

from

Upholding the Law
and Other Observations

by

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About Weapons of Mass Destruction



Citing-- with no apparent sense of irony-- the dangers of the possible deployment within our borders of weapons of mass destruction, the U.S. government is seeking to acquire vastly broadened authority over the people. Powers sought include substantially enhanced license to wiretap; to open bank accounts and tax records to law enforcement scrutiny; to use secret evidence against suspects, and much more.

As we consider our reaction to this effort, it is wise to reflect on the fact that the most devastating weapon-of-mass-destruction ever deployed against any particular national population has always been its own unrestrained government, armed with powers ceded during moments of real or imagined crisis. The consolidations of several such panic-driven concessions into rigid oligarchies or dictatorships during just the last century alone slaughtered more than 170,000,000. These recent examples of the consequences of trading liberty for security-- and the certain fact that our American experience is a fragile oasis of freedom and general prosperity in the vast desert of serfdom and poverty which is the historic norm for 99% of humankind in all times and places-- should serve as a caution against both haste, and a reliance on the good

intentions (or discretion and longevity) of those who seek new or renewed delegations of power.

Furthermore, any assertion that the new authorities being requested will forestall future attacks is specious and demagogic. It is obvious that any future assault will accommodate itself in design and target to whatever measures of security are currently in place, just as did the last; and the demeanor of the perpetrators will be shaped to suit the existing protocols as well.

While it is possible to cite numerous problems with the adherence to legal particulars on the part of the suicide bombers responsible for last month's atrocities, such as being in the country on expired visas and the like, all of them were clearly within the tolerance range of the then current level of enforcement. If we begin to scrupulously enforce such requirements, we can rest assured that future suicide bombers will scrupulously adhere to them, and then proceed within that context. Those requirements would not have spared the past victims and will not protect future victims, and even if the tightening of security at airports makes targeting aircraft less viable, plenty of other targets abound.

It should, in fact, be obvious (and should be presumed to be obvious) to those whom we pay to be experts on such matters that granting the sought-after new powers to the government will not suffice to make us proof against attack-- or even marginally safer. Nonetheless, our "experts" tirelessly urge us on. The best that can be said for such efforts is that they allow these highly paid "experts" to seem proactive, and thus prop up their incumbencies; but the satisfaction of that narrow interest is-- needless to say-- a poor justification for delivering more power into the hands of the state. Under the circumstances, suspicion as to the sincerity or true character of their motives is not at all out of line.

For instance, Senator Charles Schumer recently advocated imposing the security rituals now common to airline

travel upon rail passengers. I may be wrong, but it seems to me that if a train becomes the object of terrorist interest, such an interest could be satisfied most effectively without ever boarding the train-- unless it has escaped my notice that trains no longer use tracks.

So, maybe Schumer's just an idiot. Or, maybe he just knows someone who'll pay a lot of money for the Amtrak customer list that his proposal would create if enacted, and he's figured a way to get a cut. Perhaps he's just engaging in some political opportunism by which he gets some free media at the risk of the rest of us being pointlessly inconvenienced, invaded, and burdened with a new and permanent expense in exchange for no benefit at all-- which is to say, he gets a benefit and we get the bill.

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Of course, there are measures that can be taken which DO hold the promise of substantially reducing American vulnerability to the dangers posed by terrorism. In a wonderful synchronicity, such measures are uniquely available to Americans as a consequence of that same monumental productivity responsible for the poisonous envy and hatred animating our enemies. Taking advantage of the opportunity which they represent would reduce the concentration of power currently enjoyed by the political elite, however, so it is safe to say that these measures will enjoy no advocacy from that quarter.

Thus, even while crews still labor to comb and clear the rubble of the Pentagon and the World Trade Center, and mourning continues among the families of the victims, the posture of that elite is to encourage brave talk of rebuilding and carrying on as before, rather than to think creatively. Get back to business as usual, they urge, and raise up another grand symbol of American greatness, confident that it can successfully

be spared from becoming another mass grave by the steps toward a police state which they DO advocate. America is strong and great, they tell us, and will not bow to aggression. Fair enough; true enough; and proper enough.

But the real strength and greatness of America lies not in our ability to clamp down on the freedoms which set us apart from the rest of the world, but rather in our flexibility and our imagination; and our ability and willingness to adapt to and maximize the benefit of new challenges and new opportunities. Right now, our challenge and opportunity lies in thinking, and living, outside of the box.

Consider this: 32,000,000 U.S. workers do not report to a dense-packed ground zero five mornings a week; and the parents of as many as 5,000,000 (maybe considerably more) school-age children decline to have their kids spend each day in a high-casualty-potential target. This is because the American entrepreneurial dynamo has generated a high-tech infrastructure in which telecommuting and homeschooling are perfectly viable and widely exercised options, the benefits of which could be, and would be, being enjoyed by vastly larger numbers-- if everyone were aware of the possibilities.

Rather than urging Americans to support new police powers which certainly diminish liberty in exchange for an uncertain promise to make safe our continuing to crowd into big buildings each day, the administration and Congress should be using the bully pulpit to sing the praises of working at home, of teleconferencing, and of homeschooling. Not only would we become immensely harder targets for attacks by our enemies, we also would reap enormous additional benefits: in quality of life in general; in the education of our children; in our environmental impact; and in our cost of living.

