
The Voluntaryist

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

2nd Quarter 2002

Why Hans Sherrer?

By Carl Watner

The following sequence of articles was written by Hans Sherrer, a long-time subscriber and contributor to THE VOLUNTARYIST. How and why did he become embroiled in the federal criminal justice system? I think the answer is two-fold and really quite simple.

First, the government needs the general public to believe that the elaborate law enforcement network of statutes, police, prosecutors, courts, jails, prisons, and probation officers is required for their safety. However, there are not enough real criminals to justify the existence of this vast governmental bureaucracy. Consequently, peaceful people must be turned into "criminals" either by fabricating evidence against them, by creating victimless crime laws, or writing government regulations which are beyond the ability of most people to understand. This explains how Hans, a non-criminal and for many years an owner of a plumbing company, became enmeshed in the law enforcement system. His "crime" is that in the course of an overseas business venture he allegedly "knowingly and willfully" failed to file a United States Customs form. Although "ignorance of the law" may not be an excuse in some instances (you don't need to know there is a "law" against murder), in Hans' case no government agent ever informed him of the need to file the form. Furthermore, the government would have had access to the information that would have been disclosed on the form, even if Hans' hadn't filed it. This is a perfect example of how the bureaucrats running the law enforcement system can make innocent actions into "crimes" whenever it suits them.

The second reason relates to the issue of conquest and control. As we have repeatedly belabored in these pages, the essential purpose of coercive government is power; the power to control the lives and property of every resident in America. What better way to control them than to know everything possible about their personal and business life? As has been documented many times, the latest in SNITCH CULTURE (2001) by James Redden, Jr., the "Big Brother" surveillance of the world of 1984 is already here. The form Hans was accused of not filing is simply a reflection of the government's insatiable craving for information about us.

Hans asserted his innocence to his alleged "crime" by pleading "not guilty." He also refused to plea bargain for a lesser charge or lesser sentence. He took his chances before a jury, but as we all know, most

people have a difficult time challenging authority. How could Hans be innocent if a federal prosecutor took his case before them? In today's world, rather than being innocent until proven guilty, the very fact of being charged with a crime, even a non-crime (such as failure to file a form), puts the burden of proof on the defendant to prove his innocence. The court system may yet vindicate Hans on appeal, but for many of us voluntaryists who oppose the government on principle, all we can say is, "There but for the grace of God, go I!" ☐

Why I Wrote "O'Brien's Map of the World"

By Hans Sherrer

March 17, 2001

"O'Brien's Map of the World" began life as a form of catharsis. I felt compelled to write it as a way of relating recent personal experiences to the schism between people who lean towards being independent and those who live by principles leaning towards "group think."

Those experiences began when my innocence proved insufficient to prevent me from being convicted in a Portland, Oregon federal courtroom on June 7, 2000, of two counts of failing to file a United States Customs' form in the fall of 1995. In the 1998 case of U.S. v. Bajakajian [524 US 321], the U.S. Supreme Court stated that the type of violation I was convicted of is "solely a reporting offense" that doesn't involve any duty, fee, tax, or loss of any revenue by the federal government. The Supreme Court also ruled in the 1994 case of Ratzlaf v. U.S. [510 US 135] that to support a conviction in a case like mine, the government must prove that the defendant had knowledge of the filing requirement and the specific intent to violate the law. In a rare burst of honesty, the prosecutor admitted in his closing argument that I had never been informed of the filing requirement as it applied to my situation. Consequently, without knowing what the law required, I couldn't have had any intent to violate it. Furthermore, the judge failed to give the jury two crucial instructions: First, they must find me innocent if I had no knowledge of the filing requirement. Second, they must find me innocent if I had no specific intent to violate the law. I obviously had no intent to violate the law, if I didn't even know of the requirement to file the form.

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Editor: Carl Watner

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The "A" Word

By Donald J. Boudreaux

I confess to having deep sympathies for anarchism. I hold open the possibility and the hope that a prosperous and peaceful society can flourish without the state.

