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# FUTURE OF FREEDOM

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*Compromise makes a good umbrella but a poor roof.*

— J.R. Lowell

# FUTURE OF FREEDOM

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# The Story of Sam Bird

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by Jacob G. Hornberger



In December 1966, Army Captain Sam Bird's one-year tour of duty in Vietnam was coming to an end. He was set to be transferred from a combat zone in which he had been operating to a safe zone in the rear and then sent home. However, according to a written account entitled "The Courage of Sam Bird" by B. T. Collins, one of his subordinate officers, Bird "conned his commanding officer into letting him stay an extra month with his beloved Bravo Company," a move that would prove to be a near-fatal mistake.

For high school, Sam had attended Missouri Military Academy, where he was a company commander his final year. He received the school's highest possible honor — the Legion of Honor for industry, integrity, and abiding loyalty.

Sam then attended the Citadel, the prestigious military college in

South Carolina. During his senior year, he served on the regimental staff, the highest-ranking group within the corps of cadets. He graduated with several honors, although not without the following controversial incident: Army officers who are assigned to military schools are called "tactical officers." The group of tactical officers at the Citadel were called the "South Carolina Unorganized Militia." Sam submitted an essay on the group in a class being taught by a tactical officer who Sam didn't particularly like. It seems that Sam's paper emphasized a bit too heavily the initials of the tactical officers' group. Sam received an "F" on the paper.

Upon graduation in 1961, Sam was commissioned an Army 2nd Lieutenant. After attending infantry school, he attended Ranger School, which was the most difficult and arduous program in the U.S. Army. After graduating from Ranger School, he attended Airborne School, another highly rigorous program that trains soldiers to parachute out of planes.

In 1965, Airborne Ranger Sam Bird was promoted to captain. His commanding officer in the Third Infantry Division wrote, "Captain Bird's performance of duty during the period covered by this report

was outstanding in every respect. This officer is definitely general officer material and should be promoted and schooled well in advance of his contemporaries.”

### The Vietnam War

Sam Bird decided that he wanted to serve in Vietnam, where U.S. troops were increasingly being killed. Among the dead was First Lt. Dave Ragin, who had served on the same regimental staff as Sam at the Citadel. Sam served 10 months at Fort Benning preparing for Vietnam at the Pathfinder and Infantry Officer’s Career Course. In 1966, he was transferred to Vietnam, where the life span of an infantry officer was growing exceedingly short.

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**Collins points out that when Bird was in Vietnam, he always put the welfare of his men first.**

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I highly recommend reading the aforementioned “The Courage of Sam Bird.” It’s a short article, but the author, B. T. Collins, provides a perfect description of the military man that Sam Bird was. Collins points out that when Bird was in Vietnam, he always put the welfare of his men first and, unlike so many other officers in the military, never had them do anything that he him-

self was unwilling to do. Collins, who himself lost an arm and a leg in combat in Vietnam, makes it clear that Bird was the epitome of military professionalism, duty, and integrity. His article is posted at: <https://www.tapsbugler.com/the-courage-of-sam-bird>.

Sam Bird considered it his patriotic duty to volunteer for Vietnam. Like so many other young men during that time, Sam had bought into the notion that by fighting communists in Vietnam, he would be protecting our freedoms here at home. At Sam’s 15th class reunion at the Citadel, World War II Gen. Mark Clark, the school’s president emeritus, said to Sam, “On behalf of your country, I want to thank you for all you did.” Sam responded, “Sir, it was the least I could do.” He later stated, “I had friends who didn’t come back. I’m enjoying the freedoms they died for.”

On January 27, 1967 — Sam Bird’s 27th birthday and just before he was set to return home — he was ordered to take part in an airborne assault on North Vietnamese forces. The standard policy was to land infantry units on the outskirts of enemy units and then have them attack the enemy. This time, however, some superior officer in the rear got the bright idea of having his soldiers

land in helicopters in the middle of a North Vietnamese regimental headquarters.

Not surprisingly, Sam's unit came under unbelievably heavy enemy fire. Sam was hit in both legs. And then came the shot that ripped through his skull, carrying away about one-fourth of it. His executive officer, Lt. Dean Parker, scooped what was left of Sam's brain and inserted it back into Sam's head.

Miraculously, Sam Bird survived his wounds, but only after high-risk surgery that required the removal of more parts of his brain. Later, he had a steel plate put on his skull, which was then later replaced by a plastic plate. He ended up a paraplegic, one who suffered from severe short-term memory loss, difficulty in thinking and communicating, and periodic extremely severe headaches. He moved in with his parents, who resigned themselves to taking care of him for the rest of his life. He never complained and remained convinced that his sacrifice had been worth keeping America "free."

### Me and VMI

One of the reasons that the Sam Bird story hit home with me in a personal way was that I had the same mindset that Sam had when I

entered Virginia Military Institute in 1968. Like Sam, I had been taught to believe that fighting the Reds in Vietnam was necessary to keep our nation "free." One difference between Sam Bird and me, however, was that I "broke through" to the truth before I graduated from VMI in 1972.

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**Sam ended up a paraplegic, one who suffered from severe short-term memory loss.**

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By that time, I had come to the realization that the war in Vietnam was just one great big crock, which was why I was demoted to first-class private my senior year rather than be promoted to a cadet officership like Sam was. Sam Bird never came to that realization, believing to the day he died that he had sacrificed himself to protect "freedom" in America. Another difference was that by the time I graduated, the war in Vietnam was winding down. Even though I was, like Sam, an infantry officer, I was spared the misfortune of being sent to Vietnam to kill "gooks" or die in the name of "freedom."

### Love at second sight

In September 1971, a woman named Annette Blazier reentered

Sam Bird's life. They were both 32 years old. He and Annette had known each other in grade school. One day, after a failed marriage, Annette moved back to Wichita, Kansas, with her young son Eric. Learning that Sam in Wichita living with his parents, she decided to visit him.

It was love at second sight. After a courtship that involved things like going to the movies with Sam in a wheelchair, he proposed marriage to Annette. Over the objections of both sets of parents, she accepted. The marriage took place, and the couple moved into their own home.

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**Annette Bird was a special woman who deeply loved the man she married, and she did not want him to be forgotten.**

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Needless to say, taking care of Sam was not easy, especially given that, on top of everything else, he had a catheter and could not control his bowel movements. Moreover, Annette had to manage a special lift to get him into bed. Some people figured that Annette had married Sam for his Army salary, since by then he had been promoted to major.

I discovered a 1993 biography of Sam Bird online entitled *So Proudly*

*He Served*. The author? Annette Bird, along with a writer named Tim Prouty. By this time, I was sufficiently intrigued by the Sam Bird story that I decided to purchase the book. It is not a short summery of Sam's life. Instead, it is a long, detailed account (413 pages) of Sam Bird's life. By the time I finished reading it, I had reached a firm conclusion: Annette Bird was a special woman who deeply loved the man she married, and she did not want him to be forgotten. It was also crystal-clear to me that she had brought 12 years of extreme happiness to Sam Bird's very difficult life — and that he had done the same for her.

On October 18, 1984, after 12 years of marriage to his beloved Annette, Sam Bird's body simply couldn't take it anymore. He passed away at the age of 44. Although he had not died in Vietnam, his name was added to the Vietnam Memorial.

A side note about the book I purchased: I mistakenly thought I was buying a new copy. Instead, the copy I received had the following inscription in it: "To Ron Turney '78. With warm wishes. Annette Bird. March 21, 1994." I googled Ron Turney and discovered that he was a 1978 graduate of the Citadel

who had gone on to become a Navy pilot. He died of Lou Gehrig's disease in 2018. Somehow, his book had ended up in my possession.

### Sam Bird and the JFK assassination

There is another reason, however, why the Sam Bird story has impacted me so deeply. Although he and his wife Annette were never aware of it, the fact is that Sam Bird played a critically important role in establishing the fraudulent nature of the autopsy that the military establishment conducted on President Kennedy's body on the evening of his assassination.

