



ISSUE #12

FEBRUARY 2018

BRIDGING THE DIVIDE: LESSONS FROM ROTHBARD AND *THE LIBERTARIAN FORUM*, ANONYMOUS
CAPITALISM WORKS: THE ROADS, ARTICLE BY *INSULA QUI*
CONFORMITY AND REPRODUCTION, ARTICLE BY NON FACIES FURTUM
FINANCIAL AUTONOMY AND SOVEREIGN IDENTITY, ARTICLE BY *JIM DAVIDSON*
“THEY” DON’T CARE, ARTICLE BY *STEVEN CLYDE*
THE BOONDOGGLE MEN, ARTICLE BY *PAOTIE DAWSON*
COMMUNISM KILLS, PT. 3: FORESTS, TREES, AND A MORAL METHODOLOGICAL INDIVIDUALISM
LIBERTARIAN SOCIOLOGY 101 COLUMN, BY *RICHARD G. ELLEFRITZ, PhD*
THE CONTRADICTORY OUTLOOK OF THE SOCIALISTS,
ANONYMOUS
WHERE HAVE ALL THE FREE MARKET GUYS GONE?, BY *RICHARD DALTON*
LIBERTARIANISM AND THE RIGHT WING: HANS-HERMANN HOPPE, THE MISES INSTITUTE, AND
CONTROVERSIAL FOLLOWERS, BY *JAKOB HORNGREN*
BOOK REVIEW OF SCOTT HORTON’S *FOOL’S ERRAND: TIME TO END THE WAR IN AFGHANISTAN*,
REVIEW BY *NICK WEBER*
THE NULLIFICATION DOCTRINE: AN EXAMINATION OF THE VIRGINIA AND KENTUCKY
RESOLUTIONS, ESSAY BY *PATRICK MACFARLANE*
FROM SMALL TIMES TO BIG STATES,
BY *MIKE MORRIS*

**BRIDGING THE DIVIDE: LESSONS FROM
ROTHBARD AND *THE LIBERTARIAN FORUM*,**
ANONYMOUS

People's image of libertarians is often in stark contrast with their image of hippies. This is commonly a fallacy of the uninformed, whose experience with the ideology begins with the Wikipedia page for "The Waco Siege" and ends with Ron Swanson from the TV show *Parks and Recreation*. The libertarian is hardly separable from the tea-party conservative, or, as is the caricature painted by my Californian countrymen, gun-toting, beer-swilling redneck Trump supporters. It's a representation that many of us living in predominantly Leftist communities are likely familiar with.

However, the intermeshing of the libertarian caricature with the backwoods, conservative caricature is a modern invention that contradicts the origin of the libertarian.

The counterculture movement of the 1960's (in other words, "The New Left") was one defined by a period of resistance against the illiberal activities of the coercive state. Aggressions that, because of those before us that wrote, marched, and protested, exposed themselves to riot police and the national guard, could end; state-enforced aggressions like mandatory racial discrimination and conscription.

It was from this opposition to the mechanism of the state, and to the more traditionalistic aspects of conventional thought, that libertarian activism in this country became defined. More specifically, it began in the late 1960's, with Murray N. Rothbard and Karl Hess's periodical *The Libertarian* (soon after, *The Libertarian Forum*). These writings, over a span of roughly 20 years and collated into two volumes, available digitally for free and physically for around \$20 from the Ludwig von Mises Institute, chronicle the development of what

Samuel Edward Konkin III would surely have termed "Partyarch" Libertarian thought. There were many notable libertarians, including Walter Block, Rothbard himself, Konkin, and several other Libertarian academics and intellectuals.

Among a number of interesting writings in these volumes are a few from '69, which chronicle the schism within the still-active *Young Americans for Freedom*, a conservative student organization that touted the famous libertarian mantras of freedom, liberty, and capitalism, while toeing the Republican Party's line: more interference in Vietnam in the name of "stopping Communism," more prohibition of substances, the restoration of "law and order" as (at the time) peaceful protestors were being violently suppressed at universities all over the country.

In stark contrast to Republican chicanery, and the false representation of traditionalism and conservatism as being necessary to a free society, Rothbard bode young libertarians and anarcho-capitalists to (in his words) "...leave now, and let the "F" in YAF stand then for what it has secretly stood for all along - fascism."

Nowadays, it feels as if the movement is being pulled towards either the inherent statism of the Alt-Right and the so-called "National Capitalists," or towards the inherent statism of today's far-Left and the so-called "Libertarian Socialists". Neither group is particularly libertarian in nature, but both are making advances, drawing more non-libertarians into libertarianism and more on-the-fencers away. What's happening today is an overall obfuscation of core libertarian ideals; ideals that, despite being proprietarian in nature, are still nonetheless to leftist or rightist corruption.

Rothbard's love for the counterculture movement was quickly soured. As the 70's came, so too did an all-too-familiar mixture of anti-property rhetoric and indiscriminate Leftist violence against person and property.

This marked the ultimate separation of libertarianism from the conventional political power-structure.

On the Left were violent extremists who, in their fight against the state, were using coercive aggression in favor of a new statism based on principles slightly more in line with their economic views. On the Right were disingenuous conservative traditionalists reinforcing the power of the state to do as they've always done: champion the principles of liberty and capitalism only to strengthen American imperialism, and corporatist policies that favor a "free market" so long as it benefits the obedient, state-enforced monopolist dogs.

This has not all been to disenchant new members of the movement. I began my journey into libertarianism only more than a year ago, and I'm sure those who read this piece have devoted far greater years of their lives trying to make our shared vision of a free world a reality.

My point is that we should reject the pointed nature of the conventional paradigm; too often do libertarians take a 4-quadrant political compass test, find themselves in the bottom right corner, and ally themselves with anyone along that side of the spectrum. The reality is that libertarianism is a philosophy of individual freedom, and that is not a left-or-right ideal.

[Anonymous, 18, Golden State anarchist]

**FOR INFORMATION ON THE 10TH OUTING OF
MISES CELEBRATIONS, AN EVENT COMING UP
IN SILICON VALLEY, SEE FACEBOOK PAGE:
[HTTPS://WWW.FACEBOOK.COM/SEARCH/TOP/?
Q=MISES%20CELEBRATIONS](https://www.facebook.com/search/top/?q=MISES%20CELEBRATIONS)**

CAPITALISM WORKS: THE ROADS, *ARTICLE BY INSULA QUI*

All people of all political denominations follow a sort of road-cult. Whenever the privatization of roads is proposed, they become shocked. Public roads have become a sort of idol for the modern man. Without public roads, there would be no civilization. Roads are the thin gray line that separates man from anarchy. Because of this, it is important to demonstrate how roads can be privatized without resulting in the collapse of civilization.

First, we need to realize that the way roads are currently run is a form of socialism: roads are publically owned by the government. Roads are a nationalized industry. If it is true that without the state there could be no roads, it should also be true that without the state, there can only be starvation. If the roads are too complicated to be handled by private individuals, then how could anyone even dream of producing a pizza on the market?

To make a pizza one needs to cure meat, ferment milk, grind and spice tomatoes, produce a dough. All of these steps have infinite other steps. To cure meat one needs to herd livestock, which needs to be fed and maintained. Then the livestock also need to be butchered and processed, which requires the technology to butcher and process livestock. Then that technology needs metal, which must be mined. And the mining of metal needs tools in order to mine metal. Those tools need electricity to function efficiently. The complication of producing a pizza is infinite, far too complex for anyone outside the state.

Thus logically the nationalization of roads should also imply the nationalization of all pizzerias so as to prevent a tremendous scarcity of pizza. But even though the market is logically unable to produce pizza, the

market can still produce bread. However, there is no alternative to roads. These complicated marvels of engineering are irreplaceable and irreplicable. There is no way a market system can ever produce something so complicated. Road must be the exclusive domain of the central planner.

And even though the central planners are brilliant, even they often fail at maintaining roads, as evidenced by the constant lack of road maintenance. If even the government can't do anything about potholes, then it is impossible that a private individual could. If the government cannot keep and maintain roads, then how can it be expected that any company ever would. Furthermore, if roads were privatized we would all have to go through twenty toll booths to cross the street.

But we cannot concede this point. The fact that the government fails at maintaining roads does not necessarily imply that roads cannot be maintained. We have to consider the other perspective. It could be that the government simply has no incentive to maintain the roads. This crucial thin grey line is neglected by the government. The system of roads is not properly maintained and the state has abandoned the roads. If the roads are such a vital part of the economy, it could be that we need to privatize them to keep them from the abuse they receive at the hands of bureaucrats.

And it also just may well be that the argument about toll booths is disingenuous. It could be that having thousands of toll booths everywhere may result in at least a minor loss of revenue. Maybe there are better ways to charge money for the use of roads. The strategies of subscription services, digital tracking, and automatic tolls come to mind.

Furthermore, it might also be true that roads are not the most complex marvel of engineering. It could be true that people without the boundless wisdom of the central planner can actually maintain and build the roads. To build the roads one really does not

need much more other than land no one else is using or land that is for sale. After the land is acquired, it is easy to build roads.

And even if roads could not be privately built (though they have been and are), it is very possible to privately maintain these roads. There is no harm in privatizing the roads that are already built in exchange for reducing taxation. When roads are held privately, they will be better maintained so as to attract more drivers and by extension more revenue.

It also might be that the central planner does not have any special wisdom. It could be that the central planner simply manages roads in an arbitrary manner. The central planner is not by necessity intelligent. To the contrary, the central planner is hired by the government bureaucracy. The government bureaucracy is not renowned for its great breadth of innovation and intellectual pursuit. It may just be that road socialism is not necessarily superior to road capitalism.

And if roads can be built privately, it should also hold that pizzas could be baked privately, maybe private people can indeed make pizzas for public consumption. If this is true, it should also be reflected in reality. And upon a thorough analysis of the ownership structure of pizzerias, we determine that indeed pizzas are baked by private entrepreneurs. It could just be that socialism is not the answer, even when it comes to roads.

[If you want to know more about what the free market can do, buy my new book "Capitalism Works." It includes 36 chapters in the same vein as this article, albeit with a less humorous tone. ~ Insula Qui is an independent writer. For books and more essays visit www.insulaqui.com]

CONFORMITY AND REPRODUCTION, ARTICLE
BY NON FACIES FURTUM

In Voluntarist circles, as in groups of people interested in freedom in general or in even what are considered “conservative” or “traditional” ideas, the notion that the vast majority of the population are more or less ignorant “sheeple” is widespread. This isn’t really too unfair, as we have arrived through reason and evidence at the conclusion that taxation is theft, government is evil, and a whole host of other generally controversial ideas. We see that most people are either oblivious to these facts and judgements, while others bashfully shame themselves for thinking similarly and go on living a “mainstream” life.

Why is this? In many ways, it is because of the same reason that people have most of the traits that they have; because these traits were more likely to result in many successful reproductions. Throughout most of history, going against the dominant stream of thought in a society or tribe got a person killed or exiled, or at least either mutilated or shamed to the point that finding a mate willing to reproduce with was not feasible. In this way, tyrants of every age have used their power to try and breed out rebellious instincts and ideas; and also used the threat of destroying one’s ability to reproduce to effectively threaten potential dissenters into silence.

World War I was one of history’s all-time most destructive armed conflicts in terms of lives lost and property destroyed, and the political implications were horrendous as well. Surely, many ordinary men, if they had known the truth about the horrors of war, would have preferred to have stayed home and worked their professions, and raised their families. Would a British man in 1914 really have any reason to go and kill a German man in the fields of Northern France? Certainly, if it were up to the people

who fought the war, they would not have chosen to do so. But when a government deems it necessary to use direct violence against another government, it will do all it can to gain more control over people. Propaganda was mass produced by all governments fighting in these wars, designed both to glorify the service of men in its armies, and to dehumanize the enemies. Simultaneously, in Britain for example, young women would give out white feathers to men who were not serving in the military. These were designed to single out the men as cowards, and to decrease drastically their sexual market value. The vile strategy of governments here was to poison attempts by men to reproduce whenever they did not go along with the government’s wishes. Sanity in an insane system was not tolerated.

In the open-air prison state of North Korea, conditions are wretched and life is dreadful nearly universally, especially when compared with the advanced and wealthy neighboring nation of South Korea. It is no wonder that many North Korean citizens try to escape the hell that they were born into, and many meet with success. Since the Korean War, between 100,000 and 300,000 have escaped from North Korea, and there an estimated 30,000 to 50,000 North Korean escapees today listed as refugees elsewhere. The strategies used by the North Korean government to prevent escape are many, and horrible. One of them, however, targets the reproductive and biological nature of human beings. The ‘Three-Generations’ rule is a policy that if one North Korean citizen is accused of a crime serious enough (usually a thought-crime), then three generations of immediate family will be sent with them, including the next two generations to be born in the camps. When North Koreans defect to the South, family members can be killed for this crime, as a way of disincentivizing escape through the threat of genetic elimination.

Today, we can see this same sort of pattern, albeit in a less dangerous form in many countries. Donald Trump is a figure which threatens the status quo for government dependent welfare recipients, progressive manipulators, the mainstream media, and for pencil pushing bureaucrats. They want to retain their generous handouts, prestigious yet useless jobs which harm the public, and to try and maintain their positions, they feel that they must destroy all support for Trump, supporters of liberty, and those value tradition, family, and Western Civilization.

Though you have no doubt experienced many of their strategies, they also use a strategy relevant to this article. Leading up to the 2016 election, there was a tremendous amount of noise urging people (especially women) to break up with their significant other if they expressed any support for Donald Trump's candidacy, or even entertained any of the ideas he mentioned. The constant media coverage and tirade against Trump, conservatives, and people who support liberty has caused a "Trump derangement syndrome," and those afflicted by it seem unable to tolerate anyone with different views on any subject. This is the result of many interest groups who desire a larger state, and their attempts to destroy the sexual market value of those whose ideas are in opposition to their own.

Hilariously, though, it seems this is failing. When women look for men who are progressives and Leftists, they get creepy soy-boys who think virtue signaling leads to sex, and the stereotypical obese basement dwelling internet-Marxist neckbeards. When they look to those who value independence, practical freedom, and traditional or conservative values, they see men who are driven, courageous, capable, and whose ideas have been proven by centuries of evidence to create happy, healthy, and wealthy families and societies. Conservatism and valuing freedom is the new counter-culture. It's sexy.

It's important to know the strategies that psychopaths, manipulative groups, and governments use to try and control people, and this sort of denial of reproduction is a common strategy among groups who have a vested interest in destroying your ideas. It has been used throughout history, is being used now, and will likely continue to be used. I encourage you to do your best to keep up the free discussion of ideas, and send cowardly tactics like this to hell. Speak freely, and improve the world.

**FINANCIAL AUTONOMY AND SOVEREIGN
IDENTITY, ARTICLE BY JIM DAVIDSON**
[Special to the Front Range Voluntaryist]

"Rich people have small TVs, small cars, but big libraries." ~ Manoj Arora, From the Rat Race to Financial Freedom

Three extraordinary things happened at the end of December. A friend of mine completed a white paper on a second generation cryptocurrency project that he worked on since 2008, and which I helped him with a few times over the years. A friend of mine sent me a link to an article on self-sovereign identity. <https://www.coindesk.com/path-self-sovereign-identity/> And a group of gentlemen in Ohio agreed to let me revise a white paper and write a business plan for their crypto-currency project.

The white paper is currently hosted here: <https://cryptowealth.com/ascension-white-paper-2017-dec-29/>

In it, my friends Kevin Wilkerson and Sean Daley describe a network of independent servers running a distributed software system called Ascension. It provides extensive financial autonomy for the individual. It is, as far as I can see, as close to digital cash in its features as any system out there. Furthermore, it has linear scaling, so it can actually process as many transactions a second as the entire Bitcoin network does right now, and as many more as the people involved want to process, simply by adding hardware (virtual servers for the most part).

(cont.)

The article on self-sovereign identity is important, I think, because it clearly recognises the need to have private information kept private. It also brings the important distinction between what an individual is and what passes for identification.

It used to be, a thousand years ago, that your identity was who you said you were. You were known to be that person by the people in the communities where you lived. Nobody pretended that your fingerprints were unique, nobody asserted that you had to have a photograph of yourself in your wallet with mumbo-jumbo from some government agency, nobody assigned you a number and pretended that it substituted for your name, and very few people cared to ask when you were born. From 420,000 years ago up until about the time of Bismark, there were no passports.

Since his time, however, people following the path of Rousseau, Hegel, Marx, Rockefeller, Bismark, Ataturk, Hitler, Stalin, Tojo, Mao, Pol Pot and many others have tried to create a "managed society" where the managerial class makes all the rules, enjoys all the luxuries, and completely disembowels everyone else as they see fit. Frederick W. Taylor and HG Wells wrote extensively on the idea that people must be leashed, limited, led, and, as necessary, extinguished "for the common good." In response to Rousseau's book on the social contract, which he clearly saw as a work of fiction, Voltaire wrote that Rousseau was "the enemy of mankind." The subsequent centuries have proven Voltaire's point.

