority to institute a retirement plan; a safety net; an insurance program; a savings account; an investment account; or an intergenerational, income-transfer, wealth-redistribution program, Social Security is also an illegitimate function of the federal government.

It doesn't matter what any American personally thinks about the minimum wage or any of those other issues. Under the U.S. Constitution and federal system of government, it is up to the states to decide them. The federal government should have nothing to do with any of them. Now, that doesn't mean that the states should set a minimum wage. The states shouldn't set a minimum wage, any more than they should wage war against drugs, forbid organ sales, provide public education, have gun-control laws, provide health care, write welfare

checks, or have a retirement program akin to Social Security. And it doesn't mean that the federal government should tax all Americans so it can send block grants to the states to do those things. But the first step toward shrinking the federal leviathan and restoring the republic created by the Founders is to let the states decide them, not the federal government.

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NEXT MONTH:

“Does the Second Amendment Even Exist?”

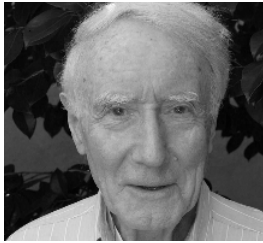
by Laurence M. Vance

A pleasant natural environment is a good — a luxury good, philosophical good, a moral goody-good, a good time for all. Whatever, we want it. If we want something, we should pay for it, with our labor or our cash. We shouldn't beg it, steal it, sit around wishing for it, or euchre the government into taking it by force.

— P.J. O'Rourke

America's Unchecked Security State

by Peter Dale Scott



By the 1960s [J. Edgar] Hoover had become one of the most powerful political figures in America, thanks chiefly to his ability to use the FBI's notorious Division Five (successively named the National Defense Division, the Security Division, and the Domestic Intelligence Division) to intimidate, blackmail, or destroy the careers of people who were not accused of any crime, but whom he deemed to be dangerous.

Hoover had first exercised such powers during the Red Scare of 1919, when, as head of the Justice Department's General Intelligence Division, he had without trial deported hundreds of aliens (along with Emma Goldman, who was arguably an American citizen) in the so-called Palmer Raids. Hoover

had acted at times without consulting or informing President Wilson, in collaboration with a huge army of volunteer spies, the American Protective League, which had been organized by business executives. Hoover did not by any means act alone; to help put down a national steel-industry strike at this time, the U.S. Army imposed martial law in certain areas.

One should acknowledge that Hoover himself briefly played a different role, professionalizing the Bureau of Investigation, and accepting for about a decade the directive given him by Attorney General Harlan Stone on May 13, 1924: "The activities of the Bureau are to be limited strictly to investigations of violations of law." Although he had been a major player in the Palmer Raids of 1919–1920, Hoover now (for over a decade) dismantled his General Intelligence Division, concentrated on solving personal crimes already committed, such as bank robberies, and never again involved the Bureau in anything like the Palmer Raids. On the contrary, in 1941 he was a leading opponent within the government of the decision (which originated with a local Army field commander) to round up and intern Japanese Americans. This wholesale internment pro-

gram overrode Hoover's own proposal for the selective detention of those Japanese already identified on the FBI's Custodial Detention list.... It represented, in effect, an unexpected Army rebuff to Hoover.

Instead, the Bureau of Investigation, which in 1935 became the Federal Bureau of Investigation, pursued bootleggers, bank robbers, and other gangsters, from John Dillinger to Al Capone. But non-criminal intelligence files on the general public became the hallmark of the FBI after 1936, when [Franklin] Roosevelt told Hoover he was interested in "obtaining a broad picture' of the Communist and Fascist movements" in America.

The use of intimidation

Roosevelt was responding to a troubling message from Hoover about American right-wing activity at the highest level. In 1935 Marine Corps Major General Smedley Butler reported to Hoover that he had been approached by two representatives of Wall Street to lead a right-wing coup d'état against President Roosevelt. Curt Gentry writes that "Hoover informed Butler that since there was no evidence that a federal criminal statute had been violated, he did not have the authority to order an investigation." We see here a

key to Hoover's political astuteness: his refusal ever to involve himself in disputes among those whose power was equal to or greater than his own. (We see this again in his refusal, for years, to involve the FBI in the investigation of either organized crime or the international drug traffic.)

