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Success is the sum of small efforts, repeated day in and day out.

— Robert Collier

FUTURE OF FREEDOM



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The Tyranny of Immigration Controls

by Jacob G. Hornberger



Imagine the following conversation:

John: Oh, my head hurts so bad. I don't know what I'm going to do.

Jack: If you stopped beating your head against that wall, your headache would go away.

John: You libertarians are always so impractical and extreme. My headache has nothing to do with the fact that I am beating my head against this wall. I am meeting with my doctor today. He is an expert on headaches, and I am certain that he will come up with a plan that will rid me of my headache.

That exchange encapsulates the immigration debate in America. For decades, people have wailed about the ongoing, never-ending immigration crisis. But when we libertarians say, "If you abolished your system of immigration controls and embraced a system of open borders, you wouldn't have an immigration crisis anymore," we are hit with the same type of response described above.

I grew up on a farm on the Rio Grande just outside the city limits of Laredo, Texas, which is situated on the Mexican border. We hired undocumented immigrants on our farm, which was not illegal at that time. Our farm workers were the hardest-working people I have ever seen. During summers, my brothers and I often worked alongside them. During off-hours, we played football with them. We were always saddened whenever the U.S. Border Patrol would come onto our farm without a warrant whenever it wanted and took away our workers. We knew that we would never see them again, since a subsequent arrest would result in a felony conviction for them.

None of the busts that the Border Patrol made on our farm had any impact on America's decades-long immigration crisis. In fact, no

matter how many immigration busts have been made across the nation for the past 70 years, no matter how many raids on private businesses have been conducted; no matter how many reforms have been adopted; no matter how many warrantless searches and seizures have been conducted; no matter how many people have been arrested and jailed for hiring, harboring, or transporting illegal immigrants; and no matter how many miles of immigration fencing have been constructed along the Texas-Mexican border, the immigration crisis has continued.

(As an aside, it's worth mentioning that the situation is the same with respect to the federal government's decades-long war on drugs.)

No "immigration-reform plan" is ever going to work.

Throughout the decades of immigration crisis, a common refrain has been that Congress has failed to come up with an "immigration-reform package." The assumption has always been that there is some plan out there that will, once and for all, bring an end to the decades-long, ongoing, never-ending immigration crisis. If only the members of Congress would get together, re-

tain the most brilliant immigration experts in the country, and employ the fastest computers, an "immigration-reform plan" could finally be adopted and signed into law that would, once and for all, bring an end to the long immigration crisis.

It's not going to happen. It's never going to happen. No "immigration-reform plan" is ever going to work. As long as the United States continues to adhere to a system based on immigration controls, there will continue to be an ongoing, never-ending immigration crisis.

There is a simple reason for that: It's the system of immigration controls itself that is the cause of the crisis, because a system of immigration controls is inherently defective. That means that it can never be made to work, no matter what.

I wish that point would sink into every single American. It's a critically important point. Once a person comes to the realization that a system is inherently defective and thus can never be made to work, what then does he do? Does he nonetheless continue supporting a system when he knows it can never be made to work? Does he continue devoting his time, money, and energy trying to come up with an immigration-reform plan that he knows is incapable of working?

It seems to me that once a person comes to this realization — that a system of immigration controls will never work and can never work and that, in fact, it produces an ongoing, never-ending crisis — he is logically and rationally left with searching for an alternative immigration paradigm — one that is capable of working and that does work.

That paradigm is open borders — i.e., the free movements of people, back and forth, across borders. That's the only immigration system that works, which makes it the only practical solution there is. Not only does this solution end the immigration crisis, it also is the only one that is consistent with moral, ethical, and Biblical principles regarding people's relationship to one another.

There is a simple reason that a system of immigration controls does not work and does nothing but bring about death, misery, suffering, and crises. That reason is socialism, an economic system that inevitably produces those types of perverse results.

Impossible planning

When we hear the word “socialism,” we often think in terms of an economic system where the gov-

ernment owns and operates everything and in which most people are government employees. The Soviet Union, North Korea, and Cuba come to mind. It's not surprising that in those nations, people have suffered economically with lower standards of living, deprivation, shortages, and even starvation.

Open borders are consistent with moral, ethical, and Biblical principles regarding people's relationship to one another.

A variation of socialism is central planning, in which the government plans and directs, in a top-down, command-and-control fashion, the economic activities of multitudes of people. Central planning was a core element of the Soviet Union's socialist system. The government planned the production and distribution of clothing, food, automobiles, and other important items. The idea was that such things were too important to be left to the vicissitudes of a “free market.”

The results of central planning? Crisis and chaos! The central planner, as the Austrian economists Ludwig von Mises and Friedrich Hayek pointed out, lacks the necessary knowledge and means to plan complex economic activity, which

necessarily entails constantly changing economic conditions and constantly changing economic valuations among people. The planner is simply unable to keep up with it all. The result is inevitably an ongoing series of crises, or what Mises called “planned chaos.”

That’s why there has been a decades-long, ongoing crisis in immigration and, equally important, why there will continue to be an ongoing crisis in immigration so long as the system is based on immigration controls. Immigration controls are nothing more than a system of socialist central planning, one in which government officials are planning, in a top-down, command-and-control fashion, the movements of people in an extremely complex labor market.

A picture of open borders

We begin with a natural assumption. Lots of people from around the world want to come to the United States. There is a simple reason for that: money. America is a place where people can make money. They can sustain the lives of their families back home. They can improve their economic well-being. They can even get rich. It stands to reason that people would not want to go to countries that are extremely

poor or where people are starving to death, such as North Korea. It makes sense that people want to go to countries where they have a chance to survive and prosper.

The United States was founded on an economic system that is the opposite of socialism — a system that we know as “the free market” or a “free-enterprise system.” It entails a way of life in which people plan and direct their own personal economic activity, with no interference from government. That’s why it’s called the “free” market or “free-enterprise” system: because economic activity is free of government control, regulation, or interference.

It makes sense that people want to go to countries where they have a chance to survive and prosper.

That system was reflected by America’s system of open immigration for the first hundred years of the country’s existence. No government official, agency, or department planned or directed the movements of people into or out of the United States. In fact, there weren’t even any passports. People came and went as they wished.

Yes, there was an inspection station at Ellis Island that checked

people for tuberculosis. If an immigrant was diagnosed with TB, he was placed under quarantine.

But that was it. So long as a person didn't have a serious communicable disease or serious mental disability, he was free to enter the United States and travel wherever he wanted.

No government quotas for different countries. No qualifications. No lists. No keeping track of people. No passports. No visas. No green cards. People freely entered the United States and went to work wherever they wanted, so long as employers were willing to hire them.

**Mexican and American citizens
were free to cross the border
without being pressured to give
up their citizenship.**

It was even more open in the American Southwest because there weren't even any TB checkpoints there. No Border Patrol. No immigration stops at the U.S.-Mexico border. For some 50 years after the Treaty of Guadalupe Hidalgo in 1848, by which the United States acquired the northern half of Mexico (along with its inhabitants, culture, laws, heritage, city and street names, and language), people were free to cross the border back and

forth, touring, working, investing, or opening businesses.

There is something important to keep in mind about open borders: They don't affect citizenship, which is an entirely different concept. When Mexicans would cross into, say, El Paso, to open a Mexican restaurant, that didn't mean that they would automatically become American citizens or even that they cared to do so. They would retain their Mexican citizenship. They were Mexican citizens living or working in El Paso who owned a restaurant in El Paso and continued paying taxes to the Mexican government and voting in Mexican elections.

Today, there are more than a million Americans living in Mexico, mostly retirees. They retain their American citizenship. They continue paying taxes to the U.S. government. They continue eating hamburgers. They speak English to each other. They cheer for American sports teams. They provide a hint of what life was like in the United States in the 1800s, when Mexican and American citizens were free to cross the border back and forth without being pressured to give up their citizenship.

My hometown of Laredo, Texas, is the only city in the United States,

as far as I know, that has a big celebration in honor of George Washington's birthday. The week-long celebration includes a debutante's ball, a downtown parade with floats led by Pocahontas riding a horse, and a big jalapeño festival.