Unfortunately, the word "anarchy" has an offensive connotation. Anarchy is commonly understood to mean "lawlessness." And lawlessness truly is offensive. A lawless society has no rules to govern behavior. It is a society in which the physically mighty and the deviously clever prey upon others. Victims of these predators suffer grievously. With security of persons and their property being precarious, a lawless society is inevitably destitute. Commerce, industry, saving, and investment don't arise. Nor does civilization. Nearly all human effort, along with what few resources exist, is spent on plunder and on trying to protect oneself from plunder. Life is truly—to use Thomas Hobbes' line "solitary, poor, nasty, brutish, and short."

Lawlessness is a curse worthy of our deepest fears.

This justified fear of lawlessness underlies most people's assumption that the state is necessary. Most people—even many libertarians—assume that law must be supplied and enforced ultimately by the state.

I dissent. I disagree with those who say "Well, of course, the state at least must supply law and order, and protect us from violence and theft."

What I disagree with is the "of course." I object to the unreflective *assumption* that an agency with sovereign authority to use coercion—the state—is necessary. The state might indeed *be* necessary, but the burden of proving it ought to be on those who make the claim rather than on those who question it.

No human agency has as much blood on its hands as the state. Throughout history, states have routinely slaughtered innocent people—people outside of and within their own jurisdictions. Too many states have subjugated the masses and prevented ordinary people from trading freely and living according to their own individual lights rather than according to how the rulers wish them to live.

And modern states have raised these frightful arts to new heights. Obviously, communist and national-socialist states are most savage. But even the United

States government has spilled innocent blood and tyrannized peaceful people. In the past it enforced slavery, conscripted young men to fight and die in wars, and herded native Americans onto reservations and treated them cruelly. Today it conducts armed raids in search of narcotics; prevents people from voluntarily using drugs that their physicians might otherwise prescribe as cures; seizes property in asset-forfeiture actions; and puts every American at greater risk of terrorist attack by intervening in the politics of other nations. Government in the United States today is even trying to superintend our thoughts by enacting hate-crime statutes.

No institution with the state's track record deserves a presumption of legitimacy.

Again, it's possible that even the best feasible stateless society will be worse than a society with a well-structured government constitutionally limited to protecting its citizens from violence and theft. But let the case be made. Do not accept the necessity of the state as beyond question.

The more we learn about history and economics, the more we see how remarkably creative and effective are voluntary actions within a regime of private property rights.

Mistaken Presumptions

Everywhere in the Western world, from even before the collapse of Rome until the late eighteenth century, consensus opinion held that religious belief is so important that it must be regulated by the state. Chaos was thought inevitable if everyone was free to choose which, if any, gods to worship. We now know that peace and order do not require state oversight of religious belief.

Until the late eighteenth century, consensus opinion held that international trade is too important not to be regulated by the state. People trading freely will, it was widely believed, impoverish both state and society. But the analyses offered by Adam Smith, David Ricardo, Frederic Bastiat, and Co., along with real-world experience, proved quite the opposite.

Until very recently, even free-market economists thought that only the state can issue stable money. But historical research along with sound theoretical work has now shown convincingly that sound money has been, and can be, issued by purely private firms. Indeed, privately issued money is more likely to hold its value than is money issued by government. The history is similar for freedom of speech and freedom of the press. So much of what consensus opinion once held to be unquestionably necessary for the state to regulate is now proven to be best left free.

Isn't it possible that the same is true for law?

We already know that much law is the product of voluntary actions rather than of state coercion. Western commercial law originated not in the head of some monarch or from the deliberations of a state assembly. Rather, this law grew from the daily practices of private merchants. The "Law Merchant" (which is the

foundation of the Uniform Commercial Code in use today in the United States) originated in medieval times when commerce on the Mediterranean began expanding. Merchants in Genoa or Venice shipped goods to merchants in north Africa and other distant places. And vice-versa. No sovereign power governed these merchants collectively. If a Tunisian merchant refused to pay his Venetian supplier for goods shipped from Venice, no royal sheriff or international Pooh-Bah could be called in to forcibly extract payment from the recalcitrant Tunisian.

