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Without justice, courage is weak.

— *Benjamin Franklin*

FUTURE OF FREEDOM

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The Future of Freedom Foundation is a nonprofit educational foundation whose mission is to advance liberty and the libertarian philosophy by providing an uncompromising moral, philosophical, and economic case for individual liberty, free markets, private property, and limited government.

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The Future of Freedom Foundation

11350 Random Hills Road

Suite 800

Fairfax, VA 22030

...

www.fff.org · fff@fff.org

...

tel: 703-934-6101 · fax: 703-352-8678

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Understanding the JFK Assassination, Part 5

by Jacob G. Hornberger



Historians and the mainstream press maintain that the main reason that Lyndon Johnson suddenly and unexpectedly dropped out of the race for president soon after Robert Kennedy entered the race was that Johnson concluded that he couldn't defeat Kennedy, especially given the massive demonstrations that were taking place across the nation against the Vietnam War.

But there are problems with that theory.

First, Johnson was a fighter and had never shown any reluctance to face any adversary, no matter how popular, in a political campaign. For example, in his first race for Congress the 28-year-old Johnson entered a special election in which

there were a large number of candidates, some of whom were popular and influential. Party bosses advised Johnson to stay out of the race, saying that he would only hurt himself in the long run. Johnson remained in the race and won.

In his 1948 campaign for U.S. Senate, Johnson took on the incumbent governor of Texas, Coke Stevenson, who was one of the most admired and respected governors in Texas history. After a hard-fought campaign, Johnson ended up winning by a margin of just a few votes, even though he won only because some of his cronies in South Texas stuffed the ballot box with enough votes to put him over the top.

In 1960, Johnson took on Sen. John F. Kennedy of Massachusetts and Sen. Hubert Humphrey of Minnesota for the Democratic Party nomination for president, even though the odds were against him because he had not entered any of the primaries.

Second, don't forget the three meetings at the National Archives regarding the autopsy that the military had conducted on President Kennedy's body. While they were ostensibly orchestrated by the Justice Department, it is much more likely that it was Johnson who was doing the orchestrating, perhaps

through his friend and ally, Attorney General Ramsey Clark. (There is no evidence to suggest, however, that Clark himself was knowingly participating in any wrongdoing.)

You will recall that the first meeting involved two of the autopsy pathologists, the autopsy photographer, and the autopsy radiologist. That was the one where the four of them knowingly perjured themselves by attesting to a false inventory of the autopsy photographs. You will also recall that the second meeting involved the three autopsy pathologists, who affirmed that the official autopsy photographs and X-rays confirmed their original autopsy findings.

Immediately after the second meeting, Clark telephoned Johnson to give him an update on the two meetings. We know this because a tape recording of that telephone conversation surfaced many years later. In the conversation, Clark informed Johnson that there was a discrepancy with respect to the photographs in the official record but that the participants signed off on the inventory. Johnson showed no concern about the discrepancy.

As previously noted, it would have made sense for Johnson to orchestrate those meetings in order to deflect questions about the assassi-

nation that were likely to come up during the upcoming presidential campaign.

The third meeting, which involved the Clark Panel, solidifies that thesis, precisely because it was kept secret. By keeping it secret, Johnson could use it as an “ace in the hole” during the campaign. Moreover, keep in mind Cdr. J. Thornton Boswell’s testimony before the ARRB in the 1990s, where he stated that the Justice Department asked him to write the letter requesting that particular panel. Why would the Justice Department care if people found out that it, not Boswell, requested the meeting? But Johnson would care, for political reasons. He wouldn’t want voters and critics to know that he was the one orchestrating the panel when he pulled out its report as his campaign “ace in the hole.”

Despite the pushback he was getting, Johnson loved being president, especially the adoration that came with the job.

Those three meetings constitute persuasive circumstantial evidence that Johnson was determined to run for reelection in 1968. Keep in mind also that despite the pushback he was getting over his war policies, Johnson loved being president, es-

pecially the adoration that came with the job.

Surprise withdrawal

Historians and the mainstream press claim that Eugene McCarthy's positive showing in the New Hampshire primary was the initial cause of Johnson's decision to bow out of the race a few weeks later. They point to the fact that McCarthy garnered 40 percent of the vote against the incumbent Johnson.

However, they ignore two important points: One, Johnson won the primary, with 49 percent of the vote! Second, and more significant, Johnson's name wasn't even on the ballot! That's how many people wrote in his name on the ballot. Prior to that election there was no reason for Johnson to pay much attention to McCarthy. Better to just ignore him.

The defense summoned Army Col. Pierre Finck to testify about the autopsy.

After McCarthy's surprising, strong showing in New Hampshire, however, Johnson knew that he had a fight on his hands. Immediately after the primary, he got his campaign team together and told them to prepare for battle. And he actu-

ally sent them to Wisconsin to prepare for battle in the next primary, which was a couple of weeks away. Does that sound like a person who is getting ready to quit the race?

Then Kennedy entered the race. Was that enough to cause Johnson to bow out of it? Not likely. Johnson hated Kennedy. The notion that Johnson would run scared in the face of someone he considered a pipsqueak goes against everything we know about Lyndon Johnson's political career.

After all, why not go to the Wisconsin primary and see what happens? What would be the harm? Why bow out before even losing a single primary?

A mysterious order

There is another possible and reasonable explanation for Johnson's sudden and surprising decision to drop out of the 1968 presidential race. Let's examine the context of that explanation.

During the course of New Orleans District Attorney Jim Garrison's criminal prosecution of Clay Shaw, the defense summoned Army Col. Pierre Finck to testify about the autopsy that had been carried out on the president's body.

Finck testified that the president had been hit by two gunshots, both

of which were supposed to have been fired from the president's rear. One was said to have entered the back of his neck and exited the front of his throat. The other was said to have entered the lower back of the president's head, as evidenced by a small bullet-sized wound near the hairline.

During Finck's cross-examination, the prosecutor asked Finck why he failed to dissect or "section" the neck wound, which would have been standard procedure for analyzing the trajectory of the bullet. Finck gave a roundabout answer without answering the question. The prosecutor persisted but Finck continued to avoid answering the question. Exasperated, the prosecutor finally turned to the judge and requested him to order Finck to answer the question. The judge ordered Finck to answer the question.

Someone in a position of higher authority ordered Finck not to touch the neck wound.

Unable to disassemble any longer, Finck explained why he hadn't dissected the neck wound: Someone in a position of higher authority ordered him not to touch the neck wound.

Now, think about that for a moment. Ordinarily in an autopsy, the pathologist is in charge. He's calling the shots as to what needs to be done, which parts of the body need photographing and X-raying, and what organs need to be preserved for later analysis.

Not in this autopsy. In this autopsy, someone else or some other group of people was clearly in charge. Who was the person who ordered Finck not to touch the neck wound? We don't know because Finck testified that he couldn't remember who it was. All that he could remember was that it was a person who was clearly in a superior position, like an admiral, general, or perhaps even someone in a suit.

The switch

Now, recall all the evidence establishing that the president's body was brought into the morgue in a cheap shipping casket at 6:35 p.m. by a team of enlisted men. They stated that they were standing outside the morgue when a large black vehicle drove up to the entrance of the morgue with the shipping casket that contained the president's body. Inside the vehicle were unidentified men in suits.

That necessarily means two things:

One, when Air Force One landed at Andrews Air Force Base, the shipping casket carrying the president's body was removed from the plane and then delivered to the vehicle that arrived with the body at the morgue. That could have been done because it was dark and all of the bystanders were situated to the left or port side of the plane. It would not have been difficult to remove the casket on the right or starboard side of the plane, especially if the luggage was being removed at the same time. In fact, a later film of the event showed helicopter lights on that side of the plane. The shipping casket could have been placed into a helicopter, which could have quickly flown it to the Bethesda Medical grounds, where it would have been delivered into the hands of the men in suits who would have placed it in the large black vehicle and taken it to the morgue, where the enlisted men carried it in at 6:35 p.m.