That open border between Laredo and Nuevo Laredo did not cause either city to fall into the Rio Grande.

In the 1950s, local and federal officials would open the border for Mexican citizens to freely cross the international bridge to participate in Laredo's George Washington birthday festivities. When the downtown parade occurred, the streets would be filled with people from both nations enjoying and clapping for the participants in the parade. Of course, given that Laredo's population was about 97 percent Mexican-American, about 20 percent of whom couldn't speak English, no one could tell who was a citizen of Mexico and who was a citizen of the United States, and no one cared.

That open border between Laredo and Nuevo Laredo did not cause either city to fall into the Rio Grande. There was no crisis or chaos. Mexican citizens retained their

citizenship. Everyone had a great time. And, needless to say, Laredo stores loved the influx of new customers.

The free market in general and open borders in particular harmonize people's interests. They enable everyone to pursue happiness in his own way, especially by enabling people to freely coordinate their activities with others. The free market works, which makes it a practical solution.

Conservative doubts

A system of immigration controls, on the other hand, necessarily interferes with people's freedom to plan, direct, and coordinate their activities. It produces crises. And it doesn't work, which makes it impractical.

The planner, for example, decides that Mexico should have a quota of, say, 50,000 immigrants who can enter the United States. Mexicans are told to get in line for the limited number of permits to be granted. People are told that it could be years before they are awarded a permit.

But how does the planner arrive at that number? He cannot possibly know whether that's an accurate read on the supply of and demand for labor. He suffers from what

Hayek called a “fatal conceit,” a malady that afflicts all central planners. If there are, say, 500,000 Mexicans who wish to cross the border to come here and accept jobs from American employers who wish to hire them, that’s when the crisis begins. Suddenly, there is pent-up demand for hundreds of thousands of Mexican workers, but a government quota that permits only 50,000 of them to enter the country. That’s when people begin to circumvent the official crossing points and look for alternative ways to get into the country, such as trespassing on ranches and farms, employing illegal transporters, and the like. The immigration controls do not stop people from wanting to sustain and improve their lives, and they don’t repeal the laws of supply and demand.

This immigration “crisis” inevitably gets some Americans angry and upset. Trying to make their socialist system succeed, they demand that something be done. Their belief is that stricter and more brutal enforcement of immigration controls will resolve the crisis. That’s how we got, for example, a law that now makes it a crime for Americans to hire illegal immigrants, unlike when I was growing up in Laredo. The idea was that if you make

it illegal for Americans to hire illegal immigrants, that will deter immigrants from coming into the country without official permission.

The immigration controls do not stop people from wanting to sustain and improve their lives.

But it didn’t. Immigrants began using fake IDs to secure jobs with eager American employers. Thus, immigration controls produced an entirely new industry involving the manufacture and production of fake ID cards for illegal immigrants, which made the immigration crisis even worse.

And it’s been the same with every single immigration-enforcement measure. The more governments try to make their system of immigration controls work with stricter enforcement measures, including domestic highway checkpoints, the more the crisis continues.

I repeat: A system of immigration controls will never work, no matter what “immigration-reform-plan” is adopted. The only thing that works and will always work is a system based on free markets and free enterprise, which necessarily means the free movements of people back and forth across borders.

Critics often say that we libertarians want to abolish borders. That's ridiculous. I have no desire to abolish borders. I simply want people to be free to cross them, back and forth.

Consider the domestic United States, which is the biggest open-border region in the world. Every day, people, products, and services cross state and county borders without governmental interference. That obviously doesn't mean that the borders are abolished or disappear. It means that people are free to cross them, and to send goods and services across them. The borders simply mean that when people and products do cross them, they are in a new political jurisdiction and subject to its laws.

Nonaggression

One of the interesting facets of the immigration crisis has occurred in the libertarian movement. Over the years, many disenchanted conservatives have left the conservative movement and joined the libertarian movement. The problem, however, is that many of them have been unable or unwilling to embrace the full libertarian package. Some of them, for example, continue to oppose libertarian positions calling for the full legalization of

drugs; the abolition of income taxation and Social Security, Medicare, and other welfare; the dismantling of the national-security establishment; the end of foreign interventionism; the repeal of occupational licensure laws; or the separation of education and the state.

But perhaps the libertarian position that conservative-oriented libertarians have found most difficult to accept after coming into the libertarian movement is the libertarian position favoring open borders. Some of them argue that libertarians should abandon their principles on this issue and join up with progressives and conservatives in their support of a system of immigration controls. In fact, some of them even make the bizarre claim that immigration controls, along with their enforcement measures, are consistent with libertarian principles.

The borders simply mean that when people do cross them, they are in a new political jurisdiction and subject to its laws.

The core principle of libertarianism is what is known as the non-aggression principle. It holds that people have the fundamental right to do whatever they want in life so

long as their conduct is peaceful. To put it another way, libertarians hold that it is illegitimate to initiate force or fraud against another person, including murder, rape, burglary, robbery, trespass, or other violent crime.

Every single immigration-enforcement measure involves a violation of the libertarian nonaggression principle. That should provide a valuable clue that conservative-oriented libertarians are off-base when they argue that immigration controls are consistent with libertarian principles. After all, while it is theoretically possible to have a system of immigration controls without law enforcement, as a practical matter, that is a ludicrous notion. Most foreigners are going to ignore an official sign at the border that says “Do not enter without permission” when they know that there is no enforcement of the directive on the sign.

Conservative-oriented libertarians sometimes claim that immigrants violate people’s rights by crossing the border without permission. A close examination of domestic borders shows the fallacy of that position. Imagine that we are

driving from Virginia to North Carolina. During our trip, we cross many county borders. When we do so, we are not violating anyone’s rights. The same holds true when we cross the state border. We haven’t violated anyone’s rights.

The principle applies to the crossing of international borders. The simple act of crossing a border, whether it be state, county, or international violates no one’s rights.

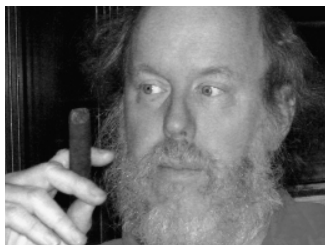
Why embrace a system that doesn’t work and cannot work and that inevitably brings crisis, chaos, poverty, suffering, and even death to people? Why not embrace a system that does work, that brings peace, harmony, happiness, and prosperity to people, and that is consistent with how one should treat his fellow man?

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

NEXT MONTH:
**“Korea and Russia: Why
Kennedy Had to Be Removed”**
by Jacob G. Hornberger

The Bundy Ranch Case Explains Westerners' Distrust of Washington

by James Bovard



The Justice Department was caught in January in another high-profile travesty of due process. On December 20, federal judge Gloria Navarro declared a mistrial in the case against Nevada rancher Cliven Bundy and others after prosecutors were caught withholding massive amounts of evidence undermining federal charges. Two weeks later, she dismissed all charges against Bundy and his sons. Navarro slammed the FBI and Justice Department prosecutors for “outrageous” abuses and “flagrant misconduct.” Navarro also condemned the “grossly shocking” withholding of evidence from defense counsel in a case that could

have landed the Bundys in prison for the rest of their lives.

Cliven Bundy, a 71-year old Nevada rancher, and his sons were involved in an armed standoff with the Bureau of Land Management (BLM) beginning in 2014 stemming from decades of unpaid cattle grazing fees and restrictions. The Bundys have long claimed the feds were on a vendetta against them, and 3,300 pages of documents the Justice Department wrongfully concealed from their lawyers provided smoking guns that clinched their case.