Nevertheless, trade flourished. The reason is that the merchants themselves—business people sharing no sovereign master—developed law courts and procedures and, hence, a body of nuanced law that determined merchants' rights and obligations.

If a merchant disregarded the ruling of a merchant court, or otherwise violated merchant law, he wasn't imprisoned or threatened with violence. Instead, he simply lost the most valuable asset any business person can possess: a reputation for integrity. A lawbreaking merchant could no longer find other merchants to deal with. He was out of business. One result of this system of voluntary law was a remarkable degree of law-abiding behavior.

Does the success of private commercial law prove that other types of law—most notably, criminal law—can be supplied privately? No. But the Law Merchant combines with a long history of mistaken presumptions about the necessity of state action to suggest that we ought not *presume* that the state is necessary to supply law and protection from aggression. Perhaps, just maybe, a peaceful and productive society is possible with no state at all.

Whether a stateless society is called "anarchic" or something else is unimportant. What's important is that we not dismiss the possibility before seriously reflecting on it.

[Donald Boudreaux (dboudreaux@fee.org) is a former president of FEE. He is chairman of the economics department at George Mason University. This article appeared as his July 2001 column, "Thoughts on Freedom," in FEE's IDEAS ON LIBERTY.] ▢

The term 'politics' comes from the Greek word 'poly' meaning many, and 'tics' meaning bloodsucking insects.

—Charlie Cook, political commentator

Why I Wrote "O'Brien's Map of the World"

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My case is currently under appeal. Given the judge's errors in instructing the jury and the Ratzlaf decision, my conviction should be reversed, although I will probably end up spending the better part of my two year sentence in prison. The only word I can

use to describe my experience from prosecution through conviction and imprisonment is "absurd." The only purposes it serves is to give employment to the bureaucrats and to show how threatening Big Brother can actually be.

From my arraignment in August 1998 (when I plead "not guilty"), until my trial, I was "free" on a personal recognizance bond. As soon as the jury announced their verdict, however, the judge granted the prosecutor's request that I be taken into custody. That was unusual and demonstrated the personal animosity that both the prosecutor and judge had for me. Normally people convicted by a jury of a minor "white-collar" offense (such as mine - that is considered the federal equivalent of a traffic ticket) are permitted to remain "free" on a personal recognizance bond pending sentencing, and oftentimes until all their appeals are final. Instead I was immediately incarcerated, while my appeals took their course through the courts.

As a non-violent, middle-class person who has been a businessman for over 20 years, I had never been in a local jail in my life. I immediately found out that convicted federal "felons" are incarcerated pending sentencing at the security level of the worst possible offender: a murderer. I was put into solitary confinement at the county jail and it was 36 hours before I was first let out of that steel tomb to shower and make a phone call.

After a few days I was transported to a maximum-security federal detention center. There, I was assigned to a cell in the violent inmate unit with a man who had been incarcerated for 11 years. The man belonged to a Hispanic gang, and had killed multiple people, including murdering a previous cell-mate by stabbing him 7 times in the chest with a "home-made" knife. For 21 hours a day, I was locked down with him in a 7'x10' cell that was bare except for two bunks and a combination toilet/wash basin. We were let out of our "dungeon" for an hour in the morning, afternoon, and early evening to eat, exercise and shower.

I was later put in a different cell with a man whose past crimes included killing a man by decapitating him with a shot-gun blast. It was in July 2000, while in that cell that had no chair, desk or locker, that I conceived the idea for, and wrote "O'Brien's Map of the World" (which is printed immediately following this "Background" piece).

Other than *Message From Moscow* and *Revolution Of Hope* that were in the unit's small library of paperback books, I had to rely on my memory of 1984 and other books and articles I read prior to being taken into custody.

