
FUTURE OF FREEDOM

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*Aim at Heaven and you get earth thrown in. Aim
at earth and you will get neither.*

— C.S. Lewis

FUTURE OF FREEDOM

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A Limited-Government Republic versus a National-Security State

by *Jacob G. Hornberger*



The worst mistake that the American people have made in the entire history of the United States was to permit the conversion of the federal government to a national-security state. That conversion has played a major role in the destruction of our liberty, privacy, and economic well-being.

What is a national-security state? It is a totalitarian-like governmental structure that consists of an enormous military-intelligence establishment with extraordinary powers, such as indefinite detention, torture, secret surveillance, and even assassination of both citizens and foreigners.

To put the matter into a larger context, North Korea is a national-security state. So are Egypt, China, Cuba, and Russia. And the United States. All of the regimes in those countries wield totalitarian-like powers.

It wasn't always that way in the United States. Our nation was founded as a limited-government republic and remained that way for nearly 150 years. No Pentagon, no CIA, and no NSA. There was an army but it was relatively small — big enough to win battles against Indian tribes or a neighboring weak and impoverished country such as Mexico, but nowhere big enough to engage in wars around the world.

That was how our American ancestors wanted it. The last thing they wanted was a federal government that possessed a large permanent military-intelligence establishment. That's because they believed that that type of governmental system would inevitably destroy their liberty and their well-being.

When the delegates met at the Constitutional Convention, their assigned task was simply to modify the Articles of Confederation, which formed a third kind of governmental structure, one under which the states had been operating for more than a decade. Under the

Articles, the federal government's powers were so weak that — get this — it didn't even have the power to tax. Imagine: For more than ten years, Americans lived under a government that was prohibited from levying any taxes whatsoever.

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But there were problems with the Articles, and the purpose of Constitutional Convention was to come up with solutions to those problems through modifications to the Articles of Confederation. Instead, the delegates to the convention, who met in secret, came up with an entirely different proposal, one that called for a different type of governmental system — a limited-government republic, one where the federal government would have more powers, including the power to tax.

Americans were extremely leery. They believed that the greatest threat to the freedom and well-being of a citizenry lay not with some foreign regime but rather with their own government. They also understood that the way that governments throughout history

had destroyed the freedom of their citizens was, in large part, through the power of their military forces. If people dissented or rebelled against what the government was doing, officials could employ military force to quell the rebellion. But if they didn't possess a powerful military, they lacked the means to do that, which would inhibit them from doing bad things to the citizenry.

Consider the protests that are currently taking place in Hong Kong. What has the Chinese government done to send a message that such protests will be tolerated only up to a certain point? It has sent a large military contingent to the Hong Kong border. If Chinese officials want to quell those protests, they will do so through military force. And make no mistake about it: The Chinese soldiers in those units will faithfully and loyally follow the orders of their superior officers.

Suppose the proponents of the Constitution had said to the American people,

The Constitution will bring into existence a federal government that will include a vast, permanent, and ever-growing military-intelligence establishment, with military

and intelligence bases all over the United States and the world. Together with the president, the military will have the power to embroil the nation in war anywhere in the world without congressional consent. It will possess the power to spy on and keep files on the American people, in order to keep them safe. It will have the power to take Americans into custody and place them in military dungeons or secret intelligence prison camps, where they can be tortured. It will also have the power to assassinate Americans.

If the American people had heard that from the delegates at the Constitutional Convention, they would have died laughing. They would have thought it was a joke. When they later learned that the delegates were totally serious, the American people would have summarily rejected the deal and instead would have continued operating under the Articles of Confederation.

In fact, the reason Americans were so leery of the proposal offered by the proponents of the Constitution was that they were con-

cerned that they might be bringing into existence a government that wielded those types of omnipotent powers. That's why they were so opposed to what they called a "standing army," which was their term for a large, permanent military-intelligence establishment.

The proponents of the Constitution assured Americans that that could never happen. The reason was that the charter that was bringing the federal government into existence also, at the same time, delineated its powers. If a power wasn't listed in the Constitution, then it simply didn't exist, which meant it couldn't be exercised against the citizenry.

If a power wasn't listed in the Constitution, then it simply didn't exist.

On the basis of that assurance but still leery, the American people approved the deal, but only on the condition that the Constitution would be amended immediately after being approved. The amendments would provide express restrictions on the powers of federal officials to destroy the liberty and well-being of the people.

Some proponents of the Constitution responded that such restric-

tions were unnecessary because if a power to destroy people's liberty and well-being wasn't listed in the Constitution, it couldn't be exercised. A bill of rights, such proponents said, would be superfluous.

Americans wanted to make it doubly clear that federal officials lacked the power to do tyrannical things to them.

But Americans were not willing to settle for that principle. Knowing that people who are attracted to political power inevitably come up with good excuses for destroying people's liberty, Americans wanted to make it doubly clear that federal officials lacked the power to do tyrannical things to them. That's why they expressly prohibited them from destroying people's freedom of speech, freedom of the press, freedom of religion, the right of assembly, the right to keep and bear arms, and others.

That wasn't all, however. The Fourth, Fifth, Sixth, and Eighth Amendments expressly restricted the power of federal officials to kill both Americans and foreigners. The government couldn't kill anyone or deprive anyone of liberty or property without "due process of law," a term that stretched back to

Magna Carta in 1215, when the barons of England forced their king to acknowledge that his powers over them were limited.

Due process required formal notice of charges and a trial before the government could kill someone or take away his liberty or his property. If a person was targeted, the Bill of Rights guaranteed that he could elect to be tried by a jury of ordinary citizens rather than by a judge or a tribunal. Recognizing the inherent power of government, the amendments also guaranteed that a person being targeted could have an attorney represent him. The government was also prohibited from conducting searches without judicially issued warrants based on probable cause that a crime had been committed. They also prohibited federal officials from inflicting what they called "cruel and unusual" punishments on people.

Monsters

Our American ancestors had brought into existence a limited-government republic, a type of political system in which the government was delegated very few powers and then expressly forbidden by the Bill of Rights to exercise totalitarian-like powers. While there were backroom political deals that

would be made, the overall operations of the government were open and transparent. That was the governmental system under which Americans lived for nearly 150 years.

The federal government would not embroil the nation in foreign conflicts, wars, disputes, revolutions, or coups.

At the same time, America adopted a noninterventionist foreign policy, one in which the federal government would not embroil the nation in foreign conflicts, wars, disputes, revolutions, or coups. This foreign policy was summed up in a speech that U.S. Secretary of State John Quincy Adams delivered to Congress on the Fourth of July, 1821. Entitled “In Search of Monsters to Destroy,” the speech pointed out that America’s founding foreign policy was not to send military forces abroad to save foreigners from the monstrous conditions in their countries, including dictatorships, famines, wars, and revolutions. If America were ever to abandon that noninterventionist foreign policy, Adams warned, U.S. officials would start behaving like dictators.

Does that mean that Americans were indifferent to the plights of

foreigners? On the contrary. It just meant that they wouldn’t help them by bringing death and destruction through military force to their lands. Instead, America would open its borders to anyone who managed to escape his conditions, with no possibility that he would be rejected and forcibly returned to his homeland.

The shift toward empire and intervention began in 1898 in the Spanish-American War. Certain Spanish colonies were waging a war of independence against Spain. The U.S. government intervened in their behalf. As soon as Spain was defeated, however, the U.S. government assumed control over some of its former colonies. That’s how the United States acquired Puerto Rico, control over Cuba, the U.S. military base at Guantanamo Bay, Guam, and the Philippines. In the Philippines, U.S. forces killed hundreds of thousands of Filipinos who continued to fight for their independence, this time from the United States. The notion was that in order for the United States to become a great nation, it needed to become an empire and acquire colonies, just like the Spanish and British empires.