A whistle-blowing memo by BLM chief investigator Larry Wooten charged that the BLM chose “the most intrusive, oppressive, large scale and militaristic trespass cattle [seizure] possible” against Bundy. He also cited a “widespread pattern of bad judgment, lack of discipline, incredible bias, unprofessionalism and misconduct, as well as likely policy, ethical and legal violations” by BLM officials in the case. BLM agents even “bragged about roughing up Dave Bundy [Cliven’s son], grinding his face into the ground and Dave Bundy having little bits of gravel stuck in his face” while he was videotaping federal agents. As the *Oregonian* noted, “Wooten said he learned from other

agency supervisors that [the lead BLM agent in the case] had a 'Kill Book' as a 'trophy,' in which he essentially bragged about 'getting three individuals in Utah to commit suicide,' following a joint FBI-BLM investigation into the alleged trafficking of stolen artifacts." Wooten also stated that anti-Mormon prejudice pervaded BLM's crackdown. After Wooten complained to his superiors about the agency's abuses, he was taken off the case and his computer hard drives, emails, and text messages were confiscated. In his whistle-blowing memo, Wooten declared, "These items were taken because they contained significant evidence of misconduct and items that would potentially embarrass BLM Law Enforcement Supervision. I am convinced that I was removed to prevent the ethical and proper further disclosure of the severe misconduct."

The feds charged the Bundys with conspiracy against the government, in large part because the ranchers summoned militia to defend them after they claimed that FBI snipers had surrounded their ranch. Justice Department lawyers scoffed at this claim in prior trials involving the standoff, but the belatedly released documents confirmed that snipers were in place prior to

the Bundys' call for help. The FBI spent three years covering up or lying about the role of their snipers in the 2014 standoff.

The feds also belatedly turned over multiple threat assessments that revealed that the Bundys were not violent or dangerous.

The feds also belatedly turned over multiple threat assessments that revealed that the Bundys were not violent or dangerous, including an FBI analysis that concluded that the BLM was "trying to provoke a conflict" with the Bundys. As an analysis in the left-leaning *Intercept* observed, federal missteps "fueled longstanding perceptions among the right-wing groups and militias that the federal government is an underhanded institution that will stop at nothing to crush the little guy and cover up its own misdeeds." As the case collapsed, the feds "seemed to succeed most in lending support to the various conspiracies the Bundy family and their supporters believed to be true — that a land-hungry, out-of-control federal government was victimizing Western ranchers," the *Intercept* noted.

Steven Myrhe, the lead federal attorney, cast "the 2014 standoff as an armed uprising, not a peaceful

protest over federal control of vast stretches of land in the U.S. West, as the Bundys claim,” the *Associated Press* reported. Myrhe’s opening statement of the trial stressed “that the case centered on the need to respect the rule of law,” the *Oregonian* noted. But the government itself was somehow exempted from both the law and the Constitution in its crusade against the Bundys.

**Fair trials are the last thing
that high-profile federal targets
such as the Bundys are likely
to receive.**

As their case began unraveling, federal prosecutors insisted that, regardless of withholding evidence, the judge must prohibit the Bundys from claiming the feds provoked the confrontation or that the Bundys acted in self-defense. Myrhe declared, “The Court needs to put a stop to these illegal theories and defenses in order for the government to receive a fair trial. The government, too, is entitled to a fair trial.”

Ruby Ridge

But fair trials are the last thing that high-profile federal targets such as the Bundys are likely to receive. In the early 1990s, the federal

government decided to take down Randy Weaver, an outspoken white separatist living on a mountaintop in northern Idaho. After Weaver was entrapped by a federal agent, U.S. Marshals trespassed on his land and killed his son. An FBI sniper killed his wife, Vicki. The Justice Department claimed that Weaver conspired to have an armed confrontation with the government. Bizarrely, the feds claimed that his moving from Iowa to an area near the Canadian border in 1983 was part of that plot. After a jury found Weaver not guilty on all major charges, federal judge Edward Lodge issued a lengthy catalog of the Justice Department’s and FBI’s misconduct and fabrication of evidence in the case. A top FBI official was later sent to prison for destroying key evidence in the case.

When Boundary County, Idaho, sought in 1998 to prosecute the FBI sniper who killed Vicki Weaver, the Clinton administration torpedoed their lawsuit by invoking the Supremacy Clause of the Constitution (which blocks local and state governments from challenging federal power). Seth Waxman, the solicitor general of the United States, absolved the FBI agent because “federal law-enforcement officials are privileged to do what would

otherwise be unlawful if done by a private citizen.” Federal judge Alex Kozinski was dumbfounded by Waxman’s claim, asking, “If the Constitution does not provide limitations for federal agents’ actions, then what does?” Waxman did not have a good answer but, despite Kozinski’s eloquent dissent, the federal appeals court rode to the rescue of the FBI killer.

Nullification

Thanks in part to Ruby Ridge, many of the heavily armed activists who flocked to the Nevada ranch venue feared that the FBI snipers had a license to kill the Bundys. After the case was thrown out of court, Ammon Bundy told a television interviewer, “They basically came to kill our family; they surrounded us with snipers. And then they wanted to lie about it all like none of it happened. And they were caught.” The mission of the federal snipers around the ranch was unclear but it is understandable that their targets did not assume they had benign intent. And the years of federal falsehoods after the confrontation ended did nothing to build confidence.

The Justice Department legal strategy in the Bundy case may have been shaped by the 1993 drubbing it took at the hands of an Idaho

jury that was appalled at federal conduct at Ruby Ridge. A Justice Department brief in the Bundy case submitted days before the judge declared a mistrial showed that prosecutors feared jurors’ passing judgment on federal conduct. Prosecutors dreaded jury nullification — “not guilty” verdicts due to government abuses. Their brief stressed that “jury nullification is illegal” — but the Founding Fathers did not think so. The Justice Department told the judge,

To the extent defendants seek to offer evidence of surveillance cameras, uniforms, number of officers, weapons carried, and training the officers receive, none of that is relevant to show excessive force or a reason to assault officers. This type of evidence amounts only to nullification arguments — putting the victims [federal officials and prosecutors] in this case in the position of having to justify their every move when no force was used. The defendants’ intention to state that they believed they had a good reason for their conduct is not admissible evidence — it is jury nullification.

The specter of enraged jurors spurred prosecutors to withhold key evidence from both the judge and the defense counsel. “They feared jury nullification, they got judge nullification,” as one online commenter quipped.

Renegade federal prosecutors

The dismissal of charges was only the latest Justice Department disaster in a series of clashes involving the Bundy ranchers. Last August, a Nevada jury, in what the Associated Press labeled a “stunning setback to federal prosecutors,” found four supporters of Cliven Bundy not guilty for their role in the 2014 confrontation. Even though Judge Navarro had, acceding to prosecutors’ demands, muzzled defendants, and prohibited them from invoking their constitutional rights, jurors scorned federal claims that the men were part of a militia conspiracy against the government. The feds lost even though they had gone to bizarre lengths to get the defendants. The FBI even created a fake documentary film company which used false pretenses to interview key participants in the standoff. But the key targets skated.

Attorney General Jeff Sessions ordered a formal investigation into

how the Justice Department went awry in Nevada. If the Trump administration cannot rein in renegade federal prosecutors, the president should cease and desist any and all claptrap about “draining the swamp.”

**The feds lost even though
they had gone to bizarre lengths
to get the defendants.**

A key question is whether reforms can compel federal agencies to cease withholding information that defendants are legally entitled to. Unfortunately, that seems to be standard procedure for the FBI in their investigations — including those of both the Donald Trump and the Hillary Clinton presidential campaigns, as well as the Las Vegas shooter who slaughtered concertgoers last October. (An FBI official said that Americans would have to wait until next October for the FBI’s report on the killings.) FBI officials have also been caught routinely twisting the truth to burnish prosecutions. False FBI trial testimony may have helped sentence 32 innocent people to death, as the *Washington Post* reported in 2015. How many other innocent people have been put behind bars because of federal misconduct? As Cato Insti-

tute vice president Clark Neily tweeted, “97% of federal convictions are obtained through plea bargains. Can you imagine the sh*t that would come to light if more cases went to trial?”

Judge Navarro rightly declared that “a universal sense of justice has been violated” by federal misconduct in the Bundy trial. Americans’ trust in the FBI and Justice Department will not be restored until those agencies are compelled to obey the law and the Constitution. Until that happens, federal prosecutors should continue fearing verdicts from Americans who refuse to convict those whom the feds wrongfully vilify.

