
FUTURE OF FREEDOM

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*If we would guided by the light of reason, we must
let our minds be bold.*

— *Louis Dembitz Brandeis*

FUTURE OF FREEDOM

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Why Drug Prohibition?

by *Jacob G. Hornberger*



During the entire lives of everyone living today, the U.S. government has been waging the so-called war on drugs. Since 1914, beginning with the Harrison Narcotics Tax Act, the federal government has enacted laws that make it a criminal offense to possess or distribute certain drugs or to simply conspire (that is, agree) to do so. The objective has been to eradicate the use of illicit drugs in the United States. At the risk of belaboring the obvious, that objective has not yet been realized, and everyone would agree is a long way from being realized, despite many, many decades of drug warfare.

A war that's never been won

I grew up in Laredo, Texas, which is located on the U.S.-Mexico

border. Laredo has always been a major hub for the illegal importation of drugs into the United States. When I was kid, there were many people regularly busted for drugs — principally marijuana — at the international bridge that people returning from Nuevo Laredo, Mexico, would cross to enter the United States.

Criminal-defense lawyers in Laredo were making lots of money. I know this because my father was one of them. Family members or friends of people who were accused of drug-law violations would bring huge stacks of \$100 bills to pay my father's fee for representing the accused.

Later, my father got appointed U.S. magistrate in Laredo. People who were charged with drug offenses were brought before him for a hearing to set bail. I think my father was paid on a per-hearing basis. The hearings would be held in the conference room of his law office. Every week, there were many people accused of drug crimes to deal with. Among them was the famous LSD guru Timothy Leary, who got busted on a marijuana charge.

At that time, Laredo did not have a local federal judge, so a judge from Houston, Ben Connally,

would regularly travel to Laredo to preside over federal cases in the local federal courthouse. One day, he summoned my dad, who was serving as U.S. magistrate at the time and was a personal friend of Connally (my parents and I would go bird hunting with Connally and his wife Sally), into his office and told him that there was a serious problem with “dropsy cases” at the international bridge. Those cases involved federal officials at the bridge who, objecting to long-haired hippies, would “drop” some marijuana into their vehicles and then arrest them for possession. After all, who are you going to believe — some long-haired, drug-consuming hippie or some decent, upstanding, short-haired federal law-enforcement officer? It was my first exposure to the corruption that comes with drug prohibition.

I had high-school friends who were caught with marijuana. They were charged and convicted of felonies in the federal court system. One of them had purchased an ounce of marijuana in Nuevo Laredo and then, as he was walking back to Laredo on the international bridge, dropped the package in some weeds on the U.S. side of the Rio Grande. Later that night, he went to retrieve it. Federal officials

had seen him drop the package and were diligently waiting for him in the dark. He got busted and saddled with a federal felony conviction.

Federal officials would “drop” some marijuana into their vehicles and then arrest them for possession.

When I was in law school in Austin, I had a friend from Laredo who was living in Austin and had become a major nationwide marijuana dealer. He was an absolute genius at importation, marketing, and distribution and was making loads of money. I once walked into his house, and he had an entire bedroom filled to the ceiling with dozens of bales of marijuana. The feds knew what he was up to but couldn’t catch him. So, they instead used the IRS to go after him on tax-evasion charges. Once the IRS tightened the noose around my friend’s neck, he decided to check out and committed suicide. He was around 24 years old. He was undoubtedly one of the earliest victims of the war on drugs.

When I returned to Laredo to practice law, the city had just recently acquired its first local federal judge, who I had known growing up. He immediately appointed me to represent a man who was charged

with a federal drug offense. Since my client contended he was innocent, we went to trial. During the course of the trial, the DEA and the federal prosecutor realized that I had figured out that they had conducted a sting operation against my client because they couldn't catch him on a real drug offense. The prosecutor and the DEA were not happy that I was bringing that nefarious operation to the attention of the jury. In the midst of the trial, they accused me of jury tampering. I immediately went to the judge's office and informed him about the accusation and demanded an evidentiary hearing to establish that the jury-tampering charge was bogus. On questioning by the judge, the prosecutor acknowledged that he had no evidence to support the charge and apologized to me for making it. It was my personal experience with the corrupting nature of the drug war.

Federal judges ruined thousands of lives

In the 1960s and 1970s, federal judges essentially became unofficial agents of the drug war. They were bound and determined to do their part to win the war. Some of them began meting out high jail sentences to people convicted of drug of-

fenses, certain that those sentences would deter others from committing drug-war crimes and therefore bring a successful end to the drug war. One federal judge in San Antonio, John Wood, who had been a high-school friend of my father, was known as "Maximum John" because his policy was to automatically give every person convicted in his court of a drug offense the maximum possible jail sentence.

The policy was essentially a judge-made mandatory-minimum sentence.

The policy, which other federal judges adopted, was essentially a judge-made mandatory-minimum sentence entailing the highest jail sentence the law allowed. My father and I once had a case in front of Maximum John. Our client and two of his friends were charged in a one-count indictment with conspiracy to possess heroin. Mind you, they had never touched any heroin. All they had done was agree to possess heroin and then made an effort to acquire it. Maximum John gave all three of them the maximum 15-year jail sentence. As I recall, they were all in their early 20s.

When I was in college, Judge Connally, the federal judge from

Houston who would travel to Laredo to hear cases, was once presiding over a marijuana case in Laredo. The defendant took the witness stand and confessed to the crime. He explained that his family had been in very bad financial straits and that he needed the money to provide for them. His explanation was clearly irrelevant and should not have been admitted into evidence, but the federal prosecutor was undoubtedly so elated over the confession that he didn't object to the explanatory evidence.

It showed me the unbelievably awesome power of a jury in America's criminal-justice system.

Given Judge Connally's reputation for meting out high jail sentences to help win the war on drugs, the jury knew that the defendant would receive at least a 15-year jail sentence. They returned with a verdict of not guilty. It was the first time I had heard of jury nullification. Connally screamed at the jury and told them that they were the dumbest jury that had ever served in his courtroom. He instructed the district clerk to permanently strike them from the pool of possible jurors. Connally's remarks hit the

wire services. What was fascinating to me was that there was nothing he could do to alter the verdict of the jury. It showed me the unbelievably awesome power of a jury in America's criminal-justice system. The case made me more determined to go to law school and become a trial attorney.

Why am I detailing all of this? To show how long this drug-war nonsense has been going on and to give you just a few anecdotes demonstrating the utter futility of it. Believe me, there are thousands of lawyers in the borderlands, as well as in Florida, which was another hub for importing drugs, who could give you similar stories of drug enforcement in the 1960s and 1970s.

If it were possible to win the war on drugs, it would have been won back then. The borderlands were converted into a drug-war police state (and an immigration police state as well). DEA agents were everywhere, and more often than not, you didn't know who was a DEA agent because they were often operating undercover. For example, when I got back to Laredo to practice law, I went to a bar one evening for a beer. A customer at the bar struck up a friendly conversation. I asked him what he did. He said he was a salesman. I asked him what

he sold, and he smilingly responded, “Just a salesman.” Several months later, I saw him testifying in a federal drug case as a DEA undercover agent. Thank goodness I didn’t buy anything from him!

The drug war lobby

Despite all of these efforts, the drug war was not won. It just kept going and going, with new DEA agents replacing old DEA agents and new federal judges replacing old federal judges, with everyone doing his part to win the war on drugs.

Sometimes when I see this same phenomenon taking place today among DEA agents, federal prosecutors, and federal judges, I can’t help but ask myself: Are they really that dumb? Do they really think that they are going to win the drug war? Don’t they know that DEA agents, federal prosecutors, and federal judges did everything in their power back in the 1960s and 1970s (and ever since) to win the war on drugs? If the drug war wasn’t won back then, what makes this new crop of people think that they’re going to win it today?

