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# FUTURE OF FREEDOM

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*... to disarm the people — that was the best and most effectual way to enslave them.*

— *George Mason*

# FUTURE OF FREEDOM

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

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## Socialism, American Style, Part 3

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by Jacob G. Hornberger



I grew up in the poorest city in the United States. At least, that is what the Census Bureau told us back in the 1950s and 1960s about my hometown of Laredo, Texas, which is situated on the U.S.-Mexico border in South Texas. Some people in the southern part of the city literally lived in shacks.

As poor as Laredo was, it didn't come close to matching economic conditions in Nuevo Laredo, which was just across the Rio Grande, which constitutes the U.S.-Mexico border in Texas. The first time that I went into Nuevo Laredo as a child, I was absolutely shocked at the level of poverty on that side of the river.

Doctors' offices in Laredo were regularly filled with people, some of whom were from Nuevo Laredo. Laredo doctors knew that many of

their patients were unable to pay them. Nonetheless, I never heard of one instance where any doctor turned a patient away for inability to pay. They helped poor people with free medical treatment, on a purely voluntary basis.

Why did the doctors provide free medical care to the poor? Because they wanted to. Because they thought it was their ethical and moral duty to do so. They had chosen a profession whose aim is to heal people. They were not about to let a person's poverty interfere with fulfilling that aim.

Even though they were treating lots of people for free, Laredo doctors were still among the wealthiest people in town, second only to people on whose land oil had been discovered. Moreover, since America's welfare-warfare state way of life was still in its early stages, income taxes were relatively low, enabling doctors to keep a large portion of their income from those who were paying for their services. Doctors were doing well financially and were choosing to "give back" to the community by helping the poor with free medical services.

It was much the same with Mercy Hospital, which was the only hospital in town. It was a Catholic hospital. It charged for its services

but it also treated patients who couldn't afford to pay. How was it able to do that and stay in business? Through donations. The wealthier people in town made donations to the hospital, on a purely voluntary basis, to subsidize its operations.

What was extraordinary was the cost of health care. Hardly anyone had medical insurance, because they didn't need it. Health-care costs were so low and stable that going to the doctor was like going to the grocery store. How many people have grocery-store insurance to protect themselves against the soaring price of groceries? No one. That's because grocery-store prices are low and stable.

In fact, I doubt whether doctors even had a billing system, one in which they treated patients and then sent them a bill. Why engage in such a costly process when the doctor could just handle patients on a cash basis? Moreover, they knew that often patients who had not been able to pay would later thank them with gifts such as delicious tamales or arroz con pollo.

Doctors loved what they did in life. Many of them in Laredo even made house calls or let people come to their homes for treatment. Sometimes when someone in our family needed, say, a tetanus shot on a

weekend, my father would call our family physician and he'd say, "Just come on by the house." We'd pull up to his house and he'd come out and give the shot to us in his front yard.

Medical innovations and inventions were proliferating and raising the overall standard of health care in America.

Then along came Medicare and Medicaid in the 1960s, during the presidential regime of Lyndon Johnson, who had been a political protégé of Franklin Roosevelt, the man who had converted America into a welfare state some 30 years before.

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**The idea of government-provided health care for people originated among socialists.**

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Medicare and Medicaid destroyed what had been the finest health-care system in history. Like Social Security, the idea of government-provided health care for people originated among socialists in Germany in the late 1800s. The idea was imported into the United States by American progressives, who began promoting it during the first half of the 20th century.

Medicare and Medicaid were based on the same welfare-state philosophy as that of Social Security — that it is the responsibility of

government to take care of people by providing them with their retirement, health care, education, clothing, food, housing, and other essential items.

The purpose of Medicare was to provide free or deeply discounted health care to seniors. The purpose of Medicaid was to provide the same to poor people.

One important thing to keep in mind is that neither of these programs was necessary, because the health-care needs of the elderly and the poor were already being met voluntarily by doctors, hospitals, and other health-care providers.

What these two socialist programs did was put an enormous government-driven demand onto America's health-care system. When a government program does that, the result is predictable: ever-increasing health-care costs.

Gone were the days of low and stable health-care costs. That's when the need for major-medical insurance arose. People needed the insurance protection against going bankrupt from exorbitant health-care costs.

At the same time, doctors began feeling the need to form themselves into all sorts of contorted associations with other doctors, hospitals, and medical groups. An ever-in-

creasing number of doctors began hating what they did in life and retired early.

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**People needed the insurance protection against going bankrupt from exorbitant health-care costs.**

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Prior to the enactment of Medicare and Medicaid, U.S. officials had provided an income-tax incentive for employers to purchase medical insurance for their employees. That had a stultifying effect on economic conditions and adversely affected people because they would lose their medical insurance if they left their jobs. The problem was aggravated by the fact that if they were able to procure other medical insurance, it might not cover conditions that their current employer-provided medical insurance covered.

A dynamic economy necessarily entails a constant shifting of people in employment. People go from lower-paying jobs to higher-paying ones. That's one of the main reasons that Europe has always had stultified economies: countless rules and regulations that "protect" workers have had a paralyzing effect on economic vitality. That's what the government's income-tax manipulation for employer-based medical

insurance tended to do in the United States.

As with Social Security, Medicare and Medicaid are funded by taxation on income. There is nothing voluntary about taxation. Refuse to pay your income taxes, and the Internal Revenue Service will come after you with a vengeance, especially if you publicize it. They will seize your assets, garnish your bank accounts, levy liens on your real estate, and harass you to no end. And then they will persuade the Justice Department to secure a criminal indictment against you, prosecute you, convict you, incarcerate you, and fine you. All because you refused to pay your income taxes.

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**The only genuine compassion is one that comes from the willing heart of the individual.**

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Thus, it is supremely ironic when people criticize us libertarians for wanting to abolish welfare-state programs. They say that our position demonstrates our lack of compassion and care for others.

But their “compassion” is a vicarious one — one that comes from the gun of the government. After all, don’t forget: If a person resists those garnishments, liens, ar-

rests, or incarcerations with deadly force, they will kill him. They will call it “resisting arrest” but the person will still be dead for refusing to pay the taxes that fund socialist programs.

The only genuine compassion is one that comes from the willing heart of the individual, not one that comes from the force of government. What doctors did in Laredo — and, indeed, all across America before the enactment of Medicare and Medicaid — is what genuine compassion is all about. The “compassion” that comes with Medicare, Medicaid, and the IRS is a false compassion — the false compassion of socialism.

## Reform

With the enactment of Medicare and Medicaid, America has had a decades-long, ever-growing, never-ending, perpetual health-care crisis. To address the crisis, the federal government has adopted an ever-increasing array of health-care “reforms.”

None of them has worked to resolve the crisis. The most recent example of major health-care reform was the Affordable Care Act, or Obamacare. It was intended to end America’s health-care crisis once and for all. It didn’t. Instead, it just

caused the crisis to get worse, which has motivated welfare-state proponents to advocate a full federal takeover of health care, just as in Cuba, North Korea, and other socialist nations.

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### Medicare and Medicaid are cancerous tumors on the body politic.

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In 1994, The Future of Freedom Foundation published its first book, a little volume entitled *The Dangers of Socialized Medicine*. It consisted of essays that FFF had published during the first three years of its existence. It can still be purchased on Amazon. It is as timely today as it was back then.

As we have been saying for 30 years, there is but one solution to America's health-care morass. There is no other solution. Only one. That solution is a total free-market health-care system, one that entails the complete separation of health care and the state. That necessarily means the repeal, not the reform, of Medicare and Medicaid.

I repeat: There is no other solution. Medicare and Medicaid are cancerous tumors on the body politic. To save the patient from this cancer, only radical surgery removing the tumor will do. Any attempt

to modify, reform, fix, or improve the tumor will do no good at all.

For the past 30 years, there have been people in the libertarian movement who have given up on the idea of health-care freedom. They threw in the towel decades ago and decided that Medicare and Medicaid were a permanent part of America's political system. They decided to simply accept what they considered was inevitable and have devoted their efforts ever since to reforming, not repealing, Medicare and Medicaid. Among their most popular proposals for health-care reform are what they call "health savings accounts."