After that came U.S. intervention into World War I. Woodrow Wilson maintained that U.S. inter-

vention would bring about an end to all war and make the world “safe for democracy” by totally and completely defeating Germany. Despite the loss of tens of thousands of American men, Adolf Hitler, Benito Mussolini, and Joseph Stalin rose to power in Germany, Italy, and Russia.

Once World War II broke out, Americans were overwhelmingly opposed to intervening again. But Franklin Roosevelt succeeded in provoking Japan into “firing the first shot” with its attack on Pearl Harbor, which brought about U.S. entry into the deadliest and most destructive war the world has ever seen.

The CIA

When the war was finally over in 1945, Americans were ecstatic that the Nazi regime and the Japanese Empire had been defeated and that their lives could return to normal. Not so fast, U.S. officials told Americans. They said that even though the Axis Powers had been defeated, the United States now faced another enemy, one that was arguably more dangerous than the Axis. That enemy was communism or, to be more exact, an international communist conspiracy to take over the world that was based in

Moscow, Russia. The communists were coming to get us, U.S. officials said, and take over the U.S. government and the nation.

Therefore, they maintained, it would be necessary to intervene in hot wars to stop the Reds from advancing toward America and to wage a “cold war” against the Soviet Union. That’s how tens of thousands of U.S. soldiers got sacrificed in civil wars in Korea and Vietnam. U.S. officials said that if the United States failed to intervene in those conflicts, the Reds would be at our doorstep before too long.

That “cold war” is what brought about the conversion of the federal government.

That cold war is what brought about the conversion of the federal government from a limited-government republic to a national-security state, which was what the Soviet Union was. U.S. officials maintained that a limited-government republic-type of governmental system would be no match for a national-security-state type of governmental system, given that the latter placed no constraints on agents to do whatever they needed to do to win. In order to prevent a communist takeover of the United

States, it would be necessary to convert the federal government to the same type of governmental system the Soviet Union had. The implication, of course, was that as soon as the United States won the Cold War, Americans could have their limited-government republic back.

Soon after the CIA was established in 1947, ostensibly as an “intelligence-gathering” agency to provide secret information to the president, it began specializing in the art of assassination, including the preparation of a top-secret “assassination manual” that explained various methods of assassination and, equally important, how to keep people from discovering that it was a state-sponsored assassination. The Fifth Amendment was eviscerated. In the name of protecting national security, the federal government, through the CIA, now wielded the power, to secretly deprive anyone of life it wanted.

In 1953, the CIA secretly initiated a coup in Iran that ousted the democratically elected prime minister of the country, Mohammad Mossadegh, from power and replaced him with the shah of Iran, one of the world’s most brutal dictators. The notion was that Mossadegh was leaning communist. In 1979, fed up with the U.S.-supported

tyranny under which they had suffered for 25 years, the Iranian people revolted and ousted the shah from power. Unfortunately, they were unsuccessful in restoring the democratic system that the CIA had destroyed, leaving them suffering under a different type of dictatorship. The CIA’s coup is the root of the bad relations between Iran and the United States today.

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One year later, 1954, the CIA secretly initiated a coup in Guatemala, which succeeded in ousting the democratically elected president of that country, Jacobo Arbenz, who was a socialist, and replacing him with a pro-U.S. military dictator. Arbenz was lucky that he was able to escape the country because the CIA had prepared an assassination list that undoubtedly had him at the top. That coup incited a 30-year-long civil war that killed more than a million Guatemalans.

After the 1959 Cuban revolution brought a communist regime into power, the Pentagon and the CIA, along with other U.S. officials, went apoplectic. America couldn’t survive with a “communist dagger”

pointed at its throat from only 90 miles away, they said. Thus, the CIA launched an unsuccessful invasion of the island, several unsuccessful assassination attempts against Cuban president Fidel Castro, and a brutal economic embargo that, in combination with Castro's socialist system, has squeezed the economic lifeblood out the Cuban people. The national-security establishment's incessant quest to effect regime change in Cuba also brought the United States and the Soviet Union to the brink of nuclear war.

The fact is that there was never any possibility that the communists were coming to get us and take over the federal government and the country. The Cold War was one great big racket, one that enriched countless people, including an army of "defense" contractors and sub-contractors who got rich feeding at the public trough. Most important, the Cold War and the national-security-state form of governmental structure that came with it succeeded in destroying the rights and liberties of the Americans people.

The Middle East

Suddenly and unexpectedly, the Cold War ended in 1989, when the Soviet Union, which had gone bankrupt, called it quits. The Berlin

Wall came down and Russian troops exited Eastern Europe.

Needless to say, the national-security establishment was concerned about its future. No more Cold War obviously meant that Americans were entitled to have their limited-government republic back. But the Pentagon, the CIA, and the NSA were not eager to be dismantled. Soon after the end of the Cold War, they intervened in the Persian Gulf War against their former partner and ally, Saddam Hussein, which began a 30-year campaign of U.S. death, destruction, and humiliation against people in the Middle East.

The 9/11 attacks gave the federal government what our American ancestors had feared when the Constitution was being proposed.

It was no surprise that that campaign engendered deep anger and rage among the people who were targeted for death and destruction. That's when the anti-American terrorist blowback began. It started with the 1993 attack on the World Trade Center, which was followed by the attacks on the USS *Cole*, the attacks on the U.S. embassies in East Africa, and the 9/11 attacks.

The 9/11 attacks gave the federal government what our American

ancestors had feared when the Constitution was being proposed to them — a government consisting of a massive, ever-growing military-intelligence establishment with omnipotent, totalitarian powers to keep the nation “safe” from the terrorist blowback that U.S. officials had produced with their interventionism.

That’s how Americans have ended up with a government that wields the power to take them into custody and throw them indefinitely into a military dungeon and torture them to any extent whatsoever. It is how Americans have ended up with a government that wields the power to conduct secret surveillance on them, just like government officials do in China, North Korea, and Cuba. It is how Americans have ended up with a government that wields the power to assassinate them.

Anyone who lives under a national-security-state governmental system cannot possibly be consid-

ered free. Our ancestors understood that principle. Their successors living today have yet to figure that out. Or if they have figured it out, they have chosen to trade liberty for the pretense of safety and security.

For Americans who want freedom, a necessary prerequisite is the restoration of a limited-government republic and a noninterventionist foreign policy, which necessarily entails the dismantling, not the reform, of the Pentagon, the military-industrial complex, the CIA, and the NSA.

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

NEXT MONTH:
**“Freedom and Prosperity:
The Importance of
Sound Money”**
by Jacob G. Hornberger

Banning Guns Will Not Make Schools Safe

by James Bovard



School shootings have become the latest pretext for politicians to destroy the Second Amendment. Mayor Pete Buttigieg of South Bend, Indiana, declared in a Democratic presidential candidates' debate, "I was part of the first generation that saw routine school shootings. We have now produced the second school-shooting generation in this country. We dare not allow there to be a third." Another Democratic presidential candidate, Rep. Eric Swalwell (D-Cal.), invoked school shootings to justify confiscating millions of firearms across the nation: "It's not just the violence that they've caused; it's the fear, the immeasurable fear that our children live in because they are still on our streets. I want to get rid of that fear."

In reality, despite a tidal wave of misleading propaganda, the number of school shootings has fallen sharply over the past 30 years. But anti-gun activists in government and the media have done their best to persuade people otherwise.

Last year, the federal Education Department reported that "nearly 240 schools ... reported at least 1 incident involving a school-related shooting" in the 2015-16 school year. National Public Radio investigated and found that the feds had exaggerated school shootings by twentyfold; NPR could confirm only 11 incidents. Cleveland was credited with 37 shooting incidents, when in reality it was simply a report of 37 schools that noted "possession of a knife or a firearm." In DeKalb County, Georgia, "a toy cap gun fired on a school bus" counted as a school shooting. One school system was listed as a shooting locale for an incident involving a pair of scissors. NPR noted,

Most of the school leaders NPR reached had little idea of how shootings got recorded for their schools. For example, the [federal Civil Rights Data Collection] reports 26 shootings within the Ventura Unified School District in South-

ern California. “I think someone pushed the wrong button,” said Jeff Davis, an assistant superintendent there. The outgoing superintendent, Joe Richards, “has been here for almost 30 years and he doesn’t remember any shooting,” Davis added.

