
FUTURE OF FREEDOM

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The great law of culture is: Let each become all that he was created capable of being; expand, if possible, to his full growth.

— Thomas Carlyle

FUTURE OF FREEDOM

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Using Russia to Suppress Speech at Home, Part I

by *Jacob G. Hornberger*



By enacting the First Amendment, our American ancestors were acknowledging that the federal government would inevitably attract people who would try to shut down speech that the government disapproved of. After all, if there was no concern that federal officials would try to suppress speech, there would have been no reason to enact the First Amendment.

Recent events confirm the wisdom and foresight of our American ancestors. That's because the federal government is doing everything it can to shut down critics of the U.S. national-security state, its overseas empire of military bases, and its interventionist foreign policy, especially as it concerns Russia.

The government's attacks on free speech revolve partly around a registration law that was enacted in 1938, which requires people who operate as agents of a foreign government to register their names, addresses, positions, and activities with the U.S. government. If they fail to do so, the government prosecutes them for "failing to register," which entails the possibility of a 10-year prison sentence.

Just recently, the feds prosecuted a small political group in Florida named the African People's Socialist Party and its related "Uhuru" movement. For more than 50 years, the group has been advocating for the rights of blacks, especially with respect to police abuse, reparations, and socialism. Most important, however, the group has long been highly critical of U.S. foreign policy, most recently with the U.S. role in the conflict between Ukraine and Russia. In its prosecution, the government maintained that because the group supposedly received money from Russia to expound views that the group had been making for decades, that made them agents of the Russian government, thus requiring them to register with the federal government.

But the threats don't stop there. The feds have also threatened critics

of U.S. foreign policy who have gotten paid by the Russian government to express their views on RT and other Russian media outlets. The feds allege that such payments convert the critics into agents of the Russian government and, therefore, that the 1938 law requires them to register with the federal government. Those who have failed to do so now face the distinct possibility of facing a federal criminal indictment for failing to register or conspiring to fail to register.

The controversy raises issues not only with respect to free speech but also with respect to freedom in general, as well as the hypocrisy that has long characterized the U.S. national-security establishment and its interventionist foreign policy, especially with respect to Russia.

FDR's 1938 registration law

In a genuinely free society, people have the right to work for whomever they want and to expound whatever views they want. That necessarily means the right to work for the Russian government or any other foreign government, to expound the views of such governments, and to get paid to do so.

The U.S. government implicitly recognizes that this is an essential aspect of a free society. After all,

keep in mind that it's not against U.S. law to work for the Russian government or to expound the views of the Russian government. It's only against the law not to register one's names, positions, and activities with the U.S. government.

It should not surprise anyone that Russia itself has the same type of registration law.

But how can such a registration law be reconciled with the principles of a free society? It can't be. Given that freedom necessarily encompasses the right to work for a foreign government, to expound the views of a foreign government, and to get paid to do so, there is no way that a registration law can be reconciled with the principles of freedom.

It is not a coincidence that our American ancestors lived without a registration law for more than 150 years after the nation was established. That's because they understood that a registration law was the type of thing that would be found in totalitarian or authoritarian regimes. Indeed, it should not surprise anyone that Russia itself has the same type of registration law.

FDR's dictatorial actions

It is also not a coincidence that the U.S. registration law was enacted during the regime of President Franklin D. Roosevelt, a president who engaged in all sorts of totalitarian actions that were contrary to the principles of freedom.

FDR was the president who was responsible for converting America's economic system to a welfare state, a type of socialist system in which the government taxes one group of people in order to transfer the money to another group of people. FDR accomplished this monumental conversion without even the semblance of a constitutional amendment.

The FDR regime also converted America's monetary system from a gold-coin/silver-coin standard to a paper-money standard. The regime also nationalized gold coins and made it a felony for Americans to own gold coins, even though gold coins had been the official money of America under the Constitution for more than 100 years. Again, this was all done without even the semblance of a constitutional amendment.

FDR also adopted a managed/regulated/centrally planned economic system, as reflected, for example, by his National Industrial

Recovery Act, which cartelized American business and industry. With its Blue Eagle propaganda campaign, Roosevelt's program was straight out of the fascist economic playbook of Italian dictator Benito Mussolini.

When the U.S. Supreme Court began declaring much of FDR's socialist and fascist programs unconstitutional, his dictatorial proclivities manifested themselves in his infamous "court-packing" scheme, by which he hoped to pack the Supreme Court with judicial cronies that would give free reign to his statist programs.

FDR's 1938 registration law was just one of his many antifreedom programs.

Thus, FDR's 1938 registration law was just one of his many anti-freedom programs, one that was more consistent with what was going on in fascist Italy and National Socialist Germany than with the traditions of liberty that had long characterized the United States. In fact, it shouldn't shock anyone that German leader Adolf Hitler sent Roosevelt a letter in the 1930s commending him on his economic policies and pointing out that they were mirroring what Hitler himself

was doing in Germany. An excellent book that demonstrates the similarities between the economic programs of FDR, Hitler, and Mussolini is *Three New Deals: Reflections on Roosevelt's America, Mussolini's Italy, and Hitler's Germany, 1933–1939* by Wolfgang Schivelbusch.

Suppressing opposition to U.S. involvement in World War II

The ostensible purpose of FDR's registration law was to protect the American people from Nazi propaganda. The real purpose was to suppress opposition to entry into another war against Germany, which most everyone knew was looming on the horizon. Given the horrific consequences of World War I, FDR knew that the overwhelming sentiment among the American people was opposition to participation in another world war. FDR, on the other hand, was bound and determined to embroil the United States into another European war. To achieve that, he knew he had to suppress antiwar sentiments while, at the same time, figure out a way to provoke either Germany or Japan into attacking the United States so that Congress would have no choice but to issue the constitutionally required declaration of war.

In enacting his 1938 registration law, FDR was essentially saying that the minds of the American people were so weak and malleable that they were subject to being easily molded and manipulated into accepting Nazi propaganda — unless people were made aware that the issuer of such propaganda was a registered agent of the Nazi regime. In that event, the argument went, Americans would be astute enough to reject the Nazi propaganda.

The real purpose was to suppress opposition to entry into another war against Germany.

The rationale for dredging up that old 1938 FDR registration law today is essentially the same as it was back then, only that instead of protecting today's American adults from Nazi propaganda, the aim is to protect them from Russian propaganda. The notion is that unless Americans are protected by a federal registration law, their minds will easily be molded and manipulated by articles, speeches, and books by secret unregistered Russian agents. Presumably, if people know that a purveyor of Russian propaganda is a Russian agent, their minds will be more easily able to resist it.

A republic versus a national-security state

The question naturally arises: Why Russia? Why the obsessive preoccupation with that particular country? The answer to that question necessarily entails an examination of the nature of America's governmental system and the ramifications of that system on our own way of life here at home, especially with respect to our rights of freedom and privacy.

We have all been born and raised under a national-security-state type of governmental system.

We have all been born and raised under a national-security-state type of governmental system. Thus, it's easy to assume that this is the type of governmental system that America has always had. In fact, that's one of the important principles that is inculcated into the minds of American schoolchildren, especially in public (i.e., government) schools — that since its inception, America has always had the same type of governmental system (and the same type of economic system).

However, such is not the case. For more than 100 years, the American people lived under a type of gov-

ernmental system known as a limited-government republic, which is the opposite of a national-security state.

Under a limited government republic, which had a relatively small, basic military, the government's powers were limited to those powers that were enumerated in the Constitution and that were not restricted by the Bill of Rights.

Not so with the national-security state, which wields such omnipotent powers as state-sponsored assassination, torture, indefinite detention, coups, invasions, undeclared wars, wars of aggression, provoking wars between other nations, and the like.

It's worth mentioning that the conversion to a national-security state, just like the conversion to a welfare state and to a paper-money system, took place without even the semblance of a constitutional amendment.