Having witnessed the drug war my entire life, I have concluded that these DEA agents, federal prosecutors, and federal judges are not that

dumb. They know full well that they will never win the war on drugs. At the same time, however, they also know that there is an entire federal bureaucracy that is financially dependent on the war on drugs. This vast drug-war bureaucracy consists of not just the DEA agents, the federal prosecutors, and the federal judges but also the court clerks, the secretaries, the people who answer the telephones, the law clerks, and many more. Many of them have families to raise. Many of them are putting kids through college. Many of them have mortgages and car payments. Some of them illegally receive drug-war bribes.

There is an entire federal bureaucracy that is financially dependent on the war on drugs.

In other words, this vast army of drug-war bureaucrats is dependent on the drug war. They all have a vested interest in its continuation. Deep down, they know it’s not about winning the drug war. It’s about continuing the drug war so that they continue to have the generous amounts of taxpayer-funded money to raise their families, put their kids through college, make their mortgage and car payments, and make it to retirement.

There is another point that is worth mentioning. The U.S. Constitution does not delegate any power to the federal government to criminalize the possession, consumption, and distribution of drugs, just as it doesn't delegate any power to the federal government to do the same things with respect to alcohol. That was why a constitutional amendment was needed to criminalize the possession, consumption, and distribution of alcohol. The same principle applies, needless to say, to drugs.

The war on drugs has brought with it drug cartels, drug gangs, massive violence, and official corruption.

Today, proponents of the drug war lament the large amount of fentanyl coming into the United States and killing people. What is fascinating, however, is that they don't view this in the obvious way — that their decades-long drug war has failed to achieve its end. After all, if their drug war had succeeded, there wouldn't be a fentanyl problem. Instead, in one of the best examples ever of obtuseness, drug-war proponents use the fentanyl problem to justify the continuation of what is obviously one of the best examples

in history of a government program that has failed to achieve its end.

If it were just a failure of a government program we were dealing with, that would be one thing. But it's much more than that. The war on drugs has brought with it drug cartels, drug gangs, massive violence, and official corruption, not to mention grave infringements on civil liberties and privacy. That's what happens when the government makes a purely peaceful activity illegal. One of the best examples of this phenomenon was when the federal government made the possession and distribute of alcohol illegal. Immediately, American society became besieged with booze gangs, massive violence and corruption, and severe assaults on civil liberties and privacy. As soon as Prohibition ended, those gangs, the violence and corruption, and the infringements on freedom evaporated.

Alcohol prohibition provides the solution to drug prohibition. The only way to bring about the eradication of drug cartels, drug gangs, and massive drug-war violence and corruption is by legalizing drugs. There is no other way to accomplish that.

Does this mean that people would be free to acquire, consume,

and distribute whatever drugs they wanted, including heroin, cocaine, opioids, and fentanyl? That's exactly what it means, just as people are free to acquire, consume, and distribute liquor, beer, and tobacco, which, by the way, kill vastly more people than illicit drugs do. People have been consuming drugs throughout history. With drug legalization, at least they would be purchasing them from reputable pharmacies and companies that care about their reputations and their customers rather than from back-alley, black-market, violent sellers who don't care one whit for their reputation or for the welfare of their clients.

Most important in all this is not the failure of the war on drugs or the collateral damage that the drug war has inflicted on American society. What is most important is the

concept of individual liberty. In a genuinely free society, people have the fundamental, God-given right to consume, possess, and distribute whatever they want. And that's the best reason for immediately bringing an end to the war on drugs, one of the most immoral, destructive, and failed government programs in U.S. history.

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

NEXT MONTH:

“The Disaster of Libertarian Reform of Socialism”

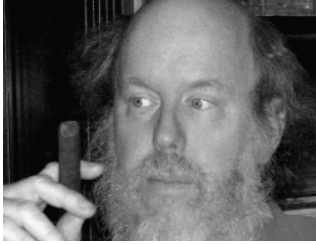
by Jacob G. Hornberger

“Trampling on a Symbol of Liberty”

by James Bovard

Will TSA Steal Your Mug?

by James Bovard



Dorothy Parker's signature line, "What fresh hell is this?" is the new mantra for travelers at American airports. TSA is rapidly expanding a program in which travelers stand in photo kiosks that compare their faces with a federal database of photos from passport applications, drivers' licenses, and other sources to see if people receive official permission to fly.

What could possibly go wrong? Aside from everything? Will Americans tolerate an out-of-control agency intruding ever further into their lives? The *Washington Post* warned in 2019 that airport facial-recognition systems are "America's biggest step yet to normalize treating our faces as data that can be stored, tracked and, inevitably, stolen."

Experiencing the surveillance state

Flying out of Washington National Airport in February, I saw a special entry line for the CLEAR facial scan program that enables people who pay \$189 a year to skip TSA lines. TSA promises that its new airport regime will respect Americans' privacy. Fat chance: TSA previously promised no traveler would be delayed more than 10 minutes at TSA checkpoints.

I stood and watched semi-frazzled travelers enter a roped-off turf to get TSA approval for their visage.

A skinny young woman with a CLEAR t-shirt and a clipboard was standing guard at the entrance of the biometric site. She looked like a cherub with long straight red hair and a welcoming smile.

"How soon will they be making the biometric checks mandatory?" I asked her.

"I don't know anything about that," she replied, as if I'd asked about the surface temperature of the planet Venus.

"Do people ever complain about having to do the biometric checks?"

"No, this is voluntary," she replied with a smile wider than a Kamala Harris grimace.

She was a good Washingtonian: She could never imagine any federal agency flogging the hell out of the

Constitution. I considered peppering her with another half dozen questions but wanted to keep my sarcasm fresh for dealing with TSA agents. My hunch was that the red-headed cherub was not a regular reader of the Future of Freedom Foundation website.

TSA is one of the most secretive domestic agencies.

In July, the *Washington Post* reported that TSA agents at National Airport threatened long delays for any passenger who refused to be photographed, including U.S. Sen. Jeff Merkley (D-Ore.). Merkley noted that TSA falsely claimed that there were signs at National Airport notifying people that the facial scans are optional.

“Trust us” is the TSA mantra for the new program. TSA is one of the most secretive domestic agencies and is notoriously noncompliant with the Freedom of Information Act. *Washington Post* reporter Geoffrey Fowler notes that TSA has refused to disclose data on its new system: “So, we really have to at this point just take their word that it is a more accurate than people and speeding things up.” That includes failing to disclose “how often its system falsely identifies people,

through incorrect positive or negative matches.”

What could possibly go wrong?

TSA will be relying on photo-identification systems with mis-identification rates up to 100 times higher for blacks and Hispanics. When the ACLU tested facial-recognition systems in 2018 by running photos of members of Congress through a massive data of police mug shots, 28 lawmakers “were incorrectly matched to people charged with a crime.” Actually, the number of congressmen who have committed criminal offenses is probably far higher, but the matches to those specific mug shots were erroneous.

Nor is there any reason to expect the TSA to keep its personal data on Americans safe from pillaging. Federal records of citizens’ photos were already filched in a 2019 “malicious cyberattack.”

TSA is already partnering with the Customs and Border Patrol agency to compel any American entering or leaving the nation to submit to being photographed for their database. That Trump administration initiative is named “Biometric Entry/Exit” — a euphemism for “Nobody Leaves Without Uncle Sam’s Permission.” Since the pro-

gram will rely on computer databases and facial scans instead of a Berlin Wall, there is nothing to fear. “Biometric Entry/Exit” sets a precedent for federal controls over Americans’ movement inside the United States.

TSA will be capitalizing on vast federal poaching of state and local records, as well as online records. As Mike Maharrey of the Tenth Amendment Center noted, “A 2019 report revealed that the federal government has turned state drivers’ license photos into a giant facial recognition database, putting virtually every driver in America in a perpetual electronic police lineup.” Techdirt reported, “Federal investigators have turned state Department of Motor Vehicles databases into the bedrock of an unprecedented surveillance infrastructure.” The FBI is regularly tapping into databases with more than 600 million facial photos.