It is time to get back to a healthy sense of identity. It is time to reclaim your individual sovereignty. And the basis for that reclamation is your financial autonomy. Finally, now, a great many thousands of persons are working on that topic. As a result, Bitcoin has soared above \$19,000 per coin; 1,429 distinct crypto-currencies are now trading on nearly 8,000 private markets; over \$740 billion is now capitalizing these currencies; about \$39 billion of them traded hands in the last 24 hours making the crypto-economy over \$14 trillion annually in trading activity alone, plus economic spends involving the currencies. The only national economy larger than crypto-currencies on an annual gross domestic product basis (which, as an Austrian economist, I have trenchant criticisms regarding whether GDP is a valid measure of anything) is the United States, and in recent weeks, the 24 hour volume

has exceed \$52 billion, making the crypto economy larger than any national economy in the world.

In sum, people are making financial autonomy a priority right now. The madness of the Feral Reserveless Scheme and the nationalist central banks from England to Japan to China is about to be ended, not by revolution, not by war, but by technology. And there is literally nothing the people in power can do about it. Their system is over, their day is ended, and whether they realise it or not, people will soon be finally freed. The schemes which have financed the bloodiest wars and the most disgusting array of military technologies the world has ever seen is coming to an end.

You should be a part of it. You should, in a phrase, free yourself.

[Jim Davidson is the founder of sovereign mutual aid response teams (SMART), Kansas search and rescue teams, the Resilient Ways Foundation, and several companies. He works in private equity, business planning, and has been a crypto-numismatist since 2014. He and his friend Courtney Smith are organising a New Countries Conference for Summer 2018.]



[Art in this issue by Richard Dalton]

Those that favor State power don’t care about the well-being of the population. They do however care about the type of person they want to see evolve through their utopian planning while rejecting all other forms of human development.

Even John Maynard Keynes, a harsh critic of the unregulated economy, understood this to some extent:

But apart from this contemporary mood, the ideas of economists and political philosophers, both when they are right and when they are wrong, are more powerful than is commonly understood. Indeed the world is ruled by little else. Practical men, who believe themselves to be quite exempt from any intellectual influences, are usually the slaves of some defunct economist. [1]

He then goes on to say:

. . . for in the field of economic and political philosophy there are not many who are influenced by new theories after they are twenty-five or thirty years of age, so that the ideas which civil servants and politicians and even agitators apply to current events are not likely to be the newest. [2]

Individuals, each with idiosyncratic perspectives, are harnessed as objects rather than humans; objects that need to conform to egalitarian ideals if to be treated fairly at that. But to account for the differences in man (in effort alone), and to suggest that the world is naturally unequal, is to go against what the bureaucracy of State education holds to so dearly.

Take for example the mission statement of the Department of Education:

ED's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access. ED was created in 1980 by combining offices from several federal agencies. ED's 4,400 employees and \$68 billion budget are dedicated to:

- Establishing policies on federal financial aid for education, and distributing as well as monitoring those funds.
- Collecting data on America's schools and disseminating research.
- Focusing national attention on key educational issues.
- Prohibiting discrimination and ensuring equal access to education. [3]

Though they seduce the public (and quite successfully) into thinking they have strong altruistic convictions, the true costs are hidden in plain sight: “4,400 employees” and a “\$68 billion budget.” What they also fail to mention is that their “established policies” and “monitoring of funds” have been in the hands of incompetent imbeciles, most of whom couldn’t be trusted to handle their own financial affairs if not for their guaranteed pensions backed up by tax revenue.

For example, Andrew Coulson in a 2014 study looked at the increased costs of public schooling versus the SAT performance, per state, between 1972 and 2012. The results should alarm anyone that is truly concerned:

The performance of 17-year-olds has been essentially stagnant across all subjects since the federal government began collecting trend data around 1970, despite a near tripling of the inflation-adjusted cost of putting a child through the K-12 system. [4]

How have the costs changed you might ask? Coulson notes:

"Total cost" is the full amount spent on the K-12 education of a student graduating in the given year, adjusted for inflation. In 1970, the amount was \$56,903; in 2010, the amount was \$164,426." [5]

Not only have costs of schooling more than doubled (and often nearly tripled) in 39 of the states, but the study concluded that:

"Adjusted state SAT scores have declined by an average of 3 percent. . .

. . . Not only have dramatic spending increases been unaccompanied by improvements in performance, the same is true of the occasional spending declines experienced by some states. At one time or another over the past four decades, Alaska, California, Florida, and New York all experienced multi-year periods over which real spending fell substantially (20 percent or more of their 1972 expenditure levels). And yet, none of these states experienced noticeable declines in adjusted SAT scores – either contemporaneously or lagged by a few years. Indeed, their score trends seem entirely disconnected from their rising and falling levels of spending." [6]

It cannot be ignored by any measurable degree, that individuals need to be free to reach their full potentials, and that at the least some freedom must exist to reach any potential at all.

What we instead hear is that "people are too stupid to control their own lives" and "we need regulations to keep people in check." Furthermore, the idea that people are naturally fallible is conflated with the notion that "people are hopeless and must be controlled."

Murray Rothbard pointed out brilliantly in his famous assessment of the State that the public is easily seduced, and it's because we're constantly reminded that "things just are the way they are!" He explains:

"It is also important for the State to make its rule seem inevitable; even if its reign is disliked, it will then be met with passive resignation, as witness the familiar coupling of "death and taxes." One method is to induce historiographical determinism, as opposed to individual freedom of will. If the X Dynasty rules us, this is because the Inexorable Laws of History (or the Divine Will, or the Absolute, or the Material Productive Forces) have so decreed and nothing any puny

individuals may do can change this inevitable decree. It is also important for the State to inculcate in its subjects an aversion to any “conspiracy theory of history;” for a search for “conspiracies” means a search for motives and an attribution of responsibility for historical misdeeds.” [7]

Reality is often times the exact opposite of what we’ve been “inculcated” to believe, as Rothbard put it. People are fallible not because we lack a set of wise overlords, but because we are born naked into the world and need to form our own values and judgments for ourselves, and those values vary across a whole spectrum.

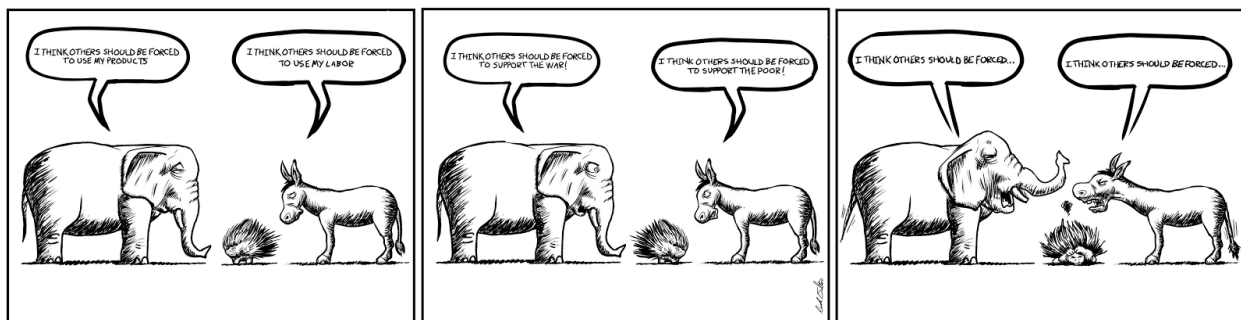
But to attempt to embed values into people is to forget that each individual is different, and it's also why millions were killed across various regimes for expressing individuality; being unable to fully conform was a crime in the most menacing regimes.

During the 1970’s the Khmer Rouge (which stands for “Cambodian Communists”) forced nearly 3 million people away from their homes to work on collective farms; men, women, and children were worked to death, dissenters and those without a “revolutionary” mindset were disposed of, and clothes were dyed black as to erase any trace of individuality. This example of tyrannical despotism, among the countless other examples, cannot be forgotten.

A private citizen would be scorned if they wanted to be deemed a hero for cleaning up the messes they created, while the State operates specifically in this fashion. And thus lies the biggest fallacy of the State: that the improvements we see over time are a result of their interference into our lives, rather than improvements being embarked on by free people long before their presence.

[1] John Maynard Keynes, *The General Theory of Unemployment, Interest, and Money* (New York: First Harvest, Harcourt, 1964), p. 383.; [2] *Ibid.* pp. 383-384. (Italics were used for emphasis; the sourced quote is written without italics.); [3] See <https://www2.ed.gov/about/landing.jhtml>; [4] Andrew Coulson, *State Education Trends: Academic Performance and Spending over the Past 40 Years*, 2014, p. 2.; [5] *Ibid.* p. 2; [6] *Ibid.* p. 57; [7] Murray Rothbard, *Anatomy of the State*, (Ludwig von Mises Institute, 2009), pp. 26-27.; [8] The death toll was so horrendous, death estimates varied between averages of 1.5 to 3 million Cambodians killed during 1975-1979 alone. Also see this account of the Cambodian Genocide by R.J. Rummel for more precise estimates: <https://www.hawaii.edu/powerkills/SOD.CHAP4.HTM>

PARTY PRINCIPLES



THE BOONDOGGLE MEN,
ARTICLE BY PAOTIE DAWSON

It used to strike fear in the hearts of children and adults everywhere and at anytime that news of the taxman cometh. But today, in a time when people openly feel taxation is a good thing and that the wealthy should pay far more of it, we find ourselves faced with strange proposals to build teenie, tiny stadiums in downtown Colorado Springs at the tune of at least \$28 million in taxpayers money. In spite of the best efforts of the *Colorado Springs Gazette* editorial board, this is one part of the City for Champions boondoggle that struggles to be built by cronies and bureaucrats, and funded by everyone else, especially poor, marginalized and working-class folks.

The latest proposed City for Champions boondoggle centered around Antlers Park in the downtown area. The park, donated way back when to the City to encourage and inspire homeowners to cultivate gardens in their yards, was proposed as the site for a new, tiny, teenie little stadium mainly to house a professional soccer team. Oh! And to occasionally hold events in the now-fictional 10,000 seat stadium. If you don't know, Antlers Park is a bit of a small park situated next to Pikes Peak Community College; there are old and majestically tall trees in the park, and grass, and also a few homeless folks and transients, and some not-so-good things, like needles in the grass, bureaucrats in the bushes, and so forth.

Through the years, the *Gazette* has pushed and promoted boondoggles, including the proposed tiny stadium at Antlers Park, to be created and funded through taxes and more taxes. Why does the *Gazette*, often mistaken as some sort of libertarian newspaper, want the City for Champions project so badly? What's in it for them? Well, the long of it short: the *Gazette* will print things that serve only their political ends and, most especially, its owner. Want more cronyism? Support City for Champions! Want things like eminent domain to be used against the poor and vulnerable populations? Support City for Champions! Want to tax more poor and marginalized folks to pay for wealthy developers'

fantasies of building stadiums in the downtown Colorado Springs? Support City for Champions!

It seems it is a given that the now-cancelled proposal to build a teenie, tiny stadium at Antlers Park was really a prelude to *another proposal* to build *another stadium* elsewhere in Colorado Springs. But unfortunately, early reports for the new proposed stadium are all a big giant secret. Colorado Springs City Councilor Richard "Big Secrets" Skorman earned himself a new nickname by refusing to tell the public about the secretive plans to build another stadium elsewhere in Colorado Springs. Did you get all of that? Good.

During a time of increasing homelessness controversies and folks struggling to afford and keep their families in their homes, the last thing we need to do is start creating more bureaucracy, more problems, more taxes, mo' bureaucrats, mo' problems, mo' ... wait! I've already covered this. But in all seriousness, City for Champions should be rebranded as its rightful name as City for Boondoggles, and voters and residents should be calling for an end to the continued relationship between politicians and wealthy developers in Colorado Springs.

The proposal at Antlers Park was a bait and switch tactic; questions abound about the new and secretive stadium to be proposed at another site in Colorado Springs; but whatever, and whichever, taxpayers should not have to pay one shiny penny for yet another boondoggle. Residents need a break from the boondoggle expansion, in which politicians, bureaucrats, and wealthy developers continuously and *secretly* (SHH!) scheme to make themselves richer at the expense of everyone else.

Sadly, Colorado Springs has become the long, happy life of a cronyist paradise. Liberty and economic freedom are quickly becoming things of the past, in large part, thanks to the *Gazette* and its editorial board, which forever seems to pitch for yet more and more cronyist-fueled boondoggles.

Just say no, Colorado Springs, to the boondoggle men!

COMMUNISM KILLS, PT. 3: FORESTS, TREES, AND A MORAL METHODOLOGICAL INDIVIDUALISM
LIBERTARIAN SOCIOLOGY 101 COLUMN, BY RICHARD G. ELLEFRITZ, PhD

I ended my previous installment of *Libertarian Sociology 101* with an assertion that, under Marxian ideologies, which tend to be murderous in their pursuits of social justice, “whatever can be done to the collective can be done to the individual.” For my larger purposes of establishing a libertarian sociology, I would like to elaborate in a theoretical sense on the anti-Marxism of what would be a libertarian tradition in sociology and a sociological tradition in libertarianism. I argue for the conscious and conscientious inclusion of methodological individualism, including a moral center in the non-aggression principle and property rights (but more on that later), all of which are antithetical to the Marxian thought rampant in contemporary sociology and social sciences. (Though I currently lack scientific evidence, there are numerous examples of Marx’s popularity among sociologists and other academics).

A somewhat relevant commentary on (good) sociological thinking is an analogy to (thinking about) the relation between forests and trees. Can forests exist without trees? Well, yes, if you consider kelp forests to be forests, but generally we think of a forest as a collective unit composed of trees that form a distinct ecosystem and include habitats consisting of the canopy, forest floor, and everything in between. We should keep in mind for the larger purposes of this column that trees can exist without forests, but forests cannot exist without trees. Apart from that distinction, forests have their own properties distinct from the trees that compose them, and so if you miss the forest for the trees, focusing instead on their constituent, individual parts, you might be headed down the dead end road of methodological individualism. My concern, though, is not with methods, but with morality; not with description but rather with prescription, not with diagnosis but with prognosis: What is to be done?

It should be noted and apparent that no analogy is perfect. For example, we might ask if individual humans can exist apart from society. Social and behavioral scientists tell us no, no, no, no, and no (...well, maybe they can). Returning to my own statement above, that, from a certain point of view, what can be done to the collective can be done to the individual, it should be apparent that just as one can cut down or harvest a forest one can also cut down or harvest a tree; though, the reverse might not necessarily be true, for one cannot climb a forest. So what is the (imperfect) analogy to society and the individual? I’ll answer in a quote often attributed to the mass murderer and dictator, Joseph Stalin: “*The death of one man is a tragedy, the death of millions is a statistic.*” It should be noted and apparent that I am not sold on this analogy, i.e. that trees are to humans as forests are to society, nor that there should be a sharp methodological line drawn between the collective and the individual, though I would not say the same for a line drawn in the sands of morality.

Harkening back again to my previous installments in this series, I believe it is imperative that methodological individualism not be eschewed to the dustbin of sociological thinking. For if it were we might trade one mistake, missing the forest for the trees, for another, a tendency to sacrifice the individual on the social altar for the religion of the Greater Good (see also here). For my purposes, methodological individualism can be traced to Max Weber and Ludwig von Mises, the two social theorists I would take as the starting point for a libertarian sociology. Routinely overlooked in contemporary sociology classrooms, insofar as this is indicated in the dozens of textbooks I have reviewed and used, is the importance of Weber’s critique of Marxism and the notion that an abstract collective does not have the

same properties as individual human beings. Contradictory to this rather obvious proposition is Emile Durkheim's dictum that society is *sui generis*, a thing in itself. This is typically taken as a truism yet paradoxically is dismissed as a vestige of the classic organicist model of the structural-functionalist school, which itself is used as a foil to prop up the Marxist tradition found in the conflict perspective (see my previous installments for more on those topics). None of this is to even mention that Mises is almost entirely silenced if not relegated to being part of the dreaded and much lamented ideological school of neo-liberalism! But, I digress.

Since most sociology textbooks aim to lead students to a macro-level, structural analysis (i.e. of the forest rather than the trees), and since most of these same books treat the structural-functionalist model and perspective as the equivalent of justifying slavery during the antebellum, pre-Emancipation period of U.S. history, it is the Marxian-bent, conflict perspective used to teach about social inequalities. And this is typically (sought to be) accomplished through teaching about social classes, class conflict, and class consciousness. In the Marxist tradition, a social class is a macro-level construct consisting of multitudes of mostly strangers tied together only by their common economic positions, i.e. their relations to the means of production. The capitalist class, as the story goes, exploits the working class, and this will continue until members of the working class achieve a common recognition of this, i.e. a class consciousness. Here is where it is important to recognize the difference between the structure of groups and those groups' constituent parts.

I will pick up on this point in the next installment, but Marx and Engels took it as a theoretical necessity to obliterate the existing social order, including individuality, the family, and private property, and their political heirs took it as their mission to carry out these endeavors, leading to the deaths of tens of millions of individuals. This is in part due to viewing individuals as mere atoms,

cells, or cogs in consideration of the larger structure of their (desired) societies. Though we can analyze society in terms of groups, organization, social classes, and other structures, none of these should be mistaken as a thing having some metaphysical access to a truth unknown to the very people who live out their lives in the very situations defined by their class situation or structural position. Put another way, was the class interest in communist societies to put to death thousands upon thousands of their fellow human beings? Either way, it would take a stretch of the imagination, and a cold heart, to believe that the individuals starving, freezing, and being worked and put to death had no interest in their own personal, familial, or communal survival. And here is where Weber offers a concept needed to counterbalance that of social classes, that of the status group.