Hoover obtained from Roosevelt a verbal go-ahead to conduct investigations on a wide range of domestic political activities.

However Hoover sought and obtained authority from [Roosevelt] to reestablish an Intelligence Division, after a second report from General Butler: that the indigenous American Fascist, Father Charles Coughlin, had "approached General Butler and urged him to lead an armed expedition into Mexico, its purpose to oppose the Cárdenas government and restore the church."

This time Hoover reported Butler's information to Roosevelt; and obtained from the president, on August 24, 1936, a verbal go-ahead to conduct investigations on a wide range of domestic political activities, Right and Left. With this go-ahead, Hoover reestablished an Intelligence Division, which even-

tually evolved into the source of his power over others, including law-abiding Americans.

According to Marc Aronson,

That secret conversation was the moment when Hoover's life story changed American history. He was given real authority to protect the nation, which he slowly but surely transformed into the right to play by his own rules, even if that totally undermined the laws and principles of the democracy he was protecting.

Because no law or written document had conferred this power on him, Hoover was free to rely increasingly on illegal methods to collect intelligence, ranging from bugs, mail-openings, and wiretaps, to break-ins. He knew very well that information gathered illegally could not be used in prosecutions. But Hoover's aim was to use information, not for prosecution, but to intimidate and control all sectors of society, especially those with other forms of power.

His method of dealing with Father Coughlin is a good example of this. Hoover kept a sharp eye on the outspoken priest, who by 1940 was probably America's most powerful

pro-Nazi anti-Semite, with a radio show reaching possibly 30 million listeners. In January 1940 the FBI raided an office of the Christian Front, a group supported by Coughlin, for plotting to overthrow the government. Two years later Coughlin was silenced and his radio show went off the air.

Hoover's aim was to use information to intimidate and control all sectors of society.

Coughlin's subsequent silence, which lasted for decades, is usually attributed to an order from his bishop, after a deal negotiated with Attorney General [Francis] Biddle. But after Coughlin's death in 1979, his psychiatrist revealed that what silenced the priest had not been

sudden obedience to his bishop, whom he had successfully defied for several years. That cover story was circulated in May 1942 by church authorities.... Coughlin felt the effects of ... J. Edgar Hoover [who] had proof of Coughlin's homosexual activity. That proof, communicated in the verbal exchange between Hoover and Coughlin, was sufficient to silence Coughlin's public

voice until May 24, 1972.... Hoover had died just three weeks earlier, on May 2, 1972.

Hoover's silencing of Coughlin demonstrates that he used his intelligence files, not just against the Left, but against any force threatening the somewhat corrupt status quo maintained by his own secret powers.

Hoover eventually collected information on all those with political influence.

Armed in 1936 with Roosevelt's verbal authorization, Hoover proceeded to amass a list of files on tens of thousands of Americans. He was not timid in selecting targets. In 1946, bypassing Attorney General Tom Clark, who he knew would be disapproving, Hoover reported in a memo to Truman via George Allen, a wealthy businessman who was a friend, that "There is an enormous Soviet espionage ring in Washington," including "a number of high officials"—specifically including Undersecretary of State Dean Acheson and former Assistant Secretary of War John J. McCloy.

When Truman proved uninterested in Hoover's dire warnings, Hoover turned instead to the House Un-American Activities Committee

(HUAC) and the Senate Internal Security Subcommittee (SISS), sharing his files above all with two selected spokesmen, young Congressman Richard Nixon of HUAC in 1947, and later Sen. Joseph McCarthy of the SISS in 1950. Armed with information from Hoover to capture headlines, first Nixon and later Ronald Reagan were launched into careers of public prominence that led them to the White House. Both men, in different ways, would then contribute to the further institutionalization of the covert intelligence powers first developed by Hoover.

Purges

Hoover eventually collected information on all those with political influence, from members of Congress to the very wealthy; and he retained personal control over this information in his files to protect his position. For example he reportedly had "closely held case files on the business activities of Joseph P. Kennedy, starting with the bootlegging years and including coverage of several illegal — treasonous, even — transactions brought off while Kennedy was Ambassador to the Court of Saint James."

