
FUTURE OF FREEDOM

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The example of great and pure individuals is the only thing that can lead us to noble thoughts and deeds.

— *Albert Einstein*

FUTURE OF FREEDOM

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Patriotism and Conscience: The Edward Snowden Affair

by *Jacob G. Hornberger*



The Edward Snowden case provides a good example of how the conversion of the federal government from a limited-government republic to a national-security state has warped and perverted the morals, values, principles, and consciences of the American people.

Snowden is the former NSA official who revealed the national-security establishment's top-secret surveillance scheme to the American people and the rest of the world. Knowing that the national-security establishment would come after him with overwhelming force, possibly even to assassinate him, for disclos-

ing its secrets, Snowden fled the country and ended up exiled in Russia after U.S. officials canceled his U.S. passport while he was en route to Latin America.

Since then, U.S. officials have attempted, without success, to secure Snowden's extradition from Russia in hopes of putting him on trial and sending him to jail for life or even executing him under an anti-espionage law that, believe it or not, dates back to World War I. Some officials have accused Snowden of spying for the Russians, notwithstanding the fact that it was the U.S. government's decision to cancel his passport while he was on his way to Latin America that caused Snowden to be marooned in Russia.

Notice something important about Snowden's revelations. Despite all the hoopla that he had disclosed secrets relating to "national security," the federal government is still standing. So is America. The U.S. government hasn't been taken over by terrorists, Muslims, drug dealers, illegal aliens, or communists. Russia, China, North Korea, Cuba, and Vietnam haven't invaded and conquered the country. And America didn't fall into the ocean.

The main thing that happened was the disclosure of illegal and nefarious dark-side activity on the

part of the U.S. national-security establishment.

It was no different when WikiLeaks disclosed its mountain of national-security secrets several years ago. America continued to exist as a nation. So did the federal government.

Here's the point: If the NSA were to be abolished today and if Congress were to order all of its documents and records to be released immediately to the public, nothing would happen to the United States. Nothing!

Nothing matters more to a national-security state than the protection of its secrets.

The same holds true for the CIA and the military-industrial complex. If all their files and records were to be suddenly disclosed to the people of the world, America would continue to exist as a country. It would not fall into the ocean, and the federal government would continue to operate.

In fact, full disclosure of all of the illegal and immoral actions that the U.S. national-security establishment has engaged in during the past 70 years of its existence would be the greatest and healthiest thing that could ever happen to the United

States. Full disclosure of such secrets would be an antiseptic that would help cleanse the federal government and the country of many of the long-lasting stains that the national-security establishment has inflicted on it — an antiseptic that might finally begin to restore trust and confidence in the federal government among the American people.

Secrecy

To be sure, the secrecy is always alleged to be justified by “national security,” the two most important words in any nation whose government is a national-security state. But what does that term mean? It has no objective meaning at all. It's just a bogus term designed to keep nefarious and illegal actions secret.

But heaven help those who reveal those secrets to others. They will be persecuted, prosecuted, vilified, condemned, exiled, or murdered. Nothing matters more to a national-security state than the protection of its secrets. Those who reveal them must be made examples to anyone else who contemplates doing the same thing.

In the process, conscience is suspended and stultified. It has no role in a national-security state. Individual citizens are expected to place their deep and abiding trust in the

national-security establishment and to unconditionally defer to its judgment and expertise. Its job is to protect “national security” and that’s all that people need to know. Sometimes that entails illegal activity, such as murder, torture, and kidnapping, but that’s just the way it is. What’s important, they say, is that the national-security establishment is on the job, a perpetual sentinel for freedom, protecting “national security.”

The federal judiciary is not about to buck the national-security branch of the federal government.

Imagine that Edward Snowden voluntarily returned to the United States for trial. Do you think he would be given the opportunity at trial to show why he disclosed the NSA’s illegal and nefarious surveillance schemes? Do you think he would be entitled to argue that he was simply following the dictates of his conscience when he chose to reveal that information to the American people and the world?

Not on your life. The federal judge presiding in the case would rule that the exercise of conscience is not an affirmative defense in criminal prosecutions, including

those relating to “national security.” He would rule that Snowden’s motive in disclosing the information was irrelevant and would instruct the jury to convict if they concluded that Snowden had in fact released national-security secrets.

If Snowden voluntarily returned to the United States, there is no doubt that he would spend much of the rest of his life in prison because the federal judiciary is not about to buck the national-security branch of the federal government. The latter is simply much too powerful.

And that’s if he’s lucky. If the national-security establishment decided to assassinate him as a terrorist, there is absolutely nothing anyone could do about it. That’s because the national-security branch, operating in conjunction with the executive branch, wields the omnipotent, nonreviewable power to assassinate anyone they want. The federal judiciary has made it perfectly clear that it will not interfere with or second-guess the president, CIA, or Pentagon when it comes to assassinations relating to national security.

A good example involves the case of Frank Olson, who worked within the U.S. national-security establishment during the Cold War. Stricken by a severe case of con-

science as a result of participating in MKULTRA, the super-secret CIA medical experimentation program that would have fit perfectly in the Soviet Union under Stalin, Olson made the grave mistake of disclosing the program to someone else. Since he and his elevated sense of conscience obviously constituted a grave threat to national security, Olson was drugged with LSD without his knowledge and later assassinated under the guise of a suicide. (See *A Terrible Mistake: The Murder of Frank Olson and the CIA's Secret Cold War*, by H.P. Albarelli Jr.)

Cuba

Let's consider some of the national-security state's secrets and what they have done to warp and pervert the moral, values, and principles of the American people.

Consider Cuba. Ever since Fidel Castro took power in Cuba in 1959, the U.S. national-security state has been driven to oust him from office and replace him with a U.S.-approved dictator, such as the one whom Castro ousted from power, Fulgencio Batista. The national-security establishment's regime-change operations in Cuba have included assassination, invasions, sabotage, and terrorism.

Through it all, Americans have been inculcated with the belief that all this activity is good, moral, honorable, and legal on one basis alone: that Castro is a communist who has established a communist system in Cuba.

**It has always been the U.S.
national-security establishment
that has been the aggressor
against Cuba.**

That's it! Notice something important here: No matter how revolting the communist philosophy might be to people, the fact is that Cuba has never attacked the United States. It has never invaded the United States. It has never assassinated any U.S. official. It has never committed acts of sabotage or terrorism against the United States. It has never imposed an economic embargo against the United States.

Instead, it's always been the other way around. It has always been the U.S. national-security establishment that has been the aggressor against Cuba. The CIA secretly organized a paramilitary invasion of the island. The CIA also entered into a partnership with the Mafia, one of the top criminal organizations in the world, to assassinate Castro. The Pentagon proposed to

John F. Kennedy a secret plan called Operation Northwoods, which entailed terrorist attacks and plane hijackings carried out by secret agents posing as Cubans, in order to provide a pretext for a war with Cuba. During the Cuban Missile Crisis, which was induced by Cuba's desire to deter a Pentagon regime-change operation against Cuba, the Pentagon and the CIA demanded that Kennedy invade Cuba even if it meant all-out nuclear war against the Soviet Union.

None of the national-security state's illegal, dark-side activity is authorized by the U.S. Constitution.

In the 1970s, a Cuban airliner was bombed out of the air by anti-communist terrorists soon after taking off from Venezuela on its way home to Cuba. Victims included the members of Cuba's fencing team. To this day, Venezuela has demanded the extradition of the man they accuse of committing the bombing, a man named Jose Posada Carilles. To this day, U.S. officials have steadfastly refused to honor the extradition request, notwithstanding the fact that there is an extradition treaty between the two nations.

There were also the acts of sabotage and terrorism within Cuba by people operating on behalf of the U.S. national-security state, acts that destroyed property and took the lives of innocent people.

By any objective measure, all that is immoral, dark-side activity.