Pushing back against TSA

Five U.S. senators are seeking to slow the TSA facial scan stampede. In a letter to TSA Administrator David Pekoske in February, senators Ed Markey (D-Mass.), Jeff Merkley (D-Ore.), Cory Booker (D-N.J.), Elizabeth Warren (D-Mass.), and Bernie Sanders (I-Vt.)

called for TSA to halt its facial-scan program. The senators warned that “American’s civil rights are under threat when the government deploys this technology on a mass scale, without sufficient evidence that the technology is effective on people of color and does not violate American’s right to privacy.”

The senators pressured TSA to provide the data by which Congress and private citizens could judge the program:

Please provide data on the accuracy and volume of TSA’s facial recognition technology program from 2020 to 2022 broken down by race, ethnicity, and gender that includes:

- the rate of false positives and negatives produced;
- the total number of travelers who had their face scanned by TSA;
- the total number of travelers who opted out;
- the total number of cases where TSA stored its facial scans, instead of immediately deleting.

How are travelers notified of their right to opt-out of facial recognition? What are the effects on a traveler who chooses to opt-out of facial

recognition?

Under TSA's current system, do travelers who choose to opt-out face any additional consequences or additional screenings, pat-downs, interrogations, or even detention, beyond what they would have encountered at a non-facial-recognition airport?

What training measures does TSA currently mandate for staff to regarding travelers who choose to opt-out of facial recognition technology?

Has TSA ever shared biometric data with other government agencies? If so, which agencies and for what purposes?

What measures is TSA taking to protect biometric data from cyberattacks or any other form of unauthorized distribution or release? How does TSA ensure the security of Americans' data that third-parties have access to? Is TSA aware of any breaches of travelers' biometric data collected at US airports? If so, please detail all such breaches.

As of October 2023, TSA has provided little or no information in response to the senators' letter. This

is typical of TSA's contempt for congressional oversight — a consistent disgrace to the Constitution since the agency was created in 2002.

Jeramie D. Scott, director of the Electronic Privacy Information Center's Project on Surveillance Oversight, followed up the senators' warning with his own analysis on why TSA's "Facial Recognition is More Dangerous Than You Think." Scott stressed that "any current claims by TSA about how they are protecting privacy and the voluntariness of the program ring hollow in light of the fact that there are no meaningful restrictions on how TSA implements the use of facial recognition technology."

Scott lays out how the TSA program could be another step toward bureaucratic serfdom due to

the very real possibility that our face eventually becomes our default ID and creates a de facto national ID controlled by the government.... Using our faces as our ID means the infrastructure for facial recognition will become ubiquitous and centralized and the temptation to expand the use of such an infrastructure will likely be too great to resist, resulting in mission creep. A na-

tional ID based on face verification will be disastrous for our privacy, civil liberties, and civil rights. It would destroy anonymity and put the control of identification in the hands of the government and further exacerbate the imbalance of power between the government and the people.... There is a reason facial recognition has become ubiquitous in less democratic countries — facial recognition is an ideal tool for oppression by an authoritarian or would-be authoritarian government.

“Mission creep” will likely follow the rollout of TSA’s facial round-up.

“Mission creep” will likely follow the rollout of TSA’s facial round-up. The ACLU warns that “there will be enormous pressure to turn those [TSA facial] checkpoints into broader law enforcement checkpoints where people are subject to watchlist, criminal, and immigration checks.” There are reports that the CIA and FBI “already want to leverage TSA checkpoints for law enforcement and intelligence purpose ... pressure will build to expand it further and try to iden-

tify everyone from parole violators to deadbeat dads,” according to an ACLU white paper.

The Supreme Court ruled in a 2018 case: “A person does not surrender all Fourth Amendment protection by venturing in the public sphere,” but the proliferation of federal facial scanning makes a mockery of the Fourth Amendment’s prohibition of warrantless unreasonable searches. As the ACLU’s Jay Stanley wrote: “Travelers, including U.S. citizens, should not have to submit to invasive biometric scans simply as a condition of exercising their constitutional right to travel.”

Giving an inch, taking a mile

TSA’s new regime is mushrooming at the same time that federal law enforcement is crusading to vastly expand facial surveillance. The FBI’s Kimberly Del Greco told Congress that facial recognition technology is critical “to preserve our nation’s freedoms, ensure our liberties are protected, and preserve our security.” Relying on the FBI for a character witness for preserving freedom should set off all the civil liberties alarms. As the Electronic Privacy Information Center warned, “An individual’s ability to control access to his or her identity, including determining when to re-

veal it, is an essential aspect of personal security and privacy that biometric identifiers erode.”

The TSA scanning system could be a big step toward a Chinese-style “social credit” system that could restrict travel by people the government despises. Will the new facial-recognition software be programmed to trigger an alert for anyone who radiates disdain for the TSA? Will a secret scoring system classify scruffy beards as a warning sign of “domestic extremist?” Will folks who look too ornery for their own good be taken behind closed doors for a TSA “enhanced pat-down” that exhausts their annual profanity quota?

The only way to justify TSA’s facial surveillance regime is to presume that secretive federal agencies never abuse the powers they capture. In other words, it requires disregarding everything that happened in Washington after the 9/11 attacks. Will the database the TSA helps compile be used to target anyone who attends a protest that politicians subsequently label as seditious, extremist, or unpatriotic?

Dr. Joy Buolamwini, founder of the Algorithmic Justice League, warned: “The government has al-

ready made it very clear that the path and the roadmap is to make what we are seeing as a trial or a pilot mandatory.... This is the time to resist.” But the experience of the decade since Edward Snowden began exposing the Deep State illustrates how federal intrusions are extremely difficult to slow or reverse.

Rather than a new system of retina scans, we should abolish TSA. Despite squeezing millions of butts and boobs, TSA has never caught a real terrorist. By treating most Americans like suicide-bombers-in-waiting, TSA makes traveling vexing without making it safer. For 20 years, Washington bureaucrats and political appointees have promised to reform TSA so that it will cease being a farce and a menace. After pointlessly groping millions of Americans, TSA has no excuse for groping millions more.

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.

America Has a Uniparty System

by Laurence M. Vance



The United States has been saddled with a two-party political system almost from the very beginning of its existence. First it was the Federalist Party and the Democratic-Republican Party, then it was the Democrats and the Whigs, and now it is the Democrats and the Republicans.

George Wallace’s adage that “there’s not a dime’s worth of difference between the Democrat and Republican parties” is true now more than ever. And yet, at the same time, the *perception* that the two major parties have substantial differences is widely accepted, so much so that Americans are polarized politically as never before. The idea that we actually have a single uniparty system with two divisions that move in lockstep on most ma-

ior issues seems far fetched.

According to a report by the Pew Research Center,

Within both partisan groups, views of the opposing party are overwhelmingly unfavorable across-the-board, with more than eight-in-ten — strong partisans, not so strong partisans and leaners alike — saying this.

About six-in-ten (61%) say the phrase “too extreme in its positions” describes the Republican Party very or somewhat well, with an almost identical share (60%) saying the same about the Democratic Party.

Growing shares in each party now describe those in the other party as more closed-minded, dishonest, immoral and unintelligent than other Americans.

A quick look at the Democratic and Republican Party platforms shows that they not only don’t like each other but blame each other for all the woes in the country.

Democrats on Republicans

According to the 2020 Democratic Party Platform, which was

adopted during Donald Trump's last year as president:

President Trump and the Republican Party have rigged the economy in favor of the wealthiest few and the biggest corporations, and left working families and small businesses out in the cold.

President Trump and the Republican Party are trying to tear health care away from millions of people who depend on it for survival.

