

LIBERTY, FREEDOM, AND JUSTICE FOR ALL

--Are We Fighting the Battle the Right Way?

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Liberty, freedom, justice for all are enduring UU principles. Whether we consider our 400-year-old roots where the struggle for free religious thought sometimes led to the fiery stake or back forty years where the struggle for freedom in Selma led to enraged police dogs. Liberty, freedom, justice for all.

Our traditional tools over all those years have been argument, logic, resistance to those who would make our decisions for all, tell us and others how to live and believe. Our goals have been removal of religious and secular laws or practices that impinged upon liberty, freedom, and justice for all. Such laws have no place in the minds of UU's who cherish freedom.

However, in the relatively recent past, say, the latter ten percent of the time we UU's have found our identity, UU activists have begun to pursue a different tactic and that is the "there ought to be a law" approach. "There Ought To Be a Law."

We have turned from eliminating laws that impinged on freedom and liberty to proselytizing for laws and other government actions that assured our philosophies and points of view.

With success in passing some such laws, our UU points of view have broadened to address an expansive array of issues that run the gamut from abortion through the environment to Zionism. Sorry—couldn't come up with a better "Z". This has led some of our UU's to be "There Ought To Be a Law" enthusiasts. Some may even say "zealots".

Unfortunately, a multitude of others have been doing the same with their particular interests at heart. Some of those other groups have a fifty-year head start on us in getting the government's attention. The downside of all this agitation for "There Ought To Be a Law" and the resultant actions has had a very major impact on our basic principles of freedom, liberty, and justice for all.

Let's look at some of the results of "There Ought To Be a Law". And I won't be talking about the TEN governmental organizations that need to be consulted before I can legally install ten feet of bulkhead to keep a shoreline tree from falling in the water.

First, we are but one of thousands of organizations supporting "There Ought To Be a Law", which means thousands of government employees are necessary to receive, execute, administer and monitor the results of "There Ought To Be a Law". We now call this the "public sector".

There was a time in our nation's history when people would have looked at you quizzically if you said you were from the "private sector". Until relatively recently, American Society and the "private sector" were the same thing. Government, or the "public sector", was viewed as a necessary evil—and therefore kept very small, a favorite theme of many of our founding fathers. UU's of the time knew a portion of that necessary evil and voiced their resistance to expansion of that necessary evil.

Government's task was limited to protecting the "rights of life, liberty, and property" of the individual human beings who constituted society—God given, or by the nature of man, depending on your theological perspective. Protect those rights from others, be they individuals, business, or private organizations, or sovereignties who would impinge upon them.

Now, things have changed. The social contract of strictly limited government has been breached, to put it mildly. In the early part of this recently ended century, spending at all levels of government, federal, state, and local, amounted to ten percent of the national income, the country's productivity. By 1950, that figure had risen to 26%.

Now, spending at all levels exceeds 43% of national productive income, according to the most recent analysis of public data. Will it be 80% by 2100? If that doesn't raise an eyebrow among those who cherish freedom, liberty, and justice for all, it's hard to know what will.

Quoting George Washington: "Government is not reason, it is not eloquence,—it is force! Like fire, it is a dangerous servant and a fearsome master." There seems to be a growing fear of the size and involvement of government, subtly or otherwise. Comments begin to appear like, "if you took all the bureaucrats inside the Beltway and laid them end to end, it would be a good thing."

What happens when a representative government approaches critical mass? Supposedly it self-sustains and cannot be reversed. Freedoms fall to regulations. Liberty remains within bounds established for the greater good in the opinion of few, and justice for all becomes an obscurity as the "all" becomes segmented into the thousands, perhaps tens of thousands of hyphenated citizens and special interest groups, be they the likes of Greenpeace or Union Oil.

But are UU focus "freedom, liberty, and justice for all" concerns truly threatened by all the "There Ought To Be a Law"? I wish I knew how to quantify our bent on those issues to evaluate them one way or another.

Suppose we substitute some quantifiable issues to see if we can imply subtle or maybe not so subtle loss of the ability to make our own decisions—or government's ability to err on our behalf.