Another possibility for the body switch was during Johnson's swearing in.

Two, at some point from the time that Kennedy's body left Parkland Hospital in the large, heavy, ornate casket until the time that Air

Force One landed at Andrews Air Force Base, someone had to have shifted the president's body out of the Dallas casket and placed it into the shipping casket.

No one knows when that was done but there are two possibilities. One was when the Dallas casket first arrived at Dallas Love Field. Recall that Johnson had not only decided to take control over Air Force One, he also had ordered that the luggage in Air Force Two be shifted to Air Force One. There was no reason for that. Both planes were leaving at the same time and headed to the same destination.

It is entirely possible that after the Dallas casket arrived from Parkland Hospital and after the ambulance driver had been sent on his way, someone or some team quickly opened up the casket, removed the president's body, and placed it in the shipping casket, which would then have been placed in the cargo hold.

Another possibility was that the body was moved during Johnson's swearing in. Recall that the U.S. attorney general, Robert Kennedy, had told Johnson that it was unnecessary for him to be sworn in. Nonetheless, Johnson took the time to summon and wait for a federal judge to come out to Love Field and

perform a swearing in. Recall also that he summoned everyone forward to witness his swearing in. That included Mrs. Kennedy, who didn't have to be one of the witnesses to the swearing-in ceremony, given that she wasn't an official in the government. It's possible that that's when the casket switch took place.

Actually, there wasn't much risk in the operation anyway. If someone happened to see the switching take place, the person or team doing the switching had a good explanation for doing so: to foil the Dallas County medical examiner, Dr. Earl Rose, in the event he were to suddenly show up with a team of armed deputy sheriffs and demand that they turn over the body so that the autopsy could be carried out pursuant to state law. They would have been prepared to hand him the Dallas casket and then take off in Air Force One with the president's body in the shipping casket in the cargo hold.

The deep state

By now, most people are familiar with the term "deep state." It ordinarily means the national-security establishment within the government. Here in the United States, that encompasses the mili-

tary, the CIA, the NSA, and, to a certain extent, the FBI.

We need to digress here to understand why that is significant. The United States was founded as a limited-government republic, a federal government with very few and very weak powers. In fact, the government's powers were limited to those few enumerated in the Constitution, the document that brought the federal government into existence.

**Our American ancestors
had a deep antipathy toward
large, permanent military
establishments.**

Our American ancestors had a deep antipathy toward large, permanent military establishments, or what they called "standing armies." In fact, after the Constitutional Convention at Philadelphia, if the proponents of the Constitution had told the American people that the Constitution was bringing into existence a federal government that included the Pentagon, a large foreign and domestic permanent military, the CIA, the NSA, and the FBI, there is no doubt that Americans would have rejected the proposal. In that case, they would have continued operating under the Articles of Con-

federation, a governmental system in which the federal government didn't even have the power to tax.

Throughout the 19th century, there was an army but it was relatively small — large enough to quell Indian uprisings and protect settlers but certainly not large enough to embroil the United States in the never-ending wars of Europe and Asia. Throughout that time there was no CIA and no NSA.

The term “deep state” refers in part to the national-security establishment — the military, the CIA, and the NSA.

The watershed event took place after World War II. U.S. officials, led by President Truman, maintained that it was necessary to convert the federal government to what is known as a national-security state. They said that the conversion was necessary to oppose the communist Soviet Union in a “cold war.” Ironically, during the war the Soviet Union had been an enemy of Nazi Germany and a partner and ally of the United States. Soon after Germany surrendered, however, U.S. officials made Hitler's enemy America's enemy.

What is a national-security state? It is a governmental structure

that has a gigantic, permanent military-intelligence establishment with essentially omnipotent powers, including torture, assassination, indefinite detention, and secret surveillance. The powers are exercised under the rubric of protecting national security. Needless to say, most of what is done within the national-security section of the government is shrouded in secrecy. The transparency that characterizes a limited-government republic goes out the window.

A national-security state, therefore, is the opposite of a limited-government republic. It's actually a governmental structure that is inherent to totalitarian regimes. In fact, the Soviet Union was a national-security state. So is Egypt today. And North Korea. And China. And the United States.

Thus, the term “deep state” refers in part to the national-security establishment — the military, the CIA, and the NSA. It can be said, therefore, that the deep state conducted the autopsy on President Kennedy's body.

The deeper state

But the circumstantial evidence clearly establishes that there was a deeper-state operation taking place here. That is evidenced by the per-

son who ordered Finck to refrain from dissecting the neck wound. It's also evidenced by the shifting of the president's body from the Dallas casket into the shipping casket. It's also evidenced by the fact that the president's body was removed from Air Force One upon landing and put into the hands of the men in suits who arrived at the morgue with the shipping casket at 6:35 pm.

Obviously, this was a highly sophisticated operation, one involving lots of people, many moving parts, and some decisions that are being made on the spur of the moment, such as the order to Finck to stay away from the neck wound.

It was a virtual certainty that the official account of the Kennedy assassination was going to be part of Johnson's reelection battle.

That level of complexity and sophistication necessarily implies a deeper-state structure within the deep state that was orchestrating and managing the entire operation.

One thing is certain: This deeper-state team is not composed of dumb people. They necessarily have to be brilliant to plan and orchestrate an operation of such sophistication and complexity.

Therefore, the people in this deeper-state structure had to have known the same thing that Lyndon Johnson knew: that it was a virtual certainty that the official account of the Kennedy assassination was going to be part of Johnson's reelection battle, especially after Robert Kennedy, who privately doubted the official findings of the Warren Commission, entered the race.

There was also the criminal prosecution that Jim Garrison was bringing in New Orleans, which posited that the assassination was actually a highly sophisticated national-security regime-change operation. It was garnering worldwide attention.

And there was the ever-growing number of writers who were poking holes in the official version of events, through books, articles, and speeches.

Johnson figured that he could weather the storm. That's what the three meetings at the National Archives were all about — to provide him with the ability to say, "Look at all this evidence, including the Clark Panel report, that dispels what all the conspiracy theorists are saying."

But the deeper-state team would have figured differently. They would have figured that it just wasn't worth

the risk. After all, anything can happen in the course of a nasty political campaign. What if in the heat of the campaign, when questions were being raised about the assassination, one of the enlisted men secretly contacted the *New York Times* and broke his oath of secrecy by revealing that the president's body was brought into the morgue at 6:35 p.m., when everybody thought it was in the Dallas casket that was proceeding from Andrews Air Force Base to the front of the morgue? What if Sandra Spencer, the U.S. Navy petty officer, who greatly admired President Kennedy, were to break her oath of secrecy and contact the *Washington Post* and reveal that the official autopsy photographs of the back of the president's head were bogus? What if someone at the National Archives who happened to know that the autopsy inventory list was false and fraudulent were to secretly inform the press?

Johnson would have been willing to take the risk. But not that

deeper-state team. The risks were just too high and growing by the day. By removing Johnson from the race, the issue of the assassination would go away. In my opinion, that is a much more likely explanation of why Lyndon Johnson suddenly and shockingly dropped out of the race — because that deeper-state team informed him that he had had a good run as president but that it was now time for him to retire. Johnson could fight Eugene McCarthy and Bobby Kennedy. He couldn't fight the deeper state.

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

NEXT MONTH:
“Understanding the JFK
Assassination, Part 6”
by Jacob G. Hornberger

Washington's Biggest Fairy Tale: "Truth Will Out"

by James Bovard



"Truth will out" is a phrase that is routinely recited to keep Americans paying and obeying. Politicians and editorial writers toss this phrase out to simmer down any fears that the government might be conspiring against the people. Actually, "truth will out" is the biggest fairy tale in Washington.

The phrase "truth will out" is first recorded in Shakespeare's *Merchant of Venice*. Often in Shakespeare's plays, truths come out only after almost everyone has been conned, stabbed, or screwed. It's not much better nowadays.

