

The Voluntaryist

Whole Number 62

"If one takes care of the means, the end will take care of itself."

June 1993

A Declaration of Personal Independence

When in the course of human events it becomes necessary for a person to advance from that subordination to which he or she has been subjected and to assume the equal and independent station to which the laws of nature entitle that person, a decent respect to the opinions of mankind requires that he or she should declare the causes which impel that person to the change.

I hold these truths to be self-evident: that all people are created with equal, independent and unalienable rights; among which are the preservation of their own life, liberty, and the pursuit of happiness; that to secure these ends, associations are formed among humans, deriving their just powers from the consent of their members; that whenever any association becomes destructive of these ends, it is the right of each member to secede from it, to withdraw financial and other support, and to create or join different associations which lay their foundation on such principles, and organize their powers in such form, as to their members shall seem most likely to effect their safety, enterprise and happiness.

Prudence indeed will dictate that government and other associations long established should not be changed for light and transient causes; and people may be more disposed to suffer, while evils are sufferable, than to right themselves by abolishing or abandoning the forms to which they are accustomed. But when a long train of abuses and usurpations reveals a design to subject people to the absolute power of a tyrant, it is their right to throw off such government or other associations, and to provide new guards for their future security. Such has been the patient suffering of the undersigned; and such is now the necessity which constrains me to reject the current form of government to which I am subjected. The history of this government is a history of unrelenting injuries and usurpations, among which no one fact stands single or solitary to contradict the uniform tenor of the rest; all of which have in direct purpose, the establishment of an absolute tyranny over me and my fellow citizens. To prove this, let facts be submitted to a candid world, for the truth of which I pledge a faith, as yet unsullied by falsehood:

1. The government of the United States of America and its State subsidiaries rely upon the legalized theft called taxation to coerce citizens into contributing to activities they do not support. This has led to a lack of market discipline and the largest public debt in the history of mankind, because those who pay for this government cannot legally say, "NO!" While this coercion has allowed short-term benefits to be created for some, this has come only at the most severe and tragic cost. This government cannot continue to expand public debt and increase taxes without widespread, catastrophic consequences. I object to the fact that my personal welfare and assumed consent are excuses this government relies upon to continue this irresponsible and destructive behavior.

2. I am forced, by this government's political laws and the police and courts that do its bidding, to contribute to a bankrupt Social Security system that is a tragic fraud. Unlike the savings and investment account that I have been told it represents, it more accurately resembles a checking account, from which people older than a certain age may be given benefits at my expense. None of the current extortion I am forced to pay for this system is being saved, invested, or otherwise allocated to my retirement. Instead, this government uses my involuntary contributions to

pay others currently drawing benefits, while promising to continue this theft on the children and grandchildren of this generation to pay for the empty promises made for my retirement. I can no longer tolerate this injustice.

3. The collapse of organized communism in eastern Europe and the Soviet Union has failed to significantly reduce the size and influence of the military-industrial-political complex. The so-called Department of "Defense" currently spends almost \$300 billion per year to protect its bureaucracy, some U.S. companies and the corrupt governments of foreign nations. The annihilation of 100,000 Iraqis, popularized by a propaganda campaign and level of censorship unparalleled in this country, has elevated mass murder to a new level of social acceptability. I refuse to accept the fact that my involuntary contributions to this government are used to perpetuate such an instrument of terror in the false name of "national defense."

4. The creation and expansion of a welfare state in the U.S. has brought about precisely the opposite result from that intended. Rather than help people out of poverty, it has encouraged them to remain. Rather than provide emergency funds for low-income people, most government spending in this area is received by those well above the official poverty level. Rather than job skills and opportunities, it has produced dependency and helplessness. Rather than pride of accomplishment, it has spawned civil unrest and despair. The continuation of this corrupt and fraudulent system is an affront to human dignity and a complete denial of human compassion.

5. This government has created political laws which prevent honest people from solving their problems in non-violent, voluntary ways. Examples include the establishment of government-protected monopolies for public services and oppressive restrictions on private enterprise and non-violent personal behavior. Occupational licensing and minimum wage laws, contrary to their stated purposes, protect established industries and unions from market competition rather than consumers and most workers. No such government regulation can produce a more beneficial or fair result than the free, unregulated marketplace of human ideas and uncoerced activities.

6. The police of this government protect neither people nor their property. Instead, the primary mission of this government's police is to enforce coercive political laws which have been created at the request of powerful special interest groups. In so doing, this government's police inadvertently protect criminals, while punishing non-violent people. State and federal crime statistics reveal that violent and property criminals in the U.S. have less than a one-in-twenty chance of being successfully and fully prosecuted. Despite this, the United States has a larger percentage of its population in prison than China, the former Soviet Union, or South Africa. These two facts suggest that this government's police, courts and prisons exist primarily to punish those who disagree with this government; not to protect people or their property from violence or other aggression. Indeed, the most dangerous and destructive influence in the life of most U.S. citizens is the violence and aggression of this government.

7. The so-called "war on drugs" is a cure that is worse than the disease. It has changed a serious health problem into a popular means for suspending the Bill of Rights (the only part of the U.S. Constitution based on individual rights); and has created violent crime where there was none before. This disastrous government activity has resulted in the expansion of the American police

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The Voluntaryist

Editor: Carl Watner

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In All But Name

By Carl Watner

During the latter part of 1992, the International Society for Individual Liberty (1800 Market Street, San Francisco, CA 94102) published a three-fold brochure entitled: "Red Alert: The Rising American Police State." The author, Jarret Wollstein, argued that "a tidal wave of authoritarian legislation has been battering America." While I highly recommend this article to readers of THE VOLUNTARYIST, my two initial reactions to the piece were 1) "the rising American police state"?—The American police state has already risen. The fact is simply that no one calls it that. 2) "authoritarian legislation"?—What other kind of legislation is there?