"Fatal Conceit" is what Nobel laureate economist, F. A. Hayek, called it when bureaucrats and politicians attempt to improve on the marketplace through government

laws and programs. Fatal conceit is not limited to marketplace issues, but are easier to measure in that light. So, please excuse the shift to dollars and cents issues—the “Fatal Conceit” survives the transition.

Acid rain is a good place to start. \$4 billion dollars had been spent to comply with the Clean Air Act acid rain provisions up the point when a ten-year, \$500 million government study concluded that acid rain is a NON-problem. Amid great fanfare the threat was proclaimed. At a whisper, it was reported that actually less than one percent of North American lakes are acidic, the basis of the widespread concern, and the majority of those are acidic for natural reasons, unrelated to industrial activities.

Slavery and Black suppression has been a UU hot button issue. Walter Williams is the John M. Olin distinguished professor of Economics and chair of the Economics Department of James Mason University. Williams is Black. Here are his words relating to government assuming social responsibilities previously belonging to neighborhoods, charitable organizations, faith-based groups, and family. “Many would question government forced cleaning services at local senior citizens homes. Government servitude, they might say, akin to slavery. We have evolved a taxation form of servitude that is less visible and thus more palatable to the ordinary citizen. Not many Americans, I would hope, would sanction enslavement of doctors to provide medical treatment to the medically indigent or the enslavement of lawyers to provide legal services to the poor. One might argue that if these services are in the public interest, they should be borne by all Americans. But distributing the burden through the tax code simply conceals the immorality of forcing one person to serve the purposes of another.”

Williams continues with, “There is nothing in our Constitution that authorizes Congress to engage in ‘charitable expenditures’, and no clearer words were spoken about that than those of the Constitution’s ‘father’, James Madison. In 1792, Congress appropriated \$15,000 to assist some French refugees. Madison disapprovingly said, ‘I cannot undertake to lay my finger on that article of the Constitution that granted a right to Congress of expending, on objects of benevolence, the money of their constituents.’” Williams states it’s just not the government’s job.

Freedom, liberty, and justice for all is an issue in the recent California power crises. The problem has two roots now widely known.

First, state law boxed electric distribution companies between competitive market power purchases and price controls to customers.

Second, government approvals to build power plants in California were so difficult and acrimonious that the experiences of those who tried quickly discouraged those who might have tried. California politicians said “not in our state”. Other states meddled less in the free market, thus power generating plants were built consistent with their anticipated market needs—Californians didn’t get their plants.

The short version is that as demand rose, the power generators set prices to the distribution utilities according to rising production costs and market pressures, and the distributors went bankrupt.

A classic case of government trying to play Robin Hood in an area they didn't understand—Fatal conceit. Now it's kind of a Little Red Hen situation, with Californians wanting to consume what they didn't prepare. And whom do they turn to for a solution, their government who put them in the fix in the first place. We UU's learn from that. Freedom, Liberty, and Justice was denied some and results are measurable and very visible in this economic example.

The farmer has been a symbol to some of freedom and liberty as a self-contained entity on his own land raising his family's sustenance and selling his excess in the market place. As farmers learned to be more and more efficient, some farmers, that is, fewer farms were able to feed more and more people.

Wheeler McMillon in 1929 recognized the trend in his book, "Too Many Farmers", where he observed "if a farmer doesn't have enough pride and business about him, certainly no one in the world is going to do much for him."

Well, our growing government didn't see it that way. Freedom, Liberty, and Justice for All fell by the wayside as governmental "fatal conceit" stepped in—and stayed in. The more the government helps an inefficient farmer to plant, the less all farmers will receive for their harvest.

It's a zero-sum game. The government doubled the subsidy in 1998 to \$4 billion and, in 1999, spent \$6 billion to keep inefficient farmers on tractors. While the rate of bankruptcy for all households is twenty-five times that of farm households. And the loser is freedom, liberty, and justice for all. The system of social balance is aborted. Every subsidized loan to a near bankrupt farmer means fewer loans for other Americans to buy a house, pay for an education, or start an independent business. Freedom lost.