They are wasting their time, money, and energy. What they don't understand is that America's socialized health-care system is not broken, as the mainstream press often asserts. Instead, it is inherently defective. Something that is broken can conceivably be fixed. Something that is inherently defective cannot be fixed, not even by libertarian health-care reformers.

Today, the federal government seizes around \$2 trillion from the income of younger people to fund Social Security, Medicare, and Medicaid. Lots of younger people don't realize that because they don't pay much attention to the amount

of money that their employers withhold from their income. They focus only on their net income — their “take-home” pay.

Why not leave that \$2 trillion in the hands of younger people and cut out the middleman? Why not let younger people give that money to their parents and grandparents and other people in need? Why not entrust them with the freedom to do the right thing voluntarily rather than entrust government with the power to force them to do the right thing?

It’s because the American people have lost faith in themselves, in others, in free markets, in free will, and in God. They have come to view the federal government as their political parent or, even worse, their god. That’s what socialism does. It is a destructive political narcotic that causes people to have a mindset of dependency on the government and its coercive apparatus.

### Central Planning

There is another aspect of America’s federal health-care system that needs to be addressed, one that has clearly manifested itself during the coronavirus crisis. The system is based on central planning, which is a core feature of the

socialist paradigm. The economic system of the Soviet Union, for example, was based on central planning, which was why there were always widespread shortages and other economic chaos in that socialist system.

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### America’s federal health-care system is based on central planning.

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The Centers for Disease Control (CDC). The Food and Drug Administration. A governmental task force on the coronavirus crisis. The Department of Health and Human Services. And others. They all constitute a top-down, command-and-control system run by central planners within the federal government.

That’s why there is massive health-care dysfunction within the federal government. It’s because of America’s health-care system of central planning. That’s why there are shortages of masks, ventilators, and testing kits. That’s why there are defective testing kits sent out to people by the CDC. That’s why federal officials have been running around like chickens with their heads cut off.

That’s what happens under a system of central planning. Just ask people who lived in the Soviet

Union. The economist Ludwig von Mises called a system of central planning “planned chaos.” What better term to describe America’s health-care system during this crisis?

When the system fails to work, the results are predictable — tyranny and oppression. Mandatory lockdowns and shutdowns of the entire economy. Arrests. Criminal prosecutions. Just as in the Soviet Union.

The opposite of a centrally planned system is a free-market system. Abolish the CDC, the FDA, the health-care task force, the Department of Health and Human Services, and all other federal departments and agencies that deal with health care. Get rid of them all, along with all the federal programs, laws, regulations, and agencies that deal with health care. Separate

health care and the state, the same way that our ancestors wisely separated church and state. Leave threats to our health to the health-care industry. Let them, not the politicians and bureaucrats, lead us out of these types of crises.

There is only way out of America’s health-care morass — our heritage of liberty and free markets. The sooner we embrace that heritage, the freer and healthier we will be.

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

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**NEXT MONTH:**  
“Socialism, American  
Style, Part 4”  
*by Jacob G. Hornberger*

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# The FBI's Forgotten Crimes against Richard Jewell

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by James Bovard



A new movie about Richard Jewell is reminding Americans of one of the forgotten travesties of the 1990s. When he died in 2007 at age 44, his *New York Times* obituary was headlined, “Richard Jewell, Hero of Atlanta Attack, Dies.” But his heroism was recognized only after the FBI and the media sought to destroy him.

On July 27, 1996, a pipe bomb went off at Centennial Olympic Park in Atlanta, where the world’s athletes and media were gathered for the Olympic games. The FBI decided that 33-year-old security guard Richard Jewell, who had found the bomb and helped clear the area and minimize fatalities, had also planted the bomb. FBI agents lured Jewell over to their At-

lanta office and asked him to help them make a training film about detecting bombs. The ruse allowed the agents to question Jewell extensively without reading him a Miranda warning — without alerting him that anything he said could be used against him. As *Investor’s Business Daily* noted, “Jewell was the bureau’s top suspect, a fact that was leaked to the press in time for cameras to catch agents poring over Jewell’s home.” FBI leaks led to 88 days of hell for Jewell, who saw his life and reputation dragged in the gutter day after day. The FBI did nothing to curb the media harassment of Jewell long after it had recognized that he was innocent.

A Justice Department investigation concluded that the training-film scam violated Jewell’s constitutional rights. But in 1997 Senate testimony, FBI chief Louis Freeh denied that Jewell’s rights were violated because he did not incriminate himself. Who knew that only guilty citizens have constitutional rights? Freeh did tell the Senate committee that he had instructed FBI agents “not to use deceptive ploys in getting people to waive their constitutional rights.” His order was merely aspirational and did not prevent a tsunami of FBI entrapment and other schemes, in-

cluding the bogus briefing on Russia that FBI agents gave the Trump campaign, as the Inspector General report revealed in December.

As a result of the Jewell debacle, two FBI agents were censured and one was suspended for five days without pay. But as the *Washington Times* noted, “No similar disciplinary action was recommended against senior FBI officials in Washington who oversaw the probe and were actively involved in the interrogation, including Mr. Freeh, who took part in the hour-long interview, even suggesting a question.” The Jewell debacle should have been no surprise, because the FBI Academy explicitly taught agents that subjects of investigations “have forfeited their right to the truth.”

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**The vast majority of members of Congress continued giving the FBI far more adulation than scrutiny.**

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Freeh admitted in congressional testimony in 1997, “We are potentially the most dangerous agency in the country if we are not scrutinized carefully.” But the vast majority of members of Congress continued giving the FBI far more adulation than scrutiny. Nothing had changed since 1993, when

Congress responded to the FBI's sending in the tanks for the disastrous final assault at Waco by giving a hefty budget increase to expand the FBI's Hostage Rescue Team.

### James Bovard — G-Man

I blundered into the aftermath of the Jewell debacle in 2001 while vacationing in the mountains of western North Carolina. My wife at the time had the bright idea of going to a chalet inn she had seen in a tourist guidebook. The directions to the inn were lame and after roaming that zip code for half an hour, I pulled into a parking lot in front of a hardware store in Whittier to cuss and recheck the map.

I stepped out of my car and fired up a cheap cigar. Two minutes later, a big ol' bald guy named Dennis came bounding out of the hardware store and asked in a booming voice, “What part of Maryland you from?”

“Rockville,” I replied. He started chatting me up at race-horse pace, telling me he was from Maryland, been living down here for twenty years, worked as a long-haul truck driver, and had lost \$5,000 gambling last year at a nearby Cherokee Indian casino. I was raised in the mountains of Virginia so I wasn't surprised by his palaver but something seemed amiss.

After about 15 minutes, he suddenly announced that he thought I was an undercover federal agent. Holy crap! With my scruffy beard, railroad cap, and “just a country boy” shtick, federal agencies often presume I’m a (harmless) redneck. And now the rednecks think I am a fed! I can’t get a break.

I asked Dennis why he suspected I was an undercover agent.

“Because you’re driving a black car with a Maryland license plate,” he replied without missing a beat.

Guilty on both counts — though I doubted that Ford Contours were standard undercover issue. I asked if there were other signs of federal agents.

“Ya — they have hidden tracking devices on the underside of the back of the car.”

“Feel free to check out my car.”

“OK!”

He and I walked to the back of my vehicle; he got down on his knees and pawed his big hands around the Ford’s underside and found no GPS tracker. After about a minute, he decided I wasn’t a G-man, got back up, and gave me a hearty handshake.

He explained that he’d been suspicious because the FBI had sent hundreds of agents to that area to capture Eric Rudolph, who the FBI

decided actually carried out the Atlanta bombing. The FBI arrived full of bluster, promising to speedily take down Rudolph. Dennis said many of his neighbors came to despise the FBI because they were heavy-handed and condescending. He said they showed up at a motel and decided to take it over; agents went around banging on doors and threw every guest out on the spot. Dennis had heard that some restaurants refused to serve FBI agents — insisting that they leave their guns outside, knowing they couldn’t do that.