What is in store for us in the 21st Century? The political scene—even before the last presidential election—looks worse and worse every year. It is my contention that we are living in a dictatorship in all but name. Living in a republic, where people "rule" themselves, and participate in electoral politics, is no guarantee that we cannot lose (or have not lost) our liberties.

The big picture is that time has already run out on America. The government of the United States has spent itself into bankruptcy in every way but name. The national debt increases every year, and ever larger portions of the federal budget are required just to service the interest on this borrowing. We have a rotten currency, which buys less and less. Historically this has been an invitation for a political strong man to take power. Napoleon followed the assignats of the French Revolution; Hitler followed the inflation of the German mark after World War I. While history seldom repeats itself in exactly the same way, America is following the footsteps of other world empires whose demise has been recorded by historians. America is so close to the edge of disaster that it hardly matters what emergency strikes us next—a currency crisis threatening the U.S. dollar or any major world monetary unit, a financial apocalypse or meltdown of international stock markets, or a nuclear threat from one of the former communist states. Any or all of these could be the catalyst for the formal declaration of martial law in America, and the abrogation of more of our economic and civil liberties.

Barring such potential catastrophes and measures, what proof can I offer to substantiate my claim that a police state already exists? No matter how conscientiously a person strives to avoid involvement with the State, every American finds him or her self entangled and ensnared with the statist beast to some degree. The result?—A loss of precious liberty, and encounters with a propaganda machine of enormous proportions and finely honed techniques. Every major area of life is regulated, controlled, or touched by some level of American government. For example—

- Children are:
 - 1) registered at birth by their state governments.
 - 2) assigned social security numbers by the Federal government.
 - 3) required to attend school, with proper immunizations and records, and even "home schools" are legislatively supervised by the states or counties.
- State and county governments collect real estate and personal property taxes in their respective jurisdictions.
- State governments collect income taxes and sales taxes

on nearly all purchases, even out-of-state ones.

- The Federal government collects not only income and social security taxes on all world-wide earnings of individual Americans, but taxes capital gains, gifts, gasoline, and levies on their estates when they die.
- County, state, and federal licensure laws affect every area of human activity, from driving a car to running a business, from practicing a profession to building a house, from receiving medical treatment to the food you eat.
- Americans are required to use their social security "identifier" in hospitals, schools, banks, in real estate transactions, passport and employment applications, drivers license, etc., etc.
- The Federal government mandates that you have an American passport in order to enter the country upon return from travel abroad.
- The American monetary system is based on fiat. Money is what the federal government says it is. Who else but the Federal government could create a piece of paper with the denomination "\$100 dollars" printed upon it (costing about 4 cents to produce) and exchange it for real goods and services to the tune of \$100?
- The existence of local, state, and federal civil asset forfeiture and seizure laws, as well as money-laundering statutes, enables government agencies to confiscate any property—including your cash money—without any indictment, trial, or conviction.
- Restrictions on the ownership and use of private property have become widespread—whether it be real estate or personal property (from the banning of firearm ownership and drugs to the prohibitions on the development of designated wetlands).

"With millions of laws now on the books, there isn't a single person in America who hasn't broken some of them." The real purpose of all these laws? There is no way that each and every one of them can foster the "general welfare," for at least one or more persons are always worse off than if there had been no such law(s). The real purpose of government legislation is to create a nation of lawbreakers, who can be alternately cajoled into line with feelings of guilt or slapped into shape by the threat of guns, jails, and confiscation. Government law enforcers want a populace which they can easily manipulate and control, whether it be by the carrot or the stick. Where else but in America can you find a formerly "free" people with such a plethora of government as they or their "elected" representatives have appointed? Americans are now experiencing what they asked for. Pierre-Joseph Proudhon described this process of "governing" over a century ago:

To be governed is to be watched, inspected, spied, directed, law-ridden, regulated, penned up, indoctrinated, preached at, checked, appraised, sized, censured, (and) commanded... . To be governed is to have every operation, every transaction, every movement noted, registered, counted, rated, stamped, measured, assessed, licensed, refused, authorized, endorsed, admonished, prevented, reformed, redressed, corrected. To be governed is, under pretext of

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"Either some Caesar or Napoleon will seize the reins of government with a strong hand; or your republic will be as fearfully plundered and laid waste by barbarians in the twentieth Century as the Roman Empire was in the fifth;—with this difference, that the Huns and Vandals who ravaged the Roman Empire came from without, and that your Huns and Vandals will have been engendered within your own country by your own institutions."

—Thomas Babington Macaulay
(1800-1859)

Letter to the Editor

Dear Carl:

Hooray for your principled stand (in Issue 60) against the full political context of the original Declaration of Independence! About ten years ago, when I had been active in the Libertarian Party for about two years (since 1980), I had the idea of a Declaration of Independence for individuals, rather than the collective declaration familiar to most Americans. It would contain the ideas of individual sovereignty contained in the first two paragraphs of the original Declaration, but would not arrogantly assume that the signers of the document represent anyone other than themselves. Only after reading Thomas Paine, Robert LeFevre, Spencer Heath, John Locke, Henry David Thoreau and Lysander Spooner was I finally ready to write the document. I also had to evolve beyond politics after two congressional campaigns. About two years ago, the project began to take form.