Time after time, President Trump and the Republicans have rewarded big corporations and their wealthy donors, and left working families behind.

Our tax system has been rigged against the American people by big corporations and their lobbyists, and by Republican politicians who dole out tax cuts to their biggest donors while leaving working families to struggle.

At every turn, Democrats' efforts to guarantee health coverage have been met by obstruction and opposition from the Republican Party.

We stand united against the determined Republican

campaign to disenfranchise voters through onerous voter ID laws, unconstitutional and excessive purges of the voter rolls, and closures of polling places in low-income neighborhoods, on college campuses, and in communities of color.

The Republican Party has packed our federal courts with unqualified, partisan judges who consistently rule for corporations, the wealthy, and Republican interests.

Republican governors, legislatures, and state officials "have disenfranchised people of color, young people, low-income people, and people with disabilities." Republican proposals "would make students pay billions of dollars more on their student loans."

Republicans on Democrats

The Republicans did not adopt a new party platform in 2020. They instead reaffirmed their 2016 platform, which was adopted during the last year of Barack Obama's presidency:

The President and the Democratic party have dismantled Americans' system of health-

care. They have replaced it with a costly and complicated scheme that limits choices and takes away our freedom. The President and the Democratic party have abandoned their promise of being accountable to the American people. They have nearly doubled the size of the national debt. They refuse to control our borders but try to control our schools, farms, businesses, and even our religious institutions. They have directly attacked the production of American energy and the industry-related jobs that have sustained families and communities.

The President has been regulating to death a free market economy that he does not like and does not understand. He defies the laws of the United States by refusing to enforce those with which he does not agree. And he appoints judges who legislate from the bench rather than apply the law.

The Democratic Administration's sustained support for additional regulation of agriculture has directly resulted in higher costs of production for those who produce the food

we eat. This federal regulatory overreach has resulted and will continue to result in higher food prices for Americans.

During the last eight years of a Democratic Administration, nearly all the work requirements for able-bodied adults, instituted by our landmark welfare reform of 1996, have been removed.

Democrats have “stymied Republican efforts to restrain executive lawlessness” and “have also endorsed an anticonstitutional agenda of their own.”

The issues

The Democrat and Republican attacks on each other *seem* to reinforce the notion that America doesn't have a uniparty system. Conservative Ryan Saavedra, formerly with *Breitbart News* and the *Daily Caller*, and now with *The Daily Wire* — where he “covers a range of subjects, particularly focusing on media bias, politics, and the convergence of politics and culture” — has mocked the idea that we have a uniparty system:

Always appreciate when people use “uniparty” because it identifies who should not be

taken seriously. Yeah, Democrats and Republicans are the exact same on everything except: abortion, transgenderism, guns, religious freedom, mandates, death penalty, foreign policy, bill of rights, drug policy, immigration, border security, entitlement programs, education, healthcare, taxes, fiscal policy, tariffs, military spending, election integrity, electoral college, law enforcement, climate change, energy policy, and much, much more.

Two types of issues should be distinguished here: cultural issues and political issues. That Democrats and Republicans differ on cultural issues there is no doubt. But when it comes to political issues, Democrats and Republicans are philosophically two peas in a pod.

The main cultural issue that separates Democrats and Republicans is abortion. The Republicans say in their platform:

The Democratic Party is extreme on abortion. Democrats' almost limitless support for abortion, and their strident opposition to even the most basic restrictions on

abortion, put them dramatically out of step with the American people. Because of their opposition to simple abortion clinic safety procedures, support for taxpayer-funded abortion, and rejection of pregnancy resource centers that provide abortion alternatives, the old Clinton mantra of “safe, legal, and rare” has been reduced to just “legal.” We are proud to be the party that protects human life and offers real solutions for women.

There used to be some prolife Democrats, but I can't remember the last time I heard a Democratic politician or pundit expressing opposition to abortion itself or the relaxing of abortion restrictions. The abortion issue is one of the main reasons why so many conservatives hold their nose and vote Republican in every election — even though Republicans in Congress are a bit inconsistent. Although they may tout their prolife credentials come election time and march in the National March for Life every January, Republicans in Congress have for decades funded Planned Parenthood, the nation's largest abortion provider — as if the funds

they receive are not fungible. But, yes, there is a great divide between Democrats and Republicans on the issue of abortion. Likewise, when it comes to transgenderism.

In some cases where small differences do exist between Democrats and Republicans, it is Republicans who are worse.

Things are quite different when it comes to political issues that relate to the Constitution, the welfare state, and the warfare state. And in fact, in some cases where small differences do exist between Democrats and Republicans, it is Republicans who — from a libertarian perspective — are worse. Here are a number of the above-mentioned issues wherein the bottom line is that Democrats and Republicans are joined at the hip, philosophically speaking.

Education. Although Republicans talked about abolishing the federal Department of Education in the 1980s, the budget of the department skyrocketed during the presidency of George W. Bush. When Republicans have had control of both houses of Congress and the presidency (most recently during Trump's first two years as president), they have not even attempted

to cut federal spending on education, let alone abolish the Department of Education. Both Democrats and Republicans think that the government should take money from some Americans to educate the children of other Americans in public schools or by means of educational vouchers. Members of neither party believe that education should be entirely left up to the states and that the federal government should have absolutely nothing to do with it. And on the state level, in states with Republican trifectas, no steps have been taken to separate school from state. The bottom line is: Democrats and Republicans both believe that some Americans should be forced to pay for the education of other Americans.

Drug war. It is a myth that Democrats are “bad” on drugs while Republicans are “good.” Although many Democrats claim that they want to see marijuana legalized on the federal level, whenever Democrats have had control of both houses of Congress and the presidency (most recently during Biden's first two years as president), they have not even attempted to do so. On the state level, where there have been many ballot initiatives to legalize the recreational or medical use of

marijuana that have passed, they have always passed by margins that show that it is not just Democrats who are voting in favor of these initiatives. Democrats and Republicans likewise both want to heavily tax and regulate marijuana in states where it has been legalized. But marijuana is only one of many drugs that Americans want to partake of. Both parties are firmly against the legalization of harder drugs. The drug war is an issue where many Republicans are even worse than Democrats. The bottom line is: Democrats and Republicans both believe in a government drug war.

Entitlement programs. Although Democrats often accuse Republicans of wanting to end government welfare programs, nothing could be further from the truth. Republicans may want to spend less money on certain programs, tighten eligibility requirements on select programs, and increase work requirements on other programs, but they have no philosophical objection to income-transfer programs or wealth-distribution schemes. Just look at the Republican attitude toward the largest and most expensive welfare program in existence — Social Security — a program that takes money from those who work and gives it to

those who don't. According to their platform, Republicans believe that "all options should be considered to preserve Social Security. Saving Social Security for future generations is "our moral obligation." The bottom line is: Democrats and Republicans both believe that the government should take money from some Americans and give it to other Americans.

**Democrats and
Republicans both believe in a
government drug war.**

Health care. Although Republicans used to rail against Obamacare, they not only failed to repeal it when they controlled both houses of Congress under President Trump but rarely even mention it anymore. Both Democrats and Republicans fully support socialized medicine through Medicare, Medicaid, and the State Children's Health Insurance Program (CHIP). They don't believe that health care is a service that can and should be provided on the free market just like any other service. Instead, they believe in massive government intervention in the health-care and health-insurance industry. The bottom line is: Democrats and Republicans both believe that some Americans

should be forced to pay for the health care of other Americans.

Tariffs. Perhaps it used to be true that Democrats favored tariffs while Republicans favored free trade. However, since the ascendancy of Donald Trump, many Republicans have let their latent protectionism come to the surface. The Republican faithful cheer Trump when he talks about raising tariffs to protect American jobs. The bottom line is: Democrats and Republicans both believe it is the job of the government to “protect” certain industries.