By all accounts, Hoover's wealth of such information is what enabled him to retain his office as director

for life, and perhaps influence other major political decisions.

The election of Eisenhower in 1952 enhanced Hoover's status in Washington, and also that of his projects.

Hoover's men ... oversaw internal security purges throughout the government, destroying lives and careers over suspicions of disloyalty or homosexuality.... With the full backing of Secretary of State John Foster Dulles, an FBI agent [personally approved by Hoover] named R.W. "Scott" McLeod took a job as internal security chief at State. His political purges of Washington and embassies and consulates overseas used FBI methods, including wiretaps, to force liberals and suspected leftists out of the foreign service. Between May 1953 and June 1955 only 8 persons were dismissed as security risks but 273 submitted their resignations.... The result was a self-censorship which undoubtedly had an effect on American foreign policy, few daring to express their opinions freely for fear they would be accountable to McLeod and,

eventually, McCarthy, with whom he shared the findings of his investigations. Through McLeod and his cadre, Hoover was tapped into every part of the State Department. Aides say he knew many of [John Foster] Dulles's decisions even before the president did.

Between May 1953 and June 1955 only 8 persons were dismissed as security risks but 273 submitted their resignations.

The victims particularly affected were old "China hands," like John Paton Davies, who had offended the China lobby by their negative assessments of Chiang Kai-shek and the Kuomintang. Thus was officially instituted a system whereby one part of government, the FBI, gained the power to install its agents in another, for the purpose of affecting its policies by purging its personnel. The resulting demoralization and re-orientation of State long outlasted the fall of McCarthy. It led to two decades of unreal China policy, accompanied by a long-lasting inability of State to oppose reckless CIA and Pentagon escalations of anti-communist violence in Southeast Asia. State Department veteran James C. Thomson, after re-

signing in 1966 over the Vietnam War, wrote an important article blaming America's errors and failures in Southeast Asia on the purging of expertise in the McCarthy era, along with Democratic Party remembrance of the "loss of China" charges.

Criticizing this state of affairs from the perspective of someone who had witnessed the SS purges in Nazi Germany, political science professor Hans Morgenthau in 1955 deplored the condition of a similar "dual state" in America, in which the "authorities charged by law" were subordinated to a hostile right-wing clique with "an effective veto over the decisions of the former."

Swedish professor Ola Tu-nander, expanding on Morgenthau's critique, called the second state a "deep state." Following him in 2007 and 2008, I also defined the deep state somewhat restrictively, as an unrepresentative "restricted locus of top-down power," or as a parallel "hard-edged coalition," consisting primarily of the covert agencies (like the CIA) that are "responsive ... to the overworld, but with little or no other public constituency."

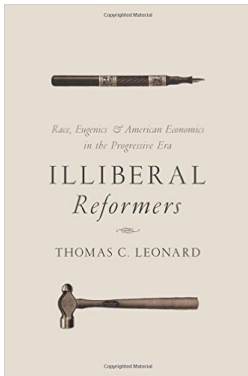
... I now use the term "deep state" for the larger aggregation of extralegal powers inside and outside government that Hoover helped consolidate, including not just covert agencies like the FBI, but also their media allies and other allied elements both in the wealthy overworld and the criminal underworld. In short my "deep state" is roughly the "deep political system" I defined in 1993 as "one which habitually resorts to decision-making and enforcement procedures outside as well as inside those publicly sanctioned by law and society." Since 1963 this system has included at least some elements responsible for covering up the assassination of a president.

*Peter Dale Scott is a Canadian-born poet, academic, and diplomat. His website is: <http://www.peterdalescott.net/index.html>. This article is an excerpt from Chapter 11 of his book *The American Deep State: Wall Street, Big Oil, and the Attack on U.S. Democracy*. Reprinted by permission. All rights reserved.*

The Disaster of Progressivism

by David D'Amato

Illiberal Reformers: Race, Eugenics, and American Economics in the Progressive Era by Thomas C. Leonard (Princeton University Press, 2016), 264 pages.