Like you, I have read Vince Miller's and Jarret Wollstein's New Declaration, recently published in the ISIL newsletter. After reading Mr. Wollstein's principled pamphlets of individual freedom from the old SIL, I was quite disappointed to see that he had endorsed the concept of a constitutional convention in the declaration. What a tremendous step backwards! I sent Mr. Wollstein a copy of my recent efforts, A DECLARATION OF PERSONAL INDEPENDENCE, mainly to let him know that I did not copy his declaration when drafting my own. Enclosed is a copy of this document, which has not yet been formally published. Also enclosed is a draft of a small book I have written to accompany and explain the declaration. I don't pretend that the book is a thoroughly documented piece of research. My attempt was to keep it brief and philosophical, along the lines of Thomas Paine's COMMON SENSE.

I am not quite ready to publish the book, as I am not yet satisfied with the content. However I feel that the declaration is virtually done. You have my permission to reprint all or part of the declaration in THE VOLUNTARYIST if you so choose, on the condition that you refer to the author only as "Paine's Torch" and that you display the copyright for Zeno Press. Of course, I would welcome your critical comments concerning either document, whether or not you decide to use the declaration.

Largely as a result of the previously-listed authors, taped lectures by Andrew Galambos of the Free Enterprise Institute (California) and your writing efforts, I have finally come to the inescapable conclusion that collective declarations, constitutions, political action and statutory law cannot possibly be a successful means to achieve freedom. Any one of these efforts might be a reasonable attempt to *limit* tyranny, but not to *build* freedom. When people are enslaved, they might do any number of things to make their lives better or make that tyranny tolerable. But to achieve true freedom (Rose Wilder Lane: "Freedom is self-control, no more, no less."), humankind has to evolve just a bit further than where we are now. Social technology based on non-coercive institutions has to develop to replace the State, and this will not likely happen until such institutions are obviously better than their State counterparts at satisfying human desires. This judgement must be made not only by libertarians, voluntaryists and anarchists, but also by the average person who could care less about the elegant ideas of freedom we share. In short, the product (freedom) should work better and be more marketable than it is today. We must improve the product by building non-coercive organizations to replace coercive ones.

I applaud the efforts of your newsletter, Marshall Fritz, the Cullinanes and others who promote the ideas of individual liberty through education. This is an important process, especially to convince opinion makers (not politicians, but parents, teachers and journalists) that these ideas deserve at least as much consideration as the statist ideas they were taught in public schools. However, it seems to me that more than just education will be necessary. Some technology which may not presently exist, combined with the increasingly obvious inability of the State to provide everything for everybody, will one day allow for a critical mass of dissenters to successfully implement civil disobedience. Perhaps the collapse of banks, bond defaults,

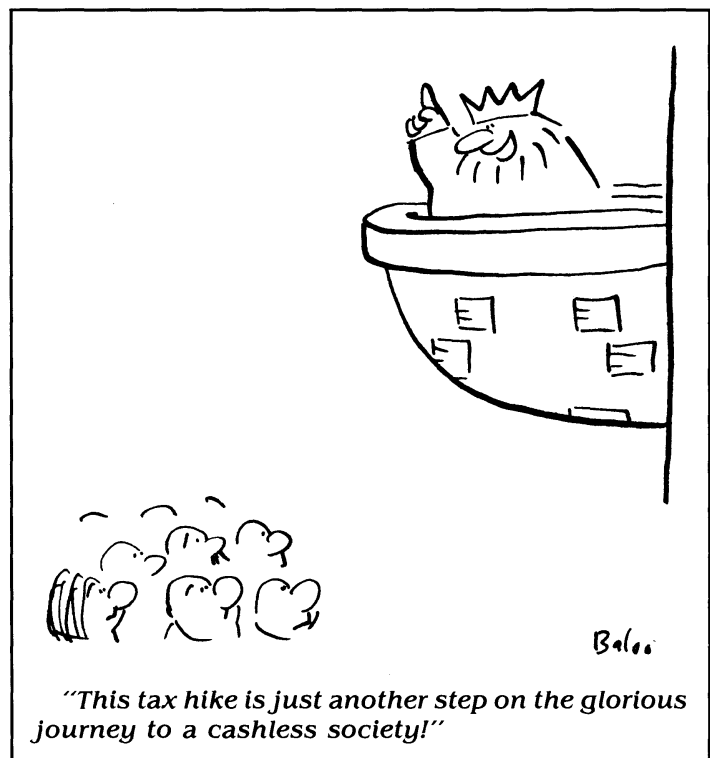
hyperinflation and/or debt liquidation (deflation) will make this possible, or perhaps it will have to be more gradual than this. But I am convinced that it will happen. Perhaps there just aren't enough freedom lovers yet to bring it about. Perhaps there are, but they haven't been organized yet. The Libertarian Party is inhibiting this effort by promoting the current system.

I have become particularly interested in the idea of creating non-coercive businesses and other organizations to take over the functions of the State as it proceeds inevitably down the path toward its own destruction. To me, this offers the most exciting prospect for the future of freedom. However, I rarely hear of anyone in the freedom movement who is doing anything along these lines. Most libertarians are still dazed by political charades and choose to play the games necessary to become more acceptable among the statists that they criticize. There is a lot of good free market and anarchist scholarship around, but I don't see many people doing anything more than writing about what other people ought to do (I include myself in this indictment). Who is working on building such alternative institutions? Perhaps those doing the most for tomorrow's freedom are those building businesses in communications, alternative lifestyles, property protection services, computer software (especially shareware), and other "cutting edge" activities. Ironically, I suspect that many of them have never heard of John Locke or Lysander Spooner, and a good number of them are probably statist.