Democrats and Republicans both believe that the United States should police the world and intervene in other countries.

Military spending. If there is one thing that Democrats and Republicans wholeheartedly agree on, it is increased military spending every fiscal year even though the U.S. military budget is already larger than the next 10 highest foreign defense budgets combined. Much of U.S. military spending is wasted on maintaining hundreds of foreign military bases, stationing tens of thousands of American soldiers on foreign soil, and engaging in pointless military operations. The bot-

tom line is: Democrats and Republicans both believe in obscene military budgets for offense instead of defense.

Foreign policy. U.S. foreign policy has been reckless, belligerent, and meddling for a great many years. Yet, an interventionist foreign policy has been the norm no matter which political party occupied the White House or controlled the House or Senate. Both Democrats and Republicans think that the government should take money out of the pockets of American taxpayers and put it in the hands of foreign governments and organizations in the form of foreign aid. They both feel that America — against the wisdom of John Quincy Adams — should go abroad and seek monsters to destroy. The billions in U.S. taxpayer dollars that went into the sinkhole of Ukraine had bipartisan support. The bottom line is: Democrats and Republicans both believe that the United States should police the world and intervene in other countries as it sees fit.

Digging deeper

Even when it seems on the surface that Democrats and Republicans have notable differences, digging a little deeper shows that this is not really the case. Take, for exam-

ple, the issues of guns and taxation.

Guns. Many Democrats don't hide the fact that they don't think anyone should own a gun unless he works for the government: police, sheriff, highway patrol, military, secret service, FBI, DEA, ATF, and IRS agents. But don't think for a minute that this means that Republicans actually believe in the Second Amendment and gun freedom. Both parties believe that most federal gun laws, including the National Instant Criminal Background Check System (NICS), should be retained even though they infringe upon the right of the people to keep and bear arms. And it's not just on the federal level. In my red state of Florida, where Republicans have had a solid majority in the legislature, three new gun-control bills were passed and signed in to law by the Republican governor after the school shooting in Parkland in 2018. The bottom line is: Democrats and Republicans both believe that the federal government has the authority to pass gun legislation even though such is not authorized by the Constitution and is prohibited by the Second Amendment.

Taxation. Republicans are usually for lower tax rates across the board while Democrats are generally in favor of increasing taxes on

“the rich.” But not so fast. A quick look at Republican attitudes toward tax reform and refundable tax credits shows that Republicans are not as interested in slashing taxes as they are given credit for.

Democrats and Republicans both believe that the federal government has the authority to pass gun legislation.

First, Republicans are always putting forth tax-reform proposals. The one thing they all have in common is that they are always revenue neutral; that is, any revenue loss from tax cuts must be offset by revenue gains either from tax increases, broadening the tax base, closing loopholes, or eliminating deductions or from additional revenue that flows into the federal treasury from economic growth as a result of tax cuts. But any revenue-neutral tax-reform scheme can, by definition, only shift taxes, not lower them. If someone's taxes are lowered, someone else's taxes must be increased. Revenue-neutral tax reform implies that government spending is not the fundamental problem that should be addressed.

Second, Republicans are always saying that the tax code contains too many exemptions, credits,

loopholes, shelters, exclusions, and deductions and needs to be simplified. Yet, when it comes to refundable tax credits that give people a “refund” of money that they never paid in, Republicans are united with Democrats in keeping them in the tax code. The bottom line when it comes to taxation is: Democrats and Republicans both believe that the government is entitled to a portion of every American’s income.

Democrats and Republicans are just two teams (blue, red) in the same league, two sides of the same coin, two wings (fascist, socialist) of the same bird, and the two faces of Janus. It is because America has a uniparty that the welfare/warfare state continues unabated.

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NEXT MONTH:
“Medicare & You”
by Laurence M. Vance

The forms of our free government have outlasted the ends for which they were instituted, and have become a mere mockery of the people for whose benefits they should operate.

— “Americus”

Franklin Roosevelt's Bogus Economic Bill of Rights

by Richard M. Ebeling



Eighty years ago, on January 11, 1944, President Franklin D. Roosevelt delivered his Annual Message to Congress (now known as the State of the Union Address). Its significance arises from his call for a new Economic Bill of Rights to accompany the existing Bill of Rights in the U.S. Constitution. He wanted to codify as federal constitutional law an all-encompassing interventionist welfare state that would have left little outside of the controlling and planning hands of the U.S. government.

Normally, Roosevelt would have read the address before a joint session of Congress, but he had only recently returned from the wartime conferences in Cairo, Egypt, with British Prime Minister

Winston Churchill and Chinese Generalissimo Chiang Kai-Shek, and then in Tehran, Iran, with Churchill and Soviet dictator Joseph Stalin. So instead, suffering from a bout of the flu, FDR delivered the address as an evening fire-side chat to the nation over the radio from one of the rooms in the White House.

Roosevelt was beginning his 12th year as president of the United States, having won an unprecedented third term to the White House in the 1940 election. By the end of 1944, he would run for and win a fourth term as president before dying in April 1945, shortly before the end of the Second World War in Europe in May.

The New Deal as economic fascism

First taking office in March of 1933, FDR rapidly introduced his New Deal agenda and had Congress pass legislation that, in effect, imposed a fascist-style economic system over the country that was partly inspired by Mussolini's corporatist state in Italy. The National Recovery Act (NRA) imposed a regimentation over virtually all of American industry in government-mandated cartels that set prices, wages, work conditions, and output levels in manufacturing and retail

businesses. At the same time, farming was harnessed to government control through the Agricultural Adjustment Act (AAA), which dictated the crop sizes that might be grown, the livestock herds that could be raised, and prices at which the outputs might be sold throughout the economy. This was accompanied by the Works Progress Administration (WPA), a massive government employment program on infrastructure and other projects determined by the bureaucrats in Washington, D.C., plus an alphabet soup (as it was called) of other government activities, programs, and projects that enveloped almost everything and everyone in the nation.

A series of Supreme Court decisions in 1935 and 1936 declared all of the main elements of the New Deal unconstitutional.

A permanent centralized planned economy was averted only because of a series of Supreme Court decisions in 1935 and 1936 that declared all of the main elements of the New Deal unconstitutional. Nonetheless, Roosevelt's administration dramatically changed the institutional and economic landscape of the country through

levels of sustained government spending and borrowing never previously experienced in the country's history. In addition, in 1935, FDR had Congress pass the Social Security Act, which put Uncle Sam in the old-age retirement business for the entire citizenry. Congress also passed a national minimum-wage law, putting the government's nose in the business of employers and employees who otherwise agreed themselves on what a worker was worth based on supply and demand. Federal legislation also put the power of government behind compulsory unionism and the attempt to impose wage levels on employers.

FDR's call for total labor mobilization for total war

This all intensified with America's entry into the Second World War following the Japanese attack on Pearl Harbor on December 7, 1941. Soon, in the name of the wartime emergency, the entire American economy was enveloped in a spider's web of government production planning and distribution commands, along with wage and price controls over all transactions in the marketplace. Accompanying this was a comprehensive rationing of all goods and services, with Washing-

ton bureaucrats determining what the ration quotas for food, clothing, gasoline, and all the other everyday necessities of life would be for every household in the United States.

The “selfish” interests of individual Americans were getting in the way of the collective war effort.

Not too surprisingly, the country was soon experiencing black markets and ration-coupon corruption in all corners of the society. Movie theaters would run government propaganda “shorts” before the showing of the main film telling people to do their patriotic duty and not buy black-market auto tires or women’s silk stockings, or not to bribe the local butcher to get more than the official family meat quota, or not to purchase extra gallons of gasoline for their cars from the back of a truck in a dark alley. The FBI and local police departments had their hands full trying to stop people from the innocent attempt to buy and sell on mutually agreed terms what the government had forbidden or restricted.