In his paper, “The Study of Administration,” Woodrow Wilson offered his reassurances that the professionalization of bureaucracy in America would not result in a “domineering, illiberal officialism.” Free Americans, Wilson argued, had nothing to fear from borrowing bits of Prussia’s systems of administration. He forecast the separation of the science of administration from the vagaries of politics, obsessed with the idea that

a relative handful of wise reformers must save the “unphilosophical bulk of mankind” from themselves. In his book *Illiberal Reformers*, economist Thomas Leonard examines the Progressive Era drive to dispassionately apply science to politics and the often baleful consequences thereof. Leonard’s study perfectly captures the Progressive impulse, a misguided, authoritarian appeal to the idea of expertise that bewitched Republicans and Democrats alike. *Illiberal Reformers* shows that the liberal-conservative paradigm we know today simply cannot explain the Progressivism of the early 20th century.

The book is divided into two parts. The first chronicles the rise of the Progressives, itself taken up in three acts: their efforts to take advantage of the reform opportunities afforded by “recurring economic crisis,” to leverage the “new authority of social science,” and to build, together with the economics profession, a functioning governing apparatus, a “fourth branch” of government. The second, “The Progressive Paradox,” explores the tension inherent in Progressives’ faith in the power of social control. Blinkered by that faith, they overlooked both the unintended consequences of their efforts and the possibility

that the experts they held in such esteem “could have interests and biases of their own.” In *Illiberal Reformers*, we see that the Progressives regarded themselves as above politics, their ideas as transcending it; theirs was a “commitment to disinterested truth-seeking,” the even objectivity of the scientist as against both the greed of the capitalist and the power lust of the politician.

As Leonard observes in his first chapter, “progressives were discontented with liberal individualism.”

And as the “children of middle class ministers and missionaries,” they brought their forebears’ missionary zeal to their reform efforts. Committed to remaking the country, they heralded a new social and economic order, in which the welfare state and regulatory bureaucracy would temper the perceived excesses of market liberalism. “The new economics, [progressives] claimed, could diagnose market ills and prescribe remedies that would treat or cure them.” For libertarians, who have been screaming into the void about Progressive Era illiberalism for decades, Leonard’s book is a welcome amendatory account, careful scholarship that considers

early Progressivism for what it actually was. Today, the words “liberal” and “Progressive” are used practically interchangeably, but it turns out that the Progressives of the early twentieth century weren’t very liberal at all.

The ideas contained in what we must now call *classical liberalism* — for example, constitutionally limited government with a clear separation of powers, individual rights, and economic liberalism (that is, *laissez faire*) — were the very ideas that Progressives explicitly forsook; they were looking for a new, modern manner of governing, armed with the power and insights of scientific progress.

As Leonard observes in his first chapter, “progressives were discontented with liberal individualism,” the “licensed selfishness” that placed mere individuals above the sacred prerogatives of the collective, whether called the nation, the public good, or the social organism. Liberalism had been comparatively modest in its ambitions, almost resigned, admitting that perhaps the best we can hope for as imperfect human beings is the limitation of government’s destructive potential. With the hard-won understanding that government and civil society are not one and the same, liberalism

limited and divided the functions of government in the hope that it would allow society's other institutions — commercial, religious, charitable — to flourish.

Eliminating bias

The administrative state often takes center stage in Leonard's historiography, and it is well that it should, for the administrative state truly has — quite as Progressives promised — transformed American life and politics. Progressive reformers wanted to harness the scientific-management ideas of industrial-efficiency pioneers such as Frederick Winslow Taylor. That meant the conscious repudiation of *laissez faire* in favor of “a vigorous administrative state guided by experts,” a system under which social scientists would convene in sterile new bureaus to decide upon the correct course of action. Once decided, plans could be implemented post-haste, unhampered by the tedium of a plodding legislative process. The Progressives believed that “science ensured objectivity,” underestimating or else ignoring the fact that individuals and institutions have their own biases and motivations.