Living in maximum-security conditions for an extended period of time provided me with an inside view of the prison system that few non-violent, middle-class businessmen have ever had a chance to experience. In ways that are impossible to appreciate by those who haven't experienced it, maximum security fulfills the

most fiendish vision imaginable of total state control over a human being's life. With no exit option except death, prisoners are subject to 24 hour-a-day surveillance and unannounced searches; they are told what they can wear; what they can eat; when to get up; what they can possess; when they can use the telephone; who they can call and for how long they can talk; what job they can be assigned and how much they will be paid; and when, who, and for how long someone can visit them. All this is just for starters.

It didn't take long for me to see with crystal clarity that the staff imposing the panoply of rules were psychically different from me. As the only "inmate" in the violent prisoner-unit convicted of a non-violent "white-collar" offense, I outwardly had little in common with the 100 or so other men in the unit. Most of them, however, exhibited to one degree or another a sort of independence of spirit that was clearly lacking in the staff, who displayed an attitude toward the world that I described as "O'Brien's Map of the World."

In October 2000, I received a sentence of 2 years in prison. Over a month later I was transferred from the maximum-security facility to a minimum-security prison camp, where I now write this. So far, I have been immersed inside the belly of a monolithic federal bureaucracy for almost 10 months. Although what I wrote in July 2000 could be expanded and changed in many ways, I chose not to alter it for two reasons: First, it states the real-life danger to freedom-loving people posed by those individuals in government who have "O'Brien's Map of the World" as their outlook on life. Second, it was written under difficult and stressful conditions, and with a sense of immediacy that I wanted to preserve and honor.

The title of my article, "O'Brien's Map of the World," is a takeoff on the title of a Jane Hamilton novel, titled MAP OF THE WORLD (1992). An important theme of this book is that the way we interact with life is determined by our mental map of the world. I thought her phrase was apropos of the ideas I was writing about, and wish to credit her with this concept. ▣

O'Brien's Map of the World

By Hans Sherrer
July 29, 2000

Beginning from our earliest living moments, each of us constructs what can be referred to as a mental "map of the world." A map of the world is like a mental road map of how someone views the world. This mental map serves as an interface between what we are exposed to in the physical world, and how we internally evaluate that information. It provides a context and a reference point for understanding that external information. All incoming information is filtered through our mental map and categorized according to our conscious and subconscious ideas about

the world and what we consider our place in it to be.

This mental map is not intrinsically static, but it can be fluid and change shape if someone is exposed to a sufficient influence. Typically, the influence necessary to *alter* one's mental map is an event of life-shattering intensity, such as a divorce, the death of a loved one, or imprisonment. However, events of a lesser intensity can *distort* it.

We respond to perceived information in accordance with the outline of our mental map, and it is precisely an attempt to influence those perceptions and the shape of the map itself, that all advertising of products and ideas is directed. Propaganda, for example, is a form of advertising a political agenda by using the psychological techniques developed to induce consumers to purchase products they otherwise might not want or need to purchase.

There has been an intense struggle for centuries between people whose mental maps are in conflict about the role of self-directed autonomy in the life of an individual. In general terms, one of these sides is comprised of individuals who believe that people should abandon or otherwise not assert their sovereignty and accept subservience to an omnipotent "power over" them, and the other side is made up of people who think they have a right to "rule" themselves (self-rule, as opposed to coercively controlling others) and engage in "free, conscious activity." [1]

Perhaps one of the most vivid portrayals of the inevitable clash between these two radically contrary views of life was the events that led up to, and that occurred after, the arrest of Winston Smith and his friend, Julia, in George Orwell's 1984. [2]

By day, Winston and Julia were dutiful government employees who appeared to obey the innumerable rules of the authoritarian state they lived in. By night, however, they engaged in an unapproved love relationship in a room they had rented without government approval. Unbeknownst to Winston and Julia, the authorities were monitoring their illicit affair and they were eventually arrested and imprisoned.