Sheriffs’ deputies ordered teachers “into a room, told them to crouch down and then shot them execution-style with pellets.”

Even the leftist news site Vox noted, “The risk of a child getting killed by someone else at school in 2011, the last year for which there’s final data, was about 1 in 5 million.” Vox again: The rate of “serious violent victimization” among students — rape, sexual assault, robbery, or aggravated assault — was about 1 in 1,000 in 2011, down from 1 in 100 in 1995. In 1995, 10 percent of students were victims of some kind of crime at school; in 2011, just 4 percent were.” Northeastern University criminologist James Alan Fox observed, “We over-obsess about school shootings. Surveys show the majority of students are afraid there will be a mass shooting at their school. These are rare events —

scary though they may be, tragic though they may — and we shouldn’t over-respond.”

Imitation shootings

But hard facts have proven no match for sustained hype for anti-gun activists. Police and schools have responded to the new paranoia with an array of drills that have been lame-brained even by government standards.

Last January, numerous Indiana elementary school teachers were shot as part of a “safe schools” training program. According to the Indiana State Teachers Association, sheriffs’ deputies ordered teachers “into a room four at a time, told them to crouch down and then shot them execution-style with pellets in rapid succession,” leaving several of them bloodied and many of them screaming. The union complained, “The teachers were terrified, but were told not to tell anyone what happened. Teachers waiting outside that heard the screaming were brought into the room four at a time and the shooting process was repeated.” The union is “is lobbying lawmakers to add [legislative] language prohibiting teachers from being shot with any sort of ammunition” during school-safety drills, according to the *Indianapolis News*.

Schools are “increasingly turning their hallways into an imitation of a real mass shooting, complete with police officers firing BB guns and drama students enlisted to play victims, made up with fake blood and bullet holes. Occasionally, the drills are sprung on teachers and students without warning,” as a student newspaper in Great Neck, New York, observed. A Pennsylvania teacher commented that she was “more traumatized than trained” after teachers were shot with airsoft guns by a fake active shooter. “We had colleagues shooting colleagues, we had people getting hit with [plastic] pellets.... People were screaming, trying to run. People were tripping over each other. It was just horrendous,” Elizabeth Yanelli recalled.

A Pennsylvania teacher commented that she was “more traumatized than trained.”

One of the primary beneficiaries of such nonsense is pharmaceutical companies that hustle anti-anxiety drugs to children. Former policeman Raeford Davis commented on lockdown/active shooter drills, “These simulated execution rituals are conducted for fear-based mass social control pur-

poses to traumatize, instill fear, hopelessness, personal dis-empowerment, reliance on authority figures to save and protect you.” A 2018 Pew Research Center survey found that most “American teenagers worry about a shooting at their school. This comes at a time when children are already suffering from sharply rising rates of anxiety, self-mutilation, and suicide. According to a landmark study funded by the National Institute of Mental Health, 32 percent of 13-to-18-year-olds have anxiety disorders, and 22 percent suffer from mental disorders that cause severe impairment or distress. Among those suffering from anxiety, the median age of onset is 6,” the *Atlantic* reported last year.

Exploiting dead children

School-shooting paranoia first became widespread after the Columbine High School killings in 1999. Twelve students and one teacher died in a shooting spree by two students that helped inspire other subsequent school shootings, especially a Newtown, Connecticut, attack in 2012.

The Columbine killings set the precedent of maximum political exploitation of dead children. Attorney General Janet Reno praised the local police response as “extraordi-

nary” and “a textbook” example of “how to do it the right way.” Bill Clinton declared that “we look with admiration at the ... police officers who rushed to the scene to save lives.” Clinton invoked the Columbine killings almost every day from April 20 through mid June 1999, when the House of Representatives narrowly defeated Clinton-championed gun-control legislation.

In reality, “No efforts were made to stop the assault,” concluded William Erickson, a former Colorado Supreme Court justice who headed a commission that issued a damning 2001 report on the Columbine killings. Instead, hundreds of police waited outside until long after the two perpetrators had committed suicide. Instead of going after the two killers, law enforcement set up a perimeter outside the school and waited “for the assault to end,” the report concluded.

Instead of going after the two killers, law enforcement set up a perimeter outside the school and waited “for the assault to end.”

Appalling police failures turned a multiple homicide into a historic massacre. A SWAT team had entered the building early on but Jefferson County Sheriff John Stone

ordered it to withdraw. Police spokesmen said most of the SWAT teams were not sent in, “for fear that they might set off a new gunfight,” the *New York Times* reported. SWAT teams did not enter the room where the killers lay until hours after the shooting stopped. A badly wounded schoolteacher, Dave Sanders, bled to death because the SWAT team took four hours to reach the room he was in — even though students placed a large sign announcing “1 Bleeding to Death” in the window.

Fears for “officer safety” paralyzed the Colorado response. Steve Davis, spokesman for the Jefferson County Sheriff’s Department, said, “We had no idea who was a victim and who was a suspect. And a dead police officer would not be able to help anyone.” Evan Todd, a Columbine student who was wounded in the initial attack, escaped outside and then explained to a dozen policemen exactly what was happening inside: “They told me to calm down and take my frustrations elsewhere.”

Unfortunately, law enforcement learned little or nothing from the Columbine killings. At the Parkland high school in Florida in 2018, eight sheriff’s deputies lingered cowered outside while the shooting

rampage by one ex-student continued, leaving 17 dead. A local cop who arrived during the shooting was urged not to enter the building: “Hey, be careful. The guy’s got a rifle,” a deputy told him. After the killings, the local sheriff’s department put out a deluge of false exculpatory claims that were shot to pieces by later revelations.

If schools expelled too many students, they would forfeit federal grants.

The killer, Nikolas Cruz, should have been arrested numerous times because of violence and threats at school and elsewhere. But school authorities avoided charging him, in part because of an Obama administration school-grant program that sought to curb the “school-to-prison” pipeline for minority students such as Cruz. Paul Sperry of RealClearInvestigations reported that the Parkland school was “in the vanguard of a strategy, adopted by more than 50 other major school districts nationwide, allowing thousands of troubled, often violent, students to commit crimes without legal consequence.” Thanks to such policies, as the *Federalist* noted, “Students charged with various misdemeanors, including assault,

would now be disciplined through participation in ‘healing circles,’ obstacle courses and other ‘self-esteem building’ exercises.” But if schools expelled too many students, they would forfeit federal grants.

But the astounding failures of the schools and the police are irrelevant to activists determined to invoke the Parkland killings to forcibly disarm the American people. In August, March for Our Lives — an anti-gun group created after the Parkland shootings — issued “A Peace Plan for a Safer America.” Rather than focusing on the failures of officialdom, the activists called for forcibly reducing the number of firearms owned by Americans by a third — which could require government seizures of a hundred million guns. The group also proposed to put any would-be gun buyer through bureaucratic hell, including a “multi-step approval process, overseen by a law enforcement agency, that requires background checks, in-person interviews, personal references, rigorous gun safety training, and a waiting period of 10 days for each gun purchase.” Any permit to possess a firearm would have to be renewed annually — involving running another bureaucratic gauntlet. The group also called for the appointment of a fed-

eral anti-gun czar. The “National Director of Gun Violence Prevention” would also be responsible for propagandizing about the grave dangers of possessing a firearm in one’s home.

