

determined he had fathered children by Sally Hemmings, she would be given to “churchwardens of the parish” for two years of “hard Christian labor” and then sold into the general slavery market along with her children.⁵⁹

Thus, slavery was still an issue long after 1808, when the Framers of the Constitution had assumed they had mandated it would end.

In 1820, for example, Missouri and Maine were being admitted as states to the Union, and a fierce debate had erupted over whether Missouri should be allowed to join the nation if it continued to allow slavery (Maine was free of slavery). In the ultimate compromise, which was passed by Congress, Missouri was admitted to the Union as a slave state.

Congressman John Holmes of Massachusetts wrote to an elderly Thomas Jefferson to inform him of the compromise, and on April 22, 1820, just six years before his death, writing with a quill pen, his hands cramped by arthritis, Jefferson candidly expressed his despair in his response to his old friend and colleague. In it, he foresaw the day when the nation would be torn apart across a “geographical line” over the issue of human beings being considered “that kind of property.”

“I thank you, dear Sir,” Jefferson wrote, “for the copy you have been so kind as to send me of the letter to your constituents on the Missouri question. It is a perfect justification to them. I had for a long time ceased to read newspapers, or pay any attention to public affairs, confident they were in good hands, and content to be a passenger in our bark to the shore from which I am not distant.

“But this momentous question, like a fire-bell in the night, awakened and filled me with terror. I considered it at once as the knell of the Union.

“It is hushed, indeed, for the moment. But this is a reprieve only, not a final sentence. A geographical line, coinciding with a marked principle, moral and political, once conceived and held

up to the angry passions of men, will never be obliterated; and every new irritation will mark it deeper and deeper.

“I can say, with conscious truth, that there is not a man on earth who would sacrifice more than I would to relieve us from this heavy reproach, in any practicable way. The cession of that kind of property, for so it is misnamed, is a bagatelle [a small issue, a trifle] which would not cost me a second thought, if, in that way, a general emancipation and expatriation could be effected; and, gradually, and with due sacrifices, I think it might be.

“But as it is, we have the wolf by the ears, and we can neither hold him, nor safely let him go. Justice is in one scale, and self-preservation in the other.”

Jefferson’s despair in his last days

After pondering the legal issues involved, Jefferson—who, as president, had signed into law an 1808 act banning the slave trade with Africa—finally poured out his anguish in this private letter to Holmes, again foreseeing the unthinkable possibility of a civil war over slavery, which gave the lie to freedom in America and was thus a “treason against the hopes of the world” that looked to America as a beacon of liberty:

“I regret that I am now to die in the belief that the useless sacrifice of themselves by the generation of 1776, to acquire self-government and happiness to their country, is to be thrown away by the unwise and unworthy passions of their sons, and that my only consolation is to be, that I live not to weep over it. If they would but dispassionately weigh the blessings they will throw away, against an abstract principle more likely to be effected by union than by scission, they would pause before they would perpetrate this act of suicide on themselves, and of treason against the hopes of the world.”

The Founders and Framers, who thought they could take the wolf of slavery by the ears and dance with it to a just conclusion in their lifetimes, were wrong. But it wasn’t for want of trying, and

the 620,000 Americans who died in the Civil War paid the ultimate price of their failure.

Then and now

It's easy for us, in this day and age, to look back two hundred years ago and criticize Jefferson for all of this. He used the cheap labor resource of his slaves to maintain his lifestyle, and the consequence of the failure of his efforts to abolish slavery was a bloody Civil War followed by a hundred years of legal apartheid.

Although he rationalized his slaveholding by keeping them in a style that exceeded that of most poor whites of the day (both were grim by today's standards), it was, nonetheless, a rationalization of slavery. Jefferson's lifestyle was made possible by slave labor, and there is no other way to say it. Recognizing that fact, many Americans are righteously indignant and quick to judge him harshly.

Yet how many of us would willingly free our slaves?

I'm typing these words on a computer containing many parts made in countries where laborers are held with less freedom and in conditions worse than those of Jefferson's slaves. My rationalization is that no companies in America or any other developed nation make many of those components any longer, and without parts from China and Malaysia I would have no computer. But it's just a rationalization, and no less hypocritical than Jefferson's.