When it comes to politics, "truth will out" should be confined to sarcasm and satire, not to serious pontificating.

Consider the assassination in 1963 of John F. Kennedy. The Johnson administration rushed the Warren Commission to issue a verdict approving the official story of the killing. But the commission announced that the key records would be sealed for 75 years. Truth would out — but not until all the people involved in the coverup had gotten their pensions and died. In 1992, Congress (responding to the uproar provoked by Oliver Stone's movie on the assassination) shortened the disclosure schedule, but federal agencies are still conniving to withhold key evidence.

The following year, Johnson was running against Barry Goldwater. Folks were warned back then that if they voted for Goldwater, the United States would get involved in a massive land war in Asia. Well, Johnson won and he dragged the United States into the Vietnam War on the basis of totally false claims about the Gulf of Tonkin incident. The Johnson administration built entire pyramids of lies about that war — actually, they were funeral pyres, not pyramids. As philosopher Hannah Arendt noted, during the Vietnam War "the policy of lying was hardly ever aimed at the enemy but chiefly if not exclusively destined for do-

mestic consumption, for propaganda at home and especially for the purpose of deceiving Congress." CIA analysts did excellent work in the early period of the Vietnam conflict. But "in the contest between public statements, always over-optimistic, and the truthful reports of the intelligence community, persistently bleak and ominous, the public statements were likely to win simply because they were public," she observed.

Secrets

Fast-forward a few decades to 2003. The Bush administration was claiming that Saddam Hussein had weapons of mass destruction and that he was tied to the 9/11 attacks. Both of those charges turned out to be complete hokum — but they were enough to justify dragging the United States into another pointless war against Iraq. A few years later, Defense Secretary Donald Rumsfeld declared, "Ultimately the truth gets out, notwithstanding people's efforts to the contrary." For Rumsfeld's Pentagon, *truth* was simply another bomb to drop on opponents, at home or abroad. *Los Angeles Times* columnist William Arkin noted that Rumsfeld's re-design of military operations "blurs or even erases the boundaries between

factual information and news, on the one hand, and public relations, propaganda, and psychological warfare, on the other." As reported in the *New York Times* on May 24, 2006, army officers under Rumsfeld's command bribed Iraqi journalists to produce favorable newspaper and television reports about U.S. military operations. The campaign was aided by psychological warfare experts authorized to use "doctored or false information to deceive or damage the enemy or to bolster support for American efforts." The program's exposure spurred momentary outrage in Washington, after which it resumed on a larger scale.

While some people were shocked by Rumsfeld's manipulations, he was following hallowed Pentagon traditions.

While some people were shocked by Rumsfeld's manipulations, he was following hallowed Pentagon traditions. During the 1962 Cuban missile crisis, Assistant Defense Secretary Arthur Sylvester announced, "It's inherent in [the] government's right, if necessary, to lie to save itself. News generated by the actions of the government ... [are] part of the arsenal of weapon-

ry that a President has.” But, as the *Pentagon Papers* showed, that weapon cripples citizens’ ability to control their government.

The U.S. government became far more secretive after the 9/11 attacks. The federal government made almost 50 million decisions to classify information last year. Politicians and federal agencies have long recognized that “what people don’t know won’t hurt the government.”

U.S. troops are now fighting in 14 foreign nations: will the Pentagon tell us all about it? The chances are slim and none and, as Dan Rather liked to say, “Slim just left town.” And how about our chances of learning the sordid details surrounding the U.S. government’s dealings with the Saudi regime, despite its atrocities at home and abroad?

Pipe dreams

For an even bigger pipe dream, when do you think we’ll learn the facts of U.S. policy in Syria? The U.S. government has massively intervened in Syrian civil war since 2011. U.S. policy has always been a tangle of contradictions and absurdities: Pentagon-backed Syrian rebels actively battled against CIA-backed Syrian rebels. Maybe backing both factions guaranteed that the U.S.

would be on the eventual winning side? When U.S.-backed rebels launch a chemical-weapons attack on civilians, the U.S. government usually simply ignores it: “Oh those boys.” The *New Yorker* reported in November that the U.S. military is building up its forces in Syria in preparation for a conflict with Iran. I don’t recall that that issue was on the ballot — or on the radar — for the 2016 congressional midterm elections. Will Donald Trump use secrecy to drag the United States into another pointless Middle East war?

The federal Freedom of Information Act is supposed to make Americans think the government is transparent.

I’ve been an investigative journalist for more than 35 years. I have fought many federal agencies to get the facts of what they are doing. Sometimes I get some dirt, sometimes I get a smoking gun — or a few whiffs — but most government coverups succeed.

I have been using the federal Freedom of Information Act since the early 1980s. This law is supposed to make Americans think the government is transparent — federal agencies are bound by law to reply within 20 business days to re-

quests for documents and other information.

Some years ago, I sent out a bunch of FOIA requests to federal agencies to see what they had in their files about me. The FBI replied that they had nothing — even though FBI chief Louis Freeh publicly condemned my articles on Ruby Ridge. No records? The FBI told a lot of lies about the Randy Weaver case — enough to con much of the media — but they got whupped by a brave Idaho jury. There are some federal agencies that routinely and wrongfully deny FOIA requests, presuming that people are not seriously seeking information until they sue the agency in federal court.

I wrote a lot about trade policy in the 1990s and clashed at times with the Office of the U.S. Trade Representative. I filed a FOIA to get their files on me, including the uproar after I rattled them by acquiring a secret copy of the U.S. tariff code that they had denied existed. Their response came back — “We have no records on Kevin Bovard.” This was not even “close enough for government work,” but it was typical of the charades of disclosure practiced by many agencies.

I have been slamming the Transportation Security Adminis-

tration for 15 years, so I sent them a FOIA request for their records on me. The TSA chief had publicly condemned an article I wrote in 2014 but their response to my request contained no information on that. Was I supposed to believe that TSA boss John Pistole had typed his retort in an online portal that the newspaper provided, leaving no internal trace?

There are some federal agencies that routinely and wrongfully deny FOIA requests.

After a tussle with the TSA at Reagan National Airport back in March, I filed a FOIA request for the videos of that encounter. I have received nothing on that incident and remain sitting on the edge of my chair waiting. Admittedly, I did already whack the TSA on that ruckus in the *Los Angeles Times*. The *Minneapolis Star Tribune* reprinted that article with the headline “TSA: the world’s most incompetent agency” — I wonder if that will show up the next time I file a FOIA request with TSA.

WikiLeaks

Government coverups became a hot issue in November when a Justice Department snafu revealed

that the U.S. government had secretly indicted WikiLeaks whistleblower Julian Assange. We do not yet know the specific charges against Assange but the U.S. government has had him in its cross-hairs ever since he released scores of thousands of documents exposing U.S. war crimes in Iraq and Afghanistan in 2010. During the 2016 presidential campaign, WikiLeaks released emails from the Democratic National Committee showing that its nominating process was rigged to favor Hillary Clinton. During the final month of the campaign, WikiLeaks disclosed emails from Clinton campaign chief John Podesta. At the same time, the Obama administration had been illegally denying FOIA requests for years that had sought Hillary Clinton's emails from her four years as secretary of State. But there was no danger that a secret indictment would look into that trampling of the law. The ACLU warned that prosecuting Assange for WikiLeaks' publishing operations would be "unconstitutional" and would set a "dangerous precedent for U.S. journalists, who routinely violate foreign secrecy laws to deliver information vital to the public's interest."

Secretary of State Mike Pompeo has denounced WikiLeaks as a

"non-state hostile intelligence service" and labeled Assange a "fraud," "coward," and "enemy." He warned, "To give them the space to crush us with misappropriated secrets is a perversion of what our great Constitution stands for." But "our great Constitution" never intended for Washington to keep endless secrets from the American people.

Attorney General
Ramsey Clark declared in 1967,
"Nothing so diminishes
democracy as secrecy."