And then we would all be safe, right? March for Our Lives did not propose any solutions to the lack of police spines or the automatic cover-ups and lies that follow shooting debacles. New gun-control laws will do nothing to boost either the competence or courage of the police when every second counts. Unfortunately, there also appears to be no cure for the political exploitation of tragedies spurred or worsened by government debacles.

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:
**“Gun Seizures
Could Lead to Civil War”**
by James Bovard

Though the people support the government, the government should not support the people.

— Grover Cleveland

Why I Am So Passionate about Ending the Drug War

by Laurence M. Vance



Since 2009, I have written about ninety articles on the subject of the drug war, many of them for the Future of Freedom Foundation, and some of them for this very publication. I have maintained throughout these articles that the war on drugs is a monstrous evil that has ruined more lives than drugs themselves; that the war on drugs should be ended immediately; that all drugs should immediately be legalized; that everyone in prison solely on drug charges should be released immediately; and that the war on drugs is a war on personal freedom, private property, the Constitution, federalism, personal responsibility, individual liberty, personal and financial privacy, civil liberties, the free market,

and freedom itself. I have given lectures on the drug war in which I publicly state the same things as those which I privately write. I have published a book on the drug war titled *The War on Drugs Is a War on Freedom*.

Yet, I must be the most unlikely person to be so passionate about ending the drug war. I am not a liberal, a hippy, a libertine, a hedonist, or a nihilist. I neither advocate nor condone the use of mind-altering, behavior-altering, or mood-altering substances. I wouldn't use what the government classifies as illegal drugs if they were legal — even if they were free, pure, and safe — and would prefer that no one else use them either. I am a religious person. I am a theologically and culturally conservative Christian. I believe in moral absolutes in general and follow the ethical principles of the New Testament in particular. I accept family values and Judeo-Christian ethics. I think the use of any drug for any reason other than a medical necessity to be unwise, risky, and irresponsible. (I am even skeptical about the health benefits of most legal drugs — prescription or over-the-counter.) I regard drug use to be a vice and an immoral activity. I consider drug abuse to be a sin and a great evil. But at the same

time, I would rather see people use drugs than the government wage war on them for doing it. I don't believe that religious people should support the government's war on drugs any more than they should support the government's wars on poverty, obesity, trans fat, cholesterol, salt, cancer, or tobacco. I oppose root and branch every facet of the government's war on drugs just as much as I oppose the use of drugs themselves.

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I am not ignorant of the harmful effects of drug abuse. A drug habit can be financially ruinous. Drugs can be addictive. Lack of money to buy drugs can tempt a person to steal or prostitute his body to get money. Drug abuse can cause a person to lose his job, his friends, his spouse, or his children. Taking drugs can be hazardous to one's physical and mental health. Abusing drugs can kill you. Nevertheless, I consider the government's war on drugs to be more dangerous, destructive, and immoral than the use of drugs themselves. Therefore, I reject federal, state, and local drug

prohibition of any kind. I am likewise against drug criminalization, drug regulation, drug restrictions, drug licensing, drug taxing, drug oversight, drug testing by government, and limiting the legal use of certain drugs just to medical use.

There are three major reasons why I am so passionate about ending the drug war — the Constitution, the proper role of government, and the hypocrisy of drug warriors. And there are dozens of other reasons as well.

The Constitution

The United States was set up as a federal system of government where the states, through the Constitution, granted a limited number of powers to a central government. As James Madison succinctly explained in Federalist No. 45,

The powers delegated by the proposed Constitution to the Federal Government, are few and defined. Those which are to remain in the State Governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the

most part, be connected. The powers reserved to the several States will extend to all the objects, which, in the ordinary course of affairs, concern the lives, liberties and properties of the people; and the internal order, improvement, and prosperity of the State.

In Article I, Section 8, of the Constitution, there are eighteen paragraphs that enumerate the limited powers granted to Congress. Everything else is reserved to the states.

The Constitution not only doesn't mention drugs, it nowhere authorizes the federal government to regulate, monitor, or restrict the consumption, medical, or recreational habits of Americans. The federal government has no authority under the Constitution to prohibit or otherwise criminalize the manufacture, sale, possession, or use of any drug. The federal government has no authority under the Constitution to interfere with what Americans put in their mouths, noses, veins, or lungs. The federal government has no authority under the Constitution to intrude itself into the personal eating, drinking, or smoking habits of Americans. The Constitution nowhere author-

izes the federal government to have an Office of National Drug Control Policy, a Drug Enforcement Administration, or a Substance Abuse and Mental Health Services Administration. The Constitution nowhere authorizes the Congress to pass a Controlled Substances Act, a Comprehensive Drug Abuse Prevention and Control Act, or a Combat Methamphetamine Epidemic Act. The Constitution nowhere authorizes the federal government to have a National Drug Control Strategy, a National Survey on Drug Use and Health, or a drug czar.

**The Constitution nowhere
authorizes the Congress to pass a
Controlled Substances Act.**

It doesn't matter what one personally thinks about the dangers or morality of drug use or the proper role of government. It doesn't matter whether one is a liberal or a conservative, a Democrat or a Republican, a progressive or a moderate, a populist or an independent. Every American should be just as passionate as I am about ending the federal government's war on drugs because it is such a gross violation of the Constitution. When Progressives in and out of the national government sought to prohibit the

“manufacture, sale, or transportation of intoxicating liquors” after World War I, they knew they could do so only by amending the Constitution. That is why the Eighteenth Amendment to the Constitution was adopted in 1919. So until the Constitution is amended to allow the federal government to have something to do with drugs, a war on drugs is completely illegitimate on the federal level. Those who want a war on drugs must, from a constitutional standpoint, wage their war at the state level.

The government

I mentioned in the last paragraph the proper role of government. In a free society, the functions of government — in whatever form it exists — would be limited to prosecuting and exacting restitution from those who initiate violence against, commit fraud against, or violate the property rights of others. All government actions, at every level of government, beyond defense, judicial, and policing functions, are illegitimate. In a free society, the government leaves those alone who don't threaten or initiate violence against the person or property of others. Behavior that some consider to be immoral, unsafe, addictive, unhealthy, risky, sinful, or

destructive is none of the government's business. In a free society, the government doesn't legislate morality. What is considered immoral, unethical, or sinful is the domain of conscience, family, and religion, not puritanical busybodies, nanny-statists, or government bureaucrats. Any American who favors a government with strict limits should be passionate about ending the drug war.

In a free society, the government leaves those alone who don't threaten or initiate violence.

Drug prohibition is a slippery slope. As the Austrian economist Ludwig von Mises explained,

Opium and morphine are certainly dangerous, habit-forming drugs. But once the principle is admitted that it is the duty of government to protect the individual against his own foolishness, no serious objections can be advanced against further encroachments.

And why limit the government's benevolent providence to the protection of the individual's body only? Is not the harm a man can inflict on his mind and soul even more dis-

astrous than any bodily evils? Why not prevent him from reading bad books and seeing bad plays, from looking at bad paintings and statues and from hearing bad music? The mischief done by bad ideologies, surely, is much more pernicious, both for the individual and for the whole society, than that done by narcotic drugs.

The establishment of drug prohibition ultimately leads to an authoritarian, nanny state. Says Mises again,

As soon as we surrender the principle that the state should not interfere in any questions touching on the individual's mode of life, we end by regulating and restricting the latter down to the smallest detail.

If one abolishes man's freedom to determine his own consumption, one takes all freedoms away.

In a free society, it is families, friends, counselors, and churches that should be advising individuals on the decision to use or not to use drugs, and it is physicians, psychologists, ministers, and drug treatment centers that should be dealing

with the problems of drug abuse — not some paternalistic nanny state.

This nanny state is at its worse when it comes to the war on drugs. As C.S. Lewis well said,

Of all tyrannies a tyranny sincerely exercised for the good of its victims may be the most oppressive. It may be better to live under robber barons than under omnipotent moral busybodies. The robber baron's cruelty may sometimes sleep, his cupidity may at some point be satiated; but those who torment us for our own good will torment us without end for they do so with the approval of their own conscience.