Sitting here at my keyboard, I notice that the shirt I'm wearing was made by modern-day slaves, and that the lamp that is lighting my room (the sun is just beginning to rise) was manufactured in China, where workers who try to organize are imprisoned. Since Levi Strauss just closed their last American jeans factory this year, odds are the pants I'm wearing were made in a slaveholding nation as well.

I can rationalize all the products of distant slaves that I use—after all, I don't have to look into their faces as Jefferson did (which may account for why biographer Fawn Brodie notes that

whenever Jefferson returned to Monticello from any trip he brought gifts for his slaves, and his household ledgers show evidence that he smuggled significant sums to Sally Hemmings over the years)—but it's still just a rationalization.

The stark reality is that we in America didn't "end" slavery. We simply exported it.

And it's so much more comfortable for us to criticize Jefferson for agonizing over—but still using—slave labor two hundred years ago when we don't have to look into the faces of today's slaves who are toiling and dying at this very moment to sustain our lifestyles.

Myth: "A woman's place is in the home, and the Founders knew it."

Reality: The Constitution was gender neutral, and women voted and had property rights in many states.

Another widely held misperception about the Constitution is that it explicitly forbade women from voting. In fact, the words "male" and "female" appear nowhere in the Constitution: its language is entirely gender neutral, referring to "electors" and "persons." Thomas G. West points out in *Vindicating the Founders*: "As was the case with blacks, not one word of the Constitution had to be changed for women to obtain the vote. Indeed, also as with blacks, some women were already voting at the time the Constitution was adopted. Large numbers of women were voting in several states before the Nineteenth Amendment was finally approved in 1920."

The problem was that the Constitution—written by men fiercely in favor of states having strong rights—leaves to each state the ability to define who it shall allow to vote. Many of the states chose to exclude women.

(Some states also had property ownership requirements to

vote in the early years of this nation, causing some historians to assert that “only property-owning white males” were empowered to vote by the Constitution. In fact, the Constitution makes no such provisions or prohibitions, and in many states women and blacks—and whites—who owned no property whatsoever were voting the year after the ratification of the Constitution.)

To compound the situation, however, after the Civil War, the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution were proposed to impose federal power to free the slaves in all the former slave states. The Fourteenth Amendment, for the first time, included the word “male,” an event that brought into collision the suffrage movement (which opposed the amendment) and the abolition movement (which supported it).

While the Fourteenth Amendment’s first article guaranteed due process of law to all “persons,” its second article regarding the makeup of the House of Representatives included the phrase “the proportion which the number of such male citizens shall bear to the whole number of male citizens.”

Elizabeth Cady Stanton echoed the suffragists’ alarm when she wrote in 1866, “If the word male be inserted [in this Constitution] it will take a century to get it out again.”⁶⁰ Nonetheless, the amendment passed both houses of Congress and was ratified by enough states to become law on July 28, 1868.

Four years later, Susan B. Anthony cast a ballot on November 1, 1872, to test the Fourteenth Amendment’s use of the word “male,” which, she said, contradicted the previously gender-neutral language of the rest of the Constitution. Two weeks after she voted, on November 12, 1872, she wrote, “All persons are citizens—and no state shall deny or abridge the citizen rights.”⁶¹

Six days later, however, she was arrested for voting illegally, and a state court ruled that the issue of women’s right to vote had now been taken away from the states and enshrined in federal law. It wasn’t until 1920 that the Constitution was amended to reverse the male-only language of the Fourteenth Amendment and overrule any state laws that forbade women from voting.

Myth: “The Republican Party has always been the party of big business and cheap labor.”

Reality: By the 1850s the Democratic Party had been corrupted by slavery, and the Republican Party first emerged as a party of reform.

Just as, in the last years of his life, Jefferson wrote anguished letters about how he feared his failure to eliminate slavery—which he had thought would have been ended well before his death—would irredeemably harm democracy, Abraham Lincoln, before he ran for the presidency, saw the rising up of a wealthy class of “crowned heads” as threatening the nation.

On April 6, 1859, Lincoln had been invited to address a Republican Party festival in Boston honoring the birthday of Jefferson, but he was unable to attend. Instead, he wrote a poignant letter, to be read to the crowd, suggesting that the Democratic Party of Jefferson had been captured by wealthy corporate and special interests that were putting democracy in grave danger. His own newly formed Republican Party was a party of democracy, he believed, and it largely held that position until 1872, when the Progressives split off from it to form their own movement.