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**Sam Bird played a critically important role in establishing the fraudulent nature of the autopsy on President Kennedy's body.**

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As longtime supporters of The Future of Freedom Foundation know, we have published many books and articles and sponsored several conferences and video presentations detailing the fraudulent nature of the JFK autopsy. Why is a fraudulent autopsy so important? Because there is no possible innocent explanation for a fraudulent autopsy. It necessarily proves criminal culpability in the assassination itself. Once one concludes that

the national-security establishment conducted a fraudulent autopsy, one has also automatically concluded that the national-security establishment orchestrated and carried out the assassination itself. There is no way around it.

### No autopsy in Dallas

At 1 p.m. Central Time on November 22, 1963, President Kennedy was declared dead at Parkland Hospital in Dallas. At that point, Dr. Earl Rose, the Dallas County medical examiner, announced that he was going to conduct an autopsy on the president's body. Rose was operating under Texas state law, which mandated that after any homicide, the county medical examiner was required to conduct an autopsy.

At that time, it was not a federal offense to assassinate a president. Therefore, no federal department, agency, or officer, including the Secret Service, the FBI, the Pentagon, the CIA, and the Justice Department, had any jurisdiction over any aspect of this crime.

Immediately after Rose made his announcement, a team of Secret Service agents led by a man named Roy Kellerman went into action. Declaring that he was operating under orders and sporting a Thomp-



son submachine gun, Kellerman told Rose in no uncertain terms that he would not be permitted to conduct the autopsy and that the president's body was going to be taken back to Washington.

Rose stood his ground and refused to budge, pointing out the requirements of state criminal law with respect to homicides. The members of Kellerman's team pulled their coats back to brandish their guns. One apparently large Secret Service agent physically picked up Rose, carried him to a nearby wall, and wagged his finger in his face. Amidst screaming, yelling, and a stream of profanities, Kellerman's team forced their way out of Parkland Hospital with the heavy, ornate, funeral-type casket into which the president's body had been placed. Hospital personnel later stated that they were scared to death.

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**The members of Kellerman's team pulled their coats back to brandish their guns.**

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Kellerman's team delivered the body to the new president, Lyndon Johnson, who was waiting for it at Dallas's Love Field. Johnson had already ordered aides to remove seats from the back of Air Force One to

make room for the casket, which makes it a virtual certainty that it was LBJ who issued the order to Kellerman to prevent Rose from conducting the autopsy and to bring the body immediately to Johnson.

### **Sam Bird's Joint Service Casket Team**

Johnson's plane landed at Andrews Air Force Base in Maryland at approximately 6 p.m. Eastern Time. There were plenty of competent forensics pathologists in Maryland, Washington, D.C., and Virginia to perform the autopsy. Johnson chose not to use any of them. Instead, he delivered JFK's body into the hands of the military, notwithstanding the fact that the military had no jurisdiction whatsoever over any aspect of the crime. The military forced the enlisted men who participated in the autopsy to sign secrecy oaths vowing to never disclose what they had seen and done and then threatened them with court martial or criminal prosecution if they ever did so. One enlisted man later stated that they put the fear of God in them.

The Dallas casket was removed from Air Force One and placed in a Navy grey ambulance in which Jackie Kennedy and Bobby Kennedy rode. It slowly made its way to

the Bethesda National Naval Medical Center, where the autopsy was to be conducted. The ambulance stopped in the front of the facility at approximately 6:55 p.m. Mrs. Kennedy and Bobby Kennedy got out, went into the front of the facility, and were escorted to the 17th floor to await the autopsy and the embalming of the president's body.

Lt. Sam Bird was in charge of what was known as the Joint Service Casket Team, or Honor Guard. It was his team that carried the Dallas casket into the morgue, which was located at the back of the Bethesda facility. Bird's team carried the casket into the morgue at 8 p.m. The president's body was then taken out of the casket, and the autopsy began at 8:15 p.m.

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**Lt. Sam Bird was in charge of what was known as the Joint Service Casket Team, or Honor Guard.**

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How do we know that Bird's team carried the casket into the morgue at 8 p.m.? On December 10, 1963, Bird submitted a written after-action report to his commanding officer. In Bird's report, he details his team's activities on that day, including the following statement: "The casket team transferred

the remains ... from the ambulance to the morgue (Bethesda) 2000 hours, 22 Nov. 63." (2000 hours is 8 p.m. in military time.) You can see Bird's report here: [https://www.history-matters.com/archive/jfk/arrb/master\\_med\\_set/md163/html/md163\\_0001a.htm](https://www.history-matters.com/archive/jfk/arrb/master_med_set/md163/html/md163_0001a.htm).

### Sneaking JFK's body into the morgue

Why is the 8 p.m. entry time important?

In the 1990s, the Assassination Records Review Board discovered the existence of a man named Roger Boyajian, who told the ARRB a remarkable story, one that he had kept secret for more than 30 years because of the "classified" nature of the autopsy. He stated that on the day of the assassination he was serving as a Marine sergeant at the Marine Barracks in Washington, D.C. He and a team of Marine personnel were ordered to the Bethesda morgue to establish security.

Boyajian told the ARRB that the president's body was carried into the morgue at 6:35 p.m., which was almost 1 1/2 hours before the time that Bird's team had carried the body into the morgue at 8 p.m.

Was there any corroboration for Boyajian's extraordinary claim? Actually, there was. In the week following the autopsy, he had done

what Bird had done. He had prepared and submitted to his commanding officer an after-action report detailing his team's activities. Although the JFK Records Act required the military to turn over that report to the ARRB, the military never did so.

However, Sgt. Boyajian had kept an onion-skin copy of his report. More than 30 years after the assassination, he sent a copy of his report to the ARRB. It confirms the entry of the president's body into the morgue at 6:35 p.m., long before the 8 p.m. entry time of Sam Bird's team.

### Corroboration for Boyajian's report

Was there any independent corroboration of Boyajian's report? Yes. A team of Navy enlisted men stated that they carried the president's body into the morgue in a lightweight aluminum shipping casket, rather than the heavy, ornate, funeral-type casket that Bird's team carried into the morgue. Other Navy personnel stated that the president's body was inside a rubber body bag rather than wrapped in the white sheets that had been placed around him at Parkland Hospital.

The ARRB also discovered the existence of a memorandum pre-

pared by Gawler's Funeral Home, which was the most prestigious funeral home in Washington, D.C. Having been selected by Jackie Kennedy to take charge of the funeral, it conducted the embalming of JFK's body. The memorandum stated that the president's body was brought into the morgue in a shipping casket.

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**Although the JFK Records Act required the military to turn over that report to the ARRB, the military never did so.**

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Jerrol Custer, an x-ray technician who was helping take x-rays of the president's body, went up to the main floor and saw Mrs. Kennedy entering the front of the building. He knew that the Dallas casket that was still in the Navy grey ambulance in the front of the building had to be empty because the president's body was downstairs being x-rayed.

Army Lt. Col. Pierre Finck, one of the three pathologists who conducted the autopsy, later testified under oath that he received a telephone call from Commander James Humes, the lead pathologist, inviting him to come and participate in the autopsy. The call came at 8 p.m., the time that Bird's team was carry-

ing the Dallas casket into the morgue. During that call, Humes told Finck that they already had x-rays of the president's head. (No x-rays were taken in Dallas.) Finck made the same point in a report that he submitted to his commanding officer, Gen. J. M. Blumberg. At the risk of belaboring the obvious, the only way they could already have x-rays of the president's head was if the body had already been in the morgue before 8 p.m.

### Dark-side skullduggery

I have detailed the autopsy fraud in my books *The Kennedy Autopsy*, *The Kennedy Autopsy 2*, and *An Encounter with Evil: The Abraham Zapruder Story*. The autopsy fraud is more fully detailed in Douglas Horne's five-volume book *Inside the Assassination Records Review Board*, which is the watershed book regarding the JFK autopsy. Horne served on the staff of the ARRB as chief analyst for military records.

Therefore, I won't repeat the details of the military's autopsy fraud in this article. But suffice it to say that when military personnel who have no jurisdiction over a crime are secretly sneaking the body of a president of the United States into a military morgue, it is a safe assumption that they are up to no good.