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**FBI agents went around banging on doors and threw every guest out on the spot.**

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The feds pulled out all their tricks to nail Rudolph. *Blue Ridge Outdoors* noted that the FBI came in “with bloodhounds, electronic motion detectors, and heat-sensing helicopters. They set up listening posts with cameras and hired local scouts to tromp through the woods with gridded maps,” in addition to putting a million-dollar bounty on Rudolph. The FBI got nothing. The *Los Angeles Times* reported that Rudolph became “a local folk figure, earning him minor tributes on posters, bumper stickers and

T-shirts bearing slogans such as 'Eric Rudolph Ate Here' and 'Eric Rudolph: 1998 Hide and Seek Champion.'" Patrick Crosby, the spokesman for the federal task force, whined, "It's incredibly difficult. You can't see squat, and there are sudden cliffs and rocks, and you could get shot or blown up at any time. It's hot as hell during the day and cold as hell at night. And once you're in the woods, all bets are off. This is a guy who plants bombs ... and now you're on his turf." The poor darlings.

Dennis became more at ease when I mentioned that I'd written about federal abuses at Waco and Ruby Ridge and had been publicly denounced by FBI chief Louis Freeh. I'm not sure he believed that last point, but he was far better informed on the details of FBI misconduct in those cases than was the typical Washington journalist who happily printed whatever hokey FBI agents fed him. We chatted for two hours outside that hardware store before Dennis invited us to spend the night at his house. I thanked him for the invite but said we wanted to head on to Asheville to hear some great fiddling.

Eric Rudolph was finally captured in 2003 by a local policeman in a small town about an hour from

that hardware store. He pled guilty to the Atlanta bombing as well as multiple bombings of abortion clinics and a lesbian nightclub; he is now serving a life sentence in federal prison. Shortly after Rudolph was apprehended after more than four years in the mountains, the U.K. *Independent* pointed out that prior attempts to nail him illustrated "all the shortcomings of a hi-tech, militarized federal force unable to negotiate such alien, not to say hostile, territory."

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**Dennis became more at ease  
when I mentioned that I'd written  
about federal abuses.**

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That was the lesson I took from Dennis and his story of FBI failures in his neck of the woods. FBI bosses can swagger in Washington and receive reverential treatment in the nation's media. But far beyond the big cities and the coastlines, federal authority hinges largely on the consent of local citizens. Just because rural residents are mostly peaceful it doesn't follow that they will be docile to imperious outsiders.

What would happen if, instead of fruitlessly seeking a single fugitive, a federal task force decides to seize all the AR-15 rifles in western North Carolina? The result would

be like the classic bluegrass song about the “revenooer” who went up Rocky Top mountain and never came down. If innocent people were killed in the crackdowns on gun owners, the feds would very likely have to contend with the long-range .50 caliber armor-piercing bullets from Barrett sniper rifles, developed by a Tennessee boy a few decades ago. At that point, it would not matter how many editorial pages and cable news channels cheered on the G-men and howled for the blood of those defying government commands. The game would be over. Federal jurisdiction on that swath of America would be as illusory as the Afghan government’s control over the mountains of Tora Bora.

That new movie on Richard Jewell, produced by Clint Eastwood, received a few rave reviews and plenty of hostile responses from the media. The *Washington Post*, the hometown paper for the Deep State, fretted that the movie’s “vilification of reporters and the feds” amounts to “nearly a second railroading ... of Jewell’s accusers.” But some FBI officials and some journalists deserved tarring for their abuse of Richard Jewell. The media’s reflexive rallying around

the FBI in the Jewell case is a warning sign of how difficult it will be to spur support to rein in the FBI regardless of how many of its abuses are exposed.

The Founding Fathers wisely did not create a national police force. However, since Prohibition, federal law-enforcement agencies have multiplied like mushrooms. Congress has dismally failed to perform its duty in keeping an eye and a leash on federal agencies armed with massive firepower and even more deadly legal authority. The Richard Jewell saga is a reminder of how long things have been out of control.

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*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.*

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**NEXT MONTH:**  
“Pandemic Follies: Tyranny  
Won’t Keep Us Safe”  
by James Bovard

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# Should Social Security Be Expanded?

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by *Laurence M. Vance*



**T**ime is running out for Rep. John Larson (D-Conn.), the chairman of the House Ways and Means Subcommittee on Social Security.

The Constitution, in Article I, Section 4, mandates that Congress assemble “at least once in every Year.” Each Congress is numbered and lasts two years, with two legislative sessions. The current Congress is the 116th to assemble since the first in 1789. Although congressional elections are held in November of even-numbered years, a new Congress does not begin until noon on January 3 of the following odd-numbered year. The first session convenes on or soon after that date. The second session convenes on or soon after January 3 of even-numbered years. Sessions typically ad-

journal before the end of the year, although they sometimes run all the way to January 3. All bills introduced during the first or second session that are not enacted by the end of the second session die, although they can be reintroduced in the next Congress.

## The Social Security 2100 Act

Reintroducing a bill is exactly what Larson did last year and may have to do again if time runs out on him. On April 5, 2017, in the 115th Congress, Larson introduced the Social Security 2100 Act (H.R.1902) “to protect our Social Security system and improve benefits for current and future generations.” A companion bill (S.2671) was introduced in the Senate the next day by Sen. Richard Blumenthal (D-Conn.).

In a press release accompanying the bill’s introduction, Larson stated,

Social Security is not an entitlement — it’s the insurance Americans have paid for to fund retirement, disability, and survivor benefits through a lifetime of work. Seniors depend on Social Security and no one should be able to retire into poverty. I am committed

to taking common sense steps to expand benefits and to make the system solvent for the next 75 years and beyond. The Social Security 2100 Act, will do just that, without adding to the national debt. Social Security is the most successful program in American history, it is time to expand it for the future. This bill will secure your future, your family, and our nation.

A year later, during a House Ways and Means Tax Subcommittee hearing, Larson defended Social Security and promoted his bill to expand Social Security:

Social Security is not an entitlement, it is the insurance that Americans pay for through the Federal Insurance Contribution Act (FICA) with every paycheck. It is exactly what it says, an insurance contribution that we pay into. My bill, the Social Security 2100 Act, would enhance the program, give current beneficiaries a benefit bump, and make the program solvent beyond the 75 year window. We need to come together and work on solutions, not cuts.

Although the bill eventually garnered 174 cosponsors (all Democrats), and was referred to several committees and subcommittees, including the subcommittee on Social Security, it died, as did the companion Senate bill.

Soon after the beginning of the 116th Congress, on January 30, 2019, Larson reintroduced the Social Security 2100 Act (H.R.860) in the House, with 201 cosponsors, while Blumenthal reintroduced his companion bill (S.269) in the Senate. In a press release accompanying the bill's introduction, Larson stated,

Today, over 200 Members of Congress came together on the anniversary of President Franklin Delano Roosevelt's birth to honor his legacy, and to enhance and expand the nation's most successful insurance program, Social Security, which touches the lives of every American. With 10,000 baby boomers becoming eligible for Social Security every day, the time to act is now. The Social Security 2100 Act will provide economic security not just for today's seniors but for future generations too.

A brochure put out by Larson's office summarizing the Social Security 2100 Act says about Social Security,

You've paid for it.

It's not an entitlement.

It's an earned benefit.

Now, we have to protect it ...

The brochure also echoes what Larson said in one of his press releases: "Social Security is not an entitlement. It is the insurance that you contribute to with every paycheck. That is what FICA stands for: Federal Insurance Contributions Act."

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**It strengthens the trust fund by gradually phasing in an increase in the Social Security tax rate.**

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A "fact sheet" that accompanies the Social Security 2100 Act touts that the bill increases Social Security benefits while strengthening the Social Security trust fund. It increases benefits by raising the amount paid out by about 2 percent of the average benefit (currently \$16,848 a year), improving the annual cost-of-living adjustment (COLA) formula by switching to a consumer price index (CPI) for the elderly (CPI-E), establishing a new minimum benefit at 25 percent above the poverty line

tied to wage levels, raising the income threshold to \$50,000 (\$100,000 for married couples) before Social Security benefits are taxed, and ensuring that any increases in benefits from the bill do not result in a reduction in, or loss of eligibility for, other welfare benefits such as Supplemental Security Income (SSI) or Medicaid. It strengthens the trust fund by gradually phasing in an increase in the Social Security tax rate to 14.8 percent by 2043, applying the payroll tax to wages above \$400,000, and combining the two parts of the Social Security trust fund.