Here's an immediate example of what IS being done, and what could and should be done: Right now, the discovery that anthrax-laden envelopes have been delivered to multiple targets around the country has public officials issuing

instructions on how best to identify and deal with high-risk hard-copy mail. Why not simply stop using hard-copy mail for the business and junk correspondence which is the variety susceptible to tampering? (Personal letters are generally not a risk as the handwriting and return addresses are familiar guarantors of its provenance and trustworthiness to the recipient). Email is absolutely proof against infecting anyone with anything, and the danger to computers associated with it are due in large part to poor practices by both senders and receivers, which would be easily minimized by a few public service announcements and standardized practices on the part of service providers.

Another substantial benefit of this cultural judo would be the improvement in our civic lives. Not only would citizens have more time with their families, but they would have more time available in which to stay abreast of public policy issues and to thoughtfully express themselves both amongst their fellows and at the ballot box. American greatness was conceived and nurtured by a rural, decentralized society, and while we will never again quite duplicate that earlier structure, the massive densely-packed population centers, with their chronic social pathologies and corrupt machine politics, can and should be greatly diminished.

In addition to encouraging Americans to embrace the opportunities and benefits of decentralizing their work and school lives, our leaders should be directing public attention and support to the refinement and deployment of private energy production. The technology by which every home could provide for its own electricity, through solar concentrating generators and fuel cell systems, not to mention straight natural gas fired generators and other systems, has long been available. Vigorously encouraging the adoption of this technology, would minimize or eliminate the potential for massive disruptions through terrorist targeting of centralized power systems.

Similarly, Congress should reject out of hand the scheme of various state governments to form a compact, or cartel, in order to impose sales taxes on internet commerce, a formula for discouraging this immensely safer method of shopping. Instead, congress should make permanent its ban on internet taxation on the national level, and resolve to withhold its necessary cooperation (such compacts are unconstitutional without congressional approval) from the conspiring state governments.

Of course, many special interests can be counted on to howl with protest at the implementation of each of these notions, such as the public education industry, the road repair industry, the political bosses, the postal unions, and assorted busybodies who will find it much more difficult to intimidate and harass companies and workers when workforces are spread over hundreds of square miles and children are safe under the watchful eyes of their parents. And certainly, not every workplace can be dispersed. But a huge percentage can, and of the type that cannot, such as manufacturing facilities, micro-plants are already out-competing the behemoths of the past, and can continue to make up a larger and larger share of their respective industries, thus minimizing unavoidable concentrations of personnel and key industrial capacity.

While much may have changed on September 11th, one thing that did not is the proper relationship between Americans and their government, and that is not the area in which adjustments to any new reality should be made. Those currently under consideration will not accomplish their stated goals, and might do much mischief. As William Pitt said, *"Necessity is the plea for every infringement of human freedom. It is the argument of tyrants; it is the creed of slaves"*.

That we must adjust is undeniable; that we should do so thoughtfully, creatively, and with enduring faith in the transcendent ability of our system of free enterprise and individual sovereignty to overcome adversity is just as certain. Our system is not strong for being able to absorb encroachments on liberty without harm-- it cannot, for such encroachments in and of themselves eat away at its sinews. Rather it is strong because by the very disdain for encroachment which is its foundation it taps and focuses the inexhaustible resources of the human mind and spirit against which no dark and cramped envy or hatred can prevail.

So let's flex these big muscles of ours, to enhance our security and dismay our enemies. But in so doing, let's especially flex the ones in our heads.

Afterword

"The whole aim of practical politics is to keep the populace alarmed—and hence clamorous to be led to safety—by menacing it with an endless series of hobgoblins, all of them imaginary."

-H.L. Mencken

In the four years since the preceding words were written, one thing has become clear: No war is, or ever was, being made upon America by terrorists. The making of war is the making of a sustained series of destructive efforts against a target. Although America has suffered a sustained assault of hyperbolic, mindless fear-mongering on the subject by the federal government (with the enthusiastic support of much of the profit-driven media, and the occasional contributory gesture from a state or local government in line for a helping of

"Homeland Security" federal grant money), there has been no follow-up to the Sept. 11th, 2001 event, despite endless opportunities against which no preventative measures are possible. Thus, while it may not be possible to say exactly what the heinous crimes committed on September 11th, 2001 really were, it IS possible to say that they were NOT acts of war.

Since no war OF terrorism (or by terrorists) is being made upon America, as little as this alone and simple logic suffice to demonstrate that America is not engaged in a war AGAINST terrorism (or terrorists). (Both are ridiculous constructions in any case: "Terrorism" is a means, and a "terrorist" is merely a member of a general class; neither term properly describes or identifies an enemy. Such constructions are used *because* they are vague, of course; they provide for adopting a military demeanor against any future target of choice, since none has been previously identified.)

What America IS engaged in is a significant flare-up of the now century-and-a-half old war of the ambitious beneficiaries of an unrestricted central government against the restraints of the Constitution and the Rule of Law. We allow ourselves to be blinded to, or distracted from, this reality at our extreme peril. Only a child or a fool would have failed to observe that power once ceded to government is never again relinquished without the shedding of blood, sweat and tears-- and especially when the power given is of a character such as to facilitate the repression of dissent, such as that upon which the enemies of liberty are currently focusing by means of instruments like the 'Patriot Act' and 'The Real ID Act'. The powers sought by these measures are those necessary to the erection and sustenance of a police-state, and nothing less.

Cry out in opposition now, or cry out in misery and despair later. Does that sound hyperbolic? Study history.

More importantly, stand up and act. I invite and implore everyone reading these words to join the growing ranks of those Americans who are courageously and successfully insisting that the United States and the several state governments abide by the letter of the law (and who are thereby regaining enormous power over their own property and the uses to which it is put). To learn more about this critically important effort to restore the balance of power intended by America's founders, visit losthorizons.com.