James Bovard is a policy advisor to The Future of Freedom Foundation and is the author of a new ebook, Freedom Frauds: Hard Lessons in American Liberty, published by FFF, Public Policy Hooligan, Attention Deficit Democracy, and eight other books

NEXT MONTH:
**“Your Tax Dollars Bankroll
Afghan Child Molesters”**
by James Bovard

What country can preserve its liberties if its rulers are not warned from time to time that their people preserve the spirit of resistance? Let them take arms.

— Thomas Jefferson

Dress Codes, Discrimination, and a Free Society

by Laurence M. Vance



A restaurant and nightclub in Washington, D.C. changed its dress code earlier this year after a complaint that it engaged in discrimination against non-whites. The incident serves as a valuable example of the place of dress codes and the practice of discrimination in a free society.

Sneakers

It was not the night before Christmas, but it was the Saturday night before. A group of three friends was waiting for one more friend at the popular Washington, D.C., 14th Street establishment El Centro D.F. around 10:30 at night, about the time when the music is turned up and the restaurant trans-

forms into a nightclub. There was no line to get in, as only a few people were there. The restaurant has no dress code, but the nightclub has a “no-sneakers” policy.

When Brian Gordon, a black man, arrived to meet his friends, he was denied entry because of the nightclub’s dress code. He then texted his friends to tell them that he wasn’t allowed in because of his shoes. Gordon was wearing white leather Converse high-tops. “They’re not like ratty, dirty sneakers,” he told the *Washington Post*. “They’re brand new, they’re leather. They were clean, fresh, white. It’s not like I showed up in five-year-old Chucks.” Gordon said that he doesn’t have an issue with the concept of a no-sneakers policy, “but if it’s not being applied universally, then it’s a problem.”

The problem is that there were white men in the nightclub who were wearing, you guessed it, sneakers. According to one of the friends in the group, Yesha Callahan — who wrote a widely shared article about the incident for *The Root*, where she is deputy managing editor — “Not only were the three white guys posted at the bar in sneakers, but there were also three other men on the dance floor wearing various styles of sneakers.” One

guy was even wearing a pair of sneakers similar to the ones Gordon was. A bartender friend of the group was eventually able to get Gordon inside, but then the foursome left after deciding to have a drink at another establishment down the street, where they had no trouble getting in.

The year 2017 was a busy year for incidents and lawsuits concerning dress codes or discrimination.

Following the backlash against the bouncer and the establishment, Ayyaz Rashid, managing partner of the Sandoval Restaurant Group that runs El Centro D.F., fired the bouncer who turned Gordon away and discontinued the “no-sneakers” policy. “The security in question has been relieved of his duties and will no longer be working at the venue. Furthermore, there will be no dress code applied anymore at all. Not to stop there, I am scheduling a training workshop for the rest of the team to make sure such incidents may never happen again,” said Rashid. “I am a person of color myself. So to hear that I would be enforcing such policies, it’s pretty personal to me.” Although the restaurant apologized to Gordon and

invited him back, he says he won’t return. “I don’t really have any interest in returning to a restaurant that clearly doesn’t want me or anyone who looks like me,” he said.

It turns out that this was not an isolated incident.

Incidents and lawsuits

The year 2017 was a busy year for incidents and lawsuits concerning dress codes or discrimination. Here are just a few examples.

A Wisconsin high-school student’s senior picture was rejected for inclusion in the school yearbook because it was deemed “too inappropriate” because part of her bralette was visible.

A New Jersey high-school student claimed that she and many of her friends were accused of numerous violations during their four years in high school “for clothes that were nowhere near inappropriate.”

Georgia Blue, a Mississippi restaurant chain, was sued for failing to accommodate a server’s religious dress requirements. After being offered a job, a waitress learned of the eatery’s dress code requiring servers to wear blue jeans. Because the applicant — a devout Apostolic Pentecostal Christian — believed that women should wear only skirts

or dresses, she notified her new employer and requested a religious accommodation to wear a blue skirt. After receiving no response, she reported to work in a denim skirt, only to be sent home for violating the company dress code. The restaurant denied her accommodation request and rescinded its job offer. The lawsuit alleges that the restaurant's conduct violates Title VII of the Civil Rights Act of 1964, which requires that employers provide reasonable religious accommodations to employees.

The lawsuit alleges that the restaurant's conduct violates Title VII of the Civil Rights Act of 1964.

An investigation by ProPublica and the *New York Times* found that dozens of the nation's leading employers placed recruitment ads limited to particular age groups. At issue is whether the practice violates the federal Age Discrimination in Employment Act of 1967, which prohibits bias against people 40 or older in hiring or employment. A class-action complaint alleging age discrimination was filed in federal court in San Francisco on behalf of the Communications Workers of America, its members, and Face-

book users 40 or older who may have been denied the chance to learn about job openings.

Seven black employees of the New York Fire Department filed a lawsuit in federal court in Manhattan alleging that "a broad pattern of racial discrimination" within the department caused them to be paid less than white counterparts or cost them chances at promotions. The lawsuit maintains that the percentage of black employees in higher-paying emergency medical services and civilian jobs is far less than in lower-paying jobs, black employees are paid lower salaries or wages than white employees with the same jobs, and black employees find it difficult to advance within the fire department.

Harvard University finally agreed to turn over years of confidential applicant and student records to the U.S. Justice Department after it opened an investigation into whether the university systematically discriminated against Asian-American applicants.

The EEOC filed a lawsuit in federal court in Tallahassee alleging that managers at Whataburger restaurants in Florida were instructed to hire "only white applicants" for "the faces behind the counter to match the customer base."

In March, a divided three-judge panel of the U.S. Court of Appeals for the Eleventh Circuit in Atlanta ruled that Title VII of the Civil Rights Act of 1964, which prohibits workplace discrimination based on sex, did not include discrimination based on sexual orientation. But in April, by an 8-3 vote, the U.S. Court of Appeals for the Seventh Circuit in Chicago ruled that Title VII does include discrimination on the basis of sexual orientation.

In September, the U.S. Court of Appeals for the Second Circuit in New York heard arguments in a case brought by a sky-diving instructor who said he was fired because he was gay. Lawyers for the federal government appeared on both sides, one representing the EEOC and one representing the Trump administration.

New Year's festivities had barely ended in January 2018 before four female former Google employees sued the company in superior court in San Francisco for discriminating against women, alleging that Google "systematically pays and promotes men more than women." Not a week later, two male former Google engineers sued the company in superior court in California's Santa Clara County for discriminating against conservative white

men, alleging that Google "is a hostile workplace for employees with conservative views, and that the company unfairly favors women and certain minorities when hiring and promoting."

Although dress codes and discrimination aren't essential to a free society, they may very much be part of a free society.

On the surface, it might seem as though both dress codes and discrimination restrict personal freedom and therefore would not exist in a free society. Actually, however, the case is just the opposite. Although dress codes and discrimination aren't essential to a free society, they may very much be part of a free society because the freedom of private individuals and businesses to institute dress codes and practice discrimination without government interference is absolutely essential to a free society.

Dress codes

"No Shirt, No Shoes, No Service" — I can remember seeing signs to that effect at the entrance to some business establishments when I was growing up. Yet, even in our now-only-relatively free society, some restaurants and nightclubs

still have a dress code. The ability of any place of business to have a dress code for patrons, clients, customers, or vendors is a mark of a free society. If someone doesn't like the dress code of a place of business, then, in a free society, he has two options: 1. Conform and do business there anyway; 2. Take his business elsewhere. Filing a complaint with a government agency or initiating a lawsuit is not a legitimate option, not in a free society.

Some places of business require their employees to wear uniforms, dress clothes, hats, aprons, or some specific piece or color of attire. They may also prohibit (or in some cases, try to prohibit) their employees from wearing ball caps, burqas, hijabs, yarmulkes, headscarves, turbans, shirts with messages, or revealing clothing, as well as having visible tattoos, multiple body piercings, or excessive jewelry. That too is a mark of a free society. If an employee doesn't like his employer's dress code, then he has two options: 1. Conform and work there anyway; 2. Work somewhere else. Again, filing a complaint with a government agency or initiating a lawsuit is not a legitimate option, not in a free society.