The Social Security 2100 Act has been endorsed by the AFL-CIO, the NAACP, the National Organization for Women (NOW), the Congressional Progressive Caucus (CPC), the Paralyzed Veterans of America (PVA), the American Federation of Government Employees (AFGE), the Daily Kos, MoveOn, and many other progressive groups. But time is running out. When the second session of the 116th Congress comes to a close at the end of this year, the opportunity for Congress to pass Larson's Social Security 2011 Act will end with it.

### Social Security

Social Security is officially the Old-Age, Survivors, and Disability

Insurance (OASDI) Program, and consists of two parts. The Old-Age and Survivors Insurance (OASI) program provides monthly benefits to retired workers, families of retired workers, and survivors of deceased workers. The Disability Insurance (DI) program provides monthly benefits to disabled workers and families of disabled workers.

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### Social Security is the largest expenditure in the federal budget.

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Social Security is funded by a 12.4 percent (10.03 percent OASI and 2.37 percent DI) payroll tax (split equally between employers and employees) on the first \$137,700 of employee income. Self-employed individuals pay the full 12.4 percent, but receive a tax deduction equal to 50 percent of the amount of the Social Security tax they paid. One must pay Social Security taxes for a minimum of 40 quarters, or 10 years, to be eligible for benefits. Social Security benefits are figured on the basis of one's Primary Insurance Amount (PIA), the average of a worker's 35 highest years of earnings (up to a particular year's wage base), adjusted for inflation. For those born after 1959, the retirement age to receive full benefits is 67. Reduced benefits are avail-

able for those who have reached the age of 62; increased benefits are available for those who wait until age 70 to retire.

According to the latest annual report by the Social Security Board of Trustees ("The 2019 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds"),

At the end of 2018, the OASDI program was providing benefit payments to about 63 million people: 47 million retired workers and dependents of retired workers, 6 million survivors of deceased workers, and 10 million disabled workers and dependents of disabled workers. During the year, an estimated 176 million people had earnings covered by Social Security and paid payroll taxes on those earnings. The total cost of the program in 2018 was \$1,000 billion.

Social Security is the largest expenditure in the federal budget. According to Donald Trump's fiscal year 2021 budget proposal, annual outlays are expected to increase from \$1.15 trillion in 2021 to \$1.91 trillion by 2030.

### Expanding Social Security

What is unusual about Larson's Social Security 2100 Act is that it is an expansion of Social Security. What we usually hear are calls to save or protect Social Security for future generations by doing one or more of the following: raising the retirement age, raising the tax rate, reducing or eliminating COLAs, increasing or eliminating the payroll tax cap, reducing benefits, or means-testing recipients.

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**What is unique about Larson's Social Security 2100 Act is that it is an expansion of Social Security.**

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As even Larson says, "For 75 years, Social Security has been a promise to all Americans that they would have a chance to retire with dignity after a lifetime of hard work. We have an obligation to keep that promise; to safeguard Social Security for our seniors, people with disabilities, and all Americans — today, tomorrow, and forever." Although Democrats sometimes accuse Republicans of wanting to cut Social Security, Republicans are just as committed to the program as Democrats. According to the latest Republican Party platform, "Saving Social Security is more than a challenge. It is our moral obligation to

those who trusted in the government's word." And as Trump said earlier this year, "Democrats are going to destroy your Social Security. I have totally left it alone, as promised, and will save it!"

Larson is not alone in his desire to expand Social Security. Sen. Elizabeth Warren (D-Mass.), one of the many Democrats who ran for president, had an ambitious expansion plan. She proposed increasing Social Security benefits immediately by \$200 a month; further increasing benefits for "lower-income families, women, people with disabilities, public-sector workers, and people of color"; and increasing the Social Security "contribution" requirement by raising the tax rate to 14.8 percent on wages above \$250,000 and implementing a new 14.8 percent tax on net investment income on persons making more than \$250,000 (\$400,000 for married filing jointly). Other Democratic presidential candidates were content to tax, at the existing rate, wages above \$250,000 or \$400,000 in the case of Joe Biden.

### The problem with Social Security

Social Security is underfunded, unstable, and unsustainable. Since 2010, total expenditures of Social Security have exceeded the non-in-

terest income of its combined trust funds. The trust funds are projected to be depleted in the early to mid 2030s. Once they are depleted, the Social Security trustees project that current revenue will be sufficient to cover only 80 percent of promised benefits. The ratio of those paying into the Social Security system to those collecting Social Security has declined from more than forty to one down to about three to one. Although Ida Mae Fuller, the first recipient of Social Security, paid in only \$24.75 and received \$22,888.92 in benefits (she lived to be 100), for many years now Social Security has been a bad investment.

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**The Social Security trust funds  
are government accounting  
fictions.**

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A recent report by the Heritage Foundation, a conservative think tank, found that “Americans would be better off keeping their payroll tax contributions and putting them into private retirement accounts than having to sacrifice them to the government’s broken Social Security system.” Many workers who “pay into the program” end up with a negative annual rate of return. But there is a deeper problem with Social Security, and it has nothing to

do with how solvent or insolvent or how good or bad an investment the program is.

Surely John Larson speaks for a majority of Americans when he maintains that “Social Security is not an entitlement,” but is “the insurance that you contribute to with every paycheck.” Yet nothing could be further from the truth.

**Not insurance**

First of all, the federal government doesn’t have a Social Security account with every American’s name on it. The Social Security trust funds are government accounting fictions. Unlike a real insurance company, which is required to carry huge reserves, there is no money in an account for people to withdraw from. All Social Security benefits are paid from current taxes collected. As the Social Security Administration acknowledges, “The money you pay in taxes is not held in a personal account for you to use when you get benefits. Today’s workers help pay for current retirees’ and other beneficiaries’ benefits. Any unused money goes to the Social Security trust funds to help secure today and tomorrow for you and your family.” The whole system is one gigantic fraud. Payroll taxes collected are deposited in the gov-

ernment's general fund and immediately spent, not only on current Social Security benefits, but also on foreign aid, welfare, the drug war, the TSA, and countless other unconstitutional sinkholes.

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**Social Security benefits have never been based on the amount of Social Security taxes paid.**

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Second, those who die before signing up for Social Security forfeit every penny they “contributed” to the system. Americans with lower life expectancies have the most to lose because they receive little or nothing in benefits and cannot pass along their years of “contributions” to their surviving relatives. In *Flemming v. Nestor* (1960), the Supreme Court held that the widow of someone who had paid into Social Security for years and then lost his citizenship was not entitled to any benefits. The majority opinion stated, “To engraft upon the Social Security System a concept of accrued property rights would deprive it of the flexibility and boldness in adjustment to the ever-changing conditions which it demands.” And even Justice Hugo Black, in a minority opinion, stated that “no private insurance company in America would be permitted to repudiate

its matured contracts with its policyholders who have regularly paid all their premiums in reliance upon the good faith of the company.”

Third, there is no connection between the taxes one pays to fund the Social Security system and the benefits that one receives from the Social Security system. Although most Americans think the opposite, Social Security benefits have never been based on the amount of Social Security taxes paid. They have always been based on the 35 highest years of one's income earned from wages during his life. The benefits are calculated with an arbitrary formula that Congress can change at any time. The additional Social Security taxes that the Democratic presidential candidates wanted “the rich” to pay would not have resulted in any increase in their benefits. Under the Social Security expansion plans of Larson and Warren, benefits would be increased for those who didn't pay more in taxes. And even though Social Security taxes were cut by 2 percentage points in 2011 and 2012, no one will see their future benefits cut.

Fourth, Americans have no contractual right to receive Social Security benefits. In *Helvering v. Davis* (1937), the U.S. Supreme Court ruled that “the proceeds of both

[employee and employer] taxes are to be paid into the Treasury like internal revenue taxes generally, and are not earmarked in any way.”