The Cold War racket

The rationale for the conversion, which took place in the late 1940s, was that the Russians and other communists were coming to get us. Since the Soviet Union, which was led by Russia, wielded omnipotent powers, the argument was that we needed to become like them, even

if only “temporarily,” to prevent a communist takeover of the United States.

The important thing about a national-security state is that it needs official enemies to keep people afraid.

It was a racket from the start — actually the biggest racket in the history of the United States. The Russians were never coming to get us. But the important thing about a national-security state is that it needs official enemies to keep people afraid, agitated, nervous, and tense. In that way, people are more likely to support the ever-growing power and taxpayer-funded largess of the national-security establishment and its ever-growing army of “defense” contractors and others who are feeding, either directly or indirectly, at the public trough. Another factor to consider is the ever-increasing destruction of the rights and liberties of the American people at the hands of their own government. After all, keep in mind that the omnipotent powers of as-

sassination, torture, and indefinite detention apply to Americans as much as they apply to foreigners.

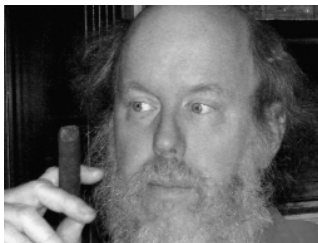
This “Cold War” racket worked beautifully for almost 45 years. The national-security part of the federal government — that is, the Pentagon, the CIA, and the NSA — became the most powerful part of the federal government, exercising without restraint such powers as assassination, torture, terrorism, sabotage, and foreign coups. It also led America into two undeclared wars in Korea and Vietnam, in direct contravention of the declaration-of-war requirement in the U.S. Constitution, where tens of thousands of American men, many of whom had been conscripted against their will, were sacrificed for nothing.

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

NEXT MONTH:
**“Using Russia to Suppress
Speech at Home, Part 2”**
by Jacob G. Hornberger

The King James Test for American Democracy

by James Bovard



The American Revolution was heavily influenced by a political backlash that began across the ocean in the early 1600s. King James I claimed a “divine right” to unlimited power in England, sparking fierce clashes with Parliament. Since the 9/11 attacks, some of the same moral and legal principles have been advanced in this nation, but few people recognize the historical roots.

The divine right of kings

Before he became king of England in 1604, James was king of Scotland. He cemented his claims to absolute power there by launching witch panics and burning hundreds of Scottish women alive to sanctify his power. Harsh methods

were not a problem because James insisted that God would never allow an innocent person to be accused of witchcraft. “While James’s assertion of his [Scottish] royal authority is evident in his highly unorthodox act of taking control of the pre-trial examinations, it is his absolutism which is most apparent in his advocating the use of torture to force confessions during the investigations,” according to the University of Texas’s Allegra Geller, author of “Daemonologie and Divine Right: The Politics of Witchcraft in Late Sixteenth-Century Scotland.” Torture produced “confessions” that spurred further panic and the destruction of far more victims. England did not have similar witch panics because officials were almost entirely prevented from using torture to generate false confessions. James justified the illicit torture, “asserting his belief that as an anointed king, he was above the law,” and similar rationales emitted from the Bush administration from 2002 onward in the name of the 9/11 attacks.

After Queen Elizabeth died and James became king, he vowed that he had no obligation to respect the rights of the English people: “A good king will frame his actions according to the law, yet he is not

bound thereto but of his own goodwill.” And “law” was whatever James decreed. Nor did he flatter the men elected to the House of Commons: “In the Parliament (which is nothing else but the head court of the king and his vassals) the laws are but craved by his subjects and only made by him at their roagation.” James proclaimed that God intended for the English to live at his mercy: “It is certain that patience, earnest prayers to God, and amendment of their lives are the only lawful means to move God to relieve them of their heavy curse” of oppression. And there was no way for Parliament to subpoena God to confirm his blanket endorsement of King James.

His laws, his rules

James reminded his subjects that “even by God himself [kings] are called Gods.” Seventeenth-century Englishmen recognized the grave peril in the king’s words. A 1621 Parliament report eloquently warned: “If [the king] founds his authority on arbitrary and dangerous principles, it is requisite to watch him with the same care, and to oppose him with the same vigor, as if he indulged himself in all the excesses of cruelty and tyranny.” Historian Thomas Macaulay ob-

served in 1831, “The policy of wise tyrants has always been to cover their violent acts with popular forms. James was always obtruding his despotic theories on his subjects without the slightest necessity. His foolish talk exasperated them infinitely more than forced loans would have done.” Macaulay scoffed that James was “in his own opinion, the greatest master of king-craft that ever lived, but who was, in truth, one of those kings whom God seems to send for the express purpose of hastening revolutions.” After James’s son, Charles I, relied on the same dogmas and ravaged much of the nation, he was beheaded. Charles I’s son ascended to the English throne in 1660, but his abuses spurred the Glorious Revolution of 1688 and sweeping reforms that sought to forever curb the power of monarchs.

James proclaimed that God intended for the English to live at his mercy.

A century and a half after King James denigrated Parliament, a similar declaration of absolute power spurred the American Revolution. The Stamp Act of 1765 compelled Americans to purchase British stamps for all legal papers,

newspapers, cards, advertisements, and even dice. After violent protests erupted, Parliament rescinded the Stamp Act but passed the Declaratory Act, which decreed that Parliament “had, hath, and of right ought to have, full power and authority to make laws and statutes of sufficient force and validity to bind the colonies and people of America, subjects of the crown of Great Britain, in all cases whatsoever.” The Declaratory Act canonized Parliament’s right to use and abuse Americans as it pleased.

The Declaratory Act ignited an intellectual powder keg among colonists determined not to live under the heel of either monarchs or parliaments. Thomas Paine wrote in 1776 that “in America, the law is king. For as in absolute governments the King is law, so in free countries the law ought to be King; and there ought to be no other.” The Founding Fathers, having endured oppression, sought to build a “government of laws, not of men.” That meant that “government in all its actions is bound by rules fixed and announced beforehand — rules which make it possible to foresee with fair certainty how the authority will use its coercive powers,” as Nobel Laureate Friedrich Hayek noted in 1944.

For generations, American politicians spoke reverently of the Constitution as America’s highest law. But in recent years, the Constitution has fallen into disrepute. The rule of law now means little more than the enforcement of the secret memos of the commander-in-chief.

The King James test

We now have the “King James Test for American Democracy.” As long as the president does not formally proclaim himself a tyrant, we are obliged to pretend he is obeying the Constitution. Government is not lawless regardless of how many laws it violates — unless and until the president formally announces he is above the law.

**The Founding Fathers,
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While King James bluntly declared his right to absolute power 400 years ago, recent presidents only make such claims via their lawyers, often in secret documents that citizens are supposed to never see.

The most important recent change in American political thinking is nonchalance regarding gov-

ernment criminality. The notion that “it is not a crime if government does it” is the new conventional wisdom in Washington. It doesn’t matter which agency or official broke the law. Instead, the only prudent response is to pretend nothing is amiss.

Nowadays, every act of government is judged in a vacuum, as if every constitutional violation is a fluke. This is the mirror image of how the Founding Fathers viewed government power. In 1768, John Dickinson wrote that colonists fixated on “not what evil has actually attended particular measures but, what evil, in the nature of things, is likely to attend them.” Dickinson pointed out that because “nations in general, are not apt to think until they feel ... nations have lost their liberty.” The Founding Fathers looked at the liberties they were losing, while modern Americans focus myopically on the rights they supposedly still retain. Law professor John Phillip Reid, in his seminal work *The Concept of Liberty in the Age of the American Revolution*, observed that liberty in the 18th century was “largely thought of as freedom from arbitrary government.... The less a law restrained the citizen, and the more it restrained government, the better the law.”

