
FUTURE OF FREEDOM

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Laws provide against injury from others, but not from ourselves.

— Thomas Jefferson

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.

Believing in the power of ideas on liberty to shift the course of society toward freedom, our methodology is based on sharing sound principles of liberty with others.

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The Future of Freedom Foundation

11350 Random Hills Road

Suite 800

Fairfax, VA 22030

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www.fff.org · fff@fff.org

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703-934-6101

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Socialism, American Style, Part 1

by Jacob G. Hornberger



In September 1990, the first year of The Future of Freedom Foundation's existence, FFF published an article I wrote entitled "Letting Go of Socialism." The article's opening paragraph stated,

Socialism has held the world in its grip since the beginning of the 20th century. People everywhere fell for the seductive allure of governmental security. Now on the eve of the 21st century, people all over the world are considering letting go of the socialist nightmare. But tragically, one of the peoples on earth who are refusing to let go of socialism are the Americans.

In the article, I cited three examples of American socialism: So-

cial Security, public (i.e., government) schooling, and subsidies to businesses.

Thirty years later, it's time to revisit that article. Unfortunately, as we will see in the course of this multipart article, Americans are more wedded to socialism than ever before.

The principles of socialism

A 100 percent socialist society is one in which the state owns everything — the businesses, industries, houses, farms, and all other personal and real property. In a purely socialist society, everyone is a government employee.

Ideally under pure socialism, everyone is equal in terms of income and wealth. As a practical matter, however, in a socialist society some people are more equal than others. Those who are higher in the governmental bureaucracies usually receive higher incomes than those at the bottom.

It is rare, however, to find a 100 percent socialist society. Why is that? Because it cannot survive. In order to be able to feed the citizenry, the state has to produce a sufficient amount of food. The same applies to clothing, transportation, and other essential items.

As a practical matter, the socialist state is unable to do that. The

reason is that socialism doesn't work and cannot work. It is an inherently defective system.

As the Austrian school of economic thought has pointed out, in socialism there are no market-determined prices. That's because there are no markets in which prices are being set. Prices become simply decrees of the state. Thus, because it is impossible to arrive at economic calculations regarding prices, it is impossible to calculate the costs of the various projects that the state decides to undertake and also impossible to establish prices. Inevitably, the result of socialism is economic chaos.

To avoid people's starving in a socialist society, a socialist regime must inevitably permit limited amounts of private enterprise to sustain its hold on society. That entails permitting some of its citizens to engage in private economic enterprise in order to provide the tax revenue to the state that enables it to sustain its socialist system. That's why North Korea, which is as close to a purely socialist society that one can get, permits many of its citizens to work overseas.

While they are permitted to keep some of the money they earn, which is more than they could earn at home, much of their earnings are

sent to the North Korean government.

Of course, another way that socialist systems survive is by receiving aid from foreign regimes, which necessarily are taxing the income and wealth of their citizens to subsidize the foreign socialist regime.

My visit to Cuba

Twenty years ago, I visited Cuba, which came very close to being a purely socialist country. I detailed my experience in a 3-part article entitled "A Libertarian Visits Cuba."

The state owned all the businesses, industries, farms, and other means of production, as well as people's homes. Nearly everyone worked for the state.

Another way that socialist systems survive is by receiving aid from foreign regimes.

During the Cold War, Cuba was able to survive with massive subsidies from the Soviet Union. But once the Cold War ended and Soviet subsidies came to an end, Cuba's government had to figure out a way to sustain its system.

By the time I visited, it had been 10 years since the Cold War had ended. It was a gray, drab society. It is difficult to imagine walking down

the streets of Havana, the nation's capital, and seeing nothing but government-owned restaurants, hotels, pharmacies, and retail stores. It was a dismal, depressing site. I walked into a pharmacy, for example, and it consisted of gray walls and bare shelves. No economic vitality whatsoever.

A local citizen asked me if I would like to visit a rationing station. I said yes, and he escorted me through back streets, far from the eyes of tourists. At the rationing station, there were about five huge vats containing dried beans and other staples. People would line up to receive their weekly portions of such items. That's how a socialist country feeds its citizens — it allocates or rations what each person is to receive. And everyone presumably receives an equal amount.

That rationing station was another drab, depressing scene. When I started taking pictures, one of the administrators said to my escort, "Hey, no pictures are permitted." My escort responded sarcastically, "Why not, comrade. Don't we the people own this station?"

Faced with reality, the communist regime was adopting reforms to prevent mass starvation on the island. It permitted people to establish private restaurants in their homes, which would generate tax

revenue for the state. Of course, that would mean that people who engaged in that type of enterprise would be making more money than those who didn't, but the state simply ignored that income inequality.

The rationing station was another drab, depressing scene.

I ate in some of those privately run restaurants, which were called "paladares," as well as in state-run restaurants. The difference was day and night in terms of service and food quality. It came as no surprise to me that the privately run ones were significantly better on both counts.

It was somewhat strange, though, to be walking into someone's home and being escorted into their living room in order to order a meal. And keep in mind that there were no signs outside the house to indicate that there was a paladar there.

The Cuban regime was also permitting people to rent rooms in their homes to people. One day I took a taxi to a small town called Trinidad, which was several hours from Havana. I arrived around 6 p.m. Once the taxi dropped me off, it returned to Havana.

There were no hotels in town. I knocked on someone's door seek-

ing a place to sleep. A woman responded favorably and asked to see my passport. I reached for it and realized that I had forgotten it back in my hotel in Havana. The woman responded with a look of great fear on her face. She said that she was not permitted to rent a room to anyone who didn't have his papers with him.

Once I offered the woman a generous bribe, she agreed to my staying there. But she told me that if I planned to take a cab back to Havana, I would encounter highway checkpoints that required people to show their papers. She told me that the standard policy was to jail people who didn't have their papers.

What came to mind, of course, were the highway checkpoints that the U.S Border Patrol operates in the American Southwest, which many Americans associate with a free society. I decided to fly back to Havana. Fortunately the airline official failed to ask for my passport as I deliberately engaged him in conversation about an upcoming baseball game between Cuba and the United States.

A free-market economic system

There are, however, socialist economic systems that are not based on 100 percent government

ownership of everything. That's what we will examine in this series of articles.

However, before we do that, it would be helpful to examine the opposite type of system, a free-market system.

In a pure free-market economic system, the economy and the state are separate, much as church and state in the United States are separate.

In a free-market system, people have the right to engage in any economic enterprise they want and without any governmental permission or interference. No permits, licenses, or other official consents.

Standard policy was to jail people who didn't have their papers.

People also have the right to accumulate unlimited amounts of wealth, which guarantees great inequalities of wealth in society.

Moreover, people are free to do whatever they want with their money — spend, invest, squander, save, donate, hoard, or even destroy it. In a free-market society, there are no mandatory-charity programs. Charity is 100 percent voluntary.

A free-market system is one in which people are free to travel anywhere in the world and freely buy

from people and sell to people in other parts of the world.

A free-market system is one that is free of government regulation. There are, for example, no minimum-wage laws, no price controls, and no anti-gouging laws, not even during emergencies.

Americans discovered the way to achieving higher standards of living across society.

The United States has come closest to achieving a pure free-market system. From the inception of the United States, most Americans were free to engage in economic enterprise without state interference, accumulate unlimited amounts of wealth, and decide for themselves what to do with their own money.

Of course, there were exceptions, both large and small. Slaves certainly didn't benefit from this system until a short time after the Civil War. There were also tariffs, which made it more expensive to buy things from abroad. There were land grants to the railroads, and corrupt government-business partnerships, also known as "crony capitalism."

Notwithstanding those exceptions, however, Americans discovered the way to achieving higher

standards of living across society. When people were free to keep everything they earned, they put a large portion of their savings into banks, which then made loans to businessmen that enabled them to purchase better tools and equipment. That made workers more productive, which generated higher revenues and profits to the firms, which enabled them to pay higher wages to the workers.