Even though he was never aware of it, it is Sam Bird's after-action report that helps to establish the dark-side skullduggery that was taking place on President Kennedy's body on the evening of November 22 at the Bethesda military morgue.

### JFK's breakthrough

As Douglas Horne details in his *Future of Freedom* Foundation book *JFK's War with the National-Security Establishment: Why Kennedy Was Assassinated*, by the time of his assassination, President Kennedy was determined to move America in a totally different direction than the direction desired by the Pentagon, the CIA, and the NSA. This new direction included establishing peaceful and friendly relations with Russia, Cuba, and the rest of the communist world, entering into a nuclear test-ban treaty with Russia, and withdrawing all U.S. troops from Vietnam.

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**The national-security establishment deemed Kennedy to be a grave threat to "national security."**

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The national-security establishment deemed Kennedy to be a grave threat to "national security," just as it had in 1953 with Mohammad Mosaddegh, the democratically elected

prime minister of Iran, in 1954 with Jacobo Arbenz, the democratically elected president of Guatemala, and in 1961 with Patrice Lumumba, the leader of the Congo, and would do later, in 1970, with Gen. Rene Schneider, the commanding general of Chile's armed forces, in 1973 with Salvador Allende, the democratically elected president of Chile, and with many others as part of Operation Condor, the top-secret assassination and torture operation in South America.

Immediately after Kennedy was assassinated, the new president, Lyndon Johnson, acceded to the demands of the national-security establishment to rescind Kennedy's Vietnam withdrawal order. Then, as soon after LBJ won the 1964 election, during which he had labeled his opponent, Barry Goldwater, as a dangerous warmonger, LBJ and the Pentagon engineered the Tonkin Gulf Resolution based on a bogus attack by North Vietnamese forces and then flooded Vietnam with hundreds of thousands of U.S. troops, including Sam Bird.

Thus, in an indirect way, Sam Bird, like tens of thousands of other U.S. soldiers, was a casualty of the JFK assassination. If Kennedy had not been assassinated and replaced by Johnson, there would have been

no U.S. war in Vietnam, which means that tens of thousands of American soldiers, including Sam Bird, would not have suffered senseless and meaningless deaths and injuries.

After he returned home from the war, Sam Bird received a letter from Senator Robert F. Kennedy, who knew that Sam had been the head of the casket team for President Kennedy's funeral. The letter stated:

“April 21, 1967

Dear Captain Bird:

I want to take this opportunity to tell you how sorry I was to learn you were seriously wounded while on duty in Vietnam. I know that with your usual determination and perseverance you will come through to a full recovery. Mrs. Kennedy joins me in sending you our warm regards and best wishes for the future.

Sincerely,

Robert F. Kennedy

[Handwritten postscript] Mrs. John Kennedy also asked to be remembered to you. I hope I shall have an opportunity of seeing you if you come back East. Robert Kennedy”

One year later, in March 1968, Kennedy announced his candidacy

for president against President Johnson. Perhaps, just perhaps, Sam Bird's severe injuries in Vietnam played a role in Kennedy's fierce opposition to the national-security establishment's war in Vietnam, which became the centerpiece of his campaign. Perhaps, just perhaps, Sam Bird indirectly helped to bring an earlier end to the war that brought him so much meaningless suffering and an early death, thereby possibly saving countless

other U.S. soldiers from the same fate.

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

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**NEXT MONTH:**  
**"America's  
National Security State"**  
*by Jacob G. Hornberger*

*People hired by government know who is their benefactor. People who lose their jobs or fail to get them because of the government program do not know that that is the source of their problem. The good effects are visible. The bad effects are invisible. The good effects generate votes. The bad effects generate discontent, which is as likely to be directed at private business as at the government.*

— Milton Friedman

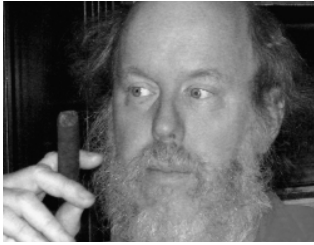
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# Congress's Unconstitutional Pay Raise Scandal

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by James Bovard



“A good politician is almost as rare as an honest burglar,” once quipped H. L. Mencken. After the shenanigans around the latest congressional pay increase, America’s burglars should file a posthumous libel suit against Mencken for that disparaging comparison.

There is a pity party in Washington: You weren’t invited, but you’ll pay the bill.

The Constitution’s 27th Amendment, ratified in 1992, prohibits any law “varying the compensation for the services of the Senators and Representatives” from taking effect “until an election of representatives shall have intervened.” But the Constitution wasn’t permitted to impede the latest insider raid on the

U.S. Treasury.

Thanks to a backroom deal, members of the House of Representatives can now claim automatic reimbursement of \$258 a night for lodging expenses and \$79 a day for meals in D.C. — even if they don’t spend a dime. But though House members can pocket up to \$34,000 a year in additional tax dollars, it’s not a pay raise, because politicians are entitled to use false labels for everything they do.

Members of Congress are whining that they receive only \$174,000 a year — more than triple the average U.S. salary and higher pay than 93 percent of what other Americans pocket. And it is a part-time job: The House of Representatives will be in session just 117 days this year. The *New York Times* reported, “Lawmakers, especially younger ones, have voiced concern about being able to afford to live in Washington, where they spend about a third of the year.” Few Americans get six-figure salaries for part-time gigs.

Admittedly, some new members of Congress are not too bright and maybe didn’t realize the job would require spending time in Washington. The poster boy for the pay raise was newly elected Rep. Maxwell Frost (D-Fla.), who complained he got turned down for an

apartment in D.C. because of his “really bad” credit rating (in his own words). He wailed about his congressional gig: “This ain’t meant for people who don’t already have money.” But it wasn’t voters’ fault that Frost didn’t pay his bills. Actually, being a deadbeat is good job training for being a congressman and spending trillions of dollars the government doesn’t possess.

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**If it is actually “reimbursement,” then why do congressmen get the money without showing receipts?**

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Rep. Alexandria Ocasio-Cortez (D-NY) moaned that “Congress structures itself to exclude and push out the few working-class people who do get elected.” Congressional salaries are far higher than average Americans’ pay in part to cover the extra cost of spending time in Washington. But House members wanted more.

### The origins of the raise

After Republicans captured the House majority in November, the Democrat-controlled House Administration Committee rushed through a provision in December to boost members’ pay. The Select Committee on the Modernization of Congress recommended “addi-

tional reimbursement” to “increase the pool of people who could afford to serve on Capitol Hill,” the *New York Times* reported. The *Times* did not reveal which planet the Select Committee resided on.

The new windfall was labeled “reimbursements” and took effect thanks to a tweak in the Members’ Congressional Handbook. There was no debate or vote on the House floor; neither the Senate nor the president had a say in the matter. Former Rep. Mo Brooks (R-Ala.) denounced the “clandestine secrecy” of the process.

In a press conference in April, Rep. Hakeem Jeffries (D-NY), House Democratic leader, denied that any pay raise occurred: no, it was just “reimbursement.” Jeffries used the word “bipartisan” five times in one minute to sanctify the new measure. Inside the Beltway, “bipartisan” bestows instant absolution. House Republican leaders did not oppose the windfall.

If it is actually “reimbursement,” then why do congressmen get the money without showing receipts? Are we supposed to assume that legislators would go hungry unless they got another \$79 a day? And if they aren’t competent at feeding themselves with their \$174,000 salary for a part-time job, then maybe



they shouldn't be in charge of anything more complex than a toy battleship floating in a bathtub.

*Politico* calls the new regime “among the biggest changes to Congress’ financial operation in decades.” It describes the new system as “bringing Congress more in line with the American workforce.” But “the American workforce” wasn’t responsible for endless deficit spending that wrecked the value of the dollar that other Americans must use to pay for food and rent.

Caterwauling about low pay is a venerable tradition on Capitol Hill. In 1999, Senate Minority Leader Tom Daschle (D-SD) whined that “we don’t make anything near what journalists in this town make.” But congressmen were far better paid than most reporters. (Daschle exited the Senate to pocket millions of dollars a year hustling his former colleagues as a quasi-lobbyist.)