It is no different when it comes to individual persons and their

place of residence or other property. In a free society, they alone are the ones with the authority to institute or not institute dress codes for guests on their property. If a guest doesn't like a property owner's dress code, then, in a free society, he has two options: 1. Conform and enter or remain on the premises or property; 2. Leave the premises or property. Once again, filing a complaint with a government agency or initiating a lawsuit is not a legitimate option, not in a free society.

In a free society there is no right to trespass, no right to a particular job, and no right to service.

In a free society, property rights are paramount. He who owns the property establishes (or delegates to an agent to establish) the dress requirements for entry, employment, and activity. That is true whether the property is a private residence or a place of business. Refusing someone entrance to, employment at, or service on the property you own or manage because of how he is dressed or not dressed is not committing aggression against him. The "penalty" for violators of a home's, employer's, or business's dress code is exclusion, firing, or refusal of service, not

beatings, fines, or imprisonments. In a free society there is no right to trespass, no right to a particular job, and no right to service.

In a free society, businesses could institute any dress code for their customers.

In a free society, property rights are absolute. It doesn't matter if a dress code is considered to be illogical, unreasonable, irrational, unnecessary, or "extreme." For example. A restaurant that opened in Paris last year doesn't have a dress code; it has a "no dress" dress code. O'naturel is the city's first nudist restaurant. The 40-seat gourmet restaurant is located away from the tourist hotspots and trendy restaurants. A heavy curtain obscures the restaurant's large windows, and a second set of curtains prevents gawkers outside from peeking into the dining room when the front door is open. Diners disrobe in a coat-check room before being shown to their tables where they dine, fully nude, on shredded whitening, duck foie gras, escargots, and crème brûlée. The waiters and kitchen staff keep their clothes on for reasons of hygiene. If a potential diner doesn't like the "no dress" dress code, then he has two options:

1. Conform and eat there anyway;
2. Eat somewhere else.

There are a number of things that are true about dress codes and a free society.

In a free society, businesses could institute any dress code for their customers.

In a free society, employers could institute any dress code for their employees.

In a free society, individuals could institute any dress code for guests in their home.

In a free society, it would be solely at the discretion of businesses, employers, and individual owners whether to provide a religious or other accommodation for dress codes or anything else.

In a free society, property owners could require or prohibit any cultural, ethnic, religious, or political jewelry or attire.

In a free society, property owners would have the absolute right to refuse entrance, service, or employment to anyone, not only on the basis of how he was dressed, but also because of his hairstyle, hair color, facial hair, tattoos, scars, height, weight, sex, age, race, color, complexion, disability, or anything else that relates to appearance.

That doesn't mean that in a free society there are no rules, regula-

tions, or standards of acceptable dress; it just means that government doesn't decree them.

Discrimination

The federal government has long been concerned about discrimination. The Civil Rights Act of 1964 prohibits workplace discrimination "because of such individual's race, color, religion, sex, or national origin." The Age Discrimination in Employment Act of 1967 "protects certain applicants and employees 40 years of age and older from discrimination on the basis of age in hiring, promotion, discharge, compensation, or terms, conditions or privileges of employment." The Fair Housing Act of 1968 prohibits "discrimination in the sale, rental, or financing of dwellings and in other housing-related activities on the basis of race, color, religion, sex, disability, familial status or national origin." The Age Discrimination Act of 1975 "prohibits discrimination based on age in programs or activities that receive federal financial assistance." The Americans with Disabilities Act of 1990 prohibits discrimination based on disability. The existence of these laws is unfortunate, and for several reasons.

Discrimination is a crime in search of a victim. Every real crime

needs a tangible victim with measurable damages. Discrimination is not aggression, force, or threat. It should never be a crime.

Discrimination means freedom. There is nothing inherently wrong with discrimination. It involves choosing between or among options. To discriminate is simply to choose something and exclude something else. To outlaw discrimination is to outlaw freedom of thought. By their very nature, the natural rights of freedom of assembly, freedom of association, free enterprise, and freedom of contract include the right to discriminate.

Discrimination is not aggression, force, or threat.

Discrimination is an essential part of property rights. No one has the right to any particular job, membership, residence, product, or service. If a property owner cannot restrict whom he employs, whom he engages in commerce with, whom he rents or sells to, whom he admits, and whom he associates with, then he has no property rights.

Discrimination doesn't have to be reasonable, rational, sensible, objective, fair, justified, or logical in order to be permitted. Those things are all irrelevant.

Discrimination doesn't have to be neutral — i.e., not based on stereotypes, assumptions, ignorance, fear, prejudice, partiality, bigotry, sexism, or racism — in order to be permissible. It doesn't matter why the discrimination takes place.

In a free society, there are no anti-discrimination laws.

If someone doesn't like an individual's, an organization's, or a business's practice of discrimination, then, in a free society, he has two options: 1. Conform (if possible); 2. Go elsewhere. Filing a complaint with a government agency or initiating a lawsuit is not a legitimate option, not in a free society.

There are a number of things that are true about discrimination and a free society.

In a free society, there are no anti-discrimination laws.

In a free society, business owners have the right to refuse service to anyone for any reason on any basis.

In a free society, no potential customer has a claim on the property or the time of any business owner.

In a free society, no one has any legal recourse if a business refuses to engage in commerce with him, an organization refuses to accept him, a property owner refuses to

admit him, or a person refuses to associate with him.

In a free society, businesses are able to discriminate against customers just as customers can now legally discriminate against businesses.

In a free society, “public accommodations” are still private businesses and therefore don't have to accommodate all members of the public.

In a free society, anyone has the right to think what he wants about anyone else and choose to discriminate for any reason on the basis of those thoughts.

In a free society, property owners have the absolute right to refuse entrance, service, or employment to anyone, not only on the basis of his race or appearance, but also because of his sexual orientation, gender self-identification, marital status, ideology, disability, political affiliation, age, creed, religion, religious piety, familial status, national origin, ancestry, criminal record, health, IQ, or socio-economic status.

In a free society, the right to discriminate is absolute.

Conclusion

Should the Washington, D.C., nightclub have established a “no

sneakers” dress code? That is a question that cannot be answered. Does the nightclub have the right to institute a “no sneakers” dress code? In a free society, certainly. Should the nightclub have engaged in discrimination? Again, that is a question that cannot be answered. Does the nightclub have the right to engage in discrimination? In a free society, most definitely. The fact that the nightclub’s bouncer might have practiced discrimination that was contrary to the directives of the club’s management doesn’t change anything. That is strictly an internal company matter and not the concern of government.

In a free society, government would not involve itself in any way with dress codes or discrimination.

In a free society, government would not try court cases concerning dress codes or discrimination.

In a free society, government would not interfere in any way with the employer-employee relationship.

In a free society, government would not interfere in any way with the business-customer relationship.

In a free society, government would not violate any individual’s or business’s property rights.

In a free society, government EEOCs would not exist.

Property rights are the key to what is often perceived as the dress-code and discrimination conundrums. It is property owners — residence owners and business owners — alone who solely establish rules, regulations, and requirements for entry, admission, employment, service, commerce, and activity that takes place on their property. In a free society, government doesn’t concern itself with those things as long as people’s actions are peaceful and voluntary.

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NEXT MONTH:
“Mencken’s Plan, Read’s Rule”
by Laurence M. Vance

Open Borders: Trade, Migration, Entrepreneurship, and Property

by Ken Schoolland



For good reason people ask how nations can become more prosperous. Usually the start is “Why is there poverty?” But the real question should be “Why is there wealth?” Poverty is the natural condition of all peoples of the world throughout history. Only in the past couple hundred years have we seen an astounding rise in the amount of wealth per person in some countries while others still languish in ancient poverty.