Legality

I would be remiss if I failed to mention something else: None of this illegal, dark-side activity is authorized by the U.S. Constitution, the supreme law of the land that delineates the powers of the federal government. That means that every act of assassination, invasion, sabotage, terrorism, and other dark-side activity that the U.S. national-security establishment has inflicted on Cuba has been illegal under our form of constitutional government.

Nonetheless, in the minds of all four branches of the federal government — the executive, judicial, legislative, and national-security branches — all of those moral and legal considerations are irrelevant and immaterial. All that matters is the judgment of the national-security branch, whose responsibility within the governmental framework is to protect national security. If it determines that a foreign regime must be removed and re-

placed with another one, that's the end of the matter. The citizenry are expected to come on board and support their government. Those who don't are considered traitors who hate their country.

Snowden, of course, isn't the only one whom they've gone after for disclosing the secrets of the national-security state. Chelsea Manning, who revealed the WikiLeaks records, will now be spending much of the rest of her life rotting away in a federal penitentiary for following the dictates of her conscience.

Don't forget that they also went after Daniel Ellsberg for revealing the Pentagon Papers to the American people. Those were the documents in which the Pentagon confessed it was lying about the progress of the Vietnam War, a war that took the lives of some 58,000 American men and millions of Vietnamese. Like Snowden, the national-security establishment and its acolytes considered Ellsberg to have betrayed his country by revealing the national-security establishment's nefarious, dark-side activity to the American people. In their view, Ellsberg should have deferred to the judgment of the national-security establishment and preserved its secrets, including

their lies, even if that meant that the Vietnam War, like the wars in Iraq and Afghanistan today, would have continued indefinitely.

Several years ago, three Americans were sentenced to long terms in a federal penitentiary for disclosing U.S. national-security state secrets. Two of them were a husband and wife, Walter and Gwendolyn Myers. Walter Myers worked for the State Department. The other one was a woman, Ana Montes, who worked for the Defense Intelligence Agency.

The citizenry are expected to come on board with whatever the national-security state is doing, no matter how immoral it is.

An interesting aspect of their disclosures was that, unlike Snowden, Ellsberg, Manning, and other U.S. whistleblowers who disclosed their information to the press, the Kendalls and Montes disclosed their national-security state secrets to the Cuban government.

It is not surprising that when they were caught and brought to trial, they were castigated and condemned by the federal judiciary for having betrayed their country by disclosing national-security state secrets to a foreign government.

What had motivated all three of them to do what they did? They claimed they did it out of a sense of conscience. They said they loved Cuba and the Cuban people and they didn't believe that the U.S. government had any moral or legal authority to be inflicting harm on the Cuban people. So they decided to tell Cuban officials what the national-security establishment was doing to them and planning to do them.

Needless to say, none of that mattered to the federal judiciary. When it comes to the national-security state, conscience is irrelevant. The citizenry are expected to come on board with whatever the national-security state is doing, no matter how evil or immoral it is; in their eyes, it can never be evil or immoral because it's U.S. officials who are committing the acts. Those who are working on the inside and who acquire classified information about national-security state activity are expected to keep it secret, no matter how dark, illegal, or evil it might be.

For example, let's assume that the Kendalls or Montes learned of a plot by the CIA and the Mafia to murder Fidel Castro. They would be expected to keep it secret, even if the hit would be illegal under U.S. law and international law. If they instead decided to disclose the plot

to the Cubans, they would be treated as spies who had betrayed their country, notwithstanding the fact that they had prevented an act that, by any objective standards, constituted outright murder.

Genuine patriotism encompasses taking a stand against the wrongdoing of your own government.

Several years ago, the Cuban national-security establishment (yes, Cuba is a national-security state too, just as North Korea and China are) secretly sent five agents into Miami to ferret out terrorist attacks against Cuba that were originating within the United States. After they were caught by U.S. officials, they were criminally prosecuted and sentenced to long jail terms as spies. Under U.S. national-security state doctrine, no nation has the right to protect itself from assassination, terrorism, sabotage, and embargoes inflicted by the U.S. national-security establishment.

Patriots

Not only has the national-security state perverted morals and values, it has also warped the concept of patriotism. Genuine patriotism encompasses taking a stand against

the wrongdoing of your own government. That's what the Declaration of Independence was all about — a group of English subjects taking a stand against the wrongdoing of their own government. It's what the White Rose group in Nazi Germany was all about — taking a stand against the wrongdoing of their own government.

The national-security patriot keeps the secrets of the national-security establishment, especially the dark ones.

The conversion of the federal government to a national-security state turned that notion upside down, at least for national-security statist, who hold that a citizen has the solemn duty to unconditionally and blindly come to the defense of the Pentagon, the CIA, and the NSA, no matter what they are doing, because whatever it is they are doing — murdering, kidnapping, torture, bribery — they're doing for national security. They are keeping Americans safe from the enemies that their policies are producing.

As Edward Snowden and others who have worked within the bowels of the national-security branch of the government have learned, the national-security patriot is expect-

ed to keep the secrets of the national-security establishment, especially the dark ones, such as assassinations, kidnappings, bribery, and torture, and secret surveillance schemes such as those carried out by the NSA.

Last fall, in conjunction with the release of Oliver Stone's movie *Snowden*, there was a concerted drive to have Snowden pardoned by Barack Obama, in large part because of the fact that much of the worldwide surveillance scheme that he revealed was illegal and constituted a grave infringement on people's privacy.

The "pardon Snowden" movement encountered the predictable response from acolytes of the national-security establishment, including those in Congress and the mainstream press. They said that Snowden was a traitor, a man who hated and betrayed his country. They insisted that Obama deny the pardon request. They continued to maintain that Snowden should voluntarily return to the United States and face trial.

But the acolytes of the NSA and the rest of the national-security establishment are wrong. In fact, it's not Snowden who needs pardoning. The ones who need pardoning are those who made the United

States into a national-security state, those who continue to operate it, and those who keep it in existence. They are the ones who have betrayed our country. They are the ones who are the criminals.

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

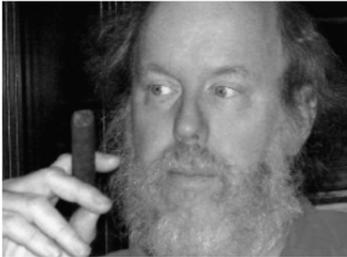
NEXT MONTH:
“The Assassination of Orlando Letelier and Ronnie Moffitt, Part 1”
by Jacob G. Hornberger

When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the center of all power, it will render powerless the checks provided of one government on another and will become as venal and oppressive as the government from which we separated.

— Thomas Jefferson
Letter to Charles Hammond, 1821

How Food Stamps Subverted Democracy, Part I

by James Bovard



The federal government is now feeding more than 100 million Americans. The vast increase in dependency fundamentally changes the relationship of Washington to the citizenry. The more Americans rely on handouts, the more difficult it becomes to roll back politicians' power over those who do not.

There was no good reason for the vast expansion of dependency. The history of the federal food-aid boom is a story of political conniving, bureaucratic bungles, and media collusion. Forty years ago, when the "hunger revolution" in American politics began, average people would have scoffed at the notion that the government must intervene to supply so many meals. But

in the subsequent decades, politicians captured new prerogatives to take over far more lives.

In 1937, Franklin Roosevelt declared that one-third of the nation was "ill-nourished." He had no specific data to support that assertion, but it was a key to a punchline in his second inaugural address that also tagged one-third of the nation "ill-clad" and "ill-housed." Most commentators at the time ignored the fact that Roosevelt's agricultural policies — by paying farmers to slaughter pigs and to leave land idle — had sharply inflated food prices.

A 1955 USDA dietary survey found that only 25 percent of America's roughly 43 million poor people had bad diets — i.e., diets with too few calories and containing less than two-thirds of the recommended daily allowance for essential nutrients. Seventy-five percent of the poor provided themselves with adequate diets even though only a third of them were on public assistance. There was not a vast gap in dietary quality between the poor and nonpoor. The federal government ran a commodity-distribution program that allowed needy people to receive boxes of relatively nutritious food. Because government cheese and flour could not function as a second

currency (unlike food stamps), the demand was limited.