Aside from senseless U.S. foreign wars, I don't know of anything that has increased the size and scope of government more than the war on drugs.

The hypocrisy

The hypocrisy of drug warriors knows no limit.

First of all, every bad thing that could be said about drugs could be said about alcohol — and even more so. Alcohol abuse is one of the leading causes of premature deaths in the United States. Alcohol abuse

can be a contributing factor in cases of cancer, mental illness, anemia, cardiovascular disease, dementia, cirrhosis, high blood pressure, and suppression of the immune system. Alcohol abuse is a factor in many drownings, suicides, fires, violent crimes, divorces, child-abuse cases, sex crimes, and accidents. In fact, the number-one killer of Americans under 25 is alcohol-related car crashes. A study a few years ago by the Independent Scientific Committee on Drugs published in the prestigious medical journal *The Lancet* ranked alcohol as the “most harmful drug,” beating out heroin, crack cocaine, and ecstasy. Although the manufacture and sale of alcohol is heavily regulated by the federal and state governments, anyone is free to drink as much as he wants in his own home without fear of reprisal. In spite of the negative effects of alcohol on morals and health, few Americans long for a return to the days of Prohibition.

Second, the most dangerous substance in America is not cocaine, heroin, or fentanyl. According to the Centers for Disease Control and Prevention (CDC),

- Cigarette smoking is the leading preventable cause of death in the United States.

- Smoking causes more deaths each year than the following causes combined: HIV, illegal drug use, alcohol use, motor-vehicle injuries, firearm-related incidents.

- More than 10 times as many U.S. citizens have died prematurely from cigarette smoking as have died in all the wars fought by the United States.

- Cigarette smoking increases risk for death from all causes in men and women.

Although smoking is dangerous, destructive, and deadly, most Americans would still say that people should be allowed to smoke in the privacy of their homes as long as they accept the health risks.

Most Americans would say that people should be allowed to smoke in the privacy of their home.

And third, there are plenty of risky and dangerous things people do that the government neither prohibits nor seeks to prevent. Drug warriors believe that the drug war is necessary because using illegal drugs can be addictive, unhealthy, dangerous, and self-destructive. Using drugs can certainly be addictive. Just as checking Facebook, shopping, playing video games,

viewing pornography, watching television, and playing the lottery can be addictive. But I don't hear drug warriors saying that the government should prosecute people for engaging in those addictive behaviors. Using drugs can certainly be unhealthy. But so can ingesting high-fructose corn syrup, eating junk food, and drinking beverages with caffeine. Why, then, are drug warriors not adamant about the government's sending people to prison for consuming those things? Using drugs can certainly be dangerous. Just as skydiving, bungee jumping, coal mining, boxing, mountain climbing, cliff diving, drag racing, MMA fighting, pro wrestling, skiing, riding in a hot-air balloon, using a chainsaw, and crossing the street at a busy intersection can be dangerous. Yet I've never heard a drug warrior say that the government should prosecute people for engaging in dangerous behaviors such as those. Using drugs can certainly be self-destructive. But so can gambling, having casual sex, gluttony, smoking cigarettes, and, as mentioned above, drinking alcohol. A free society has to include the right of people to take risks, practice bad habits, engage in addictive conduct, engage in self-destructive behavior, live an

unhealthy lifestyle, participate in immoral activities, and undertake dangerous actions — including the use and abuse of drugs.

Conclusion

I am so passionate about ending the drug war because the federal government should follow its own Constitution.

I am so passionate about ending the drug war because I don't want an intrusive government.

I am so passionate about ending the drug war because the costs of drug prohibition far outweigh any of its supposed benefits.

I am so passionate about ending the drug war because I don't want to live in an authoritarian society.

I am so passionate about ending the drug war because it is such a complete and utter failure.

I am so passionate about ending the drug war because of all its injustices and absurdities.

I am so passionate about ending the drug war because I don't want to live in a nanny state.

I am so passionate about ending the drug war because there is no warrant in the New Testament for Christians to support a government war on drugs or anything else.

I am so passionate about ending the drug war because it is impossi-

ble to reconcile it with a limited government.

I am so passionate about ending the drug war because drug prohibition is the cornerstone of a police state.

I am so passionate about ending the drug war because it has had little or no impact on the use or availability of most drugs in the United States.

I am so passionate about ending the drug war because it has wasted hundreds of billions of taxpayer dollars.

I am so passionate about ending the drug war because it is an illegitimate function of government to criminalize voluntary, consensual, peaceful activity.

I am so passionate about ending the drug war because it unnecessarily makes criminals out of otherwise law-abiding Americans.

I am so passionate about ending the drug war because only persons who initiate violence or aggression against someone else should ever be incarcerated.

I am so passionate about ending the drug war because it is not the proper role of government to prohibit, regulate, restrict, or otherwise control what a man desires to eat, drink, smoke, inject, absorb, snort, sniff, inhale, swallow, or otherwise

ingest into his mouth, nose, veins, or lungs.

I am so passionate about ending the drug war because it is an illegitimate purpose of government to try to protect people from bad habits, harmful substances, vice, or their own foolishness.

I am so passionate about ending the drug war because it is individual persons, not government bureaucrats, who should decide what risks they are willing to take and what behaviors are in their own best interests.

I am so passionate about ending the drug war because government bureaucrats shouldn't be telling people what they may and may not do.

I am so passionate about ending the drug war because people should be free to live their lives in any manner they choose as long as their activities are non-violent, non-disorderly, non-disruptive, non-threatening, and noncoercive.

I am so passionate about ending the drug war because I don't want to give up my personal and financial privacy.

I am so passionate about ending the drug war because it clogs the judicial system with non-crimes.

I am so passionate about ending the drug war because having bad

habits, exercising poor judgment, engaging in dangerous activities, and committing vices are not crimes.

I am so passionate about ending the drug war because it is not the job of government to define and enforce morality.

I am so passionate about ending the drug war because people should be allowed to do anything that's peaceful as long as they don't violate the personal or property rights of others.

I am so passionate about ending the drug war because the heavy hand of government is not the solution to any problems resulting from drug abuse.

I am so passionate about ending the drug war because people should be responsible for the consequences of their own actions.

I am so passionate about ending the drug war because government at all levels should be as limited as possible.

I am so passionate about ending the drug war because every crime needs a tangible and identifiable victim who has suffered measurable harm to his person or measurable damages to his property.

I am so passionate about ending the drug war because it has milita-

rized the police and corrupted law enforcement.

I am so passionate about ending the drug war because I don't want puritanical busybodies telling people how they should live their life.

I am so passionate about ending the drug war because I believe in respecting property rights.

I am so passionate about ending the drug war because I want to live in a free society.

I am so passionate about ending the drug war because the war on drugs is a war on freedom.

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NEXT MONTH:
“Unlibertarian Libertarianism”
by Laurence M. Vance

Examples of Dedication to Freedom

by Richard M. Ebeling



When Austrian economist Friedrich A. Hayek (1899–1992) wrote his famous book *The Road to Serfdom* (1944) in the midst of the Second World War, he mentioned in the preface that he had often been told by his socialist colleagues that he would, no doubt, hold an important position in a future planned society, if only he would come around to agree with them and espouse their collectivist values.

But he could not. He firmly believed that too many people in society were attracted to the socialist vision of a future society without being properly informed and aware of all that such a command economy would entail. In spite of the socialist assurances that government

control of economic affairs did not mean any essential reduction or loss in personal freedom and social liberties, Hayek was deeply fearful that once government was responsible for economic planning, no facet of life would remain outside of the control of those in political authority.

I have always greatly admired Hayek for taking the stand that he did because no doubt his professional life would have been well rewarded with recognition and position if he had been willing to go along to get along. He would not have been the first to do so. A good number of free-market-oriented economists changed their tune during the years of the Great Depression, becoming proponents of Keynesian economics with its premise of a need for government monetary and fiscal management of “aggregate demand” to ensure full employment.