Winston's interrogator was an official named O'Brien. As part of his treatment, Winston was asked over a period of time what 2+2 equaled. Every time that Winston responded with the correct answer, 4, his body was shocked with electricity. Likewise, if O'Brien held up four fingers and Winston responded four fingers, Winston was again shocked. The education of Winston had been deficient, because according to the state the correct answer was five. O'Brien's task was to modify Winston's mental map of the world so that he would believe to the core of his soul that 2+2 equaled 5; not 4. Winston's mental state would either be altered to the authorities satisfaction or he would lose his life in the process.

Thinking that what O'Brien wanted was for him to say that 2+2 equaled 5, Winston dutifully began to respond that the answer was 5. The electric shocks,

however, continued. O'Brien didn't want Winston to say that 2+2 equaled 5, but to *believe* it as fervently as he believed when his interrogation began that 2+2 equaled 4. After a period of time Winston was reduced to a wretched physical shell of what he had been when he was first imprisoned.

"It doesn't matter if they should jail us. We are free and kept alive by hope."

— Asikatali,
South African freedom song

One of the personal facts the authorities had compiled about Winston was that his worst fear was of rats. O'Brien's final step to put Winston's "mind right" was to take him to the most dreaded room in the building. As a mask with a caged rat was strapped to Winston's face, he mentally snapped and screamed out for O'Brien to torture Julia instead. Julia underwent a similar ordeal involving her worst nightmare that was equally successful at inducing her to betray and abandon her love for Winston. As the book ended, Winston and Julia happened to meet and they were both indifferent to each other. The state was successful on the most fundamental level at altering both Winston's and Julia's personalities—their mental and spiritual maps of the world that had originally drawn them together.

The relevance of Winston's and Julia's fictional ordeal is that at any given time the American government subjects millions of its own citizens to physical, psychological, and financial punishment, for things as inane as the forbidden love that Winston and Julia shared. Some of these people are real criminals, but the large majority are simply people of independent spirit whose mental map of the world will not make them willingly subservient to the government. The mechanism being used for the oppression of mental transgressors in this country is the law enforcement system that has overseen a more than 1000% expansion in the number of people imprisoned since 1973—from less than 200,000 to more than 2 million. There has also been a corresponding percentage increase in people held under the yoke of probation and parole, and those people now number over 4 million at any given time. These dramatic increases have occurred in spite of a relatively small percentage population increase in this country and a significantly lower crime rate today than in 1973.

The dramatic increase in the pervasiveness of the law enforcement system that is reflected in its direct control of over 6 million adults, has been accomplished by criminalizing activities that hadn't been codified previously as criminal, and by increasing the severity and penalties for activities that had been.

This extensive criminalization process has predominantly involved activities that can be categorized as "blameless," i.e., there is no identifiable, particular, or complaining victim. These blameless types

of "crimes" are known as *malum prohibitum* offenses, and they are comprised of acts that are only considered to be illegal because they have been declared by a political agency to be prohibited. Typically, these political prohibitions relate to the regulation of one's personal, moral, or financial conduct, and to the regulation of business activities. Such prohibitions are added, changed, or eliminated based on nothing but the political considerations that prevail at a given point in time. Consequently, they lack the permanence or justifiability of personally injurious crimes such as murder, rape and burglary that are rooted in the enduring human condition, irrespective of any political pronouncement. [3]

A defining reason why blameless offenses are radically different than historically recognized crimes, is that murder, arson, rape, etc., involve a perpetrator that criminal blame can be assigned to for the infliction of an injury against an identifiable victim. Politically created blameless offenses have also been referred to as victimless crimes. That is a misnomer, however, because the accused is the victim in all prosecutions based on a "blameless" offense.