"Those men whose fate is not determined by the chance of using goods or services for themselves on the market, e.g., slaves," says Weber (2009, p. 183), *"are not, however, a 'class' in the technical sense of the term. They are, rather, a 'status group'."* Hopefully by now you see the depth of Weber's brilliance. What lower form of human life can there be than those who do not and, moreover, cannot own themselves? Perhaps in the freest societies imaginable there will still be those who engage in what are widely and historically considered heinous crimes, e.g., genocide, homicide, rape, armed robbery, assault, etc., but we know well that those behaviors occurred in slave-based societies of all stripes for eons into the past and up to the present. We also know well what it is that defines the essence of, or underlies each of those crimes: lack of consent and infringement upon property rights. Again, I will address those issues in the next installment, but here, suffice it to say, if our analyses of society are to be based upon the presumption that the collective is not only structurally different than its individual constituents, but that has moral properties that supersede those of individuals, then sacrificing individuals is not only forgivable but necessary.

THE CONTRADICTIONARY OUTLOOK OF THE SOCIALISTS, *ANONYMOUS*

Socialism, rather than being a coherent and consistent theory, is actually just a way of people blaming everything they don't like about reality at any given time on private ownership. So the socialist will blame poverty and starvation on capitalism while at the same time blaming overabundance, consumerism, and obesity on capitalism. They will blame capitalism for bringing about too low of prices while at the same time blaming capitalism for bringing about too high of prices. They will say capitalism is too competitive while at the same time saying that capitalism is too monopolistic. And on and on...What they blame capitalism for changes based on what they happen to not like at the moment which can and does contradict what they did not like just a few moments earlier.

Then they contradict their own theory in practice. If the capitalist exploits the worker, as they claim, then that would mean that the small business owner with one employee should have his razor thin profit margins taxed while the professional athlete, a worker

making millions of dollars a year in salary, should not be taxed at all. Yet they don't say that. Instead, they go against their own theory by saying the rich worker should be heavily taxed. This is because according to socialist theory, it is supposed to be impossible for a worker to be rich. According to socialism, all workers, including the best and most famous professional athletes should all be making minimum wage, as that is the lowest legal amount that capitalists are allowed to pay. Yet since reality contradicts their theory, rather than seeing the obvious, which is that they need a better theory, they just contradict themselves without even recognizing it.

Then there's the accusation by socialists that free markets are religion and not economics. Economics is a science and so must be able to be analyzed logically. The fact is that a society of people consists of individuals with ever changing values and needs in an ever changing and unpredictable world. There are an endless amount of bits of essential information which are spread out among all the individuals, and must

somehow be aggregated so that all people can act in ways which harmonize with the actions of all others so that needs and values can be continually met. Free market economics can and has logically explained how prices come about and how they aggregate all the decentralized information making it possible to have an advanced economy of millions or billions of people who have no personal information of each other.

Socialism, on the other hand, assumes that the centralized state can obtain all the necessary information and plan things for people better. They are not able to logically show how this is possible. Instead, they have to assume that the state is an omniscient deity, as that would be the only way for socialism to work. So the accusation of religion actually applies to the socialist. Socialism is simply a religion whereby its adherents believe that the state is a god which can bring about a paradise situation where everyone has just the right amount to eat, prices are always just what they think they should be, etc.

ResilientWays.Net ResilientWays.Net ResilientWays.Net ResilientWays.Net

WHERE HAVE ALL THE FREE MARKET GUYS GONE?, BY RICHARD DALTON

It's interesting to me how classical free-market thinkers are often so obscure, while virtually everyone knows the name Marx and Lenin. And not only knows them, but looks upon their efforts with warmth and sympathy. Even those who admit the failures of the Soviet experiment will seemingly still want to defend the efforts of its leaders, or at least praise them for their supposed good intentions, as if this outweighs the endless misery of millions.

There would appear to be a wanton eagerness for socialism to work. So, given this seeming inclination, those voices which explain not only that socialism does not work, but also why it does not work, are naturally destined to be lost to history, presumably because their messages do not excite the imaginations of the people.

But why should this be? Ignorance, perhaps, but why should this ignorance bring with it a socialist impulse, and not some other kind? What is it that drives us to uncritically accept the possibility of working socialism, without any evidence, and without any need to do further research, as if we all already know how all this social science stuff works and where it must ultimately lead us in the end? Why is the case for socialism commonly assumed, as if it doesn't even need to be made? Why are the benefits of market freedom counterintuitive, and therefore need to be argued, while the benefits of socialism are somehow obvious, and can be accepted with relative ease?

In other words, why do we even *want* socialism to work?

It may go back to the early influence of the family unit, which is both hierarchical and nurturing. But it may also have something to do with the way we evolved from hunter-gatherer cultures, where, due to the need for both social cohesion and physical mobility, the idea of sharing with the tribe makes sense, as it helps pool the risks of environmental uncertainty, while the idea of amassing a personal savings does not make sense, because one can't pack it up when it's time to move on.

These natural complications may have given rise to deep rooted, genetically informed emotional ethical triggers which work to discourage individual members from acting out of accordance with the supposed interests of the

group. As such, there may be a natural tendency for market logic to trigger a negative emotional-ethical response, such as guilt or shame, since this logic doesn't begin with the needs of the group, but of the individual.

The human mind is capable of tremendous imagination. This makes it easy to imagine things that are both possible and impossible with equal ease. So perhaps it's easy to imagine a utopian society as something tantalizingly just within reach. What isn't nearly as easy to recognize as the desire for utopia itself, however, is the problems inherent in bringing it about: society requires mass participation, and therefore, can't be willed into existence by a single dreamer. The desire to accomplish such a grandiose feat may speak to an instinctive desire to return to the proverbial nest. There may be a dream of an extended family unit which brings us back to our inner child's Eden.

I believe that the modern socialist impulse is informed by hunter-gatherer instincts. The temptation to act according to these instincts places modern societies in a precarious position, because it is not *us* who are mobile today, but rather, through industrialization and the modern market process, it is the things we *seek* which have become mobile, while *we* remain largely stationary: instead of tribals relocating in order to continue chasing prey, under Capitalism, goods are transported in order to continue chasing customers. So the logistical roles between consumer and consumed are now reversed. Yet on the basis of our instincts alone, this reversal of roles will not be understood, and the natural tendency will be to resist it. Yet if we want the joys of modern life to continue, if we want to remain in the comfort of our own homes, then the goods on which we depend--themselves increasingly the result of ever-more complex processes of production--will need to keep moving, or else *we* will be forced to *start* moving. If we fail to appreciate this dynamic, and call for policies which slow the manufacture and distribution of desired goods, while also expecting to continue enjoying the comforts that come from home-life stability, then we act in error: We will encourage a development in which a nomadic lifestyle increasingly becomes the only remaining rational recourse (as realized by all those in history who have desperately wished to "relocate" in order to escape the horrors of communism).

So perhaps there is a natural inclination to conceive human need in social/emotional terms,

rather than in strictly economic/logistical terms. Of course, even if so, this simply underscores the need for economic education; our natural instincts might be to reject market logic, at least until formally introduced.

It turns out that, contrary to hunter-gatherer assumptions, we cannot take the miracle of market provision for granted. Unlike the growth of berry bushes and other naturally appropriated factors, productivity in industry is not automatic: Modern society depends on dynamic processes which can be either cultivated or sabotaged. There is a kind of vulnerability, then, in the modern market order, since it depends for its continued development on certain understandings being widely recognized--regarding the function of property and the value of dignity--before it can function in the way we've come to expect, and continue to support existing populations. Those understandings, providing the foundation of countless social actors, become an essential component in preserving the very civilization on which every consumer in the modern world depends.

**LIBERTARIANISM AND THE RIGHT WING:
HANS-HERMANN HOPPE, THE MISES
INSTITUTE, AND CONTROVERSIAL
FOLLOWERS, By JAKOB HORNGREN**

Libertarians under crossfire

We have never been short of people taking aim at Hans-Hermann Hoppe, especially those who are hitting from the Left. Recently, however, the frequency of the attacks has increased within so called "left libertarian" circles. Tom Palmer, a fellow at the Cato Institute, just the other day went after the great Austro-Libertarian for his alleged fascist sympathies, and labeled him a "racial collectivist" and a "racist" among other things. Palmer also went on using a collectivist blanket statement to label the supporters of Hans Hoppe as a "Stalinist movement." One might think that such an attack on a scholar par excellence like Prof. Hoppe is a rare occurrence given the level of

ridiculousness embedded in Palmer's accusations. One might also think that Palmer is merely a sour grape and a sore loser, as well as an exception. But, Tom Palmer has company within the Hoppe-hating cult. Examples of "left libertarians" joining the chorus of Tom Palmer in the Hoppe-hating cult are: Jeffrey Tucker, Steve Horwitz, and David Boaz. Horwitz has even gone so far as to say that he would "far rather have kids read Marx than Hoppe" after a decentralist speech delivered by the president of the Mises Institute, Jeff Deist, during the summer of 2017 as he was addressing the libertarian crowd in Malta at the Corax conference.

Strategy for social change

The ashes from the flames caused by Jeff Deist's speech had barely settled when Hans Hoppe took the stage at the twelfth annual Property and Freedom Society conference, in October 2017, where he gave the notorious talk on libertarianism and the alt-right. Among "left libertarians," Hoppe's speech was interpreted as very controversial, inflammatory, and incendiary, and needless to say, was not very well received by the *Cato* sympathizers and beltway libertarians. One of the primary reasons why Hoppe has become the favorite hate object among "left libertarians" is because he dares to talk, and write about, not just the principles of libertarian property rights theory, but also, and perhaps more importantly, what libertarians must do in order to arrive from point A (a very non libertarian starting point) to point B (a libertarian social order). In other words, he emphasizes the importance of a libertarian strategy for social change. Hoppe argues that such a libertarian strategy must involve a right-wing populist approach, and hence many of Hoppe's loyal followers are coming from more culturally conservative and right-wing ideological backgrounds.

Maintaining a social order

The second area which Hoppe stresses the

importance of is how a libertarian social order could be *maintained* once it has been achieved.

This is where the idea of private covenant anarcho-capitalist communities is introduced, and furthermore also the widely misunderstood issue of physical removal. Again, Hoppe takes a rather conservative position and advocates for covenants established for the purpose of family, place, and kin (“blood and soil”). The line of arguments that Hoppe makes is that the aforementioned covenants would be more likely to be populated with a population who generally would have a lower rate of time preference, and therefore, by praxeological deduction, a higher degree of economic prosperity would emerge. These covenants, Hoppe claims would also be more culturally homogenous, and consequently the likelihood of clashes and conflicts between individuals or groups of individuals, would be significantly lower. Cultural homogeneity, a lower rate of time-preference, capital accumulation, and economic prosperity are crucial elements in order to minimize physical clashes for the sake of maintaining a peaceful social order, which is indeed what libertarians seek to do.

For a person who is introduced to small portions of Prof. Hoppe’s writings as a beginner, and who is also not versed very well in Austro-libertarian thought, might take away skewed and distorted views of Hoppe’s scholarly genius. It should therefore be clarified from the get-go that Hoppe is not just the character who populates countless memes about physical removal involving helicopters, which have been generously used and distributed by people who are self-proclaimed white nationalists. Contrary to how Hoppe is portrayed by both the “left libertarians” *and* the alt-righters, he is a libertarian academic with stellar credentials carrying the recognition as a Distinguished Fellow of the Ludwig von Mises Institute.

Hoppe’s praxeological defense of a private law society based on property rights, using argumentation ethics, is best presented in his masterpiece, *The Economics and Ethics of Private Property*, which is the best piece of literature that I have ever read on this very subject.

Recent controversy

The most recent incident that brought Hoppe back under crossfire was under the circumstances regarding Christopher Chase Rachels and his new book titled: *White, Right, and Libertarian*. Most people are probably familiar with Chase’s previous book, *A Spontaneous Order: The Capitalist Case For A Stateless Society*, which earned him an appearance on the Tom Woods Show. Chase asked Prof. Hoppe if he would be willing to write the foreword to his new book, and Hoppe graciously agreed. However, an important detail is that Chase did not reveal his planned cover for the book. When it turned out that the book cover was very indecent, and frankly grotesque to put it mildly, Hoppe decided in agreement with the Ludwig von Mises Institute, to withdraw the consent to use his forewords for Chase’s new book.

It did not take long before the “left libertarian” outcry started with false allegations over Hoppe’s and the Mises Institute’s connection to white nationalism and its subscribers, even though the precise opposite is true given the above summary of the series of events that took place between Chase Rachels and Prof. Hoppe. Tom Palmer was not late in his continuing smearing campaign against the Mises Institute and labeled it “the sewer of the Mises Institute,” which is a very odd accusation. The only thing the Mises Institute and Prof. Hoppe did was to reject collaboration with Chase Rachels after the book cover leaked, and yet the Institute is being libeled.

At this point it should be very clear why someone from the Cato Institute would engage in juvenile slander against the Mises

Institute and its scholars. And it is solely for institutional rivalry reasons. I just do not believe for even one second that someone like Tom Palmer would be so stupid as to actually think that Hans-Hermann Hoppe is a closeted klansman.

Engaging with extremists

All of these initiated attacks from the Left bring to light the issue of some of the controversial followers and admirers of Prof. Hoppe's work. I do not dispute that there might be some people who identify as white nationalists or who are from the so called alt-right wing of the political spectrum, and who are familiar with Hoppe's work, and who are citing his work on different social media platforms. Nonetheless, why would it necessarily be a bad thing to have followers who are "extremists" in one way or another? I cannot see how this is a negative, besides one's opponents being able to use it as smear propaganda material against oneself? Why would we as libertarians be against the opportunity to educate the alt-right about property rights and non-aggression? If we can turn an alt-righter, who does not have a sound ideological foundation to rest on, towards becoming a proponent of a private law society, then how is that anything but a net benefit for the libertarian movement?

There is further reason for a person from the alt-right to support Prof. Hoppe's views of anarcho-capitalist societies. People who are well acquainted with Hoppe's views will understand that the concept of private covenant communities allows for a variety of societies to coexist peacefully. The white nationalists will be allowed to collectivize voluntarily and establish an ethno state if they so wish, and the same goes for any other ethnic group or religious group. Likewise, there would also be room for voluntary socialism and communism. This brings me back to my main argument, that it is on net a positive and good thing that some purported

"extremists" are familiarizing themselves with one of our greatest libertarian thinkers.

The libertarian movement will benefit from nudging right-wing and left-wing extremists in the direction of radical decentralization as opposed to fighting for the sought after central power to rule over everyone, and then force one's opponent to conform to one's views and lifestyle, which will obviously lead to more physical clashes as opposed to peaceful separation.

*[Free ad for
libertarians here]*

*[Free ad for
libertarians here]*

*[Free ad for
libertarians here]*

*[Free ad for
libertarians here]*

*[Free ad for
libertarians here]*

*[Free ad for
libertarians here]*

BOOK REVIEW OF SCOTT HORTON'S *FOOL'S ERRAND: TIME TO END THE WAR IN AFGHANISTAN*, REVIEW BY NICK WEBER

I must confess, the absurdity of me writing a review of Scott Horton's book is akin to the absurdity of the war in Afghanistan, albeit without the hundreds of thousands of dead bodies and billions of government no-bid military contracts and after sixteen years, nothing to show for it.

Sticking with absurdity, I'll start with a passage from a different book, [Scoop](#), by Evelyn Waugh, a fictional account of a fledgling reporter sent to cover a "promising war" in a faraway land. Bear with me. The passage involves the reporter receiving:

"...a radiogram which had arrived that morning and was causing him grave bewilderment. It read:

OPPOSITION SPLASHING FRONTWARD
SPEEDIEST STOP ADEN REPORTED
PREPARED

WARWISE FLASH FACTS BEAST. "I can't understand it," said William."¹

I feel the same as William after devouring this thoroughly researched and well documented book, including over 1100 footnotes from myriad sources from all sides of the political spectrum. I feel this way not on account of illegible or confusing writing, for the book is laid out in such a manner that any average person could follow along and track with the absurdity of it all, but on account of the mind-numbing fallacies, falsehoods and flat out ahistorical bungling of the reality of the facts on the ground in the Middle East for the last fifty years that have led to our current, ah, situation, in Afghanistan.

If you thought the first quote was nonsensical, try this passage from [Fool's Errand](#) and think of the concept of entangling alliances,

"the U.S. was bribing one ally to back another ally, forcing a third ally to back our own and our first

*ally's enemies, which required the U.S. to turn to the first ally for help against the third, and then around again. This has continued for more than a dozen years. In fact, the reality is even more convoluted than this. Our other allies, the Saudi royals, have continued to finance the Taliban resistance against the U.S. all along as well, since the Taliban serves as a check on the power of Afghanistan's ethnic Hazaras, who are Shi'ites aligned with Saudi Arabia's nemesis, Iran."*²

Got it? That might be tough to follow out of context from the chapter within which it was written, but it certainly serves to illustrate the insanity of this whole Afghanistan affair. How could anyone sort all that out? How do you define victory? How do you ever not continue to create enemies in a scenario like that?