If Assange is going to be indicted, it should be for *lèse-majesté* — which has not formally been a crime in this part of the world since 1776. Any prosecution of Assange would ultimately rest on a presumed divine right for the federal government to deceive the American people. Assange is a heretic to people who believe the feds have a right to be trusted.

Attorney General Ramsey Clark declared in 1967, "Nothing so diminishes democracy as secrecy." If someone had massively leaked U.S. government documents on Iraq in January 2003, the Bush administration campaign for war might have been thwarted. If Americans had known the full extent of George W.

Bush's torture regime and domestic spying, he might have failed to win reelection in 2004. If Americans had known that Obama's National Security Agency was illegally vacuuming up their email, he might have gotten tossed out by voters in 2012.

Myths about truth empower liars. The more people assume that truth automatically outs, the easier it becomes to cork it up. Americans must realize that they will not receive even token disclosures without whistleblowers, journalists, and activists vigorously fighting the political-bureaucratic system.

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:
**“George H.W. Bush’s
Forgotten Debacles and
Demagoguery”**
by James Bovard

The State can protect and promote the interests of its sick, or potentially sick, citizens in one of two ways only: either by coercing physicians, and other medical and paramedical personnel, to serve patients — as State-owned slaves in the last analysis — or by creating economic, moral, and political circumstances favorable to a plentiful supply of competent physicians and effective drugs.

— Thomas Szasz

Equal Employment Opportunity Is Bad Law

by *Laurence M. Vance*



Everyone who works a job has seen the same poster on a wall or a bulletin board at his place of employment: Equal Employment Opportunity Is **THE LAW**. (The last two words are usually in all caps and in a much larger font and in a different color than the first four words.)

The poster

The poster says that applicants to and employees of “most private employers, state and local governments, educational institutions, employment agencies and labor organizations” are protected under federal law from discrimination on the basis of race, color, religion, sex, national origin, disability, age, sex in the payment of wages, and genet-

ics. The poster also explains the different forms of discrimination and the laws that make them illegal.

Title VII of the Civil Rights Act of 1964, as amended, “protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin.” Religious discrimination includes failing to reasonably accommodate an employee’s religious practices where the accommodation does not impose “an undue hardship.”

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, “protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.” Disability discrimination “includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.”

The Age Discrimination in Employment Act of 1967, as amended, “protects applicants and employees

40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.”

Title VII of the Civil Rights Act, as amended, and the Equal Pay Act of 1963, as amended, prohibit “sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.”

These laws also “prohibit covered entities from retaliating against a person who files a charge of discrimination.”

Title II of the Genetic Information Nondiscrimination Act of 2008 “protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.” It also “restricts employers’ acquisition of genetic information and strictly limits disclosure of genetic information.”

These laws also “prohibit covered entities from retaliating against

a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.” And what does an employee or potential employee do if he suspects that discrimination has occurred? Because “there are strict time limits for filing charges of employment discrimination,” he should “promptly” contact the U.S. Equal Employment Opportunity Commission (EEOC) in Washington, D.C., or one of its fifteen field offices in the districts of Atlanta, Birmingham, Charlotte, Chicago, Dallas, Houston, Indianapolis, Los Angeles, Memphis, Miami, New York, Philadelphia, Phoenix, San Francisco, or St. Louis “to preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit.”

The poster goes on to specify that “applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination” based on race, color, religion, sex, disability, or national origin. But it also adds that employers with federal contracts are required to take “affirmative action to ensure equality of opportunity in all aspects of employment.” Discrimination based

on race, color, disability, or national origin “in programs or activities receiving Federal financial assistance” is also prohibited, as is employment discrimination “on the basis of sex in educational programs or activities which receive Federal financial assistance”.

Anyone who believes that a federal contractor “has violated its nondiscrimination or affirmative action obligations” should immediately contact the Department of Labor’s Office of Federal Contract Compliance Programs (OFCCP). Anyone who believes that he has “been discriminated against in a program of any institution which receives Federal financial assistance” should immediately contact the agency providing the assistance.

Next to the poster in question is often found an “EEO is the Law” poster supplement. It adds, for employers holding federal contracts or subcontracts, “sexual orientation” and “gender identity” to the list of things that discrimination in employment cannot be based on.

The EEOC

These posters are mandated by the federal Equal Employment Opportunity Commission (EEOC), the federal agency “responsible for enforcing federal laws that make it

illegal to discriminate against a job applicant or an employee because of the person’s race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), disability or genetic information.” These laws “apply to all types of work situations, including hiring, firing, promotions, harassment, training, wages, and benefits.”

Although the EEOC formally began operation in July 1965, its roots go back before U.S. involvement in World War II.

Although the EEOC formally began operation in July 1965, its roots go back before U.S. involvement in World War II. According to the official history of the EEOC, Franklin D. Roosevelt signed Executive Order 8802 “prohibiting government contractors from engaging in employment discrimination based on race, color or national origin.” Roosevelt issued the executive order “primarily to ensure” that there were “no strikes or demonstrations disrupting the manufacture of military supplies as the country prepares for War.”

In March 1961, John F. Kennedy signed Executive Order 10925 “prohibiting federal government

contractors from discriminating on account of race and establishing the President's Committee on Equal Employment Opportunity." Every federal contract was required to include the pledge "The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action, to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin." The original focus was negative: applicants for positions should be judged on their merits without any consideration of their race, creed, color, or national origin. In June 1963, Congress passed the Equal Pay Act of 1963 (EPA) to protect men and women who perform substantially equal work in the same establishment from sex-based wage discrimination.

In 1965, President Lyndon B. Johnson gave the commencement address at Howard University at which he said, "It is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates. We seek not just equality as a right and a theory but equality as a fact and equality as a result." He then signed

Executive Order 11246, which stated, "It is the policy of the Government of the United States to provide equal opportunity in Federal employment for all qualified persons, to prohibit discrimination in employment because of race, creed, color or national origin, and to promote the full realization of equal employment opportunity through a positive, continuing program in each department and agency." In 1967, Johnson's executive order was amended to prohibit discrimination on the basis of sex and Congress passed the Age Discrimination in Employment Act of 1967 (ADEA) to protect persons between 40 and 65 years old from discrimination in employment.

In 1971, the Department of Labor required all contractors to develop "an acceptable affirmative action program."

In December 1971, under President Richard M. Nixon, the Department of Labor issued Revised Order No. 4, which required all contractors to develop "an acceptable affirmative action program," including "an analysis of areas within which the contractor is deficient in the utilization of minority groups and women, and further, goals and

timetables to which the contractor's good faith efforts must be directed to correct the deficiencies." So after beginning as two words in a pledge by federal contractors to employ people without regard to race, color, creed, or national origin, "affirmative action" morphed into a program enforced by the EEOC.

Most employers with at least fifteen employees are covered by EEOC laws.

The EEOC is a bipartisan commission composed of the chair, the vice chair, and three commissioners. All are appointed by the president with the advice and consent of the Senate for a term of five years. By law, not more than three commissioners can be members of the same political party. The EEOC also has a general counsel who is likewise appointed by the president with the advice and consent of the Senate, but for a term of four years. Two commission seats and the general counsel positions are currently vacant. The EEOC employs a little more than 2,000 people and has an annual budget of more than \$364 million.

Most employers with at least fifteen employees are covered by EEOC laws, as are most labor

unions and employment agencies. The EEOC "has the authority to investigate charges of discrimination against employers who are covered by the law." Its role "in an investigation is to fairly and accurately assess the allegations in the charge and then make a finding." If the EEOC finds that discrimination has occurred, it tries to settle the charge. If unsuccessful, the agency has "the authority to file a lawsuit to protect the rights of individuals and the interests of the public." The EEOC also works "to prevent discrimination before it occurs through outreach, education and technical assistance programs" and "provides leadership and guidance to federal agencies on all aspects of the federal government's equal employment opportunity program."