The more absurd these politically-generated prohibitions and regulations become, the more effective they are at enabling the controlling political powers in this country to identify people who have a tendency to mentally deviate from their politically-approved map of the world. If someone doesn't fall into line and blindly comply with the petty, personal prohibitions, or business regulations that are the functional equivalent of O'Brien demanding that 2+2 = 5, then it is an indicator they may not comply with ones that are more expansive and invasive. So various political enactments assist the authorities in identifying people for monitoring, investigation, and possible persecution. It is these people who have the qualities necessary for them to make the natural and obvious observation made by the boy in the well-known fable: that the Emperor wasn't wearing any clothes. The people who blithely ignored the Emperor's nakedness possessed the mental map of people who today mindlessly follow government edicts that more independent-minded people are being prosecuted by the millions for violating. These prosecuted people typically have an independent entrepreneurial bent, in contrast with the bureaucratic frame of mind possessed by the people involved in prosecuting them, and those people who aren't considered for prosecution. This is reflected in the fact that although bureaucrats comprise around 15% of the employed adults in this country, public officials comprise approximately 1/10th of 1% of all criminal prosecutions in America. [4]

"Every man dies."

— William Wallace
in the film "Braveheart"

What once might have been legitimately referred to as the criminal justice system can no longer be called that with a straight face. That system has been transformed in the space of several decades into what can be characterized as a law enforcement network that is only superficially concerned with "public safety." This country's law enforcement network now revolves around identifying people whose mental maps of the world differ from what is politically acceptable.

The real world impact of these political policies is that the overwhelming percentage of the people who are being criminally prosecuted today wouldn't have been criminally prosecuted less than 30 years ago. This is true because their politically-manufactured offenses either didn't exist, or if they did, they were in a significantly different or less severe form. The structure of the criminal prosecution process today is being used as an instrument of brutal political persecution that is holocaustic in its scope, purpose, and impact on the lives of tens of millions of politically-disenfranchised people who are innocent of any real criminal wrongdoing.

Yet the causes, effects, and importance of this politically-driven program of oppression are concealed from the general public by the popular news media's reliance on, and wide distribution of, government press releases and other forms of advertising used to justify and promote the nationwide buildup of what is increasingly being recognized as the prison-industrial complex. As this is occurring, the law enforcement network is maintaining the physical form of the criminal justice system and age-old catch phrases are relied on to maintain the public image that its function continues to be a concern for maintaining "public safety." This is one reason why what relatively little serious crime there is disproportionately occupies around 60% or more of a typical local television newscast, and is correspondingly misrepresented on radio, in newspapers, and in political speeches.

"Political laws are forced conformity.
Forced conformity is totalitarianism.
Totalitarianism is the opposite of freedom.
We are a nation of political laws."
—Glenn Hitchen

The criminal prosecution process is being used as a tool to enforce literally hundreds of thousands, and perhaps millions, of political pronouncements. The consequence to people identified as transgressors of political prohibitions can be as personally catastrophic as those suffered by Winston and Julia in 1984. Cumulatively, millions of blameless people have been convicted of politically-prohibited offenses that don't involve an injury to an identifiable victim, except for the accused's victimization by the state. Many of these people have been, and are being, imprisoned for years, and, in many cases, for decades. These imprisoned people suffer the attendant finan-

"The greatest, indeed the only, crime against the State is anarchy. ... The chief duty of the State is to maintain itself and to destroy anyone who dares to threaten its existence."

—attributed to Hegel by Alexander D'Entreves in his *THE NOTION OF THE STATE* (1967), p. 48. See "The German Constitution," in T. M. Knox, *HEGEL'S POLITICAL WRITINGS* (1964), p. 221.

cial, physical, and emotional devastation that imprisonment inevitably causes.

The more someone believes in engaging in "free, conscious activity," the more likely they are to be targeted for the state's attention and possible prosecution. This is because the mental map of such people is most likely to conflict with O'Brien's map of the world, which is possessed by the type of people who create and enforce political prohibitions, and who are most conscientious about toeing the line by obeying them.