After reading this book, there is no rational human being who can justify further military action in Afghanistan, yet the war machine grinds on. A war that, by no conceivable metric can be said that the U.S. is winning, or ever can win, continues to be waged. Every strategy has been tried:

"[Retired US Army] Col. Bacevich observed about the war in Afghanistan, and the broader War on Terrorism, "We've done counterinsurgency, we've done counter-terrorism, we've done advise-and-assist, we've done targeted assassination, we've done nation-building... We have run the gamut of approaches in terms of tactics and methods, and none of them have yielded the success that proponents have argued that we would achieve. So you come back to that basic question,

¹ Waugh, Evelyn. *Scoop* (p. 83). Little, Brown and Company. Kindle Edition.

² Horton, Scott. *Fool's Errand: Time to End the War in Afghanistan* (p. 130). The Libertarian Institute. Kindle Edition.

maybe the entire enterprise is misguided.”³

The military has tried to buy off every local warlord only to be double crossed in the end. Every last stolen tax dollar has been blown on an amount that far exceeds the ENTIRE Marshall Plan from WWII, which included aid to 16 West European countries. Rights for women? Schools for kids? Where is the progress on those fronts? And if our barometer for success involves installing a tiny little baby government in a box that will grow and flourish and sprout a glorious “*constitution, providing a bicameral legislature, proportional representation...an independent judicature, religious liberty, secular education, habeas corpus, free trade, joint stock banking, chartered corporations, and numerous other agreeable features*,”⁴ then we most certainly have failed. Afghanistan is the farthest you can imagine from these lofty ideals, as Horton has succinctly summarized in the following passage:

“If leaders of the Western nations are truly attempting to initiate a new Enlightenment era of democratic values in the Arab and Muslim worlds, as they claim, perhaps trying to live by our highest principles and leading by example — promoting natural, individual rights and self-government in the free market of ideas — might be a more effective strategy than the current policy of propping up some of the world’s most repressive governments, while launching invasions and carrying out regime change operations against others. So far, these methods have only led to massive casualties, sectarian civil war and a return to fundamentalism by people who very well might otherwise have been much more receptive to the

more positive aspects of our ideas and traditions.”⁵

Throughout the book, Horton is banking on many having so easily forgotten, or never learned, the true history of U.S. foreign policy in the Middle East. To be sure, most of the soldiers who are over there fighting now, weren’t even born when the seeds of this disastrous war were planted. Hollywood is assuming the same thing too, with new movies like 12 Strong that only serve as a continuation in the conflating of the factions Al Qaeda and the Taliban in the minds of the average American. They are all the same over there, right? They all just want to get us and our freedoms forever and ever. Assuming a lack of learned history is a fair assumption. Grab any ole joker off the street and ask him: what was the Carter Doctrine? Follow up with: would you consider the 1990’s “peacetime”? For a bonus round ask: how long have the Iraqi people been living under wartime conditions? Right about now, I’m assuming you are thinking wait, wait, wait, why are we talking about Iraq and not Afghanistan? The talking heads on the nonstop news cycles like to get us to think in small bubbles: just believe us, we have experts on this show, we will tell you what’s really going on over there. We have no sense of historical continuity or understanding of societies beyond the bullshit lines that we draw on a map that define countries for us. Countries that we can’t even locate on a map, but still! We have been programmed to forget that, “*to the population of Saudi Arabia, and especially the bin Ladenites, these state borders are meaningless; they view Arabia as one holy peninsula.*”⁶ Further, the concept of a unified Afghanistan is most certainly unachievable, it becomes an eternal struggle pitting one faction against another; always has been and always will be, according to Nizamuddin Nashir, a district governor in Kunduz province:

³ *ibid* (p. 219).

⁴ Waugh, Evelyn. (p. 94).

⁵ Horton, Scott. (pp. 19-20).

⁶ *ibid* (pp.29-30)

"Mark my words, the moment the Americans leave, the civil war will begin. This country will be divided into twenty-five or thirty fiefdoms, each with its own government. Mir Alam will take Kunduz. Atta will take Mazar-e-Sharif. Dostum will take Sheberghan. The Karzais will take Kandahar. The Haqqanis will take Paktika. If these things don't happen, you can burn my bones when I die."⁷

But enough with the niceties, there are some general concepts that stick out throughout the book that bear emphasizing. Admittedly, boiling this immense work down to a handful of general concepts is difficult and a little unfair given the all-encompassing nature of the book, but it's a good framework. The fiasco that is the war in Afghanistan is tied up with the history of the U.S. meddling in the Middle East, the U.S. creating distortions of power leading to entangling alliances, the desire and futility of attempting to change entire societies by force, the perpetual simple answers to "why do they hate us?" (trademark, Team America), and always looking forward so we can forget the past.

Damn You, History:

Alas, there is never really a perfect place to start when discussing history, but let's start with the good ole days when our once ally, now existential threat and "we must-not-back-down-from foe," the USSR, was mired in their own war in Afghanistan. This was a time when the U.S. was helping Saudi Arabia and Pakistan to support what were referred to then as "freedom fighters," in their battle against the USSR. The U.S. wasn't worried so much about the freedom of the fighters, of course, they were only trying to give the USSR their own Vietnam. There is such a delicious irony in the following interaction between President Jimmy Carter

and his National Security Advisor, Zbigniew Brzezinski, who boasted that when the Soviet Union invaded Afghanistan on December 24, 1979, he sent a memo to [Carter]: "*We now have the opportunity of giving to the USSR its Vietnam war.*"⁸ History never repeats, eh?

The U.S. began, in response to the USSR invasion of Afghanistan, the implementation of the "Carter Doctrine," that is, an attempt to create an environment of "*permanent U.S. supremacy in the Persian Gulf [which] had America's military presence spreading throughout the Arabian Peninsula.*"⁹ This was expanded throughout the 1980's under President Reagan and ultimately, "*seventy more permanent bases were later added in Kuwait, Qatar, Oman, and the United Arab Emirates...as the U.S. prepared to wage the first Iraq war in 1990-1991.*"¹⁰

It's not hard to imagine this process creating resentment in any number of sovereign people across the Arabian Peninsula.

The U.S. quickly transformed the Carter doctrine into a concept of "Dual Containment" under the George H.W. Bush administration, playing both sides in the Iran-Iraq war (you need look no further than the current war hysteria brewing regarding Syria to see this concept in real time, let's arm both sides, what could go wrong?). This was a era of not worrying about Saddam Hussein's WMD's, since he was using them against the Iran. Another sordidly ironic historical moment occurred when George H.W. Bush boastfully proclaimed that we had finally kicked "Vietnam Syndrome," all the while the seeds of what was to become the longest war in U.S. history were being sown. War is plenty devastating in and of itself, but the economic sanctions imposed on Iraq by the UN and U.S. after the Iraqi invasion of Kuwait in 1990 were devastating to the people caught up in the war. Sanctions, of course, is a nicer sounding word for what it really is: a blockade of essential foods, medicines and other basic

⁷ *ibid* (pp. 225-226).

⁸ *ibid* (p.26).

⁹ *ibid* (pp 29-30).

¹⁰ *ibid* (pp 29-30). Emphasis added.

necessities (for a current example of this, take a look at the current U.S. and Saudi Arabia blockade of Yemen). Bill Clinton oversaw and continued these sanctions throughout the 1990's, but finally (hooray?), in 1996, the UN Oil for Food program was implemented. Unfortunately, as Horton reminds us, *"it was far too little, too late for hundreds of thousands of people. According to the United Nations, as many as a million people died of this deprivation, more than half of them children, in what Americans called 'peacetime.'"*¹¹ Nevermind Clinton's bombing campaign in the Balkans; but that's a whole other topic.

The fallacy that 9/11 was a surprise attack out of the blue that never could have been predicted has been parroted around U.S. lore for so long, it is refreshing to have Horton recount the plain as daylight rationales for why anyone would want to attack the U.S. This was readily admitted by a, *"senior official in the George W. Bush administration [who] admitted, [F]atwas from Osama... cited the effects of sanctions on Iraqi children and the presence of U.S. troops as a sacrilege that justified his jihad."*¹² In a brutally honest fashion, Horton reminds us that, *"September 11 was part of the cost of containing Saddam. No containment, no U.S. troops in Saudi Arabia. No U.S. troops there, then bin Laden might still be redecorating mosques and boring friends with stories of his mujahideen days in the Khyber Pass."*¹³

There are numerous additional accounts of grievances against the U.S. leading up to 9/11, but let's take that part out of the equation and act as if history began on 9/11 and that it truly was an unforeseeable event. There was a chance to end this war quickly. Multiple offers from the Taliban were made to extradite bin Laden to the U.S., but they were turned down. A few days after the bombing of Afghanistan began, the Taliban even went so far as to agree to hand over bin Laden to any country, without evidence. This was still not good

enough to stave off the U.S. invasion.¹⁴ This was never about getting bin Laden, much to the chagrin of every freedom loving, flag waving, red-blooded American, no, this was about creating a never ending war. Former Secretary of Defense Donald Rumsfeld even stated as much, according to journalist Bob Woodward, *"Rumsfeld worried that a coalition built around the goal of taking out al Qaeda would fall apart once they succeeded in that mission, making it more difficult to continue the war on terrorism elsewhere. In other words, if the U.S.A. won by defeating the enemy, the war would be over. So, to avoid that problem, they would have to be far more ambiguous about just who was to be included as enemy targets in the war."*¹⁵ We let bin Laden get away. This was deliberate, intentional and this is the devastating heart of the matter, not six months after 9/11, the hunt for bin Laden had been all but called off. From the book:

"...whatever the motivation, the decision made to focus on hiring local warlords to fight the Taliban regime, instead of focusing on finding Osama bin Laden and his al Qaeda allies as quickly as possible, provided enough time for many in bin Laden's core group, those most responsible for the deadly attack on the United States, to make a run for the border — east toward Pakistan. In December 2001, the CIA, Army Delta Force and their Northern Alliance allies finally tracked down and cornered al Qaeda at Tora Bora in the White Mountains of eastern Afghanistan. This was where the plan to outsource America's fight to the Northern Alliance and other associated warlords proved to be a disaster. Warlord Hajji Zaman later laughed that he had taken millions in cash from the CIA and then helped escort Osama bin Laden and his friends across the border anyway.

¹¹ *ibid* (p. 35).

¹² *ibid* (p. 37).

¹³ *ibid* (pp. 37-38).

¹⁴ *ibid* (p. 50).

¹⁵ *ibid* (p. 60).

Berntsen [former CIA Field Commander] was sent home in the middle of the ongoing battle of Tora Bora in mid-December. He later wrote in Jawbreaker that he just could not understand why the generals and politicians were so reluctant to send troops. Days and weeks had gone by with Berntsen and his men repeatedly requesting, even begging, for reinforcements over and over again.

If the Bush government had sent the marines after al Qaeda at Tora Bora, they could have captured or killed them in short order. But, would the American people have cared about all the claims that Iraqi dictator Saddam Hussein was working with Osama bin Laden if bin Laden was already dead and the war was over, justice done, mission accomplished? Who would have supported the indefinite occupation of Afghanistan if al Qaeda's leaders had already been killed?"¹⁶

And so began our forever war.

Distortions of Power:

There is no way to sum up the tragedy that has befallen the people of Afghanistan in the ensuing years after bin Laden "slipped" across the border into Pakistan and the full weight of the U.S. military apparatus came crashing down on them. The only thing left holding the country together is the continued influx of foreign donor states flush with tax money and an endless foreign military presence, which unequivocally, the locals despise and that which is one of the most important reasons for continued insurgent attacks in Afghanistan and so-called "homegrown terrorism" back in the mainland U.S. We are always told the simplistic answer that its radical Islam. It's never that we blew up someone's family; it's

never the fact that the U.S. is the foreign invader.

What is left in Afghanistan is a plurality state with never ending instability due to continued American presence which only serves to induce continual proxy wars from local competing factions. There is an oft-repeated claim from the talking heads that once the U.S. leaves, civil war will break out. This is a true statement, but one that is guaranteed by the fact that the U.S. has propped up the National Unity Government with boatloads of cash and the might of its military; without it, that government could not exist on its own. Despite our lofty intentions, *"whether the U.S. government throws in the towel now or years from now, the result will be the same: the Pashtun population will throw off whatever degree of rule the National Government attempts to maintain over them, and then, in all probability, they will be right back where they were in the 1990s, with a bloody civil war, possibly leading to Taliban dominance in all but the far north of the country."*

¹⁷ Furthermore, since the puppet government exists solely because of the U.S. and other outside factions that are propping it up, the very people who are the alleged benefactors are completely left out of the process. There is zero accountability and no recourse for the people of Afghanistan. Adding insult to injury, once we do leave, all the "good work" of infrastructure projects, schools and roads (among other multifarious projects) that existed only with outside support will fall into disrepair and non-existence, leaving nothing but a wasteland ghost town.¹⁸ This should be an obvious question: how could anyone have faith in an illegitimate puppet government propped up by a foreign invader? Not only that, why would anyone trust the U.S., who will undoubtedly overthrow any "democratically elected" leader that isn't to their liking? For reference, take a look at the recent history of Egypt, where *"the loyal dictatorship of Hosni Mubarak in Egypt was*

¹⁶ *ibid* (pp. 61-63).

¹⁷ *ibid* (pp 209-210).

¹⁸ *ibid* (pp 118-119).

*overthrown in a popular revolution in 2011, which ended when the conservative Islamist Muslim Brotherhood won the presidency and a bare majority in Parliament. America and Saudi Arabia's allies in the Egyptian military overthrew the new government in a violent coup and bloody massacre a little more than a year later."*¹⁹ Sadly, this is all to common practice in the realm of U.S. foreign policy.

In Afghanistan, there is such a patchwork plurality of factions after thirty years of war, there is no way to back one side without creating an enemy on the other side; there is no way to "win" this war. But, for some reason, leaving is never entertained as an option. In fact, it is roundly dismissed as crazy talk. As with most government programs, reducing the size is never the goal and there is a tremendous incentive to game the system in your favor. Simply provide faulty intelligence, collect your cash and watch your old enemy meet his doom. Apparently, as Horton states, *"the conclusion...is always that the government should do more. And when more does not work, it only proves to them that more should have been done sooner and more must be done now and in the future. It is acceptable to adjust strategies or excuses, sure, but never to give up."*²⁰ Hell, I'll do it. I give up. But, there is so much more to uncover and I encourage you to dig into this heroic and important book on your own. I'll leave you with this one final passage from the book that really hammers it home. It ultimately comes down to one rampaging empire, drunk on hubris and power and we all just sit back here at home, ever sure to "support the troops," keep quiet, watch Jeopardy and maybe march around with a pussy hat to "protest" a mean person (never a war), all the while half way across the world people die unimaginably horrible deaths for everyday that we continue this pointless war.

"In short, America "fell for it." U.S. political and military leaders exploited

the September 11th attacks to get away with pursuing unrelated agendas, ultimately to the point of imperial over-extension and the detriment of American power, just as Osama bin Laden and Ayman al-Zawahiri were hoping and betting they would. By granting these leaders the writ to "keep us safe" at any cost in this new, fearful age, the people of this country have instead placed themselves in much greater danger. Our government helped create this international terrorist movement that they then provoked into turning against the American people. Then they exploited the blowback terrorist attacks, using them as an excuse to spread the war to countries that had nothing to do with al Qaeda or their war against America. In playing the role of the rampaging empire, America's leaders have not only created the space for the spread of bin Ladenite fighters across the Middle East, but have allowed some of these most savage and formerly marginal groups of criminals and terrorists on earth to portray themselves as brave heroes who saw the danger first and would dare to stand up to such overwhelming military power. In doing so, America's leaders have helped to add tens of thousands of combatants to the enemy's ranks and guarantee blowback and backdraft against the U.S. and its allies into the indefinite future, all the while using terrorism as an excuse for further erosions of our freedoms. And they did it all in the name of keeping us safe."²¹

[Nick Weber is a husband, father of two and generally agrees with Scott Horton. Follow on Twitter: @DenLibertarian or www.denverlibertarian.com]

¹⁹ *ibid* (p 242).

²⁰ *ibid* (p. 219).

²¹ *ibid* (pp. 242-243).

THE NULLIFICATION DOCTRINE: AN EXAMINATION OF THE VIRGINIA AND KENTUCKY RESOLUTIONS, ESSAY BY PATRICK MACFARLANE

I. Introduction

Nullification begins with the axiomatic point that a federal law that violates the Constitution is no law at all. It is void and of no effect. Nullification simply pushes this uncontroversial point a step further: if a law is unconstitutional and therefore void and of no effect, it is up to the states, the parties to the federal compact, to declare it so and thus refuse to enforce it. It would be foolish and vain to wait for the federal government or a branch thereof to condemn its own law. Nullification provides a shield between the people of a state and an unconstitutional law from the federal government. [1] Endlessly controversial, the doctrine of state nullification has lurked beneath the surface of Constitutional jurisprudence throughout American history. Recently, the doctrine has enjoyed a resurgence with several states employing measures to nullify a wide array of federal laws. In the past decade, regarding health-care regulation, marijuana prohibition, and firearm regulation, regarding health-care regulation, marijuana prohibition, and firearm regulation. This paper will assert the legitimacy of the nullification doctrine by tracing its intellectual heritage, explaining its historical significance, and examining its emergence through the Virginia and Kentucky Resolutions, which together consist of: the Kentucky Resolutions of 1798, the [2][3] Virginia Resolutions of 1798, and the Kentucky Resolutions of 1799. [4][5]

Part one of this paper will provide an in-depth analysis of the nullification doctrine by documenting its emergence during the height of the United States' 1790s quasi-war with France. Furthermore, part one will conclude by tracing the doctrine's intellectual genealogy directly to the Whigs of '76--the original American Revolutionaries. Part two of this report will dissect the Constitutional assertions manifested within the Virginia and Kentucky Resolutions and concurrently argue their legitimacy. In doing so, part two will address and reconcile these topics with the Resolutions' understanding of the Constitution: 1) the "compact" theory of the Constitution, 2) enumerated powers, 3) the

supremacy clause, and 4) judicial review. This report will conclude briefly by affirming the legitimacy of the nullification doctrine and advocating its modern application with the aim of reducing the centralized power of the Federal government, which is antithetical to individual liberty.