EEOC lawsuits

The EEOC always has a number of lawsuits in progress against companies large and small, regional and national, because of alleged acts of discrimination. Here are some that were settled just in the last quarter of 2018.

An Applebee's Neighborhood Bar + Grill in New York will have to pay \$100,000 and furnish other relief to settle a lawsuit for sex-based

harassment and retaliation filed by the EEOC. According to the lawsuit, “restaurant staff verbally harassed the employee, a transgender woman, by making crude and derogatory references to her transgender status and repeatedly and intentionally referring to her with a male name and male pronouns.”

A Mississippi restaurant named “Georgia Blue” will have to pay a former employee \$25,000 and furnish other relief to settle a religious-discrimination lawsuit filed by the EEOC. According to the lawsuit, when a waitress “learned the company’s dress code required servers to wear blue jean pants,” she notified the manager of her religious belief “that women should wear only skirts or dresses and asked to be allowed to wear a blue jean skirt.” Her request was denied because it violated the company dress code.

Whole Foods Market, headquartered in Austin, Texas, will have to pay \$65,000 and provide other relief to settle a disability-discrimination lawsuit brought by the EEOC. According to the lawsuit, “Whole Foods Market violated federal law by failing to accommodate and firing an employee because of her disability.” The employee had taken time off after undergoing a kidney transplant.

A county in Texas will have to pay \$115,000 to a female former county doctor to settle a pay-discrimination lawsuit filed by the EEOC. According to the lawsuit, the county “hired a male physician to perform the same duties” as the female doctor, but at a higher annual salary.

She asked to be allowed to wear a blue jean skirt.” Her request was denied because it violated the company dress code.

A family of nursing and health-care facilities in upstate New York will have to pay \$465,000 and furnish other relief to settle a pregnancy- and disability-discrimination lawsuit filed by the EEOC. According to the lawsuit, the facilities “failed to accommodate disabled workers,” “denied leave as a reasonable accommodation to individuals with disabilities,” “fired employees on the basis of pregnancy,” and “failed to accommodate pregnancy-related medical restrictions.”

Sherwood Food Distributors, one of the largest independent distributors in the U.S. meat and food industry, will have to pay \$3.6 million and provide other relief to settle a class sex-discrimination lawsuit filed by the EEOC. According

to the lawsuit, the company “discriminated against a class of female applicants at its warehouses in Cleveland, Ohio and Detroit, Michigan by refusing to hire them for entry-level positions because of gender.”

Whether the actions of the companies were right or wrong, justified or unjustified, or ethical or unethical is not the point. The issue at stake is the role of the federal government in combating discrimination.

Discrimination

EEOC lawsuits — and indeed, the very existence of the EEOC — are predicated on the idea that the government should prevent and punish acts of discrimination in employment that are not reasonable, rational, logical, necessary, or justified. And it is the government alone that decides what constitutes unreasonable, illogical, unnecessary, or unjustified discrimination.

Since discrimination is not aggression, force, or violence, it shouldn't matter, insofar as the law is concerned.

But since discrimination is not aggression, force, or violence, it shouldn't matter, insofar as the law

is concerned, on what basis the discrimination takes place, why the discrimination occurs, or what anyone thinks about it. That the discrimination is based on stereotypes, false assumptions, or prejudices should be irrelevant insofar as the law is concerned. That the discrimination is due to racism, “sexism,” or “xenophobia” should be immaterial insofar as the law is concerned. That the discrimination is thought to be unfair, baseless, or nonsensical should be of no consequence insofar as the law is concerned. To outlaw discrimination is to outlaw freedom of thought and freedom of association. And if a business owner cannot restrict whom he employs, then he has no property rights.

Workplace discrimination

There are a number of things that can be said concerning workplace discrimination in a free society. In a free society, no one is entitled to any particular job, even if he is fully qualified for it. In a free society, barring an employment contract of some kind, it is perfectly legal for employers to fire employees at any time and for any reason. In a free society, employers can refuse to hire any applicant for any reason. In a free society, no one is entitled to a particular rate of pay, no matter

what any other employee is paid. In a free society, it is entirely up to employers if they want to provide employees with accommodations. In a free society, employers have full control over the dress code of their employees. In a free society, those who object to a company's hiring, promotion, pay, or benefit practices can seek employment elsewhere, protest the company's policies, boycott the company, and try to persuade others to do likewise. What they cannot do is enlist the support of government to employ them or keep them employed. In a free society, government would not interfere in any way with the employer-employee relationship. And, of course, in a free society, there would be no Department of Labor or EEOC.

EEOC lawsuits should never have been filed in the first place.

So what about those EEOC lawsuits? Not only should they never have been settled, they should never have been filed in the first place. In a free society, if someone is sexually harassed in the workplace, he or she has two options: persuade the employer to make the harassment stop or find another job. If an actual crime has been committed,

then complaint should be made to the appropriate local or state law-enforcement agency. The federal government should have nothing to do with it. In a free society, it is entirely up to employers whether they will accommodate employees' religion, pregnancy, or disability. An employee who wants an accommodation for any of those things has two options: persuade the employer to grant the accommodation or find another job. The federal government should have nothing to do with it.

In a free society, the rate of one's pay is strictly a matter between the employer and each individual employee. The fact that another employee receives a different rate of pay for doing the same job should be irrelevant from a legal perspective. An employee who wants a pay increase has two options: persuade his employer to give him a raise or find another job. The federal government should have nothing to do with it. And since no one in a free society is entitled to any particular job, there should be no recourse available to anyone who is denied employment because of his or her sex.

That doesn't mean that the discrimination practiced at or by the companies was right, moral, ethi-

cal, justified, reasonable, logical, or necessary. It just means that it is not the proper role of the federal government to prevent or punish acts of discrimination.

Equal Employment Opportunity may be the law, but, like most of the laws that the federal government has enacted, it is bad law. Although employment discrimination based on race, color, creed, complexion, religion, religious piety, sex, sexual orientation, gender identity, national origin, pregnancy, age, disability, dress, political affiliation, ideology, marital status, familial status, or physical appearance (height, weight, hairstyle, facial hair, tattoos, scars, et cetera), ancestry, criminal record, citizenship, immigration status, health, IQ, or socio-economic status is neither necessary in, nor essential to, a free society, the absolute freedom to discriminate in employment on the

basis of any one of them, all of them, or other factors is crucial and indispensable. A free society may or may not be free of discrimination, but a free society is certainly free of discrimination laws.

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

NEXT MONTH:
**“Blasphemy Laws and Other
Victimless Crimes”**
by Laurence M. Vance

Abolish the Welfare State to Solve the National Debt Crisis

by Richard M. Ebeling



Why is it so difficult to win the case for freedom in modern American society? A variety of possible answers come to mind. The collectivists are more effective in appealing to people's emotions. The interventionist-welfare-statist argument is easier to make than it is to follow the logical chains of reasoning required to make the free-market case. Socialist-leaning teachers and professors who indoctrinate their students with statist ideas from a very young age dominate the government educational system from kindergarten through the Ph.D. Popular, celebrity culture inculcates society with leftist biases and presumptions.

All those answers have strong elements of truth in them. But there

is one other element at work that makes it difficult to effectively make the case for a fully and truly free society, indeed, that can undermine the ideal and understanding of the free society. That element is that too many advocates of a free society compromise its case.

Trillions more in debt on the way

For example, let's look at the national-debt crisis. The Congressional Budget Office (CBO), in its June 2018 *Long-Term Budget Outlook* projected that given current trends for federal tax revenues, government expenditures under existing legislation for "entitlement" programs, and likely general economic growth over the next ten years, the national debt will continue to dramatically increase because of the return of \$1 trillion-a-year budget deficits just over the horizon.

The primary source of all the federal government's budgetary problems is the entitlement programs. In Uncle Sam's 2018 fiscal year that ended on September 30, 2018, total government spending was \$4.1 trillion. Social Security and health-care spending (Medicare and Medicaid) combined, was about \$1.95 trillion. Net interest on the national debt came to \$371 bil-

lion. Together these mandatory spending categories came to almost 60 percent of the federal government's total budget. Department of Defense and other related military spending came to \$601 billion, or 15 percent of Uncle Sam's expenditures. The remaining items in the budget were those counted as part of "discretionary spending."

