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# FUTURE OF FREEDOM

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*The possession of arms is the distinction between  
a free man and a slave.*

— *Andrew Fletcher*

# FUTURE OF FREEDOM

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## Legalize Drugs — All Drugs

by Jacob G. Hornberger



In 1972, *Newsweek* published what must have been considered by many readers to be a shocking commentary on the drug war by libertarian Nobel Prize-winning economist Milton Friedman. Entitled “Prohibition and Drugs,” Friedman’s article called for the legalization of drugs — all drugs.

Friedman made two primary libertarian arguments in favor of drug legalization: freedom and practicality. He wrote,

On ethical grounds, do we have the right to use the machinery of government to prevent an individual from becoming an alcoholic or a drug addict? For children, almost everyone would answer at least a qualified yes. But for re-

sponsible adults, I, for one, would answer no. Reason with the potential addict, yes. Tell him the consequences, yes. Pray for and with him, yes. But I believe that we have no right to use force, directly or indirectly, to prevent a fellow man from committing suicide, let alone from drinking alcohol or taking drugs....

Whatever happens to the number of addicts, the individual addict would clearly be far better off if drugs were legal. Today, drugs are both incredibly expensive and highly uncertain in quality. Addicts are driven to associate with criminals to get the drugs, become criminals themselves to finance the habit, and risk constant danger of death and disease....

Consider next the rest of us. Here the situation is crystal clear. The harm to us from the addiction of others arises almost wholly from the fact that drugs are illegal. A recent committee of the American Bar Association estimated that addicts commit one-third to one-half of all street crime in the U.S. Legalize drugs, and street crime would drop dra-

matically. Moreover, addicts and pushers are not the only ones corrupted. Immense sums are at stake. It is inevitable that some relatively low-paid police and other government officials — and some high-paid ones as well — will succumb to the temptation to pick up easy money.

Legalizing drugs would simultaneously reduce the amount of crime and raise the quality of law enforcement. Can you conceive of any other measure that would accomplish so much to promote law and order?...

So long as large sums of money are involved — and they are bound to be if drugs are illegal — it is literally hopeless to expect to end the traffic or even to reduce seriously its scope. In drugs, as in other areas, persuasion and example are likely to be far more effective than the use of force to shape others in our image.

Almost 20 years later, in 1990, the *Wall Street Journal* published another commentary on the drug war by Friedman, where he once again called for legalizing drugs. In that commentary, Friedman de-

tailed how drug prohibition had turned out to be an unmitigated disaster, with respect to both freedom and the horrific consequences the war was having on society. In his “Open Letter to Bill Bennett,” Friedman wrote,

The path you propose of more police, more jails, use of the military in foreign countries, harsh penalties for drug users, and a whole panoply of repressive measures can only make a bad situation worse. The drug war cannot be won by those tactics without undermining the human liberty and individual freedom that you and I cherish.

You are not mistaken in believing that drugs are a scourge that is devastating our society. You are not mistaken in believing that drugs are tearing asunder our social fabric, ruining the lives of many young people, and imposing heavy costs on some of the most disadvantaged among us. You are not mistaken in believing that the majority of the public share your concerns. In short, you are not mistaken in the end you seek to achieve.

Your mistake is failing to recognize that the very measures you favor are a major source of the evils you deplore. Of course the problem is demand, but it is not only demand; it is demand that must operate through repressed and illegal channels. Illegality creates obscene profits that finance the murderous tactics of the drug lords; illegality leads to the corruption of law enforcement officials; illegality monopolizes the efforts of honest law forces so that they are starved for resources to fight the simpler crimes of robbery, theft and assault.

Drugs are a tragedy for addicts. But criminalizing their use converts that tragedy into a disaster for society, for users and non-users alike. Our experience with the prohibition of drugs is a replay of our experience with the prohibition of alcoholic beverages....

Decriminalizing drugs is even more urgent now than in 1972, but we must recognize that the harm done in the interim cannot be wiped out, certainly not immediately. Postponing decriminalization will only make matters worse,

and make the problem appear even more intractable.

This plea comes from the bottom of my heart. Every friend of freedom, and I know you are one, must be as revolted as I am by the prospect of turning the United States into an armed camp, by the vision of jails filled with casual drug users and of an army of enforcers empowered to invade the liberty of citizens on slight evidence....

Whatever else may be said about drug prohibition, one thing is for sure: It has not worked. That is, it has not achieved its purported goal — which is the end (or significant suppression) of drug use within the United States.

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**Friedman has been proven right  
— the drug war has served to  
destroy the very fabric of society.**

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Moreover, it has not been a benign program, one whose effects are neutral. Friedman has been proven right — the drug war has served to destroy the very fabric of society. It has destroyed the lives of drug addicts, drug users, and ordinary people who have succumbed to the temptation to enter the drug

trade owing to its large black-market profits. It has corrupted law enforcement and the judiciary. It has brought into existence drug gangs, drug cartels, unsavory drug dealers, and drug-gang violence. It has motivated robberies, burglaries, muggings, and thefts. Most important, it has served as one of the most egregious violations of the principles of liberty in U.S. history. There is nothing positive that can be said about this government program. Nothing at all.

### Drugs versus murder

So then, why is it still in existence? Why hasn't drug prohibition been repealed?

One reason is that many people remained convinced that if an activity is harmful, it should be criminalized. For them, it doesn't matter that the drug war has failed to stamp out drugs in society. It doesn't matter that the consequences of drug prohibition have been disastrous to freedom and society. All that matters to them is that the law punish people who engage in an activity that other people say is harmful.

Yet, many people would say that adultery is harmful. So is coveting. Indeed, alcoholism and tobacco use are much more harmful than using illegal drugs. Some would say that

obesity is harmful. Indeed, climbing Mount Everest can be harmful.

Most people would oppose the criminalization of those activities. That's because most people, whether they realize it or not, embrace the core principle of libertarianism — that people should be free to engage in peaceful activity, even when it is harmful and destructive to the person engaging in it and to others around him.

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### The drug war has corrupted law enforcement and the judiciary.

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Isn't that what genuine freedom is all about? If the government wields the authority to punish a person for engaging in purely peaceful behavior — including ingesting whatever he wants in the privacy of his own home — then how can people in that society be considered genuinely free?

Some drug-war proponents compare the violation of drug laws to laws against violent behavior, e.g., laws against murder, rape, and robbery. In response to the idea of repealing drug laws, they sarcastically respond, "Why don't we go ahead and repeal laws against murder, rape, and robbery?"

The answer is simple: Laws against murder, rape, and robbery

aim to punish acts of violence by one person against another person. No one has the right to initiate force against someone else. That's one of the legitimate purposes of government — to punish people who do that.

The difference with drug laws is that the person who chooses to ingest drugs hasn't initiated force against anyone. That is, unlike a person who commits murder, rape, and robbery, the drug user hasn't violated anyone's rights. His actions might adversely affect his family, just as alcoholism does, but that doesn't make it the business of the state.

Some drug-war proponents say that legalizing drugs would send the wrong message, especially to young people — that it would say that society condones drug use or drug abuse. Yet, most people would oppose criminalizing adultery and don't concern themselves with the message that might be sending. The same for alcohol and tobacco use. In many areas of our lives, we leave it to people to figure out for themselves what is good and what is bad and to decide for themselves accordingly.

One of the primary concerns of people who continue to support drug laws is their fear that drug le-

galization will cause more young people to ingest drugs.

Yet, if there is anything we have learned from more than 40 years of drug warfare, it is that young people can get illicit drugs whenever they want. The drug war has done nothing to stop that.

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**Unlike a person who commits murder, rape, and robbery, the drug user hasn't violated anyone's rights.**

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In fact, the drug war actually ensures that more young people get into drugs. Illicit drugs will always be more plentiful for young people in a black market. That's because drug dealers have an incentive to get young people hooked on their product. Once drugs are legalized, the drug dealers, the drug gangs, and the drug cartels go out of business immediately. They cannot compete against pharmacies and other private-sector companies that are now selling drugs. Unlike drug dealers in an illegal market, businesses in a legal market have a reputation to uphold. Their customer base depends on it. Thus, they have an incentive to avoid selling drugs to young people, given the adverse publicity that would come with selling drugs to them.