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How much would you  
pay a lawyer who didn't bother  
reading the contracts he signed  
on your behalf?

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House Speaker Dennis Hastert (R-Ill.) declared in 1999 that congressmen need raises because “they need to have a life.” Apparently, receiving any salary less than \$140,000

means that a person is legally dead. Unfortunately, the Internal Revenue Service does not accept this definition and still levies taxes on such zombies. Hastert was sentenced to prison in 2016 for financial fraud tied to his being a “serial child molester,” a federal judge declared.

Pay raises bring out the sordid side of the nation’s political elite. In 1987, congressional pay jumped from \$77,400 to \$89,500 a year. After controversy erupted, the House took a voice vote which confirmed overwhelming opposition to permitting the pay raise to go through. Except that the vote occurred one day after the deadline to stop an automatic pay raise for legislators from taking effect. As the *Los Angeles Times* reported, “According to congressionally established procedures, such resolutions are effective only if they are passed within 30 days of pay raise recommendations by the President — and Wednesday was the 31st day.” One congressman said the procedure allowed members to “Vote No and Take the Dough.”

**Did they earn it?**

How much do members of Congress legitimately earn? How much would you pay a lawyer who

didn't bother reading the contracts he signed on your behalf? Every year, Congress enacts multiple, thousand-page legislative blunderbusses without bothering to read the text. But congressmen have no liabilities for the monstrosities they create.

Anyone who watches a typical House oversight hearing — and sees the empty chairs and vacant stares of the congressmen — could be excused for scoffing. Many private employees would be fired if they routinely failed to show up at important meetings — or showed up so bewildered they had to have an aide continually whisper in their ear, apparently reminding them of their own name. Congress has done a pathetic job of overseeing the most abusive federal agencies, such as the EPA, HUD, EEOC, DEA, and FBI.

Congressmen rarely read the reports they command federal agencies to produce. Federal agencies routinely fail to submit reports demanded by Congress — or turn in reports 10 or 20 years after a deadline set in federal law — and suffer no retribution.

Many congressmen receive huge salary increases when they first arrive in Washington; more than 90 percent of members first elected in 1994 earned more money

as congressmen than they had in their previous jobs. The larger the federal government becomes, the more powerful congressmen are perceived, and the more lackeys and lobbyists flatter them every hour of the working day. Naturally, politicians come to think of themselves as great saviors — and then demand to be paid as such, regardless of their batting averages.

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**Congress has done a pathetic job of overseeing the most abusive federal agencies.**

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Salaries are only part of the benefits that legislators pocket. Members of Congress award themselves far more lavish pensions than most Americans receive. They also benefit from a 72 percent subsidy on their health insurance costs. And they are often surrounded people desperate to do them favors — in return for double-crossing the citizenry.

Congress wouldn't dare openly hike its own pay, because only 20 percent approve of how Congress is handling its job (78 percent disapprove). House members are like employees who are afraid to ask the boss for a raise — and then “compensate” themselves by pilfering the company's cash register.

Congressional leadership is portraying the new windfall as practically a typo on W-2 forms. The up-to-\$34,000-a-year benefit is part of a budget boost to “provide a ‘living wage,’” according to a summary from House Appropriations Committee Democrats. The new benefit system “does not require the submission of receipts to reduce burdens and address the potential security risks,” ruled the House’s chief administrative officer. Congress last year bankrolled hiring 87,000 new IRS agents and employees to audit Americans’ 1040 forms and shake more money out of their bank accounts. The new benefits are tax-free, so House members can pocket the pretax equivalent of \$50,000 in extra income based solely on unverified claims.

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### Why should we give Congressmen a reward for their economic mismanagement?

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The House report bewailed that “the personal benefits of winning a seat in Congress have ... decreased.” But that was because Congress’ reckless deficit spending helped wreck the value of the dollar, which has fallen 40 percent since the last pay raise Congress gave itself in 2009. Do we give train captains

raises after they wreck the train? Then why should we give Congressmen a reward for their economic mismanagement?

The report claimed that permitting reimbursement would “modernize” the pay system. Was the goal to have congressional compensation harmonize with the nationwide epidemic of shoplifting? The covert pay raise is akin to hiring a store clerk who then announces he is entitled to pilfer cash registers to get his lunch money.

### Raises for millionaires

Most members of Congress are millionaires. Most members are also landlords, and there is no limit to the rent they pocket on top of their salary. Nor is there any limit to the illicit profits they snare from insider stock trading — despite congressional leaders’ endless promises to end that crime spree.

The House report laments that “the decision to retire from Congress is sometimes driven by financial concerns.” It didn’t mention representatives rushing to get rich by selling out America. Almost 100 former members of Congress have registered as foreign agents. That notorious revolving door inspired a *Politico* headline: “Want to be a ‘foreign agent’? Serve in Congress first.”

The House report justified the compensation boost: “More candidates are willing to run for office if they see public service as an economically viable career.” But the Founding Fathers didn’t intend for citizens to make “viable careers” by endlessly seeking coercive power over other Americans.

I don’t want my name on an FBI terrorist watch list for inciting “contempt of Congress,” so here’s my compromise proposal. Raise congressional salaries to \$250,000 a year, thereby ending the risk of legislators needing food stamps. Tie the higher salaries to strict liability for all wasted tax dollars. If congressmen end all the boondoggles, foreign and domestic, let them keep their higher pay. But hold members of Congress personally liable for any reckless, wasteful outlays (not to exceed \$2 billion per congressman). If legislators continue squandering vast swaths of tax dollars, then it may be time to revive a hal-  
lowed institution from colonial America — debtors’ prisons.

Actually, if congressmen are not going to respect the Constitution when it comes to their own pay-checks, why should we expect them to give a damn about any of the constitutional rights created to protect Americans from Washington? The highest life achievement for many congressmen was persuading a plurality of voters that they were less reprehensible than opposing candidates. This is no qualification for managing a \$7 trillion budget.

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*James Bovard is a policy advisor to The Future of Freedom Foundation and 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:**  
“Our Potemkin Presidency”  
*by James Bovard*

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# Why I Will Never Change My Mind about Marijuana

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by *Laurence M. Vance*



**C**harles Fain Lehman has changed his mind about marijuana. I haven't, and never will, change my mind about marijuana.

Lehman, a self-described “conservative,” is a fellow at the Manhattan Institute and contributing editor of *City Journal* whose work has “appeared in outlets including the *Wall Street Journal*, the *Atlantic*, *National Review*, the *New York Post*, and elsewhere.” He is “a policy analyst by trade, thinking about social problems and how to make them better from both a quantitative and journalistic perspective.” His interests “are generally at the intersection of policy and pathology: the causes, consequences, and control

of death, crime, drugs, sex, and violence.”

In addition to being a columnist and policy advisor for The Future of Freedom Foundation, I am a contributing columnist at the *New American* magazine, an associated scholar of the Ludwig von Mises Institute, and a columnist, blogger, and book reviewer at LewRockwell.com. I am an accountant by trade, and a Christian libertarian by conviction. Although my interests are broad, I often write on the subjects of libertarianism, the free society, the warfare state, and the war on drugs.

But Lehman hasn't just changed his mind about marijuana. He has also changed his mind about libertarianism. This is something that I will also never change my mind about.

## Lehman's mind

In his Substack article “How I Changed My Mind about Marijuana,” subtitled “The Case for Prohibition,” Lehman spends several paragraphs denigrating libertarianism before telling us that he voted in 2022 against Maryland's ballot question 4 “directing the Maryland State Legislature to pass laws for the use, distribution, regulation, and taxation of marijuana.” (The mea-

sure was approved by a margin of 67.2 percent to 32.8 percent.)

Lehman confesses that he was a “teenage libertarian.” He was no “fair-weather” libertarian, mind you, but “also read all the books the guys at the Mises Institute shove at you,” including Murray Rothbard’s *For a New Liberty* and *America’s Great Depression*. Like any good libertarian, he supported drug legalization: “Only a fool could think drug prohibition was a good idea! Marijuana, especially, should obviously be freely available.” He also “consumed marijuana a handful of times.” But it turns out that his “youthful libertarianism” was “driven by an instinctual contrarianism.” He now considers being a libertarian to be “passé.”