What if someone were to develop an effective, inexpensive, personal defensive shield? If individuals could defend themselves against the aggression of the State without presenting an offensive threat, the present coercive institutions wouldn't last long. Just a thought. My point is, someone who never heard of the word "libertarian" or "voluntaryist" might just contribute more to our future liberation than all of us reading, writing and arguing about the freedom philosophy. Who is nurturing these activities? Have you or any of your readers discussed this approach?

Well, I've rambled entirely too long. Your newsletter inspires me to think of these things, and sometimes I get carried away in communicating with kindred spirits. Please give my regards to the Cullinanes when you see them. They speak highly of you, and with every issue of THE VOLUNTARYIST I am more impressed with your work. Congratulations on your fine efforts, and keep up your principled writing.

signed/A Friend of Thomas Paine



"Flint and Steel II" or "Fun with Fire"

By C.F. Bracken

Kevin Cullinane made a valid point in his guest column (December 1992) concerning the mission of a spark. However, we Good Scouts must realize that there are many ways to start a fire, and that sparks can (and should, I think) enjoy the mission. The modern statist is, unfortunately, a very tough nut who must not only be shown the light, but exposed to the heat as well.

Step one for the budding pyromaniac is definition: What sort of inflammatory am I? My wife, for example, is a candle. Just a little heat, but a constant and dependable bit of it. She can do nothing with green wood, but bring something close that's ready to go up and, well, your fire's made. Her husband, on the other hand, is a muzzle-flash. A cold, black hole most of the time, he occasionally spews forth phenomenal heat, while disturbing the tranquility of everyone in the vicinity and stinking up the place.

Voluntaryist readers, I suspect, are all sparks of one sort or another. We run the gamut from Little Embers to Fire Breathing Dragons. Once defined, we should move to step two, target (or tinder) selection: Where does my spark work best? Or for Sam Adams fans: How big a ruckus can I get for how little effort? One of the great joys in this spark's life is the building of step two competence. To assess a situation or a person for just a few moments and know that combustion is instantly attainable, makes me feel warm (groan) all over!

Skill comes from step three, practice: Spark away, folks! Have a good time sparking, make it a habit, make it fun! (Reach out and torch someone!) For contrary to what we were all taught as children, we **MUST PLAY WITH MATCHES...** while we're still allowed to have them.

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state and the reduction of personal freedom, responsibility and legal rights of all people who reside in the United States.

8. Despite spending more money per student than either private schools or most other countries, the U.S. system of public schools is an unmitigated disaster. As taxes and debt are increased for this coercive government "education," expectations are lowered and the current educational establishment becomes more entrenched. There cannot be quality education until teachers are required to achieve results, rather than tenure; and when teachers, students and parents play an active role in education without interference or "help" from politicians. The purpose of education is not to provide jobs for teachers and administrators, but to teach. No one should be forced to support this primitive, counterproductive system of mass obedience and indoctrination.

9. The U.S. Constitution, as the basis for statutory law in the United States, was never, and can never be, a document by which a free and independent people govern themselves. There are three reasons for this:

This document is fundamentally a statement of government—not people—sovereignty.

This document was never executed as a proper contract between any humans, living or dead.

This document has been repeatedly modified to expand government power and to reduce the legal rights of individuals without their consent.

10. The U.S. Government has repeatedly created the conditions for economic, social and military crises, while using each such crisis as an excuse to expand its own power. Specific examples of this include the administration of president Abraham Lincoln during the Civil War, the creation of the Federal Reserve and the

income tax in 1913; and the policies of president Franklin Roosevelt in the 1930s. It was the artificial expansion of the money supply by the Federal Reserve in the "roaring" 1920s that led directly to the stock market collapse in 1929. President Roosevelt's socialist agenda (the "New Deal") in the 1930s caused the Great Depression to last ten years instead of one. More recent wars, recessions, social unrest and "emergency" presidential power legislation are an extension of this consistent downward spiral, caused by continuing and expanding government intervention in the markets that non-coercive humans choose to satisfy their legitimate desires.

11. The U.S. Congress has consistently subsidized special interest groups at taxpayers' expense, while restricting the personal freedom of all Americans. This coercive, unrepresentative body of men and women holds the sole responsibility for suffocating public debt, oppressive taxation and ongoing budget deficits. The fact that a small percentage of the U.S. population voted for the current members of Congress cannot begin to justify the irresponsible actions of this untrustworthy band of plunderers. I hereby declare that no congressman, senator, governor or president represents my interest in any conceivable way.

12. This government has promoted itself as a true, legitimate and representative agent of all Americans, which is an inherent contradiction and unattainable goal. Special interest politics and the fraudulent charades called elections have completely destroyed any remaining legitimacy or representative quality that this government might have once had. Reform of this coercive system of government is hopeless, as naive voters continue to be misled by promises of more benefits without apparent cost.

I therefore reject and renounce all allegiance and subjection to any person, association, majority, or government that I have not voluntarily and explicitly chosen as my personal representative. I assert and declare myself to be a free, sovereign and independent person, and as such I have the right to regulate my own affairs, decide which products, services, charities and causes to support; and to do all other things which independent persons may of right do. And for the support of this Declaration, I pledge my life, my property, and my sacred honor.