II. A Divided Young Republic:

Redrawing Political Lines: "Republicans" and "Anti-Republicans"

Prior to Ratification, the American political sphere was roughly divided into proponents (Federalists) and opponents (Anti-Federalists) of the new Constitution. Generally speaking, Anti-Federalists believed that the Constitution created a central government that was too powerful. The Federalists advocated the Constitution either because they wanted a powerful central government like Alexander Hamilton and John Adams, or believed that the new Constitution would be effective in limiting the Federal Government, like Madison. After ratification, Hamilton's proposal for Congress to charter a national bank produced one of the Republic's first major questions of constitutionality. As a result of the ensuing debate and other, equally polarising foreign policy issues, the original Federalist coalition which had just succeeded in their fight to ratify the Constitution was permanently disbanded. From the ashes arose a new dichotomy: Hamiltonian Federalists, who supported a strong central [6] government, and Jeffersonian Democratic-Republicans, who argued for states' rights and [7] decentralization. Setting aside the Resolutions' eventual contents, the pedigree of their authorship effectively ties the ideology behind the Virginia and Kentucky Resolutions to the intellectual leadership of the Republicans and their understanding of the Constitution. The republican understanding of the Constitution espoused within the Resolutions is correspondingly demonstrated and exemplified within this split and reformation of political lines. To describe the specifics of this new political alignment, James Madison, widely considered to be the "Father of the Constitution," had to reconcile his support for the Constitution with his newfound

resistance to former ally, Alexander Hamilton, and his Federalist ilk, whom Madison labelled the “anti-republican party” in a 1792 article entitled “A Candid State of Parties.” [8] In this essay, Madison asserts that the Anti-Republicans descended from old English aristocracy, and believed that “government can be carried on only by the pageantry of rank, the influence of money and emoluments, and the terror of military force.” As part of his opposition [9] to the central bank, Madison accused these forces of using ambiguous clauses of the Constitution [6] to expand Federal power beyond the scope of what Madison and the Republicans understood Congress’ textually enumerated powers to be. [10] Because the Republican movement was not simply a reflection of the original Anti-Federalists, or a completely cohesive political party, Madison needed to clarify its emergence and composition as forming more than just a political faction. According to Madison, it consisted of “the mass of people in every part of the union, in every state, and of every occupation,” who believed that “mankind are capable of governing themselves.” Generally [11] speaking, the republican movement “enjoyed a considerable degree of agreement on constitutional matters” and, under Madison and Jefferson’s leadership, eventually became the main “vehicle of opposition politics during the 1790s.” [12] The plain language of the Resolutions express the Republicans’ concern with political centralization under Federalist leadership. This fear was shared mutually between Jefferson and [13] Madison and dated back at least to The Constitutional Convention, where Adams and Hamilton openly professed reverence for the British governmental system. The battle over Hamiltonian [14] central banking tempered the Republicans’ fears that the Federalists were using ambiguous clauses of the constitution to seize and expand federal power. (meaty footnote or elaboration) [15]

The Alien and Sedition Acts

Following the Constitution’s implementation, tensions between the two political factions grew. Exacerbating these tensions, American relations with France continued to worsen. The United States’ refusal to pay their war debt, or to support France, a fellow newly-minted republic and former ally, in their struggle against the other European powers was seen by the French as a great betrayal. On the other hand, France’s diplomatic demands of the United States, coupled with their continued

raids on American shipping, led to a general breakdown in relations by March 1798. [16] Amongst these issues, the French Revolution had a very polarising effect upon the western world, a polarity that bred open contempt and even violence between American Anglophiles and Francophiles. “By the end of the 1790s, Americans who ventured outside wearing the French cockade (a red, white, and blue ribbon) risked assault, as Federalists, sporting the black cockade, believed that a French army would soon be sailing for the United States.” [17] Federalist concerns over Republican sympathies for revolutionary France were exaggerated, but not unfounded. Many Republican leaders, such as Jefferson, Paine, and Madison saw the French Revolution as sharing the same ideological genesis as its American counterpart. Despite their affinity for small government, many Republicans were subsequently disappointed by Washington’s Neutrality Proclamation of 1793 and wished to encourage the growth of liberty abroad through foreign interventionism. [18] Federalist newspapers expressed their exasperation with Republican leadership: “Noah Webster’s newspaper mused that in the event of a French invasion, an American Executive Directory, headed by Jefferson, Madison, James Monroe, and Aaron Burr would take control of the country.” Porcupine’s Gazette labeled Jefferson “the head of the frenchified faction in the [19]; Jefferson qualified this support by condemning the “murderous Jacobins of France” and “the horrors of the French revolution.” country.” Benjamin Bache, grandson of Benjamin Franklin, and outspoken Republican editor [20] of Philadelphia’s *Aurora*, was labelled “an agent of the French Directory” on the House floor for publishing an unreleased correspondence between the American government and French diplomat Charles Maurice de Talleyrand. “To Bache, publication of the letter was necessary to [21] dispel Federalist propaganda that the French were ‘decidedly hostile to this country.’” [22] Ardent Federalists’ concern and contempt for perceived French influence was also apparent throughout the debate over the Alien and Sedition Acts. Federalist John Rutledge of South Carolina, arguing for executive deportation powers absent a declaration of war or invasion, believed that French agents were then operating in the United States. Samuel Sitgreaves of Pennsylvania agreed, describing the French as “‘canker-worm[s]’ bent on ‘corroding the heart of the country.’” In light of these grievances, the degree of danger that [23] America faced

internally, or externally, from France was not inexistent, but largely unfounded, [24] even by Adams' own private admission. [25] Ultimately, the Kentucky and Virginia Resolutions were resolved as a response to the infamous Alien and Sedition Acts, a set of laws which Jefferson wrote, were "palpable violations of the constitution." The acts were passed in the Summer of 1798 by a Federalist Congress, [26] which "claimed that the Acts were necessary and proper because the constitutional order was threatened externally by Revolutionary French aggression and internally by Republican criticism of the government" which, was seen by Federalists as treason, rather than partisanship. [27] The acts numbered four in total: 1) the Naturalization Act, 2) the Alien Friends Act, 3) the Alien Enemies Act, and 4) the Sedition Act. The Naturalization Act of 1798 lengthened the period of time required for foreigners to become American citizens from five to fourteen years. Prior to 1798, the naturalization period [28] had been twice addressed without major controversy. In 1790, Congress mandated two years' residency as being required before foreigners became eligible for citizenship. Responding to European turmoil and a subsequent increase in immigration, Congress lengthened the requirement to five years in 1795. [29] In a startling set of proposals, Federalist representatives Harrison Gray Otis of Massachusetts and Robert Goodloe Harper of South Carolina sought to take the Naturalization Act even further. The pair each proposed their own amendments to completely bar foreign-born individuals from holding office in the national and state governments, respectively. If passed, [30] the amendments would have effectively created a two-tiered class of citizenship. To Republicans, who enjoyed sizeable support from the immigrant population, the Naturalization Act was overtly political and intended not just to disenfranchise a sizeable portion of their electorate, but to bar key Republican statesmen from office. Jefferson was specifically concerned that the act, when coupled with Otis' and Harper's proposed amendments, would have withdrawn his proposal when he reminded that the Congress had no power to set qualifications for state office." Watkins Jr. [6] eliminated Swiss-born Albert Gallatin from serving as the Republican Minority leader in the House of Representatives. [31] Eventually, the amendments were withdrawn when faced with republican arguments concerning [32] constitutionality and Federalist pressure for a change of strategy. [33] In the end, the Naturalization Act passed the senate

and was signed into law by President Adams on June 18, 1798. [34] The Alien Acts were objected to by Republicans on a variety of constitutional grounds, but, relatively speaking, were the least controversial of the four. The Alien Friends Act gave the President the power to deport resident aliens who were "dangerous to the peace and safety of the United States" and expired after two years. The Alien Enemies Act, still valid law today, allowed the president to deport resident aliens from any country at war with the United States. [35] In many ways, the public fear instilled by the Alien Friends Act was more effective than any Federal action under the laws. "As early as May 3, 1798 Jefferson reported to his friend Madison that '[t]he threatening appearance from the alien bills have so alarmed the French who are among us, that they are going off. A ship, chartered by themselves for this purpose, will sail within about a fortnight for France, with as many as she can carry.'" Following passage, some blank orders of deportation were signed by Adams, but never enforced, possibly because many. Making these changes would have required a constitutional amendment. "As Republican attacks continued, Samuel Sitgreaves of Pennsylvania persuaded Otis to withdraw his proposal. Sitgreaves averred that the better vehicle for preventing foreign influence in the government would be an alien law inclusive of the power to expel or apprehend aliens in times of danger." These measures were addressed via the other acts. Some final debates were had over the act's retroactivity. "[T]o fall under the 1795 act, an alien was required to have already declared his intention of applying for citizenship and to complete the naturalization process four years after making the declaration." French nationals had already left the country. [36] The Alien Act was not renewed and was allowed to expire pursuant to its two-year sunset clause. The Sedition Act itself was most concerning to the Republicans. It allocated fines and imprisonment if any person shall write, print, utter, or publish, or shall cause or procure to be written, printed, uttered, or published, or shall knowingly and willingly assist or aid in writing, printing, uttering, or publishing any false, scandalous and malicious writing or writings against the government of the United States, or either House of the Congress of the United States, with intent to defame the said government, or either House of the said Congress, or the said President, or to bring them, or either of them, into contempt of disrepute; or to excite against them, or either or any of them, the hatred of the good people

of the United States, or to stir up sedition within the United States. [37] In the minds of Jefferson, Madison, and the Republicans, the Sedition Act clearly violated the First Amendment [38], was not within Congress' enumerated powers and was aimed to "suppress the Whig presses." [39] The Sedition Act saw at least twenty-five arrests and fourteen indictments [40], the most famous of which were that of Matthew Lyon, Benjamin Franklin Bache, Thomas Cooper, and Thomson Callender. [41] Although the Sedition Act saw relatively few indictments, many of the trials became national spectacles by which the Republican press could publicly display the act's overtly partisan nature. [42]

III. The Spirit of '98

Before the passage of the Alien and Sedition Acts, then-Vice President Jefferson left Philadelphia on June 27, 1798 with the knowledge that the Federalists had subsequent numbers to pass the Sedition Act. After stopping briefly in Fredericksburg, Virginia, Jefferson visited Madison at Montpelier to plan Republican opposition. Because the pair correctly feared prosecution for their subversive activity, no exact records were kept as to what was said that summer. [43] Ultimately, their collaboration produced a pair of resolutions that 1) described the nature of the federal compact, 2) warned against centralized power, 3) declared the Alien and Sedition Acts unconstitutional, and 4) suggested the proper recourse by the states pursuant to the Republican understanding of the Constitution.

The Nature of the Federal Compact

With the Resolutions, Madison and Jefferson sought to "explain and justify their narrow construction views on the basis of a full-fledged theory of the Constitution's origins, nature, and purpose." Inherent therein, was their view: that the Constitution was a compact between the States, who retained their undiminished sovereignty as high contracting parties. [44] The Resolutions are thoroughly saturated with language invoking the compact theory of the Constitution. Jefferson begins the Kentucky Resolutions of 1798: Resolved, that the several States composing the United States of America, are not united on the principles of unlimited submission to their General Government; but that by compact under the style and title of a Constitution for the United States . . .

That to this compact each State acceded as a State, and is an integral party, its co-States forming as to itself, the other party. [45] Madison echoes this sentiment in the Virginia Resolutions of 1798: "That this assembly doth explicitly and peremptorily declare, that it views the powers of the federal government, as resulting from the compact, to which the States are parties." The Kentucky Legislature re-asserted this understanding of the federal Union with its 1799 Resolutions: "That the several States who formed [the Constitution] being sovereign and independent, have the unquestionable right to judge of the infraction; and That a Nullification by those sovereignties (emphasis added), of all unauthorized acts done under color of that instrument is the rightful remedy." The notion of the compact theory of the Constitution expounded in the Resolutions evokes three general questions: 1) did the Constitution create a government-by-compact [46]; and if so 2) who were the contracting parties; and 3) from where did said parties derive their sovereignty? The formation of a government-by-compact would have been intimately familiar to both the Federalists and the Republicans. This theory of government may be traced back at least to the drafting of the Magna Carta in 1215—a seminal agreement whereby the governed retained certain liberties, with recourse against intransigent breaches of said liberties by the governing authority. [47] The ideological principles of the Magna Carta were further developed by the 1258 Provisions of Oxford. Accompanying the Provisions, a royal proclamation issued from the Great Council of October, 1258, which required all freemen to swear to abide by the Provisions, taking For the purposes of this paper, "government by compact" means: a form of government in which the governing body is entrusted with certain powers and responsibilities, while subsequently providing recourse for the governed against abuses of said power or failures uphold said responsibilities. The same oath as the barons and royal officials. This proclamation evidences the reformers' fledgling concern for the consent of the governed. [48] Pursuant to the Provisions, the barons, through a March 28, 1259 proclamation, asserted their affirmative duty to the free populace by pledging to: 1) maintain the liberties established in the Magna Carta, 2) recognize existing legal procedures, and 3) honor the new doctrines created by the Provisions. The governmental duty to the citizenry created by the Provisions and their subsequent proclamations established a precedent

that would be expanded intellectually by the “Levellers” of Civil War England. Subsequently, the Levellers developed the theory of popular sovereignty, arguing that ultimate governing authority should remain with the people themselves. Leveller leaders John Lilburne and Richard Orton further asserted, respectively, that government could only operate with the “free consent” of the people and reasoned that, if the government exceeded their delegated powers, all power would divest to the people. [49] The American colonists would eventually bring these theories of government to the colonies, beginning with the Mayflower Compact of 1620, by which the Pilgrims “established a ‘civil body politic’ and agreed to be bound by its laws. Because the British simply did not have [50] the infrastructure to govern their entire empire, the colonies developed “naturally on the backs of enterprising individuals.” and enjoyed a considerable degree of self-government at the local level. [51] As the colonies doubled in population from one million to two million between 1750 and 1770, they became more productive. This increasing profitability evoked British taxation, which sought to pay off the staggering debt accumulated during the Seven Years’ War. Mainland Britons, who suffered beneath a heavy tax burden, saw the colonists as benefiting most from the war and believed they should pay more towards their own defense. Beginning in 1764 with the [52] Plantation Act, the British instigated a series of revenue-raising measures that eventually led to [53] the American Revolution. [54] In light of the British constitution’s unwritten, precedential nature, the colonists grasped for a legal authority by which to argue against Parliament. “With no text, and therefore no discussion or debate prior to adopting the text, British subjects necessarily were limited to the custom of the realm as evidence by prior course of conduct.” In protestation of Britain’s [55] taxation measures, the colonists argued their lack of precedent, but ultimately resolved their injustice by rejecting parliamentary sovereignty altogether. [56] To justify this new theory of popular sovereignty, the colonists relied upon the principles established by the Magna Carta, the English Bill of Rights, the Levellers, and the writings of John Locke. Straddling this intellectual foundation, the colonial revolutionaries resolved that [57] the people possessed ultimate sovereignty, which, through a governing compact, they conferred a part of to their representatives for certain purposes. Pursuant to said governing compact, if the [58] twelve

people’s representatives failed in their obligations, these powers would necessarily divest back to the people. [59] Madison later reasoned that, in the void left by the colonists’ rejection of parliamentary sovereignty, legislative power divested to the colonial law-making bodies, where it resided until the state ratifying conventions, where “the Framers created a system in which the people of [60] each state delegated power to two governmental sovereigns: the state and national governments.” [61] In the Federalist papers, Madison described the relationship between the state and national governments under the proposed Constitution: “[t]he federal and state government are in fact but different agents and trustees of the people, instituted with different powers, and designated for different purposes. Constitutional scholar William J. Watkins, Jr. further [62] describes this transfer of power: By ratifying the Constitution in separate state conventions, the people of each state took a portion of the powers originally delegated to their state governments and transferred this power to the national government. The powers possessed by the state governments, and not affected by the grant to the national government, remained with the state governments. [63] According to Jefferson scholar Dumas Malone, this compact view of the Constitution “was widely held” in the late 1800s. Furthermore, “proponents of ratification of the Constitution [64] (citing Dumas Malone, Jefferson and the Ordeal of Liberty 402 (Little, Brown and Co. 1962) often described it as a ‘compact . . . between several sovereign and independent societies already formed and organized.’” [65] Since the late 1800s, the compact theory of the Constitution has met significant resistance and has eventually fallen out of favor. The seminal argument against this understanding is based on a textual interpretation of the preamble, which provides: “We the People of the United States . . . do ordain and establish this Constitution for the United States of America.” Using this language, it is argued that the people alone ratified the Constitution. This argument is precedential in that it predates ratification, appearing, among other places, in the Pennsylvania ratifying convention. [66] However, a reference to Madison’s Notes of the Debates in the Federal Convention reveals that the original draft of the Constitution read: We the People of the States of New Hampshire, Massachusetts, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, do

ordain, declare, and establish the following Constitution for the Government of Ourselves and our Posterity. [67] When it was realised that not all the states would ratify the Constitution, “[t]he Committee of Style, led by New Yorker Gouverneur Morris, changed the text of the Preamble and presented it to the Philadelphia Convention at large on 12 September 1787. “James Wilson, for example, in the Pennsylvania ratifying convention declared that ‘it cannot be said, that [the Framers] thought they were making a compact, because I cannot discover the least trace of a compact in that system.’ Wilson’s assertion was based on the belief that the people of the nation were to ratify the Constitution. Pointing to the preamble, Wilson declared that ‘from [the people’s] ratification alone it is to take its constitutional authenticity.’” There was little to no discussion [68] about the change, evidencing the fact that the alteration carried no meaningful significance. Morris, a nationalist, recognized state sovereignty when he favored the secession of the New England States in the Hartford convention of 1815. [69] By examining the development of British and Colonial theories of government, and the colonies’ evolution of popular sovereignty, one should find ample evidence to support the fact that the Constitution did, in fact, create a compact between the sovereign states, as understood by Jefferson and Madison and expressed in the Resolutions.