This is a particularly relevant concern for people who have a freedom-oriented map of the world. After all, who is more likely to be targeted for scrutiny by people who act on the presumption that the state has the need and the right to regulate all aspects of life than someone who thinks that when left alone the interaction of people is self-regulating?

The effective disenfranchisement of everyone in this country from political effectiveness except for the wealthy and well-connected, and the realistic inability of the electoral underclass to emigrate to a land of visualized freedom—such as America used to be—has created a multi-faceted dilemma for the independently-minded people in this country.

Independently-minded people faced that same dilemma in the former Soviet Union. Tens of millions of Soviet citizens were imprisoned for offenses that were simply political crimes. [5] With a few prominent exceptions, such as writer Aleksandr Solzhenitsyn and physicist Andrei Sakharov, the majority of independent-thinking Russians chose to try and minimize their discomfort by presenting the public facade of being a good Soviet citizen, while privately expressing their real attitudes to like-minded people. [6] They could only hope they weren't discovered by the authorities. However, as the author of *Message From Moscow* related, agonizing psychic conflicts can occur within people who try to be publicly convincing in proclaiming that $2+2=5$, while privately trying to maintain a grip on reality. [7]

The philosophically unbridgeable gulf between O'Brien's map of the world and the one possessed by autonomous people is a more compelling issue today than it was when 1984 was published in 1949. The real life mechanisms of physical control, surreptitious and overt surveillance, and psychological coercion far exceed what George Orwell depicted in his prophetic

fictional horror story of political oppression in the modern world. Monitored borders, the law enforcement network, and pervasive and interlocking forms of personal, professional and financial oversight are symptomatic of the United States' transmutation into a gigantic minimum security prison that is administered by people possessing O'Brien's map of the world.

On the personal level, an effective defense against being psychologically and intellectually infected by O'Brien's map of the world is to cultivate relationships and share ideas that will contribute to being inoculated from its many subtle forms.

It is much more problematic, however, to avoid becoming entrapped by the law enforcement network for allegedly violating one or more of the innumerable, politically-enacted prohibitions and requirements that can identify one as an independently-minded person who tends to act on one's own judgment. There is no Pollyanna solution to this grave situation, and there is no magic wand that when waved will make one safely anonymous in our increasingly "privateless" society.

Life is, and always will be, precarious and unpredictable. Given where the great majority of Americans are—educationally, politically and psychologically—perhaps all one can do is act in accordance with one's principles to the degree one feels comfortable and let the chips fall as they may.

End Notes

1. *The Revolution of Hope: Toward a Humanized Technology*, Erich Fromm, Bantam, NY, 1968. The phrase "free, conscious activity" is used on p. 60.
2. 1984, George Orwell, 1949, which is also known as *Nineteen Eighty-Four*.
3. These are known as *malum in se* crimes, and they have been recognized as crimes for thousands of years in cultures throughout the world. Even societies that didn't have formal written laws recognized these crimes because by their nature they are intrinsically destructive of cooperative social relations.
4. There are slightly less than a million felony state and federal prosecutions yearly, and approximately 1,000 of these involve public officials.
5. See *The Gulag Archipelago 1918-1956*, Aleksandr Solzhenitsyn, Harper & Row, NY, 1974. See also, volume 2, published in 1975 and volume 3 published in 1979.
6. *From Under The Rubble*, Aleksandr Solzhenitsyn et al., Regnery, 1989. See esp. "The Smatterers," an essay by Solzhenitsyn in which he castigates the wishy washiness of the Soviet intelligentsia for the excuses they made for taking the safe road of going along with the status quo and publicly doing nothing that might contribute to changing it.
7. *Message From Moscow*, An Observer, Vintage, NY, 1971. Numerous examples are related by the author throughout the book, and see esp. chapter 8. ▣

Libertarians & Corporations

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libertarian think tank and what you will see is a tax-exempt, state-licensed, government-franchised corporation. Grove City College, Bob Jones University, Hillsdale College, and other noble, "independent," educational institutions that bravely refuse government grants and loans on one hand, on the other hand operate government chartered, IRS-approved, tax-exempt corporate entities to receive private donations. By seeking and accepting privileges and immunities conferred by Leviathan upon corporations, these fine institutions confer legitimacy upon the State, enabling it to impose taxes, wage wars, conscript (i.e., enslave) soldiers, execute "traitors," and suffocate liberty.