Those who compromised freedom

One example was the Harvard University economist Alvin Hansen (1887–1975). It would be an exaggeration to say that Hansen ever approached holding laissez-faire views during any period of his professional career, but in the early 1930s he was generally critical of excessive gov-

ernment intervention in the market, and viewed the economic downturn after the stock market crash in late 1929 as a needed adjustment period to restore a healthier balance to an imbalanced economy.

When John Maynard Keynes published his famous book, *The General Theory of Employment, Interest, and Money*, in early 1936, which became the lodestar for the Keynesian revolution, Hansen reviewed it in the *Quarterly Journal of Economics*. He concluded that the work was not the basis or foundation for a “new economics.” Instead it was a passing phase, he said, indicating the changing currents of uncertainty concerning how to correctly understand and remedy a serious depression like the one the world was going through.

Hayek won the Nobel Prize in Economics in 1974.

Yet within a few years there was no more vocal or prominent advocate of Keynesian economics than Alvin Hansen. It won him stature and prominence in both the economics profession and in the arena of public policy discourse. I know nothing about the motives behind Hansen’s “conversion” to the Keynesian world view. He may have

changed his mind in that direction for honest intellectual reasons, having come to be sincerely persuaded about the relevance and correctness of Keynes’s analysis. But it is, nonetheless, the case that coming around and holding those views and fervently arguing for them certainly raised his position in the American intellectual community.

Friedrich Hayek swam against the statist tide.

Friedrich Hayek, on the other hand, chose to swim against the tide. And as a result, his status and stature fell precipitously following the Second World War. From being considered one of the leading (anti-Keynesian) economists in the world and a forthright and prominent critic of the politics and economics of socialist central planning, he disappeared into an intellectual black hole. In the 1930s, he was the third-most cited economist in the economics journals of that decade. In the postwar period, he became an Orwellian “non-person.”

While I was an undergraduate majoring in economics at California State University, Sacramento, Hayek won the Nobel Prize in Economics in 1974. Virtually to a man, every one of my economics professors was baffled by the announcement of the

prize. Who was Hayek, they asked? What had he ever seriously written to deserve such an award? Oh, yes, didn't he write that political diatribe against government planning during World War II? Wait! Wasn't he that out-of-step economist who assumed full employment when writing about the business cycle during the Great Depression of the 1930s? The Nobel committee must really have had to scrape the barrel of potential recipients to get to Hayek, they all thought.

Hayek never wavered in his dedication and defense of a classical-liberal, free-market view of man and society.

People who knew Hayek said that for a long time he had bouts of depression that stymied his writing efforts. All that changed with the Nobel Prize. At the age of 75, Hayek experienced a new professional and psychological lease on life. When I met with him in the second half of the 1970s, I found him vibrant and bubbling with new and exciting ideas on economic theory and policy. He had been freed from the intellectual oblivion that clearly weighed heavily on him.

But for the three decades following the Second World War until

his Nobel award in 1974, he never wavered in his dedication and defense of a classical-liberal, free-market view of man and society. The fruit of his time in intellectual exile, if you will, were his important works *The Constitution of Liberty* (1960) and *Law, Legislation, and Liberty*, published in three volumes over the 1970s.

Ludwig von Mises never compromised.

Another example of similar intellectual courage can be seen in the life of Hayek's mentor and longtime friend, Ludwig von Mises (1881–1973). In the years before the Second World War, Mises's place and stature in the European community of scholars was among the highest. Even before the First World War, Mises had laid the foundations for what became known as the Austrian theory of the business cycle, in his *Theory of Money and Credit* (1912; 2nd ed., 1924). In the immediate aftermath of World War I, he established his international status with his insightful critique of the logical contradictions and impossibilities in any and all forms of comprehensive socialist central planning, especially in his book *Socialism: An Economic and Sociological Analysis* (1922; 2nd ed., 1932).

He also forcefully articulated the case for classical liberalism, argued against various forms of government intervention and regulation, and warned of the political and economic dangers from both Soviet- and Nazi-style totalitarianism. Both friend and foe of free-market liberalism and Austrian economics knew and considered Mises one of the leading figures of the time.

But he, too, disappeared into a black hole of intellectual nothingness within the community of academic scholars after the Second World War. Having come to America in 1940 as a refugee from war-torn Europe at the age of 59, he found it difficult to obtain a prominent university professorship; he was a “visiting professor” at New York University’s School of Business from 1945 to 1969, when he retired at the age of 89. That surely should have made him the longest “visiting” professor in history for the *Guinness Book of Records*.

The economics profession not only ignored Mises, it also ridiculed and satirized his views on socialism and on money and the business cycle. While still at California State, I wrote a short article about him for the student newspaper when he passed away in October 1973. One of my economics professors came

up to me and seriously said, “Mises! Mises! I thought he died in the 19th century!”

Mises never wavered in his dedication and diligence in defending the ideas of individual liberty and economic freedom.

Everyone who knew Mises during those years of his life in America said that in spite of his treatment by the intellectual community, he always was cheerful and full of the excitement of new ideas. (However, his *Memoirs*, written shortly after his arrival in the United States in 1940, shows his despair about the world in which he was living.)

But he never compromised, never wavered, in his dedication, determination, and diligence in defending the ideas of individual liberty and economic freedom. He wrote another half-dozen books and multitudes of articles on almost every theme of economic theory and policy during his years in America.

Frédéric Bastiat and his success in the face of failure

Let me also reference the French classical-liberal economist Frédéric Bastiat (1801–1850). Today, among classical liberals, libertarians, and

many conservatives, Bastiat is well known for his famous monograph *The Law*, written shortly before his death. There, in about 50 pages, Bastiat lays down the principles of individual liberty and the role of a limited government in a just society. He explains the danger from “legalized plunder,” that is, the government’s becoming the violator of people’s liberty and property rather than their guardian.

Also written not long before his untimely death is his brilliant essay “What Is Seen and What Is Not Seen.” It is easy to see and be impressed by government actions that seem to raise some people’s prosperity or employment. But, Bastiat said, we must also do our best to see what is less directly seen: the things that did not come into existence because people’s money was taken from them. What are the less visible and indirect impacts of what government does, impacts that may make worse the very circumstances the government said it wanted to make better?

Once you look beyond what is seen, you realize that when government gives money to Peter, it must first take it from some Paul who is therefore worse off. When the government interferes with work and wages or how businessmen go

about running their private enterprises, it creates perverse incentives that undermine the economic betterment that the government intervention was meant to advance.

Bastiat is a leading light for those wanting to understand freedom and the dangers from collectivism in our world today.

Because of those writings and many more, Frédéric Bastiat is a leading light for those wanting to understand freedom and the dangers from collectivism in our world today. But in his lifetime, he experienced one intellectual frustration after another. He tried to publish a newspaper devoted to free trade, but it failed. He attempted to organize a free-trade association in France like the one that brought about the end to protectionism in Great Britain in the 1840s; he could not get the financial backing or the membership support for it to succeed.

He was elected a deputy to the French Parliament, but was unsuccessful in getting any important classical liberal-oriented legislation through the parliamentary process. He died in 1850, probably considering that a good part of his life had been a failure. Again, in spite of that, during the short period of the

1840s, when he was most active politically and as a prolific writer, he never allowed disappointment or perceived failure to lead him in any way to a compromise of his principles for liberty.

George Schuyler opposed all forms of coercion.

Finally, I recently wrote an article about George S. Schuyler (1895–1977), one of the most respected and widely read black journalists and authors of the middle decades of the 20th century. I would not be too surprised if few of those who are reading this article have ever heard of him. He was, nonetheless, one of the most biting, sarcastic, and ridiculing writers on white racism from the 1920s through the 1960s. Among many other places, his contributions appeared in *The American Mercury* in the 1920s and 1930s, when it was under the editorship of H.L. Mencken, and in *The Freeman*, both before and after it became a publication of The Foundation for Economic Education.