## Getting tough

The thrust of the drug war has always been the investigation, arrest, and incarceration of people who deal in drugs and people who possess them. Hundreds of thousands of people have been arrested, prosecuted, and convicted, with some of them made to serve draconian jail sentences.

What has all that punishment accomplished? It has accomplished nothing except the ruination of lives. No matter how many people have been arrested, prosecuted, and incarcerated, drug use, drug possession, and drug distribution have continued.

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**What's the point of arresting, prosecuting, convicting, and incarcerating people if it doesn't do any good?**

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So what's the point of arresting, prosecuting, convicting, and incarcerating people if it doesn't do any good? Why ruin people's lives for nothing? Just to provide jobs to people in law enforcement, the judiciary, and the prison industry?

There is a good reason that all that criminal punishment for drug offenses has accomplished nothing. The reason is the natural law of supply and demand. When drugs are

legal, the price of such drugs is reasonable. If the price starts rising, producers tend to produce more, which causes the price to decrease. Drug addicts and drug users simply factor the price into their daily spending budget.

The minute drugs are made illegal, however, everything changes. Legitimate suppliers — e.g., pharmacies — are immediately put out of business, thereby decreasing the supply of drugs on the market. That causes prices to soar, which then attracts people into the drug trade. The state decides to crack down on those people for violating its drug laws. That causes the prices of drugs to soar even more. The more the prices rise, the greater the profit potential. The greater the profits, the more people are enticed to score big by entering the drug trade.

That's why drug gangs, drug cartels, and unsavory drug dealers have inundated the drug-war market over the years. It also explains why the government's destruction of a certain drug cartel or a big drug dealer never accomplishes anything. As soon as a drug dealer is killed or captured, he is immediately replaced by someone else who stands to score big. It also explains why so many ordinary people get enticed into the drug trade. Just one

big drug transaction or many small ones can help pay lots of bills.

Some drug-war proponents say that the solution is to really crack down by enforcing drug laws viciously and mercilessly. What they fail to recognize is that that is precisely what has occurred ever since Friedman penned his *Newsweek* essay in 1972.

That's why mandatory minimum sentences were enacted. Concerned that the jail sentences that judges were meting out for drug offenses were too lenient, Congress enacted a law requiring judges to send drug offenders to prison for much longer periods of time — even 10, 20, or 30 years. Some offenders are now even dying of old age in prison.

It is also why civil asset-forfeiture laws were enacted. They permit the police to seize cars, money, and other assets from people who they suspect may be drug-law violators. No lawsuit. No formal accusation. No indictment. No charges. Just seize the asset. If a person is really innocent, he can sue to get his money back.

The idea was that asset forfeiture would break the back of the drug trade. If cops could just seize the ill-gotten fruits of the drug trade without having to go to court,

drug dealers would finally be forced out of business.

It didn't happen. Instead, the result of civil asset forfeiture has been that monies, cars, and other assets are seized from poor and middle-class people who are innocent of any drug crime but who lack the money to hire an attorney to get their property returned. In many instances, the amount they would have to pay an attorney exceeded the value of what has been taken from them.

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**The drug war has provided those who are racists with the opportunity to exercise their bigotry in a legal manner.**

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Moreover, civil asset forfeiture has become the core aspect of the corruption that drug laws bring to law enforcement. All too often, the police have become self-funding fiefdoms that operate independently of legislative budgeting for their departments.

I would be remiss if I failed to point out the racist aspects of the war on drugs. This government program has been a dream-come-true for bigoted cops because it has given them legal license to harass, abuse, insult, and ruin African-Americans. That's not to say, of course, that all

law-enforcement officers are racists. It is to say that the drug war has provided those who are racists with the opportunity to exercise their bigotry in a legal manner.

It's a good theoretical question whether the state could crack down so completely that drugs are stamped out of society, once and for all. But as Friedman points out, that would mean a complete police state, one in which there would undoubtedly be government surveillance cameras in every home and business. Would stamping out drug use be worth the total destruction of liberty?

Consider what has been going on in the Philippines during the past two years. In an effort to finally win the war on drugs, the government has been killing suspected drug offenders on sight. It is estimated that thousands of suspected drug-law violators have been murdered. Yet even there the drug war goes on. It has still not been won. The lesson is clear: Even if the DEA and state and local police here in the United States were authorized to kill drug-law offenders on sight, the drug war would still not be won.

### Winning the drug war

The point is simple: The war on drugs will never be won, at least not

without the total destruction of liberty in America. Would the total destruction of liberty be worth it? One hopes that most Americans would say no.

So if the drug war is incapable of being won, if it necessarily produces horrific adverse consequences, then there is obviously only one thing that can be done: legalize drugs, just as Milton Friedman advocated as far back as 1972 and 1990.

That would put the drug gangs, drug cartels, and unsavory drug dealers out of business overnight, accomplishing what decades of criminal prosecution and incarceration have been unable to accomplish. Immediately, all the violence between drug dealers and drug gangs would come to an end. Pharmacies and other reputable businesses would begin selling drugs.

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**The war on drugs will never be won, at least not without the total destruction of liberty in America.**

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Prices would plummet, which would mean that drug addicts and drug users would no longer have to engage in robbery or theft to pay exorbitant black-market prices. Ordinary people would no longer be

tempted to engage in criminal drug activity in the hope of scoring big. After all, how many winos are busted for robbing and stealing to pay for their habit? Very few, because the price of cheap wine doesn't make crime worthwhile.

Legalization would mean that the police and the federal government would be out of the drug-war business, which would enable them to focus their attention on real crime — i.e., murders, rapes, and robberies.

Drug addiction and drug abuse would be handled socially, just as alcoholism and tobacco addiction are. People with drug problems would no longer fear being sent to jail for their problem. They could be treated sympathetically and empathetically by others rather than as criminals.

Most important, drug legalization would help to restore liberty to our land. The fact is that freedom necessarily entails the right to do whatever a person wants, so long as his conduct is peaceful. Yes, drugs

may be extremely harmful and destructive to a person. But that doesn't make it the business of the state. The state's responsibility is to protect the exercise of freedom, not destroy it.

The best thing Americans could have ever done back in 1972 and 1990 was to heed Milton Friedman's warnings about what the drug war was doing to American society. The best thing Americans could do today is to heed his words now. Legalize drugs — all drugs. It's the way to help restore a peaceful, harmonious, healthy, humane, and moral society to our land.

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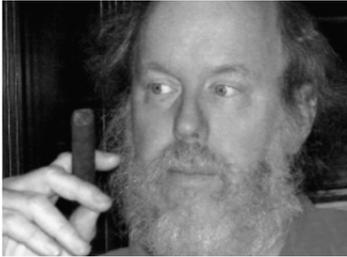
*Jacob Hornberger is founder and president of The Future of Freedom Foundation.*

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**NEXT MONTH:**  
**“Nonintervention: America’s  
Founding Foreign Policy”**  
*by Jacob G. Hornberger*

## The Pro-War Media Deserve Criticism, Not Sainthood

by James Bovard



The media nowadays are busy congratulating themselves for their vigorous criticism of Donald Trump. To exploit that surge of sanctimony, Hollywood producer Steven Spielberg rushed out *The Post*, a movie depicting an epic press battle with the Nixon administration. Critics raved over the film, which the *New York Post* enthusiastically labeled “journalism porn of the highest order.” Boston Public Radio station WBUR called it the “most fun you’ll ever have at a civics lesson.”

Spielberg, touting his movie, claimed that “the free press is a crusader for truth.” But the media hoopla around *The Post* is akin to geezers boasting of having shown

moments of courage when they were almost 50 years younger.

*The Post* is built around the Pentagon Papers, a secret study begun in 1967 analyzing where the Vietnam War had gone awry. The 7000-page tome showed that presidents and military leaders had been profoundly deceiving the American people ever since the Truman administration and that the same mistakes were being endlessly repeated. Like many policy autopsies, the report was classified as secret and completely ignored by the White House and federal agencies, which most needed to heed its lessons. *New York Times* editor Tom Wicker commented in 1971 that “the people who read these documents in the *Times* were the first to study them.”

Daniel Ellsberg, a former Pentagon official, heroically risked life in prison to smuggle the report to the media after members of Congress were too cowardly to touch it. The *New York Times* shattered the political sound barrier when it began courageously publishing the report despite a profusion of threats from the Nixon administration Justice Department. After a federal court slapped the *Times* with an injunction, the *Washington Post* and other newspapers published additional classified excerpts from the report.