But government officials now claim unlimited discretion to define the law and their own prerogatives. Jack Goldsmith, who headed the Justice Department’s Office of Legal Counsel in 2003–04, later explained how top Bush officials dealt with “laws they didn’t like: they blew through them in secret based on flimsy legal opinions that they guarded closely so no one could question the legal basis for the operations.” It is no longer a question of having good laws, including laws that permit officials limited flexibility for contingencies. The rule of law has come to mean nothing more than finding a single lawyer who will say “Yes, Master!” to his political overlords. But it is folly to make the survival of liberty hinge on lawyer’s sense of shame.

Government officials now claim unlimited discretion to define the law and their own prerogatives.

If the Iraq war had not turned into a debacle, most of the media and the political ruling class would have continued deferring to President George W. Bush almost across-the-board. As long as his popularity ratings were high, he could do little or no wrong. America’s “best and brightest” were as naive or craven as

the courtiers who defended the mass burning of Scottish women 400+ years earlier.

Lawyers are the new court jesters

The Constitution's checks and balances failed to deter recent administrations from erecting the legal scaffolding of dictatorship. Instead, implausible denials of seizing excessive power have been followed by "dictatorial apathy." Lawless power grabs have become another background noise in Washington. Presidents and their legal teams can claim absolute power — and almost no one inside the government or the Justice Department blows the whistle. President Bush could boast that he was obeying the law because his appointees assured him that he was the law. Legions of government employees safeguarded their careers by going along and enforcing Bush-era absolutist legal doctrines. That settled any doubts about whether Justice Department officials would be willing tools for future presidents who trample the Constitution.

Inside the Beltway, a mystical adoration of power is taken as proof of wisdom. In 2007, Bush nominated former federal judge Michael Mukasey as attorney general. Three years earlier, Mukasey had pro-

claimed that "the hidden message in the structure of the Constitution" is that the government is entitled to "the benefit of the doubt." Mukasey did not reveal where the message was hidden. Mukasey's "benefit of the doubt" assertion may have helped him snare the top law-enforcement job in the nation, where he provided all the benefits Bush needed.

Bush could boast that he was obeying the law because his appointees assured him that he was the law.

The more power politicians capture, the more flattery they hear, and the more deluded they usually become. A phalanx of academics is always ready to cheer power-hungry presidents. In 2007, Harvard University government professor Harvey Mansfield exalted "one-man rule" in a *Wall Street Journal* oped, scoffed at the rule of law, and declared that "free government should show its respect for freedom even when it has to take it away." And since the president is entitled to vast power, how would we know it is still a "free government?" Presumably because it would be a crime to assert otherwise. Mansfield scorned contemporaries who

“forget to consider emergencies when liberties are dangerous and law does not apply.” The previous year, Mansfield wrote in a *Weekly Standard* article that the “Office of President” is “larger than the law” and that “ordinary power needs to be supplemented or corrected by the extraordinary power of a prince, using wise discretion.” Mansfield also asserted that in emergencies, “liberties are dangerous and law does not apply.” Such assertions may have swayed the National Endowment for the Humanities to select Mansfield in 2007 to deliver its Jefferson lecture — “the highest honor the federal government bestows for distinguished intellectual and public achievement in the humanities.”

The Supreme Court has expanded sovereign immunity like a toxic legal cloud.

Mansfield’s cheerleading fits a pattern that goes back millenniums. Throughout history, intellectuals downplayed the perils of political power. As long as court intellectuals were treated royally, rulers were indemnified for any and all abuses of the peasantry.

As French philosopher Bertrand Jouvenal noted in 1945, “Au-

thority can never be too despotic for the speculative man, so long as he deludes himself that its arbitrary force will further his plans.”

John Maynard Keynes, the most influential economist of the 20th century, exemplified this attitude. Keynes declared in 1944 that “dangerous acts can be done safely in a community which thinks and feels rightly, which would be the way to hell if they were executed by those who think and feel wrongly.” And who is to judge whether the community “thinks and feels rightly?” The same politicians seizing boundless power.

The same passion for absolving high-level wrongdoers is often expressed in muffled terms by the editorial pages of the *Washington Post* and other leading papers. From 2008 onwards, the *Post* inveighed against permitting lawsuits that sought to hold former Attorney General John Ashcroft, former Defense Secretary Donald Rumsfeld, and other top officials liable for the torture and other abuses that occurred on their watch. One *Post* editorial fretted: “Officials should not have to fear personal lawsuits for performing their duties in good faith and in violation of no established legal precedent.” This practically assumed the existence of

“good faith torture” — as if maiming and beating people to death was the moral equivalent of a clerical error.

Unfortunately, the same “absolve everything” mindset often prevails in the federal judiciary. Government officials have become practically untouchable at the same time that they have become far more dangerous. The Supreme Court has expanded sovereign immunity like a toxic legal cloud. As Senator John Taylor warned in 1821, “There are no rights where there are no remedies, or where the remedies depend upon the will of the aggressor.”

Nowadays, lawless government is simply benevolence on amphetamines. Rather than the rule of law, we now have the “friend of humanity rhetorical test.” As long as politicians profess to be doing good, it is bad taste to quibble about legal technicalities or archaic constitutional clauses. The question is not what the president actually did but whether he “meant well.” The word “dictator” applies only to government officials who publicly announce plans to do bad things to good people.

How many dictates must a politician issue before we can label him

a dictator? Sen. Daniel Webster warned in 1837 that “the Constitution was made to guard the people against the dangers of good intentions. There are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters.” Americans must decide whether they want good leashes or a good master. We can either stop politicians from continuing to abuse their power, or we can spend our time looking for a wise and merciful despot. Either way, democracy cannot survive power worship.

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, his new book, Last Rights: The Death of American Liberty, and nine other books.

NEXT MONTH:
**“Biden’s Sordid Legacy:
Ravaged Rights and Liberties”**
by James Bovard

How Not to Cut Federal Spending

by *Laurence M. Vance*



Former congressman, governor of Indiana, and vice president Michael “Mike” Pence is struggling to regain relevancy. He is probably the most prominent Republican in the country to not endorse his former boss Donald Trump for president, after dropping out of the 2024 Republican presidential race before a single caucus or primary took place. Pence said he had not spoken to Trump “for a long time” and said in a recent interview: “The role I want to play is to be a champion for a broad, mainstream conservative agenda that’s defined the Republican Party since the days of Ronald Reagan. I see some evidence that some voices in and around our party are departing from that — I want my voice, my organization, to be an anchor to windward.”

Pence’s organization is Advancing American Freedom (AAF), “a 501(c)(4) organization advocating for Conservative values and policy proposals.” AAF

promotes and defends the successful policies of recent years that yielded unprecedented prosperity at home and restored America’s strength abroad, while elevating traditional American values. AAF serves the Conservative Movement by developing innovative policy solutions, strategies, coalitions, and messaging that builds upon those accomplishments, expands freedom for all Americans, and hampers anything that would threaten America’s standing as the greatest nation on the face of the Earth.

It is “conservative values that have made our country great.” But these values “are under attack by the radical Left and liberal media,” hence the need for AAF.

The AAF website promotes Pence as a stalwart conservative:

On Capitol Hill he established himself as a champion of lim-

ited government, fiscal responsibility, economic development, educational opportunity, and the U.S. Constitution. His colleagues quickly recognized his leadership ability and unanimously elected him to serve as Chairman of the House Republican Study Committee and House Republican Conference Chairman. In this role, the Vice President helped make government smaller and more effective, reduce spending, and return power to state and local governments.

It was a proposal for a conservative cradle-to-grave welfare state.

Yet, according to “The Freedom Index: A Congressional Scorecard Based on the U.S. Constitution,” a scorecard published by *The New American* magazine that “rates congressmen based on their adherence to constitutional principles of limited government, fiscal responsibility, national sovereignty, and a traditional foreign policy of avoiding foreign entanglements,” Pence has a pathetic lifetime score of just 62 percent based on his time in the U.S. House of Representatives dur-

ing the 107th Congress (2001–2002) to the 112th Congress (2011–2012).