Enumerated Powers, the Supremacy Clause, and Judicial Review

Concurrently, the Resolutions profess a “warm attachment to the Union of the States,” [70] and deem its creation “for specified National purposes, and particularly those specified in the late Federal Compact, to be friendly to the peace, happiness, and prosperity of all the States.” [71] To Jefferson and Madison, the doctrine of nullification was not a radical force to divide the states, but a moderate measure meant to unite them by [72] enforcing the federal compact established by the Constitution. Pursuant to this federal compact, the sovereign States created a “general” government of enumerated powers. If the general government grants itself powers not enumerated in the Constitution, the states are “in duty bound, to interpose” against the unconstitutional exercise. [73] Since the Alien and Sedition Acts expanded federal power beyond the scope of the Constitution by regulating speech, a power not granted by the

Constitution, the Resolutions declared them null and void. Inherent in the Resolutions was the Republican understanding that the Federal Government was not to have the final word on determining its own power. Madison, via the [74] Virginia Resolutions, states, in relevant part: That the General Assembly doth also express its deep regret, that a spirit has in sundry instances, been manifested by the federal government, to enlarge its powers by forced construction of the constitutional charter which defines them; and that implications have appeared of a design to expound certain general phrases . . . so as to destroy the meaning and effect, of the particular enumeration which necessarily explains and limits the general phrases; and so as to consolidate the states by degrees, into one sovereignty, the obvious tendency and inevitable consequence of which would be to transform the present republican system of the United States, into an absolute, or at best a mixed monarchy. [75] This sentiment, which is mirrored in the Kentucky Resolution of 1799, was further explained [76] by Jefferson in an 1825 letter to William Branch Giles: “It is but too evident, that the three ruling branches of [the Federal Government] are in combination to strip their colleagues, the State authorities, of the powers reserved by them, and to exercise themselves all functions foreign and domestic.” [77] Likewise, neither Madison nor Jefferson saw direct Federal action against the Alien and Sedition acts as a political possibility. In 1798, all three branches of the Federal Government: the Presidency, Judiciary, and Congress, were controlled by Federalists. Additionally, the Sedition [78] Act itself made any criticism of the Federalist regime punishable by law, a measure which resulted in the high-profile trials mentioned above. Jefferson in particular, did not see the federal judiciary as being the appropriate party to determine the extent of federal power. In addition to the inherent moral hazard, Jefferson stated: “to consider the Judges of the Superior Court as the ultimate Arbiters of Constitutional questions would be a dangerous doctrine which would place us under the despotism of an oligarchy.” Concurrent with the theory of popular sovereignty resolved by the fledgling colonies, Jefferson believed that the ultimate arbiters of Constitutionality should be “the people themselves.” [79] Likewise, in Federalist No. 46, James Madison indirectly rejects the federal judiciary by providing the appropriate avenues of recourse against unconstitutional Federal overreach: The disquietude of the people;

their repugnance and, perhaps, refusal to co-operate with the officers of the Union; the frowns of the executive magistracy of the State; the embarrassments created by legislative devices, which would often be added on such occasions, would oppose, in any State, difficulties not to be despised; would form, in a large State, very serious impediments; and where the sentiments of several adjoining States happened to be in unison, would present obstructions which the federal government would hardly be willing to encounter. [80] These options could be restated as: 1) mass protest, 2) widespread disobedience, 3) condemnation by State executives, and 4) interposition via State legislation, whether by independent states or a coalition of several states. The most accepted methods of fighting unconstitutional laws today are not suggested by Madison. Chief among them are: suing in Federal Court, voting for new representatives, and demanding a direct Congressional repeal. Madison does, however, advise a direct and [81] coordinated effort on behalf of the people and the States, with the principle of State nullification playing a central role. To embrace the nullification doctrine is not to reject the role of judicial review, but to temper it. The doctrine of judicial review emerged as a consequence of the establishment of popular sovereignty in the colonies, who expressed in the Declaration of Independence that the king “ha[d] made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries.” Subsequently, pre-revolutionary colonials did not trust [82] judges to rule on the constitutionality of legislation, preferring the determination to be reserved for juries. Eventually, the American judiciary would distinguish itself from the executive [83] department and emerge as its own independent branch of government—a designation that would be confirmed at the Constitutional Convention. [84] The doctrine of judicial review itself was barely mentioned at the Convention, appearing briefly during the eighth resolution of the Virginia Plan. Pursuant to this resolution, a discussion ensued regarding a proposed council of revision, an independent council meant to examine every act passed by Congress. In this discussion, Elbridge Gerry noted “[i]n some States, the Judges had actually set aside laws as being against the Constitution. This was done too with general approbation.” [85] The proposed council of revision was eventually defeated, but together, the discussion over the proposed Council of revision

established a narrow scope for the power of judicial review, with the judiciary reserving the power only to defend its own constitutional functions and to protect the rights of the people from clear and egregious usurpations by the legislature. In light of Elbridge Gerry’s comments, the latter function should not be overstated. [86] Judicial review was also discussed during the sixth resolve of the Virginia Plan, when a proposal was made by Charles Pinckney whereby Congress would be allowed a veto to “all laws passed by the several States contravening in the opinion of the National Legislature the articles of the Union or any treaties subsisting under the authority of the Union.” This proposal was [87] eventually defeated, but replaced with the Supremacy Clause, which clearly “contemplated federal and state judges reviewing the constitutionality of legislative enactments” and [88] established that all laws made in pursuance of the Constitution would be the supreme law of the land. [89] In contemplating the Supremacy Clause, Alexander Hamilton reasons that a congressional act outside the powers enumerated in the Constitution is void. In doing so, he highlighted the judiciary’s role in proclaiming “all acts contrary to the manifest tenor of the constitution void,” but asserted that this power did not put the judiciary above the legislature, but put the people above both. [90] After the Constitution’s adoption, state courts grappled with its implication with much care and in some cases, controversy. Many judges recognized the potential for the power of judicial review to be abused and correspondingly articulated the doubtful case rule: “[u]nless the constitutional violation was clear and unambiguous, a court should not strike the act of a legislature. In doubtful cases, a court should defer to the popular branch . . . none of the pre-Marbury decisions even hint that courts might be the final arbiter of constitutions.” [91] Though courts have the power and duty to interpret the constitution, it does not follow the notion of popular sovereignty to assert that the courts would have the final say as to constitutionality. The *Marbury v. Madison* decision itself does not assert this fact, but merely [92] reflects the string of state court decisions that had already established to doctrine of judicial review. In light of the prolific growth of the federal government and its subsequent encroachment on the states, Madison and Jefferson were correct to fear Federal consolidation of power. The principles espoused within the Resolutions do not run afoul of judicial review, or the Supremacy Clause, but rather provide the people—the ultimate

sovereigns--with a direct means to exercise that sovereignty. the nullification doctrine could bring the government back to the people.

IV. Conclusion

Although the Resolutions were not received favorably by any other state, many of the states--even those who responded negatively--would ironically employ the nullification doctrine against Madison and Jefferson themselves, not ten years later. Throughout American history, [93] the nullification doctrine has been utilized by a plethora of political parties to oppose a cornucopia of issues including: war, slavery, embargoes, tariffs, prohibition, legal tender laws, and desegregation. One thing is certain: the doctrine of nullification is universally condemned by those who hold power, and praised by those who lack it. Ultimately, the nullification doctrine is the logical implication of the American theory of popular sovereignty. According to historian Jonathan Elliot, who compiled and authored "the primary source for information

about the debates over the Constitution conducted in the state ratifying conventions," the Resolutions were more than a "partisan platform" or just "one [94] constitutional theory among many." To Elliot, the Resolutions were the "canonical statement of [95] the Constitution's true meaning and interpretation that the people had endorsed by electing Jefferson and a Republican congressional majority in 1800." Moreover, the Resolutions [96] represented "the principles of the old Republicans of the Jeffersonian school, the genuine disciples of the Whigs of '76." Thusly, a return to the nullification doctrine would be a return to [97] very essence of Revolutionary America itself.

[Patrick MacFarlane is a third-year law student at Mitchell Hamline School of Law in Saint Paul, MN. Patrick is the host of the Liberty Weekly Podcast, which may be found at www.libertyweekly.net. The Podcast features interviews, discussions, and documentary-style content in both audio and video format. In doing so, the show condemns the state from a voluntarist perspective while proposing viable alternatives.]

[1] THOMAS E. WOODS, NULLIFICATION: HOW TO REIT FEDERAL TYRANNY IN THE 21ST CENTURY 3 (2010). [2] [hereinafter the Resolutions] [3] The Kentucky Resolutions of 1798 (Nov. 16, 1798) [hereinafter Ky. Res. 1798], reprinted in WILLIAM J. WATKINS, JR., RECLAIMING THE AMERICAN REVOLUTION: THE KENTUCKY AND VIRGINIA RESOLUTION AND THEIR LEGACY 165-170 (1st paperback ed., Palgrave MacMillan 2008). [4] The Virginia Resolutions of 1798 (Dec. 24, 1798) [hereinafter Va. Res.], reprinted in id. at 170-71. [5] The Kentucky Resolutions of 1799 (Nov. 22, 1799) [hereinafter Ky. Res. 1799] reprinted in id. [6] [hereinafter Federalists] [7] [hereinafter Republicans] [8] H. JEFFERSON POWELL, THE PRINCIPLES OF '98: AN ESSAY IN HISTORICAL RETRIEVAL, 80 VA. L. REV. 689, 701-702 (citing James Madison, A Candid State of Parties, NAT'L GAZETTE, (Sept. 22, 1792) reprinted in 14 THE PAPER OF JAMES MADISON 370, 371 (Robert A. Rutland, Thomas A. Mason, Robert J. Brugger, Jeanne K. Sisson & Fredrika J. Teute eds., 1983). [9] Id. at 701-702; [10] Id. at 700-701. [11] Id. [12] Id. at 702. [13] Va. Res. supra note 4. [14] Watkins Jr., supra note 3 at xv-xx. [15] Id. at 8. 3; [16] Powell, supra note 10 at 703; Woods, supra note 1 at 41. [17] Watkins Jr., supra note 3 at 20. [18] Watkins Jr., supra note 3 at 10; Jefferson qualified this support by condemning the "murderous Jacobins of France" and "the horrors of the French revolution." Woods, supra note 1 at 42. [19] Woods, supra note 1 at 41-42. 4; [20] Id. [21] This incident served as a major catalyst for the development of the Alien and Sedition Acts. [22] Watkins Jr., supra note 3 at 32-34. [23] Id. at 30 (citing Annals of Congress, 5th Congress, 2nd sess., p. 1577, May 21, 1798). [24] Numerous local Democratic-Republican societies arose in during the 1790s where members addressed each other with the french revolutionary title of "Citizen." Some even raised money to equip French privateers. [25] Watkins Jr., supra note 3 at 10-25; "At present" Adams said, "there is no more prospect of seeing a French army here than there is in heaven." Woods, supra note 1 at 41 n. 45 (citing MARCO BAANI, LIBERTY, STATE AND UNION: THE POLITICAL THEORY OF THOMAS JEFFERSON 168 (Mercer U. Press 2010)). [26] Woods, supra note 1 at 50; Ky. Res. 1; [27] Powell, supra note 8 at 692; See also Woods, supra note 1 at 43-4. [28] Watkins Jr., supra note 3 at 29; [29] Id. at 27-28. [30] "[Harper] supra note 3 at 2; [31] Id. at 28, Watkins Jr., supra note 3 at 29; Id. [32] Making these changes would have required a constitutional amendment. [33] "As Republican attacks continued, Samuel Sitgreaves of Pennsylvania persuaded Otis to withdraw his proposal. Sitgreaves averred that the better vehicle for preventing foreign influence in the government would be an alien law inclusive of the power to expel or apprehend aliens in times of danger." These measures were addressed via the other acts. Watkins Jr., supra note 3 at 29. [34] Some final debates were had over the act's retroactivity. "[T]o fall under the 1795 act, an alien was required to have already declared his intention of applying for citizenship and to complete the naturalization process four years after making the declaration." [35] Woods, supra note 1 at 42; [36] Watkins Jr., supra note 3 at 43. [37] Sedition Act, ch. 74, 1 Stat. 596 (1798). [38] U.S. CONST. AMEND. I, REPUBLICANS also argued that regulating the press was not an enumerated power. [39] Watkins Jr., supra note 3 at 38. [40] Watkins Jr., supra note 3 at 43. [41] Id. at 51. [42] Id. at 43-54; [43] Id. at 55-57. [44] Powell, supra note 8 at 692; See Ky. Res. 1798, supra note 6, at 130. [45] Ky. Res. 1798; [47] ANN LYON, CONSTITUTIONAL HISTORY OF THE UNITED KINGDOM [50-51] (2003); [51] [48] Id. at 57. 49 William J. Watkins, Jr., Popular Sovereignty, Judicial Supremacy, and the American Revolution: Why the Judiciary Cannot be the Final Arbitrator of Constitutions, 1 DUKE J. OF CONST. L. & PUB. POL'Y 159, 170 (2006). [50] Id. at 177. [51] Id. at 177; For a thorough discussion of colonial self-government See Generally Donald S. Lutz, Colonial Origins of the American Constitution: A Documentary History (Liberty Fund 1998). [52] Lyon, supra note 47 at 295; Watkins Jr., supra note 49 at 178. [53] Popularly known as the "Sugar Act of 1764" [54] Watkins Jr., supra note 49 at 179. The Boston Tea Party manifested the colonists' attempts to prevent British customs officials from establishing the precedent of seizing assets to pay for customs duties. Likewise, "[t]he colonists vehemently opposed the Stamp Act as the first direct, internal tax levied by Parliament." Id. at 181. [56] Id. at 179-190. [57] Lyon, supra note 47 at 295; Watkins Jr., supra note 49 at 174-191. [58] Watkins Jr., supra note 49 at 190. What Madison later labelled "legislative power.;" [59] Id. at 191 (citing LANCE BANNING, THE SACRED FIRE OF LIBERTY 443 n.30 (1995)). "For example, the Virginia Declaration of Rights declared that "all power is vested in, and consequently derived from, the People; that magistrates are their trustees and servants, and at all times amenable to them.;" [60] Id. at 190 (citing James Madison, "Mr. Madison's Report" to the Virginia Assembly, in 4 THE DEBATE IN THE SEVERAL STATE CONVENTION ON THE ADOPTION OF THE FEDERAL CONSTITUTION 562 (Johnathan Elliot ed., 1885)). "[t]he legislative power was maintained to be as complete in each American Parliament, as in the British Parliament." [61] Id. at 191-2. [62] Id. at 192 (citing THE FEDERALIST NO. 46, at 239 (James Madison) (Max Beloff ed., 1987)). [63] Id. at 192. [64] Watkins Jr., supra note 3 at 59; [65] Id. (citing "Alfredus" Samuel Tenny, Essay I, FREEMAN'S ORACLE, Jan. 18, 1788, reprinted in FRIEND OF THE CONSTITUTION: WRITING OF THE "OTHER" FEDERALIST 1787-8 252 (Colleen A. Sheehan and Gary L. McDowell, eds., Liberty Fund, 1998)). [66] Id. at 59-60. [67] BRION MCCLANAHAN, THE FOUNDING FATHERS' GUIDE TO THE CONSTITUTION 9 (2012) (citing JONATHAN ELLIOT, THE DEBATE IN THE SEVERAL STATE CONVENTION ON THE ADOPTION OF THE FEDERAL CONSTITUTION A RECOMMENDED BY THE GENERAL CONVENTION AT PHILADELPHIA IN 1787; [68] Id. [69] Id. [70] Va. Res.; Watkins Jr., supra note 49 at 170. [71] Ky. Res. 1798; Watkins supra note 49 at 168. [72] This would be secession. [73] Va. Res. 15; [74] Kentucky Res. 1799; Virginia Res.; Woods, supra note 1 at 3-4. [75] Va. Res. [76] Ky. Res. 1799. "That the principle and construction contended for by sundry of the state legislatures, that the general government is the exclusive judge of the extent of the powers delegated to it, stop nothing short of despotism-- since the discretion of those who administer the government, and not the constitution, would be the measure of their powers. . . ." [77] Woods, supra note 1 at 4 (citing Thomas Jefferson to William Branch Giles (Dec. 26, 1825) reprinted in THE WRITING OF THOMAS JEFFERSON vol. X 355 (Paul Leicester Ford ed., 1899)). [78] Id. at 43, 4; [79] Id. at 45 (citing Hampden Genuine Book of nullification at 110). [80] Fed. 46 [81] Of course, at the drafting of the Federalist Papers, the exact role that judicial review would take within the Constitutional system was unknown. [82] Watkins Jr., supra note 49 at 202. [83] Id. at 206. [84] Id. at 204. [85] Id. at 208 (citing JAMES MADISON, NOTE OF THE DEBATE IN THE FEDERAL CONVENTION OF 1787 61 (W.W. Norton & Co. 1966) (1840) [86] Id. at 208-211. [87] Id. at 211 (citing Madison supra note 85 at 31). [88] Id. at 212-213. [89] The nullification doctrine does not run afoul of the Supremacy Clause by declaring laws which are not made in pursuance of the Constitution unconstitutional. [90] Id. at 213-4. [91] Id. at 245; For a more complete analysis of pre-Marbury jurisprudence regarding judicial review, see id. at 215-245. [92] Marbury v. Madison, 5 U.S. 137, 138 (1803). [93] Madison's own presidential struggle against nullification and concern for his legacy may account for his qualified rejection of the nullification doctrine in his later years. [94] Powell, supra note 8 at 689. [95] Id. at 692. [96] Id. [97] Id. 21

**FROM SMALL TIMES TO BIG STATES,
BY MIKE MORRIS**

That Americans have become concerned with global affairs, as well as political issues between their neighbors, is a testament to how far the American Empire has expanded in the last century, abroad and domestically. There was a time when the American people wanted little to do with funding an institution which would be the world's policeman. The government, if thought to be necessary at all, was to be strictly limited to the provision of protecting individual rights. Much less was it thought to be needed to engage in economic interventionism, or run massive, unsustainable welfare programs.