At the same time, the fact that Americans were free to trade with each other and, to a large extent, with foreigners (notwithstanding the tariffs) also produced higher standards of living. The reason is that in every trade, people give up things they value less to receive things they value more. Thus, in every trade, people improve their standard of living from their own subjective standpoint.

At the same time, the Framers had called into existence a monetary system that produced the soundest money in history. It was a system in which the official money of the United States was gold coins and silver coins. That system of sound money, which lasted for more than 125 years, was another cause of the tremendous rise in the American standard of living in the 19th century and early 20th century.

The free-market system in America all came to an end in the 1930s, when the United States embraced the worldwide phenomenon of socialism, an economic philosophy that was promising security, comfort, equality, justice, and fairness. It was a siren's song that would instead lead toward perpetual crises, chaos, and conflict.

We will begin our examination of American socialism with the crown jewel of what is known as

America's welfare state: Social Security.

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

NEXT MONTH:

“Socialism, American Style, Part 2”

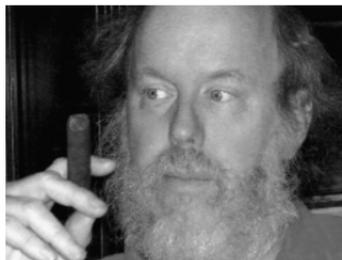
by Jacob G. Hornberger

As a matter of general principle, I believe there can be no doubt that criticism in time of war is essential to the maintenance of any kind of democratic government.... Too many people desire to suppress criticism simply because they think that it will give some comfort to the enemy to know that there is such criticism. If that comfort makes the enemy feel better for a few moments, they are welcome to it as far as I am concerned, because the maintenance of the right of criticism in the long run will do the country maintaining it a great deal more good than it will do the enemy, and will prevent mistakes which might otherwise occur.

— Robert A. Taft

The REAL ID Act Ravages Our Liberty

by James Bovard



National ID cards have been atop the command-and-control political wish list for decades. In the 1990s, Republican Congresses shot down efforts to move toward national identification cards. However, after 9/11, “everything changed” and politicians seized the chance to unleash far more snooping and create potentially hundreds of millions of dossiers on American citizens.

Congress passed the REAL ID Act in 2005 as part of an enormous piece of legislation dealing with military appropriations and tsunami relief. Rep. Ron Paul (R-Tex.), one of the few opponents, warned that the REAL ID Act granted “open-ended authority to the Secretary of Homeland Security to require biometric information on IDs

in the future. This means your harmless-looking driver’s license could contain a retina scan, fingerprints, DNA information, or radio frequency technology.”

While Ron Paul was often derided by the media as paranoid while he was in Congress, the bandwagon against REAL ID was quickly boarded by both liberals and conservatives. Twenty-five states passed resolutions objecting to the law or signaling that they would not comply. The Electronic Frontier Foundation declared in 2007, “A federal law that aims to conscript the states into creating a national ID system ... is precisely the kind of scheme that the framers expected that federalism would guard against.” Homeland Security Secretary Michael Chertoff fanned fears after he wrote an op-ed that boasted that “by embracing REAL ID, we can indeed cash a check, hire a babysitter, board a plane, or engage in countless other activities with confidence.” But why should federal bureaucrats have any role in certifying babysitters?

The DHS eventually compelled submission by state governments by announcing that the TSA would prohibit Americans from flying unless they have either a REAL ID Act–approved driver’s license or a

passport. The Supreme Court ruled in 1999 that the “constitutional right to travel from one State to another’ is firmly embedded in our jurisprudence.” However, after 9/11 politicians, bureaucrats, and judges discovered another exemption to the Fourth Amendment. But REAL ID Act policies routinely scorned both the Bill of Rights and Supreme Court rulings.

Most Americans do not possess passports, so federally approved state driver’s licenses are the new de facto internal passports. Almost a hundred million Americans do not have REAL ID-compliant identification as of late 2019, according to the U.S. Travel Association. In Minnesota, fewer than 12 percent of drivers have licenses that will not be rejected at TSA checkpoints starting on October 1. States and individuals are chaotically scrambling to meet the law’s shifting demands. Twitter is echoing with howls of people who spend hours at motor vehicle administration offices only to have their paperwork rejected because of picayune quibbles.

Driver’s licenses

But the REAL ID law poses perils far beyond the airport entrance. Maryland began issuing REAL ID driver’s licenses in 2009. In 2017,

the Department of Homeland Security notified the state that its REAL ID licenses were invalid unless Maryland snared more documents for each driver. More than half a million drivers remain at risk for losing their licenses. Maryland is revoking thousands — if not tens of thousands — of driver’s licenses of people who failed to obey the MVA’s latest document demands.

REAL ID Act policies routinely scorned both the Bill of Rights and Supreme Court rulings.

By August 2019, 8,000 Maryland driver’s licenses had been suspended and almost 60,000 others were at risk of being revoked. MVA spokesmen failed to respond to repeated press inquiries seeking the latest number of suspended licenses. Maryland police began seizing the license of any driver whom they stopped whose only offense was failure to hustle to show Maryland bureaucrats his birth certificate, passport, utility bills, Social Security card, or other proof of his identity.

I was one of the Marylanders who received a summons to show up at MVA offices to prove my identity to comply with the REAL ID Act. I would have ignored the summons except that I didn’t want

the state to again suspend my license or vehicle registration on frivolous pretexts. The state of Maryland claimed to be unsure who I was though they never hesitate to cash my property tax payments. Nor did my local government doubt my authenticity when they sent me a ticket from a red light camera at an intersection where the yellow light was quicker than a cat's somersault.

**The REAL ID Act specifies a
"mandatory facial image capture"
for every applicant for
a driver's license.**

Even though I was aware of REAL ID perils, I showed up at a local MVA at the appointed time. The MVA clerk sifted through my stash of documentation and quickly found a problem. While my driver's license and passport identify me as "James," the IRS Form 1099s I provided her identified me as "Jim" — a well-known ploy by terrorist groups. Luckily, I had brought extra documents and found a few 1099s with "James." Otherwise, I might still be in Identity Oblivion.

Since the 2005 enactment of the REAL ID Act, the federal government has helped bankroll the license-plate scanner networks that

permit tracking any driver on the roads in many parts of the nation. If Maryland decides to target people who received cancellation notices, there are almost 500 license-plate scanners deployed in police cars and elsewhere in the state that compile almost half a billion scans of drivers per year. If the order is given to use the scanners, a thousand people a day could be stripped of their licenses and arrested. MVA spokesmen also failed to respond to inquiries about whether license-plate scanners may be used for enforcing REAL ID compliance demands. The same type of hammer could fall on citizens in other states who are snared by federally funded covert license-plate surveillance.

Keeping us safe

The REAL ID Act specifies a "mandatory facial image capture" for every applicant for a driver's license, which must be "retained in electronic storage in a transferable format." As Techdirt recently reported, "Federal investigators have turned state Department of Motor Vehicles databases into the bedrock of an unprecedented surveillance infrastructure." The FBI is regularly tapping into databases with more than 600 million facial photos. But citizens have nothing to fear be-

cause, as the FBI's Kimberly Del Greco recently testified to Congress, facial recognition technology is critical "to preserve our nation's freedoms, ensure our liberties are protected, and preserve our security." Del Greco did not seek to ease apprehensions on potential abuses of facial recognition regimes by invoking the example of China, where the communist regime uses such spying to round out its totalitarian surveillance.