Another conservative guide

For many years now, we have been inundated with guides issued by conservative think tanks offering proposals to balance the federal budget, eliminate government waste, reduce government spending, limit the growth of government, shrink the national debt, and cut taxes. In 2023, the American Enterprise Institute (AEI) issued *American Renewal: A Conservative Plan to Save the Nation’s Finances and Strengthen the Social Contract*. It was a proposal for a conservative cradle-to-grave welfare state beginning with a national paid family leave policy and ending with a minimum benefit for Social Security. In 2022, the Heritage Foundation issued *Budget Blueprint for Fiscal Year 2023*. It turned out to be a budget blueprint for the welfare/warfare state that “strengthens Social Security” and “modernizes Medicare” while increasing defense spending every year to over \$1 trillion by 2032.

The AAF’s conservative guide is titled *Confronting Our Debt Crisis: A Guide to Cutting Federal Spending*. It correctly recognizes America’s debt problem and its cause:

By 2034, interest on our debt alone will account for roughly one-sixth of all federal spending.

After decades of ignoring the significance of profligate federal spending, the consequences are finally starting to catch up to us. As has been the case, the problem is not a lack of revenue, but rather a lack of willingness to make hard choices to rein in spending and have the courage to say ‘no’ to wasteful programs.

A sustainable federal budget is impossible to achieve without addressing the root cause of our spiraling debt and deficit: unchecked spending.

America faces a bleak future as interest payments crowd out spending on basic government functions, our economy stagnates under the drag of an unsustainable burden, and we’re put at a strategic disadvantage internationally. Those problems will only compound on themselves the longer we fail to address the drivers of our debt and cut spending, including mandatory, discretionary, and tax expenditures.

AAF “believes it is critical to name and explain specific spending cuts.” AAF “will continue to lead the way by identifying credible ways to reduce U.S. debt.”

The spending cuts

To guide Congress “to reduce or eliminate spending on unnecessary government programs” and “help Congress make those reforms,” AAF has put forth a “living tracker of spending cuts that could save America.” The spending cuts are organized under three headings: Reducing Mandatory Spending, Eliminating Tax Expenditures, Discretionary Spending Reforms and Cuts.

Mandatory spending, which accounts for about two-thirds of the federal budget, refers to the portion of the budget that Congress legislates outside of the annual appropriations process. Mandatory spending includes spending on Social Security, Medicare, Medicaid, welfare, subsidies, food stamps, unemployment benefits, and refundable tax credits like the Earned Income Tax Credit (EITC) and the Obamacare Premium Tax Credit (PTC). *Confronting Our Debt Crisis* correctly says that “because mandatory spending is not subject to annual review, it often includes rampant waste, fraud, and abuse,” and

may include programs that “benefit the wealthy or people who can work and do not need government assistance.” Out of the “literally hundreds of policy options to reduce mandatory spending in responsible ways that will not put vulnerable Americans at risk,” *Confronting Our Debt Crisis* provides a “non-exhaustive list of options,” including:

- Institute better work requirements
- Stop Medicare overpayments
- Stop student loan cancellation
- Reduce agricultural subsidies
- Means-test Social Security COLAs
- Stop means-tested benefits for illegal immigrants
- Let ACA subsidies expire for the wealthy

(The ACA is the Affordable Care Act, otherwise known as Obamacare.)

Tax expenditures, as defined by the Congressional Budget Act of 1974, are “revenue losses attributable to provisions of the Federal tax laws which allow a special exclusion, exemption, or deduction from gross income or which provide a special credit, a preferential rate of

tax, or a deferral of tax liability.” According to *Confronting Our Debt Crisis*: “Not only are these tax provisions costly to taxpayers, but they distort the tax code by picking winners and losers based on behavior or characteristic.” The deduction for state and local taxes (SALT), “which allows residents of high-tax states to write off the first \$10,000 of state and local taxes paid from their federal taxable income,” is singled out as one of the worst tax expenditures because it “incentivizes those states to keep their own taxes high.” *Confronting Our Debt Crisis* provides “an outline of some of the largest corporate tax expenditures,” including:

- Energy Production Credit
- Energy Investment Credit
- Clean Fuel Production Credit
- Clean Hydrogen Production Credit
- Advanced Manufacturing Production Credit
- Advanced Manufacturing Investment Credit
- Credit for Low-Income Housing Investments

Individuals can also receive a tax credit if they purchase a qualifying electric vehicle.

Discretionary spending, which accounts for about one-third of the federal budget, refers to the portion of the budget that is decided by Congress through the annual appropriations process. Discretionary spending includes spending on the military, education, NASA, foreign aid, job training, and Head Start, as well as scientific research grants, and the Women, Infants, and Children (WIC) program. *Confronting Our Debt Crisis* correctly says that “many discretionary programs are wasteful, duplicative, or unnecessary and should be eliminated.” Lawmakers “should use the appropriations process to end wasteful agency spending, reform the process, and slash ineffective or politicized programs.” *Confronting Our Debt Crisis* provides numerous “suggestions” on where Congress should start, including:

- Freeze nondefense spending
- End earmarks
- Rescind additional IRS funding
- Rescind COVID money
- Rescind Amtrak windfall
- Cut politicized agencies
- Zero out programs
- Defund DEI

(DEI refers to diversity, equity, and inclusion antidiscrimination policies.) Some of the programs suggested to zero out include the Export-Import Bank, the National Endowment for the Arts (NEA), and Appalachian Regional Commission.

How not to cut spending

On the surface, *Confronting Our Debt Crisis* seems to provide some good guidance to cutting federal spending. People should be required to work or be looking for a job as a prerequisite to receiving welfare benefits. Medicare overpayments *should* be stopped. Student loans *should* not be cancelled. Agricultural subsidies *should* be reduced. Social Security COLAs *should* be means-tested. Illegal immigrants *should* not receive welfare benefits. ACA subsidies *should* be allowed to expire. Nondefense spending *should* be frozen. Earmarks *should* be ended. Additional IRS funding, COVID money, and additional Amtrak subsidies *should* be rescinded. Politicized agencies *should* have their funding cut. Federal funding for DEI programs *should* be prohibited. Many discretionary programs *should* be zeroed out.

Yet, *Confronting Our Debt Crisis*

is a lesson in how not to cut federal spending.

First of all, the proposed cuts are miniscule when you are talking about a federal budget that now exceeds \$7 trillion each fiscal year — an amount greater than the combined budgets of all 50 states — and a budget deficit that is on track to top \$2 trillion a year.

Second, the largest items in the federal budget are Social Security, Medicare, Medicaid, the military, and interest on the national debt. *Confronting Our Debt Crisis* lacks the willingness to make the real “hard choices to rein in spending” by proposing cuts to Social Security, Medicare, Medicaid, and military spending. In fact, when it comes to military spending, AAF calls for “continued rebuilding of the American military and a growing role for the new branch of the Armed Forces, the Space Force, to protect American interests in space.”

Third, *Confronting Our Debt Crisis* advocates reforms, reallocations, and reductions instead of repeals and eliminations. Instead of just increasing welfare work requirements, why not eliminate welfare? Instead of just letting ACA subsidies expire, why not repeal the ACA? Instead of just reducing agricultural subsidies, why not elimi-

nate the Department of Agriculture? Instead of just stopping student loan cancellations, why not eliminate the Department of Education? Instead of just freezing non-defense spending, why not freeze defense spending? Instead of just rescinding additional Amtrak subsidies, why not eliminate Amtrak? Instead of just reducing the budget of politicized agencies, why not eliminate the agencies?

Confronting Our Debt Crisis
lacks the willingness to make the
real “hard choices to rein in
spending.”