*The Post* ignores the fact that U.S. government policy on Vietnam did not become more honest after the Pentagon Papers disclosure. In such cases, the government's notion of "repenting" is merely to substitute new and often more-ludicrous falsehoods. Besides, as retired State Department whistleblower Peter van Buren noted, "*The Post* has no real interest in the Pentagon Papers except as a plot device, almost an excuse needed to make this movie."

Because the *Washington Post* had a female publisher, Spielberg made it, rather than the *Times*, the star of the show. Van Buren suggested, "Spielberg might as well have costumed Meryl Streep (who played *Post* publisher Katherine Graham) in a pink pussy hat for the boardroom scenes." The movie fails to mention Graham's cozy relationship with President Lyndon Johnson. A few weeks after John F. Kennedy was assassinated, a secret tape made by the Johnson White House captured Johnson and Graham (whom he called "sweetheart") flirting up a storm during a phone call. She later flew to his Texas ranch for a personal visit.

Spielberg's movie portrays *Post* editor Ben Bradlee denouncing dishonest government officials to Graham: "The way they lied — those

days have to be over." Defense Secretary Robert McNamara, who deluged the media with falsehoods about battlefront progress, did more than anyone else (except perhaps Lyndon Johnson) to vastly increase the bloodbath for Americans and Vietnamese. McNamara's disastrous deceits did not deter the *Washington Post* from appointing him to its board of directors. As Norman Solomon, author of *War Made Easy: How Presidents and Pundits Keep Spinning Us to Death*, recently observed, "The *Washington Post* was instrumental in avidly promoting the lies that made the Vietnam War possible in the first place."

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**The movie fails to mention  
Graham's cozy relationship with  
President Lyndon Johnson.**

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The Pentagon Papers proved that politicians and their tools will brazenly con the American public to drag the nation into unnecessary wars. But that lesson vanished into the D.C. Memory Hole — conveniently for bootlicking journalists such as *Post* superstar Bob Woodward.

The late Robert Parry, a Washington correspondent for *Newsweek* in the late 1980s, declared that

he saw “self-censorship because of the coziness between *Post-Newsweek* executives and senior national security figures.”

### Post-Vietnam coziness

Perhaps the memory of winning the Pentagon Papers showdown with the feds helped make the media overconfident about their ability to resist the temptation to become political tools. *New York Times* columnist Flora Lewis, writing three weeks before the 9/11 attacks, commented in a review of a book on U.S. government lies on the Vietnam war, “There will probably never be a return to the discretion, really collusion, with which the media used to treat presidents, and it is just as well.” Within months of her comment, the media had broken almost all prior kowtowing records. CNN chief Walter Isaacson explained, “Especially right after 9/11 ... there was a real sense that you don’t get that critical of a government that’s leading us in wartime.”

On March 17, 2003, George W. Bush justified invading Iraq by invoking UN resolutions purporting to authorize the United States “to use force in ridding Iraq of weapons of mass destruction.” A year later, he performed a skit at the Radio and Television Correspondents’ an-

nual dinner featuring slides showing him crawling around the Oval Office peaking behind curtains as he quipped to the poohbah attendees, “Those weapons of mass destruction have got to be somewhere.... Nope, no weapons over there.... Maybe under here?” The crowd loved it and the *Post* headlined its report on the evening, “George Bush, Entertainer in Chief.” Greg Mitchell, the editor of *Editor and Publisher*, labeled the press’s reaction that night as “one of the most shameful episodes in the recent history of the American media and presidency.”

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### The *Post* blocked or buried pre-war articles exposing the Bush team’s shams on Iraq.

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Most of the media had embedded themselves for the Iraq war long before that dinner. The *Post* blocked or buried pre-war articles exposing the Bush team’s shams on Iraq; their award-winning Pentagon correspondent Thomas Ricks complained, “There was an attitude among editors: ‘Look, we’re going to war; why do we even worry about all this contrary stuff?’” Instead, before the war started, the *Post* ran 27 editorials in favor of invasion and 140 front-page articles supporting

the Bush administration's case for attacking Saddam. The *New York Times* printed a barrage of false claims on WMDs while axing articles by Pulitzer Prize-winning reporter James Risen demolishing "the administration's claims of a link between Iraq and al-Qaeda." The *New York Times* also refused to publish classified documents showing pervasive illegal National Security Agency spying on Americans prior to the 2004 election, even though it had received the proof of vast wrongdoing. If the *Times* had not flinched, George W. Bush might have been denied a second term.

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**The media behave at times as if government lies are dangerous only when the president is a certified bad guy.**

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Broadcast media were even quicker to grovel for the war effort. PBS *NewsHour* host Jim Lehrer explained, "It would have been difficult to have had debates [about invading Iraq].... You'd have had to have gone against the grain." Lehrer neglected to say exactly how kowtowing became patriotic. News anchor Katie Couric revealed in 2008 that there was pressure from "the corporations who own where we work and from the government it-

self to really squash any kind of dissent or any kind of questioning of" the Iraq war.

### And now, Syria

Despite the role of media gullibility (or worse) in helping the Bush administration sell the Iraq war, the press showed scant skepticism about subsequent U.S. attacks abroad. The media behave at times as if government lies are dangerous only when the president is a certified bad guy — like Richard Nixon or Donald Trump. Barack Obama's semi-sainthood minimized media criticism of his Syrian debacle — a civil war in which the United States initially armed one side (Syrian rebels who largely turned out to be terrorists) and then switched sides, a flip-flop that resulted in far more dead Syrians. But Americans have received few insights into that bellicose schizophrenia from the media. Historian Stephen Kinzer wrote in the *Boston Globe*, "Coverage of the Syrian war will be remembered as one of the most shameful episodes in the history of the American press." Even in the Trump era — when the press is openly clashing with a president — bombing still provides push-button presidential redemption. Trump's finest hour, according to much of the me-

dia, occurred in April 2017 when he attacked the Assad regime with 59 cruise missiles, raising hopes that the U.S. military would topple the Syrian government.

When Trump announced he was sending more U.S. troops to Afghanistan, the *Washington Post* editorial page hailed his “principled realism” — regardless of the futility of perpetuating that quagmire. At a time when Trump is saber-rattling against Iran and North Korea, the media should be vigorously challenging official claims before U.S. bombs begin falling. Instead, much of the coverage of rising tensions with foreign regimes could have been written by Pentagon flacks.

Richard Nixon’s henchman H.R. Haldeman warned Nixon that the Pentagon Papers might make people believe “you can’t trust the government; you can’t believe what they say; and you can’t rely on their judgment. And the implicit infallibility of presidents, which has been an accepted thing in America, is badly hurt by this.” Unfortunately, much of the media continue to presume that presidents are infallible — as long as they are killing enough foreigners.

One of the starkest lessons of the Pentagon Papers was that politicians and their henchmen will tell

unlimited lies — and ignore stark warnings — to plunge the nation into unnecessary foreign wars. And forgotten falsehoods almost guarantee new political treachery. Politicians don’t need to provide strong evidence as long as the media continue treating them as if they were Delphic oracles. Truth delayed is truth defused, because there is no way to rescind bombs that have already detonated.

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**“Only a free and unrestrained press can effectively expose deception in government.”**

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Media tub-thumpers were crestfallen when *The Post* struck out on Academy Awards night (it was nominated for Best Picture and other categories). But that worked out well for history, since it leaves the path more open for subsequent documentaries or movies that provide more honest exposure of how wars get started and perpetuated. Future movies might even venture into the forbidden ground of media docility regarding systemic violations of human rights.

Supreme Court Justice Hugo Black, in his 1971 opinion on the *New York Times’s* right to publish the Pentagon Papers, declared, “Only a free and unrestrained press

can effectively expose deception in government.” Unfortunately, the media often choose to trumpet official lies instead of fighting them. Permitting glorious tales from eight presidencies ago to absolve subsequent media kowtowing would be as foolish as forgetting the lessons of the original Pentagon Papers. Worshipping the media is as foolish as worshipping politicians.