A FRIEND OF THOMAS PAINE
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[Editor's note: THE VOLUNTARYIST will act as a repository for those who wish to sign this Declaration. If this document does not satisfy you, you are invited to prepare your own and submit it for publication. In his "Letter to the Editor," the author refers to a small book which he has written. It is titled A PERSONAL DECLARATION OF INDEPENDENCE. In conjunction with the author, I am undertaking its publication. If you are interested in more information on how to order the book, please send your name and address to THE VOLUNTARYIST.] ☐



"I'm afraid I have bad news about your frozen assets, sir—somebody dropped them and they broke."

"The Constitutional Convention had been called to *amend the Articles* (of Confederation)... . But the Framers defied th(is) legal stipulation... . J.W. Burgess has stated that what the Framers 'actually did, stripped of all fiction and verbiage, was to assume constituent powers, ordain a constitution of government and liberty and demand a *plebiscite* thereon over the heads of all existing legally organized powers. Had Julius (Caesar) or Napoleon committed these acts, they would have been pronounced a *coup d'etat*'."

—Jerry Fresia,

TOWARD AN AMERICAN REVOLUTION [p. 50]

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public utility and in the name of the general interest, to be laid under contribution, drilled, fleeced, exploited, monopolized, extorted from, exhausted, hoaxed, (and) robbed... .

And of course, all this is done in the name of the people, by the people, for the people!

In his book, *TOTALITARIANISM* (1972), Leonard Schapiro describes "the 6 point syndrome" (originally formulated by Professor Carl Friedrich in 1954) which characterizes political efforts to totally control all human activity in a given society. Judge for yourself how close the United States comes to fitting this description:

...1) an official ideology to which everyone is supposed to adhere.

...2) a single mass party (led by one man) organized hierarchically and intertwined with the state bureaucracy

...3) a near-complete monopoly of all weapons of armed combat

...4) a near-complete monopoly over all means of mass communication

...5) a system of physical and/or psychological terroristic police control

...6) central control and direction of the entire economy.

As the old saying goes, "If the shoe fits, wear it!"

In his article, "Propaganda—American Style" (see *THE VOLUNTARYIST*, Whole No. 37, April 1989), Noam Chomsky observed that "in a state such as the U.S. where the government can't control the people by force, it had better control what they think." The American State accomplishes this largely through the medium of "free public education," a misnomer if there ever was one. Not only is such schooling not free (somebody always pays the cost), but it is damaging to one's mental health (and in many places, even dangerous to one's physical health—because the threat of physical violence is becoming more and more prevalent in the public schools). Public schools, in conjunction with the media, teach people to accept "double think," to believe that government is as necessary as food, shelter, and clothing. Hence, most people cannot understand the "real" world (natural law) principles upon which the free market is based, and that "private property is a total concept."

In a similar manner, Schapiro comments that the ruling elite "can, by control over education and over all information entering the country, and by the extensive use of modern technical methods of propaganda, and monopoly of propaganda, indoctrinate or condition the inhabitants in such a way that they voluntarily believe what the ruling elite requires them to believe." Furthermore, he notes that the mobilization of the nation (for the purpose of fighting an enemy or winning a war) "logically entails the ultimate complete control over private property. And since property is one of the main safeguards of the individual against the encroachments of government, mobilization thereby contributes to the total enslavement of the population." As property becomes less and less private, and more and more

public, the government exercises greater and greater control over the livelihood of every individual in the country. The increasing absence of private property makes it more and more difficult for the individual to emancipate himself from the State by creating material independence. Thus government control over one's employment becomes "an effective substitute for physical terror."

Every State, to exist, needs to search for and attain a certain minimum degree of legitimacy. Principles of legitimacy determine who has the right and title to govern—in other words, "who has the **right** to be obeyed." The consent and cooperation of a majority of the populace, whether it be active or tacit, is required to establish that legitimacy. While recognizing the importance of State legitimacy, the voluntaryist views all compulsory government as inherently arbitrary and coercive. To the voluntaryist a man is still a slave who is required to submit even to the best of laws or the mildest form of forceful government. Coercion is still coercion no matter how nicely it is administered or no matter how small the dose.

Practically all political regimes, even the most coercive and totalitarian, seek to legitimize themselves through some sort of electoral process, however forced or faked it might be. In his article, "Elections, Liberty, and the Consequences of Consent," in his book *DO ELECTIONS MATTER?* (1986), Benjamin Ginsberg points out that "democratic elections are typically introduced where governments are unable to compel popular acquiescence. In a sense, elections are inaugurated in order to persuade a resistant populace to surrender at least some of its freedom and allow itself to be governed. ...Participation is offered to citizens as a substitute for freedom."

Faced with the choice of what appears to be "government or freedom", government propagandists strive to convince everyone that the choice is not a mutually exclusive one. "Governments are the preservers of our liberties. Governments are needed to protect private property," they claim. The reality in both cases is just the opposite. This propaganda, usually so successful, increases the certainty of our having some sort of coercive government. The outlook remains just as De Tocqueville painted it: "the citizens will simply continue to take pride in their grips on what, more and more, constitute only the ends of their own chains."

Addendum: After this article was written, an acquaintance showed me a copy of *THE McALVANY INTELLIGENCE ADVISOR* of January 1993. This 24-page report is titled "The Fourth Reich: Toward An American Police State." I recommend this to anyone needing more evidence that the "fourth reich" is already here in America. A photocopy of it may be obtained for \$3 postpaid from *THE VOLUNTARYIST*. ☐

Let Freedom Reign

By R.S. Jaggard, M.D.