The Fraser Institute of Canada approaches this question with the Economic Freedom of the World Index (EFW), analyzing conditions that give people incentives. In other words, what conditions allow peo-

ple to benefit most from the creativity and work that produces wealth? They look annually at (1) tax rates, (2) legal protections for contracts and property, (3) inflation that undermines sound money, (4) openness of trade, and (5) regulatory restrictions.

Hong Kong, Singapore, and New Zealand typically rank at the top, while Myanmar, Venezuela, and Zimbabwe are often at the bottom. North Korea would probably be dead last if any data could be gathered. Nations in the top quadrants produce much more wealth per capita, higher growth rates, higher literacy, and lower rates of infant mortality than nations at the bottom.

Growth matters. Brazil, with all of its resources, increased wealth per capita fourfold from 1950 to 2000. Hong Kong, with a lot of people in a small space and no natural resources, increased wealth per capita 36-fold in the same period of time. Hong Kong is now one of the wealthiest places in the world per capita, richer than Great Britain, its former colonial ruler.

China is coming up the EFW ranking to 107 out of 144 countries, but it still ranks below Sri Lanka at 100 in 2010. So how could China have had such astounding econom-

ic growth in recent years? China is really big and all of its provinces have a greater population than most nations of the world. Luckily for China, economic zones along the east coast rank even higher on the EFW Index than Hong Kong and Singapore. These provinces are the engines of economic growth, while many other provinces of China would rank at the very bottom of the EFW Index.

Because of this diversity of growth in China, people have been moving by the millions from the stagnant regions to the growth regions. That demonstrates a sixth factor in economic growth that should be considered even more important than all others: openness to migration. It was openness to migration within China that allowed the growth that Hong Kong derived from decades of openness to migration.

Openness

According to Francesc Ortega of Queens College in New York and Giovanni Peri at the University of California, “Openness to knowledge, skills and ideas from the rest of the world may be one of the most important engines of economic growth, and technological advancement for a country....We show that

openness to immigration ... is a strong predictor of its income per person ... [and] works much better for immigration than for trade...”

If it is truly a bad thing to have “too many people,” then people would be striving to get away from each other.

Then why do nations of the world fear migrants? Nearly every nation welcomes, encourages, and even battles for the import of barrels of oil. Yet every nation obstructs the “import” of labor — the in-migration of human beings.

Surely people are more valuable than barrels of oil. People have arms and legs and brains. They can do so much more than barrels of oil. Not only can people create wealth, but people can also reproduce to make more people. Would that barrels of oil could do that!

If barrels of oil could reproduce, it would be considered the energy miracle of the century — of the millennium! But when people reproduce more people with arms, legs, and brains, it is too often viewed as calamity. “Overpopulation!!” some people exclaim. “Too many people ruin the world!”

If it is truly a bad thing to have “too many people,” then people

would be striving to get away from each other. But the history of the world has been of a general movement of people towards each other, moving from the sparsely populated countryside to crowded cities.

Of course it isn't really people in general who are the problem. Rather, it is just certain people who are unwanted. Generally speaking, people do not object to the birth of their own children, even though children will be dependent on them for nearly two decades.

For most of American history, the time of greatest growth, newcomers were openly welcomed.

Newborns don't speak the language, they don't know the customs and manners of society, they don't even have any skills, but they're cute and they're cuddly and they're ready to please. Instead, the complaint is about other people's children, especially children born far away or of a different color.

People do not object to others coming into a country so long as the visit is temporary. Visitors are welcomed and encouraged as tourists, business travelers, students, or guests at weddings and graduations. People coming across borders

for longer periods of time are welcome if they have lots of money — thus automatic visas for those investing a million dollars and starting businesses.

For most of American history, the time of greatest growth, newcomers were openly welcomed. Among the foremost reasons for demanding independence were the barriers to entry that were imposed by Britain. A top complaint against King George III in the Declaration of Independence was, "He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither...."

After the American Revolution immigration policy was unrestricted for nearly a hundred years and the benefits to the economy were enormous. By the mid 1800s railroad companies, factories, and plantations sent agents all over the world to offer labor contracts to tens of thousands of desperate workers. That should be allowed today.

Japanese, Chinese, and Portuguese laborers worked longer hours, at lower pay, and under worse conditions than American laborers because it was a great improvement over the conditions in

their homelands. That's why they traveled to America. Any champion of labor should have cheered this improvement in the condition of workers.

People have always moved to improve opportunity for the good life or to flee the tyranny and destitution of a bad life.

The hire of Asian workers, however, did not go over well with a racially intolerant population that considered Asians a threat to white labor. It unleashed a flood of anti-immigrant hostility that began with the Chinese Exclusion Act and persists today with various people quotas. As Ayn Rand said, "Racism is the lowest, most crudely primitive form of collectivism."

At the turn of the last century, first-class travelers on ocean liners stepped off the boat to waiting carriages. Third-class travelers were detained so they could be questioned and assessed for illnesses and mental disabilities that would disqualify them for entry.

Today, first-class travelers on airlines can buy \$500 tickets for an hour's flight from Africa to Europe and in 15 minutes they are whisked through passport control. Low-class travelers pay up to \$5,000 to infor-

mal travel agents called "traffickers," "smugglers," and "coyotes" who lead them for weeks or months, crammed into leaky boats on stormy, pirate-infested seas or trudging across treacherous jungles and deserts — suffering, dying, or languishing for years in detention camps.

According to the United Nations Refugee Agency, the numbers of "displaced persons" in 2014 is now at 60 million — a record level in migration history. That includes 6 million in Colombia, 15 million from sub-Saharan Africa, 4 million from Afghanistan, 1 million in Ukraine, and a soaring 11 million in Syria. These figures do not yet include the multitude who recently fled from Burma.

Inviters and excluders

I assert that people have a right to move from one place to another as an exercise of their life and liberty, so long as they do not violate the rights of others in doing so. Migration has been natural to human existence. No one today lives where his distant ancestors lived. People have always moved to improve opportunity for the good life or to flee the tyranny and destitution of a bad life.

That was done (1) by moving to unowned lands; (2) by moving invited to land owned by "inviters"; or

(3) by moving uninvited to land owned by “excluders.” Excluders may rightfully exclude newcomers from their own land. But they unjustly erect barriers on all government land, borders, and thoroughfares to prevent inviters from exercising their right to invite newcomers to their property for housing, refuge, entrepreneurship, employment, et cetera. Thus, excluders would deprive both newcomers and inviters of rights to life, liberty, and property.

Excluders also bear responsibility for lost commercial and charitable opportunities for the inviters.

It is the same with regard to goods. Excluders desire barriers to the trade and investment that may be exercised by inviters. When excluders use government to deprive inviters of the right to import products, it is called “protectionism.” Protectionism is extended to all the lands, not just the land of excluders. Again, excluders violate the life, liberty, and property rights of inviters and of those people around the world who wish to do business with inviters.

Excluders shoulder the burden of serious damage to humanity

when they prevent potential newcomers from fleeing tyranny and from seeking opportunity and prosperity. Excluders also bear responsibility for lost commercial and charitable opportunities for the inviters.

Quotas on imported products are harmful to inviters, indeed, but even more harmful are the quotas on the movement of human beings. That is no small assertion. By enabling border guards, the excluder is complicit in the tragedy that befalls those displaced persons who are prohibited from being welcomed and hired by inviters.

Throughout the 20th century it was border guards the world over who refused visas and escape to millions of Jews, Catholics, Eastern Europeans, Armenians, and Chinese who were slaughtered instead of being allowed to flee tyranny. In the 21st century it is the desperate migrants from North Korea, Burma, Bangladesh, Somalia, Eritrea, Syria, and Afghanistan who are still suffering and dying by the tens of thousands each year.

These potential escapees are blocked by guards on both sides of the border. It doesn't matter which side of the border a guard stands if the effect is the same: depriving liberty to those who wish to escape. It

is even claimed that Australian authorities have taken the role of coast guard to the next level, actually paying smugglers tens of thousands of dollars to go elsewhere, even if that means allowing thousands to perish at sea. Likewise, millions of inviters have been deprived of the benefits that newcomers could bring: wealth, entrepreneurship, innovation, and hard work.