Hunger was a nonissue for most of the 1960s. From 1963 to 1966 the *New York Times* did not run a single article on hunger in America. Lyndon Johnson sought to raise his sagging political fortunes in 1966 by declaring a war on hunger, but he was concerned solely with foreign hunger. In 1967, Office of Economic Opportunity Director Sargent Shriver, one of the most outspoken liberals in the Johnson administration, declared, at a time when the federal government was spending roughly \$700 million on food assistance, that spending another billion dollars would be sufficient to end the domestic hunger problem.

Hunger in America

The modern-era hunger hype began in 1967 when Sen. Robert Kennedy visited the Mississippi Delta just after federal policies threw tens of thousands of cotton pickers out of work. Kennedy and other politicians claimed that the Delta's misery was symptomatic of a national hunger epidemic. They conveniently ignored the federal role in sparking the suffering they bemoaned. The left-leaning Citizens' Crusade against Poverty

jumped on the bandwagon, sponsoring the Citizens' Board of Inquiry into Hunger and Malnutrition in the United States. The board held hearings in a few Southern states and issued a scathing report in April 1968 entitled *Hunger, U.S.A.* The report was largely anecdotal, including a picture of a scrawny dog with the caption, "Where you see a starving dog such as this one, you'll find hungry people." The report concluded with a shot-in-the-dark estimate that there were "10 million or more" Americans who could not afford adequate diets.

In 1967, Sargent Shriver declared that spending another billion dollars would be sufficient to end the domestic hunger problem.

Dr. Raymond Wheeler of the Citizens' Board announced, "Slow starvation has become part of the Southern way of life." The board report propelled the issue even though its proclamation of 256 "hunger counties" in the United States relied on profoundly flawed statistical juggling. It used 1950s infant-mortality figures even though statistics for 1965 were available. It contrasted the number of poor in 1960 with the number getting food assistance in 1967 even

though the number of poor had declined by 12 million in the interim. Board physicians later admitted that their estimates were hypothetical and defended numerous mistakes by saying that the report was a rush job and that the important thing was for Congress to act immediately. Much of the suffering the board attributed to malnutrition due to hunger was actually due to biological parasites.

Nationwide, many localities were amazed to find themselves designated as hunger counties. The *Milwaukee Journal*, after investigating reports that Sawyer County, Wisconsin, was a “hunger county,” concluded, “In talks with a variety of residents, no one could be found who believes this to be true.” The chairman of the House Agriculture Committee, Robert Poage (D-Tex.), wrote to health officers in each of the 256 so-called hunger counties, and almost all responded by reporting little or no known hunger or malnutrition due to poverty.

CBS relied on the Citizens’ Board report to produce a bombshell television documentary, “Hunger in America.” The show began, “Hunger is easy to recognize when it looks like this. This baby is dying of starvation. He was an American. Now he is dead.” The

Federal Communications Commission investigated and found that the baby had been born prematurely after his mother had fallen the day before, and weighed only two pounds, ten ounces. The hottest item on the program and the sole example of starvation was a fraud.

Many localities were amazed to find themselves designated as hunger counties.

Regardless, the Citizens’ Board established the standard that would guide subsequent federal food assistance. After observing that only 18 percent of the nation’s 30 million poor were getting federal food handouts, one of the Citizens’ Board doctors concluded, “We cannot assume that any of the remaining poor — those on neither program [food stamps or surplus commodity distribution] — are getting food.” But a 1967 USDA study found little difference in the nutritional status of food-stamp users and nonusers of similar income and background.

In the late 1960s, Americans were turning against Johnson’s spendthrift Great Society programs that seemed to have done little more than boost dependency and spur riots. Activists and politicians

seized upon the hunger issue to create a moral imperative to expand government handouts and political control over the distribution of income. Pulitzer Prize-winning journalist Nick Kotz wrote in 1969 that “hunger provided a meaningful new metaphor for the issue of poverty in affluent America.”

Congress mandated an outreach program for states to recruit people for food stamps.

Richard Nixon seized on the hunger issue to burnish his compassionate credentials (at the same time he was bombing Vietnam and Cambodia). On May 6, 1969, he declared, “That hunger and malnutrition should persist in a land such as ours is embarrassing and intolerable.... The moment is at hand to put an end to hunger in America itself for all time.” Nixon was willing to do anything to curb hunger — except reform federal farm policies that added up to 15 percent to the price of food. Low-income Americans were soon caught in a crossfire: social workers begged them to abandon their independence while politicians and inflation destroyed the purchasing power of their food dollar.

Even though food-stamp enrollment quadrupled between 1968

and 1971, Congress mandated an outreach program for states to recruit people for food stamps. A USDA magazine reported that food stamp workers could often overcome people’s pride by saying, “‘This is for your children’ ... the problem is not with welfare recipients but with low-income workers: It is this group which recoils when anything even remotely resembling welfare is suggested.”

Promoting hunger

In 1973 the Senate Select Committee on Nutrition and Hunger Needs, chaired by Sen. George McGovern (D-S.D.), released *Hunger — 1973*, a report intended as “a profile of the half-full, half-empty plate which the federal food programs represent to the nation’s poor.... Whether the real poverty count is 25, 26, or even 30 million persons, the fact that only 15 million of the poor participate in any food assistance program ... indicates that the hunger gap is far from closed either for the country or the individuals concerned.” The Senate Select Committee published a list of “failure to feed” counties in which fewer than a third of the poor were on food doles.

In five years, the tacit definition of hunger in America had changed

from consuming insufficient food to being low-income and not receiving federal food handouts. That change also symbolized a radical change in the concept of the poor. No longer were they people who occasionally needed a helping hand; instead, they became a social class by definition incapable of feeding themselves. The fixation on food-program enrollments was also puzzling because many of the poor were receiving some other kind of public assistance intended to help cover food costs, such as Aid to Families with Dependent Children or unemployment compensation.

In 1974, the Senate Select Committee held a conference that proclaimed that despite a fourfold increase in federal food aid since 1968, “we have moved backwards in our struggle to end hunger, poverty, and malnutrition.” The *New York Times* hyped the conference with a front-page headline: “U.S. Needy Found Poorer, Hungrier than Four Years Ago.” Even though food-stamp enrollment had zoomed from 3 million to 16 million and the number of poor was roughly the same, things had somehow worsened. The Senate committee made no effort to measure actual hunger.

Federal food-stamp recruiting went into overdrive. Twelve states

conducted door-to-door food-stamp recruiting campaigns and seventeen conducted telephone campaigns. Wisconsin distributed thousands of copies of a Food Stamp Nursery Rhyme Coloring Book, while Kentucky relied on a traveling puppet show to spur food-stamp enrollment. A typical 1975 USDA brochure announced, “You are in good company. Millions of Americans use food stamps.” A leaflet distributed in Maryland and paid for by the federal government showed a gaunt face on the cover with the question, “Did you know some people would rather STARVE than seek HELP? On the inside, the brochure said, “PRIDE NEVER FILLS EMPTY STOMACHS.... Food Stamps should NOT be confused with CHARITY! In fact, food stamps are designed to help you help yourself.”

The Senate committee made no effort to measure actual hunger.

The Carter administration, like the Nixon administration, unabashedly championed food stamps. In 1977, the head of the USDA’s Food and Nutrition Service declared, “I’m aware that there is a welfare stigma for people who use food stamps, but it’s ridiculous. It is,

in fact, far more desirable that people meet their nutrition needs with food stamps than that they drive their cars over federally financed roads.”

In 1981, Ronald Reagan took office and sought to curb surging food-stamp enrollment. That issue provided the best hook for the liberal media to attack the moral credibility of his administration and Republicans across the board. In part 2, we will see how the hunger issue has been exploited in subsequent times to put a halo over Leviathan.