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*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*

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**NEXT MONTH:**  
**“James Comey and the  
Unending Bush Torture  
Scandal”**  
*by James Bovard*

*The First Amendment is not a tool of the press. It is a tool of the people. It is not nearly so much a protector of the media as it is a protector of the people’s right to know, their right to hear the ideas of others, and their right to have their ideas heard without interference from the government.*

— Fred Schnaubelt

## Leave Social Security out of It

by Laurence M. Vance



It was twenty-five years ago that the Family and Medical Leave Act (FMLA) was passed by a Democrat-controlled Congress under Bill Clinton. Although it had minimal Republican support, current efforts to expand the FMLA's provisions are being spearheaded by Republicans.

According to the U.S. Department of Labor, the FMLA “entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.” Covered employers include private companies with 50 or more employees and all government agencies and public schools.

Eligible employees are entitled to 12 work-weeks of leave in a 12-month period for the birth or adoption of a child, to care for someone in the employee’s family who is seriously ill, or because of a serious health condition of the employee.

Ever since the passage of the FMLA, Democrats, liberals, and progressives have been calling for the *unpaid* leave in the FMLA to be changed to *paid* leave. Since the passage of the FMLA, some states have enacted similar statutes that broaden its scope, including mandating that employers offer paid maternity and paternity leave. But according to the Labor Department’s Bureau of Labor Statistics, only about 15 percent of full-time workers receive paid family leave.

It was no surprise back in 2014 that the Obama administration hosted a White House Summit on Working Families at which one of the topics discussed was paid family leave. Barack Obama himself addressed the issue in a speech at the Summit. Soon after Donald Trump was sworn in as president, Democrats in the Senate introduced a bill (S.337), the Family and Medical Insurance Leave Act (the FAMILY Act), to establish the Office of Paid Family and Medical Leave within the Social Security Administration

(SSA) and the Federal Family and Medical Leave Insurance Trust Fund. The bill would entitle individuals to receive two-thirds of their income for up to 12 weeks in order to care for a new child, their own health needs, or a sick family member. The family-leave benefit would be funded by a new payroll tax of 0.4 percent, split between employers and employees, on “wages received in any calendar year.”

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### Trump’s daughter Ivanka defended her father with the oldest Democratic play in the book.

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What was a surprise was Trump’s first proposed budget, for fiscal year 2018, which he released last year. According to a budget “fact sheet,”

The Budget proposes a fully paid-for proposal to provide six weeks of paid family leave to new mothers and fathers, including adoptive parents, so all families can afford to take time to recover from child-birth and bond with a new child without worrying about paying their bills. Building on the Unemployment Insurance System as a base, the Budget proposes to allow States to es-

tablish paid parental leave programs that are most appropriate for their workforce and economy.

In a letter to the *Wall Street Journal*, which was critical of Trump’s family-leave plan, Trump’s daughter Ivanka defended her father with the oldest Democratic play in the book — defining an entitlement as an investment: “Providing a national guaranteed paid-leave program — with a reasonable time limit and benefit cap — isn’t an entitlement; it’s an investment in America’s working families.” In his 2018 State of the Union address, Trump mentioned paid family leave:

We can lift our citizens from welfare to work, from dependence to independence, and from poverty to prosperity. As tax cuts create new jobs, let’s invest in workforce development, and let’s invest in job training, which we need so badly. Let’s open great vocational schools, so our future workers can learn a craft and realize their full potential. And let’s support working families by supporting paid family leave.

In Trump’s proposed budget for fiscal year 2019, a “fact sheet” says that the budget “includes a proposal to provide six weeks of paid family leave through the Unemployment Insurance system to new mothers and fathers, including adoptive parents, so all families can afford to take time to recover from childbirth and bond with a new child.”

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### Republicans and conservatives have jumped on the bandwagon.

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But it’s not just the president who is proposing that the government enable all businesses to provide paid family leave; other Republicans and conservatives have jumped on the bandwagon as well.

### Conservative proposals

In 2016, the right-leaning American Enterprise Institute joined with the left-leaning Brookings Institution to form the AEI-Brookings Working Group on Paid Family Leave. After a year of examining the “benefits and costs of paid leave” and considering “potential designs for federal paid family and medical leave policies,” the joint venture issued, in June 2017, a report titled, “Paid Family and Medical Leave: An Issue Whose Time

Has Come.” According to the report’s Note from the Directors (Aparna Mathur of AEI and Isabel V. Sawhill of Brookings, who have both “written extensively about issues relating to single mothers, women’s labor force participation, and economic opportunity”), the working-group members “represent a diverse group of experts from different organizations, backgrounds, and perspectives.” Although “some have conservative leanings, and others are more liberal,” at the end of the day they all came together because of “a common interest in an improved system in the U.S.” And although there are “disagreements about the policy’s design,” how to “fund it,” “how long the leave lasts,” who “pays” for it, and who is “eligible,” all members of the group “believe the United States needs a paid parental leave policy.” The working group maintains that

polls show overwhelming public support for paid family and medical leave. Support for the concept is bipartisan, with almost 71 percent of Republicans and 83 percent of Democrats in favor of a paid parental leave policy. Yet the United States is the only advanced nation that does not have a paid

leave policy at the national level. The federal Family and Medical Leave Act, passed in 1993, offers 12 weeks of job-protected, unpaid leave, but only about 60 percent of the workforce is eligible for its protections.

According to the report's Executive Summary, the working group "developed eight principles to guide policymaking in this area":

- preventing family hardship when a baby is born or adopted,
- maintaining long-term attachment to the labor force,
- supporting the healthy development of children,
- encouraging gender equity,
- minimizing costs to employers,
- ensuring access for the less advantaged,
- incorporating a shared contribution on the part of workers,
- and fully funding any new benefit.

Note that fidelity to the Constitution and the principles of federalism, limited government, and free

enterprise were not included. In the end, the working group settled on a compromise paid family-leave proposal, the key elements being

- benefits available to both mothers and fathers,
- a wage-replacement rate of 70 percent up to a cap of \$600 per week for eight weeks,
- job protection for those who take leave, and
- financing in part by a payroll tax on employees and in part by savings in other parts of the budget.

None of the group found the compromise to his liking. A majority wanted "something more generous" and a minority wanted "to limit any new benefit to something like \$300 a week and to make it available to low-income families only." In the end, because of these "partisan times," the group felt obligated "to work toward a compromise" that they all "could support to some extent." That was "better than doing nothing when the U.S. is the only developed nation without a national paid leave policy."

Although AEI's Mathur has continued to call for a national paid family-leave policy, the AEI-Brookings Working Group plan has been

overshadowed by the recent proposal touted by some conservatives that would allow new parents to tap into their future Social Security benefits to pay for family leave.

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**Some conservatives would allow new parents to tap into their future Social Security benefits to pay for family leave.**

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In early January, Kristin Shapiro, a lawyer and visiting fellow with the Independent Women's Forum (IWF), authored a "Policy Focus" for the IWF titled "A Budget-Neutral Approach to Parental Leave." In it we are told that despite the widespread bipartisan support for paid family leave, "the United States is the only industrialized nation that does not mandate or subsidize at least some form of paid parental leave." Although cost is an impediment, "There is a way for the federal government to provide paid parental leave to every worker in the United States at no additional cost: offer new parents the opportunity to collect early Social Security benefits after the arrival of their child in exchange for their agreeing to defer the collection of their Social Security retirement benefits."

Here is how the Social Security proposal would work:

The amount of a new parent's parental benefits under the proposal would be calculated by using the Social Security disability benefits formula.

Under this formula, recipients' Social Security parental benefits would amount to 90 percent of the first \$895 of their average indexed earnings to date, 32 percent of earnings between \$895 and \$5,397, and 15 percent of earnings over \$5,397, up to a maximum of \$2,788 per month. For example, the program would offer an average-wage worker approximately \$1,175 per month in Social Security parental benefits.

New parents could receive up to 12 weeks of Social Security parental benefits under the proposal.

Both parents, assuming they work and qualify for parental benefits, would be entitled under the program to take the 12 weeks of paid leave any time in the first year of their new child's life.

Preliminary estimates suggest that in order to obtain 12 weeks of parental benefits, new parents would need to defer their retirement benefits by only six weeks.

Participation in the program would be “strictly voluntary.” Shapiro maintains that enacting her proposal “would not require an expansion of the federal bureaucracy.” The Social Security Administration “could readily administer the provision of Social Security parental benefits,” since it “already collects individuals’ earnings data, can process applications for benefits online, and routinely calculates and issues benefits to tens of millions of individuals.”