National ID cards will do far more to control than to protect Americans. The REAL ID Act could enable the feds to demand far more information in the future. If Maryland or other states have the prerogative to cancel driver's licenses because of federal demands for people to show up with their passports or birth certificates, there is nothing to prevent future cancellations of licenses for people who balk at providing DNA samples or submitting to retina scans. The Justice Department proposed in January 2020 to begin collecting DNA from anyone (including U.S. citizens) detained at the U.S. border — an estimated 740,000 people a year. If another major terrorist attack occurs within the United States, politicians will very likely again stam pede to grant any biometric-identity

demands made by the FBI, DHS, or other federal agencies. And the same people who tell us we have no reason to fear such an abuse previously told us that we had nothing to fear from TSA screeners who were doing routine checks to ensure aviation safety.

"This amassment of sensitive information could easily be abused or misused by government officials."

The biggest folly would be to presume that data roundups spurred by REAL ID and other federal policies will somehow keep Americans safe. REAL ID "harms national security by creating yet another 'trusted' credential for criminals to exploit," warns the Electronic Privacy Information Center. The New Jersey Civil Liberties Union warned in 2016, "The collection, storage, and sharing of all New Jerseyans' private identification information will create a treasure trove for cybercriminals and identity thieves. This amassment of sensitive information could easily be abused or misused by government officials as we have seen happen at federal agencies in the past."

There is no reason to presume that the REAL ID regime will not

produce the same type of identity thefts that have long afflicted other federal personal data systems. REAL ID—compliance debacles later this year will be followed by security breaches that bureaucrats and politicians will claim they could never have anticipated. Centralizing personal data in vast databases increases the profits and risks of identity thefts, including thefts committed by state officials entrusted to keep the secrets. More than a dozen Maryland MVA employees have been convicted since 2005 for issuing fraudulent driver's licenses, in some cases exploiting the names and data of real people to create phony identification. There were so many cases in recent years that the U.S. attorney for Maryland should have considered setting up branch offices at MVA offices to speed the arrest of MVA clerks.

The biggest REAL ID fraud is that Americans will be more secure.

In July 2019, two California Division of Motor Vehicle employees were convicted of bribery and identity fraud for fraudulently issuing licenses to unqualified drivers. In New York, two Department of Motor Vehicle employees were arrested

and charged with selling hundreds of “official driver’s licenses with other people’s names to customers, which included convicted sex offenders, a drunk driver, and even someone who said they were on the no-fly list,” NBC News reported.

REAL ID could also be used to undermine Second Amendment rights. The 2020 presidential campaign has spurred repeated promises to seize all privately owned AR-15s and to impose other sweeping prohibitions on peaceful Americans. If an overtly anti-gun candidate becomes president, the federal government might seek to require showing REAL ID papers to purchase firearms. The resulting database could provide a roadmap for future confiscations. California is already restricting purchases of ammunition; the REAL ID Act could make it easy to stretch that nitwit mandate nationwide.

Massive databases of personal data will do nothing to boost the candor of the FBI or the competence of the TSA (which misses up to 80 percent of the weapons and mock bombs testers take through checkpoints). TSA agents are so lunkheaded that they routinely hassle people with driver’s licenses from the District of Columbia — as if that was a foreign country.

The biggest REAL ID fraud is the claim that Americans will be more secure after the feds further overrun their privacy. At the same time that the government is demanding ever more personal information from Americans, it is keeping more secrets than ever before — trillions of pages per year. There is no reason for citizens to trust REAL ID more than Washington trusts American citizens.

James Bovard is a policy advisor to The Future of Freedom Foundation

and is the author of the ebook Freedom Frauds: Hard Lessons in American Liberty, published by FFF, Public Policy Hooligan, Attention Deficit Democracy, and eight other books.

NEXT MONTH:
“Roosevelt’s Fraud at Yalta and the Mirage of the ‘Good War’”
by James Bovard

We still find the greedy hand of government thrusting itself into every corner and crevice of industry, and grasping at the spoil of the multitude. Invention is continually exercised to furnish new pretenses for revenue and taxation. It watches prosperity as its prey and permits none to escape without a tribute.

— Thomas Paine
The Rights of Man (1791)

Democrats, Republicans, and the Constitution

by *Laurence M. Vance*



In July 2017, after President Donald Trump had been in office for less than six months, Congressmen Al Green (D-Calif.) and Brad Sherman (D-Tex.) introduced in the Republican-controlled U.S. House of Representatives an article of impeachment (H. Res. 438) against the president for “High Crimes and Misdemeanors.” Said Green, “I am introducing Articles of Impeachment to begin a long process to protect our country from abuse of power, obstruction of justice, and impulsive, ignorant incompetence.” The impeachment article concluded with the charge that “Donald John Trump has acted in a manner contrary to his trust as President and subversive of consti-

tutional government.” Naturally, the article of impeachment went nowhere, since the Republicans controlled the House.

The Democrats regained control of the House in the 2018 election. On January 3, 2019 — the first day of the new 116th Congress — Sherman and Green reintroduced their article of impeachment. Later that day, freshman Democrat Rashida Tlaib of Michigan — who later said that the tenor of her language was just how people in Detroit talk — announced that Democrats would “impeach the ****.” Although House Speaker Nancy Pelosi initially sought to stifle calls by Democrats for Trump’s impeachment, by September she announced the beginning of a formal impeachment inquiry, citing Trump’s “breach of his constitutional responsibilities.”

On December 9, House Democrats unveiled two articles of impeachment (H.R.755) against President Trump for “abuse of power” and “obstruction of Congress.” Each article of impeachment concludes with the words, “Wherefore, President Trump, by such conduct, has demonstrated that he will remain a threat to the Constitution if allowed to remain in office.” On December 13, the House Judiciary Committee

recommended that the House ratify two articles of impeachment against the president by a party-line vote of 23 to 17 on each article. The Committee released its official Report on the impeachment on December 16. The introduction concludes with the statement, “The Committee now transmits these articles of impeachment to the full House. By his actions, President Trump betrayed his office. His high crimes and misdemeanors undermine the Constitution.”

Trump became the third U.S. president to be impeached on December 18, 2019.

Trump became the third U.S. president to be impeached on December 18, 2019, after a mostly party-line vote in the House of 230-197 on the first article of impeachment and 229-198 on the second. On January 16, 2020, the House’s articles of impeachment were presented to the Senate. The Trial Memorandum of the House impeachment managers concluded, “President Trump has betrayed the American people and the ideals on which the Nation was founded. Unless he is removed from office, he will continue to endanger our national security, jeopardize the integ-

riety of our elections, and undermine our core constitutional principles.” A trial was then held in the Senate from January 22 to February 5. All 100 senators affirmed an oath read by Chief Justice John Roberts: “Do you solemnly swear that in all things appertaining to the trial of the impeachment of Donald John Trump, president of the United States now pending, you will do impartial justice according to the Constitution and laws, so help you God?” Both sides had 24 hours over three days to make their case for or against impeachment, after which senators had 16 hours over two days to submit questions in writing to be read by the chief justice. That was followed by two hours of closing arguments by each side. Before the final vote, senators took to the Senate floor to make their individual cases for or against impeachment. On February 5, Trump was acquitted in his Senate trial by a party-line vote of 52-48 on the first article of impeachment and a near party-line vote of 53-47 on the second article of impeachment.

The Democrats

In the Democratic party platform, adopted at the Democratic National Convention in Philadelphia in 2016, Democrats don’t have

much to say about the Constitution. It is, in fact, mentioned only four times:

We will finally enshrine the rights of women in the Constitution by passing the Equal Rights Amendment (p. 17).

The Democratic Party will fulfill, honor, and strengthen to the highest extent possible the United States' fundamental trust responsibility, grounded in the Constitution, treaties, and case law to American Indian and Alaska Native tribes (p. 19).

The people of Puerto Rico should determine their ultimate political status from permanent options that do not conflict with the Constitution, laws, and policies of the United States (p. 21).