The extent of the debacle is illustrated by the Freeman 81-day standoff near Jordan, Montana, in 1996. This is from James Bovard's "Feeling Your Pain".

Ralph Clark, grade school dropout and mastermind of the "Freeman" and his partners had received \$650,000 in farm subsidies since 1985. In addition, Clark received almost \$2 million in federal farm loans. The feds kept sending him almost \$50,000 per year for NOT growing crops on land he had bought with government loans—long after he had effectively defaulted on those loans.

Why did he receive so many government loans? Because he was uncreditworthy. According to Farmers Home Administration, this alone made him worthy of a windfall of capital. And, since he kept losing money year after year, that proved he deserved new loans. Clark symbolized the type of farmer favored by the USDA—big—with a 7,000 acre government paid-for spread—and incompetent. Clark was a poster boy for farm aid

lobbyists—portrayed sympathetically in Life magazine and with Geraldo Rivera on ABC’s “20/20” and elsewhere—but that was before his racism and anti-Semitism became evident.

Freedom, Liberty and Justice for All? I don’t think so.

It just so happens that the next example deals with getting the farmer’s grain to market. The following is from Charles Mogret’s “Brosnan: The Railroad’s Messiah”, written in 1996. Bill Brosnan worked his way to the top of Southern Railway Company and is considered the force that saved the U.S. railways from being consumed by the government. One of Bronson’s innovations was specialized freight cars of all types. “Big John’s” hauled double the capacity of fifty-ton standard boxcars, making it possible to reduce hauling prices by 60%, but required approval of the ICC.

It took five years and two trips to the Supreme Court before the freedom was won to reduce those prices and restore free pricing to the railroads. In a commencement address at his alma mater, Georgia Tech, Brosnan stated that the erosion of individual freedom was caused by “herd-like acceptance of limitations on our rights to be individuals. It is important to recognize that the right to personal choice can be given away or voted away in a democracy as well as stolen away by a dictatorship.”

Frederic Bastiat’s characterization of government is “that great fictitious entity by which everyone seeks to live at the expense of everyone else”. Some say, “the bad news is there’s no cure. The good news is that we’ll live anyway.”

Other noted economists fear that special interest groups and taking money from one to give to another will eventually stifle economic progress. A person can get rich through either productive activity or such transfer activity.

What do we give up to the extent that many of us legally steal from one another? Money for lobbyists, lawyers, and politicians—agents of the transfer economy.

Economists put these costs at five to twelve percent of the nation’s output.

Lawrence Reed, President of the Mackinac Center for Public Policy and Board Chairman of the Foundation for Economic Education, writes, “People who push government to ‘tax and tax, spend and spend, elect and elect’, are more than willing to sacrifice a little more liberty for the sake of a hand out.” Reed is quoting FDR’s brain truster, Harvey Hopkins.

Hopkins continues, “More appropriately, they are willing to sacrifice the liberties of everyone for the sake of handouts for the few. Those who prefer private, non-governmental measures to address problems, understand (1) that government has nothing to give anybody except what it takes from somebody, and (2) that government which has become big enough to give you everything you want has become big enough to take everything you’ve got.”

Replace those labels with new criteria: (1) those who are satisfied with rhetoric versus those who demand results are (2) those who are happy with short term answers versus those who plan for the long run and (3) those who exhibit little interest in liberty versus those who understand that WITHOUT liberty, little else matters or is possible.

If insisting on this approach compels a few to dig a little deeper and learn more than what can fit on a bumper sticker, public debate will to some degree be better informed.

Maybe when we say, “There Ought To Be a Law”, we should ask one more simple question. Am I really willing to shoot someone for this? Remember Washington’s words, “government is force”? Now, one might say that is a ridiculously stringent test for, say, somebody not fastening his seat belt. Well, let’s take a minute to look at that. Senator Ray Haynes of California’s 36th District provides some of these words.