Relative to today, few would have called for it to engage in military excursions around the world, "to fight them over there so we don't have to fight them here." Few would have thought the government should run retirement programs, monopolize the service of health care, tax and regulate everything, or anything else which has become its accepted scope in these times. It was to be virtually non-existent.

Hazlitt's World

I want to quote, to humble the reader, the reflections of economist Henry Hazlitt at seventy years of age. The world produces few men like him today, and his straightforward and logical journalistic work, among his other writing, feels like it's from another age when men thought more clearly without crony statist-intellectuals to warp their thinking.

He puts things into a perspective that is not at all familiar to any currently living man, and it gives context to some changes we will highlight. Hazlitt recalls his early years:

"My first 20 years were spent before the outbreak of World War I in 1914. Looking back at it, it seems now an idyllic world. There had been no major international wars for a century. There were no revolutions every week and riots every day. People could even trust their currency. There was no nuclear bomb hanging over us. There was no Communist government and not even an important organized Communist movement. Even socialism was merely a matter of academic discussion.

It was an age of innocence. How innocent it was, I well

remember. At the time, none of us knew, or needed to care, what was happening in such far-off places as China, or Vietnam, or the Congo. In fact, to tell the truth, we didn't pay much attention to anything that was going on outside of our own borders."

Hazlitt's life spanned a time when governments—communist and not—would kill tens of millions of people, in large part due to disregard for economic teachings. He lived in a time when the world would undergo great changes, where the grounds that the ever-intrusive State would need to grow were laid.

I find this quite profound. Kids growing up today are only acquainted with what we might call the post-911 world. The massive government we're burdened with is taken more or less for granted and inevitable, as well as what has come with it: the surveillance state, police officers in the public schools, school shootings, endless wars, reduced opportunities, etc.

Is the State and its future inevitable?

We might ask, does it have to be this way? It would then be worthy to note, though we might be shocked to have lived through world wars and decades-long economic depressions as Hazlitt did, that many changes will happen to us by the time we reach old age. Shaping this future will depend on the promotion of good ideas, in economics and ethics.

The future is not certain, and the world is not static, but ever changing. What we know today can scarcely be permanent. Democracy, more specifically, almost considered to be the grand and final stage of government, can scarcely be thought of as the last age in history.

This isn't to take a deterministic view, as Marx and others have. There is no guarantee of freedom nor of the State. It is on us to shape these ideas and continue our work so the mistakes of the past are not repeated. We could, with enough work, make it a lifetime of liberty. This would indeed require a dramatic change in the mindset of the people away from such socialistic ideas as government and toward liberty and individualism, but it is possible.

Thus, nothing says the State is inevitable or a fixed law of nature; it is a product of ideas too, albeit very bad and destructive ones. Nothing says, either, that economic depressions are necessary. This is not some built-in feature

endemic of the market economy, as Keynesian and Marxists have pitched it, but a result of government intervention in the economy. In a free-market, there's no reason to think that, out of the blue, systemic failure has occurred among businessmen. Clearly, something more is going on here.

The things that most have come to take as inevitable then—rising prices, taxation, recession, unemployment, or war, even—really are not. We know that our life is impermanent, but none of these other things must accompany one's life. They are necessarily features of economic interventionism. There is not a natural tradeoff between generally rising prosperity and intermittent setbacks we must accept, and it's not true that "taxation is the price we pay for civilized society."

Conversation today with anyone elderly is likely to include a reference to what the price of something used to be. But sadly, rather than to champion sound money and to have accurately discovered, for example, the cause of rising prices (monetary inflation), the older generations have resigned to thinking prices rising are "normal." Anyone living one-hundred years in the 19th century—where prices were generally falling—would not have thought so.

Involuntary unemployment is another problem. Why are their willing laborers who can't find work? Yet this is too a feature of government meddling in the labor market, and not of a free market in labor (which we don't have). Again, rather than for the cause to be identified, a solution is readily thought up for the State itself to act: subsidize unemployment, erect "jobs programs," "have a universal basic income," etc. One problem is layered on another when the effects of interventionism are taken for granted and necessary.

So who are all these enemies?

Any users of social media or followers of the mainstream media might have saw recently how Trump bragged, in what has been rightfully likened to a big-dick contest, how much more capable the U.S. government is than the North Korean one at effectively reigning down nuclear terror. Such talk has almost become casual among the ruling-elite, and the people desensitized to it. Perhaps if we had known the world of a teenage Hazlitt, the age of innocence, such statements would be all the more shocking.

How did we get ourselves here, where there are seemingly enemies all around the world who want to attack the United States? Why isn't the world safer if the State is bigger than ever? Why did these wars, said to be securing Americans, seemingly make us more vulnerable?

The U.S. government has, for no less than a century, been a bully around the world. Hundreds of military bases are spread around the world in seemingly every country. Aircraft carriers cruise the waters. No soldier nor politician could begin name all the places U.S. military personnel are deployed to. Far from skepticism of standing armies, we have today an utmost support for them among the people, with the military ranking high as an institution deserving of praise.

Most of these "enemies," however, as mean as they might be, shouldn't be of concern for the American taxpayer. Average men should be, and for the most part are, concerned with rather peaceful and worldly affairs. Only owing to an identification with the State have their interests, different than own, become ours. The endless framing of enemies is in large part to justify the existence of the State itself, our alleged protector. If there weren't all these enemies, what would be their excuse of expanding?

North Korea, a component of the "axis of evil," is a specific target of the Trump regime. But are we to believe the North Koreans have it out for Americans for no reason? That "they hate us for our freedom," as Bush might tell us? What has happened might fall under the theory of "blowback," the idea that killing people will only create more enemies, which is probably best playing out in the Middle East today.

The North Korean issue has not emerged from nowhere. In fact, they have not forgotten that the Korean War was a time where the U.S. government essentially sought to wipe their whole population off the face of the planet, completely bombing the whole country. Some one-fifth or more of their population or more were killed, and the policy, in the words of the top generals, was seemingly to kill every one of them.

Not even bringing back the nuke was off the table. Such a horrendous weapon, which apparently we can casually speak of using today, has only ever been used by the U.S. government in what was perhaps the greatest terrorist attack in history. Thousands upon thousands of civilians were killed.

While the Kim Jong-Un regime is certainly bad, I wouldn't think they've come anywhere close to killing the amount of people the U.S. government has. Directly through war, and indirectly through economic sanctions, starvation, or toppling democratically-elected governments to install dictators in which the country falls into civil war, the U.S. government is responsible for millions of deaths.

Anyone who truly wishes to "Make American Great Again" should want to restore the older American idea of minding our own business, but of course this tone of national greatness from Trump is to continue in the U.S. government's aspiration to maintain current hegemony and rule the world. Despite spending more than many other top spenders combined, we're told by Trump there's a need to "rebuild our military," and that plundering no less than one-trillion dollars annually is in our interests.

As one looks throughout history, the U.S. government can be seen prolonging wars rather than bringing them to a shorter end. This appears to be the goal today: Wars are not to "win," but to keep going indefinitely—that is to keep the contracts going and money flowing to the warmakers.

In these wars, as Eisenhower would warn on his way out, the beginnings of a military-industrial complex were built. Today these companies—Boeing, Lockheed Martin, Raytheon, General Dynamics—receive billions in subsidies from taxpayers, and they are an entrenched interest in the government to keep such wars going. The world in terms of the size and scope of government is, as Hazlitt noted, very different today than before.

Skepticism of power

Comments like Trump's should be an awakening to both "sides" of the political spectrum—who have been, by design, torn against each other—that power is too great. You can see either one of them shriek when their enemies make it into power, knowing how this power can be used. The political-Left, who otherwise love the State and passively approve of its warring in exchange for social welfare, of course when done by a democrat, were horrified at Trump's ascendancy; and the political-Right before them were horrified when Obama took the wheel; Bush, of course, did nothing but grow the State for Obama to come pick up where he left off.

The presidency will probably get progressively worse. Seeing how "The Rock," "Kid Rock," "Oprah," and a host of other famous folks intend on running for office, it appears we're well on our way to Idiocracy. Hollywood and celebrity-culture is making its inevitable transformation into the State itself. Who could have saw it coming! In the democratic age, politicians must come to resemble celebrities rather than to appear as statesman working for the people. That's what gets the people, no longer good on the issues of liberty, all riled up. The corrupt nature of government demands that they be populists, demagogues, liars, if they ever hope to ascend the ranks. The honest are ineligible for public office, or are weeded-out once in there.

While some mild dissident thinking isn't completely on the right track, many are at least considering the sham that it all is, though they can't yet place their finger on it. Skimp arguments such as "the two party system needs to be replaced" can be heard, though "independent" often refers to a socialist of a different flavor. They don't yet question whether we need a State whatever, but nonetheless it has some average people questioning the legitimacy of the State, and this is a good thing.

Half the population doesn't vote, which makes Boomers think "the kids just don't care anymore." But I think it's fabulous. Did they ever consider it might mean, "we don't approve?" Elections are a formalistic procedure to justify the government on the grounds that the people approved of it because they put on a circus show for us. This is where the State's power resides, and to attack this is the best we can do. Election euphoria is a prime event for the holy State.

Most people, however, haven't connected the dots to see through the whole system, and are stuck maintaining a sort of "reformist," rather than abolitionist, position. They see the State as in need of more activism than ever, as opposed to admitting its failures and calling for its end. This is why, in addition to their discontent, we might help to imbue the politically apathetic with the philosophy of liberty.

Legitimacy

It's always an important reminder that States rest on legitimacy, and not merely force. Force is necessary to compel the actions they desire of us, but most fall into line without coercion needing to turn into physical violence because they—in a

double-standard for the rest of society—accept the State’s use of violence as legitimate. Most send in their tax bill, rather than to make the guys with guns come and collect them. Their compliance, however, as some mistake it for, is no proof of consent. It only demonstrates a preference of life, and living outside the cage, to an inevitable death should one resist the State’s robbers in a home invasion.

What we might hope for is that the joke that is Donald Trump, who himself helps to turn the State into a shit-show, would show people for the first time that that the State is a joke. This is not to say it is not a threat; it surely is. But that the idea of a State—a monopolist of violence funded by taxes that tells all the rest of us what to do—is ludicrous.

The mentality

While true cooperation and “working together” is the voluntary society and the market economy, we have in its place an “us versus them” mentality to create division. It is a competition of the unhealthy sort. Whereas we could all be exchanging goods with each other, we’re told there must be expensive standing armies instead, in addition to restrictions on foreign trade (tariffs, quotas) said to protect the domestic consumers.

Hostility, rather than peace, is fostered between people of different nationalities, and it won’t be uncommon for “you’re either with us, or with the terrorists” claims to be heard coming down from atop. An increasing identification with the State will come about under this system too, where individualism and freedom are reviled and where “the nation” becomes the center of political life.

The “us vs. them” that is bred under the State is not only external, i.e., state-to-state, but it is also internal: those who support “their” State come to dominate over the ones who want nothing to do with States whatever. A man who wants to be free and left alone is a dissident terrorist, while all the real terrorists—supporters or members of the State—are called “heroes.” Taxpayer-producers, who fund the State, are the underappreciated scum of the earth, while the tax-consumers and non-producers (the military, etc.) are to be glorified and thanked for consuming our output, but adding nothing to it themselves.

Americans at large used to be non-interventionist. It wasn’t the responsibility of American taxpayers to change people around the world in their image, to make the Middle East

democratic or modern, to intervene in European conflicts, etc. The term “isolationist” has been used as pejorative against these people. We should reject this characterization though as it seems to imply that we don’t wish for peaceful cooperation, i.e., exchange of goods and services with the rest of the world, but an autarkic, self-sufficient economy.

Libertarians are often told to leave for the woods, as if the success of the market economy should be attributed to the State. This is backwards: the State subsists on the productivity of the market and the people in it. To have something the steal, something must first be produced. Without this preceding production, the State would have nothing to take.

Such an anti-statist position then shouldn’t imply that one must choose between States and trade, or no States and no trade. It must not mean that we wish to give up the division of labor and social order because we wish for the State to be abolished. The State, after all, is not the source of civilization.

The Shift

Social changes will abound in a democracy, too. The democratic-state opens up the opportunity to steal your neighbor’s property and redistribute it, whereas this possibility didn’t exist before. Additionally, where fewer were so unashamed to assert a right to steal from and hurt others, as democracy and voting imply. Today, people openly speak of these acts, as democracy has helped to make theft moral in their eyes. Everything is up for grabs, and nothing is off limits.

This is considered to be “progressive” and the source of civilization to have our enlightened overlords stand above us and redistribute our property, but this can only be a means of creating conflict, not peace. If for an act to be virtuous it must be voluntary, we cannot consider “forced altruism” to have bred good feelings and harmony. We cannot call this charity at all, but creating from it resentment and antagonism.

It was the turn of the century, known as the Progressive Era (1890-1910), that ushered in the modern democratic-state as we know it. It was around this time that Americans, fooled by the intellectuals who helped to push this change, gave up on their old generally free-market tendencies to accept the State as necessary in all areas of life. A phony intellectual case was built for why the

State must intervene, not just in its normal areas of defense and law, but in the economy itself. Later cronies, such as J.M. Keynes, would come along to give further economic rationale for this interventionism.

While the story is popularly told as a time when the workers, the people, etc., through the government, all rose up to check the wildcat capitalists running amok in the market, in fact it was the inception of an alliance between industry and the State itself, headed up not by “the people,” but by those who the people thought would be the regulated ones. Regulations are far and wide protectionism for the protected producers, not the consumers.

These businessmen, not the people, sought the protectionism. In industry after industry, from railroads, agriculture, farm equipment, oil, banking, etc., these interests took to the government to secure special economic privileges or protectionism—that is, protection from competition—that they were unable to achieve voluntarily in the market. The railroads, for instance, wanted to prop-up or fix prices, but under intense competition found themselves repeatedly unable to do so. The internal method of undercutting the cartel agreement was the secret rebate or secret price-cutting, which always allowed for cheating. And so they sold it to the public under the idea that they were “discriminating” in prices, and discrimination in pricing is bad.

Contrary to the popular story of the State squashing “free market monopolies” or breaking up cartels on behalf of the interests of the people, it was precisely the opposite: the businesses had sought monopolies through the assistance of the violence of the State. Only could their goals be achieved with the assistance of the law, and never were they successful in the market.

It was a veritable turning point in American history that has given us an alliance that is much larger today than it was then. We’re dominated today by government-created privileged monopolies and cartels in every industry, from medical and pharmaceutical companies to insurance and banking firms.

Whereas Americans knew the issues before, and the issues were necessarily economic (such as opposition to taxation, monopoly, paper money, central banking, wars), people today are clueless, and the scope of debate has been reduced to a

small, what we might call, allowable spectrum. Things that could surely be a private matter have become political issues, and everyone’s an expert.

In these times, someone is liable to vote for an outright communist simply because they don’t appear interested in attacking marijuana; or for a sketchy man like Trump because he’s not a Clinton. Freedom of economy and exchange is hardly on the table, and rather minor “issues,” all which could be solved in a decentralized society, are instead discussed and said to be an issue the central government must resolve. We are apparently in need of a separation of state-and-bathroom, even. Every issue is up for being discussed in the political arena.