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### Lehman never actually takes on the main argument against marijuana prohibition.

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As for marijuana, Lehman thinks that “the arguments for legalization are mostly bad; that the harms of marijuana are, though not overwhelming, significant and probably debilitating for a large minority of the population; and that marijuana legalization will exacerbate, rather than alleviate, the cumulative harm of marijuana.” He

believes “that the most commonly used arguments for legalization are not about marijuana per se. They are mostly about the harms of criminalization, and the way in which those harms fall disproportionately on black and Hispanic people.” Although these are indeed arguments used for legalization, they are certainly not the most commonly used arguments. Lehman never actually takes on the main argument against marijuana prohibition and just mentions it in passing.

He considers the notion that “marijuana’s psychoactive ingredients have medical benefits” to be “often overstated.” He finds “more persuasive” than the legal and medical arguments for marijuana legalization “two related and very straightforward reasons to legalize marijuana, ones which do not often feature in the debate but which obviously influence it nonetheless.”

“These are,” he says: “1) by default, people should be able to do what they want with their bodies and 2) marijuana is fun, and fun things are good.” Lehman weakens the seriousness of the first reason by mentioning it in conjunction with the second, which is something that no serious proponent of marijuana legalization has ever put forth. He also believes that “there are sub-

stantial harms associated with marijuana, just like any other intoxicant.” Marijuana use is a “social problem” because “marijuana has short- and long-term harms, it’s generally ‘performance-degrading,’ and these effects concentrate in a small, addicted subset of the population.” Therefore, “We should at the very least want it controlled in some way, if not prohibited outright.” Indeed, “If we cannot optimize the market in a vicious good, perhaps it is better to have no market at all, and to actively prohibit the production and sale of that good.”

## Marijuana

Before giving my mind on marijuana and why I will never change it, it might be beneficial to take a brief look at the current status of marijuana in the United States. Beginning with Colorado and Washington in 2012, the recreational use of marijuana has been legalized in 23 states and the District of Columbia. Beginning with California in 1996, the medical use of marijuana has been legalized in 38 states (takes effect in Kentucky on January 1, 2025), the District of Columbia, and the other U.S. territories of the Northern Mariana Islands, Guam, Puerto Rico, and the Virgin Islands.

Over half of the states have decriminalized the possession of small amounts of marijuana. The recreational and medical use of marijuana are both illegal in the states of Georgia, Idaho, Indiana, Iowa, Kansas, Nebraska, North Carolina, South Carolina, Tennessee, Texas, Wisconsin, and Wyoming. There are potential statewide ballot measures relating to marijuana upcoming in elections in Ohio this year and Florida, Idaho, Missouri, and Nebraska in 2024.

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**Beginning with California in 1996, the medical use of marijuana has been legalized in 38 states.**

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It should be pointed out, though, that the legalization of marijuana by a state — whether recreational or medical — should never be confused with marijuana freedom. Legalization comes with so many government rules and regulations on the state and local level that the marijuana market can hardly be considered free at all.

Most marijuana legalization laws don’t apply to legal adults who have not reached the age of 21 even though once they turn eighteen they can vote, run for office, enter legally binding contracts, marry, engage in consensual sex with other

adults, adopt children, join the military, be subject to the draft (when the draft is in force), and produce or purchase pornography.

In most states, medical marijuana is only allowed for certain medical conditions, users must first obtain an identification card, doctors must prescribe the marijuana, the number of cannabis plants that one can possess is limited, and the number of ounces of cannabis that one can possess is limited.

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**The federal government still classifies marijuana as a Schedule I controlled substance.**

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And in spite of the legalization efforts of the states, it should also be mentioned that the federal government still classifies marijuana as a Schedule I controlled substance under the Controlled Substances Act (CSA) with “a high potential for abuse,” “no currently accepted medical use,” and “a lack of accepted safety for use of the drug under medical supervision.” Possessing, growing, transporting, or distributing marijuana is a federal felony, with violations resulting in fines and/or imprisonment. And the Supreme Court, in the case of *Gonzales v. Raich* (2005), has ruled that the Controlled Substances Act did not

exceed Congress’s power under the Commerce Clause as applied to the intrastate cultivation and possession of marijuana for medical use.

Therefore, the federal government has the authority to prohibit marijuana possession and use for any and all purposes. According to annual data compiled by the Drug Enforcement Administration (DEA), 5.7 million cultivated cannabis plants were confiscated last year via the DEA’s Domestic Cannabis Eradication/Suppression Program. Even though recreational marijuana is legal in California, the majority of DEA-related seizures and arrests took place in California.

### My mind

I am of a different mind than Mr. Lehman. There should be no rules, restrictions, or regulations at any level of government for any reason regarding the buying, selling, possessing, growing, processing, transporting, advertising, using, delivering, or “trafficking” of marijuana.

This doesn’t mean that using marijuana is not addictive, harmful, foolish, risky, unhealthy, immoral, sinful, financially ruinous, or dangerous. But it does mean a number of things.

No one should be arrested for a marijuana offense.



No one should be charged with a law violation for a marijuana offense.

No one should be issued a ticket for a marijuana offense.

No one should have to go to court for a marijuana offense.

No one should receive a fine for a marijuana offense.

No one should be required to enter drug treatment for a marijuana offense.

No legal adult should have to wait until he is 21 to use marijuana.

No one should have to get a license to sell marijuana.

No one should have to get an identification card to purchase marijuana.

No one should have to see a physician to obtain marijuana.

Everyone incarcerated for a marijuana-related offense should be immediately released from jail or prison and have his record expunged.

There should be a free market in marijuana just like the free market that exists for fruits and vegetables or over the counter medications.

Any marijuana user should be able to grow as much marijuana as he wants to, purchase as much marijuana as he wants to, store as much marijuana as he wants to, or smoke as much as he wants to in his own

home without fear of government agents breaking down his front door and arresting him for doing any of these things.

The use of medical marijuana should not be limited to just serious or specified medical conditions.

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**Everyone incarcerated  
for a marijuana-related offense  
should be immediately released  
from jail or prison.**

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Marijuana sales should not be taxed any more than the sale of other goods.

Marijuana businesses should not be regulated any more than other businesses.

Marijuana should not be limited to just medical use.

It should not be illegal to grow marijuana in a publicly visible space.

Commerce in marijuana should not be hindered.

Marijuana should not be available just from state-run dispensaries. In fact, there should be no state-run dispensaries.

Americans should not have to vote to legalize marijuana.

At the very least, marijuana should be as freely available as alcohol. This, of course, is not ideal. There is certainly not a free market

in alcohol in the United States. Alcohol is heavily regulated by the federal government and the states. Alcohol cannot be sold before or after certain times of the day depending on where one lives and what day of the week it is. Alcohol is heavily taxed. The legal drinking age is 21. Some states have government liquor stores and outlaw private liquor stores. And some states still have dry counties.

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**All laws that regulate or restrict marijuana could be ended immediately.**

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But almost any American who wants to can purchase as much beer, wine, and hard liquor as he wants to, store as much in his home as he wants to, and drink as much as he wants to in his own home without fear of government agents breaking down his front door and arresting him for doing any of these things. As long as they don't abuse their children, commit a crime, or drive while intoxicated, the government will just leave them alone. (But not if Lehman has his way: "Bluntly, we should regulate alcohol much more stringently than we currently do.")

Although I advocate a complete and immediate end to the war on

marijuana at every level of government, I don't want to make the perfect the enemy of the good. Some marijuana freedom is better than no marijuana freedom. Legal medical marijuana with illegal recreational marijuana is better than both of them being illegal. Legal medical marijuana with prescriptions and restrictions is better than illegal medical marijuana. And legal recreational marijuana with taxation and regulation is better than illegal recreational marijuana. But not only is it true that all laws that regulate or restrict marijuana should be ended immediately, it is also just as true that all laws that regulate or restrict marijuana could be ended immediately.