[We] believe the Constitution protects not only the powerful, but also the disadvantaged and powerless (p. 23).

The Democratic Party platform also speaks of freedom of expression as “a fundamental constitutional principle” (p. 16), support for “a constitutional amendment to overturn the Supreme Court’s deci-

sions in *Citizens United and Buckley v. Valeo*” (p. 23), and “the constitutional principles of liberty and equality for all” (p. 23).

Democrats have never talked about the Constitution as much as they did during the impeachment.

Democrats have never talked about the Constitution as much as they did during the impeachment hearings. Almost every Democrat who spoke about the need for Democrats to vote to impeach President Trump said that the president violated or betrayed the Constitution and that he had to vote in favor of impeachment because of the oath he took to support and defend the Constitution. On December 18, before the vote was taken in the House of Representatives on the articles of impeachment, members of Congress debated the articles prior to the vote. The comments of these House members are typical of the Democrats:

- We in Congress, Article One, the legislative branch, must stand up and make clear to the American people and to all people, that this body still stands by the principles enshrined in the Consti-

tution and defended by generations of Americans (Nancy Pelosi, Calif.).

- President Trump has broken his oath of office. His conduct continues to undermine our Constitution and threaten our next election (Jerry Nadler, N.Y.).

- I ask all of my colleagues to search their souls before casting their votes. I ask them all to stand up for our democracy, to stand up for our Constitution (James McGovern, Mass.).

- The Constitution is the highest law of the land. The president breached and violated the Constitution of the United States of America.... The truth is that abusive power does violate the Constitution.... The Constitution must be preserved.... The bright light of this constitutional democracy has been dimmed because of his acts (Sheila Lee, Tex.).

- Article Two of the Constitution does not authorize a president to do whatever he wants. The reason we have a Constitution is to keep government officials from doing whatever they want (Jamie Raskin, Md.).

- President Trump's actions force us to protect our elections and the Constitution. I urge my colleagues to defend the Constitution, support these articles of impeach-

ment and remind the world that in America, no one is above the law (Ted Deutch, Fla.).

- Every member of this body has a responsibility to uphold our Constitution, to defend our republic, and when necessary to hold the executive branch accountable. And we are exercising that responsibility today. So with that, and therefore, I will vote yes on both articles because it is what the Constitution requires, demands (Joe Neguse, Colo.).

- For the sake of our democracy, our Constitution, and our country, we must do the right thing and vote to impeach President Trump (Don Beyer, Va.).

- Impeachment is a constitutional remedy for these actions. Trump betrayed his oath, betrayed the Constitution, and undermined the integrity of our elections. Those who are against the impeachment inquiry are willing to turn a blind eye to constitutional violations by the President. As a nation, we have no other alternative. We must protect our Constitution and the United States of America (Bennie Thompson, Miss.).

- I will uphold my oath to protect and defend the Constitution of the United States in favor of impeachment (Donald Norcross, N.J.).

Republicans likewise refer to the Constitution in their party platform and cited it during the impeachment hearings.

The Republicans

In recent years, Republicans have maintained that they are “the party of the Constitution.” The most recent Republican Party platform was adopted at the party’s convention in Cleveland in 2016. The Constitution is frequently mentioned in their platform as the Republicans’ authority:

We believe in the Constitution as our founding document.

We believe the Constitution was written not as a flexible document, but as our enduring covenant.

We reaffirm the Constitution’s fundamental principles: limited government, separation of powers, individual liberty, and the rule of law.

We affirm that all legislation, regulation, and official actions must conform to the Constitution’s original meaning as understood at the time the language was adopted.

The words *Constitution*, *constitutional*, *constitutionally*, *unconsti-*

tutional, *unconstitutionally*, and *constitutionality* occur in the Republican Party platform a total of 80 times.

Republican members of Congress invoked the Constitution just as the Democrats did.

Before the vote was taken in the House of Representatives on the articles of impeachment, Republican members of Congress invoked the Constitution just as the Democrats did, but in this case in order to justify voting to not impeach the president:

- This is a sad day for our nation. When one political party, along with their cohorts, and the deep state and the mainstream media, try to hijack our Constitution (Mike Rogers, Ala.).

- Today’s articles of impeachment against President Trump are an assault on our Constitution and the American people (Peter King, N.Y.).

- I want to thank my Republican colleagues who have toiled honorably in defense of the Constitution and the rule of law under difficult circumstances (Gus Bilirakis, Fla.).

- In defense of the Constitution, I urge all members to oppose

both articles of impeachment (Fred Keller, Pa.).

- I will proudly vote no today, a vote that upholds our Constitution, defends our president, and preserves the pillars of our nation's democracy (Tim Walberg, Mich.).

- This impeachment betrays the nation, the Constitution, and the American people (Kevin Brady, Tex.).

- I want my statement to be in the record for the end of time to show I was on the side of the Constitution (Donald Bacon, Neb.).

- This process has been an embarrassment to our country, an insult to our Constitution, and a distraction from the real work we should be accomplishing for the American people (John Rose, Tenn.).

- Madam Speaker, think of our republic, think of the Constitution, think of the oath that we all swore to protect and defend that Constitution, and vote against these partisan, reckless, and dangerous articles of impeachment (Liz Cheney, Wyo.).

Some Republicans recognized the hypocrisy of Democrats' talking about the Constitution:

- My colleagues speak eloquent about the constitutions they

found under mothballs. Where's respect for the Constitution when the people's House daily refuses to do its actual job while shredding federalism and limited government (Chip Roy, Tex.)?

- It's very interesting to hear the socialistic left Democrats that have a newfound appreciation for the Constitution and our founders' principles (Randy Weber, Tex.).

- All of a sudden what we have is these strict constitutionalists on the other side of the aisle. Listen, this has nothing to do with the Constitution. It has nothing to do with anything but raw politics (Mark Meadows, N.C.).

- Democrats won't be able to hide behind a pretend veneer of caring about the Constitution. History will record the Democrats' legacy as a betrayal of the Constitution (John Ratcliffe, Tex.).

How can Democrats who wanted to impeach the president and Republicans who didn't both appeal to the Constitution as the basis for their decision?

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 so eloquently 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.

There are about thirty enumerated congressional powers listed throughout the Constitution.

There are about thirty enumerated congressional powers listed throughout the Constitution. Most of those powers are found in the

eighteen paragraphs of Article I, Section 8. Six of them concern the militia and the military. Four of them concern taxes and money. The rest relate to commerce, naturalization, bankruptcies, post offices and post roads, copyrights and patents, the federal courts, maritime crimes, and the governance of the District of Columbia. The last paragraph gives Congress the power “to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.”

Elsewhere in the Constitution, Congress is given the power to admit new states into the Union, propose amendments to the Constitution, regulate national elections, establish courts inferior to the Supreme Court, direct the location of the place for the trial of a crime not committed within a state, declare the punishment for treason, provide the manner in which the public acts and records in each state are accepted by other states, dispose of and regulate the territory or other property of the United States, give the states consent to lay imposts or duties on imports or exports, and provide for the case of the removal, death, resignation, or inability of the president or vice president. Everything else is re-

served to the states — even without the addition of the Bill of Rights and its Tenth Amendment.

Members of Congress swear to uphold the Constitution. Article VI, Section 3, of the Constitution requires that senators and representatives “be bound by oath or affirmation, to support this Constitution.” U.S. law requires that members of Congress be sworn in before they can take their seats. The language of the congressional oath has changed (it is set by statute) several times since it was first administered in 1789. It now reads,

I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

To hear the Constitution referred to over and over again in the impeachment hearings and Senate trial, one would think that Democrats and Republicans both follow

the Constitution when they introduce new legislation or continue to fund the agencies and programs of the federal government established by previous legislation.

Democrats and Republicans in Congress violate the Constitution on a regular basis.