Both parties over this course of time have become more center-statist, and today are more so indistinguishable from one another. The Democratic, or Republican Party, can hardly be considered parties that support laissez-faire; these days are long gone. Now we’re into “bipartisanship,” the idea that the State getting one over on us should be more welcomed because they’re all in unanimous agreement about it.

Another side-effect of these center-statist politics (i.e. democratic socialism) is, not to be placed on the “extreme left” or “extreme right,” which are not mutually-exclusive from each other in the popular conception (communism vs. fascism), to adopt what they see as “safely in the middle,” or “moderate,” approach toward a “mixed economy.” This has kept liberty off the table, and statism in the game.

Democracy

As Hans Hoppe shows in his essay *On Time-Preference, Government, and the Process of Decivilization*, in addition to increased negative economic effects, a transformation in political thought arises altogether in a move toward democracy, which rose in its modern form in the U.S. (and around the world) in the beginning of the 20th century.

Whereas the distinction of rulers and ruled is more clear under a monarchy, though this is not to assume a monarchy is not a State either, such is completely blurred in a democracy. Murray Rothbard made this point in his popular essay *Anatomy of the State*, calling democracy’s ability to cause the people to conflate themselves and the State an “ideological camouflage” that has been “thrown over the reality of political life.”

If the State rests on legitimacy, this change is profound. Once this distinction is lost, and the people begin to identify themselves as being the State (using such language as “the State is us,” or “we are the government”), then this long distinction between rulers and the ruled is diminished, and the path to the total, all-out-state is found. A doctrine of positive rights begins to set in, as the idea of democracy is inherently egalitarian.

Time preference refers to the varying preferences of people to maintain various proportions of consumption/savings. A lower time-preference denotes an increased farsightedness, where one, by abstaining from more consumption in the present, decides (or prefers) to save more and invest further into the future. A high time-preference refers to a higher level of consumption to that of savings. Perhaps most importantly in a democracy, what is a system that allows for legal theft, a phenomenon of heightened time-preference, what is contrary to the civilizing factor of increased farsightedness, will begin to set in too.

Hoppe’s logic runs roughly as follows when applying economics to this historical analysis: As an a priori economic truth, (1) taxation will cause relative impoverishment as it heightens the cost of production, and production is the source of increased consumption; (2) taxation (and other “bads”) will increase in a democracy where entry into the State is expanded to all; and thus, (3) democracy will increase the rate of relative impoverishment, relative to that of other, more restricted governments (e.g. a monarchy).

This is not to advocate monarchism; a King’s monopoly is still a monopoly, after all. But it is to show what the State has become relative to what it used to be. There was no such thing as any of these programs in the innocent times Hazlitt speaks of. The monster was more limited in scope at that point, which isn’t to say it committed no evil. Far from it.

Economically, all this is to say that, if the State had not grown as large as it is today, that is, if its size were frozen in time from any given earlier point in history (say, 1900), that we would be many times richer than we are now. Not to be confusing; the economy is richer than it was back then in absolute terms. The simple, and incorrect, analysis is to just assume a correlation in the rise of wealth with the rise of democracy. This is

probably what many have done. But rather, knowing economic theory, we must frame this as not because of democracy—and the increased government it entails—but in spite of it.

This is supported empirically, too. There is no such thing as “limited government.” Every government will attempt to be a maximum government, and such has been the case in the American experiment too, where a supposedly modest government was erected which has become the world’s largest Empire today. The more democratic it is, the more it will be hard to restrain this growth, as again all property is on the table to be controlled by the force of the law.

What changed?

We can describe just some of the changes in the government structure from the entering of the democratic age: Whereas taxation was around 5% in the monarchical age, and most went to the ruling elite and the military, taxes are well around 50% today and property is redistributed for virtually any cause. The State today is a massive drain on economic productivity, and it’s only reaffirming of the resiliency of the market economy that they can pull it off.

Where government employment was limited to a small ruling-elite, state governments are the biggest employers in some states today, and millions of worthless people work for the government. Having a market income of zero, they are consumers of tax money. The state employees themselves are deludes that “we pay taxes too.” But on net, they are of course tax-consumers. This, again, doesn’t bode well for wealth creation.

While currency was debased and coin-clipping practiced, the last ties to gold were severed in the 1970’s, and we have today indefinitely inflationary paper-money. The people are further in debt and live beyond their means as a result of it. This has encouraged consumption of capital, and discouraged the savings needed to expand or maintain it. Whereas direct taxation has some tolerance level among the people, governments have been able to raise extra funds to do the bad things they do by simply creating more money. A mass deterioration of money has occurred under democracy.

Whereas Kings did not necessarily “make” law, but in general were bound to follow the common law applied to everyone else, we have a massive legislative-state today that works to produce ever

more law, regulations, codes, that are all virtually impossible to even follow. The State is thought of as “lawmakers,” rather than any sort of protector of rights. In other words, it isn’t seen as essential to make negative actions of the “thou shalt not” type, but is to initiate positive rights to other people’s stuff.

Rather than be “equality before the law,” then, the law will become arbitrary and treat everyone differently. And the longer, and more enduring a State is, the more the people will come to look at it as the very embodiment of law, i.e., to conflate its legislative decrees with law and assume that no natural law precedes its existence. Likewise, the more property the State redistributes, under the guise of providing for the poor or some other “collective good,” the harder it will be for anyone to see a way out of the cycle of oppression. Admitting it is a failure would be to give up your current, short-term benefits from it.

Whereas debts were accrued in war time and paid down in peacetime, they are forever increasing and unpayable now. No longer are they associated with the King, either, but the illegitimate contract of a “national debt” expects future taxpayers to foot the bill. This incentivizes government managers to spend as much as possible, as quickly as possible. It’s not like G.W. Bush must come up with the trillions to pay for his wars, but if he couldn’t launch them while in office, he won’t get a chance to later. They can thus externalize the cost of war onto the hapless taxpayers.

The nature of war will be changed, too. Wars became ideological. In the First World War, the slogan was to “make the world safe for democracy,” and the seeming paradigm was that democracy and freedom are compatible ideas. Everyone else who didn’t adopt this way was to be forced to change. The failed and flawed “containment policy” (containing the spread of communism) is another aspect that comes to mind in the turning of wars into ideological battles, which gives them all the more energy.

Under a democracy, small, territorial wars between rulers will come to become all out total wars against everyone. The distinction between civilians and military eroded. The World Wars, a product of the democratic age, helped to initiate this shift. These were the times of bombing whole populations, as was the case in Germany, Japan, Korea, etc.

In the democratic age, it is all the more likely that the whole economy will turn into a “war effort” to support the war. This was seen in WWII, which saw rationing and price controls among other acts to pay for War. No longer can the people be left alone, but everyone must pay for the State’s wars. Surely, a moral conundrum for many hapless taxpayers. War was a collective effort, and propaganda worked to secure the needed patriotism.

Contrary to the conventional view then that “democracy will end all wars,” democracy—and the enlarged State that comes with it—will increase the tax-base of the rulers in which to launch wars against more people. The U.S. government has a massive economy to parasitically suck wealth from, and a huge military as a result. It is thus spread around the world.

This isn’t inevitable of capitalism either, as deterministic anti-capitalists might see it, but it was more so the result of Progressive Era work, where Americans threw away their old widespread spirit of free markets and free people for a system of state administration of things, which came about only because the intellectual bodyguards of the State successfully sold it to the people. Without this, without the State to offer a political platform that attracts cronyists and allows them to subvert market forces such as competition, there would have been no way to achieve the America we have been given today. The State, and the legitimacy that comes with it, is needed to push such measures.

These changes are all relevant, I believe, because whereas the old U.S. government hadn’t invaded all areas of life yet, but was something more of a cigar smoking lounge, today it is the center of life, and it’s hard for anyone, anywhere across the country, to avoid the boisterous character that presently presides in the white house. One couldn’t really imagine a Trump or a Bernie Sanders as a King. Phonies like this are products of democracy.

Effects on wealth

There will no doubt be thieves in a free world. But doing theft on their own, they will assume all risks, and we shouldn’t expect such crime to be regular or reoccurring. People would have a means of dealing with, and preventing, criminals. That they exist doesn’t justify a State.

It is when theft becomes *institutionalized* (in a State) that major problems begin to arise, economically and socially. Theft becomes systematic and permanent in a democracy rather than isolated incidents of crime. States, in addition, leave their victims defenseless. They have, for one, monopolized the means of security, threatening punishment for anyone who doesn't comply with them; and they often restrict gun ownership, too. One isn't free to resist their aggressive extractions of wealth from the economy, as the monopoly is coercive and compulsory. Plunder becomes a way of life in a democracy, as government is the legalization of criminal acts.

Monopoly theory can tell us that things must get worse under a monopoly: (1) prices will rise, while (2) the quality of service will fall. Is this not evident in the local police, who are essentially worthless to call, have not prevented crime from rising (but indeed, their own "civil asset forfeiture" exceeds private theft), and need ever more money to satisfy their budget each election season?

Yet most look to the State and its agencies as being in need of "reform" rather than in need of being abolished. It isn't a problem that there's a monopolist of force, but that they're just not functioning how they "should." More "laws" need to be passed to make the police—an inherently coercive agency—good. It was all "supposed to" work out different.

But nothing has changed in a democracy as far as the fundamentals of the State, except the view that it is no longer a particular group of people, but potentially open to everyone to engage in politics. The smoke screen has thus been thrown over this monopoly which allows people to pick at it from weaker angles. As a result, they will tend not to challenge the idea of a monopolist, but the persons in power. It isn't the presidency that should go, only the president, like Trump, whose character isn't "fit for office."

Since democracy thus leads people to believe they are the government, the door is then wide open to expand property distribution; and this property redistribution reduces incentives on both sides: for the stolen-from to produce any more, and for the tax-recipients to produce at all. Relative wealth will decline overall. Since we know, as economists, that increased taxation must mean relative impoverishment, a democracy will

lead any people down the road to poverty in the long-term. Its high time-preference adherents will be glad to accept the short-term gains at the expense of the future.

And so we have it, an ever larger production of legislation, regulations, taxes, public debts, and transfers of property which must amount to an increased cost in production. Democracy increased legitimation of the State makes its depredations all the more pervasive, uncontrollable, and tolerable by the masses. People become less skeptical of power in a democracy, and instead more keen on making use of its power themselves.

No longer is the stated purpose of government to protect people's natural rights, as we stated, but a culture of positive rights is bred, and promises backed by other people's money will become a campaign norm. The whole purpose of government will become nothing more than a great property redistributor. Democracy, being simply legalized plunder, will open the door to the people to plunder each other through the state apparatus, rather than seek protection of property rights through the law.

This new option of legalized theft, rather than a strict enforcement of natural rights, will help to increase the demand for present goods. There will be more consumption of capital than before and at a higher rate. This is to say that time-preference, that when lowered gives rise to civilization, will be *systematically heightened*. Rewarding non-producers can only come at the expense of punishing the producers, which in turn will only help to defeat the goal of aiding the welfare of non-producers: having more things to actually consume.

Since in a democracy, legal instability is brought about (whereas the old law of private property is no longer enforced, but "law" has become the positive law of legislation), such a mere mention of threatening [nuclear] war could impact the people's time-preferences. That is, if their investment is to be turned to dust, they will become less farsighted in regards to the future. But more generally, since any new government could come in (e.g. a Bernie Sanders for nationalized everything), and the government is more rapidly subject to vast change, increased uncertainty is brought about. The future is always uncertain enough as it is naturally, but entrepreneurs who invest into the future will now

have to begin to anticipate future government actions in addition to future market conditions. Savers and investors don't need the increased risk or prospects for legal penalty, be it taxation, regulations, or a nuclear war.

Less savings and investment, and thus a shortened structure of production (the longer or further out production is from consumer end-goods stages, which also roughly relates to an increase in production), will mean less output; and since produced goods are definitive of increased income or the ability to consume, the standard of living will fall, too. Less savings will be devoted to higher-order capital goods, and more consumption of capital will take place.

It is no coincidence that rising taxes, rising laws, rising debts, rising prices, rising crime, rising public employment, more intense business cycles etc., have coincided with the growth of democracy, which was essentially ushered in around the First World War, when the age of fascism—a merger of the State and business—began to take hold in American life succeeding the Progressive Era. The National Recovery Act, for instance, was nothing but a cartelizing device, sold to the people under the guise of bringing back the economy.

The large welfare state that arose into the 20th century, accompanied by the large warfare state, has been a massive drain on production which would be the true source of welfare for the people. Rather than to allow capital to accumulate, to encourage savings and future orientedness, they have done just the opposite. Keynesian economics precisely denigrates savings, calling this lack of present consumption, which they see as the cause of the recession, the “paradox of thrift.” It is a high time-preference “economic” prescription, which can only mean reduced prosperity.

Politics and its widespread effects on “society” is inescapable, and this is due in large part to the rise of social democracy, perhaps the most enduring legacy of statism where other ideas as communism and national socialism have largely faded. This is the “safe” position most everyone has adopted today, and the masses are of some strain of this thinking.

Economically, however, it doesn't matter what the political system calls itself. As long as a policy implies a transfer of property from homesteaders, producers, and contractors to non-homesteaders, non-producers, and non-contractors, and

inter-territorial redistribution that will increase under a democracy, then this must mean relative impoverishment. Costs are created for producers, and costs are lowered for non-producers to take from them.

The end game

We cannot pretend to predict the future or the timing of such events, but we can know that they have been setup to occur. Using economic theory we can be furnished with insights on what must happen, given what has already occurred (government intervention). The past decades, congruent with the nature of government, have seen unprecedented growth in the beast, in areas we have already explained.

What libertarians must be prepared to do is explain the causes—namely, government interventionism in its many forms—of the eminent “correction,” to say the least, as the phony economy begins to be revealed and reverse course.

Lastly, and perhaps of the greatest insight relevant to us, this credit creation and meddling in the market, specifically with the rate of interest which is representative of the real time preference in the economy, kicks of the boom-bust cycle known today as the “recession.”

Briefly on the business cycle, interest rates, like any prices, mean something. They convey information about the people's time-preference (that is, their consumption/savings ratio). Pushing them down—lowering the rate—will encourage the launching of more capital projects. Yet this does not mean that there is really any more savings in the economy in order to warrant an economic expansion. Eventually the misallocation, or “malinvestment,” is found-out; the expansion was unjustified; and the economy makes the not-so-painless contraction.

Since the government's debts are unpayable, they will probably have to be defaulted on. Along with it, all the other things the government funds will have to admit their insolvency, including the inherently insolvent fractional reserve banking system.

We can expect again that, once this presently rigged economy sees its day of reckoning, the State will surely not abdicate and say: “We're out of tools, and all our measures failed. We're going to try liberty now.” Most certainly, like they did after the Great Recession, and the Great Depression long before it, there will be massive

intervention once again, taken to an even highly level. This time, since they really are out of tools, we might be even more drastic (and harmful) measures, such as switching to a one-world paper-money and central bank, ushering in the global monetary system that the power elite have always sought.

Government employment, paid for in taxes, will have to eventually come to an end too. Since government is not a producer, but is a non-producer (a taker), an increase in government employment, which has of course grown with the rise of government—and even grew during the Great Recession as private sector employment fell—can only come at the expense of private wealth creation. More government employees means more non-producers, means less incentive to produce.

Taxes have risen dramatically in the last one-hundred years, and taxation discourages production, as Henry Hazlitt titled a chapter in his classic book devoted to this topic. For the economy to ever come roaring back will require massive and genuine tax cuts, and not the petty “reforms” they speak of. It is capital accumulation in the social order of private property that gives rise to wealth, and the social order of statism based on aggression against property rights, which, rather than to maintain and increase output through more capital investment, capital is depleted, worn, diminished in value, and never maintained again.

The Western world of social democracy will probably see an end just as the Soviet Union did in the late 1980’s, as it is but a softcore variety of total socialism, having the same effects albeit in a different degree.

Will we return to sound money, or will they have their way? Will we default on the debt, or will we be debt-slaves forever? Will we end interventionism, or will the next crash call for a bigger intervention? Will people give up on government programs, or will there be more of them, and more employment in government? Will we be able to reverse the seeming trend of democracy towards fascism, or will they win?

It all remains to be seen. But may we hasten the day that the average man distinguishes himself from that heinous institution, the State, reclaiming his own life for himself and prying it from the

grips of fear. What the government had touted as a policy of creating self-reliance has led to a parasitic class of those dependent on the government. Such a path is not sustainable, and a massive reduction in government, or better, its complete abolishment, will be necessary to restore any hope for freedom and prosperity.

**Contribute, Distribute, Communicate,
Advertise, Report, Expose..**

Read online:
FrontRangeVoluntaryist.com

Submit Content:
Contact@FrontRangeVoluntaryist.com

**Make a voluntary contribution to help
us keep going and printing at:**
Paypal.me/thevoluntaryist

Send BTC:
[17yaNihiUDJPER9xJo7uqYw8AkCUM1VqC5](https://blockchain.info/address/17yaNihiUDJPER9xJo7uqYw8AkCUM1VqC5)

Find us online:
FB: /frontrangevoluntaryist
Twitter: @FRVoluntaryist
Instagram: @frontrangevoluntaryist