What's to be done? Back in the 1950s when the Army Corps of Engineers and the Bureau of Reclamation set out to build Marble Canyon Dam in the Grand Canyon, a small environmental group took a stand against the project, and, in the eyes of most Western politicians and bureaucrats, a stand against progress. The stats summoned the IRS, which threatened to revoke the group's tax exempt status if it continued to "lobby" against the dam. The group responded, "to hell with that!", and defended the Grand Canyon anyway. The group—the Sierra Club—never stood taller nor grew faster than when it surrendered its tax-exempt status in order to battle Marble Canyon Dam—and won!

The Sierra Club is anything but libertarian, and I assume that it has subsequently reclaimed its 501(c)3 license. But for one brief shining moment it demonstrated the power of putting principles before pragmatism. To incorporated libertarian organizations I would say, go ye therefore and do likewise.

[Editor's Note: For articles dealing with this same theme see "Does Freedom Need to Be Organized?" THE VOLUNTARYIST, No. 34, October, 1988, and "Creature of the State?," No. 38, June, 1989. The former deals with the perennial problem that most social organizations tend to become more concerned with their efforts to maintain and advance their own interests than to achieve their stated purpose. The latter presents the possibility that the limited liability feature of the corporation need not rely on the state to exist.] ▣

"What is the difference between a church bell and a politician? A church bell peals from the steeple. A politician steals from the people!"

— Copied and paraphrased from
Jay Trachner in ONE TO ONE

Libertarians & Corporations

By Jim Russell

In the thirty-five years or so that I have thought of myself as a libertarian, the ranks of Americans who call themselves libertarian have grown. Paradoxically, individual liberty itself seems to be steadily losing ground to the growing impositions of a growing Leviathan State. I think I know why.

Most well-known libertarians in these United States are in one way or another affiliated with corporations, in many cases tax-exempt corporations involved in promulgating libertarian principles. Furthermore, in defending free enterprise and markets from statist encroachment, libertarians often find themselves defending and allied with business corporations. As a result of these relationships and their concomitant allegiance to corporations, these libertarians compromise the objective, which is freedom. Liberty in America is on the wane because its friends have been captivated by the enemy's treacherous child.

Corporations are pure-bred progeny of Leviathan. You can't have one without the other. No libertarian principle can pretend to excuse their existence. Nothing from the lexicon of liberty can be said in defense of the corporate concept. Nevertheless, libertarians across the land are locked in conjugal bliss with these

jackanapes. To paraphrase the wisdom of a man called Jesus, "Nothing can come from corn but corn, nothing from nettles but nettles." Freedom cannot spring from the groin of Leviathan or its scion, nor from libertarians wed to corporations.

One absolutely inescapable prerequisite of a libertarian society is people who are willing to accept responsibility for themselves and their actions. The fundamental *raison d'être* of incorporation is to avoid responsibility. A corporation shields its owners (stockholders) from responsibility (*viz.*, liability) for the corporation's actions by means of a legal fiction imposed and enforced by Leviathan. It is so contrary to libertarian purpose and principles as to assure that no libertarian society can emerge from a corporate culture.

Among Leviathan's most efficacious, landmark achievements on the road to serfdom, few can compete with the Sixteenth Amendment and the income tax for top honors. Slavery and war are worthy contenders, but their pernicious affects upon liberty are not as subtle and cunning. It is inconceivable that libertarians would cultivate seeds of war or slavery, yet many diligently sow and grow Internal Revenue Code section 501(c)3 corporations. In return for a tax exemption and a shield from liability, they strengthen Leviathan's stranglehold on freedom by legitimizing one of its tentacles.

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