Now, in his 1944 Annual Message to Congress, FDR devoted the first part of the address to insisting upon even more command and

control over the entire civilian population in the name of total war. The “selfish” interests of individual Americans were getting in the way of the collective war effort, he said. This included a failure by each citizen to do their part in working for victory in the war. The president wanted, “nothing less than total mobilization of all our resources of manpower and capital.” Just as millions had been conscripted into military service, he said, “there can be no discrimination between men and women who are assigned by the Government to its defense at the battlefield and the men and women assigned to producing the vital materials essential to successful military operations.”

FDR and Joseph Goebbels on total war for victory

Thus, FDR called for the “prompt enactment of a National Service Law” under the claim that, “National service is the most democratic way to wage a war. Like selective service [the military draft] for the armed services, it rests on the obligation of each citizen to serve the Nation to his utmost where he is best qualified.” Then, in true Orwellian “newspeak,” Roosevelt asserted that “the very existence of national service makes unnecessary

the widespread use of compulsory power.” In other words, once the Congress passed a law that threatened coercion if a person did not show up where and when the government said, to do the work the government commanded him to perform, people would just show up and do as they are told without actually having to send U.S. marshalls or the FBI to round them up to do what the government dictated.

Roosevelt asserted that “the very existence of national service makes unnecessary the wide-spread use of compulsory power.”

In further Orwellian fashion, Roosevelt said that there were “millions of American men and women who are not in this war at all. It is not because they do not want to be in it. But they want to know where they can best do their share. National service provides that direction. It will be a means by which every man and woman can find the inner satisfaction which comes from making the fullest contribution to victory.”

In other words, walking around in mindless circles, these poor millions of Americans who wanted to serve their country, just could not figure out on their own that going

down to a local military recruitment office or applying to work in a military manufacturing facility might just be a way for them to help win the war. No, they needed government to take them by the hand while Uncle Sam’s other hand was holding a gun, just in the event they resisted the government’s “help” in finding that place they really were looking for to do what the government insisted they should do. When the war was over, all these millions of Americans, FDR said, “will be glad to be able to say many years hence to their grandchildren.... The Government told me ... that I was performing my most useful work in the service of the country.”

It is worth noting that about a year earlier, on February 18, 1943, Adolph Hitler’s minister of propaganda, Joseph Goebbels, delivered an address before a crowd of 14,000 Nazi Party members in the Berlin Sports Palace in which he called for total war and total labor service by all good Germans and rhetorically asked his listeners:

Are you and the German people determined, if the Fuhrer orders it, to work ten, twelve and, if necessary, fourteen and sixteen hours a day and to give your utmost for victory?

[Loud shouts of “Yes,” and lengthy applause].... I ask you: Do you want total war? [Loud cries of “Yes!” Loud applause] Do you want it, if necessary, more total, and more radical than we can even imagine today? [Loud cries of “Yes!” Applause]”

America's journey for full and real freedom for all, FDR stated, was incomplete.

FDR's voice was, no doubt, more soothing, less rabble rousing, and not as hysterical as Goebbels's style of emotional delivery. But the message was the same: The individual owed everything to the state in service for victory in the war. No sacrifice could be thought too great or too demanding. FDR could not tell if people listening over the radio to his fireside message to Congress were cheering and applauding as he called for total commanded labor in service to total war, but he added, “It is my conviction that the American people will welcome this win-the-war measure which is based on the eternally just principle of ‘fair for one, fair for all.’” Why would anyone not welcome a government law that commanded them to do whatever the government demand-

ed they do, and which might result in arrest, imprisonment, or worse, if they refused to obey? Surely, there was nothing more fair or “democratic” than that!

FDR's Economic Bill of Rights for a postwar America

The remainder of Roosevelt's Annual Message to Congress was devoted to outlining his vision for a postwar America, one that would complete the establishment of an economic total state in which little involving the minute and everyday affairs of every American would not be overseen, determined, and dictated by the federal government. All for the betterment and good of the American people, of course.

FDR said the goal was a higher standard of living than ever known before in the United States. But it would be unacceptable if “some fraction of our people — whether it be one-third or one-fifth or one-tenth, is ill-fed, ill-clothed, ill-housed, and insecure.”

America's journey for full and real freedom for all, FDR stated, was incomplete. Yes, the country's Founding Fathers had established and secured certain political rights, such as freedom of speech and the press, freedom of religion, trial by jury, freedom from unreasonable

searches and seizures. But that was then, and now was different. In modern industrial America, this was not enough. Merely having such political rights had “proved inadequate to assure us equality in the pursuit of happiness.”

The United States needed a second Bill of Rights — an Economic Bill of Rights. FDR then explained that among these rights were:

The right to a useful and remunerative job in the industries or shops or farms or mines of the Nation;

The right to earn enough to provide adequate food and clothing and recreation;

The right of every farmer to raise and sell his products at a return which will give him and his family a decent living;

The right of every businessman, large or small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home or abroad;

The right of every family to a decent home;

The right to adequate medical care and the opportunity to achieve and enjoy good health;

The right to adequate pro-

tection from the economic fears of old age, sickness, accident, and unemployment;

The right to a good education.

All these rights spell security. And after this war is won, we must be prepared to move forward, in the implementation of these rights, to new goals of human happiness and wellbeing.

America’s own rightful place in the world depends in large part upon how fully these and similar rights have been carried into practice for our citizens. For unless there is security here at home, there cannot be a lasting peace in the world.

FDR and the real fascists

Before closing his Annual Message to Congress, FDR ominously warned the American people listening in on the radio that there was “the grave dangers of a ‘rightist reaction’ in this Nation.” If there was any movement to return to a time before the New Deal days of the 1930s, that is, a “return to the so-called ‘normalcy’ of the 1920s,” then, “we shall have yielded to the spirit of Fascism here at home.”

Here was the president of the

United States preempting any reason, rationale, or argument for returning to an America before he entered the White House in 1933 as a “rightist reaction” and a yielding to “the spirit of Fascism.” By using such loaded terms as “rightist” and “Fascism,” FDR was attempting to create an impression in every American’s mind that to want a government less expansive, less intrusive, less controlling than the federal system that the Roosevelt administration had constructed was to be an American Hitler or Mussolini, an advocate of tyranny, brutality, and aggression against others in society.

“A Fascist, then, is one who believes in the planned economy, with the planning being done by government.”

Ralph Robey (1899–1972) was a *Newsweek* magazine columnist who wrote the weekly “Business Tides” column from 1938 to 1946 (when it was taken over by Henry Hazlitt). In his October 30, 1944, article, just a week before the presidential election on November 7, 1944, Ralph Robey answered the question, “Who are the Real Fascists in America?”:

They are persons who believe and maintain that our entire economy should be controlled and directed by government. They don’t think it necessary for government as a general policy to nationalize our factories, but they insist that decisions as to what and how much our factories shall produce, and the prices they charge and the wages they pay, must be determined by government. Only in that way, they contend, is it possible for us to keep that balance through our economic system which is necessary, on the one side, to obtain the maximum benefit from our productive facilities and, on the other side, to assure that there will be jobs for all who want to work.

A Fascist, then, is one who believes in the planned economy, with the planning being done by government. He differs from a Communist in only one particular. That is that whereas the Communist believes that all productive facilities should be taken over by the state, the Fascist is willing for the ownership technically to remain with individuals and the state merely to

direct what shall be done with the property. Actually, of course, the difference is largely without meaning. If government tells us what and how much we can make in our factory, and if government determines our prices and wages and ‘profits,’ then it is mere legal fiction to say that we ‘own’ the property....