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**The IWF claims to be “dedicated to building support for free markets, limited government, and individual responsibility.”**

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What is so surprising about this proposal is that the IWF claims to be “dedicated to building support for free markets, limited government, and individual responsibility.” The IWF seeks to “encourage women to join us in working to return the country to limited, Constitutional government.”

In late January, Shapiro, along with Andrew Biggs — a resident scholar at the AEI and former principal deputy commissioner of the Social Security Administration — wrote a short article on paid family leave for the *Wall Street Journal* (“A

Simple Plan for Parental Leave”) that was adapted from, and echoes, the study for the IWF. On the same day, Ramesh Ponnuru — a senior editor for *National Review* and a visiting fellow at the AEI — termed Shapiro’s approach to be “superior to other ideas for expanding paid parental leave.” A few days later, also writing for *National Review*, Yuval Levin termed the Shapiro proposal “brilliant.” Ponnuru promoted the proposal again in February, this time as a columnist for *Bloomberg View*: “Shapiro’s idea, in short, is a good one. I still haven’t seen a better plan, or a valid criticism of her idea.” A research fellow at the AEI calls the idea “a conservative approach to paid leave.” Another writer for the IWF, anticipating the objections of “libertarians and small-government types,” asserted,

Even libertarians and small-government types should appreciate that in this proposal, no one is asked to bear responsibility for another person’s choices or leave time. It’s the working parent who decides to make a tradeoff that affects him or her alone. The government is already collecting Social Security payroll

taxes from every worker; this plan would simply offer workers another option for how to get some of their hard-earned dollars back. And because of how it's designed, this plan is not likely to disrupt the paid leave arrangements that many employers offer on their own, but it targets the most relief to those who currently lack on-the-job benefits.

The “Social Security Parental Benefits” plan is a “truly creative solution” that is the “best we’ve ever seen,” she concluded. Republican senators Mike Lee, Marco Rubio, and Joni Ernst have also expressed support for the plan.

### The problem

There are a number of problems with a federal paid family-leave policy and the arguments for it — whether the federal government mandates that employers offer paid family leave or whether the federal government pays for it.

To argue that the United States is the only advanced nation without a national paid family-leave policy is ludicrous. The United States doesn't have a value-added tax. Should it adopt a VAT because the European Union member states all

have one? The United States doesn't have a national health-care system. Should it institute one because most countries in the world have one?

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### There are a number of problems with a federal paid family-leave policy and the arguments for it.

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To argue that paid family leave has widespread public support is meaningless. Of course it does. People always prefer to receive, or have others receive, benefits that cost them nothing. The public also generally supports food stamps, Medicaid, WIC, and other welfare benefits for the poor, disadvantaged, and underprivileged. Does that justify the existence of those programs? Social Security and Medicare have wide bipartisan support. Does that mean they should be “saved” for future generations of senior citizens even though they are not authorized by the Constitution? There is widespread public support for marijuana legalization. Does that mean that conservatives think the government should legalize marijuana nationwide?

Does it make sense for the government to make employees more expensive to employers? Does it make sense for the government to impose a one-size-fits-all, top-

down national policy on all businesses in every state?

Government-paid family leave is a middle-class entitlement program that subsidizes parents who leave the workforce to raise children.

If you subsidize something you will get more of it. More workers will have incentives to take off more time and longer periods of time. That will prove to be especially disruptive for small businesses that don't have the means to forgo an employee for twelve weeks at a time.

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### Government mandates and policies often have unintended consequences.

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Government mandates and policies often have unintended consequences. It is inevitable that businesses will be leery of hiring women of childbearing age because of the legitimate fear that they will be absent for long periods of time or use more benefits.

Once an entitlement is codified it expands. When Democrats eventually regain total control of the government, they will certainly expand any paid family-leave entitlement. And, of course, Republicans rarely, if ever, roll back the bad poli-

cies of Democrats, and often come to embrace them. Not only can the benefit amount and time off be increased, the program could be expanded to include paid time off to take care of sick friends, paid time off for grandparents to spend time with new grandchildren, or just paid time off period.

If a new payroll tax is to be imposed to fund a paid family-leave program, then where does it end? Why not an additional payroll tax to pay for universal college education or a guaranteed minimum income?

Funding a paid family-leave program with Social Security has additional problems.

Social Security is underfunded. Since 2010, the cost of Social Security has exceeded its income from payroll taxes and taxes on Social Security benefits.

The government doesn't have a Social Security account with every American's name on it. The Social Security trust fund — which is expected to be depleted in 2035 — is a government accounting fiction. There is no money for people to withdraw to pay for their family leave. All Social Security benefits are paid from current taxes collected.

By the time today's new parents reach retirement age, Social Securi-

ty could be significantly changed. Those who received benefits to pay for family leave might end up not being penalized at all, thus making government-paid family leave just another welfare program.

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**Conservatives are proposing to pay for one government program that shouldn't exist with another government program that shouldn't exist.**

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It is naïve to think that once the government begins to dip into Social Security to pay for a parent to care for a new child, that will be the end of it. It might actually be just the beginning. Why not allow people to use their future Social Security benefits to take leave from work to care for elderly parents or a sick family member? Or what about just using their benefits to pay for college or make a down payment on a house? As long as they agree to defer their retirement then it's not costing the government anything, right?

Conservatives are proposing to pay for one government program that shouldn't exist with another government program that shouldn't exist.

There is no such thing as a free lunch. No government program

ever pays for itself. And that brings us to the main problem: the government's getting involved in the matter of employee benefits.

### The solution

There is no question that having a paid family-leave benefit can make employees happier and therefore more productive. There is no disputing that paid family leave is good for young children, families, the sick, and elderly parents. But those things are not the issue. The issue is simply the purpose of government. As Future of Freedom founder and president Jacob Hornberger recently explained,

What is the purpose of government? The Declaration answers the question: The purpose of government is to protect the existence and exercise of people's natural, God-given rights. That was the reason for calling the federal government into existence with the U.S. Constitution — to protect people's natural, God-given rights that preexisted the federal government.

The Constitution nowhere authorizes the federal government to have anything to do with child care

or any role in family life. It is also an illegitimate function of government to have anything to do with fringe benefits or employer-employee relations (and, for that matter, retirement benefits and health care).

Paid family leave should be left to the market — just like vacation pay, sick pay, paid time off, holiday pay, and jury-duty pay. Whether an employer offers leave, whether it is paid, what its duration is, and how often it can be used is a matter between employers and employees — it is not the concern of government. There should be no government-mandated or government-funded family leave any more than there should be any other government-mandated or government-funded fringe benefits.

Not only should Social Security be left out of any discussion of paid family leave, the federal government should not concern itself in

any way with employee benefits, and the Family and Medical Leave Act we already have should be repealed. Government-paid family and medical leave: an issue whose time should never come.

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**NEXT MONTH:**  
**“Seven Implications of  
Protectionism”**  
*by Laurence M. Vance*

# Are Europeans Re-Thinking Gun Control?

by Scott McPherson



The civil unrest of the 1960s threatened many Americans, particularly those living in major cities, and the urban population was exploding. Rising crime and particularly armed violent crime shocked and scared voters, and for more than two decades the Second Amendment was the scapegoat — an anachronism, “misinterpreted” by “gun nuts,” deserving of repeal. Draconian gun laws, including gun bans, were passed in Chicago, Washington, D.C., Baltimore, Philadelphia, and other major cities. The idea that firearm ownership should be widespread, is compatible with city life, and is an effective means of crime control was widely ridiculed. Guns should be confiscated, not encouraged. Urbanites were increas-

ingly disarmed. Doctors even started asking kids whether their parents owned guns, an intrusive practice rooted in the prejudicial notion that gun owners pose a public-health risk.

Americans were led to believe that “gun culture” and the crime it is supposed to spawn are uniquely American, a source of international embarrassment even. People in Europe were left shaking their heads. The “civilized world” — by which left-leaning commentators meant Europe — had long ago embraced extreme national gun-control policies, and, as a result (it was believed), enjoyed crime and homicide rates well below those found in the United States. The disarmament crowd, in the United States and Europe, claimed that no civilized society allows just anyone to own weapons, let alone carry them; self-defense was practically a dirty word, the more “refined” affecting a visible shudder at the distasteful thought that common citizens would be engaged in what could only be considered crude vigilantism, Wild West-type behavior.