As Public Choice theory has taught us, it is not enough merely to invoke the objective, impartial pow-

er of science, as if science itself exists in a vacuum, apart from its very human practitioners, with all of their prejudices and predispositions. Instead, we must shape our institutions to hedge against the risk, always doing its utmost to assert itself, of corruption and abuse of power. Perhaps counterintuitively, the kind of impartiality we seek in law and public policy is the result of dividing and decentralizing political power, not concentrating it in the name of science and progress. This is not necessarily a straightforward concept, not even for the highly intelligent. As Leonard explains, the Progressives demonstrated an “outsized confidence” in their ability to reform America's party system and political culture, to reshape political institutions into vessels for the new science that they hoped to deploy. After all, how could anyone justify *not* using scientific advances to make society more just, healthy, safe, and efficient?

The kind of impartiality we seek in law and public policy is the result of dividing and decentralizing political power.

Immersed in the related ideas of nativism and eugenics, progressive bellwethers such as Francis Amasa

Walker and Henry Pratt Fairchild poured scorn on immigrants, whom they regarded as “supplanters of native children.” Leonard notes that the nativists did not perceive the irony of such statements, despite being themselves the descendants of immigrants. Progressives proposed a diverse array of policies to attend to the perceived racial and economic problems of new immigration.

Minimum-wage mandates were efforts to deter “immigrants and other inferiors” from entering the work force

For example, Leonard shows that, in their nonage, minimum-wage mandates were efforts to deter “immigrants and other inferiors” from entering the work force, to identify and remove undesirable, unfit “industrial invalids.” More than helping unskilled labor or the indigent, the goal was controlling them. Progressive social scientists proposed the forced removal of such inferiors to “rural labor colonies” and “celibate colonies,” where they could be monitored by the appropriate government authorities. For Progressive reformers, the inhuman policies of compelled segregation and sterilization were the natural corollaries of minimum-

wage laws. And if the minimum wage meant unemployment, then it was unemployment of a kind that indicated social health, that kept the lowborn (women, immigrants, Catholics, blacks, et cetera) from sullyng the dignity of work.

The early hierophants of minimum-wage laws understood, as Leonard notes, its “power to exclude”; they advocated wage floors using the specious rationale that had been used to defend tariffs, that native American businesses ought to be favored, protected by the law from the dreaded contagion of cheaper foreign goods — that is, protected by the *positive* law from *economic* law. And, indeed, the social-work journalist Paul Kellogg proposed a policy that would be a bastard mixture of the tariff and minimum wage, a law that would “compel all immigrants to earn at least \$2.50 per day or else be denied entry.”

Dark origins

Strict control over the workplace and the terms on which work would be undertaken were the natural political companions of Progressives’ eugenicist ideas. “[Enthusiasm] for eugenics,” Leonard notes, was not confined to Progressives but was rather “utterly convention-

al” in the dawning years of the 20th century. Eugenics, put simply, is the science of human breeding; at the turn of the century, libertarians, authoritarians, and everyone in between submitted his own version of prescriptive eugenics, convinced of the underlying claim that scientific knowledge could and should be applied to human procreation and pedigree. Given Progressivism’s present-day associations with social and political inclusiveness, tolerance, and open-mindedness, the contemporary reader may be surprised at the avowed values of Leonard’s illiberal reformers. Theirs was a vision of America that was distinctly white, literate, Protestant, and middle-class, a “Teutonic” homeland unsullied by the rabblement of southern and eastern Europeans. They fretted about “racial disaster” and relegated entire swaths of the population to the category of “hopelessly defection.”

Could these American “liberals,” for whom the label “Progressive” is a cherished badge of honor, really not know the basic history of the Progressive Era?