Even when *Confronting Our Debt Crisis* calls for eliminating something, it is not really saying that something should be eliminated. For example, *Confronting Our Debt Crisis* calls for the elimination of the Environmental Protection Agency, but also wants to “shift its authorities to other relevant agencies.” The problem with *Confronting Our Debt Crisis* is not that “it does not call for some of the reforms (such as block-granting Medicaid and modernizing Medicare to be a choice-based, premium-support system) that made the Ryan budgets so impressive,” as one prominent libertarian said about it.

And fourth, the one thing that *Confronting Our Debt Crisis* actually wants to eliminate is not a government spending program at all. Tax expenditures are misnamed. Tax expenditures may take the form of credits, deductions, exceptions, allowances, exclusions, exemptions, preferential tax rates, or deferral of tax liability. They reduce the income tax liabilities of individuals or businesses that undertake certain activities.

Tax expenditures are not expenditures, subsidies, outlays, spending programs, or transfer payments. Rather, they simply allow Americans to keep more of their money in their pockets and out of the hands of Uncle Sam. Eliminating tax expenditures gives the federal government more money to spend, which means that their elimination is a form of raising taxes. No conservative guide to reducing or eliminating “spending on unnecessary government programs” should advocate raising taxes by any means.

How to cut spending

So, if *Confronting Our Debt Crisis* is a lesson in how not to cut federal spending, if the miniscule spending cuts it proposes won’t “save America” or “safeguard the American Dream,” if it lacks the

willingness to make the real “hard choices to rein in spending,” and if it does not have the courage to say “no” to the most “wasteful programs,” then what is there to guide us to actually balance the federal budget, eliminate government waste, reduce government spending, limit the growth of government, shrink the national debt, and cut taxes?

Eliminating tax expenditures gives the federal government more money to spend.

Democrats and progressives have no such plan, have never had any such plan, and are never going to issue any such plan. In fact, they want to do the very opposite of most of these things. Republicans and conservatives say they know what the problem is and have issued plenty of plans to, they think, fix the problem, but in the end, their plans always maintain the welfare state, increase the warfare state, and kick the can down the road by promising to balance the budget in 10 years.

No new plan needs to be written to guide members of Congress “to reduce or eliminate spending on unnecessary government programs” and “help Congress make

those reforms.” There was a plan written over 235 years ago, and it is still relevant today. It is called the Constitution. It was drafted in 1787, ratified in 1788, and took effect in 1789. It established the United States as a federal system of government where the states, through the Constitution, granted a limited number of powers to a central government. As James Madison, the father of the Constitution, so eloquently explained in Federalist No. 45,

The powers delegated by the proposed Constitution to the Federal Government, are few and defined. Those which are to remain in the State Governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with which last the power of taxation will for the most part be connected. The powers reserved to the several States will extend to all the objects, which, in the ordinary course of affairs, concern the lives, liberties and properties of the people; and the internal order, improvement, and prosperity of the State.

There are about 30 enumerated congressional powers listed throughout the Constitution, most of which are found in the 18 paragraphs of Article I, Section 8. The Bill of Rights (the first 10 amendments to the Constitution) was added to the Constitution in 1791. The first eight amendments protect civil liberties and fundamental rights against federal encroachment. The ninth and tenth amendments make it clear that all rights and powers not delegated to the federal government are retained by the people and the states.

There was a plan written over 235 years ago, and it is still relevant today. It is called the Constitution.

Yet, the Constitution is nowhere mentioned in *Confronting Our Debt Crisis*, and neither are the concepts of federalism or the proper role of government. There is, in fact, no foundation or basis in *Confronting Our Debt Crisis* for saying that any particular federal spending, program, or agency should be cut other than if something is “wasteful, duplicative, or unnecessary.”

Now, I would be among the first to agree that the Constitution is an imperfect document. Not only does

it contain ambiguous clauses (general welfare, commerce, necessary and proper) that are still argued over, it also increased the power of the national government, countenanced slavery, assumed the right of eminent domain, and allowed for federal taxation. But regardless of any issues that libertarians may have with the Constitution, it is the supreme law of the land that members of Congress are supposed to support, defend, and bear faith and allegiance to.

The Constitution nowhere authorizes the federal government to have anything to do with education, health care, insurance, agriculture, labor, discrimination, welfare, drugs, food, drink, retirement, disability, housing, poverty, school lunches, foreign aid, gun control, broadcasting, aviation, exploration, science, the arts, or culture. Letting the Constitution be our guide im-

mediately — not in 10 years — shrinks the federal government by 90 percent.

Limiting the federal government to what it is authorized by the Constitution is the only way to institute “spending cuts that could save America.”

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NEXT MONTH:
**“The Significance of the
Eighteenth Amendment”**
by Laurence M. Vance

The Classical Liberal Case for the Freedom to Move

by *Richard M. Ebeling*



The idea of making a case for “open borders” arouses a great deal of disagreement and disapproval. Open borders, in the minds of some, implies no borders, it is argued and feared. There may be some who oppose the notion of political borders due to their disapproval of any form of government with a geographical area of responsible jurisdiction. There have been serious people who have tried to make the case for a world without any and all governments. But this does not apply to most of those usually classified as classical liberal or libertarian, who have made their own case that for any viable and stable social order, a minimal political system of constitutionally limited government is required for an effec-

tive protection of each individual’s right to their life, liberty, and honestly acquired property.

Open borders mean simply the idea and ideal of a world in which people are at liberty to peacefully move where they desire for purposes of earning a living, residing, or simply traveling for whatever non-violent reason. While this may seem like a utopian dream world — a world without passports, visas and border controls restricting the movement of people into or out of any country — such a world came close to actually existing a mere 150 years ago.

The liberal epoch of free trade and freedom of movement

The 19th century is often considered to be the heyday of classical liberalism in modern history. The ideal was a world of domestic and international freedom of trade in which those participating in an increasingly global system of division of labor were allowed to freely enter into mutually beneficial exchanges of all kinds. Not only was this considered essential for respect for an individual’s autonomy in deciding what associations and relationships with others were considered most advantageous to them. It was also considered the economic avenue by

which all participating in such a system of peaceful and market-based interactions could benefit from the respective specializations and endowments of others anywhere in the world whose productive potential could enhance the well-being of virtually everyone in the long run.

**Open borders need not mean
no borders.**

Less attention has been paid to the accompanying conception of personal liberty in the right of freedom of movement. Many classical liberals of the 20th century drew attention to this complementary element of human freedom, which they often looked back on with nostalgia after the rise of various forms of collectivism and government interventionism during the decades after the First World War.

For instance, in his *The Economic Consequences of the Peace* (1920), John Maynard Keynes (who was far more of a liberal before he became a “Keynesian”!) referred to that “extraordinary episode in the economic progress of man that age was which came to an end in August 1914!” It allowed people to buy all that they might want or need from any corner of the globe and freely travel for any purpose with practi-

cally no government hindrance. Explained Keynes:

The inhabitant of London could order by telephone, sipping his morning tea in bed, the various products of the whole earth, in such quantity as he might see fit, and reasonably expect their early delivery upon his doorstep; he could at the same moment and by the same means adventure his wealth in the natural resources and new enterprise of any quarter of the world, and share, without exertion or even trouble, in their prospective fruits and advantages....

He could secure forthwith, if he wished to, cheap and comfortable means of transit to any country or climate without passport or other formality, and could dispatch his servant to the neighboring office of a bank for such supply of the precious metals [gold and silver] as might seem convenient, and could then proceed abroad to foreign quarters, without knowledge of their religion, language, or customs, bearing coined wealth upon his person, and would consider himself greatly

aggrieved and much surprised at the least interference....

The projects and politics of militarism and imperialism, of racial and cultural rivalries, of monopolies, restrictions, and exclusion, which were to play serpent to this paradise, were little more than the amusements of his daily newspaper, and appeared to exercise almost no influence at all on the ordinary course of social and economic life, the internationalization of which was nearly complete in practice.