The reality, of course, is that nothing could be further from the truth. Democrats and Republicans in Congress violate the Constitution on a regular basis. Indeed, practically every bill that is introduced makes a mockery of the Constitution. It is a myth that Democrats appeal to the Constitution only when it suits them but Republicans are consistently the party of the Constitution. The fact that Republicans mention the Constitution in their platform, refer to it in their conservative mantra, and express their allegiance to it means only that they are bigger hypocrites than the Democrats.

All it takes to prove my thesis is to shine the light of the Constitution on some key agencies and programs of the federal government and see if they are authorized by the Constitution.

Education. Does the Constitution authorize the federal govern-

ment to have anything to do with education? Of course not.

The drug war. Does the Constitution authorize the federal government to regulate or prohibit the manufacturing, buying, selling, or using of any drug? Of course not.

Gun-control laws. Does the Constitution authorize the federal government to pass any legislation related to guns, ammunition, or magazines? Of course not.

Minimum-wage laws. Does the Constitution authorize the federal government to establish a minimum wage? Of course not.

Foreign aid. Does the Constitution authorize the federal government to take money from Americans and give it to foreigners and their governments? Of course not.

AMTRAK. Does the Constitution authorize the federal government to operate a rail service? Of course not.

Medicare and Medicaid. Does the Constitution authorize the federal government to pay for any American's health care? Of course not.

Social Security. Does the Constitution authorize the federal government to have a retirement or disability program? Of course not.

Food stamps. Does the Constitution authorize the federal govern-

ment to feed anyone? Of course not.

Subsidies. Does the Constitution authorize the federal government to subsidize art, culture, agriculture, or scientific and medical research? Of course not.

Does the Constitution authorize the federal government to operate a rail service?

Anti-discrimination laws. Does the Constitution authorize the federal government to have an Equal Employment Opportunity Commission (EEOC) and prevent or prosecute acts of discrimination? Of course not.

Welfare programs. Does the Constitution authorize the federal government to fight poverty, establish a safety net, or give cash to the poor? Of course not.

Organ sales. Does the Constitution authorize the federal government to regulate the buying and selling of human organs for transplants? Of course not.

NASA. Does the Constitution authorize the federal government to explore outer space? Of course not.

Housing. Does the Constitution authorize the federal government to make home loans, give out hous-

ing vouchers, or even have a Department of Housing and Urban Development? Of course not.

Democrats and Republicans in Congress support all of these things. They may disagree on particulars, such as the amount of foreign aid a certain country should be given, the work requirements for welfare programs, what the federal minimum wage should be, or how much farmers should be subsidized, but neither party opposes the existence or mission of any of these plainly unconstitutional agencies and programs of the federal government.

It is clear that no matter how many times the Constitution was referred to during the whole process of the investigation, impeachment, and trial of President Trump, members of Congress — Democrat and Republican alike — invoke it

only to suit their own political purposes.

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:
**“Why Do Democrats Hate
President Trump So Much?”**
by Laurence M. Vance

Liberal Democracy versus Democratic Socialism versus Social Democracy

by *Richard M. Ebeling*



The presidential primary campaign of Bernie Sanders for the Democratic Party nomination and the election of Alexandria Ocasio-Cortez to Congress from New York have once again raised the issue of the desirability for and the possibility of a system of “democratic socialism.”

For many of their critics and opponents the operative word is “socialism” in their vision of a new and better America. Sanders and Ocasio-Cortez insist that they are being forced to carry the unwanted and unjustifiable ideological baggage of the “other” socialism that prevailed in countries such as the Soviet Union that were based on a system

of dictatorship and authoritarianism.

Theirs, they assure us, is a kinder and gentler socialism that is compatible with and built on the premise of democracy and the duly electing will of “the people.” Democratic socialism has nothing to do with 20th-century communism and the “dictatorship of the proletariat,” they say, which ended up brutalizing millions of innocent men, women, and children.

Praising the socialism of the communist countries

Both conservative and libertarian critics of Bernie Sanders have joyfully dug up and displayed on the Internet and social media a huge trove of video clips showing Sanders praising the social and economic achievements of the communist regimes in Soviet Russia, Cuba, and Nicaragua.

He is shown saying that long lines for the essentials of everyday life in those countries is better than paying for what you want in capitalist societies. Under capitalism, Sanders declared, only the wealthy are able to buy what they want, while under breadline communism everyone gets an equal share of what the central planners deem is needed by “the masses.”

The leaders of those socialist countries are all honest and honorable men who left a very positive impression on Bernie Sanders's sensitive appreciation for the betterment of his fellow man. No mention, it seems, was ever made by him about the tyranny, terror, or mass murders by his collectivist comrades in arms in the communist workers' paradises that he visited.

But now, he insists that his views and values have nothing to do with the system or the realities of dictatorial socialist revolutions. However, he continues to add, let's not forget the good in those societies with their free health care for all, education at no cost, and a sense of fairness and social justice, even if some in those socialist governments might not have always been "democratic" in their ruling ways.

Instead, Sanders states that the systems he has in mind when referring to democratic socialism are in countries such as Denmark or Sweden, with their policies of social and redistributive justice and government control of business, without any of the embarrassments of those "other" socialist regimes of the past that he once hailed as supplying positive lessons from which to learn to make a better America.

Socialism and communism: Common ends, different means

Originally, in the nineteenth century, "socialism" and "communism" were often used interchangeably, merely as synonyms for the same general idea — the end to private ownership of the means of production, replaced with communal ownership and more conscious centralized planning of economic and social life.

In the nineteenth century, "socialism" and "communism" were often used interchangeably.

Socialists in that earlier time may have had different visions of the specific characteristics of the collectivist society of the future, but a rejection of private ownership and a belief in communal ownership for a more socially equitable distribution of what would be produced was shared by all socialists and communists.

In the late nineteenth and early twentieth centuries a cleavage did emerge between socialists and communists, but it had to do with means and not ends. In Western European countries such as Germany and France, the "democratic" socialists increasingly rejected the arguments of their narrower Marx-

ist Russian cousins who were more and more adamant that change could come only through violent, revolutionary means. The German Social Democrats said that the same ends as those wanted by the Russian revolutionary socialists could be achieved through democratic means.

This distinction was reinforced after the October Revolution of 1917 that brought Lenin and his followers to power. Consider this expression of the difference between socialists and communists, taken from an article in the 1929 edition of the *Encyclopedia Britannica* written by G.D.H. Cole, who was a well-known British socialist:

Socialism is essentially a doctrine and a movement aiming at the collective organization of the community in the interests of the mass of the people by means of common ownership and collective control of the means of production and exchange....

The distinction between socialism, as represented by the various socialist and labor parties of Europe and the New World, and communism, as represented by the Russians and minority groups in other

countries, is one of tactics and strategy rather than objective. Communism is indeed only socialism pursued by revolutionary means and making its revolutionary method a canon of faith.

Thus, in the eyes of socialists and communists, for most of their shared history well into the twentieth century, the desired destination — collectivist ownership and central planning — was the same. What they differed over was the political method of reaching that end-state: democracy or dictatorship, ballot boxes or bullets. But either way, the market economy and private enterprise would be relegated to the “dustbin of history,” to use one of Karl Marx’s phrases.

Western socialists and central planning

It would be unfair and historically inaccurate not to emphasize that there were many “democratic socialists” in Western countries, both between the two World Wars and during the Cold War years, who refused to support or clandestinely collaborate with the Marxist masters in Moscow. They were sincerely devoted to the ideals of a society of civil liberties (freedom of speech and

the press, freedom of religion, and individual autonomy over personal affairs) and democratic politics.

They placed those values above achieving socialism by violent means if it entailed losing them. And many of them were truly repulsed by the brutality and cruelty of the Soviet regime and other countries in which communist dictatorships had come to power.