If libertarians are all too familiar with and sensitive to these dark, illiberal origins of Progressivism,

then today’s Progressives seem to know almost nothing about them. Malcolm Harris’s review in *The New Republic* even admits, with what seems like embarrassment, that “[if] Leonard didn’t have the quotes from prominent progressives to back up his claims, this would read like right-wing paranoia.” But, of course, there’s nothing at all “right-wing” about pointing out the illiberalism of Progressivism, nothing surprising about the Progressive record of racism, eugenics, and cruel social engineering. That so many of today’s illiberal “liberals” will doubtless be shocked and scandalized by Leonard’s study ought to give us pause. Could American “liberals,” for whom the label “Progressive” is a cherished badge of honor, really not know the basic history of Progressive Era ideas and policies? Perhaps the fact that so many of their pernicious ideas remain in the contemporary Progressive’s DNA make an honest look at the past uncomfortable for him. Most of today’s academics, reformers, and general do-gooders still embody the underlying authoritarianism of the early Progressives, Wilson’s basic error of believing that a small number of the wise and altruistic can draw up a plan that just works.

The study of Progressivism is important because, as Leonard notes, it prevailed — against the magnificent Enlightenment tradition that taught us to fear government and guard our freedoms jealously, that showed us liberty is the source of societal order, it prevailed. The future of freedom is far from clear, but it is undoubtedly more

auspicious because of Leonard's exceptional book.

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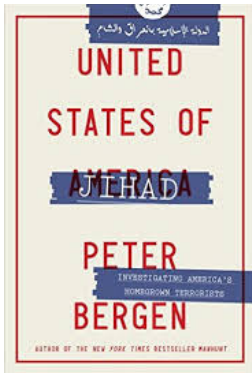
Is uniformity [of opinion] attainable? Millions of innocent men, women, and children, since the introduction of Christianity, have been burnt, tortured, fined, imprisoned; yet we have not advanced one inch towards uniformity. What has been the effect of coercion? To make one half the world fools, and the other half hypocrites.

— Thomas Jefferson

The Abyss Gazes Back

by Matthew Harwood

The United States of Jihad: Investigating America's Homegrown Terrorists by Peter Bergen (New York: Crown Publishers, 2016); 400 pages.



It took only a few hours after two Islamic State suicide bombings ripped apart the departure hall of Brussels Airport and subway cars in central Brussels for Sen. Ted Cruz to offer a “do something” solution to the threat of home-grown terrorism lurking in America’s midst. Taking to Facebook, the Republican presidential candidate said enough was enough: “We need to empower law enforcement to patrol and secure Muslim neighborhoods before they become radicalized.” The “constitutional conservative,”

however, wasn’t done. “The days of the United States voluntarily surrendering to the enemy to show how progressive and enlightened we can be are at an end. Our country is at stake.”

Flipping through the opening pages of Peter Bergen’s *United States of Jihad: Investigating America’s Homegrown Terrorists*, you come across Friedrich Nietzsche’s oft-quoted warning, in all caps: “WHOEVER FIGHTS MONSTERS SHOULD SEE TO IT THAT IN THE PROCESS HE DOES NOT BECOME A MONSTER. AND IF YOU GAZE LONG ENOUGH INTO AN ABYSS, THE ABYSS WILL GAZE BACK INTO YOU.” Bergen isn’t subtle. A chronicler of jihadi terrorism for nearly two decades now, he knows there will always be Cruzes to whip up the fear that al-Qaeda, the Islamic State, and other jihadi groups are somehow a supernatural force with the power to destroy America and that civil liberties — particularly for American Muslims — are a luxury Americans can no longer afford, rather than rights to vigilantly defend.

Bergen, to his credit, understands this mindset truly has the power to smother the freedoms and natural rights the U.S. government was instituted imperfectly to pro-

tect. Which is why his book — in many ways a string of case studies of Americans who either planned to attack the United States at home or who left to fight overseas — is an antidote to election-year fear-mongering, even if its title reads as alarmist. After analyzing the stories Bergen presents, one doesn't exactly fear that those men, and they're almost always men, could radically alter American life. They are the ideologically inspired equivalent of mass shooters, certainly scary but no threat to national security.

After analyzing the stories Bergen presents, one doesn't exactly fear that those men could radically alter American life.