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**There is no contractual right to receive Social Security benefits.**

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According to Title XI, section 1104, of the Social Security Act, “The right to alter, amend, or repeal any provision of this Act is hereby reserved to Congress.” This means that Congress can raise Social Security taxes, raise or eliminate the wage base upon which taxes are figured, cut benefits, raise the retirement age again, means-test recipients, eliminate yearly cost of living increases, or make all those changes at the same time. Section 1104 was affirmed in the aforementioned *Flemming v. Nestor* decision. There the Court ruled that “the noncontractual interest of an employee covered by the Act cannot be soundly analogized to that of the holder of an annuity, whose right to benefits are [sic] based on his contractual premium payments.”

And fifth, although insurance proceeds aren’t generally taxable, Social Security benefits can be taxed almost in their entirety. According to the Social Security Administration,

Some people who get Social Security must pay federal income taxes on their benefits. But, no one pays taxes on more than 85 percent of their Social Security benefits.

You must pay taxes on your benefits if you file a federal tax return as an “individual” and your “combined income” exceeds \$25,000. If you file a joint return, you must pay taxes if you and your spouse have “combined income” of more than \$32,000. If you are married and file a separate return, you probably will have to pay taxes on your benefits.

The Social Security Administration (SSA) defines “combined income” as adjusted gross income, tax-exempt interest income, and half of Social Security benefits. According to the annual report of the Social Security Board of Trustees, in 2018 the Social Security trust funds received \$35 billion from the taxation of benefits — 4 percent of the trust funds’ non-interest income. And “more than 40 percent of current beneficiaries pay income taxes on part of their benefits.”

Social Security benefits were exempt from income taxation through

1983. Section 86 of the Social Security Amendments of 1983 provided that up to 50 percent of benefits could be taxed if “combined income” exceeded \$25,000 for individuals or \$32,000 for married couples. In 1993, Congress amended section 86 to allow for an additional taxation of up to 85 percent of benefits if “combined income” exceeded \$34,000 for individuals or \$44,000 for married couples. Those numbers have never been indexed for inflation. In addition, there are also thirteen states that tax Social Security benefits. Social Security couldn’t possibly be an earned benefit that workers have paid for — not if the government can tax you on 85 percent of your benefits. If Social Security was really “the insurance that you contribute to with every paycheck,” then it wouldn’t matter how much money you made after retirement. Your income shouldn’t affect your Social Security at all.

So then, if Social Security is not a retirement plan, a trust fund, an annuity, an insurance program, a savings account, a 401(k)-type account, an investment vehicle, or a pension fund; if it is not “earned,” “paid for,” or “the insurance that you contribute to with every paycheck,”

then what is it? It is simply an inter-generational wealth-redistribution scheme that has been an entitlement program for the elderly from the very beginning. Social Security doesn’t need to be expanded, and neither does it need to be reformed, privatized, fixed, or saved. Because Social Security is based on coercion, fraud, and theft; and because it is immoral for the government to take money from those who work and give it to those who don’t, the Social Security program should be eliminated, not expanded.

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**NEXT MONTH:**

**“Is Libertarianism Immoral?”**  
*by Laurence M. Vance*

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# The Coronavirus Crisis and Restoring the Spirit of Liberty

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by *Richard M. Ebeling*



**T**he year 2020 will, most certainly, go down in history as a momentous one. Having started out in January with most people fairly confident that relatively prosperous times were likely to continue at least into 2021, it witnessed within a couple of months entire economies almost everywhere collapsing into one of the most serious economic downturns of the last 100 years owing to the coronavirus and the response of governments around the world.

In the United States, nothing like the percentage magnitude of economy-wide falling output and rising unemployment had been seen since the early years of the Great Depression of the 1930s. The reason for such a dramatic and

huge decline was the U.S. governments' closing down large parts of the American economy.

Donald Trump infamously insisted, at one point, that as the chief executive of the federal government, he held all the power to shut down the society and to then reopen it. But it has been, for the most part, the actions of state governments across the country that imposed lockdowns on work and production except for what state governors and their advisors declared to be "essential activities," and prohibited people from socially interacting or shopping for anything except for the "essentials" of food and pharmaceuticals.

Double-digit unemployment and matching falls in output and sales of finished goods of almost every type were the responsibility of no other source than the commands and controls of those in political authority, whether at the national or state levels. On top of that, most of the edicts, decrees, and dictates were issued with asserted arbitrary power, under the general and elusive headings of a "national emergency" and a "health crisis."

## Fear and liberty

A political cartoon that ran in a number of places in March and

April showed the Statue of Liberty bent over crying with her hands covering her face, the torch of liberty at her feet on the ground, with an American citizen standing nearby and saying, “But we were afraid!” As is attributed to Benjamin Franklin, “Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety.”

It is very clear that the coronavirus is a serious health risk and relatively easy to transmit. It has been emphasized, from its patterns and impact, that while many can easily catch it, it predominately threatens those older than 65, especially those with a variety of underlying preconditions already undermining their health. In addition, at this writing, for reasons that have not been fully discovered, it also seems to disproportionately affect certain racial and ethnic groups more than others.

Millions have been infected and hundreds of thousands have died from the virus. That is a terrible human tragedy, not only for the individuals who have fallen victim to it, and for their loved ones, but also for humanity as whole. All those who have died were distinct individual human beings, unique in their qualities, characteristics, and con-

tributions (great and small) to the betterment of all of us from their past actions and through their particular knowledge, skills, expertise, and capacities.

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**We have found almost all governments imposing variations on the central planning theme.**

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Let us not forget that every human being touches many people around him throughout his life, and his presence influences those he interacts with in many unknowable ways, making each person different from what he might have been if not for that other person's place in the meaningful processes of everyday human life.

In other words, every life has value. It is the reason that friends of freedom place so much importance on respect for and protection of each individual's right to his life, liberty, and pursuit of happiness. It is why those friends of freedom have been so critical of the presumption by governments to take charge of dealing with the coronavirus in place of the voluntary associations of civil society, both within and beyond the marketplace of supply and demand.

## A government-made crisis

Everywhere we turn, we have found almost all governments imposing variations on the central-planning theme through systems of command and control. Federal agencies such as the Food and Drug Administration (FDA) and the Centers for Disease Control (CDC) applied their regulatory rules and restrictions on all attempts to meet the medical needs of those facing the growing number of patients suffering from the coronavirus. For instance, they dictated how breathing ventilators, hand sanitizers, and virus-resisting masks were to be manufactured and supplied, and by whom.

Governments refused, at first, to loosen any of the procedural restrictions, even when it became clear that their own failures, incompetence, and regulatory rigidities were the stumbling blocks to finding ways to fill the production and supply gaps they had created in a dynamically worsening situation that desperately needed rapid and flexible innovative adaptation.

The president of the United States could think of nothing to do other than close borders and insist that import barriers and tariffs were still good, when foreign supplies of essential items might have been im-

ported as useful additions at better prices to increase the domestic quantities. Then, after praising the “great work” being done by private enterprise, he drew upon a Korean War-era executive power still on the books to demand and dictate that certain businesses produce certain goods and in stipulated quantities. Donald Trump presumed that he was an all-powerful American king with the authority to tell his citizen-subjects what they were to do, when, and for what.

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**Donald Trump presumed  
that he was an all-powerful  
American king.**

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Just as arbitrarily, the same president declared that it was now time to start opening the states that were in lockdown, but at the pace and procedures that he and his medical advisors considered timely and appropriate. It was all up to the state governments, he said, but as he considered the right way.

## The freedom road

It never entered the general public discourse that the best policy would have been for the governments to do virtually little or nothing. Such a laissez-faire approach was not a call to “do nothing” in the

face of the virus crisis and to thoughtlessly and cruelly allow multitudes to die. It was, for the very small number of people who even thought of suggesting it, an appeal to set lose the knowledge and abilities, the skills and creativity of 330 million people in the country to imagine, devise, and design ways to meet the changing challenges from the virus as it affected in different ways those in different parts of the land at different times.

It was a reminder of the power and effectiveness of the competitive market and price system: That changing relative prices serve as both signals and incentives to inform and direct the coordinated cooperation of all in society without having to rely upon and wait for those in political decision-making positions at various layers of government to figure out, decide, and dictate what everyone else is to do. Decentralized and open markets free us from dependency upon the limited knowledge and abilities of a few.