In Europe, in the early 1990s, no one, in polite company or otherwise, spoke approvingly of the liberalized gun laws found in much of the United States. Far from it. Newspapers and radio and televi-

sion news programs ceaselessly reported on “Crime in America” as if violence and outlawry reigned all across the fruited plain. No opportunity was missed to remind us that it is very easy to obtain a firearm in the United States (as if gun control hadn’t been given an honest try anywhere in the country).

### High crime rates?

I was stationed in Germany in the Army for three years, and knew and spoke with many Europeans. Invariably the conversation would turn to “the terrible crime (or gun) problem in your country,” and how different things were in bucolic and beautiful Deutschland — where a bureaucratic nightmare sufficient to deter most awaits anyone who wants to buy a gun, and whittles away at the remainder by removing “self-protection” as a valid reason for owning one. “There is little crime here,” was a common refrain. “Why does anyone need a gun?”

They had a point: Crime in Germany, and Europe, was extremely low. But that was only part of the story.

When proponents of gun control spoke of Europe what they really meant was Western Europe, specifically countries such as England, France, and Belgium.

Proponents of gun control tended to leave out any mention of the bloody civil war in Yugoslavia, violent secessionists in Chechnya and the Basque region of Spain, or three decades of terrorism in Northern Ireland. Europe has seen plenty of crime and violence in the Baltic states and in countries such as Moldova, Ukraine, Bulgaria, and Romania. In the USSR and later the Russian Federation, homicides would rise well above the levels found in the United States — a fact that lay hidden behind the Iron Curtain for some time — despite a totalitarian regime’s imposing an absolute prohibition on civilian gun ownership enforced by a powerful police-state apparatus.

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**Crime in most of the United States is also very low, even when it spiked in specific places.**

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Low crime in Western Europe has been the norm for some time. But their low crime came about *despite* strict gun laws, not because of them. Crime in Western Europe has always been lower than in the United States — before those liberal democracies began disarming their citizenry. They take it on faith that strict regulation of gun ownership is the reason.

What few people were talking about, in the decades when the United States experienced a surge in crime, was that crime in most of the United States was also very low, even when it spiked in specific places, such as major cities (where gun laws are more restrictive). U.S. counties with less-restrictive gun laws, and higher rates of legal firearm ownership, experienced much lower rates of crime and violence. If private gun ownership automatically equals more crime, why is that not apparent in cross-county and cross-city comparisons?

Sometimes the difference is startling. For example, in 2012 there were more than 500 homicides in the city of Chicago. In the neighboring city of Aurora, where handgun ownership is legal, there were zero homicides. Even adjusting for the huge difference in populations between the two localities — 2.7 million compared with about 200,000 — Aurora should have had more than 50 homicides that year. Yet it had none. If liberalized gun laws equal higher crime, someone forgot to tell people in Aurora, Illinois.

Think about this for a second: About 50 percent of murders in the United States take place in just 2 percent of its more than 3,000 coun-

ties. Approximately two-thirds of murders take place in just 5 percent of its counties. Half of all U.S. counties typically have no murders at all. Most important, those are the counties where the bulk of legal guns are found. John Lott, a criminologist and author of *More Guns, Less Crime*, has rightly observed, just “90 of the 3,140 counties [in the United States] account for 75 percent of the murders.” Quoted in the *New American*, he said, “Murder isn’t a nationwide problem. It’s a problem in a very small set of urban areas.”

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**Murder rates in most of the United States are equal to those found in Western European countries.**

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Comparisons between U.S. states and Western European countries yield similar results. For example, the combined population of the New England states is about 14,000,000. Belgium’s population is about 11,000,000. Homicide rates averaged out between these U.S. states comes up to about 2 per 100,000 people. In Belgium, it’s about 1.7 per 100,000 people. Minnesota and Massachusetts have populations comparable to Finland’s — and about the same number of homicides.

While the *overall* rate of homicides in the United States currently stands at about 5 per 100,000 people — much higher than any Western European country — murder rates in most of the United States are equal to those found in Western European countries. In other words, high homicide rates in the United States are driven by certain areas and, more specifically, certain demographics, typically young black males.

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**High homicide rates in the United States are driven by certain areas and, more specifically, certain demographics.**

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In fairness, though, criminologists warn against cross-country comparisons, and for precisely this reason. Demographics; large ghettos; poverty rates; unemployment; ethnic, racial, and cultural diversity; religious differences; numbers of police officers and different policing strategies — all can make it extremely difficult to compare apples to apples. That doesn't stop the gun-control crowd from constantly reminding us that crime and violence are much lower in England, where strict gun control and low crime have long been a matter of national pride. In fact, to hear them tell it,

when it comes to the gun-control argument you'd think there were only two countries on Earth, the United States and the United Kingdom.

### Crime in the UK

Early in 1995 I moved to England, and it wasn't uncommon to be asked to explain America's gun laws. The United Kingdom was experiencing a slight increase in crime, particularly armed crime. It was blamed, as was just about everything, on the Tory Party, which at that time had held power for about 16 years. The increase of special armed units in the British police forces was causing a stir; and after a couple of unarmed cops were murdered a poll of police officers in the country returned a surprising result: 1 in 5 of them wanted to be armed. For the first time politicians were talking about introducing a national ID card to fight crime. All of that struck a nerve with the public, who took unarmed bobbies and low crime for granted.

Then tragedy struck. On March 13, 1996, a man armed with four handguns walked into a school in Dunblane, Scotland, and opened fire, killing 16 children and a teacher. The nation was horrified, and immediately politicians and media

figures were demanding even tougher gun regulations, specifically a complete ban on handgun ownership.

A year later the Labour Party was swept into power and high on its list of priorities was the handgun ban. One Conservative MP — I think it was William Waldegrave, for Bristol West — questioned the wisdom of a complete ban, and suggested that some of his constituents might want a handgun for self-protection. He was hounded into silence by a hostile media. Approximately one million people were forced to give up their guns. Now only farmers willing to jump through countless bureaucratic hoops could own even a varmint gun.

The new Labour government insisted that “things can only get better,” but things didn’t go according to plan. Violent crime rose at an alarming rate, the homicide rate jumping by 50 percent! My wife and I moved to the United States in early 1997. When my father-in-law visited from England shortly thereafter, I asked him about the crime spike. “I don’t see how it can have anything to do with the handgun ban,” he insisted. “So gun laws have no effect on crime?” I asked in reply.

For several years, crime continued to rise in the UK. Eventually it

would have the highest crime rate of all of the European Union’s 28 nations. Scotland’s murder rate rose to the second highest in all of Western Europe. After several years the homicide rate would return to its pre-ban level, but overall crime, even violent crime, remained astronomically high, and just when things seemed to be settling down a man with a handgun killed 12 people in Cumbria, in 2010. How could that happen, in a nation with some of the strictest gun laws in the world?

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**“If you criminalize handguns  
then only the criminals carry  
the guns.”**

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Nigel Farage, leader of the political party UKIP, would question the status quo. In a January 2014 interview with the *Guardian* newspaper, Farage called his country’s handgun ban “ludicrous.” He said, “If you criminalize handguns then only the criminals carry the guns.” The courage required to make an assertion like that in British politics is hard to overstate. Might British voters be softening on the alleged benefits of strict gun control? The UKIP failed to win any seats in the following general election, but Farage and the UKIP rocked the

Establishment in 2016 by successfully leading the “Leave” referendum campaign, putting in motion “Brexit” from the EU, a bureaucratic monstrosity that demands, among other things, draconian regulation of all firearm ownership.

### Enter the migrants

The so-called migrant crises hit Europe hard in 2015, when tens of thousands of refugees from predominantly Muslim countries began pouring into the European Union. This issue, and a spate of vicious Islamic terror attacks in Western European countries, kept the subject of crime and violence at the forefront of public debate. Assaults, rapes, and murders were suddenly increasing, and in countries such as Sweden and England, in their larger cities, there were even reports of “no-go zones” run by gangs because the police were too afraid to enter. The *New York Times* reported in July 2017 that crime in England was rising “at its fastest clip in over a decade,” and in October Breitbart reported a 22 percent rise in rapes, a 26 percent rise in crimes committed with knives, and a 27 percent rise in crimes committed with firearms in England in 2017.