The men Bergen profiles can be broken down essentially into three types — the lone wolf, the leader-led terrorist, and the foreign fighter. The lone wolves include men such as Carlos Bledsoe, a convert to Islam who murdered a U.S. service member and wounded another at a U.S. military recruiting center in Little Rock, Arkansas, or Maj. Nidal Malik Hasan, an Army psychiatrist who murdered 13 people at a military-readiness center in Fort Hood before he was to deploy to Afghanistan. The leader-led terrorist is best

exemplified by Najibullah Zazi, who plotted with two other friends at the direction of al-Qaeda to detonate suicide vests inside the New York subway system. And then there's the jihadi Che Guevara, Omar Hammami, the product of a Syrian immigrant father and an Alabaman Christian mother. A fascinating character, Hammami, a bright and gifted young man, traveled to Somalia to fight for al-Shabaab, an Islamist group. He quickly emerged as a skilled propagandist on social media but later died at the age of 29 because of in-group fighting, a victim of his own zealotry and success.

Reading about the men who would die for their ideals, no matter how false or barbarous, reminded me of Orwell's perceptive analysis of why the German people fell for Nazism:

[Hitler] has grasped the falsity of the hedonistic attitude to life. Nearly all western thought since the last war, certainly all "progressive" thought, has assumed tacitly that human beings desire nothing beyond ease, security, and avoidance of pain. In such a view of life there is no room, for instance, for patriotism and the military virtues. Hitler, because in his

own joyless mind he feels it with exceptional strength, knows that human beings don't only want comfort, safety, short working-hours, hygiene, birth-control and, in general, common sense; they also, at least intermittently, want struggle and self-sacrifice, not to mention drums, flags, and loyalty-parades.... Whereas Socialism, and even capitalism in a grudging way, have said to people 'I offer you a good time,' Hitler has said to them 'I offer you struggle, danger, and death,' and as a result a whole nation flings itself at his feet.

The many people featured in the *United States of Jihad* all seem to be looking for purpose, so much so that they will sacrifice themselves quite literally in a blaze of glory. In a martyrdom video for al-Nusra Front, al-Qaeda's Syrian affiliate, Moner Mohammad Abusalha, a Floridian of American and Palestinian descent, described life stateside:

I lived in America! I know how it is. You have all the fancy amusement parks, and the restaurants, and the food, and all this crap and the cars and

you think you're happy. You're not happy, you're never happy. I was never happy. I was always sad and depressed. Life sucked.... All you do is work forty, fifty, sixty hours a week.

Abusalha then drove an explosive-laden truck into a Syrian restaurant where government forces congregated, killing himself and others.

The many people featured in the *United States of Jihad* all seem to be looking for purpose.

However distressing it is to see so many young people choose a totalitarian ideology that abhors liberal values, it's vital to keep perspective. As Bergen concludes at the end of his study, jihadist terrorism and militancy isn't an existential threat but a "persistent low-level" one. The events in San Bernardino or Brussels don't change that. Rather they confirm it. Nazi Germany or the Soviet Union the threat is not. Capability matters much much more than intent.

No easy answers

Bergen, however, can be a frustrating and contradictory narrator at times. His in-depth case studies

on the lives of American jihadists show that there is no profile for those who will engage in terrorist atrocities. But to make sense of how such men of different backgrounds, ethnicities, and classes made a choice to engage in ideologically driven violence, Bergen looks to a repudiated theory of violent radicalization pushed by Mitchell D. Silber, the former director of intelligence analysis at the New York Police Department.

According to Silber and the 2007 report he co-authored, *Radicalization in the West: The Homegrown Threat*, the jihadi terrorists he studied went through four stages on the path towards violence after experiencing a “cognitive opening,” which could be mundane occurrences, such as the death of a loved one or the loss of a job. While Silber was careful to say that not all people will linearly travel this pathway toward violent radicalization, the report certainly gives that impression and identifies many constitutionally protected activities as precursors to terrorist violence. These behaviors, according to the report, included “[giving] up cigarettes, drinking, gambling and urban hip-hop gangster clothes”; “[wearing] traditional Islamic clothing, growing a beard”; and “[becoming] in-

involved in social activism and community issues.” The report also singled out a long list of “radicalization incubators”: “Though the locations can be mosques, more likely incubators include cafes, cab driver hangouts, flophouses, prisons, student associations, non-governmental organizations, hookah (water pipe) bars, butcher shops and book stores.”