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:
“How Food Stamps Subverted Democracy, Part 2”
by James Bovard

Lying is Father to falsehood, and Grandsire to Perjury; Fraud (with two faces) is his Daughter, a very Monster: Treason (with hairs like Snakes) is his kinsman.

— Thomas Dekker

Workplace Smoking

by Laurence M. Vance



While making a brief trip recently to a place of business in a local outdoor mall in central Florida, I noticed that a new sign had been posted on the information board in the middle of one of the sidewalks: “Smoking in Workplaces Is Prohibited by Law.” The sign was gone the next week, replaced by an ad for a movie at the mall’s theater, so I was glad that I had written down what was on it. Apparently, these signs change every so often, depending on how long organizations or places of business want to advertise something.

I remember that the smoking sign also contained a phone number for people to call for more information. And in small print at the bottom of the sign was the website address for Tobacco Free Florida (TFF). It turns out that TFF is not

some private anti-smoking organization that was trying to draw attention to Florida smoking laws. TFF is a state agency designed “to protect the people of Florida from the dangers of tobacco.”

TFF

According to the TFF website mentioned on the sign at the mall, “TFF is administered through the Florida Department of Health’s Bureau of Tobacco Free Florida (BTFF), and funded by money derived from the state’s tobacco settlement agreement with the major tobacco companies in 1997.”

The state of Florida sued a number of tobacco companies in 1995 and eventually reached an \$11.3 billion out-of-court settlement with them to compensate the state for the public-health costs caused by smoking-related illnesses. Florida’s governor Lawton Chiles said the state won on three important battlegrounds: “protecting Florida’s children, making tobacco pay for the damage it has cost our taxpayers, and for cigarette makers to finally tell the truth.” Payments to the state by the tobacco companies under the settlement are made on April 30 and December 31 of each year and are based on the tobacco companies’ national market share. Non-

monetary provisions of the settlement included the prohibition of billboard and transit advertisements of cigarettes and the removal of cigarette-vending machines from places accessible to children.

In 2006, the Florida Use of Tobacco Settlement Funds Amendment (amendment 4) appeared on the November election ballot — the result of a constitutional amendment initiative petition requiring 611,009 signatures (720,218 were obtained). More than 60 percent of Florida voters approved amending the Florida constitution to require the funding of statewide tobacco-education and -prevention programs with tobacco-settlement money. More than \$5 million was spent on the media campaign focusing on the amendment's passage — all from one group: Floridians for Youth Tobacco Education.

**Floridians for Youth Tobacco
Education spent more than
\$5 million on the media campaign.**

The ballot title read, “Protect People, Especially Youth, from Addiction, Disease, and Other Health Hazards of Using Tobacco.” The summary of the amendment on the ballot read,

To protect people, especially youth, from addiction, disease, and other health hazards of using tobacco, the Legislature shall use some Tobacco Settlement money annually for a comprehensive statewide tobacco education and prevention program using Centers for Disease Control best practices. Specifies some program components, emphasizing youth, requiring one-third of total annual funding for advertising. Annual funding is 15% of 2005 Tobacco Settlement payments to Florida, adjusted annually for inflation. Provides definitions. Effective immediately.

The ballot language also contained this fiscal note:

This amendment requires state government to appropriate approximately \$57 million in 2007 for the Comprehensive Statewide Tobacco Education and Prevention Program. Thereafter, this amount will increase annually with inflation. This spending is expected to reduce tobacco consumption. As a result, some long-term savings to state and

local government health and insurance programs are probable, but indeterminate. Also, minor revenue loss to state government is probable, but indeterminate.

TFF was launched in 2007 as a direct result of the passage of this constitutional amendment.

According to the Campaign for Tobacco-Free Kids, tobacco use is the leading cause of preventable disease in Florida, where each year more than 32,000 people die from smoking — more than die from “alcohol, AIDS, car crashes, illegal drugs, murders, and suicides combined.” About 270,000 “kids now under 18 and alive in Florida who will ultimately die prematurely from smoking.” The annual health-care costs in Florida directly caused by smoking are said to be \$8.64 billion. The Medicaid costs are said to be \$1.51 billion. Productivity losses are said to be \$8.32 billion. Florida residents’ state and federal tax burden from smoking-caused government expenditures is said to be \$835 per household.

Following the principles established by the Centers for Disease Control and Prevention, TFF “reaches millions of Floridians through hard-hitting media cam-

paigns, public relations, social media, evidence-based tobacco cessation services, grassroots initiatives, county-level grants that advance tobacco-free policies, a youth-led movement called Students Working Against Tobacco (SWAT), school-based interventions, and surveillance and evaluation to ensure effectiveness.”

Regardless of how unhealthy smoking is, questions must still be answered about the proper role of government.

The BTFF-desired result for the TFF program is “to inspire Floridians to quit smoking and discourage youth from starting.” The agency claims that TFF is working. TFF “awareness” is high throughout the state, and “shows a positive impact on smoking-related attitudes and behaviors.” The smoking rate of adults in Florida is below the national average. The smoking rate for high-school students has decreased. Fewer high-school students are reporting living in a home where someone smokes. TFF “is saving lives and saving taxpayers millions of dollars.”

But regardless of how unhealthy smoking is, regardless of how many people die from smoking-related

diseases, and regardless of how successful Florida's TFF program is, some important questions must still be answered about the proper role of government:

1. Is it the proper role of government to educate people about the health risks of smoking?
2. Is it the proper role of government to persuade people to quit smoking?
3. Is it the proper role of government to help people to quit smoking?

From a libertarian perspective, the answer, of course, is a resounding “no” to all three questions. Libertarians see the purpose of government as being limited to the protection of people's lives, liberty, and property from the violence or fraud of others. The only legitimate purposes of government are to prosecute and punish those who initiate violence against others, commit fraud against them, or violate their property rights. Acts of government paternalism lead to a nanny state from which there is never an end. A nanny state is a perversion of government.

If it is the proper role of government to educate people about the

health risks of smoking, then what about government's using tax money to educate people about the health risks of obesity? If it is the proper role of government to persuade people to quit smoking, then what about government's using tax money to persuade people to eat healthy foods? If it is the proper role of government to help people to quit smoking, then what about government's using tax money to help people to lose weight? And why should the government stop with obesity, healthy eating, and losing weight?

Acts of government paternalism lead to a nanny state from which there is never an end.

In a free society, private organizations would be free to educate people about the health risks of smoking, persuade people to quit smoking, and help people to quit smoking — as long as they were privately funded and not government funded. Once a nanny state is accepted in the name of the public interest, no logical argument can be made to limit its reach.

But what about the need for the state of Florida to be compensated for the public-health costs caused by smoking-related illnesses? That

question also has a simple answer. There should be no public-health costs of any kind to begin with. There should be no Medicaid. Hospitals should not be forced to admit all comers. Smokers should be liable for their own medical expenses incurred as a result of their use of tobacco. Health- and life-insurance companies should be able to charge whatever they deem appropriate to insure smokers; and they should be able to refuse to issue any policies to them in the first place. Every member of society should be responsible for the consequences of his own actions. It is simply ludicrous to blame the tobacco companies for the premature deaths of smokers. And it should be noted that when Florida and the other states sued the tobacco companies, the money they were awarded included punitive damages, not just money to reimburse them for public-health spending.

Smokers should be liable for their own medical expenses incurred as a result of their use of tobacco.

Do states with anti-tobacco programs really want all of their residents to quit smoking? All states with anti-smoking programs face a dilemma. Cigarette excise taxes are

a nice source of revenue for the states. Missouri has the lowest state tax on a pack of cigarettes at only 17 cents. The tax rates in Virginia (30 cents), Georgia (37 cents), and North Dakota (44 cents) are also fairly low. But the tax rate in most states is much higher, especially in the Northeast, where the tax on a pack of cigarettes is \$3.90 in Connecticut, \$3.51 in Massachusetts, \$3.75 in Rhode Island, \$4.35 in New York, and \$3.08 in Vermont. And then there are local cigarette taxes, as in Chicago, where the combined state, county, and municipal taxes total \$6.16 and in New York City, where smokers pay a total of \$5.85 per pack. That is all in addition to the federal excise tax of \$1.0066 on each pack of cigarettes. And then there is state sales tax on each pack sold.