At the dawn of civilization, two of the basic rules of conduct that were developed to protect the basic rights of all persons were: Do Not Covet, and, Do Not Steal. These rules were, and have been, and still are, the basic, bedrock foundation of civilization, as well as the common cornerstone of many modern religious groups. Without those two rules, there would be no respect for the basic rights of any individual, and "might makes right" would be the only "rule."

Many societies have set up "rules" whereby certain politically-selected people could use the power and force of "government" to steal from their neighbors, by "divine right," or "to help the poor," but, always, the stealing was done primarily to benefit those who temporarily held the political power. And, always, the systems based on theft failed, because they were set up in defiance of the basic rules of civilized behavior—Do Not Covet and Do Not Steal.

Stealing, whether by individuals or by groups (governments), has ALWAYS failed to achieve good results. The bad end is predetermined by the means. There is No "right way" to do a wrong thing. There is NO "moral way" to do any immoral thing.

[Excerpted from JAQ Report, 10 E. Charles, Oelwein, Iowa 50662, Dec. 5, 1992.]

"Would You Have Signed the Declaration of Independence?"

As discussed in Whole No. 60 (February 1993), Vince Miller and Jarret Wollstein have written a "New Declaration of Independence." After reading my "Why I Would Not Have Signed," Vince Miller wrote me the following letter.

Dear Carl:

Thanks for the letter and the advance copy of THE VOLUNTARYIST

I agree with your positions as far as end-states (if you'll excuse the expression) is concerned. What I'm worried about is how do we get from here to there. I suspect that it will not be all that neatly packaged.

Leon Louw remarked at the Swaziland conference: "As a libertarian anarchist I really had to do some soul-searching when I wrote the constitution for the Cieskei." The problem is that the alternative presented was not between anarcho-capitalism and tyranny. Leon was attempting to create some kind of relatively benign structure that would fill the political vacuum before another tyrant jumped into the fray. That's the problem. People take some kind of traditional political structure as being natural and proper. Until we can convince them that government is a cruel fraud I'm afraid we're going to have to work with half-way measures while pounding away with educational pursuits.

The situation is far more encouraging in Eastern Europe. The people we met there would trust politicians with absolutely nothing. They know. Americans are about to find out.

A bas les mandarins
Best personal regards
Vince Miller

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impartially discharge and perform all the duties incumbent upon me as a State employee according to the best of my ability and understanding, so help me God.

IMPORTANT: Before swearing this appointment affidavit, it should be read and understood by the appointee.

The woman from the personnel office who was conducting the meeting said, "Now sign your appointment affidavit and turn to the next page."

At the end of the meeting we were all asked to line up to have our documents checked, to make sure we had correctly and completely filled everything out. I loitered at the end of the line, wanting to talk about the appointment affidavit, but not wanting to hold up the others. When there were only a few people left in the room, I heard the representative say, "Well, I'm surprised nobody's said anything about the appointment affidavit. Usually there's one or two who make a fuss."

I raised my hand.

"Oh, you." She smiled.

When I expressed my reluctance to sign, she was kind but firm. I would have to sign. It was a state law required of all public employees. If I did not sign, personnel could not pay me.

"You can have until Friday to decide," she told me.

Five days. During that time I spoke with my department chair, the director of the creative writing program, other faculty members, the New Orleans Office of the American Civil Liberties Union, my wife, the Association of American University Professors in Washington, D.C., the Louisiana attorney general's office, and the personnel office at Louisiana State University—the other big public university nearby.

The ACLU thought it would like to prosecute on my behalf, but I would have to sign in order to be an employee who could then file suit. My wife said, "I can't tell you what to do." The AAUP considered the oath "innocuous," not worth making a fuss about. Sixteen states have something like it. The attorney general's

office said, "State law, no exceptions." LSU stated that not only must every faculty member sign, but that the university also requires the signed affidavit from graduate students including foreign ones who teach or receive financial assistance.

"You can't make foreign nationals sign an oath to support the U.S. and Louisiana constitutions," I said.

"Everybody signs."

Many faculty members at USL told me they had never signed such a document, but when I asked personnel about this, the faculty members' files were pulled, and there were the signed forms.

My department was apologetic, chagrined that it had forgotten to inform me of the oath during the interviews.

What should I do? I thought about how it had felt to get that job, to believe that there were people who had honestly admired my work and wanted to have me teach at their university. I thought about having uprooted my family from Wyoming. Would we just go back as if there never had been this Louisiana episode? And, of course, looming in my mind was, "How will I make a living?"

When faculty members learned I might not sign the affidavit, many gave me advice. They sincerely hoped to help me find a way I could sign and thus get on with what they perceived to be the more important matter of teaching at the university.

"Sign, it's just bureaucratic garbage."

"Sign, it doesn't have anything to do with what you teach."

"Sign, it says right there you support the Constitution, and the Constitution guarantees you the right to break laws if those laws are unjust."

"Sign, it's some petty legislator's way of flexing his muscle."

"Sign, you don't have to believe it."

"Sign, it's only saying that you'll be a good citizen, and you're a good citizen, aren't you?"

"Sign..."