In the midst of the Second World War, German free-market economist Gustav Stolper, then in exile in the United States from the ravages of the conflict in Europe, referred to that period of the late 19th and early 20th centuries, as the era of “the three freedoms” — the free movement of goods, money, and men. Said Stolper in *This Age of Fable: The Political and Economic World We Live In* (1942):

Everyone could leave his country when he wanted and travel or migrate wherever he pleased without a passport. The only European country that demanded passports (not

even visas!) was Russia, looked at askance for her backwardness with an almost contemptuous smile. Who wanted to travel to Russia anyway?... The trend of migration was westward — within Europe from the thinly populated agricultural east to the rapidly industrializing center and the west, and above all from Europe to the wide-open Americas.

There were still customs barriers on the European continent, it is true. But the vast British Empire was free-trade territory open to all in free competition, and several other European countries, such as the Netherlands, Belgium, Scandinavia, came close to free trade.... Whether a bit higher or a bit lower, tariffs never really checked the free flow of goods. All they effected were some minor price changes, presumably mirroring some vested interests. And the most natural of all was the freedom of movement of money.... Most of the [European] money flowed into the United States and Canada, a great deal in South America, billions into Russia, hundreds of millions into the Balkan

countries, minor amounts into India and Asia.... [These investments were] protected not only by [Great Power] political and military might but — more strongly — by the general unquestioned acceptance of the fundamental capitalist principles: sanctity of contract, abidance by internal law, and the restraint of governments from interference in business.

The free and peaceful movement of millions of people

Literally tens of millions of people freely migrated from one part of the world to the other. The make-up of those who moved was diverse in terms of places of origin, social status, religion, language, and reasons for uprooting themselves from the countries and cultures they had known to make new lives for themselves in new lands. Between 1846 and the First World War, over 60 million people left Europe and made their way to other parts of the world, with almost 35 million of them coming to the United States. Most of the remainder settled in Argentina, Canada, Brazil, Australia, British West Indies, Cuba, South Africa, Uruguay, and New Zealand.

Historian R. R. Palmer explained

a number of the reasons for this peaceful and mass movement of people in *History of the Modern World* (1956). Some were escaping from poverty and starvation, as reflected in the case of the Irish during the famine of the 1840s. Some of the German migrants were attempting to avoid compulsory military service during Bismarck's wars of the 1860s and 1870s to unify the German states under Prussian leadership. Swedes and Norwegians came to America for a more productive and prosperous life in farming. In the 1890s and the 1910s, Russian and Polish Jews emigrated to the United States to escape religious persecution and violence in Imperial Russia.

Between 1846 and the First World War, over 60 million people left Europe.

What enabled and fostered such a global freedom of movement, Palmer said, was the principle and increasing practice of political and economic liberalism:

But perhaps most basic in the whole European exodus was the underlying liberalism of the age. Never before (or since) had people been legally

so free to move. Old laws requiring skilled workmen to stay in their own countries were repealed, as in England in 1824. The old semi-communal agricultural villages, with collective rights and obligations, holding the individual to his native group, fell into disuse except in Russia. The disappearance of serfdom allowed the peasant of Eastern Europe to change his residence without obtaining the lord's permission.

Governments permitted their subjects to emigrate, to take with them their savings of shillings, marks, kronen, or lire, and to change nationality by becoming naturalized in their new homes. The rise of individual liberty in Europe, as well as the hope of enjoying it in America, made possible the great emigration. For so huge a mass movement the most remarkable fact is that it took place by individual initiative and at individual expense. Individuals and their family groups (to borrow the metaphor of one authority) detached themselves atom by atom from the mass of Europe, crossed the seas on their own,

and reattached themselves atom by atom to the accumulated mass of the new world.

In 1913, the population of Western and Eastern Europe was slightly less than 350 million, while the population of the United States in 1913 was less than 100 million (97.225 million) people. This migration of 60 million people from Europe from 1846 to 1913 was equal to almost 19 percent of the entire 1913 population of the European continent. The inflow of 35 million people into America over the previous 60 years equaled 36 percent of the entire population of the United States at the eve of the First World War.

This liberal epoch of freedom to move and mass migration especially stands out because of its basis in voluntary choice. Other large movements of people have often been compulsory and violent. For instance, between 1525 and 1866, it is estimated that about 12.5 million Africans were shipped to the Americas as slaves, of which around 10.7 million survived the cruel and inhuman journey across the Atlantic. The vast majority, 12.131 million, were brought to South America and the Caribbean islands, with approximately 389,000 coming to North

America. Slavery was ended during this same 19th-century liberal epoch after existing for thousands of years everywhere around the globe.

Passport requirements and restrictions on free movement

This freedom of trade and migration came to an end with the coming of the First World War in the summer of 1914. All the belligerent powers soon not only closed or restricted trade between themselves and the enemy countries but also imposed migration prohibitions with the reintroduction of passport and visa requirements not seen across Europe since the end of the Napoleonic wars a century earlier in 1815. The Woodrow Wilson administration imposed passport requirements on all U.S. citizens traveling abroad in November of 1914.

Immigration limitations into the United States had first been officially established in 1875, prohibiting suspected prostitutes from entering the country. But it was in the 1880s that the first really significant barriers to immigration were introduced with prohibitions on the arrival of first Chinese and then Japanese into the United States, especially along the West Coast areas of the country. These first immigration laws were based on racial prej-

udices and fears of Asians coming to America and undermining the morals of young people. The American Federation of Labor called for these immigration barriers due to fears of employment competition from the “Asian hordes,” who, it was said, also tempted young Americans into their opium dens.

These first immigration laws were based on racial prejudices.

The first immigration restrictions on Europeans were introduced in 1917, during the war. These laws were systematized in the early 1920s with the introduction of quotas on the number of people who might come to America from various countries. These limits on European immigration were especially focused on Eastern Europeans, who were considered to be culturally and racially inferior to the Western and Northern Europeans who had made up the larger majority of migrants to America in the 19th century. Bolstered by the widely accepted new “science” of eugenics, the immigration limitations were rationalized as a means of assuring an appropriate racial “hygiene” on the blood stock of America. There was also the frequently argued necessity of keeping

unskilled, cheap labor out of America to preserve the American standard of living.

The rationales for and the quota categories of the immigration limits and restrictions have changed over the decades of the 20th century and now into the 21st century. But like so much else during the last 100 years, the premise and presumption has been the need and necessity for centrally planning the absolute and relative numbers of others from around the world allowed to come to the United States.

Compulsory mass movements of people

At the same time, in other parts of the world, there have been planned and unplanned forced movements of peoples from one country to another. In the wake of the First World War, there was a forced population exchange between Greece and Turkey in 1923, with 1.2 million Christian Greeks expelled from Turkey, and 500,000 Muslim Turks forced to leave Greece. In the immediate aftermath of the Second World War, an estimated 12 million Germans were forcibly removed from Poland, Czechoslovakia, and other parts of Eastern Europe, with personal and real property confiscated in the process, and a resettlement of these

millions of people in West and East Germany.

In other parts of the world, there have been planned and unplanned forced movements of peoples.

During and following the partition of British India in 1947, about 7.2 million Hindus moved from what was now Pakistani territory into India, while 7.2 million Muslims transferred from the territory of India to Pakistan, all because of religious intolerance. Another one to two million Hindus and Muslims died during these population transfers. Before and following the formation of the state of Israel in May 1948, nearly 900,000 Jews left the Arab countries of the Middle East and North Africa after living in these countries for centuries, the large majority of them doing so under the threat and use of violence or formal expulsion. Upwards of 700,000 Palestinians were displaced during the Israeli-Arab war of 1948–1949 to surrounding countries.

Totalitarian regimes prohibited emigration

At the same time, the rise of totalitarian regimes in the years between the two world wars, in the 1920s and 1930s, saw the rigid im-

position of emigration barriers and prohibitions. Not only was all physical property and finance assets under the control of the governments in Soviet Russia, Fascist Italy, and Nazi Germany; so were the people living in these countries. Human beings were as much “property of the state” as farm land or a factory building.