It is one thing for the government to educate people about the health risks of smoking; it is one thing for the government to persuade people to quit smoking; it is one thing for the government to help people to quit smoking, but it is an entirely different matter for the government to ban smoking in workplaces. To do so is to go from a nanny state to an authoritarian state.

But that is exactly what the state of Florida did when it amended the

Florida Clean Indoor Air Act (FCIAA).

FCIAA

The FCIAA was enacted by the Florida Legislature in 1995. Its stated purpose was “to protect the public health, comfort, and environment by creating areas in public places and at public meetings that are reasonably free from tobacco smoke by providing a uniform statewide maximum code.” It decreed that “a person may not smoke in a public place or at a public meeting except in designated smoking areas.” A “public place” was defined as an “enclosed, indoor area used by the general public.” That included government buildings, public transportation and their associated terminals, elevators, hospitals, nursing homes, educational facilities, public-school buses, libraries, courtrooms, jury-waiting and jury-deliberation rooms, museums, theaters, auditoriums, arenas, recreational facilities, restaurants, retail stores, grocery stores, places of employment, health-care facilities, day-care centers, and common areas of retirement homes and condominiums.

In 2002, the Florida Prohibit Workplace Smoking Amendment (amendment 6) appeared on the

November election ballot. Like the Florida Use of Tobacco Settlement Funds Amendment, it was the result of a constitutional amendment initiative petition. This time the initiative petition required 488,722 signatures (517,217 were obtained). The initiative was sponsored by Smoke-Free for Health, Inc. More than 70 percent of Florida voters approved amending the Florida constitution to prohibit smoking in more indoor workplace environments.

Voters approved amending the Florida constitution to prohibit smoking in more indoor workplace environments.

The ballot title read, “Protect People from the Health Hazards of Second-Hand Tobacco Smoke by Prohibiting Workplace Smoking.” The summary of the amendment on the ballot read,

To protect people from the health hazards of second-hand tobacco smoke, this amendment prohibits tobacco smoking in enclosed indoor workplaces. Allows exceptions for private residences except when they are being used to provide commercial child care, adult

care or health care. Also allows exceptions for retail tobacco shops, designated smoking guest rooms at hotels and other public lodging establishments, and stand-alone bars. Provides definitions, and requires the legislature to promptly implement this amendment.

The text of the amendment defined “enclosed indoor workplace” as

any place where one or more persons engages [sic] in work, and which place is predominantly or totally bounded on all sides and above by physical barriers, regardless of whether such barriers consist of or include uncovered openings, screened or otherwise partially covered openings; or open or closed windows, jalousies, doors, or the like.

It included as “work,” without limitation, “any such service performed by an employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant, volunteer, and the like.” The smoking prohibition became effective on July 1, 2003, and applied to

all enclosed indoor workplaces “without regard to whether work is occurring at any given time.”

The smoking prohibition applied to all enclosed indoor workplaces “without regard to whether work is occurring at any given time.”

Now, there is no question that cigarette smoking is not only unhealthy, but potentially deadly. According to the Centers for Disease Control and Prevention,

- Cigarette smoking harms nearly every organ of the body, causes many diseases, and reduces the health of smokers in general.
- Cigarette smoking causes more than 480,000 deaths each year in the United States.
- More than 10 times as many U.S. citizens have died prematurely from cigarette smoking as have died in all the wars fought by the United States during its history.
- Cigarette smoking increases risk for death from all causes in men and women.
- Smokers are more likely than nonsmokers to develop heart disease, stroke, and lung cancer.

- Smoking causes diminished overall health, increased absenteeism from work, and increased health-care utilization and cost.
- Cigarette smoking causes most cases of lung cancer.
- Smoking can cause cancer almost anywhere in the body.
- If nobody smoked, one of every three cancer deaths in the United States would not happen.

Is there a cigarette smoker in America who doesn't realize that smoking is unhealthy and potentially deadly? The danger of smoking was never the issue.

It is one thing for the government to ban smoking in government buildings and public; that is, government-owned and -operated, places such as libraries, schools, buses, hospitals, transit systems, parks, museums, auditoriums, arenas, and recreational facilities; but it is an entirely different matter for the government to ban smoking in restaurants, theaters, stores, workplaces, health-care facilities, nursing homes, day-care centers, common areas of retirement homes and condominiums, and privately owned libraries, schools, buses, hospitals, transit systems, parks,

museums, auditoriums, arenas, and recreational facilities.

In a free society, it is all elements of the private sector that individually decide on smoking policies.

It is simply not the business of government to prohibit the use of what it deems to be unhealthy, addictive, or harmful substances. A government with the power to outlaw unhealthy, addictive, or harmful substances is a government with the power to ban any substance for the populace's "own good." The fact that a majority of people might favor banning some activity or a majority of voters indicate to a legislature that they want such a prohibition binding on others does not make the prohibition any less misguided, wrong, or authoritarian.

In a free society, all elements of the private sector individually decide on smoking policies. In a free society, it is entirely up to the owners of restaurants, transportation services, stores, shops, entertainment venues, recreation venues, and other places that do business with the general public to prohibit smoking, permit smoking, set up designated smoking areas, or otherwise regulate smoking on property

or in vehicles they own. In a free society, it is likewise entirely up to the owners of offices, factories, plants, and other workplaces that don't do business with the general public to formulate their own smoking policies.

But it is not just decisions about smoking that should be left up to each individual business. The same principle applies to a whole host of things in the workplace that government at some level currently regulates or that many people would like to see government regulate.

Workplace sovereignty

In a free society, the workplace is sovereign. That means that the owners of the workplace — not the government — set policies relating to employees in the workplace and members of the public who enter the workplace to engage in commerce. If an employee (or potential employee) doesn't like a policy in the workplace he can suffer in silence, seek to have the offending policy changed, or find another place of employment. It is that simple. If someone from the general public doesn't like a policy in a particular workplace, he can likewise suffer in silence, seek to have the offending policy changed, or find an-

other workplace to engage in commerce. It is that simple. It all comes down to the right of property owners to establish the rules for being on their property.

**The owners of the workplace —
not the government — set policies
relating to employees in the
workplace.**

As it relates to employees, workplace sovereignty means that employers are free to mandate that certain uniforms be worn, whether facial hair is allowed, what hair styles are permitted, whether head coverings can be worn, and whether religious or other exemptions will be granted for any of those things. Workplace sovereignty means that questions of salary, health insurance, sick pay, family leave, and overtime pay are things to be negotiated between employer and employee — the government should have nothing to do with any of them or otherwise interfere with the employer/employee relationship. Workplace sovereignty also means that it is up to each employer whether employees are required, permitted, or forbidden to say “Merry Christmas” or “Happy Holidays.”

As it relates to the general public, workplace sovereignty means

that patrons of businesses may be required to dress a certain way as a condition of entering or engaging in commerce with a particular place of business. I am old enough to remember signs outside of stores reading, “No shirt, no shoes, no service.” Workplace sovereignty means that patrons may be required to behave a certain way; for example, not using profanity. Workplace sovereignty also means that businesses have the right to refuse service to anyone for any reason or offer discounts to particular groups on any basis.

Workplace sovereignty works — in a free society where property rights are respected, freedom of as-

sociation is observed, and the government stays out of the workplace.

Laurence M. Vance is a columnist and policy advisor for The Future of Freedom Foundation, an associated scholar of the Ludwig von Mises Institute, and a columnist, blogger, and book reviewer at LewRockwell.com. Visit his website: www.vancepublications.com. Send him email: lmvance@laurencemvance.com.

NEXT MONTH:
**“It Is Congress That
Needs to Be Limited”**
by Laurence M. Vance

We can do more for other men by correcting our own faults than by trying to correct theirs.