Early in January 2015 terrorists killed 17 people and wounded an-

other 22 in four separate shooting attacks in France. A month before, three separate attacks, one using a knife and two others using vehicles as weapons, left one dead and more than 20 injured. Just six months before that, a Muslim terrorist gunned down four people at the Jewish Museum in Brussels. In November 2015 two separate but coordinated attacks in Paris and Saint-Denis, France left 130 people dead and another 413 injured. The terrorists used handguns and fully automatic AK-47 rifles and explosives to wreak their havoc. In Germany, England, and France terrorists began driving trucks into crowds, killing scores. In Austria, a man intentionally drove an SUV into a crowd of pedestrians, killing three and injuring 36. Three bombs at two metro stations in Belgium, in March 2016, killed 32 and injured more than 300.

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**Assaults, rapes, and murders were suddenly increasing, and in countries such as Sweden and England.**

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Visiting France, Barack Obama would declare that mass killings, and particularly mass shootings, were a strictly American phenomenon, and that tougher gun laws

were needed in the United States. Many on both sides of the Atlantic were left scratching their heads — but for a different reason this time: Anti-gun demagoguery fell on bewildered ears, as people looked at the carnage committed with guns, bombs, knives, and motor vehicles, spreading terror and crime across countries that had for so long seemed almost immune to such chaos. The public were frightened, and were asking questions.

### Guns flying off shelves

Celebrating his win in the New Hampshire primary early in 2016, Donald Trump said that things might go differently in those places if good guys were armed. “If there were bullets going in the other direction, it would have been a whole different story,” he told a cheering crowd. In May Ronald Noble, former secretary general of Interpol, published a video entitled, “Armed Citizens Can Help Stop Terrorist Massacres like Nairobi and Paris.” John Lott headlined a conference on gun rights in Brussels eight months later.

People in Europe started seeing the light, and taking appropriate action. WorldNetDaily reported in October 2015 that in Austria, where the law is less strict than in neigh-

boring Germany, rifles and shotguns were “flying off the shelves” as citizens, fearing Muslim invaders, armed themselves. The *Daily Mail* reported that applicants for firearm licenses were lining up outside of government offices in Salzburg and other Austrian cities. Women seemed to be driving the surge in gun sales.

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**Chovanec said the amendment is necessary to protect Czech citizens from EU disarmament laws.**

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Alan Gottlieb, executive vice president of the Second Amendment Foundation, told WND that “all over Europe people now want the means to defend themselves. Self-defense is no longer a dirty word.... I can tell you first-hand that people in Europe now wish they had a Second Amendment.”

He was right. In a startling turn of events, legislation began moving through the Parliament of the Czech Republic in June 2017 that would establish a constitutional amendment protecting a citizen’s “right to acquire, retain and bear arms and ammunition.” It passed in the lower house by a vote of 139 to 9 — in other words, with overwhelming support — and now awaits approval by three-fifths of the Czech Senate

to become part of the Constitution. Interior Minister Milan Chovanec said the amendment is necessary to protect Czech citizens from EU disarmament laws. “We do not want to disarm our own people at a time when the security situation is constantly worsening,” he said.

And the Czechs are taking this show on the road. In October 2017 the president of the Czech Republic, Miloš Zeman, told the Parliamentary Assembly of the Council of Europe, “What can we do against international criminality? Invest in the police, invest in the army, *and have the courage to invest in our own guns* [emphasis mine].” Leaving no doubt about what he meant, he added, “My wife has a pistol.... [Now] I am guarded by my wife, and not only by bodyguards.” Perhaps anticipating my own observations, he said, “The Second Amendment to the American Constitution says that everybody has the right to have a weapon.... We Europeans are a little more careful than the Americans, but after [the terror attacks in] Barcelona and many assassinations, I think that the difference between Europeans and Americans is not so great.”

Admittedly, this is no “shot heard ’round the world.” While at-

titudes are changing, Europeans typically still believe that private firearm ownership should be heavily regulated, e.g., by licensing and mandatory training. But a shift of some proportions is taking place; the distance between Americans’ and Europeans’ views on guns and self-defense is certainly narrowing. As the estimable Rufus E. Miles Jr., aide to three presidents, observed, where one stands on an issue is often determined by where he sits. Rising crime, mass migration, and the threat of terrorism have many people in Europe on edge and reflexively reaching out for the best means of personal defense available: a gun. The issues driving their attitudes aren’t going away any time soon. With populism on the rise and right-of-center political parties being embraced by European voters, it will be interesting to see the state of gun rights there a generation from now.

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# How to Drain the Swamp: End the Failed War on Drugs, Part 1

by *David Stockman*



There are few more wasteful and inappropriate federal activities than the seizing and destroying of indoor and outdoor cannabis plants. At the peak of Washington's pointless war on drugs in 2010 the DEA funded the eradication of 11 million marijuana plants, and has caused 125 million of such "weeds" to be pulled and destroyed since 1990.

That's right. While the taxpayers of Flyover America were being shackled with what is now \$20 trillion of public debt, the boondogglers and busybodies of the Imperial City were chopping up harmless cannabis plants in pursuit of the very dumbest and most destructive "war" of the last 50 years.

We here address the nation's misbegotten war on drugs first launched by Tricky Dick Nixon in 1971 when he declared illicit drugs to be "America's Public Enemy Number One." Like all of Washington's feckless external wars in the last 50 years it has accomplished nothing — even as it has left societal mayhem and massive fiscal waste and debt in its wake.

In fact, more than \$1.5 trillion has been wasted at all levels of government on the war on drugs. Yet notwithstanding this enforcement drag-net, a vast network of brutal criminal enterprises has been spawned to distribute the artificially inflated contraband. So there has been virtually no change in the rate of drug use or drug addiction over all those decades.

In a survey taken since the 1970s, the percent of high-school seniors reporting illicit drug use in the past month has always varied between 25 and 30 percent. Likewise, the drug-use rate for the total population was 8 percent after 25 years of the war on drugs in 2002, but has slowly drifted higher to 9.5 percent in the last few years — notwithstanding record anti-drug spending and enforcement. And as shown by the blue line in the chart below, the U.S. drug-addiction rate has remained +/- 1.5 percent for four decades running.

Our purpose here is not merely to lament the waste and injustice of this wrong-headed crusade. Nor is it to simply denounce the unspeakable violence which these black-market drug-distribution cartels inflict on American communities and those of originating and transit states, such as the Mexican border towns, alike.

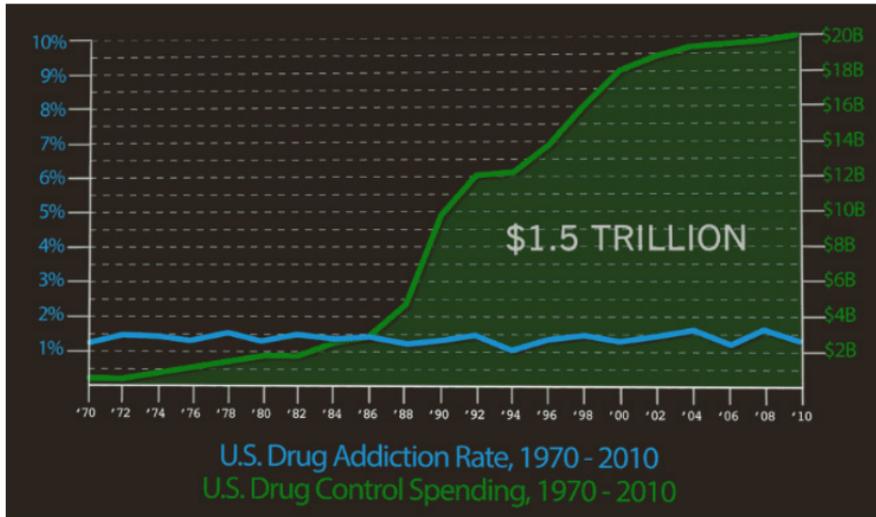
The even larger point is that the failed war on drugs powerfully illustrates that the Washington swamp cannot be really drained until inappropriate functions of the state are eliminated root and branch.

Ending police meddling in citizens' private decisions about their sedative, relaxant, or recreational

intoxicant of choice is one of these opportunities. Surely American society functioned nicely, peacefully, and prosperously for 200 years before Nixon declared that the job of Washington is to protect citizens from their own personal consumption and health choices.