With the coming to power of the National Socialists (Nazis) in Germany in 1933, Jews were encouraged at first to emigrate as a solution to the “Jewish Problem,” as anti-Semitic Germans referred to it. Making up less than 1 percent of the entire German population, by 1939, half of the approximately 525,000 German Jews had left the country; following the German annexation of Austria in March 1938, 117,000 Austrian Jews fled, out of a Jewish population of 192,000. In the years leading up to the start of the war in September 1939, it became increasingly more difficult for Jews to escape Nazi control without surrendering virtually all of their financial assets and real property. But a difficulty just as great as obtaining permission to leave Nazi Germany and Austria (and Czechoslovakia after Hitler’s annexation of most of that country in March 1939) was finding alternative na-

tions that would take them. The United States and many Western European and Central and South American governments imposed strict immigration permits. Most of the remaining German and Austrian Jews ended up in the concentration and death camps that cumulatively over all of Nazi-occupied Europe during the war resulted in the mass murder of about six million Jews. How many more of those millions might have found ways to make it to safe havens if only the entrances to those safe havens were not closed to them due to immigration quotas?

Human beings were as much
“property of the state” as farm
land or a factory building.

The plight of the illegal migrant sometimes became the basis of works by famous authors. An example is Erich Maria Remarque’s 1945 novel *Arch of Triumph*. It is the story of an anti-Nazi German who lives in France as an illegal refugee during the 1930s, possessing neither passport nor identity card, after escaping from a Nazi concentration camp. Though a highly skilled medical doctor by training, he cannot openly practice medicine in Paris, so he performs secret opera-

tions for French physicians lacking his expertise. Being found out and deported constantly hangs over his head every day. Having no legal standing, unable to make a living openly in the marketplace, he wallows in his own despair and uncertainties. He waits for the start of the war that is clearly coming to hopefully bring at its end some change in his status that might make him, once again, a normal human being.

Soviet prohibitions and punishments for attempted emigration

Attempting to leave the Soviet Union without rigidly controlled permission of the Communist Party became virtually impossible starting in the 1920s. It was a severe criminal offense to want and attempt to emigrate from the “worker’s paradise.” Only a selected few, screened and vetted by the Soviet secret police and the Party apparatus, could travel out of the country, and all such travel could only be for official state business; private travel for pleasure was nonexistent, since every citizen of the country was a government employee in some capacity and therefore had no private life or purpose. The types of cultural exchanges that brought Soviet scientists or entertainers to the West in the post-World War II period were all “affairs

of state.” Every such delegation was joined and surveilled by accompanying agents of the KGB to prevent unwanted contacts with those in the Western host countries and to do all that was necessary to stop all attempts to defect.

It was a severe criminal offense to want and attempt to emigrate from the “worker’s paradise.”

Soviet citizens traveling in the West knew that their relatives at home were hostages who would suffer if they escaped the watchful eyes of their secret police handlers and failed to return to the Soviet motherland. Anyone attempting to leave the Soviet Union directly by trying to cross the border into a neighboring country was likely to be killed in the process or executed or sent to a labor camp after being captured.

The most dramatic symbol of the Soviet barrier to emigration was the Berlin Wall in East Germany. Constructed in August 1961, its purpose was to prevent the continuing hemorrhage of the already more than four million East Germans between 1946 and 1961 through the center of Berlin by simply crossing a street from the eastern Soviet sector of the city to either

the western American or British zones. Built of concrete, the Berlin Wall ran for nearly 30 miles around the British, American, and French zones making up West Berlin; it was nine feet tall with a 200-yard-wide no man's land leading up to the wall that was covered with land mines and patrolled by the East German police and military personnel. Dozens of people lost their lives attempting to get over, under, or threw the Berlin Wall during the 28 years it split the two halves of the city before it was finally brought down in November 1989.

The profound importance of the freedom to move

The profound importance of the freedom to move was emphasized by the German liberal economist Wilhelm Röpke in his essay "Barriers to Migration" (in Glenn Hoover, ed., *Twentieth Century Economic Thought*, 1950):

It may even be maintained that the actual practice of severely restricting international migrations represents not only the logical counterpart of general political and economic nationalism, and of national economic planning, but that feature of them which is the

greatest challenge to the spirit of universalism which our civilization must imply, and the factor most conducive to international frictions and resentments.

If we agree that the freedom to move is one of the most elementary rights of man, of which he cannot be deprived without dangerous *psychological reactions*, it must be obvious that by imposing the present restrictions of migration nationalism has done its worst. As the mediaeval system of feudal serfdom fixed the serfs to the soil of the manor, modern nationalism and collectivism have, by the restriction of migration, perhaps come nearest to the "servile state"....

Man can hardly be reduced more to a mere wheel in the clockwork of the national collectivist state than being deprived of his freedom to move, even if he has no particular desire at the moment to make use of it.... Feeling that he belongs now to his nation, body and soul, he will more easily be subdued to the obedient state serf which nationalist and collectivist gov-

ernments demand. He will be readier to join his fellow nationals in the mass chorus of nationalist slogans, to swallow the government propaganda and to follow some mystic leader who knows how to exploit the instinct and sentiments of these masses which have been hemmed into the national frontiers.

America a land of immigrants in search of freedom

Those who wish to come to the United States today are no different than the earlier waves of immigrants in the 19th and the 20th centuries. They, too, are escaping from political oppression, religious persecution, or lack of economic opportunity due to the corruption and plundering of the governments under which they have lived. They may look different from those earlier waves of immigrants; they may speak other languages; they may follow some different faiths. But they, nonetheless, remain human beings like us. They, too, want better and safer lives for themselves and their children and grandchildren.

It is estimated that the immigrant population in the United States numbers 46 million, or about

14 percent of the total U.S. population of around 335 million people in 2023. It is also estimated that between 11 and 12 million of them are illegal or “undocumented” immigrants under current U.S. law. This is still below the peak in the 1890, when immigrants comprised 15 percent, or 9.25 million people out of the total U.S. population of 63 million Americans, when there still were few restrictions on immigration into the United States.

Those who wish to come to the United States today are no different than the earlier waves of immigrants.

The vast majority of Americans are the descendants of those who immigrated to the United States over the last 200 years. The same types of doubts, fears, and accusations made today were often heard in those earlier times. The Irish and the Poles are all drunks or Catholics who worship the Pope in Rome; how can they ever be “real” Americans? The Germans are often arrogant and sometimes draft dodgers who live in their own clustered communities and won’t learn English, preferring to speak German and read German-language literature and newspapers; how can they

ever be “real” Americans? The Italians are also Pope-worshipping Catholics and are Mafia types who bring organized crime to the United States; how can they ever be “real” Americans? The Jews are the murderers of Jesus, they kidnap Christian children to use their blood to make matzo bread, they are cheating businessmen, and are all communists; how can they ever be “real” Americans?

Well, we are their children, grandchildren, and great-grandchildren, if not even further back. They have all been part of the melting pot that makes this unique and special people called the “Americans.” If the use of these words had not been misappropriated for certain political purposes in our own time, it would be correct to say that our American society truly is one that has been and is “diverse” and “inclusive.” These waves of immigrants from so many lands, customs, faiths, talents, and backgrounds have been the lifeblood behind America’s creativity, innovativeness, industry, and cultural distinction.

In a classical-liberal world, the political borders on a map designate and distinguish the administrative boundaries of different political jurisdictions, the role of each

of which is to secure and protect the rights of its citizens and residents to their lives, liberty, and honestly acquired property. This leaves each individual safe and secure in his freedom to peacefully go about his life in free association and exchange with others, whether those others are next door or half way around the globe. In such a classical-liberal world, it also means that all individuals are also free to peacefully travel, work, and reside wherever they desire.