This week was very long, each day very large. On Wednesday night I stayed up, pacing in my empty apartment, sitting, trying to meditate, writing down the pros and cons of signing. Confused by a welter of conflicting feelings, I also cried. On Thursday I felt no clearer. Thursday night I stayed up again. At four in the morning, exhausted, with no decision in sight, I fell asleep on the floor. I awoke at six-thirty with a feeling of calm. I knew I could not sign the affidavit. It was wrong for me to sign.

When the English department office opened that morning, I was there, waiting. When I told them I could not sign, I saw that no one thought this might really happen. I would grouse and grumble, but in the end I would sign. People were shocked. They also supported me. The university had no desire to impose the oath but saw no way around it.

So I left Lafayette, Louisiana, and my first university teaching job.

Why didn't I sign? There were many reasons, but all were secondary to the fact that I felt I could not sign and be an honest teacher. One of my jobs would be to help students learn to think for themselves, to listen to their consciences, to act from principle, and to find their own values. These sorts of charges are not compatible with signing an oath that limits one's scope of thought. If I signed this oath, which I opposed, then stood before a class and spoke about integrity, I would be a charlatan, and my students and I would know it.

This world is made of water and earth and a million material things—wood, glass, asphalt, plastic, steel, diamond. And this world is made of words. The way we talk, the way we think, the way we communicate with one another has a great deal to do with the physical nature of our world.

It is a world imperiled by material problems—nuclear weapons, the degradation of the environment, hunger and disease. Even our material successes often become problems; our ability to produce and consume more and more things inflicts suffering on the other animals and plants of the earth.

Many of the problems that cause us to despair and that we wish we could ameliorate result from the ways we use language. Our words become our world. We have made the physical world out

of ideas, ideas that are framed and held by the words we use to express them.

Again and again I was told the affidavit did not matter, that it was empty words. But the words were not empty. To sign would have been to promise to support whatever law might exist or come into being. I could not make such a promise.

Had I signed I would have alienated myself from my words and from myself. Often in my life I've felt alienated from my neighbors, my family, my country, from my own humanity. I sometimes feel odd and strange, unable to connect deeply with other people. I assume many of us have had this feeling and that we struggle to transcend it, to transcend our aloneness and reach out to others.

If I am to reach out to others I must have a true self that can reach out. I cannot present two faces to the world. If I try to, I lose track of which face is my own. Is one the true me and the other a false me? How can I know which is the false me? Both make claims on my self, both inhabit this world and act in it. So first, I must try with all my might to find that true self that is deep inside me, living beyond the frame of my ego. As best I can, I must make sure that the things I say I will do turn out to be the things I actually do.

In his Nobel acceptance speech, Albert Camus said, "It's part of the writer's duty to speak for those who cannot speak for themselves."

I hope that some of why I didn't sign was because I was offered the opportunity to act on others' behalf. Many faculty members at the University of Southwestern Louisiana expressed dismay about the appointment affidavit. They were angry that they had been forced to sign in order to gain their positions. But they felt they couldn't afford to refuse. These people had made choices to be professional scholars and teachers. They were committed to a life in the university. Most were as surprised as I had been confronted with the appointment affidavit. Often new faculty members had sold former houses and purchased new ones in Lafayette. They had payments to make, mouths to feed. Refusing to sign would inflict not an abstract and temporary hardship on them personally, but a very real hardship on other people—their families.

I was not in that position. I was a newcomer to the university with another life already in place to which I could return. I'm sorry that my decision meant I would not be able to work with university students. But it was not such a great sacrifice. I lost a job I had not yet had. No one threatened my life or property. By not signing, I was able to make a small gesture that might help change a law that places an inappropriate demand upon those who have been hired by the public universities of the state of Louisiana.

* * *

After deciding not to sign the appointment affidavit, I began to read about loyalty oaths. I learned that as early as 1776, Benjamin Franklin wrote, "I have never regarded oaths otherwise than as the last recourse of liars." Still, loyalty oaths of one kind or another have been a part of American life from the beginning.

When George Calvert, the Roman Catholic first Lord Baltimore, attempted to settle in colonial Virginia, he was asked to sign an oath he felt he could not take. Rather than sign, he got back on the boat and returned to England. His successors later received their own grant in Maryland, guaranteeing them the right to practice their Roman Catholic faith as they saw fit. They immediately imposed a new loyalty oath on those who would immigrate to Maryland.

During the American Civil War, the Confederate government required loyalty oaths before individuals could be granted travel passes. After the Civil War, the Missouri State Constitution required that all voters, jurors, state officers, clergymen, lawyers, teachers and corporation officers sign an oath swearing that they had never served the Confederacy nor been Southern sympathizers.

This kind of oath—a "disclaimer of specific beliefs, associations, and behaviors deemed criminal or disloyal"—is called a test oath. Test oaths are retroactive and have been used to inflict penalties and punishments on those who were considered

obnoxious minorities.

Though test oaths have been widely used, they are rare in the United States today. More commonly, one is required to sign an oath of allegiance. Oaths of allegiance (such as the Louisiana Appointment Affidavit) are "...promissory oaths by which one swears to support the government..." One of the first national oaths of allegiance was required after World War I, when public school teachers were legally compelled to sign oaths stating their support of the U.S. Constitution. Many teachers objected and refused to sign.

Oaths of allegiance for public employment are often defended on the grounds that such oaths do not deprive anyone of civil liberties. In this view, the oaths make it clear that public employment is a privilege, not a right. Oliver Wendell Holmes believed that, although we have a constitutional right to talk politics, we do not have any such right to hold a public job. While many legal scholars and jurists have agreed with Holmes, many have not, and throughout the years the Supreme Court has heard numerous cases concerning the constitutionality of oaths.