But that does not change the fact that the goal was to end, whether democratically or violently, personal choice and freedom of association over many if not all things generally covered under the headings of supply and demand, production, and consumption. The government was to become the paternalistic overseer of the forms and content of much of everyday life through the nationalization of the means of production and central planning.

Scandinavians, free markets, and socialism

Bernie Sanders declares that his ideal democratic socialist society is to be seen in Sweden and Denmark. The only problem is that many in those countries and a number of American and other European critics of socialism vocally insist that what is in those countries is not socialism. They say that the economic

systems in Sweden and Denmark are functioning and highly competitive market economies with, admittedly, significant social-welfare safety nets. Thus, they are market-based welfare states, and not examples of the socialist “better world” Sanders wants for America.

The government was to become the paternalistic overseer of the forms and content of much of everyday life.

As Swedish classical liberal Johan Norberg expressed it not long ago,

I don't think the American Left knows that Sweden is the country of pension reform, school vouchers, free trade, low corporate taxes and no taxes on property, gifts and inheritance. Sweden affords its big welfare state because it is more free-market and free trade than other countries. So if they want to redistribute wealth, they also have to deregulate the economy drastically to create that wealth....

We do have a bigger welfare state than the U.S., higher taxes than the U.S., but in other areas, when it comes to free

markets, when it comes to competition, when it comes to free trade, Sweden is actually more free-market.

But notice Norberg's wording. Sweden is a free-market economy, but with a bigger welfare state than that of the United States. Sweden had tried a more comprehensively government-controlling socialist-style system but had reversed paths to more market-oriented relationships because of the negative consequences from central planning.

So, is a free-market society compatible with a sizable welfare state? According to some, at least. Said libertarian commentator John Stossel, in one of his columns, "Next time you hear democratic socialists talk about how socialist Sweden is, remind them that the big welfare state is funded by Swedes' free-market practices, not their socialist ones."

Sweden and social democracy

But wait! So Sweden is a free-market, liberal democracy with extensive redistributive welfare programs? Well, not according to Daron Acemoglu, professor of economics at MIT in Massachusetts. In his article "Social Democracy Beats Democratic Socialism" (*Project Syndicate*, February 17, 2020), we

are told that Bernie Sanders's call for "democratic socialism" is the wrong road for America or other countries to follow. It entails too heavy and direct a hand of government over the social and economic affairs of a nation's citizenry.

"Remind them that the big welfare state is funded by Swedes' free-market practices."

What America needs is Sweden's version of "social democracy," which is not a liberal free-market system. If you are getting confused, don't worry, you are not alone. In the late nineteenth century and into the twentieth, "social democracy" was what German democratic socialists called their version of socialism, which was to lead to both a centrally planned and a more highly redistributive political system.

Historically, social democracy, then, was democratic socialism. But no longer, not according to Daron Acemoglu:

Social democracy refers to the policy framework that emerged and took hold in Europe, especially in the Nordic countries, over the course of the twentieth century. It, too, is focused on reining in the

excesses of the market economy, reducing inequality, and improving living standards for the less fortunate.... Simply put, European social democracy is a system for regulating the market economy, not for supplanting it....

What is needed, then, is not market fundamentalism or democratic socialism, but social democracy.... The market must be regulated, not sidelined.

Democratic socialism or social democracy?

Bernie Sanders calls for democratic socialism, which will control the economy through planning and regulation, as well as by widely redistributing wealth by expropriating most of what is owned by “the rich”; but that is not the “bad” Soviet-style socialism because it will not be (at least at the start!) a dictatorship. America will be just like Sweden and Denmark.

But, wait a minute! Johan Norberg and John Stossel tell us that those Scandinavian countries do not have democratic socialism. They are functioning, vibrant competitive free-market economies producing so much wealth that they are able to support welfare-

state programs that are larger than those in America.

Johan Norberg and John Stossel
tell us that Scandinavian
countries do not have democratic
socialism.

But hold it one more time! Daron Acemoglu insists that what Sweden has is not Sanders’s democratic socialism or a system of free-wheeling “market fundamentalism.” Instead, Sweden has “social democracy,” which widely regulates markets and competition, redistributes wealth for greater income equality, and cares for the disadvantaged.

Sweden: Free market or central planning?

The reality, it seems, at least from what I’ve read and tried to understand, is that Sweden and Denmark are not what Bernie Sanders considers them to be and wants to see implemented under the label of “democratic socialism.” His dream is for something far, far closer to the centrally controlled and commanded economic system that was seen in the communist countries from which he rhetorically now tries to distance himself.

But neither is Sweden a truly free-market economy, in spite of

what Norberg and Stossel say is the case, again on the basis of what I've tried to glean from various readings. It is, in fact, a "mixed economy" with degrees of competitive openness, but with significant government regulation and oversight, and with an extensive redistributive welfare state. It seems closer, again from my understanding, to Daron Acemoglu's system of "social democracy."

Acemoglu's social democracy historically grew out of something similar to Sanders's idea of democratic socialism. While the democratic socialists of the early and middle decades of the twentieth century, as we saw, opposed Soviet-style tyranny as a political basis for implementing socialism, they still believed in a socialist centrally planned economy and wanted to establish one.

Great Britain: Planning versus freedom

That is what was attempted in Great Britain in the immediate aftermath of the Second World War under the newly installed Labour Party government. British economist John Jewkes (1902–1988) detailed the meaning and consequences of the attempt to implement democratic socialism in his book *Ordeal by Planning* (1948; revised and en-

larged edition in 1968 under the title *The New Ordeal by Planning*).

Acemoglu's social democracy historically grew out of something similar to Sanders's idea of democratic socialism.

Nationalized industries and government production and distribution planning extended and enlarged the scarcities and shortages that had already been experienced during the war years, including lack of energy supplies for heating homes in the winter. Reduced consumer choices and sluggish and wasteful industry were then matched by the Labour government's decision in the spring and summer of 1947 to introduce labor conscription to prevent workers from moving out of areas where the central planners wanted them to be employed and to relocate them to places where the planners needed them to be.

The democratic socialist ability to vote on those who would hold political office was shown to be inconsistent with the individual's freedom of choice over what was to be produced, from whom and how much to buy, and the ability to decide on his place and type of work. Socialist planning and personal

freedom were substitutes and not complements. More of one meant less of the other; they just did not go together when what people wanted and wanted to do was found to be inconsistent with the central plan social engineers were trying to impose on society.

The interventionist welfare state

By the late 1950s and into the 1960s, Western European social democrats had to grudgingly accept that traditional socialist planning did not work, threatened people's everyday freedom, and could lose them elections. As a result, social democratic political parties moved away from campaign platforms promising nationalization and central planning.

What none of the political and economic systems we have been discussing reflected or represented is the idea or reality of a free-market liberal society.

Democratic socialism increasingly became Daron Acemoglu's social democracy, that is, the highly regulated, interventionist state with extensive and expensive welfare states. Some nationalized industries were privatized, degrees of market freedom and competition were re-

introduced or maintained, and taxes were modified to serve as incentives for work, saving, and investment for the economic growth and tax base needed to achieve the traditional socialist equalitarian redistributive ends through the welfare state.

Central planning was abandoned for the "managed" market economy. As British economist Vera Lutz (1912–1976) detailed in her book, *Central Planning for the Market Economy* (1969), the French variation on this theme came to be called "indicative planning." The French government used taxes, subsidies, and regulatory incentives to indirectly induce private enterprise to move into the investing and manufacturing directions the political planners in Paris wanted, rather than directly controlling and commanding production and employment in the economy with a heavy hand.