**All barriers to migration,
therefore, are forms of
government central planning.**

Instead, around the world today, including the United States, boundary lines on political maps have been turned into walls closing off peoples from each other. Part of these limits on interpersonal associations and relationships restrict buying and selling, borrowing and lending on voluntary mutually agreed-upon terms of trade at market-determined prices. But it has also placed often insurmountable barriers to people’s freedom of movement. Emigration restrictions lock people into the countries that accidents of birth and circumstances have placed them at the mercy of

those possessing political power. Immigration restrictions deny human beings the liberty to find that place on the planet that they consider most likely to give them opportunities to improve their lives and that of their families, as they define and desire it.

All barriers to migration, therefore, are forms of government central planning to determine and dictate how and where human beings may live, work, and reside. No worse Sword of Damocles can more hang over a person's head than in the circumstance that living in one place has for political, economic, religious, or other reasons become intolerable or an actual threat to their life, yet their own government will not let them go; and even if they legally or illegally escape, some other country's government will not let them in. A true and ultimate prisoner of the state.

Open versus closed borders, therefore, is really a matter of individual freedom versus political control over people, just as much as denials of civil or economic liberty

within a country. The classical-liberal idea and ideal is inseparable both from free trade at home and abroad, and freedom of movement within and between the countries of the world.

This article is based on a talk given on September 30, 2024, as part of the Future of Freedom Foundation's online conference, "The Case for Open Borders."

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NEXT MONTH:
"50 Years Ago: Hayek's Nobel Lecture on 'The Pretense of Knowledge'"
by Richard M. Ebeling

The New Deal as the Great Reset, Part 2

by Robert E. Wright



The New Deal effectively killed off what was left of the ninth and tenth amendments, the ones that protect unenumerated individual rights and states' rights. Occupational-licensing laws that restricted entry into a growing number of occupations to an educated few in the name of consumer safety, for example, trounced the ancient, common-sense, and hence unenumerated right of occupational choice. Claims that licensing aided consumers were largely bogus, however, as Americans had survived long periods when occupational licensing, even for doctors, was not in place. It turns out that markets are pretty darn good at weeding out subpar suppliers or, more usually, giving the poorest people affordable access

to lower quality (but not deadly) providers, be they doctors or stockbrokers. Although the federal government was not the main purveyor of junk occupational-licensing laws, New Dealers made clear that they would not interfere with their proliferation because they supported the administration's misguided "high-wage" agenda.

FDR failed to achieve his infamous Supreme Court court-packing scheme, but he won the war of jurisprudence by transforming high-court doctrine anyway. New Deal legislation struck down as unconstitutional, like the National Industrial Recovery Act, came back piecemeal and passed constitutional muster with the votes of Hugo Black and eventually seven other FDR appointees and several justices cowed by the blatant court-packing attack.

Taking cues from FDR's administration, the new Supreme Court reset numerous crucial constitutional concepts into powerful tools of federal oppression. In *Wickard v. Filburn* (1942), for example, the court gave the interstate commerce clause dark totalitarian-like powers by upholding the federal government's power to regulate what a small farmer could grow on his own property for his own con-

sumption. Ever since, the rapid growth of the federal government's power has proven virtually impossible to rein in.

As Beito — and Rachel Ferguson and Marcus Witcher in *Black Liberation Through the Marketplace* — show, FDR condoned policies so racist that progressives should have cancelled him and pulled his statues down in 2020. In addition to the concentration camps for Japanese Americans and the deliberate snubbing of prominent blacks who dared to remain Republican, the New Deal crushed unskilled black, Hispanic, and indigenous laborers by pricing them out of the market with minimum-wage and pro-union laws, while simultaneously reducing their access to mortgages via the earliest versions of red lining. The Depression, it should be noted, particularly decimated blacks. At the end of the 1930s, almost nine out of 10 black families lived below the federal poverty threshold. Overall life expectancy dropped, but much more for blacks than for whites.

Even federal relief efforts were relatively stingy because blacks and other people of color tended to live in safe Democrat districts while FDR's minions sent disproportionate amounts of relief to swing states.

To be reelected to the presidency twice while the economy languished, FDR needed all the votes that taxpayer money could buy. Contrary to myth, FDR and his policies became increasingly unpopular after 1934. Many Americans saw that FDR was coming to have more in common with Mussolini, whom many of his lieutenants adored, and even that guy in Germany, than with great American presidents like Washington and Lincoln. Many members of FDR's cabinet, "brain trust" advisory council, and political party eventually turned against him. His own vice-president, "Cactus Jack" Garner, even tried to deny the burgeoning dictator the Democratic Party nomination in 1940.

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FDR, though, had amassed too much power to be ousted by anything other than the Grim Reaper. Where dole payments were insufficient to ensure victory, he turned the increasingly powerful executive branch on his adversaries, going after radio stations with the FCC, newspapers with the Internal Reve-

nue Service, and J. Edgar Hoover's FBI on prominent conservative black leaders like George Schuyler. He also used New Deal regulators, like the Securities and Exchange Commission, to collect information on his opponents, including his 1940 general election challenger Wendell Willkie. The outbreak of World War II further enlarged FDR's "snoopocracy" by giving him easier "national security" excuses for such misbehavior. How progressives, much less conservatives, can tolerate, much less laud, such misconduct without suffering massive cognitive dissonance remains a mystery.

Equally mysterious is how anyone still believes that the New Deal helped the economy when it clearly kept the Depression going for far longer than it otherwise would have or could have. Had Americans understood how the New Deal had stymied recovery from the Great Depression, FDR would have been booted in 1936, as some prominent polls predicted. As Jason Taylor shows in *Deconstructing the Monolith*, the Blue Eagle and NRA codes crushed the natural rebound from the economic nadir hit as FDR took office in March 1933. Reflating the money supply — not confiscating Americans' gold, raising taxes, and

regulating and scaring the bejesus out of business owners — would have allowed that natural economic recovery to continue. As George Selgin shows in his forthcoming *False Dawn, New Deal*, monetary policy, not the gold standard or greedy financiers, also derailed expansion.

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New Dealers, though, could not have pulled off their Great Reset if the masses had not been paralyzed by fear and made dependent on the federal dole. Thereafter, as detailed in my *Liberty Lost*, Americans increasingly turned away from their long tradition of ameliorating social problems through self-reliance and voluntary association and toward asking Uncle Sam for succor at every turn. Many purely private nonprofits have since become "non-government organizations" dependent upon government grants instead of charitable donations from virtuous citizens. Instead of helping the downtrodden directly, Americans today typically ask politicians to do something. They respond with costly, ineffective programs

that signal virtue and garner votes without aiding anyone in need, while hurting others with higher taxes and a ripple of unintended consequences.

My new book *FDR's Long New Deal* (Palgrave, December 2024) explores these issues, and many more, in greater detail. Some points, like the fact that New Dealers destroyed food while Americans starved, are widely known. Others, like the fact that New Deal land policies forced many small farmers off their land and into collectives, are less widely understood. In a nutshell, every alleged New Deal “triumph” is government misinformation, the product of censorship, hagiography, unconstrained thinking, and/or the radicalization of history departments.

That’s tragic, because without the truth about the New Deal, Americans appeared poised to repeat many of its worst features, with potentially devastating results. America’s international relations lodestone, peace through strength,

for example, failed in the 1930s. Had the American economy continued to rebound in 1933 and 1934, the nation would have been better prepared for World War II, which may have taken a much different and less destructive path if the nation had not appeared so economically weak and rationality-challenged to aggressors.

I beseech anyone contemplating replicating the New Deal to read my new book *FDR's Long New Deal*, any of the books referenced in it, or those mentioned above. You may not have read books critical of the New Deal in school, but you should have, and would have, had FDR’s intellectual spawn not seized the power of the purse and twisted the educational system toward its own collectivist, statist intellectual ends.

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