The per capita burden of the national debt, comes to around \$66,600.

The CBO projects that in ten years, in 2028, total government spending will come to \$7.05 trillion, with total tax revenues of \$5.52 trillion. The budget deficit a decade from now will be \$1.53 trillion just for that fiscal year. The CBO forecasts that because of annual budget deficits of more than \$1 trillion, by the end of the federal fiscal year for 2028, the national debt will have increased from its approximately \$21.8 trillion today to \$34.8 trillion, for a 60 percent increase over the decade.

The growing debt burden

In 2018, the total population of the United States is estimated to be about 327 million people. The per capita burden of the national debt,

therefore, comes to around \$66,600. In 2018, 126 million people filed federal tax returns. That means the average burden of the national debt came to about \$172,000 per taxpayer in America.

Demographers estimate that the population of the United States in 2028 will have increased to around 360 million people. If the national debt has grown to \$34.8 trillion by 2028, the per capita debt burden will have gone up to \$96,660, for a 45 percent increase per person in America by that time, but the population will have increased only 10 percent. If the percentage of Americans filing and paying taxes remains about the same over the next decade, then the average taxpayer's burden of the debt will have gone up to \$255,880, for a 49 percent increase.

Government spending on Social Security during this coming decade will rise from 4.9 percent of Gross Domestic Product (GDP) to 6.0 percent, or a 22.4 percent increase. Medicare, Medicaid, and related federal health-care expenditures will go from 5.7 percent of GDP to 6.8 percent, for a nearly 20 percent increase.

Net interest on the national debt will rise from 1.6 percent of GDP in 2018 to 3.6 percent in 2028, for a 52

percent increase. In fact, forecasts suggest that by 2028, the annual net interest on the public debt will exceed \$1 trillion. In other words, just the net interest on the national debt for the year 2028 will be equal to the entire expected federal budget deficit of \$1 trillion in 2019.

The economic-growth argument

One would think that libertarian-oriented economists and policy analysts would argue and emphasize the importance of making the case for ending the interventionist-welfare state, if this colossal debt burden hanging over the American people is to be handled in the only truly long-run way possible: the repeal and abolishing of government Social Security and government health-care programs (e.g., Medicare and Medicaid).

Instead, some proponents of a freer society hope to make the problem go away through a sleight of hand: by inducing a general economic growth rate that exceeds the increase in welfare-statist spending. If the national economic pie can increase in size faster than the slice of that pie that represents entitlement-program spending is growing, then all will be well. Runaway government spending due to the welfare state would be brought under fis-

cally manageable control, without having to challenge the existence of those programs or the rationale for them.

Some proponents of a freer society hope to make the problem go away through a sleight of hand.

Stephen Moore, who is a senior analyst at the Heritage Foundation, and a former policy expert at the Cato Institute, has recently made just such a case. In an opinion column that appeared in the *Washington Times* (November 18, 2018) called “Avoiding Fiscal Armageddon,” Moore argued that projections such as those published by the Congressional Budget Office concerning the national debt are all based on their forecasts for U.S. economic growth in the years to come.

The CBO estimates average annual economic growth rates of 1.9 percent for the coming decade. But assume that economic growth will average, instead, around 3 percent a year. Moore then says, the “Federal debt as a percent of GDP will be cut in half by 2048,” that is, in thirty years. After all, there have been long periods, and not that long ago in modern American history, when annual economic growth was regu-

larly significantly greater than 1.9 percent.

Moore has clearly decided that the welfare state is here to stay.

What is needed are further tax cuts to stimulate work savings, and investment; and more deregulation of business to reduce the heavy hand of government over the businessman's attempt to better and more efficiently run his enterprise to bring about more, better, and less-expensive goods and services offered to consumers on the market, Moore reasons.

Cheating the American people to save Social Security

Furthermore, the faster the economy grows, the more real income rises for the vast majority of American workers. "The more money you make, the worse your return is from Social Security. This is why revenues from faster growth would overwhelm rising Social Security benefit costs." If one reads Moore right, what he is saying is that the faster the economy can be growing, the more people can be cheated in their receiving a smaller return on the amount they are compelled to pay into the Social Security system. Bilking people is part of the

answer to saving Social Security!

For Moore that means there is no need to cut or abolish the entitlement programs. Now in fairness, Moore, as an advocate of the free-market society, would have no objections if those programs were reined in. "We support sensible market-based reforms that will reduce Medicare's runaway costs and that will give young people a much better payback from the raw deal of Social Security," he says.

The rationale for trying to get the economy growing at a faster clip is not simply that it would make Americans more prosperous and more materially better off with more and better consumer choices. No, it is meant to be a way to get around having to take the welfare state head on.

Moore, like too many others who view themselves as conservatives and even libertarians, has clearly decided that the welfare state is here to stay; that it is "politically impossible" to challenge, oppose, or repeal the redistributive programs of the modern paternalistic system. However, when such a position is taken certain things follow from it.

Paternalism versus liberty

First of all, it takes for granted the welfare state is and will be a part

of the present and future political landscape. By doing so, many if not all of the assumptions underlying the redistributive system are tacitly being accepted by default. What are they? That it is the duty and responsibility of the government to plan people's retirement and health-care needs; that people lack the ability to plan those activities for themselves and they need a fiscal guardian to take care of it for them; that the government has the right to take from people in taxes and then decide what they will get in return in the form of the amount and content of such entitlement programs.

Everyone should be viewed and treated as a self-responsible citizen who makes those and many other decisions for himself.

By implicitly accepting the foundational rationales of the welfare state, Moore and others play into the hands of all those progressive paternalists who long ago rejected the very idea upon which the country was founded: that each human being has certain unalienable rights that include the rights to life and liberty. That everyone should be viewed and treated as a self-responsible citizen who makes those and many other decisions for him-

self. That the very definition and hallmark of a free man is that he is neither the slave nor the ward of another person who claims a right to lord over him and direct how he lives or what he does.

Once the paternalistic premise is accepted there is, in principle, no limit to how far it is taken. If you cannot be trusted to make your own retirement or health-care planning, then how can you be considered intelligent enough to know what foods you can eat or beverages you can drink, or what drugs you may ingest to fight off pain or induce some momentary pleasure? How can you be assumed to be adult enough to find your own job, negotiate over the wage you may be paid, or decide who and for what common purposes you and others might form associations and clubs; or what written or spoken words used by you and others are to be considered "inclusive" rather than "hateful"?

Paternalistic logic

This danger was pointed out by the Austrian economist Ludwig von Mises long ago his book *Liberalism* (1927), one of the classic statements of the principles of freedom and the free society. Said Mises,

It is universally deemed one of the tasks of legislation and government to protect the individual from himself. Even those who otherwise generally have misgivings about extending the area of governmental activity consider it quite proper that the freedom of the individual should be curtailed in this respect, and they think that only a benighted doctrinarism could oppose such prohibitions.

Indeed, so general is the acceptance of this kind of interference by the authorities in the life of the individual that those who are opposed to [classical] liberalism on principle are prone to base their argument on the ostensibly undisputed acknowledgement of the necessity of such prohibitions and to draw from it the conclusion that complete freedom is an evil and that some measure of restriction must be imposed upon the freedom of the individual by the governmental authorities in their capacity as guardians of their welfare. The question cannot be whether the authorities ought to impose restrictions upon the freedom of the indi-

vidual, but only how far they ought to go in this respect.