### The basis of my views on legalization

My opinions regarding marijuana legalization are not based on crime or incarceration statistics, my personal views of marijuana (many medical claims dubious, recreational use is immoral), whether the drug war is "racist," opinion polls, scientific studies, religion, medical research, or politics. My opinions regarding marijuana legalization are based on a number of things: federalism, the proper role of government, individual liberty, and the nature of crime.

To support any kind of federal role in the war against marijuana is to support a war against the Constitution and our federal system of government. The Constitution nowhere authorizes the federal government to have anything to do with marijuana (or any other drug).

The Constitution nowhere authorizes the federal government to have a drug czar, an Office of National Drug Control Policy, a Drug Enforcement Administration, a Controlled Substances Act, a National Drug Control Strategy, a National Survey on Drug Use and Health, or a Domestic Cannabis Eradication/Suppression Program.

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**The Constitution nowhere authorizes the federal government to ban any substance.**

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The Constitution nowhere authorizes the federal government to ban any substance. Even progressives after World War I who sought to institute alcohol prohibition knew they could do it on the national level only by amending the Constitution. The Volstead Act to prohibit the “manufacture, sale, or transportation of intoxicating liquors” could not be passed by Congress until after the adoption of the Eighteenth Amendment in 1919.

Under our federal system of government, any and all laws related to marijuana must be enacted by the states.

It is not the proper role of government to prevent people from engaging in actions that are hedonistic, immoral, sinful, dangerous, unhealthy, destructive, addictive, or financially ruinous — or for punishing them for doing so. It is not the job of government to keep people from harming themselves.

Although he was a drug warrior, President Reagan nevertheless said it best: “Government exists to protect us from each other. Where government has gone beyond its limits is in deciding to protect us from ourselves.” All government agencies devoted to warring against marijuana should be eliminated. All government bureaucrats who work for those agencies should be let go. All government efforts to study and classify drugs and conduct surveys and issue reports on drug use should be ended. Government should not fund or operate drug treatment centers, supervised drug injection sites, or needle exchange programs. Government should not educate people about the dangers of drug use, provide overdose medications, or persuade people to “just say no” to drugs.

Government marijuana-prohibition efforts lead to even greater evils, as Ludwig von Mises so well explained: “Opium and morphine are certainly dangerous, habit-forming drugs. But once the principle is admitted that it is the duty of government to protect the individual against his own foolishness, no serious objections can be advanced against further encroachments.”

A free man has the natural right to use marijuana — even if it kills him. All men have one thing in common: self ownership. Every free man owns his own body. As the owner of his own body, a man has the natural right to pamper his body or harm his body. Individuals should be free to use marijuana as long as they pay for it, don’t use it on someone else’s property without permission, and accept responsibility for their actions when they use it. Individuals should be free to pursue happiness in their own way even if their choices are deemed by others to be harmful, unhealthy, unsafe, immoral, unwise, stupid, destructive, or irresponsible. Individuals should be free to live their lives in any manner they choose as long as their activities are nonviolent, nondisorderly, nondisruptive, nonthreatening, and noncoercive.

Individuals should be free to decide what risks they are willing to take and what behaviors are in their own best interests. In a free society, individual liberty has to include the right to do anything that’s peaceful as long as one does not violate the liberty of another. Anything less is not a free society.

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**A free man has the  
natural right to use marijuana  
— even if it kills him.**

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Every crime needs a real victim — not a potential victim or a possible victim but a tangible and identifiable victim who has suffered measurable harm to his person or measurable damages to his property. Marijuana use may be a vice, but it should never be a crime. As explained by the great nineteenth-century classical-liberal political philosopher Lysander Spooner:

Vices are those acts by which a man harms himself or his property. Crimes are those acts by which one man harms the person or property of another. Vices are simply the errors which a man makes in his search after his own happiness. Unlike crimes, they imply no malice toward others,

and no interference with their persons or property.

Unless this clear distinction between vices and crimes is made and recognized by the laws, there can be on earth no such thing as individual right, liberty, or property — no such things as the right of one man to the control of his own person and property, and the corresponding and coequal rights of another man to the control of his own person and property.

I could not change my mind about marijuana without also changing my mind about federalism, the proper role of government, individual liberty, and the nature of crime. To advocate the government controlling marijuana or prohibiting it outright, Lehman is re-

jecting a whole lot more than libertarianism.

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**NEXT MONTH:**  
**“Reform, Replace, or Repeal?”**  
*by Laurence M. Vance*

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# Albert Jay Nock on “Doing the Right Thing” versus Government

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by Richard M. Ebeling



It is almost 100 years since the libertarian essayist and social critic Albert Jay Nock (1870–1945) published his essay “On Doing the Right Thing” in the pages of the *American Mercury* (November 1924). Nowadays, the very title of the essay may seem strange to many modern American readers. The “right thing?” Surely, the right thing is just “doing your own thing.”

Even in 1924, Nock explained that the notion of “doing the right thing” was not present in the thinking of many Americans, though he thought it was still widely prevalent in the minds of many British. Having spent some time in London, he noticed the number of times the phrase, “doing the right thing,” was

used and repeated by people going about their everyday affairs. This was observed by Nock regardless of whether the people saying it were members of the working or middle class or among the upper elite.

“A dozen times a day one will hear Englishmen mutter in an apologetic tone,” Nock said, “Beastly bore, you know! — oh, dev’lish bore! — but then, you know, one really must do the Right Thing, mustn’t one?” Nock immediately saw a connection between this notion of doing the right thing and the idea of individual liberty. In fact, doing the right thing, he said, only had relevance and reality in an environment of extensive personal and economic freedom.

## Freedom and three arenas of life

Nock distinguished between three arenas of human conduct. The first was that area of a person’s life most directly influenced by government. There, the actions of the individual are constrained by the necessity to follow what the law proscribes, such things as not killing, stealing from, or defrauding others. That is, the negative constraints of a properly limited government.

The second area of life, given these legal prohibitions, Nock re-

ferred to as the matters of personal and “indifferent” choice. Will you wear a green necktie or a red one, or maybe no necktie at all. Will you dress according to social conventions or as the eccentric little concerned about how others may think? Will you furnish your home in Victorian or rustic style? Spend your weekends in a drunken stupor carousing with your equally inebriated friends or teetotally sober and focused on mowing your lawn or fixing that squeaky screen door? Whiling away your time in the evening in front of the television or taking night classes to earn the degree that may open the opportunity for a promotion at work?

In a free society, to use some of the lyrics of the old song, “It Ain’t Nobody’s Business If I Do”:

If I should take a notion to  
jump into the ocean,  
Ain’t nobody’s business if I do.  
If I go to church on Sunday,  
then cabaret all day Monday,  
Ain’t nobody’s business if I do.

If my man ain’t got no money  
and I say, “Take all of mine,  
honey,”  
Ain’t nobody’s business if I do.  
If I give him my last nickel and  
it leaves me in a pickle,

Ain’t nobody’s business if I  
do....

Finally, there is the third area of life, the one, Nock said, that incorporates “doing the right thing”:

There is a region where conduct is controlled by unenforced, self-imposed allegiance to moral or social consideration. In this region, for instance, one follows the rule of “women and children first,” takes a long risk to get somebody out of a burning house, or, like Sir Philip Sidney, refuses to slake one’s own thirst when there is not water enough to go around.

### Giving others their just due

In another essay written around the same time in the mid-1920s, “A Study in Manners,” Nock gave some other examples of what might be considered doing the right thing. In these instances, doing the right thing is treating others with a sense of right or appropriate conduct, even if the law does not require it and you could personally benefit by taking advantage of the situation. That is, in good conscience, does it really seem right not to act or interact in a certain way toward some-

one else given the circumstances and even if it would be to your advantage? Says Nock:

In stealing an inventor’s purse, let us say, one must reckon with the law; in stealing his idea, one must reckon with the sense of morals, with the common conscience of mankind; in buying up and suppressing his idea or in exploiting it without adequate compensation, one must reckon with the sense of manners, with the fine and high perception established by culture, to which such transactions at once appear mean and low. When Baron Tachnitz paid in full royalties to foreign authors whose works he republished before the days of international copyright, he was governed by a sense of manners; for no law compelled him to pay anything, and the morals of trade would have been quite satisfied if he had paid whatever he chose.