Early in the 20th century, for example, before the nanny state got up a head of steam, cannabis extracts were found on grocery store shelves, as pictured on the next page. The lack of DEA agents prowling the store aisles left the American public no worse for the choice.

Since then the prison population has soared owing to the incar-



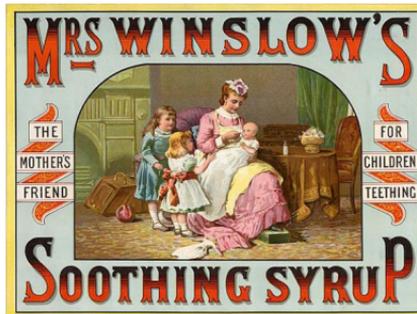


ceration of people who formerly had the right to calm their nerves by picking up a bottle from Parke, Davis & Co. Likewise, that company's present-day owner — Pfizer — is not known for distribution methods that include assassination or lesser forms of bodily violence for failed deliveries or late payments.

Indeed, what had been a branded, store-bought product like Mrs. Winslow's Soothing Syrup (cocaine-based) has been consigned to black-market distribution channels that vastly inflate costs, eliminate brand-based quality control, and replace warehouse workers, route drivers, and retail clerks with armed thugs and violent drug king-pins.

Even more importantly, Washington's nanny-state campaign against drugs not merely took "the mother's friend" and like products off the shelf, but in doing so it has bloated the criminal justice system

enormously. That is, it not only added to fiscal costs, but also dramatically increased the opportunities for police abuse and violence against the citizenry.



For example, since 1971 the rate of police arrests for non-drug-related crimes, as tracked by the FBI's Uniform Crime Reports (UCR), has declined sharply. In 1973, there were 8.7 million such arrests, representing 5.9 percent of the U.S. population over 16.

By contrast, in 2015 non-drug-related arrests had barely risen to 9.3 million, but the population over 16 years had grown from 146 million to 250 million. Accordingly, the non-drug arrest rate had dropped to 3.7 percent of the adult population.

But this welcome improvement was more than nullified by the drug-enforcement dragnet. Whereas drug arrests at all levels of law enforcement amounted to 300,000

in 1973, in the most recent year (2015) that figure had soared to 1.5 million or 5X more. Moreover, fully 84 percent of those arrests were for possession, not manufacturing or distribution, of the proscribed substances.

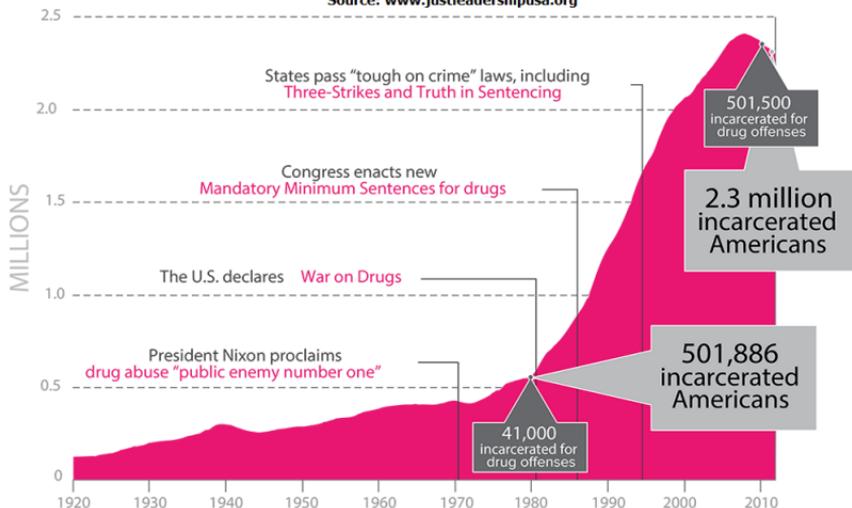
Needless to say, an explosion of drug arrests has translated into a vast swelling of the prison population. As indicated in the chart, there were 41,000 persons in prisons or jails for drug-related offenses in 1973 compared to 501,500 at present. Self-evidently, however, a 12X increase in incarceration has had no impact on drug-use rates whatsoever.

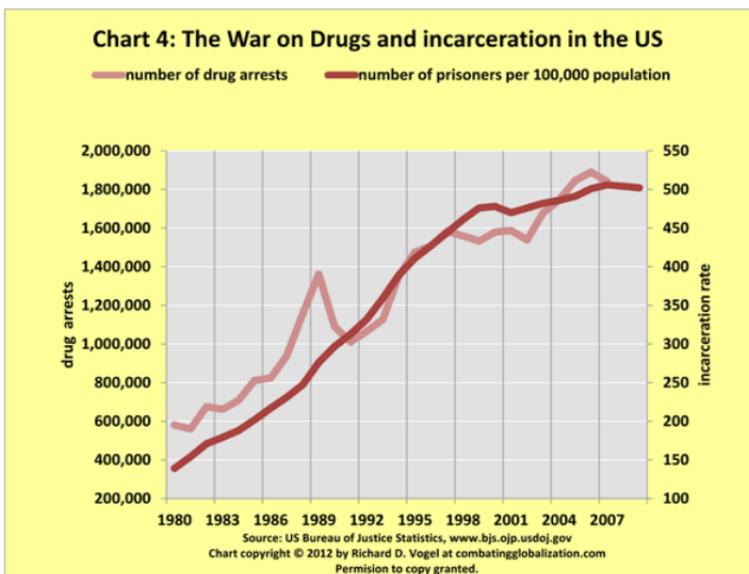
Worse still, the political demagoguery that has been institutionalized by the war on drugs has been a primary force behind the passage of “tough on crime” laws like minimum sentences and three-strikes and life. Consequently, the total jail and prison population in the U.S. has soared from 400,000 in 1973 to 2.3 million at present.

As such, the latter figure represents 25 percent of the world’s non-military-prison population in a nation which contains less than 5 percent of the world’s population. Thus, the U.S. incarceration rate of 750 per 100,000 population compares to a rate of 120 per 100,000 in

### INCARCERATED AMERICANS (1920-2013)

Source: [www.justleadershipusa.org](http://www.justleadershipusa.org)





Canada, and 100 and 75 in Europe and Japan, respectively.

In fact, the war on drugs and the drastically rising U.S. incarceration rate have been coterminous. Once Washington started down the slippery slope of banning illicit drugs and carrying out a related campaign for “law and order,” it became infectious throughout the federal system. And the latter was in large part due to federal funding which now totals more than \$30 billion per year, and which funds militarization of local police forces and a “lock them up” approach to social control.

In fact, other than perhaps issues of national security and trea-

son, there is no reason for the federal government to be in the law-enforcement business at all. The DEA, FBI, U.S. Marshals Service, the federal court system and Bureau of Prisons now cost more than \$20 billion per year, but the overwhelming share of those expenses is owing to enforcement of drugs, gambling, prostitution, and so-called white-collar crimes, which should not be crimes at all; or for purposes of protecting public order, life, and property that are fully within the competence and Tenth Amendment purview of state and local units of government.

The federal government clearly leads the way. Currently the federal

prison system houses 211,000 inmates of which 105,000 or 50 percent are subject to Uncle Sam's hospitality owing to drug-related charges.

Needless to say, when it comes to the proliferation of nanny-state ordinances, the demand for prison bunks has escalated in lock-step with the resources pumped into enforcement. For instance, during the first year of Nixon's drug war there were 1,500 DEA agents (mostly recruited from the FBI and other law-enforcement agencies) and the agency's annual budget totaled just \$65 million.

Today, the DEA employs 5,250 agents, 11,000 total staff, and sports an annual budget of \$3 billion. The whole DEA budget, however, is one

giant waste of taxpayer money and a fountain of more crime, not less, as we will detail in part 2.

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*David Stockman is a former businessman and U.S. politician who served as a Republican U.S. Representative from the state of Michigan and as the director of the Office of Management and Budget under Ronald Reagan. This article is reprinted with permission.*

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**NEXT MONTH:**  
**“How to Drain the Swamp:  
End the Failed  
War on Drugs, Part 2”  
by David Stockman**

*Modern society, based as it is on the division of labor, can be preserved only under conditions of lasting peace.*

— *Ludwig von Mises*

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