Such a free-market-based system was a part of the principles and ideas upon which the United States was founded, and which guided the practice in many, if not most, instances for the first hundred years

of the country's existence. What were those principles and ideas that made up the great American experiment in human liberty and voluntary cooperation?

### Liberty and free association

A useful guide may be found in (Viscount) James Bryce's *The American Commonwealth*, first published in 1888. A noted British lawyer and later diplomat, Bryce (1838–1922) had originally written it for a British audience. He wanted to convey the nature of the American political, social, and cultural order in a fair, relatively dispassionate, yet highly sympathetic way. For at least the half-century after its first appearance, *The American Commonwealth* was considered an insightful and important analysis and interpretation of American society and its political system.

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**Unlike those in Europe, Bryce said, Americans did not hold “the state” in awe or reverence.**

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Unlike those in Europe, Bryce said, Americans did not hold “the state” in awe or reverence. It was considered simply a mechanism for the legislative and administrative duties assigned to the political authority. It had no separate con-

science and it was not on any “moral mission” to which the individual citizens were to be subservient. Government was there to secure law and order in the protecting of the citizen’s individual rights.

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**Government was there to secure law and order in the protecting of the citizen’s individual rights.**

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About their government, Bryce explained the general attitude among Americans:

The less government the better; that is to say, the fewer occasions for interfering with individual citizens are allowed to officials, and the less time citizens have to spend in looking after their officials, so much more will the citizens and the community prosper. The functions of government should be kept to a minimum.

This doctrine of laissez-faire or noninterference by government in the lives of the citizenry arose from two bases, Bryce went on — what he called the “sentimental” and the “rational”:

The sentimental ground is the desire of the individual to be

let alone, to do as he pleases, indulge his impulses, follow out his own projects. The rational ground is the principle, gathered from an observation of the phenomena of society, that interference by government more often does harm than good — that is to say, that the desires and impulses of men when left to themselves are more likely by their natural collision and cooperation to work out a happy result for the community and the individuals that compose it than will be attained by the conscious endeavors of the state.

For a large majority of Americans, this sentiment for individual liberty was part of the deep cultural legacy and inspiration from the ideals expressed in the Declaration of Independence. It reflected “the character and habits” of the people “that everybody knows his own business best, that individual enterprise has ‘made America’ and will ‘run America’ better than the best government could do,” said Bryce.

From the founding of the country, Bryce emphasized, “individualism, the love of enterprise, and the pride of personal freedom, have been deemed by Americans not

only their choicest, but their peculiar and exclusive possession.”

### Political paternalism

But already in the 1880s, James Bryce pointed out that America was making a turn toward greater and more-intrusive government. People were coming to believe that if there were problems in “modern society,” government could more effectively handle them than individuals and private enterprise. Appeals for bureaucratic regulation and intervention were growing in a number of quarters. There were social ills and conflicts, it was said, that only government could alleviate and cure.

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**In the 1880s, America was making a turn toward greater and more intrusive government.**

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An interesting and important question, of course, is why this turn away from liberty and toward renewed political paternalism was coming about. Bryce tried to explain that as well. The more that society advanced economically and materially, and the more prosperity and improvement there was among the general population, the more remaining scenes and instances of poverty, misfortune, and seeming social injustice seemed intolerable;

people became impatient, wanting these “anomalies” in the face of increasing well-being to be removed by government as soon as possible.

Was it necessary, it was asked, to see these undesirable blemishes remaining around us until “natural” forces in society might slowly bring about their improvement? Given the level of general prosperity and wealth, could not government take the lead in removing their ills and sores on society right now through political action? In Bryce’s own words,

Men live fast, and are impatient of the slow working of natural laws. The triumphs of the physical sciences have enlarged their desires for comfort and shown them how many things may be accomplished by the application of collective skill and large funds which are beyond the reach of individual effort....

The sight of preventable evil is painful, and is felt as a reproach. He who preaches patience and reliance upon natural progress is thought callous.... Men [in America] are even more eager than in Europe to hasten on to the ends they desire, even more impatient of the

delays which a reliance on natural forces involves, even more sensitive to the wretchedness of their fellows, and to the mischiefs which vice and ignorance breed.

Bryce also said that so gradual had been the transition in thinking from the idea and ideal of individual liberty and limited government to “this new habit” of searches for political paternalistic solutions to social problems that only some lawyers and economists had at first become aware of the shift in sentiment.

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**The great majority of people defer to and expect leadership and commanding direction from those in high political office.**

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But now, already in 1888, more and more people had “the desire to have things done which a public authority can most quickly do, and the cost of which is less felt by each man because it comes out of the public revenue, to which he is only one of the contributors.” For the 1910 revised edition of *The American Commonwealth*, Bryce added a note listing all the intrusions, interferences, and interventions that either the federal or especially the

state governments had already enacted everywhere around the United States, supplanting private initiative and personal choice and responsibility.

It is should not be too surprising that after 100 years more of “this new habit” of looking for answers and guidance from the government, the great majority of people in the United States deferred to it and expected leadership and commanding direction from those in high political office and the bureaucratic “experts” that surround them when it came to how to effectively deal with the coronavirus crisis.

### **The power of the private sector**

So, are private-enterprise answers to social problems dead? Are the voluntary associations of civil society devoid of methods to deal with a dilemma such as the current health crisis? In my view, the answer is, “No.” The original spirit of the American experiment in personal freedom and voluntary effort has been showing its continuing vibrancy and vitality.

In either acts of regulatory “civil disobedience,” or under the social pressure of government’s lifting or loosening the regulatory rigidities, personal creativity and innovative private enterprise have generated a

plethora of stop-gap and more permanent ways of producing and supplying needed medical equipment and personal protective gear for hospital personnel and for the public at large.

To the extent possible, small and medium-size businesses most at financial risk owing to the mandatory shutdowns ordered by state governments found ways to operate within or around the guidelines to not only not go under, but to fulfill the everyday market needs of the general public forced to confine their own activities to the political dictates.

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**It is necessary and desirable for all of us to regain an appreciation of the vital importance of voluntarism.**

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They moved to store-front pickups or home deliveries, or limited the number of customers permitted to enter business establishments to shop or pick up called-in orders; and they devised ways to keep supply-chains of inputs flowing so final goods remain available. They organized helping-hand charitable endeavors to assist the infirm or the elderly who are either unable or fearful of venturing out of their homes to get food and other essen-

tial items. They structured meetings in ways that enable people to “socially distance” through the Internet or gathering in their cars while remaining apart.

All these, and multitudes of others, have shown and demonstrated the effectiveness and essentiality of relying upon the principles of freedom and voluntarism that were the cornerstones of the American founding and which guided much that went on in society for a very long time, before the emerging and increasing interference of political paternalists or being coopted by them. Indeed, one good thing that could come out of the terrible health tragedy would be if there were a serious and thorough rethinking about the desirability and necessity for the spiders’ webs of regulations, prohibitions, and restrictions that have enveloped so much of the social arena and private marketplace over the decades of the 20th and early 21st centuries.

### The “social” over the political

It is necessary and desirable for each of us to regain an appreciation of the vital importance of voluntarism, both in the marketplace and in the wider institutional setting of civil society, that is, the arenas of life outside of and greater than the nar-

row corner of what should be politics in a truly free society. We need to restore the attitude of those earlier Americans, about whom James Bryce spoke, when he said that the state was not considered something greater than the individual citizens with special missions to pursue. It is merely a mechanism meant in the American tradition to protect liberty, and really not much else.

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**The real and proper meaning of “community” has been replaced with political command and control.**

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In the 1970s, the noted American sociologist Robert Nisbet (1913–1996) wrote the *Twilight of Authority* (1975). Historically and culturally, authority referred to the voluntarily won and recognized and respected possession of useful and valued knowledge, experience, and trust on the basis of which others in society deferred to a particular person’s judgment and wisdom. Human associations and authorities were local, voluntary, and mutually assisting and supporting. They are the essential and central elements to the spontaneous order of a free society.