Mises warned that if the state is to be concerned with the health of the citizens in terms of what they smoke or drink, then why is it not reasonable for the government to concern itself with what sports people participate in, in terms of their fitness to stand the strain; or whether sexual conduct should be policed under a concern that some people might be overdoing it after a certain age? And if the body is to be policed in these and other ways by the state, what about the harmful effects from reading “dangerous” or “immoral” literature? And what about socially questionable political or religious ideas that could undermine the stability and ethical norms of a community? Mises went on:

We see that as soon as we surrender the principle that the state should not interfere in any questions touching upon the individual’s mode of life, we end by regulating and restricting the latter down to the smallest detail. The personal freedom of the individual is abrogated. He becomes a slave of the community bound to obey the dictates of the major-

ity. It is hardly necessary to expatiate on the ways in which malevolent persons in authority could abuse such powers. The welding of powers of this kind even by men imbued with the best of intentions must needs reduce the world to a graveyard of the spirit.

No logical limit to welfare-state growth

Second, Moore and those who think like him presume that the projected growth path of the “entitlement” and other paternalistic programs will remain on the one currently traced out for them, and that all that is needed is to devise the right taxing and regulatory policies to generate the necessary tax revenues to cover their cost without the government’s having to go any further in debt to meet all such redistributive obligations under current legislation.

There are no set limits to the growth and costs of the welfare state once a society has begun down that road.

But in reality there are no set limits to the growth and costs of the welfare state once a society has begun down that road, a road that the

German sociologist and historian Alexander Rüstow once referred to as “the other road to serfdom.” In 1960, entitlement spending equaled about 5 percent of federal expenditures; by the early 1980s, entitlement expenditures represented about 13 percent of federal government outlays, compared with nearly 50 percent today. The German free-market economist Wilhelm Röpke pointed out 60 years ago, in 1958, the unbounded reach of the redistributive state:

Once we accept the principle of state coercion (even in the particularly plausible shape of social insurance) for assisting individuals in coping with the vicissitudes of life, where is the limit?... What, indeed, we observe everywhere is the strong and seemingly irresistible tendency of the Welfare State towards continual extension. Always new fields of assistance are discovered; always new groups of the population are included in the system, and always larger benefits are granted.... To extend the Welfare State is not only easy but one of the surest ways for the social demagogue to win votes and influence.

(It is unfortunate that in spite of insightfully seeing this dynamic within the welfare state, Röpke could never give up his own policy prescription of a set of minimum government social-welfare safety nets.)

More government revenues, more spending

Even if fiscal and regulatory policy were to successfully induce an average annual economic growth rate of 3 percent over the next decade, there is one thing that can be predicted with a fair degree of certainty, namely that, given the current and foreseeable ideological and policy climate in America, significant infusions of larger government tax revenues from higher incomes and more business profits will only serve as a stimulus for even more government spending.

Already there is a hue and cry by progressive ideologues, pandering politicians, and various special-interest groups for “single-payer” (i.e., government) health care, for “free” college tuition for all, and for a “Universal Basic Income” for everyone as a right as a human being. New revenue inflows into Uncle Sam’s coffers will only intensify the demands for those and other programs on the reasoning that “You see, there is plenty of government

money to do all of these desirable things for the people, without any increase in the budget deficits above \$1 trillion a year. No problem, everything is under control, and the welfare state can be safely expanded.”

Government budget deficits and resulting growing mountains of national debt are not a tax-revenue problem.

It is a fool’s errand to believe that by chasing after lower taxes and less regulation the U.S. economy can grow its way out of the dilemmas of the welfare state and its entitlement programs. Lower taxes and reduced regulation of the private sector are, of course, desirable policies. Leaving more of the honestly earned money in the pockets of those who have acquired it through peaceful and productive activities in the competitive marketplace is a good thing in itself. And repealing and abolishing any and all of the regulations imposed on private enterprise, so that entrepreneurs may more effectively and successfully earn profits from better serving consumer demands, is equally all to the good.

Government budget deficits and resulting growing mountains of national debt are not a tax-revenue

problem in the sense that government doesn't bring in enough to serve its necessary and constitutional functions. It has far, far more than it needs to do the tasks needed to protect the rights of the citizenry to their lives, liberty, and honestly acquired property, prescribed in the Constitution as left to us by the Founding Fathers.

It is a government-spending problem that originated in and persists precisely because of the false political philosophy of paternalism, collectivism, and welfare statism. It cannot be solved simply through reform of eligibility standards and benefit thresholds; it cannot be fixed with more tax revenue; and it cannot be made more cost-efficient with more businesslike management.

The problem is deeper and more difficult than those frequently heard

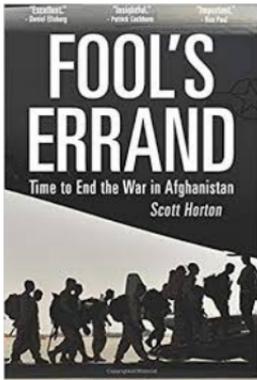
calls for reform or infusions of more tax revenues, as Moore proposes and thinks would solve the whole issue. The policy debate will not be won, and the fiscal problem will not be taken care of, until the battle lines are drawn with a call for abolishing the entitlement state and separating matters of private self-responsibility from the realm of governmental activity.

Richard M. Ebeling is the BB&T Distinguished Professor of Ethics and Free Enterprise Leadership at The Citadel. He was professor of Economics at Northwood University and at Hillsdale College and president of The Foundation for Economic Education, and served as vice president of academic affairs for The Future of Freedom Foundation.

Bin Laden Won

by Matthew Harwood

Fool's Errand: Time to End the War in Afghanistan by Scott Horton (Chicago: The Libertarian Institute, 2017); 317 pages.



According to official U.S. government accounts, the body of Osama bin Laden slid off the deck of the aircraft carrier USS *Carl Vinson* into his watery grave in the Indian Ocean sometime on the morning of May 2, 2011. Nearly 10 years after 9/11, the terrorist leader of al-Qaeda responsible for nearly 3,000 murdered Americans was no more, and the rationale for the Afghan War gone with him.

Fast-forward another seven years. On September 2, 2018, Gen. Austin S. Miller assumed control of

NATO and U.S. forces in Afghanistan, the 17th commander to inherit the longest military quagmire in the nation's history. Miller replaced Gen. John W. Nicholson, who led the coalition war effort for 17 months. Upon his departure, Nicholson said, "It is time for this war in Afghanistan to end."

The opposite, however, is happening.

What's clear from Miller's promotion from commander of the Joint Special Operations Command, the military's most elite killing machines, is that Washington cannot leave well enough alone in this graveyard of empires. Seventeen years of unnecessary bloodshed and atrocity and wasted treasure and corruption in Afghanistan isn't enough. In June, General Miller told lawmakers that there was no timeline for the end to the war, while the situation on the ground only worsens as the Taliban continues to gain territory at the expense of the U.S.-supported puppet government in Kabul.

As journalist Scott Horton documents in his exhaustive history of the Afghan War, *Fool's Errand: Time to End the War in Afghanistan*, the U.S. invasion and occupation of Afghanistan was always a mistake. Upon close scrutiny, Horton shows,

every rationale for the war — from destroying al-Qaeda or defeating the Taliban or denying a terrorist safe haven or, even more unbelievable, creating a stable and democratic nation ruled from the capital city of Kabul — falls apart.

Horton exhaustively documents why the war in Afghanistan continues to be a pointless war of aggression.

And unlike most authors, Horton isn't writing for academics, journalists, or any other elite constituency. His in-your-face, accessible prose has one goal: Convince ordinary Americans that they've been duped by both al-Qaeda and their own government and convince them to demand a withdrawal from this gut wound of a war.

Those familiar with the Horton of Antiwar Radio and his entertaining rants may be surprised at the restraint of his prose. This is a book light on polemics and heavy on facts and citations. And it's a wise move on his part. Page after page, Horton exhaustively documents why the war in Afghanistan continues to be a pointless war of aggression full of waste, fraud, and abuse. Gratuitous use of adjectives and adverbs and going off on tangents

would only detract from his masterful scholarship and sober assessment of the facts.