Schuyler was scathing in his contempt not just for racist attitudes among whites against blacks. As an editorial writer for one of the leading and largest-circulation black newspapers in America, beginning in 1942, during the war, he wrote

over and over again against the forced internment of Japanese-Americans by the U.S. government. He stated that the violation of any individual's liberty and constitutional rights threw everyone's liberty and rights into potential jeopardy. It resulted in Schuyler's being kept under FBI surveillance for the rest of the Second World War and even after as a subversive threat to the war effort by challenging the Roosevelt administration's imprisoning of an entire ethnic group without evidence or proof of traitorous conduct on the part of any persons so designated.

Schuyler was an advocate of individual liberty, free enterprise, impartial rule of law, and limited constitutional government.

But from being one of the most respected and recognized voices against racism and the segregation laws of the South, George Schuyler disappeared from the history of the defenders of freedom in America. Why? Because he was an advocate of individual liberty, free enterprise, impartial rule of law, and limited constitutional government.

In the 1960s, he spoke out against parts of the Civil Rights leg-

isolation that were proposed and passed during the Lyndon Johnson administration. He argued that forced integration was as unjust and inconsistent with a society of liberty as forced segregation. What freedom for the black man required was the repeal and abolition of all the Jim Crow laws that prohibited in any way the voluntary and free association among people, regardless of who they are.

Friends of freedom live in personal, social, and political surroundings that are very often hostile to expressions of the ideas of liberty.

But freedom did not include compelling association when some people did not desire it. Even if a private decision of non-association was based on racial bigotry, the government had no right to coerce interactions that the parties did not agree to. Bigotry and prejudice by persons could be done away with only through reason, persuasion, and example. It was not the role of government in a free society.

For that, and his criticism of some Civil Rights leaders concerning their goals and tactics, Schuyler was expelled from the black community of public figures. He was

condemned as an apologist for white racists because he refused to support the use of political force to make people act in ways they did not want — no matter how foolish and absurd those people's attitudes and beliefs might be.

Marginalized and limited to getting his articles published in a handful of conservative magazines, Schuyler never compromised his principles of individualism, free markets, and the ideal of human relationships based on voluntary consent. He remained true to himself and to his principles.

Freedom faces progressive and conservative opponents.

Friends of freedom live in personal, social, and political surroundings that are very often hostile to expressions of the ideas of liberty. Particularly in a political environment like that in contemporary America, the polarization of views is centered on merely alternative variations on the same collectivist theme. On the political Left, the progressives and democratic socialists call for the virtual end to the remainders of private enterprise and competitive markets in America. They wish to plunder our pockets even more deeply than has been done already.

Those on the Right have been captured by the mindset of Donald Trump, who says never a word, it seems, about liberty or limited government, but who issues a rhapsody of tweets on how trade wars are fun and easy to win, that businesses had better invest and employ where he thinks they should. And who dreams of a far more restrictive immigration regime, with no thought to the right of peaceful people to go about their affairs when and where they want on the basis of mutual agreement and trade. In other words, Trump conservatism represents a remade mercantilist planning system.

The polarization of views is centered on merely alternative variations on the same collectivist theme.

The Republicans and many conservatives have lost any political compass of directing principles. Trump supporters will point to the fact that he has lowered personal and corporate taxes and reduced a noticeable variety of government regulations over private enterprises. But those policies were not based on a philosophy of freedom, but on a mercantilist paternalism of government's knowing best; thus, some taxes are lowered and other taxes

(tariffs on imported Chinese and other goods) are raised according to the president's plan for "Making America Great Again."

There is no suggestion, you will notice, of "Making Individual Americans Free Again." But that is what classical liberalism and libertarianism are fundamentally all about, what their vision and desired goal is focused on. That means that the friend of freedom is often in an unattractive position in that he must challenge both the progressives and conservatives; the social-welfare paternalists and the nationalist paternalists.

Principle is called for, not compromise.

The friends of freedom can lie low and not rock the boat by disagreeing with others, so as not to make relationships uncomfortable for themselves. They may compromise in such trying times, and "give in" to the democratic socialists or the Trumpian nationalists; sure, we need freedom, but what about a very modest universal guaranteed income, or only modest tariff increases to "teach the Chinese a lesson"?

Each of such steps moves us incrementally that much more away from liberty, and incrementally closer to comprehensive govern-

ment control over our lives. “But we can stop it from going too far,” say the compromisers. The answer is: No, you cannot. Just look at the last 100 years. “Well, a little bit of government regulation; a little bit of government redistribution; a little bit of government intrusion into people’s personal and social affairs; just a little bit of government foreign intervention where it is ‘really needed.’” The “little bits,” may I suggest, end adding up to a lot. It is how we got into the political and economic dilemma we are in.

The only way to stop that from happening is by returning to and remaining true to first principles. Not to waver in the face of pressures not to “be so extreme.” F.A. Hayek, Ludwig von Mises, Frédéric Bastiat, George Schuyler, and others paid heavy personal and professional prices for being true to the idea and ideal of liberty. But they all ended their days, from all indications,

without any regrets or second thoughts.

By doing so they have left us not only the words they wrote to inform us, but also the examples of their lives dedicated to liberty to inspire us. Let us follow their lead and restore a society of freedom.

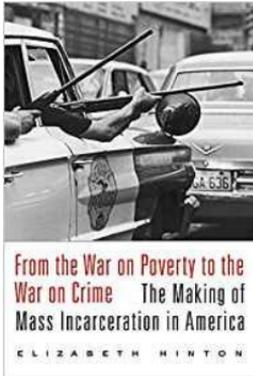
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NEXT MONTH:
“Understanding the Freedom
We Have Lost, and Why”
by *Richard M. Ebeling*

The Roots of Mass Incarceration

by Michael Swanson

From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America by Elizabeth Hinton (Harvard University Press, 2016), 449 pages.



Before the war on the drugs there was the war on crime. In 1975 the police department of Washington, D.C., launched “Operation Sting” in partnership with the FBI and the Bureau of Alcohol, Tobacco and Firearms to purchase \$2.4 million worth of stolen property with \$67,000 in government money. Under the program, undercover police officers posed as Mafia dons operating out of a warehouse under the

name PFF INC, which the authorities jokingly called Police-FBI Fencing Incognito. Hundreds of petty thieves delivered typewriters, adding machines, radios, and television sets to the authorities.

The police wrapped up the operation by throwing a party to give the goons a chance to meet the Big Boss. When they arrived, they were arrested. Having one big arrest event saved the police a lot of time. The operation was touted in the news as a huge success in the war on crime, but it also in fact created a demand for crime by creating a market for stolen goods. Most of the people who became thieves for the operation were people unemployed. Would those who were victims of the thieves have been victims if not for the operation?

This is one story told in the book *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America*, by Elizabeth Hinton. Today people think about the war on drugs as being responsible for the growing police militarization and the rise of the prison industry in the United States, but both trends started before Ronald Reagan declared a war on drugs that Richard Nixon had begun.

Today the United States holds 25 percent of the world’s prisoners,

while it represents only 5 percent of the world's population. Elizabeth Hinton traces the start of the prison boom to the spring of 1970 when, under the administration of Richard Nixon, the Bureau of Prisons launched a ten-year "Long-Range Master Plan" to expand the prison system based not on rising crime statistics but instead on population-growth estimates based on the census. The population didn't grow as expected in the following decade, but by its end the penal population had grown by 25 percent as a record half-million Americans were incarcerated in such institutions. It's easy to see this as a self-fulfilling prophecy and to see programs such as Operation Sting as a way to feed this machine, much as it's easy to see how sheriffs' departments around the United States have an incentive to support the war on drugs to help fund their budgets by seizing money and property from drug dealers, a power given to them by the landmark Comprehensive Crime Control Act of 1984. But this book shows that there is more going on than simple bureaucratic interests.