Before you say, “We’re not going to be shooting anyone for smoking in public, not wearing a helmet, not hiring proper demographic in his office—we’re only talking about a \$50 to \$250 fine!, think—What if they won’t pay their fine? The response, “Then they’ll have to appear in court, and the court will make them pay.” The reply, “But what if they still refuse to comply with the court order?” “Then they’ll be thrown in jail.”

Even further, what if they refuse to allow the police in their home, or refuse to pull over their car when the officers try to arrest them? What if they are so tired of being nipped to death by nanny-statism that they just snap and refuse to be taken alive? Oops. At some point, somewhere along the way, if something is made against the law, someone may have to shoot somebody to enforce the law.

Of course, most people dismiss this argument as unrealistic and far-fetched. But, a number of months ago, this premise was proved right—again.

You probably heard about the man who was shot in Cincinnati in April by police. This incident spawned several days of racial unrest and rioting. Do you know what the underlying reason for the death of this young man was? He wasn’t wearing his seat belt. He had received several seat-belt violations and hadn’t paid any of his tickets. He had refused to respond to court orders. So, when they pulled him over on that fateful day, all the police knew about him was that there was a warrant out for his arrest. They didn’t know at the time that it was for seat-belt violations.

As for the man, we don’t know what he was thinking exactly, but he clearly didn’t want to be arrested by the police. He took off in his car and led the police on a high-speed chase, which ended in his own death when the police thought he reached for a gun and shot him.

He died over the seat belt law. I sincerely doubt that he was a conscientious objector to the nanny state. More likely, he just didn’t like seat belts and couldn’t afford to pay the tickets. When his unpaid tickets rose to warrant status and the police spotted him, he

panicked. In the end, however, he died because someone thought it was a good idea to force people to wear seat belts. Was it worth it? At what point is it not?

This problem of “fatal conceit” is key to the basic problem of the relationship between political society and civil society in America. At the time of our founding, there was a clear distinction between the two—with the political society kept small and allowed to exist solely to protect the civil society.

Quoting Edward Crane, “Today, that distinction is increasingly blurred. There is a sloppy tendency to equate government, and particularly Congress, with American society. The Washington post does it. The New York Times does it. Inside-the-Beltway analysts do it. And, most certainly, career politicians do it.”

Can you really blame them? It is unnatural to wake up every morning and have reporters pushing microphones in your face. Asking your opinion on everything under the sun. Pretty soon you start thinking that maybe your opinion is more important than it really is.

Worse, you start thinking that maybe you should codify your opinion on everything under the sun. Indeed, Congressional watch analysis groups demonstrate that the vast majority of members of Congress—whether Democrat or Republican—propose more and more laws and become bigger and bigger spenders the longer they are in office.

So, what does this all mean to UU’s, champions of Freedom, Liberty, and Justice for All?

First, one may consider it important to recognize that confusing political society with civil society is an exceptionally dangerous phenomenon. We must fight that confusion with a clear-eyes commitment to freedom and liberty. It is not just a game or something we should consider once in awhile.

For those of us who have visited statist countries where the citizens have been stripped of their freedom, where government seems to be the see-all, do-all, and end-all, over time, even the private citizens function like one big DMV.

It wasn’t that long ago we were talking about turning our entire health care system over to the same folks that run our post office.

Second, maybe we should emphasize changing people’s minds rather than marching to enact new laws. Reaching out to a neighbor or co-worker to help him or her see an injustice, a need for freedom from hate or bias, the value of liberty from the oppressions of the past and present, and his or her part in that picture. This has been a path to progress in open societies of the past. It is a long-term effort—no quick fix like some see passing yet another law, imposing yet another program, and hiring yet a few more enforcers/bureaucrats.

Maybe quiet discussion. Motivating personal responsibility. Encourage independence. It doesn't fuel the ego like disrupting international meetings or spouting rhetoric from a podium, but, over time, it has been shown to get the job done.

Changing peoples' minds also changes peoples' hearts. And those changes are inherited by future generations.

Let's think carefully before we echo "There Ought To Be a Law".