The real heyday of both test oaths and oaths of allegiance in this country came after World War II during the McCarthy period. People were required to sign oaths swearing that they'd never been members of, or sympathized with, or attended meetings of any of a number of organizations, including the Communist party.

In this period, test oaths and oaths of allegiance were combined with state and federal loyalty-security programs designed to purge certain influences from public life. Generally the courts supported this purging. Legal scholar Robert McCloskey has written that the Supreme Court in the fifties was "so tolerant of governmental restriction on freedom of expression as to suggest it had abdicated the field."

It occurred to me that, however innocuous the language of a particular oath, it cannot help but hinder freedom of thought and inquiry. In 1972, Supreme Court Chief Justice Warren Burger wrote, "The time may come when the values of oaths in routine public employment will be thought not 'worth the candle' for all the division of opinion they engender."

* * *

After not signing the appointment affidavit, there was nothing left but to leave Louisiana. I spent a few days organizing myself—disconnecting the water, gas, electricity, talking to my landlord, packing the car.

I also spent some time bicycling, seeing the place where I was now not going to live. One afternoon I stopped at a bike shop. I looked around at gadgets I wasn't going to buy. There was a young couple buying a mountain bike. They noticed my well-used bike and asked what I thought they should buy. Then they asked what I was doing in Lafayette. I told them I had come to teach at USL but now would not be doing so.

"What were you going to teach?" the young woman asked.

"Literature and creative writing," I told her.

"Wait a minute, you're not the new guy...?" She tried to pronounce my name. "I'm signed up for your class."

We talked about the why of my leaving the job. They bought their bike and left. I think about those students. They were concerned about my experience, and sensitive to the way in which political repression may develop. Their talk was lively and they were interested in the content and meaning of their educations. Because of my "integrity," I was not going to have anything to do with those educations. I like to think I could have been a teacher who would have helped them to think carefully about the course of their lives, about the decisions they would make.

And that makes me wonder again. What good did it do not signing? I never entered a classroom. My only conversation with students was an accidental one at a bicycle shop. The issue of the appointment affidavit was a nonissue. Everyone who taught signed. There are things one does. By not signing, I fear I may have signed away an opportunity to participate in the life of my culture.

(This essay first appeared in POETS & WRITERS and was reprinted in Issue 193 of THE SUN (December 1991)). ▣

Loyalties

By David Romtvedt

I was to begin teaching in the creative writing program at the University of Southwestern Louisiana. I had just turned forty. It was my first university teaching position. I approached it with longing, excitement and fear.

In the last fifteen years, since receiving a Master of Fine Arts degree from the Iowa Writers' Workshop, I'd driven a cab, worked as a janitor and day-care assistant, and been a printer and designer for small publishers. After some of my writing was published, I began to work in writers-in-schools programs. This work took me to Alaska, Washington, Montana, Nevada, Wyoming. I worked in villages, small towns, cities.

The writers-in-schools work was demanding and gratifying, but as the years went by it became more difficult for me. The travel was wearing, and between 1982 and 1988 I found that there were increasing restrictions on the range of speech allowed in the public schools. In 1988, after twelve years of writers-in-schools work, I was told to leave a small town in Wyoming as a result of reading two poems about ranch life to junior-high and high-school students. In one, a horse's penis was mentioned; in the second, a man mutilated a horse, after which the horse's owner had to confront his own desire for revenge. Having spent so much time working with students and believing that I am sensitive to the needs of young people I felt bitter about being told to leave.

I wanted to find another way to make a living. After speaking with several writer friends, I decided to apply for university teaching jobs. I had always assumed I would not be considered qualified for such positions. I was neither a famous nor critically acclaimed poet. But I began to apply. It was disheartening. I wasn't even asked to interview.

So when staff members from the University of Southwestern Louisiana called in the early spring and said they wanted to interview me, I was shocked. I hung up the phone and told my wife, "They received between three and four hundred appli-

cations. They're going to interview fifteen people, and I'm one of them."

She was as shocked as I was and without malice said, "Why would they want to interview you?" Both of us had long ago decided I would never be a sought-after writer.

* * *

I went to Louisiana, had an interview, and was offered the position. The USL English department chair and the director of the creative writing program were both generous and welcoming toward me. Both expressed strong feelings about the quality and importance of my work. Both emphasized the university's desire to bring in a writer who was not a career academic. They hoped to offer their students another perspective, they told me.

It was the first time in my life that I felt my work was being treated with respect by a university. I was grateful and, much as I hate to admit it, my sense of self-worth rose. After long talks with my wife about whether or not we wanted to change our lives, I accepted the position.

Lafayette, Louisiana, in late August is hot. And humid. I began to get settled—apartment, phone, electricity, gas, garbage service, water. I rode to the office on my bicycle, arriving a steaming, sweaty jumble, my clothes stuck to me, my hair matted and dripping under my helmet. Most people drove air-conditioned cars. When they stepped into a building, they were fresh and crisp. I would need to carry a change of clothes.

At the first orientation meeting for new faculty members, I was presented with many documents to sign before beginning work—health insurance forms, disability coverage, retirement packages. Among all the documents was one that surprised me:

State of Louisiana
University of Southwestern Louisiana
Appointment Affidavit

I, _____, do solemnly swear that I will support the Constitution and laws of the United States and the Constitution and laws of this state; and I will faithfully and
continued on page 6

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