Sovereignty of the individual

What none of the political and economic systems we have been discussing reflected or represented is the idea or reality of a free-market liberal society. Let us not forget the meaning of liberalism as a philosophy of individual rights and liberty that includes peaceful and honest

ownership of private property, freedom of association (including freedom in all forms of production and exchange), and a constitutionally limited government with the duty to protect and secure people's rights and liberty and not to violate them.

To be an end in himself, the individual human being cannot be the tool or instrument in the compelled service of others.

That was concisely explained by the liberal historian Hans Kohn (1891–1971), who was born in the old Austro-Hungarian Empire, fought in World War I, was a prisoner of war in Siberia during the Russian Revolution, lived for a time in the Middle East, and then left the “old world” in 1934 for the “new” in the United States, where he found a haven of liberty from the rising totalitarianism taking hold in the Central Europe from which he had originally come.

In his book *Revolutions and Dictatorships* (1939), Kohn contrasted the two fundamentally different forms of society and government:

Throughout history we find two fundamental attitudes concerning the relationship

between the individual and the state. One attitude puts the state above the individual; the individual depends for the full realization of his faculties upon the state before whose authority he bows and to whose ends he is subservient.

The other attitude regards men not as the object, but as the subject of authority. The state is no end in itself, but a means for the self-realization of the individual, to the transformation of the society of men into a really humane society....

Liberty ... in its negative sense protected the rights of the individual against the interference of the state ... built [upon] the autonomy of the individual, or, as Kant called it, his dignity as an end in himself.

Self-governing individuals in a liberal democracy

To be an end in himself, the individual human being cannot be the tool or instrument in the compelled service of others, whether those others are private persons denying him his freedom, or those in political authority placed in that position by either bullets or ballots.

If we were to speak, in place of either democratic socialism or social democracy, of a name for the political order of human freedom with individuals as ends in themselves, we might refer to it as *liberal democracy*. It is “liberal” because it considers each and every individual human being as a self-governing person who is sovereign over his own life and who enters into voluntary and mutually agreed-upon associations with others for personal betterment as he defines it.

It is “democratic,” since self-governing individuals govern themselves politically as well, in that they elect those who are placed in the positions of securing and protecting their liberty under the power-restraining rules and limits of a strict constitutional order.

The modifier “liberal” makes clear that a democratic system of government is limited in its role and authority to preserving freedom, in comparison to any social democracy, which implies that a majority, or an elite claiming to

speak for the majority, may abridge and usurp the liberty of some members of society to serve the coercive purposes of others, both in the marketplace and elsewhere.

We, therefore, need to revive the idea and ideal of a truly free-market-based liberal democracy over any socialist version of democracy that may be offered to us.

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 FFE.

NEXT MONTH:
“The Conquest of the United States by China”
by Richard M. Ebeling

The Tortured Legacy of the Mexican-American War, Part 2

by *Danny Sjursen*



The Constitution was, and is, emphatic on one matter, at least: only Congress possesses the power to declare war. In the 1840s, an era of legislative pre-eminence, even the high-risk Tyler blanched, aware that the agreement exceeded his authority. He quickly abrogated it, but the damage was done. Texas was at a point of no return, the U.S. government appeared treacherous, and Mexico subsequently amassed troops along the border. By election season, annexation seemed more a matter of when and how, not if.

Still, the establishment leadership in both parties stalled and battled the current. Tyler had clearly squandered any remaining chance for the Whig nomination, and Hen-

ry Clay stepped up, once again, to run on the party's ticket. He was the first to weigh in. In a letter published in D.C. papers, which engendered regrettable political backlash, Clay outlined his many reasons for opposing Texas's accession and warned readers that "annexation and war with Mexico are identical." The Democratic frontrunner essentially agreed. Former President Martin Van Buren seemed to be the anointed candidate for 1844, and he also opposed annexation. For Washington to unilaterally absorb Texas would, he claimed, alienate every other country in the world, and "do us more real lasting injury as a nation ... [since] we have a character among the nations of the earth to maintain."

Clay and Van Buren alike would prove correct. The only problem: rational calculus rarely prevails in the emotive realm of American politics. Both men underestimated the substantial popularity of Texas annexation among the populace. That Van Buren's stance torpedoed his nomination became abundantly clear when the Democratic Party's founder, Andrew "Old Hickory" Jackson, his health failing at an advanced age, turned on his one-time successor, and declared, "Obtain [Texas] the United States must, peaceably if we

can, but forcibly if we must.” Jackson’s words carried enormous weight west of the Appalachian Mountains and south of the Mason-Dixon Line. Van Buren was cooked, but many wondered who would replace him. Jackson had just the man in mind: his own protégé, who, though obscure, bore the nickname “Young Hickory.” His name was James K. Polk.

Polk and the election of 1844

It was an outsiders’ election year, a cyclical phenomenon throughout U.S. history. The experience, contrary to common assumption, wasn’t unique to 2016. There are, however, distinct similarities between the ascensions of Polk and Donald Trump. Both were long-shot candidates who had initially been dismissed. Each ran against both Washington and his own party. Both defeated highly qualified — in traditional terms — candidates who had previously sought the presidency. The nominations of Trump and Polk before him were widely predicted to portend the end of their respective political parties. The main, and profound, difference was that Polk was a true ideological believer. It’s unclear which sort — idealist or opportunist — is more dangerous.

In 1844, Jackson summoned his lifelong admirer Polk to his Hermitage mansion before the Democratic National Convention and expressed his support for Young Hickory’s nomination. Jackson, like Polk, had himself run against the Washington establishment. In fact, Jackson was the original outsider in American politics, and — despite owning a mansion, plantation, and a slew of slaves — the country’s first, self-styled “common man” president. Indeed, Old Hickory had himself twice before run against Polk’s Whig opponent, Henry Clay — a man he had dubbed “corrupt” (as Trump had dubbed Hillary Clinton as “crooked”).

Polk loved Jackson, and the feeling was reciprocated.

Polk loved Jackson, and the feeling was reciprocated. Unlike other Jackson protégés — such as Davy Crockett (who split with Old Hickory over Indian removal) — Polk had never betrayed the old man. Like Jackson, Polk was a wealthy man with a large home and numerous slaves, and also hailed from Tennessee. Unlike his mentor, however, Polk had scant military experience and had never heard a shot fired in anger. The insecurity this

engendered was to remain with him, haunt his career, and, it seems, contribute to his self-conscious expansionist bellicosity as president. Yet make no mistake, Polk was a genuine zealot, and believed that not only Texas, but more important Mexican California, was destined by God to join the United States by any means necessary.

Expansion, in 1844, and cyclically throughout American history, was a winning political issue. Polk had the pulse of the considerable populist strand in the country, which also felt that the United States was truly exceptional among nations. Such language continues to pervade national politics, as U.S. presidential candidates are still essentially required to publicly pray at the altar of American exceptionalism. After frontrunner Van Buren's support waned, Polk — although he had been a long shot when he strode into the party convention in Baltimore — stepped in (with Jackson's distant blessing) as a compromise nominee. Historian Amy Greenberg has labeled Polk America's "first dark-horse presidential candidate."

Buoyed by what he saw as the foolish nomination of Polk, Henry Clay joked, "Are our Democratic friends serious?" Though he'd been Speaker of the House, Polk hadn't

cut much of a national figure and remained publicly obscure. After all, reporters across the country had been publishing querulous headlines such as, "Who Is James K. Polk?" Many Whig papers predicted that the Democratic nominee would spell the effective end of that party. They couldn't have been more wrong, but that was the conventional thinking at the time — just as it was in mid 2016.

The two candidates couldn't have been more different.