Of course it has been minority groups and the black population in general that have been caught up the most in the prison system. In

cities such as Philadelphia, the percentage of black prisoners in the county jail rose from 50 percent to 95 percent from 1970 to 1974. Until the 1970s they made up only one-third of the nation's prison population. Today they compose more than 37 percent of it.

The percentage of black prisoners in the county jail rose from 50 percent to 95 percent from 1970 to 1974.

It's easy to think that this is all just simply about politicians' playing on people's fears for votes. As a U.S. Senator, Joseph Biden (D-Del.) said in 1982 that "crime is a national-defense problem. You're in as much jeopardy in the street as you are from a Soviet missile." As he ran for president in 1968, Richard Nixon told people they needed to vote for him "like your whole world depended on it" so that he could restore law and order. "I was cranking out that b——t on Nixon's crime policy before he was elected. And it was b——t, too," said White House counsel John Dean. "We knew it. The Nixon campaign didn't call for anything about crime problems that Ramsey Clark wasn't already doing under LBJ. We just made more noise."

Welfare and crime

Whether it is the “war on crime,” the “war on drugs,” or the “war on terror” in the twenty-first century, the criminal justice system is the nation’s most important domestic program. Elizabeth Hinton has written a book that should be read by every American because it explains how it really began. It first grew out of and was linked to Lyndon Johnson’s “war on poverty,” which was intended to solve problems of financial need, joblessness, and urban decay. At the same time that its programs peaked in importance, Johnson created the programs that would become “the war on crime,” as it became evident that the social programs were not succeeding.

Through the 1920s to the 1960s, there were waves of black migrants moving out of the segregated southern states and into northern urban areas and into California. World War II brought an industrial boom tied to the defense industry and auto manufacturing that attracted migrants to places such as Detroit and Los Angeles. But during the next twenty years, many of those manufacturing jobs vanished because of automation. Thirty-one percent of black Americans lived in one of twelve urban northern cities

in living conditions of unemployment and marginalization that also generated crime. In 1961 the president of Harvard compared “the building up of a mass of unemployed and frustrated Negro youth in congested areas of a city” to “social dynamite.”

Johnson created the programs that would become “the war on crime.”

Lyndon Johnson’s key “war on poverty” program was the Economic Opportunity Act of 1964. It budgeted \$1 billion to fight poverty with community-action programs consisting of training for low-income youth for two-year terms at \$150 a month, work-study and adult-literacy classes for adults, and “head start” programs for children. The programs were said to fight effects of inequality and problems in the economy, but they did not fix their causes. “These are not programs to bring about major structural change in the economy, or to generate large numbers of additional jobs,” read the 1964 bill.

The social programs failed to change the living conditions in the urban slums and so things began to erupt. In July 1964, six nights of riots took place in Harlem after a po-

lice officer shot a black youth. One person died, and similar but smaller events took place in Chicago and Philadelphia. In Rochester, N.Y., though, a riot took place in which four people died and 1,000 were arrested. Bigger and now better-remembered events would take place in Los Angeles, Baltimore, Washington, D.C., and Detroit over the next few years.

But the summer riots of 1964 caused the Johnson administration to take a turn in its social programs and link the “war on poverty” to what would become a “war on crime.” The president declared to a meeting of the American Bar Association that “fulfillment of rights and prevention of disorder [go] hand in hand.” He said that he “will not permit any part of America to become a jungle, where the weak are the prey of the strong and the many.”

In March 1965, Johnson formally declared a “war on crime” and passed the Law Enforcement Act of 1965. That act created a new federal crime-control agency, the Office of Law Enforcement Assistance, to create training programs and surveillance techniques for police serving low-income urban areas. Block grants from the federal government fueled the programs while creating

new relationships of centralized control. The bill helped Johnson take the issue out of the hands of conservatives, but it also served as a way to control the problems of the urban slums and ghettos.

The chairman of the Senate Judiciary Committee sent a letter to Johnson’s attorney general explaining that he supported the bill because “for some time, it has been my feeling that the task of law enforcement agencies is really not much different from military forces; namely to deter crime before it occurs, just as our military objective is to deter aggression.”

Block grants from the federal government fueled the programs while creating new relationships of centralized control.

Such metaphors seemed to make sense as South Central Los Angeles erupted in the Watts Riot of 1965, in which 35,000 people rioted, destroying entire city blocks. In South Central L.A., General Motors, Chrysler, and Firestone closed factories that they had built in the 1930s. Only a single plant was left. One in three people was unemployed in the area. On the second day of rioting, Los Angeles Police Chief William Parker said he did

not know when he would be able to get the area back under control. It is “very much like fighting the Viet Cong,” he said.

Authorities would focus on young black men in urban areas not simply as criminals, but as potential instigators of revolution.

“This was not a riot. It was an insurrection against all authority. If it had gone much further, it would have become civil war,” declared CBS Radio. Lyndon Johnson agreed. “We are today fighting a war within our own boundaries,” he said by the end of the year. Soon authorities would focus on young black men in urban areas not simply as criminals, but as potential instigators of revolution. Putting as many of them in jail as possible with tougher sentencing guidelines to prevent crime became the solution.

After Detroit erupted in 1967, Johnson held a cabinet meeting and said that he suspected that communists or black militants were behind the violence, even though he was given no evidence for that proposition. A month later, FBI Director J. Edgar Hoover targeted “Black Nationalist Hate Groups” for monitoring and disruption under his COINTELPRO program.

Perhaps the spirit and fears of the time were summed up best by James C. Davis, the president of the American Bar Association’s Cleveland chapter, when he said,

Today there are close to 30 million Negroes in the United States. The total population of North Viet Nam is about 19 million or a little over 60 percent of the American Negro population. Yet the relatively small North Vietnamese population has tied down more than one million allied troops, troops that were unable to maintain security in the face of simultaneous disorders in the cities of South Viet Nam.... Should the majority of the Negro populations, in these cities alone, move from passive acquiescence in riots to active participation in rebellion, it is obvious what the result would be.

Los Angeles became the pioneer city in the “war on crime.” Through an OLEA grant, it created the first police-helicopter program called Project Sky Night. In 1969 the city also made the country’s first Special Weapons and Tactics (SWAT) team. Its first mission was launched on

December 8, 1969, at 5:30 in the morning. It was a 300-man attack on the Black Panther Party's Central Avenue headquarters with battering rams, helicopters, and army tanks against thirteen people who surrendered after a four-hour shootout. Some reporters called it a "mini-Vietnam." By 1975, 500 such units augmented police departments across the country.

A policy of containment against communism became the main strategy employed during the Cold War by the United States, and the war in Vietnam was justified by Lyndon Johnson under that policy. That meant creating instruments of empire such as a massive military budget, CIA covert operations, and mass bombings. They changed America so much that successive presidents described their own domestic programs as "wars." Hinton's book shows that this was more than a phrase, but an accurate description. The war on poverty and the war on crime were in reality domestic containment operations. When the war on poverty failed, escalation seemed logical.

But did the "war on crime" work? No, because crime statistics in urban America went up from the 1960s to the 1990s. After Nixon ex-

panded Johnson's war on crime with more programs and more money, total crime in eight cities rose more than 43 percent from 1972 to 1976. In Baltimore crime went up 50 percent during that time and in Dallas, which launched its own helicopter-response system, it shot up 82 percent.

America's attempts at nation-building in places such as South Vietnam and Iraq have been dismal failures. Launching wars on crime and drugs hasn't fixed America's inner cities either, although it has cost hundreds of billions of dollars in federal money in police buildings and prison construction. It remains the federal government's most important bipartisan domestic policy today and adversely affected the police officer's relationship with his community and people's relationship with local, state, and federal governments.

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