— *François Fenelon*

The New Deal, Part 2: Foreign Policy

by Joseph R. Stromberg



As noted in part 1, the New Deal was in serious political trouble by 1937. (See Frederic Sanborn, “Collapse of the New Deal,” in W.A. Williams, ed., *Shaping of American Diplomacy*, II.) Agriculture Secretary Henry Wallace’s book *New Frontiers* (1934) was an early sign of the administration’s turn toward foreign markets as the most promising escape from the Depression. By 1937-38, the recession-within-the-Depression was pushing many New Dealers toward Open Door Empire. But fascist autarchy, local corporatism, Soviet communism, and new trade restrictions walling off European colonial empires blocked that path. Pursuit of the Open Door would risk war — a choice Herbert Hoover had rejected when faced with a

U.S.-Japanese conflict over the China market. Latin America, of course, was meant to be America’s sphere of influence (Closed Door). Recent German and Italian commercial competition there was even less welcome than Japanese competition in Asia. For old-school McKinley Republican imperialists such as Henry L. Stimson and Frank Knox, soon to join the government (1940), and Stanley K. Hornbeck (already at State), military solutions seemed obvious.

John T. Flynn noted that increased military spending was the only remaining economic stimulus the administration could sell to “conservative groups who fear taxation and inflation.” Defense did the trick, and “the Congress and the nation that [were] howling for economy only six months ago [are] now talking about military budgets of monstrous dimensions...” (*Country Squire in the White House*). Roosevelt’s 1937 naval budget aimed at economic recovery, overseas commerce, and force with which to secure them.

Roosevelt’s own views (navalism, militarism, Anglophilia, collective security) helped to overdetermine events. According to Flynn, New Dealers exaggerated foreign dangers to justify military

spending to combat economic stagnation threatening their political survival. For various reasons, then, the administration was taking an alarmed view of world affairs. Congress funded Roosevelt's spending requests and the administration projected ever larger armed forces, complained of German subversion in Latin America, and launched patrols against supposed German submarines off the Atlantic coast.

The gathering war party included Northeastern interventionist conservatives who opposed Roosevelt.

New Deal policy analysts restated the Open Door program of the 1890s in new terms serving the needs of the internationally oriented corporations mentioned in part 1 — Thomas Ferguson's new historical bloc. According to historian Gabriel Kolko, that coalition was especially eager to secure supplies of scarce raw materials essential to modern industrial processes. From mid 1940, regular meetings of business, State Department, and military planners shaped a complete strategy for U.S. global domination. Subgroups developed aeromania and polarmania (my terms) — the geopolitics of air power and inter-

continental bombing. If war pulled America out of the Depression, America was never going back in. (See David W. Eakins, "Business Planners and America's Postwar Expansion," in David Horowitz, ed., *Corporations and the Cold War*; and Carlo Maria Santoro, *Diffidence and Ambition: Intellectual Sources of U.S. Foreign Policy*.)

The gathering war party included Northeastern interventionist conservatives who opposed Roosevelt and worked to nominate Wendell Willkie as his Republican opponent (as did British intelligence). Their corporations ran U.S. war production once war came, and later were the core of the Cold War military-industrial complex. Aubrey Herbert (a pen name of Murray Rothbard) wrote in October 1954 of a decisive moment in 1940: "[Many] elements of big business, particularly 'Wall Street' ... saw that they could make a good thing out of statism ... direct and indirect subsidies galore."

Some well-placed, unsentimental Anglophiles stood ready to substitute for their beloved British Empire a better American one (David P. Calleo and Benjamin M. Rowland, *America and the World Economy*). Another war faction was the China Lobby: U.S. missionaries,

congressmen, and businessmen lobbying for Chiang Kai-shek. As unilateral imperialists of the McKinley school, they had little in common with genuine noninterventionists.

More important were the prominent Anglophile WASPs in official peace circles, men such as James T. Shotwell and Nicholas Murray Butler at the Carnegie Endowment, where “peace” simply meant preservation of the famously peaceful British Empire.

The battle over intervention

In June 1939, Roosevelt served hotdogs to visiting King George VI and promised firm U.S. support in the next war. By September that war existed. Kansas editor William Allen White formed an interventionist front, the Committee to Defend America by Aiding the Allies, and Yale students influenced by Edwin M. Borchard, defender of American neutrality, formed the America First Committee (AFC) in opposition.

We cannot review here the administration’s moves toward war, which included neutrality-law revision, beginnings of mass conscription, and covert anti-German naval warfare in the North Atlantic. The AFC publicly opposed each move with writing, speeches, and mass

rallies, but the interventionists’ victory came from a neglected quarter: East Asia, where U.S. Open Door plans for the China market clashed with Japan’s goal of regional empire.

For four or more years,
Americans lived under pervasive
wartime controls.

Already in January 1941, U.S. Ambassador Joseph Grew reported from Tokyo that numerous sources predicted “a surprise mass attack on Pearl Harbor ... by the Japanese military forces, in case of ‘trouble’ between Japan and the United States” (*Peace and War: U.S. Foreign Policy*).

Of the war abroad, we need say little here. We have the History Channel for that.

The war at home

For four or more years, Americans lived under pervasive wartime controls and compulsory labor assignments. Big business got sweetheart military-industrial contracts. Executive power ran wild, as Roosevelt invented new government departments on his own motion. (See Thomas Fleming, *The New Dealers’ War*.) Radical sociologist C. Wright Mills complained in 1956 that World War Two’s “totalitarian

liberals” had developed a “meta-physics of the war,” supplied by “[Van Wyck] Brooks, [Archibald] MacLeish, and [Lewis] Mumford, official spokesmen of the war ideology” (*White Collar*). Very soon, this “war liberalism” yielded Cold War liberalism, and thus also neo-conservatism.

The war had a massive effect on American law.

The war had a massive effect on American law. Historian Richard P. Adelstein recounts how *Wickard v. Filburn* (1942) determined that a farmer could not exceed his federal wheat quota, even for household consumption, because his doing so might (conceivably) affect prices, microscopically, thereby defeating national-planning goals. The Supreme Court thus “wrote its own version of the general equilibrium theory into the commerce clause and brought virtually all forms of private activity, ‘economic’ or otherwise, within the regulatory reach of the federal government” (“The Nation as an Economic Unit,” *Journal of American History*).

Such decisions suggest that the wartime Court might have sustained even the NRA’s formal corporatism, had that still been at is-

sue. A much earlier case — *United States v. Macintosh* (1931) — already sketched the judiciary’s vision of an alternate wartime (anything goes) Constitution:

To the end that the war may not result in defeat, freedom of speech may, by act of Congress, be curtailed or denied so that the morale of the people and the spirit of the army may not be broken ... freedom of the press curtailed to preserve our military plans ... deserters and spies put to death without indictment or trial ... ships and supplies requisitioned; property of alien enemies ... seized without process and converted to the public use without compensation ... prices of food and other necessities of life fixed or regulated; railways taken over and operated...; and other drastic powers, wholly inadmissible in time of peace (quoted in Edward S. Corwin, *Total War and the Constitution*).

This affirmation of the ever-murky war power set a laughably low standard for wartime totalitarianism, which (alas) tends to outlive actual wars.

Wartime critics

John T. Flynn pioneered the comparative study of “fascist” regimes in *As We Go Marching*. Italy’s version displayed irresponsible government and dictatorship (“totalitarianism”), an immense corporative bureaucracy to coordinate capitalism, economic autarchy, public debt to create purchasing power, militarism as an outlet for public spending, and imperialism. The German pattern was much the same, but with superior and far more homicidal organization.

**The president had become
“dispenser of all good things” and
Congress a “rubber stamp.”**

America was spending, borrowing, and experimenting with economic planning — testing “militarism as an economic institution” and using imperialism to justify militarism. (We might consider Flynn a co-discoverer, at least, of “military Keynesianism” — a subject he pursued into the Cold War.) Together, those policies would bring America very near to a totalitarian state. The president had become “dispenser of all good things” and Congress a “rubber stamp.” The last hallmark of fascism — unrestrained, dictatorial government —

was close at hand. A nation with all those features was fascist, a nation with some of them, potentially fascist.