Clearly, in paying whatever might have been standard royalties to authors whose works he republished, Baron Tachnitz was doing what his conscience was telling him

was the right thing, even though existing international law did not make it illegal to fail to do so. Suppose the law said that pickpocketing someone’s wallet was illegal, but seeing it fall out of someone’s pocket and not returning it was not theft under the law. “Doing the right thing” would be going up to the person who lost his wallet in this way and handing it back to him, contents intact. To do otherwise would be to take something from another that is their property, without their consent, due to the accident of circumstances.

### Doing the right thing in a presidential election

In another interesting example, Nock relates a story about John Jay, one of the writers of *The Federalist Papers* and then governor of New York State at the time of the 1800 presidential election. John Adams had been elected the second president of the United States in 1796 and was running for reelection against Thomas Jefferson. Adams was running as the Federalist candidate and Jefferson as the Republican. Supporters of Jefferson’s vice-presidential running mate, Aaron Burr, had successfully won the New York legislative elections in 1800, meaning they would be seated as



the majority in early 1801; under the then-current practice, this new Republican majority would be selecting the New York Electoral College representatives who would be voting on who would be appointed the next president of the United States, therefore helping to assure that Thomas Jefferson became the third president of the country.

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**It seems John Jay never wrote back to Alexander Hamilton after receiving this letter.**

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Alexander Hamilton, a supporter of John Adams and strongly anti-Jefferson, wrote to John Jay proposing that as governor of New York he could call a special session of the state legislator while the Federalists still held the majority so that the method by which the electors were chosen could be changed, increasing the certainty that Adams would win a second term in office instead of Jefferson succeeding him. So bitter was the political divide in the country at the time between Federalists and Republicans that Hamilton said in his letter to John Jay, “in times like these in which we live, it will not do to be overscrupulous. It is easy to sacrifice the substantial interests of society by a strict adherence to ordinary rules.” It was not

illegal for Jay to call a lame-duck session of the state legislature to change the Electoral College procedure, argued Hamilton, even though it would be seen as an act of abusive political expediency. After all, Hamilton continued, it would “prevent an *Atheist* in Religion and a *Fanatic* in politics from getting possession of the helm of State.” A bit of legislative trickery was needed to save the country “from the fangs of *Jefferson*.”

It seems John Jay never wrote back to Alexander Hamilton after receiving this letter. What is known is that he did not follow the course of political action proposed by Hamilton, but after Jay’s death, it was found that on the backside of Hamilton’s letter, John Jay had written, “Proposing a measure for party purposes which I do not think it would become me to adopt.” That is, while no doubt legal for him to do so as governor and ensuring a major political victory over someone Jay strongly opposed, it would not be “doing the right thing.” It would fly in the face of the legitimate elective procedures and be an inappropriate and abusive use of political power as governor of the state to reverse what otherwise would be the lawful outcome of the presidential election of 1800. Explained Nock:

Governor Jay had unusual ability and the most nearly flawless character probably, of any man in public life of that time.... In principle he was as strong a Federalist as Hamilton himself.... He had a deep distrust of popular government, and viewed the prospective triumph of Mr. Jefferson, the “fanatic of politics,” with apprehension and distaste.... He could quite legally and constitutionally have made the move that Hamilton implored him to make, for the old legislature still had tenure of office for seven or eight weeks.... With his party continued in power at Washington, the Administration would have taken royal good care of him and given him his pick of patronage. Every predilection of his own was in favor of Hamilton’s suggestion. A devout man, he might well have let the end justify the means of keeping a person of Jefferson’s well-known unorthodoxy out of the presidency. Yet he looked at the opportunity and passed it by in silence because *he did not think it would be becoming* to embrace it.

### Cultivating doing the right thing

In the essay “On Doing the Right Thing,” Nock argued that whether it was the liberty to make those everyday choices that primarily effect ourselves or those decisions that embrace, impact, or affect those around us that require us to weigh thinking about and “doing the right thing,” the scope and range of such choices are greatly influenced by the degree to which government intrudes upon or leaves us alone to determine them on our own.

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**The scope and range of such choices are greatly influenced by the degree to which government intrudes upon or leaves us alone.**

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The more that government interferes with these matters, the less range there is for each of us to take responsibility for what we do and how we do it in guiding our own lives and in developing ethical and moral senses concerning our relationships and voluntary obligations and noncompulsory duties to others in society. The development and exercise of these choices, Nock insisted, depends on freedom and the confinement of government to securing each person’s liberty rather than restraining it through various forms of political paternalism.

Said Nock:

The practical reason for freedom, then, is that freedom seems to be the only condition under which any kind of substantial moral fiber can be developed. Everything else has been tried, world without end. Going against reason and experience, we have tried law, compulsion, and authoritarianism of various kinds, and the result is nothing to be proud of.... In suggesting that we try freedom, therefore, the anarchist or individualist has a strictly practical aim. He aims at the production of a race of responsible beings. He wants more room for the *savoir se gener* [knowing how to get along], more scope for the *noblesse oblige* [the obligations of position], a larger place for the sense of the Right Thing.

If our legalists and authoritarians could once get this well through their heads, they would save themselves a vast deal of silly insistence on a half-truth and upon the *suppressio veri* [lying by omission] which is the meanest and lowest form of misrepresentation. Freedom, for example, as they

keep insisting, undoubtedly means freedom to drink oneself to death. The anarchist grants this at once; but at the same time, he points out that also means freedom to say with the gravedigger in *Les Misérables*, “I have studied, I have graduated; I never drink.”

It unquestionably means freedom to go on without any code of morals at all; but it also means freedom to rationalize, construct and adhere to a code of one’s own. The anarchist presses the point invariably overlooked that freedom to do the one without correlative freedom to do the other is impossible; and that just here comes in the moral education which legalism and authoritarianism, with their denial of freedom, can never furnish.

### Free choice and doing the right thing

In nineteenth-century America, during a time when government played a much smaller part in people’s everyday lives than is the case today, it was taken for granted that not only were personal and family affairs the responsibility of individuals but that there was a far greater sense of obligation and duty to “do the right thing” concerning the

problems of society. For instance, in a famous passage in volume 2 of Alexis de Tocqueville’s *Democracy in America* (1840), he highlighted the extent to which Americans took upon themselves the voluntary forming of associations and organizations to foster and cultivate improvements in society, including hospitals, orphanages, fire departments, charities for those who had fallen upon hard times, and philanthropic activities for religious and secular education and training to assist people in becoming more self-supporting. Tocqueville believed that Europeans, so used to relying upon and turning to the state to take care of such matters, should take note of the American example of the opposite.

A Polish political dissident, Count Adam Gurowski (1805–1866), who had come to America in 1849, published a book in 1857 entitled *America and Europe* in which he compared the two. He drew attention to how much of the most beneficial and generous improvements in the United States had nothing to do with the government and were almost solely due to the private initiative and actions of individuals and voluntary associations. All the types of things that Nock had categorized under per-

sonal choice and doing the right thing with and toward others were what Adam Gurowski drew our attention to:

Everything great, beneficial, useful in America, is accomplished without the action of the so-called government, notwithstanding even its popular, self-governing character. Individual impulses, private enterprise, association, free activity, the initiative pouring everlasting from within the people, are mostly substituted here for what in European societies and nations forms the task of governments....

By far the larger number of monuments, works and useful establishments, for industry, trade, for facilitating and spreading tuition and mental culture, universities, schools, and scientific establishments, are created and endowed by private enterprise, by private association, and by individual munificence.... Neither individuals separately, nor the aggregated people look to the government for such creations; private associations and enterprise, these corollaries of self-government — un-

trammled by government action — have covered the land [with progress]... All this could not have been miraculously carried out, if the American people had been accustomed to look to government for the initiative, instead of taking it themselves. Without the self-governing impulse, America would be materially and socially a wilderness.