Governments especially in the 20th century, Nisbet argued, in-

creasingly replaced civil society and its associations of voluntary authority and collaborative assistance in everyday affairs as well as in times of hardship and emergency. The real and proper meaning of “community” in the voluntary, associative and market-based sense, has been replaced with political command and control, Nisbet explained.

We are, he warned, “prisoners in the House of Politics”:

Of all the consequences of the steady politicization of our social order, of the unending centralization of political power ... the greatest in many ways is the weakening and disappearance of traditions in which authority and liberty alike are anchored...

Of all the needs in this age the greatest is, I think, a recovery of the social, with its implication of the diversity of social membership, that in fact exists in human behavior, and the liberation of the idea of the social from the political.... Crucial are the voluntary groups and associations. It is the element of the spontaneous, of untrammled, unforced volition, that is undoubtedly

vital to creative relationships among individuals....

Voluntary associations have an importance well beyond what they do directly for their individual members. Most of the functions which are today lodged either in the state or in great formal organizations came into existence in the first place in the context of largely voluntary association. This is true of mutual aid in all its forms — education, socialization, social security, recreation, and the like.... It is in the context of such [voluntary] association, in short, that most steps in social progress have taken place.

Friends of freedom should take this opportunity to explain to and persuade our fellow citizens that in spite of all the scare tactics and appearances of scientific expertise about the nature and needed responses to the coronavirus, decentralized actions by market-based private enterprises and the voluntary associations and networks of

civil society at various levels of social interaction are always superior to the heavy hand of government planning. And most especially because it is the only institutional avenue that ensures the protection and preservation of liberty.

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### NEXT MONTH:

“Celebrating the Arrival of  
Ludwig von Mises in  
America”

*by Richard M. Ebeling*

“The Tortured Legacy of the  
Mexican-American  
War, Part 5”

*by Daniel A. Sjursen*

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# The Tortured Legacy of the Mexican- American War, Part 4

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by Danny Sjursen



*Our militia & volunteers, if a tenth of what is said to be true, have committed atrocities — horrors — in Mexico, sufficient to make Heaven weep, & every American, of Christian morals, blush for his country.*

— Gen. Winfield Scott to the  
Secretary of War (January 1847)

The American Army's invasion of Mexico was justified by a lie, overtly aggressive, and unnecessary. In that sense it bore striking resemblance to the 2003 U.S. invasion of Iraq. Yet, even more so than the Iraq occupation that followed, the conduct of large segments of the U.S. Army in Mexico was exceptionally ruthless throughout the two-year campaign. While a comprehensive military history of this

war would be extraordinarily fascinating and worthy of contemporary study by army officers, the length of such an analysis and the existence of exceptional existing works on the subject preclude its inclusion in this piece. Rather, a focus on the inherent military mismatch between the two sides, as well as the brutality of the invasion and subsequent occupation by American troops is more relevant for our purposes.

From an operational perspective, the American invasion and resultant war had three distinct (though often concurrent) phases. First, after following Polk's intent and sparking a violent enemy response along the Rio Grande, was General Taylor's campaign in Northern Mexico. This lasted more than a year and consisted of fixed battles — usually against numerically superior Mexican forces — and limited occupation duty. Second, was Brigadier Stephen Kearny's march, with a remarkably small force, through what is now New Mexico and Arizona, en route to the conquest of California. Finally, the climactic campaign consisted of Gen. Winfield Scott's amphibious invasion of southeast Mexico, the battle-ridden advance to the capital, and the sustained occupation of the Mexican heartland. Each phase in-

volved conquest, aggression, and rather difficult pacification of an occupied Mexican populace. All three were unique, complex, and highly challenging experiences for the U.S. Army.

### The campaigns

The conquest of New Mexico, Arizona, and California — on the basis of the numbers engaged on both sides — appeared, on the surface, as a peripheral campaign. However, the accession of California had, largely, been Polk's main goal from the start. This campaign, full of adventure and daring, had a certain romance, but also mirrored many of the complications inherent in invasion and occupation that the main American armies would face in the Mexican heartland. New Mexico, and its main settlement of Santa Fe, fell to Kearny first. In his haste to march on to the real prize of California, he left a token volunteer force behind with “sympathetic” native Hispanics running the local government, unaware of the simmering local hostility to American rule.

The old Santa Fe elite and Catholic clergy, jealous of their former power positions, and alienated by the banal brutalities of the undisciplined American volunteer troops,

joined (paradoxically) with Pueblo Indians and rose in revolt in January 1847. Finally suppressed and captured, sixteen of the rebellion's leaders — rather than being treated as prisoners of war — were summarily tried for murder, convicted, and hanged. So disturbed by the proceedings was one young American observer, that he wrote, “I left the room, sick at heart. Justice! Out upon the word, when its distorted meaning is the warrant for murdering those who defend to the last their country and their homes.” The coda to the New Mexico story demonstrated the racial component of American conquest and accession to democracy. Although, the province's population greatly exceeded that of California or Texas at the time, Hispanic Mexico, with its Indian majority, would have to wait more than sixty years longer than the former for statehood.

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**The accession of California had, largely, been Polk's main goal from the start.**

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In California, by contrast, American adventurers on a Polk-approved “scientific expedition” that set out a year before the outbreak of war, led by Capt. John C. Frémont (later the unsuccessful

1856 Republican candidate for president), had seized control even before Kearny's modest army arrived. Although the Mexican authorities in the region had seen through Frémont's suspicious activities and motives and had previously ordered him out of the country, the adventurer promptly returned as U.S.-Mexican tensions rose. After fighting a few brief skirmishes, his band emerged victorious, raised a hastily drawn flag bearing a bear's image, and declared California an independent republic on (naturally) July 4, 1846. When word reached the American insurgents that an official state of war finally existed between the two nations, Frémont lowered the Bear Flag, raised the Stars and Stripes, and welcomed Kearny's relief force.

As in New Mexico, while the initial bloodshed in California was minimal, the wanton intimidation, robbery, and brutality by the American volunteers quickly soured the existing population on the Yankee invaders. In late September 1846, as the locals had in Santa Fe, the Californios revolted. The outnumbered rebels held on for nearly four months, but finally signed a regional peace treaty in mid January 1847. As for the enormous Indian population of California, they were eth-

nically cleansed to near extinction in the uncannily brief span of just a decade, in what most historians now label a genuine genocide. Indigenous peoples were decidedly not envisaged as part of the newly U.S.-annexed "paradise" of California. Hardly a trace of this once-prominent civilization exists today on America's "Left coast."

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**Indigenous peoples were decidedly not envisaged as part of the newly U.S.-annexed "paradise."**

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Back in northern Mexico proper, Taylor's army, after its first victory, seized the city of Monterrey, and, his troops exhausted, agreed to an eight-week armistice with his Mexican counterpart. It was a prudent tactical move for a fatigued, logistically stretched U.S. force, but Polk was furious. Taylor, along with Scott and most of the military's top officers, were sympathetic to the Whigs. That made practical sense, since that party favored increased federal power and investment in the regular army to which they had all dedicated their professional lives. Nonetheless, the exceedingly jealous and insecure Polk had no intention of sharing the glory of war with anyone, especially a triumphant general who had (through

no effort of his own) already been short-listed as a (Whig Party) presidential candidate for 1848. Polk immediately vetoed Taylor's armistice.

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### Polk's aspirations had always been grander.

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In Taylor's defense, he'd assumed the war was now over. He'd defeated the major Mexican Army before him, seized — with significant casualties, though — the major provincial city, and secured the Rio Grande as the boundary between the United States and its southern neighbor. Had the war actually been about Texas, Taylor's assumption might have been valid. Only, unbeknownst to him, Polk's aspirations had always been grander. Around the same time, when Secretary of State James Buchanan (far from a dove on these matters) counseled Polk against the risky wholesale dismemberment of Mexico, the president rebuked him. Polk, by then, "preferred the 26 degree [latitude] to any boundary north of it," which, had it come to pass would have included a third of modern-day Mexico, in addition to the massive concession north of the Rio Grande between Texas and California. It went without saying that Polk's (and all the Democrats') as-

sumption was that all acquired lands would be slave territory.