Under fascism, the state managed major productive assets without owning them. It undertook “incessant, comprehensive intrusion into the affairs of every business enterprise.” Bureaucracies spread on “a totalitarian scale,” displacing private and even corporative decision-making. The system required autarchy, since planning could not succeed beyond a particular state’s reach. (On all this, see *As We Go Marching*.) Flynn could not foresee, however, that if one state could impose its regulations regionally — or even globally — it might reap the benefits of autarchy while jabbering on about “free trade.” (Here was a future project, a peculiarly American one.)

We have already seen Garet Garrett’s view of the domestic New Deal. In its foreign policy he spied an imperial pattern, with executive dominance, primacy of foreign policy, “ascendancy of the military mind,” a “system of satellite nations,” a “complex of vaunting and fear,” and a fatalistic self-understanding of the empire as a “prisoner of history” (*The People’s Potage*).

Toward the end of *President Roosevelt and the Coming of the War, 1941*, historian Charles A. Beard discussed runaway presidential power. Following Roosevelt's example, a president could "misrepresent" his policies to Congress and the public; "secretly prepare plans for waging an undeclared 'shooting war'"; "make a secret agreement with a foreign power far more fateful ... than any alliance"; be delegated "the power to designate ... foreign governments as enemies ... and to commit hostile acts against them" in violation of existing law; "invite" military attack; "secretly determine any form of military and naval strategy" suited to his personal goals; employ private propagandists "to stir up a popular demand for some drastic action"; "maneuver" another power into war; and privately agree with leaders of another state "to police the world."

Executive supremacy was "old in the history of empires and despotisms."

Executive supremacy was "old in the history of empires and despotisms." Like militarism, it was an age-old enemy of republican government. Unchecked, such power

would lead America to "a terrible defeat in a war in Europe or Asia." Beard concluded that "a quest for absolute power not only corrupts but in time destroys." Other dangerous doctrines claimed for the president a "constitutional and moral right to proclaim noble sentiments of politics, economics, and peace" and pledge America to them. Official U.S. theorems on peace, trade, and global prosperity multiplied potential problems, since subsidized trade risked "collisions with the controlled or semi-controlled economies of foreign countries." In his Farewell Address George Washington had cautioned against "forcing" trade, but in the 19th century there arrived "a full-blown concept ... for using the engines of state to break and keep channels open for foreign trade and to create spheres of economic interest" (*President Roosevelt and the Coming of the War, 1941*).

A new pattern for tiring the world

A new pattern set in for the duration. We still live under it, having never since had a genuine peacetime economy or real demobilization. Life never went back to what we used to call *normal*. One reason is that the noninterventionist or peace party is discontinuous and

short of memory; another is that the war party (bipartisan since the 1950s) has had continuous institutional existence since at least 1938.

Early in the war, critics speculated on *how far* the war party might go. The Beards wrote, “The only imperialist hope worthy of ‘great politics’ for the United States lay in the *overthrow of the British empire and the substitution of an American empire for it*, and no such prospect seemed enclosed in the contours of fate” (Charles and Mary Beard, *America in Midpassage, I*, italics added). William Henry Chamberlin thought that on their

broad notion of defense, the war party would soon declare possession of Afghanistan or Tibet essential to American safety (“War — Shortcut to Fascism,” *The American Mercury*).

Unluckily, the Beards were too sanguine and Chamberlin’s attempted joke is no longer funny. But the New Dealers were right about one thing: war did “cure” the Great Depression, in a manner of speaking.

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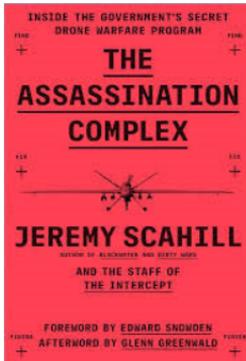
War is never a handy remedy, which can be taken up and applied by routine rule. No war which can be avoided is just to the people who have to carry it on, to say nothing of the enemy.... In the forum of reason and deliberation war never can be anything but a makeshift, to be regretted; it is the task of the statesman to find rational means to the same end.

— Graham Sumner

The Tyranny of the Distance

by Matthew Harwood

The Assassination Complex: Inside the Government's Secret Drone Warfare Program by Jeremy Scahill and the Staff of *The Intercept* (Simon & Schuster, 2016); 256 pages.



Last summer, the Obama administration finally made good on its promise to provide some transparency to its targeted killing program — well, sort of. On a Friday before the long July Fourth weekend, the executive branch released the number range of people killed by U.S. airstrikes between 2009 and 2015, most presumed to be by drones, far away from the battlefields of Iraq and Afghanistan. The estimated number: approximately 2,500 people.

Independent analysts and journalists reported similar numbers. The London-based Bureau of Investigative Journalism, for instance, counted 2,753. But there was a subset of the total number of people killed reported by the government that was positively ludicrous when you understand a bit about the U.S. target-killing program: its toll on civilians. According to the Obama administration, U.S. airstrikes killed anywhere from 64 to 116 civilians between 2009 and 2015. The Bureau of Investigative Journalism, begs to differ, tallying a range of 380 to 801 innocents killed.

That of course raises the question: How can there be such wide disparities when it comes to civilian deaths? This question is made all the more urgent since the August release of the once-secret Presidential Policy Guidance forced by an ACLU Freedom of Information Act lawsuit. Otherwise known as the “Drone Playbook,” the 18-page document states “absent extraordinary circumstances, direct action will be taken only if there is near certainty that the action can be taken without injuring or killing non-combatants.”

For the corpse counters in the Obama administration, there’s a pretty simple way around that:

Whoever died in a strike was an “enemy killed in action” until proven otherwise. If presumption of innocence is a dying notion in our courts at home, it’s long been dead in the hinterlands of the Middle East, where death can come from the air-conditioned safety of a U.S. drone control room as pilots extrajudicially deliver death like a divinity’s lightning bolt from thousands of miles away.

The source disclosed the documents to force a public conversation about the U.S. assassination complex.

Much of what we know about the U.S. targeted-killing program comes from the work of human-rights organizations such as the ACLU (where I work), and investigative journalists. In the latter camp, some of the best reporting on the U.S. targeted-killing program has come from the online publication *The Intercept*. In *The Assassination Complex: Inside the Government’s Secret Drone Warfare Program*, Jeremy Scahill, author of *Dirty Wars* and *Blackwater*, and the staff of *The Intercept* plunge the reader into the sordid business of the targeted-killing program and the dehumanizing culture it spawns.

Like the revelations that the National Security Agency had taken upon itself the mission of destroying privacy worldwide, an inside look at Uncle Sam’s killing program started again because of the actions of one person of conscience inside the national security state.

Another whistle from the dark

Edward Snowden isn’t the only person inside the government willing to risk it all. Much as the former CIA employee and intelligence contractor hand-picked journalists Glenn Greenwald and Laura Poitras to give his cache of documents to, another U.S. whistleblower approached Jeremy Scahill to pass on what became known as “The Drone Papers.” The documents provide extensive documentation of how the U.S. targeted-killing program operates in Yemen, Somalia, and Afghanistan and of the global infrastructure that makes it possible, such as the government’s watch-listing system.

Like Snowden, the source disclosed the documents to force a public conversation about the U.S. assassination complex, which the source believes is immoral. “This outrageous explosion of watch-listing,” the source told Scahill, “of monitoring people and racking and

stacking them on lists, assigning them numbers, assigning them ‘baseball cards,’ assigning them death sentences without notice, on a worldwide battlefield, was, from the very first instance, wrong.”

The use of killer flying robots has become a staple of U.S. foreign policy under Obama.