That also lets another side of Horton more fully come into view: his empathy and moral egalitarianism. What's always been striking and admirable about Horton throughout the years, from his radio work to this book, is his concern for the victims of America's imperial violence. On the very first page of the Introduction, he acknowledges that Obama's counterinsurgency surge killed tens of thousands of Afghans.

There are no moral gymnastics in Horton's prose. An Afghan life is of the same worth as an American service member's. I even suspect he would value Afghan civilian lives more, considering they are people at the whim of forces they cannot control. U.S. service members can't say the same thing. Unlike the case in the Vietnam War, they chose to enlist, and therefore, they must be held accountable, morally speaking, for their participation in this so-called just war.

But a just war this most certainly is not, which is one of the reasons ordinary Afghans haven't welcomed American service members as their liberators. In May 2018, the U.S. government's Special Investi-

gator General for Afghanistan Reconstruction (SIGAR) reported that the Taliban controls nearly 15 percent of the country's districts with nearly another 30 percent contested. The Long War Journal website, however, calls SIGAR's outlook "optimistic." According to its analysis, "the Taliban controls or contests 239 of Afghanistan's 407 districts, or 59 percent."

Afghanistan continues to be a mess of tribal warfare and American intervention has only made it worse.

After 17 years of war, Afghanistan continues to be a mess of tribal warfare, and American intervention has only made matters worse. When American intervention in Afghanistan began, the U.S. government aligned with the Northern Alliance, the same group of warlords that sided with the Soviet Union during the disastrous Afghan-Soviet war of the 1980s. The Pashtun Taliban, or "students," emerged in the mid 1990s as a successful resistance movement to pro-Soviet warlords who had plunged the country into criminality and constant civil war.

Religiously conservative and authoritarian, the Taliban "were

cruel and oppressive, but they were not corrupt," writes Horton. "Their religious rule was considered by the Pashtuns, and possibly even a majority of Afghans, to be peaceful compared to the endless violence of warlords from both sides of the 1980s Soviet war." Yet the U.S. toppled the Taliban government and attempted to put the country back in control of the same corrupting forces the Taliban had defeated.

And that corruption is endemic and has been since the beginning.

The three B's

According to a 2017 SIGAR report, "Adjusted for inflation, the \$115 billion in U.S. appropriations provided to reconstruct Afghanistan exceeds the funds committed to the Marshall Plan, the U.S. aid program that, in between 1948 and 1952, helped 16 Western European countries recover in the aftermath of World War II." Yet these funds never make it to the people who need it. In another report from April 2016, SIGAR explained that it couldn't verify whether \$759 million in education resources made one iota's difference at all. Rather than going to the Afghan people, writes Horton, such funds end up in "corrupt officials' private bank accounts in the Persian Gulf."

Or worse: Sometimes they finance the Taliban, the very enemy the U.S. military is ostensibly trying to defeat once and for all. Because the Kabul government and U.S. military do not control vast swaths of the country, the U.S. government has paid protection money to the Taliban to ensure that needed supplies get to troops in the field. If average Americans only knew that their tax dollars were going to the enemy — “turning the war into a parody of itself,” writes Horton, “as the insurgency channeled those resources right back into the fight against the occupation” — maybe an end to this war would be in sight.

Horton also coins the perfect term for what the U.S. is experiencing in Afghanistan: backdraft, which he defines as what happens “when the direct consequences of the government’s openly declared foreign policies blow up right in all of our faces, undeniable to anyone but the most committed war hawks.” For many Afghan war proponents, the most plausible argument for Washington’s continued meddling in the country is to deny terrorist forces, such as al-Qaeda or the Islamic State, a safe haven from which to plan and launch attacks.

Yet it was America’s occupation of Afghanistan and the atrocities

committed there that inspired Maj. Nidal Hasan’s Fort Hood massacre, Najibullah Zazi’s broken-up plot to bomb the New York subway system, Faisal Shahzad’s botched car bomb in Times Square, the Tsarnaev brothers’ attack on the Boston Marathon, and Omar Mateen’s massacre at the Pulse nightclub in Orlando. To Horton, our masters of war are those firefighters whose “ax-wielding or door-kicking intervention inadvertently provides oxygen to a heated and fuel-filled room, causing a massive explosion.”

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Backdraft is a powerful explanatory concept. It is one that should enter the lexicon of American imperialism next to Chalmers Johnson’s “blowback”— the public consequences, like 9/11, of secret foreign policies, such as arming the mujahideen in the Soviet-Afghan war — and Christopher J. Coyne and Abigail R. Hall’s “boomerang effect” — how U.S. imperialism comes back to haunt Americans through the militarization of our society. Call them the three killer B’s of American imperialism.

Strange hopes

Possibly the most infuriating aspect of the Afghan war is that bin Laden knew us better than we knew ourselves. The goal of 9/11, Horton reminds the reader, was to get the U.S. to invade Afghanistan and bleed it dry, as his mujahideen helped anti-Soviet Afghans do during the 1980s. George W. Bush took the bait — hook, line, sinker. In 2010, in an interview with *Rolling Stone*, bin Laden's son Omar said as much. Asked if his father would attack the United States again, Omar replied, "I don't think so. He doesn't need to. As soon as America went to Afghanistan his plan worked."

Horton's solution to the Afghanistan war couldn't be clearer: "It is time to just come home." The big problem with Horton's solution is that he explains in exquisite detail why it is so improbable. Aside from arguments that the United States needs to ensure Afghanistan doesn't become a terrorist safe haven are the geopolitical factors.

Central Asia is home to vast energy and mineral wealth, and the United States, as empires are wont to do, wants to ensure that those resources are in the hands of regimes friendly to its interests rather than to Russia or China. During Obama's disastrous surge campaign, its lead-

ing proponent, Gen. David Petraeus, held up Afghanistan's riches of iron, copper, cobalt, gold, and lithium as reasons to continue the occupation. "There is stunning potential here," he said. "There are a lot of ifs, of course, but I think potentially it is hugely significant."

Asked if his father would attack again, Omar replied, "I don't think so. He doesn't need to."

The only glimmer of hope for a quick withdrawal from our Afghan disaster, oddly enough, is none other than our vulgar and erratic houseguest at 1600 Pennsylvania Ave. As a private citizen and a candidate, Donald Trump denounced the war. "Afghanistan is a complete waste," he tweeted in 2012. "Time to come home!" Horton argues convincingly that Trump understands that no one, not the Macedonians or the British or the Soviets, could pacify the people who make up Afghanistan and repeatedly criticized the Afghanistan war for years before becoming president. Nevertheless, Trump caved in August 2017, agreeing to another escalation, though he did remind the American people, "My original instinct was to pull out, and historically I like following my instincts."

Recent reporting continues to at least bolster Horton's cautious optimism about Trump's view of the war. According to the *Washington Post* in September, military officials are afraid Trump could withdraw from Afghanistan with little to no warning. "People joke about it, but it's not really a joke," one former official anonymously told the *Post*. "There's concern that you could wake up one morning and see a tweet that we should be withdrawing." If only military service members and the American taxpayers who finance this lunacy could be so lucky!

In the end, it didn't matter that the United States finally got its man in neighboring Pakistan. The chants of "USA, USA" outside the White House on May 1, 2011, represented a pyrrhic victory. Bin Laden laid a trap on 9/11, and the U.S. government fell into it. Almost two decades after the towers fell, American soldiers continue to kill and die in

vain in Afghanistan while propping up a corrupt regime in Kabul, a toxic combination that only ensures the insurgency never quits. Yet the powers that be continue to fight on, telling the American people that they can snatch victory from the jaws of defeat.

But this is a lie. Bin Laden, as Scott Horton masterfully documents, has already won. And nothing will change that fact, no matter how hard Washington spins various counter-narratives or promotes another commander to finally win the unwinnable in Afghanistan's graveyard of empires.

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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11350 Random Hills Road
Suite 800
Fairfax VA 22030

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www.fff.org

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Tel: 703-934-6101

Fax: 703-352-8678