### War crimes

Through the war, in all three major theaters, the U.S. Army — then an awkward amalgamation of regular and volunteer regiments — suffered from varying (but significant) degrees of indiscipline and brutality. As a general rule of thumb, the less professional, more scantily trained, volunteer soldiers engaged in more wanton savagery and wholesale debauchery than the regulars. Taylor, along with even rank-and-file regulars, was simply exhausted and exasperated by the volunteers' foibles. Insufficiently trained, and fiercely individualistic, the volunteer regiments — at least at first — were less reliable under fire, were more susceptible to (highly deadly) communicable disease (owing to their notoriously poor sanitation practices), and had a disturbing propensity to commit atrocities (read: war crimes) against Mexican prisoners and civilians.

Even privates in the regular regiments were appalled at the capricious wickedness of the volunteers. Almost all enlisted active-duty soldiers were destitute, uneducated, and unskilled. Forty percent were recent immigrants and 35 percent

couldn't sign their own names. The volunteers, by contrast, hailed from the middle and upper classes of American society and looked down upon the lowly professionals. The hatred was reciprocated. Raised in the regular army culture of steadfast discipline and adherence to orders, many young active-duty troopers criticized the volunteers' propensity for counterproductive violence against Mexican civilians. One regular Army private wrote to his father, "The majority of the Volunteers sent here are a disgrace to the nation; think of one of them shooting a woman washing on the bank of the river — merely to test his rifle; another tore forcibly from a Mexican woman the rings from her ears."

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**"The majority of the Volunteers sent here are a disgrace to the nation."**

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Educated, West Point-trained, regular officers were even more likely to denigrate the venality of the volunteers. Lt. Ulysses S. Grant wrote his wife, just after taking part in Taylor's occupations of Matamoros and Monterrey, of the "great many murders" and "weak means made use of to prevent frequent repetitions." He expanded on his

clearly disturbing observations, telling her,

Some of the volunteers and about all the Texans seem to think it perfectly right to impose upon the people of a conquered city to any extent, and even to murder them where the act can be covered by the dark. And how much they seem to enjoy acts of violence too! I would not pretend to guess the number of murders that have been committed upon the persons of poor Mexicans and the soldiers, since we have been here, but the number would startle you.

The initially sympathetic press eventually picked up on some of the atrocities, especially in the aftermath of the bloody battle and occupation of Monterrey. The litany of reported atrocities probably only scratched the surface of the dismal, on-the-ground realities. On October 6, 1846, the New Orleans *Picayune* reported that "eight Mexicans, including two women, had been killed ... the murder attributed to some volunteers." The next week, the Charleston *Mercury* described how, in Monterrey, "As at Matamoros, murder, robbery, and rape

were committed in the broad light of day.... [The Volunteers] burned many of the thatched huts of the poor peasants. It is thought that 100 of the inhabitants were murdered in cold blood." Soon, the news of volunteer atrocities reached the reading audience in London.

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**As early as late June 1846, Taylor expressed regret.**

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Many Mexican civilians consequently fled Monterrey when U.S. troops arrived. They'd heard stories about the earlier excesses in Matamoros. Grant wrote his wife in October 1846 that the volunteers "have made themselves so terrible by their previous outrages as to have inspired in the Mexicans with a perfect horror of them." According to Taylor, in the North Mexico theater, the Texan volunteers were the most uncontrollable. As early as late June 1846, he expressed regret, in a letter, for "outrages committed by the Texas volunteers on the Mexicans and others," and called them a "lawless set."

Soon after, a sergeant in the Arkansas volunteers admitted that "a portion of our regiment ... have been killing, I fear, innocent Mexicans as they meet them." Matters worsened when, after an Arkansas

volunteer was killed, the state's cavalry took retribution, and commenced "an indiscriminate and bloody massacre" of 25–30 Mexican men in the presence of their families, who were then left "butchered on the floor;" and, according to an Illinois volunteer witness, "most of them [were] scalped." Taylor, horrified, considered sending the whole lot home, but he desperately needed all the troops he could get. Given the reports from within the U.S. Army expeditionary force, it is hardly surprising that widespread guerrilla warfare promptly broke out in occupied Mexico — greatly complicating the task of occupying American soldiers in the distant land.

### Mexico City

Polk had hoped that a few quick victories from Taylor's army in Northern Mexico would promptly end the war. When, after a few defeats, the Mexican army refused to quit, and realizing that the route straight south to the capital of Mexico City was a daunting distance, Polk had no choice but to turn to another senior, Whig-sympathizing, general. Winfield Scott was the man of the hour. He had an audacious plan for an amphibious assault at Veracruz along the coast of

the Gulf of Mexico, followed by a shorter overland approach to seize the capital — the very same route the Spanish conquistador Hernán Cortés had taken to conquer the Aztecs in 1519. Thus, Taylor, stripped of four-fifths of his troops, and many of his most talented subordinates — including Grant — commanded only a skeleton force in the north. It was with that paltry force that he would fight, and barely win, the largest battle of the war at Buena Vista.

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**“My heart bled for the inhabitants.”**

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On March 9, 1847, Scott’s army landed. It was the first major amphibious landing in American military history — and the most ambitious until D-Day in World War II. Faced with the formidable fortified port city of Veracruz, the general decided to surround the city, cut off water and food supplies, and bombard it into submission. Over two full days, 6700 shells indiscriminately rained down on Veracruz. Foreign consuls in the city begged Scott to allow the women and children to evacuate. He refused. Some subordinate officers disagreed with the general’s decision. Capt. Robert E. Lee — though he obediently di-

rected much of the artillery fire — wrote, “My heart bled for the inhabitants, it was terrible to think of the women and the children.” Veracruz eventually capitulated. A young South Carolina volunteer wrote his family that the inhabitants “were nearly starved to death when they surrendered ... they had gotten to eating their donkeys.”

Scott’s decision to sacrifice Mexican civilians rather than risk his own troops in an assault was quite costly. Nearly 500 civilians and enemy soldiers were killed. After the city fell, embedded American journalists reported that U.S. troops immediately rioted, raping and robbing the inhabitants wholesale.

After the capitulation of Veracruz, Scott turned westward and marched towards Mexico City. American atrocities continued across the route. In Guadalupe, after a U.S. soldier was shot by a partisan, his comrades retaliated through the deliberate murder of 24 Mexicans. In another instance, Texas Rangers hanged more than 40 Mexicans. So brutal were the reports of the American retaliations, that Sen. Thomas Corwin, shocked, rose to the floor and defended the actions of the enemy partisans. “If I were a Mexican,” he declared, “I would tell you, ‘Have you not room

in your country to bury your dead men? If you come into mine we will greet you with bloody hands, and welcome you to hospitable graves.”

Scott, however, faced more-pressing tactical concerns. His army plagued by sickness and fatigue, and with many of its regiments' one-year enlistments up, he found himself deep in Mexico — cut off from his supply chain — with fewer than 5,000 troops fit for duty. Guerrillas harassed the army's rear, and, for Scott, there was no retreat. So dire was the American situation, that the British Duke of Wellington (the famed victor of the Battle of Waterloo) predicted that “Scott is lost — he cannot capture [Mexico City] and he cannot fall back upon his base.” That Scott defied the odds, pushed forward — his army living off the land — and made it to the outskirts of the capital, must stand as one of the great operational achievements in the annals of American warfare.

One of the last obstacles in Scott's path was Chapultepec Castle, home of, and defended by, the cadets of Mexico's national military academy. The young cadets put up a valiant defense but were overwhelmed. Six refused to surrender, even after the main army fell back, and fought to the death. Legend has

it that one of the cadets wrapped himself in the Mexican flag and leapt to his death rather than risk the banner's capture. To this day, Los Niños Héroes are venerated as Mexican martyrs. The enemy's conventional army had been vanquished, but Scott had no choice but to settle in for a lengthy, brutal — rape, robbery, and murder were rampant among his volunteers also — occupation of Mexico City. Even as bands of guerrillas continued to harass the American supply lines, he was befuddled by the continued unwillingness of the Mexican people or government to accede to defeat or negotiate peace. Army morale quickly declined. Stuck in a stagnated impasse, the general had little choice but to rely on Polk's appointed peace emissary — Nicholas Trist — to work out an acceptable settlement ... and fast!

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