From the outset of the book — a collection of *The Intercept*’s reporting — Scahill makes something crystal clear: “Drones are a tool, not a policy. The policy is assassination,” which is illegal under U.S. law pursuant to executive orders issued by Republican presidents Gerald Ford and Ronald Reagan. These assassinations of people, their identities often unknown, are carried out by the Central Intelligence Agency and the U.S. military’s Joint Special Operations Command (JSOC) with the approval of the president’s national-security staff, and sometimes the president himself.

Since Barack Obama assumed office, the use of killer flying robots has become a staple of U.S. foreign policy. While the George W. Bush administration conducted an estimated 58 drone strikes during its time in office, the Obama administration has presided over 473 strikes

and counting. Hovering over Obama’s legacy will always be the shadow of the drone.

It is no surprise that the frequency of drone strikes affects the people who carry out the lethal attacks, according to Scahill’s source. As the surveillance leading up to the kill intensifies, members of the special-operations community increasingly refer to targets by the number given to them by the government, not the target’s name. That makes it easier, says the source, for the service member to dehumanize “the people before you’ve even encountered the moral question, ‘Is this a legitimate kill or not?’”

Does it help?

But beyond the ethical question of whether the U.S. government should claim such awesome power for itself, there’s a more practical question: Does targeted killing make the people of the United States safer? According to *The Intercept* documents as well as experts on the subject, they do not for two primary reasons. First, they harm the intelligence-gathering process, and second, they create more enemies than they kill.

One of the most important documents provided to Scahill by the source was a 2013 study conducted

by the Pentagon's Intelligence, Surveillance, and Reconnaissance (ISR) Task Force. During kill-or-capture missions in the Horn of Africa between 2011 and 2012, it showed that the U.S. government captured its targets only 25 percent of the time, entirely, it seems, through proxies. The rest of time they terminated their targets, despite the ISR's lament that killing them destroyed the government's ability to search and question them for intelligence.

"We came to the realization that the innocent civilians we were killing only fueled the feelings of hatred that ignited terrorism."

Another telling anecdote reported by *The Intercept's* Ryan Gallagher is the killing of Bilal el-Berjawi, a British citizen associated with the al-Qaeda-affiliated al-Shabaab. After the British stripped him of his citizenship in 2010, the United States droned him in Somalia a little more than 16 months later. A JSOC unit did it even though U.S. and British intelligence had him under surveillance for years, monitoring him as he went back and forth between the United Kingdom and East Africa. If the United States really prizes capture over killing,

then why wasn't el-Berjawi taken into custody and exploited for intelligence purposes?

The overreliance on lethal robotic missions also serves only to ignite more hatred of the United States and help militant and terrorist groups recruit more people to their cause. As four former Air Force service members who took part in the drone campaign wrote to Obama in November 2015, the administration's reliance on drones is counterproductive and immoral. "We came to the realization that the innocent civilians we were killing only fueled the feelings of hatred that ignited terrorism and groups like ISIS, while also serving as a fundamental recruitment tool similar to Guantanamo Bay," they wrote. "This administration and its predecessors have built a drone program that is one of the most devastating driving forces for terrorism and destabilization around the world."

The assassin's lexicon

At the end of each chapter of *The Assassination Complex* is a red page that decodes "the language of covert warfare." It would make George Orwell proud.

Drones are referred to as "birds," and when drone operators pull the trigger, the chances are they'll kill

the “enemy” because the reporting system is rigged. Sometimes drone pilots actually take out their target, which is known as a “jackpot.” But often they kill other people guilty by association or by mistake. Those deaths are labeled as EKIA, or “enemy killed in action,” even though the government may have no idea whom it killed.

Those kills make up a disproportionate amount of the targeted-killing program’s death toll. For instance, consider Operation Haymaker. Between 2011 and 2013, the U.S. military and intelligence community implemented a plan to destroy al-Qaeda and the Taliban in the Hindu Kush Valley of north-eastern Afghanistan bordering Pakistan. The Haymaker strikes netted 35 jackpots. The rest, more than 200 people, were EKIA. The operation did little to degrade al-Qaeda in the region. All, however, were “continuing, imminent” threats to U.S. security, according to the nonsensical parlance of the national-security state.

The deadly metaphors don’t end there, though. Often victims of drone strikes are known as “touch-downs.” A human being becomes a touchdown when the U.S. government traces a phone to its target, locks on its location, and then de-

stroys the phone and the person carrying it. Or in the assassin’s lexicon, they “find, fix, and finish” their targets. There is, naturally, a flaw to killing people this way. How can anyone be sure the phone is actually being carried by the intended target and not his wife or brother or daughter?

According to Scahill’s source, certainty is rare and thus innocent people die more often than the government admits.

According to Scahill’s source, certainty is rare and thus innocent people die more often than the government admits. “It’s stunning the number of instances when selectors [such as a phone number] are misattributed to certain people,” said the whistleblower. (As former CIA and NSA Director Michael Hayden has said, “We kill people based on metadata.”) “And it isn’t until several months or years later that you all of a sudden realize that the entire time you thought you were going after this really hot target, you wind up realizing it was his mother’s phone the whole time.”

But maybe the most shocking and telling distortion of language is “the tyranny of the distance.” When the U.S. government sends a bird

up in the air to prey on targets in Yemen or Somalia, CIA or military officials fret about how far the drone has to travel from its “footprint,” or the U.S. base in the small African country of Djibouti. The distance makes it much harder for drone operators to find their target and conduct enough unbroken aerial surveillance — known as a “persistent stare” — without “blinking,” or losing surveillance of the target, because of fuel limits. The ability of the U.S. government to maintain surveillance of a target until the trigger is pulled maximizes the probability that it is killing the right person or people on the basis of U.S. intelligence sources.

“We needed a court order to eavesdrop on him but we didn’t need a court order to kill him.”

Now think of how the people on the ground, who fear or who may have experienced a drone strike, might define the tyranny of the distance. They might describe it as the complete inability to protect themselves and their families from being obliterated far from any battlefield without any way to defend themselves or strike back at their adversaries, who are controlling the death machine in relative comfort

from thousands of miles away. Militaries have been able to deal death from long distance for ages, but drones allow the U.S. to do so in absolute physical safety. There is no other way to put it: This is a dishonorable way to kill people.

The Constitution defiled

When Obama was just a senator from Illinois, Glenn Greenwald reminds us in the book’s afterword, he had a particular knack for standing up for the Constitution against the Bush administration’s contempt for the rule of law. He defended the rights of accused terrorists at Guantanamo to have their cases reviewed by a federal court. He decried the NSA’s dragnet surveillance of Americans’ communications.

Once inside the White House, however, Obama made a mockery of his former protests, arguing that accused terrorists could suffer the ultimate penalty — death — without due process of law. The hypocrisy was so blatant it caused Hayden to complain after the 2011 killing of cleric and suspected terrorist Anwar al Awlaki, “We needed a court order to eavesdrop on him but we didn’t need a court order to kill him. Isn’t that something?” But don’t think Hayden is all that critical of Obama, observing correctly, “There’s been a

powerful continuity between the 43rd and 44th president.”

Because of Obama, the power to run a global assassination operation has now been institutionalized as a bureaucratic process for another president entirely outside of judicial and congressional constraints, as the August release of the Drone Playbook shows. The former constitutional professor did so, even though he promised that he would faithfully abide by the Constitution when it came to fighting the war on terrorism and rein in Bush-era excesses. He broke that promise, and now we, and the rest of the world, will have to live with the conse-

quences of an empire led by Donald Trump.

When historians try to understand the rise of America’s drone campaign and the destruction it has wrought — both morally and strategically — the work of *The Intercept* and its whistleblower will be invaluable.

Matthew Harwood is a writer living in New Jersey. His work has appeared at The American Conservative, The Guardian, Reason, Tom-Dispatch, War is Boring, and elsewhere.

Necessity is the plea for every infringement of human freedom. It is the argument of tyrants; it is the creed of slaves.

— William Pitt the Younger

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