Both [Communists and Fascists], in a word, are “statists” and look forward to the day when the state, rather than the individual, will decide what is best for all of us.... To find those who want more government control one has to look ... to our self-styled “liberals” ... in *The Nation*, and *The New Republic*, or the editorials in such papers as *The New York Post*.... That is where one finds the demand that the state in the postwar period assume an ever-larger responsibility for the running of our country. And that is where one finds the most ardent support ... for President Roosevelt.” (p. 76)

If FDR’s call for total war with total economic control for victory against Germany was no less fas-

cist-like than Joseph Goebbels’s call for the same total war for Nazi victory over America, Roosevelt’s call for a new Economic Bill of Rights was no less in the footsteps of the German example, except in this case it was Imperial Germany before the First World War. There was little in that domestic postwar agenda laid out by FDR in his January 1944 address that had not been implemented in the Germany of the late nineteenth and early twentieth centuries. And there had been people in his New Deal agencies who had long advocated it based on their clear admiration for the “progressive” German welfare state first initiated by the “Iron Chancellor,” Otto von Bismarck.

Imperial Germany’s “different freedom” of the welfare state

Frederic C. Howe (1867–1940) was a well-known member of the American Progressive Movement during the 1910s and 1920s. In the early years of FDR’s New Deal, Howe served as a “Consumers’ Counsel” in the Agricultural Adjustment Administration (AAA), which was responsible for the government setting of farm output and pricing policies. Almost 20 years earlier, Howe had published *Socialized Germany* (1915), a book de-

voted to explaining and endorsing the German welfare state as a model for the United States. Said Howe:

The [German] state has its finger on the pulse of the worker from the cradle to the grave. His education, his health, and his working efficiency are matters of constant concern. He is carefully protected from accident by laws and regulations governing factories. He is trained in his hand and his brain to be a good workman and is insured against accident, sickness, and old age. While idle through no fault of his own, work is frequently found for him. When homeless, a lodging is offered so that he will not easily pass into the vagrant class. When sick, he is cared for in wonderful convalescent homes, tuberculosis hospitals, and farm colonies. When old age removes him from the mill or factory, a pension awaits him, a slight mark of appreciation from society, which has taken in labor all that his life had to give and left him with nothing more than a bare subsistence wage. (p. 162)

Howe admitted that, under this system, with its pervasive controls and regulations, “*The individual exists for the state, not the state for the individual.*” But he went on to say that in this German welfare paradise, the people did not lose freedom; rather they had a different kind of freedom than in America. Explained Howe:

This paternalism does not necessarily mean less freedom to the individual than that which prevails in America or England. It is rather a different kind of freedom. The German enjoys a freedom far greater than that which prevails in America or England. This freedom is of an economic sort.... Social legislation directed against the exploitation of the worker and the consumer insures freedom in many other ways. It protects the defenseless classes from exploitation and abuse. It safeguards the weak. Universal education offers opportunities to even the poorest to advance whether it be in the service of the state or in the fields of individual effort. Germany protects industrial and social equality.” (pp. 83–85)

Furthermore, Howe explained, this “different” German “freedom” was guided not by outdated notions of limited government under constitutional rules and restraints. No, the guiding idea behind the German welfare state was *political expediency*:

In the mind of the Germans, the functions of the state are not susceptible to abstract, a priori deductions. Each proposal [for greater government control and command] must be decided by the time and the conditions. If it seems advisable for the state to own an industry it should proceed to own it; if it is wise to curb some class or interest, it should be curbed. Expediency and opportunism are the rules of statesmanship, not abstractions as to the philosophical nature of the state.” (pp. 82–83)

The welfare state means the loss of liberty

While declaring his anger and opposition to all that existed in the Germany against which the United States was at war, all of Franklin Roosevelt’s economic policies and ideological presumptions were based on the German model of the

all-encompassing, all-controlling, and all-commanding interventionist-welfare state. There was nothing in Frederic Howe’s 1915 description of the Imperial German welfare state that was not a part of FDR’s Economic Bill of Rights.

The America that FDR wished to permanently turn against was an America based on the principles of individual rights and liberty, the sanctity of private property and freedom of enterprise and trade, and the importance of a constitutional order clearly limiting the powers and scope of government precisely to prevent political tyranny and economic despotism. The American founding was based on a set of political-philosophic principles precisely meant to prevent arbitrary government and to hinder the ability of those in political positions of power to act on the bases of expediency and opportunism, which Frederic Howe had hailed as the progressive new and better system of government.

Once this path is followed, the end to personal and economic liberty almost becomes inevitable. This “different kind of freedom,” as Howe called it, is in fact the freedom of government and those in its positions of authority to control, command, and manipulate the lives

of each and every person under its jurisdiction. To use Franklin Roosevelt's list in his Economic Bill of Rights, if government is to guarantee everyone a useful and ruminative job, then government must determine and dictate where everyone is to work and at what pay.

If government is to guarantee everyone a useful job, then government must determine and dictate where everyone is to work and at what pay.

If government is to assure everyone adequate food, clothing, and recreation, then government has to decide what is a necessary and desirable diet, what type of wardrobe is fitting and essential for all family members, what are the forms of recreation that people need and should have, along with the government declaring what is a "decent home" to live in and taking on the production responsibility of providing it, including its size and location and allocation to every citizen and resident of the country.

If every farmer and business enterprise is going to be assured an appropriate price for a "decent living," then government must control and command the supply of all things produced and set the prices at

which they are sold. If government is to provide "adequate medical care" for all, then government has to fully fund, plan, and decide what every American should have based on its definition of a healthy life.

If government is to "protect" people from the uncertainties of old age, sickness, accident, and unemployment, then the government has to reduce every member of the society to the status of a ward of the state, dependent upon those in political position who dictate what standard of living a person should have upon retirement and what forms of medical care and treatment anyone suffering from an illness or an accident should be considered to have a "right" to receive, along with taxing others to fund those who experience unemployment and spending even more tax dollars to ensure work for those unemployed at a job that the government decides is appropriate and productive.

Welfare-state privileges vs. individual liberty

FDR said that "All these rights spell security," but it is the security of the prison inmate whose every activity, movement, and standard of life and care is in the hands of and dependent upon the government

and those welding political power. Benito Mussolini was famous in defining the fascist ideal of the totalitarian state (a term he coined) as a political regime in which, “Everything in the State, nothing outside of the State, nothing against the State.” This, in fact, was the interventionist-welfare state ideal desired by Franklin Delano Roosevelt in the midst of the Second World War as the vision of a new America when the conflict had ended.

Eighty years after FDR outlined his Economic Bill of Rights, we can see very much of it around us.

Eighty years after FDR outlined his Economic Bill of Rights, we can see very much of it around us. It is certainly not as comprehensive or as rigidly applied as a full implementation would have entailed. Yet, eight decades later, the government controls and provides much of what Roosevelt wanted America’s future to be like. And to this extent, Americans are not benefiting from the rhetorical sleight-of-hand of possessing some type of “different” freedom but rather a reduction and loss of liberty in ever more corners of everyday life. With the additional danger of national financial disaster, given the existing and seeming-

ly uncontrollable fiscal costs of giving everything to everyone on the basis of a set of imaginary economic “rights.”

Not one of these “rights” can be provided to anyone without some other American reduced in his liberty to determine his own use of his honestly earned income or deciding how he wants to live, work, and enjoy his own life as he sees fit rather than having some political ideology dictating these things for him. These supposed rights are redistributive privileges given to some at the expense of others, whose rights to their own life, liberty, and property logically have to be curtailed for the privileged ones to receive their welfare state and interventionist benefits.

Liberal principles vs. paternalistic expediency

What is also clear 80 years after Franklin Roosevelt’s call for this new Economic Bill of Rights is that only belief in and adherence to articulated political principles can stave off such a fascist-like welfare state. It can be reversed only by a renewed understanding of and desire for a free society of individual liberty and freedom of enterprise and exchange. Fredric Howe’s politics of expediency and opportun-

ism is ultimately the road to political disaster and loss of liberty.