### Pervasive presence of government

Nock observed even in 1924:

I remember seeing recently a calculation that the poor American is staggering along under a burden of some two million laws; and obviously, where there are so many laws, it is hardly possible to conceive of any items of conduct escaping contact with one or more of them. Thus, the region where conduct is controlled by law so far encroaches upon the region of free choice and the region where conduct is controlled by a sense of the Right Thing, that there is precious little left of either.

If this was anywhere near the truth a hundred years ago, what is

to be said about the arenas of completely free action in the America of today? Our movements are surveilled, and our language is policed. Our associations with others are monitored and held up to criticism and “cancellation.” We have little responsibility for the raising and educating of our own children, and how we attempt to do it is subject to intervention by government social workers, including removal of a child from the parent’s care.

Our words and actions, past and present, hang over our heads to be scrutinized and criticized like the sword of Damocles that may fall at any time and destroy the remainder of our lives. Picking a necktie to wear can get you persecuted and maybe even prosecuted for being supposedly “phobic” about something or violating the “political correctness” of the time. And watch out about the song you hum or the joke you laugh at. You better not be caught watching YouTube videos of Rodney Dangerfield, Joan Rivers, or Don Rickles. George Carlin is okay, so long as it’s not one of his videos in which he is criticizing the environmentalists or the political and corrupt paternalistic busybodies manning the halls of government power. Otherwise, you are likely to be labelled homophobic,

racist, sexist, an enemy of “the planet,” or insensitive to the feelings and “safe spaces” of others. That laugh may be your last.

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**What we do with our income is an expression of ourselves, a statement about what we value and what we wish and hope to be.**

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At the same time, government regulates how businesses are run, and how workers employed are hired, paid, and fired. This includes what is produced, how it is produced and sold, and under what terms of sale, all of which are dictated by swarms of bureaucrats at all levels of government. Taxes consume anywhere between 25 percent and 50 percent of many people’s income, if you add together federal, state, and local taxes.

### Self-responsibility and doing the right thing

The interventionist-redistributive state pervades so much of society that it is estimated that nearly 50 percent of Americans receive a monetary or “in-kind” transfer from others through the conduit of government, taking from the Peters to give to the Pauls of the country. How are people to have the financial wherewithal to take greater re-

sponsibility for their own lives and cultivate this in their children when not only education but health care, medical insurance, and retirement have been taken out of the hands of the individual and moved into the “care” of government?

This also increasingly limits the monetary means of people “doing the right thing.” More than 70 years ago, Bertrand de Jouvenel warned of the consequences in *The Ethics of Redistribution* (1951). Denying an individual the honest income and wealth he has earned means denying him the ability to formulate and give expression to his own purposes as a human being. You deny him the capacity to make his voluntary contribution to the civilization and society in which he lives as he sees best. Income is not merely a means for physical maintenance of oneself and one’s family, plus a few dollars for leisure activities. What we do with our income is an expression of ourselves, a statement about what we value, how we see ourselves, and what we wish and hope to be. The way we use our income also enables us to teach future generations about those things which are considered worthwhile in life. Our own earned income provides the means to perform many activities through donations and free time that are consid-

ered the foundation of the social order, from community and church work to support for the arts and humanities. In other words, the many things that make up, as a good citizen of society, the capacity of “doing the right thing.”

When government replaces the free marketplace with subsidies, cushy contracts, and trade protections from foreign and domestic competition, picking someone else’s pocket no longer becomes illegal or seems unethical. These days, a seemingly “normal” way of acquiring income is having access to other people’s money through government redistribution.

### Rejecting protectionism to do the right thing

Back in the 1960s, I recall reading an article on the opinion page of the *Wall Street Journal* by a businessman named William Law, who owned and operated a tannery company in Wisconsin. He said that he opposed a protectionist trade bill being sponsored by other enterprises in the tannery business because it would artificially raise the price of imported goods and secure a larger market and profit margin for the domestic firms in his industry by limiting the foreign competition. He explained that he

did not want to be acquiring ill-gotten gains by politically raising prices above a more market-determined price; this would amount to picking the pockets of American consumers for the tannery industry’s special interest.

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**Mr. Law went on to say that he would rather go out of business in a free market than prosper on a government-manipulated market.**

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Mr. Law went on to say that he would rather go out of business in a free market than prosper on a government-manipulated market at the expense of foreign rivals and domestic consumers. In other words, in William Law’s eyes, gaining profits through government protectionism would not be doing the right thing; instead, it would be the very opposite. Or to use John Jay’s phrase, it would not “become him” to endorse or accept such a political privilege at other people’s expense.

For some others, nowadays, the honesty and consistency of their words and actions no longer seem to matter. Elon Musk has insisted that he values unbridled freedom of speech as the owner of Twitter, but during a trip to China in July 2023 connected to his Tesla production and sales activities in that country,

he pledged allegiance to the Communist Party’s “core socialist values” in pricing his electric cars under the dictatorial regime of Xi Jinping. “Doing the right thing” in America in rhetorically defending free speech, obviously, is different from what seems to be the right thing for his sales and profits in a fascist-type economy (government control and command over private businesses) in communist China.

### Not doing the right thing in American politics

A good number of years ago, I asked a free market-oriented Texas member of the U.S. House of Representatives what had he found most surprising when he first came to Washington, D.C., after being elected by the voters in his district. He replied that it was the discovery that there were two arguments, if made as part of his remarks about legislation being discussed on the floor of the House of Representatives, that resulted in his congressional colleagues laughing at him and not taking him seriously. The two arguments concerning any legislation or other matters being debated that got you ignored and laughed at were: it’s unconstitutional and it’s immoral.

In other words, there is no “doing the right thing” in politics or

not doing something because it would not be “becoming,” as John Jay decided in 1800. There are far too many in the politically connected business world that believe there is no “right thing” or anything unbecoming in following the pursuit of gains; it does not matter if it violates others’ freedom of choice and opportunity or requires cozying up to tyrants and terrorists to assure market share or protection from competitors.

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**There is no “doing the right thing” in politics or not doing something because it would not be “becoming.”**

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But why should we be surprised? When we are told that there are no rights and wrongs in politics or life in general, that it is all about how you “feel” and what you want, with nothing constrained by custom, tradition, “good conscience,” or respect for the rights, liberty, and property of others, what else should we expect? Back in the early 1990s, I was invited to speak at several conventions of the State Farm Bureau Association. I found an interesting difference in generational attitudes among the farmers with whom I spoke to about government intervention in the agricultural sector.



If someone, at that time, was, say, over 50 or 60 years old, and I asked them if they supported government farm subsidies of various types, including being paid by Uncle Sam for not growing anything at all, many of them said, “No.” If there was a way to do away with these government programs so no one had an unfair advantage of getting government money while other farmers did not, they would, in principle, be glad to see the end of them.

However, when I asked the same question of the younger farmers, those especially under 40 years of age, they for the most part did not even understand my question. In their minds, having grown up and operated under the network of government farm programs, they could not understand why receiving subsidies and other political supports from the government was any different than revenues earned from producing and selling farm products wanted and paid for by consumers interested in what they had for sale.

The greater the intrusiveness of government over people’s lives, the

smaller the areas of life left to people for freedom of choice and self-responsibility. The narrower the range of individual decision-making, the less the need for people to weigh and act upon what used to be called “doing the right thing” both in the marketplace and the wider social arena of human association. This is why it is important to halt and reverse the size and scope of government in society. Otherwise, both liberty and responsibility as ideas and in actions may disappear.

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**NEXT MONTH:**  
“The Austrian Economists  
and Classical Liberalism”  
by Richard M. Ebeling

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*An outstanding feature of the open market is the businessman, whose success or failure depends entirely on his ability to “focus on consumer needs” and so combine existing and potential factors of production to serve consumers most efficiently. The only constructive role government can play under the free market method of overcoming poverty is to see that the participation of individuals is strictly voluntary — that none is permitted to steal from or cheat or enslave another. In the free and open society, the organized force of government is to be used only if necessary to protect the lives and property of peaceful individuals. In other words, the proper function of government is to protect against robbery rather than practice it.*

— Paul L. Poirot

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