The two candidates couldn't have been more different. Clay was the ultimate insider, a three-time presidential contender, lion of the Senate, and one of the more qualified — though polarizing — political figures of his generation. He also drank, gambled, unleashed angry tirades, and had a weakness for the ladies. The Democrats, in round three of their battle with Clay, again unleashed vicious character attacks. His main sin was that he'd been in the public eye too long, had a vast record to critique — including helping deny Andrew Jackson the White House in 1824 in an undemocratic "corrupt bargain" — and inevitably carried the inherent baggage of lifelong fame. Polk, on the

other hand, was actually aided by his outsider status and general obscurity. Furthermore, Young Hickory's habits didn't lend themselves to slander. He didn't drink, gamble, or fight duels. His reputation for unvarnished integrity was also bolstered by his bold, yet shrewd, announcement of his intent to serve just a single four-year term.

Furthermore, his wife's extraordinary piety burnished his credentials with religious Americans. Both Polks were essentially workaholics. And, in an odd divergence with Polk's otherwise conservative values, he treated his wife, Sarah — an astute analyst herself — as almost a complete equal. Unlike nearly any other contemporary politician's wife, she remained in the room during James's key meetings. A true believer in her husband and Manifest Destiny alike, she may have been the better, more pragmatic, political strategist. By the middle of Polk's term, Washington elites began to whisper that the true road to James's attention ran through Sarah. For the times, the husband and wife pair were remarkably progressive in their relations and would seem so even in today's Washington.

Polk also ran a surprisingly effective campaign. He enlisted the very ill Old Hickory in the fight.

Furthermore, while the technocratic Clay focused on his party's pet domestic issues of tariffs, infrastructure, and industry, Polk played to populist enthusiasm for expansion, annexation, and “free” land out West. And, while he was certain to lose northeastern elites to Clay, Polk masterfully won over recent urban (mostly Irish) immigrants by portraying (somewhat accurately) their Protestant social betters — and thus the Whigs they favored — as xenophobic nativists.

Both Polks were essentially workaholics.

Young Hickory also beat the rather popular drum — then and now — of lower taxes and a smaller federal government. Most persuasive, perhaps, was his delivery of resonant slogans such as “Polk and Texas, that's the thing,” and calls for the dawn of a “Young America.” Bearing striking resemblance to Ronald Reagan's promises and Trump's promises to “Make America Great Again,” the sentiment redounded with the prevalent enthusiasm of the common people for expansion, for Manifest Destiny. The question, as Polk presented it, was a stark binary: would America grow or stand still? The only alter-

native to Polk's grand, sweeping vision, as Democrats — and even many Southern and Western Whigs — saw it, was Henry Clay, product of the D.C. “swamp” and a policy wonk's wonk.

For all that, Clay had a dedicated following, was highly experienced, and had an established, lucid platform, which — while not exactly titillating — was coherent and pragmatic. So when the ballots poured in, Polk won by just 38,000 votes out of 2.7 million cast. The Democrats, like today's Republicans over the last 50 years, carried the South and West. Every state west of the Ohio River, went for Polk. He also won the always — then and now — essential state of Pennsylvania.

As the question of Texas had sunk Van Buren's party nomination, Clay's unpopular position (in some quarters) on it very likely cost him his best chance at the presidency itself. The two prominent politicians' stance on Texas — like Hillary Clinton's foolish Iraq War vote in 2002 — probably cost both their hopes for the White House. Clay's foreign-policy positions, unlike Clinton's, proved to have been correct. However, hindsight couldn't possibly save him. Henry Clay had once announced, and often repeated, the trope that he would “rather

be right than be president.” The slogan ought to have been engraved on his tombstone.

Politics is a nasty, corrupt business. Nonetheless, elections matter in U.S. history. In 1844, Polk's victory was a near-run thing with sweeping consequences for the nation. If Henry Clay had won, there almost certainly would have been no Mexican-American War, therefore less cause for the free-slave state sectional balance to shatter, and it might even have avoided (or at least delayed) the American Civil War. Clay, who had years before foretold the consequences of Texas annexation — though he'd then misread the power of the subject — recognized what historians concluded soon after the invasion of Mexico kicked off. “This unhappy war never would have occurred,” he opined, “if there had been a different issue of the presidential contest of 1844.”

Polk's crusade: Drumming up a war

Polk, as full of self-righteousness as ever, interpreted his slim margin of victory as a mandate. Congress, apparently, meekly agreed. In February 1845, after some joint maneuvering with the lame duck Tyler, and just before Polk's inauguration, Congress admitted Texas as a state in a joint resolution. Owing to the

complicated legislative rules on Capitol Hill, this controversial tactic ensured that only a simple majority was necessary, rather than the constitutionally mandated two-thirds of the Senate required to adopt a treaty. If any further proof was needed that Texas accession was in part driven by slavery, or that it was a boon to it, the price of field hands on the New Orleans slave market jumped 21 percent within a year.

The new president hadn't run only on southwesterly expansion. In fact, he had also promised the annexation of the vast Oregon Territory — an ill-defined region running from the northern border of present-day California deep into western Canada — which was then contested and jointly occupied by the British and Americans. On the campaign trail, Polk had promised accession of the entirety of Oregon, up to the northernmost line of latitude, shouting the catchy slogan “54°40'” or fight!” In reality, because of a combination of prudent estimation of British military (especially naval) strength, and prevailing tendencies to see Hispanics as a lesser race, Polk never seriously considered war over Oregon. Ditching one of his two main campaign pledges, Young Hickory promptly

(if secretly) compromised, and accepted a territorial split significantly south of 54°40'. The compromise line coheres with the current border between Washington State and Western Canada.

Polk never seriously considered war over Oregon.

Rather than slam Polk's flip-flopping, the Democratic press seamlessly pivoted southward right along with the new president. As the Democratic-leaning *New York Herald* bluntly concluded, in the wake of the Oregon settlement, “We can now thrash Mexico into decency at our leisure.” Polk, and his Southern and Western rural base, knew full well that Texas annexation — now statute law, for better or worse — nearly ensured an eventual war with Mexico, and they welcomed it. Polk and company's ineluctable confidence in victory only magnified their zeal.

To predict any war's outcome is always a tricky matter. Still, just before combat broke out in 1846, the “tale of the tape” indicated that war between the United States and Mexico would hardly be a fair fight. The odds were long for the Mexican Republic, which had been an independent entity for only 25 years and

was laden with some inherent weaknesses. The first was demographic. As of the 1840 census, the United States counted 17 million people and a rapidly growing population. Mexico had just 7 million citizens. Economically, the disparity was even wider. In 1845, Mexico's per capita income was less than half what it had been in 1800. The war for independence from Spain had resulted in 600,000 Mexican deaths, most from starvation and disease, and crippled the domestic economy.

Mexicans also lacked a coherent sense of national unity. More than half were Indians, and almost all Mexican communities adhered to a sense of localism far more powerful than allegiance to the rather new nation-state. Furthermore, hostile, separatist Indian tribes, such as the Apache and Comanche, had long raided — and veritably devastated — the northern provinces of Mexico, the very areas the U.S. Army would eventually invade. Politically, the capital, Mexico City, was a mess. Elite factions warred incessantly, and between 1821 and 1857, the presidency changed hands some fifty times, almost always by coup d'état.

“In addition to the obvious empirical advantages of the United States — demographic, economic,

and political — many Americans boasted a racial superiority over their southern neighbors. As Hispanic Catholics, Mexicans — from the viewpoint of Protestant Anglos — were both racially and religiously inferior. As Polk's longtime friend and past president of the Texas Republic, Sam Houston, put it, “Mexicans are no better than Indians.” For Southern and Western American citizens, who had recently — and in some cases still — battled with Indians, such language was resonant and motivational.

Danny Sjursen is a retired U.S. Army officer and a contributor to the Future of Freedom Foundation. He served combat tours in Iraq and Afghanistan and later taught at West Point. He is the author of Ghostriders of Baghdad: Soldiers, Civilians, and the Myth of the Surge. Follow him on Twitter at @SkepticalVet.

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