This was concisely explained by Austrian economist and Nobel Laureate Friedrich A. Hayek (1899-1992) in *Law, Legislation, and Liberty*, vol. 1 (1973):

When we decide each issue solely on what appear to be its individual merits, we always over-estimate the advantages of central direction.... If the choice between freedom and coercion is thus treated as a matter of expediency, freedom is bound to be sacrificed in almost every instance ... To make the decision in each instance depend upon the foreseeable particular results must lead to the progressive destruction of freedom....

That freedom can be preserved only if it is treated as a supreme principle which must not be sacrificed for particular advantages was fully understood by the leading [classical] liberal thinkers of the nineteenth century, one of whom even described liberalism as "the system of principles" [Benjamin Constant]. Such is

the chief burden of their warnings concerning, 'What is seen and what is not seen in political economy' [Frederic Bastiat] and about the "pragmatism that contrary to the intentions of its representatives inexorably leads to socialism" [Carl Menger]. (p. 57)

Finding the way to reverse the course we are on is the great and challenging task for all friends of freedom.

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

NEXT MONTH:
"The 80th Anniversary
of F. A. Hayek's *The Road to
Serfdom*"
by *Richard M. Ebeling*

Unheralded Resisters in Nazi Germany: The Edelweiss Pirates, Part 1

by Wendy McElroy



*Hitler's power may lay us low,
And keep us locked in chains,
But we will smash the chains one
day,
We'll be free again
We've got fists and we can fight,
We've got knives and we'll get them
out
We want freedom, don't we boys?
We're the fighting Navajos!*

— song of the Cologne
Edelweiss Pirates

Everyone has heard of the Hitler Youth — the organization in Nazi Germany that indoctrinated young males into becoming good National Socialists. Far fewer people have heard of the Edelweiss Pirates (*Edelweißpiraten*)

— a loose but large network of young Germans who rejected Nazism and attacked the Hitler Youth, sometimes physically so. (Edelweiss, or “noble white,” is a white flower known for growing in tough alpine conditions.) Compared to smaller youth resistance groups, such as the White Rose of Sophie Scholl fame, the Edelweiss Pirates received little attention until recently. Former pirate Gertrud Koch, who lost her father to a concentration camp, offered an explanation of why this happened. “We were from the working classes. That is the main reason why we have only now been recognized,” Koch stated. The Edelweiss Pirates deserve better from history.

Resistance is for everyone

Everyone today needs to remember that ordinary people — in this case, working-class teenagers from 14 to 18 years of age — can successfully resist even the most tyrannical state. In fact, tyranny cannot exist without the cooperation or compliance of average people. The Edelweiss Pirates are dramatic proof that ordinary people can resist and that resistance is a creative venture, ranging from pranks like putting sugar in gas tanks to derailing trains, from playing outlawed

jazz to assassinating Gestapo officials. The motives of the Pirates have been debated — were they freedom fighters or thugs? — but one thing is sure: Try as they may, the Nazis could not stop the Edelweiss Pirates, although some of the teenagers paid a terrible price.

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The Marxist historian Timothy Mason argued persuasively that much of the German working class opposed the Nazi regime. Certainly, they had reason to resent Nazism. Shortly after Adolf Hitler assumed the chancellorship in 1933, he seized control of the German trade unions. Prominent labor leaders and militants were arrested and sent to concentration camps. Workers were forced to join the German Labour Front, which imposed strict rules on both their workplace and personal behavior. Compulsory activities filled the workers' leisure hours, for example, in the belief that keeping them busy left no time for anti-Nazi activism. Noncompliance was punished.

The children of workers watched as their parents were beaten; they

listened to them complain bitterly behind closed doors; they heard of neighbors who had been sent to concentration camps; many de facto “lost” their fathers to the military that shipped them out. These were not “children” as we understand the word in our culture, however; they were premature adults. Most working-class German youth left school at 14 to go into factories, apprenticeships, or unskilled labor, while the children of middle-class families advanced through school into professions. Working-class children filled low-paying jobs and constituted the rank and file of the Hitler Youth.

The essay “Resistance to Nazism: Resistance to Nazism Shattered Armies: How The Working Class Fought Nazism and Fascism 1933–45” commented:

It is not difficult to imagine the scene of a snotty doctor's kid still in school trying to give orders to a bunch of young factory workers and having to use the threat of official punishment to get his own way. Dissatisfaction grew. Initially, the acute labour shortages of the early war years meant that the Nazis could not resort to the kind of

Nazi terror tactics that they employed against other dissidents. As the war went on, many of these young people's fathers died or were sent to the front. Many were bombed out of their own homes. The only future they could see for themselves was to wear a uniform and fight for a lost cause.

In early 1933, all youth organizations were outlawed with the exception of the Hitler Youth and Catholic ones. Working-class youth groups went underground, but dissatisfied working-class youth managed to avoid the Hitler Youth or were thrown out of it. Instead, they gathered together in their own gangs.

The birth of the Pirates

From western Germany, where industrial cities were clustered, the Edelweiss Pirates emerged. From town to town, the gangs adopted different names. In Essen, they were the *Farhtenstenze*, or Traveling Dudes; in Dusseldorf and Oberhausen, they were the *Kittelbach* Pirates; in Cologne, they became the Navajos. But the umbrella term was the Edelweiss Pirates, named after an edelweiss flower badge most of them wore. The boys tend-

ed to wear checkered shirts, dark trousers, neck scarves, and white socks — an “American” look rather than the paramilitary clothes of the Hitler Youth; the unofficial Pirate motto was “Eternal War With The Hitler Youth.” The Pirates’ hair was long and flowing, not short-cropped like their nemesis. Instead of “Heil Hitler,” their standard greeting was “Ahoy,” or *Heidewitzka*, meaning “Woo Hoo.” Most of the Pirates were male, but females were encouraged to join as well; Nazi groups were sex segregated.

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The number of members in this secretive network can only be estimated. Gestapo files in Cologne reportedly contained over 3,000 teenagers identified as Edelweiss Pirates. But the names were only those *identified*; given that the teens often went by nicknames, the count is almost certainly low. According to an historical study of the Edelweiss Pirates, in certain western cities, “a conservative estimate suggests that 5 percent of the adolescent population may have been involved in these bands, at least peripherally.” In 1941, a Nazi official wrote of the

Dusseldorf gang: “Every child knows who the *Kittelbach* Pirates are. They are everywhere; there are more of them than there are Hitler Youth.... They beat up the patrols.... They never take no for an answer.” Nevertheless, it is not possible to accurately gauge the number of members.

Over time, the Edelweiss Pirates evolved from a rebellious teenage rejection of rules into serious anti-Nazi activism. Other than being anti-Nazi, however, no political ideology bound the Pirates together. The majority turned their backs on ideologies and politics. In his essay “‘The Enemy of our Enemy’: A View of the Edelweiss Piraten from the British and American Archives,” history professor Perry Biddiscombe commented, “At most, there were a few nebulous connections to the Catholic and communist undergrounds, and several groups displayed some vaguely bündische influences.” Biddiscombe noted that a Pirates group in one city disbanded when young communists tried to dominate. What united the network was an insistence on personal freedom and a loathing of Nazism.

Before exploring their activism, however, it is useful to touch upon specifically what the Edelweiss Pi-

rates rebelled against. The Hitler Youth tops this list.

At the age of 10, every German boy had to register with the authorities, who determined if he qualified for membership in the *Deutsches Jungvolk*, or German Young People; racial purity was emphasized. At 13, the boy was eligible for the Hitler Youth, from which he graduated at 18. After this came membership in the Nazi Party, with service at state labor and in the armed forces until the age of 21, at least. The Hitler Youth law of 1936 made membership in the Hitler Youth compulsory; a 1939 law specified punishment for children and parents who did not obey.

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**“Unheralded Resisters in
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