Ronald Bailey of *Reason* magazine cites the analysis of University of Wisconsin economist John Kennan in arguing that if all workers of the world were allowed to move “to places with higher total factor productivity (TFP), it would produce the equivalent of doubling the world’s supply of laborers.” Bailey goes on to say, “A worker in Somalia can produce only one-tenth the economic value of a worker in the United States. But as soon as she trades the hellhole of Mogadishu for the comparative paradise of Minneapolis, she can immediately take advantage of the higher American TFP to produce vastly more. Multiply that by the hundreds of millions still stuck in low-productivity countries”

In America, immigrants start new businesses at twice the rate of native Americans. They are hunger for and have all the attitudes of

perseverance and courage that produce great wealth. All of this is sacrificed by fears of the excluders.

Courage and fear

Underlying every argument against the movement of people to freedom is fear. Such fears are sometimes openly expressed, but more often they are veiled or disguised. The fear of immigrants denotes the absence of courage. Courage welcomes competition. Fear rejects competition. Courage embraces the newcomer. Fear expels the newcomer. Courage champions liberty. Fear denies liberty.

In America, immigrants start new businesses at twice the rate of native Americans.

It is useful to address these fears. That is complicated by the fact that stated fears, such as welfare, crowding, crime, et cetera may be excuses for more fundamental, underlying fears, such as an intolerance of races or religions. The voting public in the United States is indifferent to immigration from Britain or Canada, but openly hostile to immigration from Mexico, China, or Somalia. To overcome those fears is a monumental task in the short run, but not insurmountable.

Generally speaking, the world has gradually become more tolerant in a multitude of ways that would have seemed impossible just a hundred years ago. Globalization has exposed people to variety and offered experience that has generally reduced fears. A German student of mine recently said, “In Germany we have a saying: If you feel that an immigrant is going to take your job, the problem is not with the immigrant. The problem is with you.”

The movement of migrants is away from states with the most welfare.

A starting point for religious people is to remember that most religions preach a humanitarian sympathy for those who are desperate to survive. This is why the Sanctuary Movement in the United States helped runaway slaves in the 19th century and helped illegal immigrants find refuge from bloody civil war in El Salvador in the 20th century.

Another argument against immigration is the “welfare magnet” theory. Excluders are convinced that borders cannot be open so long as generous welfare systems exist to draw immigrants like metal to a magnet. Following this logic, the

state could also prohibit a couple from giving birth to a child so long as the state provides tax-funded benefits. They might claim that newborn children would incur an obligation of the state to tax everyone to support the health care, education, and a school lunch program for that child.

It is easy to refute the notion that welfare attracts migration. For instance, if it is true that welfare is the reason that migrants come to the United States, then it would follow that once they arrive in the United States immigrants would move from states with the least welfare to states with the most welfare. In reality, my research shows that the movement of migrants, both native and foreign-born, is in the opposite direction — away from states with the most welfare and to states with the least welfare.

That is probably because migration is a process that selects for the most diligent of workers and the greatest of entrepreneurs. It is migrants who are willing to take on all the hardship of a new, potentially hostile environment and leave behind all that is familiar in order to find safety and opportunity. Such migrants then boost the economies of their homelands with remittances. Low-income countries receive

more than six times more in 2013 than they received in 2000, amounting to 8 percent of their GDP.

Sending money home as remittances is now three times as great as all overseas development assistance combined. And it is much more productive when sent by people who value the money because they earned it and sent to people who value it because they are family and friends. That is so much wiser than official aid programs that tax people who don't know or care about the recipients and given to people who don't know or care about the providers.

Entrepreneurs

Stuart Anderson, senior fellow at the Cato Institute, asserts, "Immigrant entrepreneurs are the heroes of a market-based economy, driving innovation and job creation." Says Anderson, immigrants in the United States started 33 percent of U.S. venture-backed, public companies, between 2006 and 2012. Immigrants founded or co-founded such well-known companies as eBay, Altera, Facebook, LinkedIn, SanDisk, Google, and Tesla Motors.

When people can readily flee tyranny, tyrants have to change their ways to lure entrepreneurs, inves-

tors, and workers to return. That was the experience in Eastern Europe when the Iron Curtain fell and people could flee to the West. Tyrannies were transformed into democracies, controls on people were reduced, and then people and investment returned until growth in Eastern Europe outpaced growth in the West. Freedom not only brings prosperity to the inviters and escapees, but freedom sets in motion a changing environment that eventually brings greater freedom and prosperity to formerly enslaved lands.

A world open to migration is beneficial in so many ways. It is practical by bringing growth and the best use of talent. It is humanitarian by providing refuge and prosperity to the most desperate people of the world. And it is ethical, because it treats others as we would want them to treat us if we were in their shoes.

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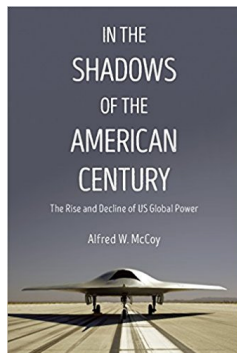
What the incompatibility of war and capitalism really means is that war and high civilization are incompatible. If the efficiency of capitalism is directed by governments toward the output of instruments of destruction, the ingenuity of private business turns out weapons which are powerful enough to destroy everything. What makes war and capitalism incompatible with one another is precisely the unparalleled efficiency of the capitalist mode of production.

— Ludwig von Mises

Nightfall on the American Empire

by Matthew Harwood

In the Shadows of the American Century: The Rise and Decline of U.S. Global Power by Alfred W. McCoy (Chicago: Haymarket Books, 2017).



In August of 2007, David M. Walker, comptroller general of the United States and director of the Government Accountability Office, delivered a speech remarkable for its plainspoken nature to the Federal Midwest Human Resources Council and the Chicago Federal Executive Board. The gist of the speech was pretty simple. If the United States government and its people didn't wise up fast, America might not survive in any recognizable form in the near future.

"There are striking similarities between America's current situation and that of another great power from the past: Rome," he said. "The Roman Empire lasted 1,000 years, but only about half that time as a republic. The Roman Republic fell for many reasons, but three reasons are worth remembering: declining moral values and political civility at home, an overconfident and overextended military in foreign lands, and fiscal irresponsibility by the central government."

A decade later, it's clear Walker's call to action fell on deaf ears, with each reason for Rome's fall only getting arguably worse in America. Identity politics on both Left and Right destroy any notion that America is an idea rooted in individual rights worth fighting for. Donald Trump brags that his nuclear button is bigger than Kim Jong-un's while the United States continues to arm the despotic Saudis as they wage a genocidal war in Yemen without public outrage. And even though the U.S. national debt is larger than its annual GDP, and current U.S. fiscal policy will probably add another \$10 trillion to the national debt over the next decade

In 2007, Walker was clear that he was an optimist who believed America could conquer the chal-

lenges he outlined. Today another prophet of American decline, Alfred McCoy, is much more pessimistic. In his new book, *In the Shadows of the American Century: The Rise and Decline of U.S. Global Power*, McCoy pushes aside any notion that the United States is somehow still a republic. Rather it's an empire that has used the dark arts of covert intervention, patronage of corrupt authoritarian clients, torture, and global surveillance to help maintain its hegemony.

McCoy pushes aside any notion that the United States is somehow still a republic.

To tell the story of the United States's rise to history's greatest superpower, McCoy rescues from relative obscurity Halford Mackinder, the director of the London School of Economics at the turn of the 20th century and the inventor of the discipline of geopolitics. Mackinder saw the world differently. When he looked at a map, he didn't see Europe, Asia, and Africa as separate continents. Instead he conceptualized them as a "world island," writes McCoy, with its "heartland ... stretching from the Persian Gulf across Russia's vast steppes and Siberian forests." Or as Mackinder

put it, "Who rules the Heartland commands the World-Island. Who rules the World-Island commands the world."