The program, which Sen. Ted Cruz would apparently like to see go national, was a failure of epic and unconstitutional proportions.

It shouldn't be surprising, then, that the NYPD's Intelligence Division had already begun a program of suspicionless surveillance against the city's Muslim communities, mapping and spying on the very places Silber described as terrorism incubators in the pursuit of people who were, well, Muslims. The program, which Sen. Ted Cruz would apparently like to see go national, was a failure of epic and unconstitutional proportions. According to the division's commanding officer in 2012, the work of its Demographic Unit didn't lead to opening a single investigation. (Full disclosure: I work for the American Civil Liberties Union, which recently

settled with the New York Police Department over the Intelligence Division's dragnet surveillance of New York Muslims.)

A grievance worth examining that is almost entirely absent from most "serious" discussions of jihadi terrorism: The part U.S. policies play in stoking it.

After the Associated Press revealed the full extent of the NYPD's Muslim surveillance and mapping program in 2011, a coalition of New York-based civil-rights groups concluded in its report "Mapping Muslims" that "the NYPD's flawed radicalization theory was in fact a blueprint for a policy of profiling and suspicionless surveillance." Bergen, however, condemns the NYPD's "fishing expeditions" against Muslim communities, while holding up its intellectual foundations. That is cognitive dissonance exemplified.

Taking stock

A stinking corpse sits in the room that Bergen and the legion of positive reviewers won't acknowledge, much less seriously consider. And that's the role U.S. foreign policy plays in this macabre dance between the U.S. national-security state and jihadist movements world-

wide, which leaves civilians on all sides as potential collateral damage.

Leaving his suburban home in Chicago for ISIS-controlled territory, 19-year-old Mohammed Hamzah Khan left a three-page note for his parents decrying that his tax dollars were going to kill his "Muslim brothers and sisters." His younger brother, in his own note, decried the drone strikes that kill innocent Afghan children. Faisal Shazad, who failed to detonate a car bomb near Times Square in 2010, also cited drone strikes as one motivation for his unsuccessful attack. Maj. Nidal Malik Hasan and Najibullah Zazi were motivated by the U.S.-led wars in Iraq and Afghanistan. Holed up in a dry-docked boat in a suburban backyard, the lone surviving Boston bomber scrawled on the vessel's inside his reasons for unleashing the attack that killed three and injured more than 260 people as police surrounded his location. "The U.S. government is killing our innocent civilians, but most of you already know that," wrote Dzhokhar Tsarnaev. "As a [Muslim] I can't stand to see such evil go unpunished." And on it goes, around and around, one atrocity in retaliation for another.

While the pathway to violent terrorism and militancy is a com-

plicated one — always an almost impenetrable mix of the personal and the political and the ideological — there is a common grievance worth examining that is almost entirely absent from most if not all “serious” discussions of jihadi terrorism: The part U.S. policies play in stoking it. Bergen notes it, but he never confronts the legitimacy of the grievances. And because of that, his book concludes on an over-optimistic prediction that jihadism “will likely take many, many years before it withers and dies.” That, unfortunately, will not occur as long as the United States continues to finance and arm repressive authoritarian regimes throughout the Middle East, occupy large swaths of majority Muslim lands, and, with almost divine vengeance, vaporize its enemies from the sky. And considering the current presidential candidates, a change in U.S. foreign policy doesn’t seem probable any time soon. It may indeed become much more violent, not less, to the

detriment of international stability and civil liberties at home.

Despite its serious flaws, Bergen’s *United States of Jihad* is a level-headed examination of one type of violence inside the United States today and a reminder that the existential threat to the United States isn’t jihadi terrorism, but Americans’ reaction to it. Monsters, it should never be forgotten, lurk inside all of us. And unfortunately there are people on the campaign trail who want America to unleash its inner beasts rather than hold them at bay. The abyss in 2016 beckons.

Matthew Harwood is a writer living in New Jersey. He work has appeared at The American Conservative, The Guardian, TomDispatch, Reason, War Is Boring, The Washington Monthly, and more. He has a M. Litt in International Security Studies from the University of St. Andrews in Scotland.

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