According to McCoy, U.S. foreign policy since World War II focused on denying first Nazi Germany and then the Soviet Union the ability to conquer the Eurasian heartlands and thus the world. In 1943, Mackinder warned in the pages of *Foreign Affairs* that if the Soviet Union conquered Germany, it would have the "greatest natural fortress on earth." To ensure its hegemony after World War II's destruction of Europe, the United States began its massive buildup of bases around Eurasia bolstered with military and economic alliances such as NATO and the International Monetary Fund to project power into the heartland and contain the Soviet Union. The gambit worked, with the Soviet Union crumbling owing to its own internal contradictions in the 1990s.

McCoy describes the rise of American hegemony as a blend of previous empires' best qualities. "This unique U.S. imperium was Athenian in its ability to forge coalitions among allies; Roman in its reliance on legions that occupied military bases across most of the known world; and British in its aspiration

to merge culture, commerce, and alliances into a comprehensive system that covered the globe,” he writes at the outset of the book.

“Washington would quietly set aside democratic principles for a realpolitik policy of backing reliable pro-American leaders.”

But as a persistent and trenchant critic of U.S. foreign policy, he is also clear about its dark side. Emerging after World War II as history’s strongest superpower, the United States wasn’t about to give up the advantages gained by the War’s destruction of its competitors. “In a logic that would guide its dominion for the next forty years,” McCoy writes, “Washington would quietly set aside democratic principles for a realpolitik policy of backing reliable pro-American leaders.” The United States intervened in democratic elections worldwide. It supported dictators and trained their military and police forces to brutally suppress revolutionary and reform parties and movements hostile to U.S. interests.

This imperial logic was summed up in an exchange between Treasury Secretary George Humphrey and President Dwight D. Eisenhower at a December 1954 National

Security Council meeting. Afraid of communism’s spread, particularly in the Western Hemisphere, Humphrey told his National Security Council colleagues that the United States should “stop talking so much about democracy” and “support dictatorships of the right if their policies are pro-American.” Eisenhower retorted, “They’re OK if they’re our s.o.b.s” Humphrey agreed, stating, “Whatever we may choose to say in public about ideas and idealism, among ourselves we’ve got to be a great deal more practical and materialistic.”

That logic has led the United States to partner with a rogues’ gallery of criminals, such as Fulgencio Batista in Cuba, Ngo Dinh Diem in Vietnam, Mohammad Reza Pahlavi in Iran, Hosni Mubarak in Egypt, Hamid Karzai in Afghanistan, and Nouri al-Maliki in Iraq, just to name a few. The list could go on. But the corruption of American ideals articulated by Humphrey over six decades ago and put into practice ever since has caught up with the United States, destroying the myth of it as a principled defender of liberal democracy in the world and exposing it as the debauched empire it is.

Take Karzai, for example. The United States installed the exiled

tribal leader in power after the fall of the Taliban in 2001. Between 2002 and 2015, McCoy notes, \$114 billion in U.S. development aid poured into Afghanistan. Little made it to the poor villages it was intended for, as Karzai and his cronies gobbled it up. In 2009, Transparency International deemed Afghanistan the second-most corrupt nation, behind Somalia. That same year, Karzai's presidential ticket was dubbed "the warlord ticket," made up of men associated with grave human-rights abuses and drug trafficking. Karzai won, naturally, engaging in widespread electoral fraud. "The fraud has handed the Taliban its greatest strategic victory in eight years of fighting the United States and its Afghan partners," said UN envoy Peter Galbraith, who was fired soon afterward for telling inconvenient truths.

Nine years later, the United States continues to wage the longest war in its history with no end in sight, appropriating more than \$900 billion from 2001 through fiscal year 2018, according to the Watson Institute for International and Public Affairs. In fact, the United States has spent far more on the war in Afghanistan than on the Marshall Plan, which supposedly rebuilt a Europe devastated by war,

with nothing to show for it. As of June 2017, according to the U.S. government, the Afghan government controlled only 60 percent of its territory. The American people should have revolted a long time ago at this sordid state of affairs as their hard-earned tax dollars go to fill the pockets of corrupt warlords, defense contractors, and the national-security bureaucracy. Instead many cheer when Trump says we're underfunding the military.

The United States continues to wage the longest war in its history with no end in sight.

Clearly the American empire has begun to unravel during the first two decades of the 21st century. As McCoy demonstrates, the United States has sapped its moral, military, and economic strengths in the ill-advised "war on terror," with its two disastrous wars in Afghanistan and Iraq; special forces and drone attacks across Asia, Africa, and the Middle East; global surveillance practices that infuriate allies; and its decision to engage in a moral abomination: systematic torture. At the same time, China has used its economic clout to build up its military and expand its influence throughout Eurasia through new

alliances and infrastructure spending. Great-power competition is with us again, warns McCoy, bringing with it the chance for cataclysmic war between a fading American empire and a rising Chinese superpower.

Great-power competition is with us again, warns McCoy.

McCoy ends his book evaluating five scenarios of U.S. decline as it tries to check China's rise, which range from the emergence of a multipolar world where the United States is a key player in global governance through multilateral institutions to a climate change-ravaged globe where the U.S. turns inward, forced to deal with regional security concerns, such as massive refugee flows due to catastrophic weather. Looking to history, McCoy writes, "So delicate is their ecology of power that, when things start to go truly wrong, empires regularly unravel with unholy speed: just a year for Portugal, two years for the Soviet Union, eight years for France, eleven years for the Ottomans, seventeen years for Great Britain, and, in all likelihood, just twenty-seven years for the United States, counting from the crucial year 2003." McCoy believes historians will point to

the U.S. aggression against Iraq as the first domino of American downfall.

The idea that the United States will no longer be the preeminent power isn't even controversial inside the U.S. intelligence community. In 2012, the National Intelligence Council, the organization that produces the country's National Intelligence Estimates, predicted, "By 2030, no country — whether the U.S., China, or any other large country — will be a hegemonic power."

McCoy, however, isn't so sure. In his most striking scenario, World War III breaks out between the United States and China. Both superpowers have weaponized space, but China's cyberwarfare capabilities have eclipsed the United States's. Using its world-class supercomputers, Chinese malware compromises the U.S. satellite system, blinding the U.S. military and killing its ability to wage war or protect the nation from attack. "Without a single combat casualty on either side," writes McCoy, "the superpower that dominated the planet for nearly a century is defeated in World War III" as it loses its ability to project power into Eurasia.

The one scenario McCoy doesn't explore, which is understandable given U.S. foreign policy since the

Spanish-American War, is the idea that the United States gives up on militarism and empire entirely. That, however, isn't going to happen unless the voters demand it through a rejuvenated anti-war movement sick of the death, destruction, waste, fraud, and loss of individual liberty and privacy that naturally arise out of imperialism. Without an anti-war movement that equally condemns the liberal internationalists' and neoconservatives' foreign adventurism to stop human-rights abuses abroad or export "democracy," respectively, one of McCoy's five scenarios of American decline — with all the pain that entails — may well come true.

Right now, there's still time to rein in a reckless foreign policy that could prove more disastrous than just the dismantling of the American empire with Trump in control of the U.S. nuclear arsenal. But forgive me for being pessimistic that U.S. foreign policy could ever resemble the republican one articulated in George Washington's farewell address. It's something stirring to contemplate, until you remember that the bipartisan belief in America's right to rule the world is sacrosanct in our nation's capital. If you oppose the interventionism of

the liberal internationalists, you're heartless, or worse, probably racist. And if you push back against the imperialism of the neoconservatives, you're either a ridiculous peacenik or worse, a sympathizer with America's enemies — whoever they may be at any moment.

And for those reasons, the chance that America can forsake empire for a return to a modest republic seems fanciful. All of McCoy's scenarios ring truer. The depressing reality is that empires don't end well, and anti-imperialists and libertarians should prepare for the worst and hope the United States can somehow become the next Great Britain — a stable and strong country despite its sudden imperial collapse. Maybe out of the ashes of the American empire, a new liberty can arise again in a country once again content with territorial limits. Just don't bet on it.

Matthew Harwood is a writer living in Bucks County, Pennsylvania. His work has appeared in The American Conservative, the Guardian, Reason, TomDispatch, and others. He is managing editor at the American Civil Liberties Union.

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