Lincoln opened his speech by noting the irony of the Republicans gathering to celebrate the birthday of Jefferson, who had founded the Democratic Party.

Yet, Lincoln wrote, it was a good thing that if the Democrats had degenerated into support of wealth and slavery, at least the Republicans were there to pick up Jefferson’s ideals. “Remembering, too, that the Jefferson party formed upon the supposed superior devotion to the personal rights of men, holding the rights of property to be secondary only and greatly inferior, and assuming that the so called Democracy of today are the Jefferson [party], and their opponents the anti-Jefferson party, it will be equally interesting to note how completely the two have changed hands as to the principle upon which they were originally supposed to

be divided. The Democracy [Democrats] of today hold the liberty of one man to be absolutely nothing, when in conflict with another man's right of property; Republicans, on the contrary, are for both the man and the dollar, but in case of conflict the man before the dollar."⁶²

Lincoln couldn't resist, at that point, telling a joke. "I remember being very much amused at seeing two partially intoxicated men engaged in a fight with their great-coats on, which fight, after a long and rather harmless contest, ended in each having fought himself out of his own coat and into that of the other. If the two leading parties of this day are really identical with the two in the days of Jefferson and Adams they have performed the same feat as the two drunken men.

"But soberly, it is now no child's play to save the principles of Jefferson from total overthrow in this nation. . . .

"The principles of Jefferson are the definitions and axioms of free society and yet they are denied and evaded, with no small show of success."

Lincoln pointed out that the Democrats had abandoned Jefferson's ideals and were turning the country in what he considered the direction of a caste system, a new aristocracy. The Democrats, Lincoln said, were "supplanting the principles of free government, and restoring those of classification, caste, and legitimacy. They would delight a convocation of crowned heads plotting against the people. They are the vanguard, the miners and sappers of returning despotism. We must repulse them, or they will subjugate us."

Bringing his speech back to Jefferson's ideals—Jefferson being the slave owner who had proposed one of America's first antislavery laws—Lincoln closed his letter by writing: "This is a world of compensation; and he who would be no slave must consent to have no slave. Those who deny freedom to others deserve it not for themselves, and, under a just God, cannot long retain it. All honor to Jefferson—to the man, who in the concrete pressure of a

struggle for national independence by a single people, had the coolness, forecast, and sagacity to introduce into a merely revolutionary document an abstract truth, applicable to all men and all times, and so embalm it there that today and in all coming days it shall be a rebuke and a stumbling-block to the very harbingers of reappearing tyranny and oppression."

Ironically, the two drunken men started fighting again just a dozen years after Lincoln's speech, and by the Gilded Age of the late nineteenth century the Republicans had become the party representing caste and wealth while the Democrats were beginning to move in the direction that ultimately led to FDR's helping America recover from disastrous Republican fiscal policies (like Hoover's huge tax cuts for the wealthy) of the 1920s.

Myth: "The Founders thought the Constitution was perfect and should never change."

Reality: It was the beginning of a work in progress, designed to change with the times.

A common thread among those who consider the U.S. Constitution (or any democratic instrument) infallible is the suggestion that the world in which the Founders and Framers lived should define the limits of our world. If they didn't have welfare, we shouldn't. If they didn't have Social Security, we shouldn't. If they didn't have limits on weaponry, we shouldn't, and so on.

This argument begins to break down quickly when you look at it over the arc of time. The Founders didn't outlaw people owning surface-to-air missiles because missiles hadn't yet been invented, but they certainly would have stopped anybody from building up a private army or a personal warship. They didn't outlaw abortion, and in fact during that era both surgical and herbal abortion were available. They grew hemp (both Jefferson and Washington did, among others), and opium and cocaine were

sold in retail stores. In several states women and minorities couldn't vote, although there were no federal laws prohibiting this until the next century.

There were, on the other hand, strong laws that are now gone, regulating corporate behavior, limiting the power of individual wealth, and providing for the establishment and protection of the commons. If a corporation or wealthy man were to offer politicians money, he would be thrown in jail or the corporation dissolved. If somebody spoiled a common area, he would immediately be held accountable. And in most states if a family built a huge fortune in one generation, it would be heavily taxed upon the founder's death to avoid the rise of dynastic families in this new republic. The Founders were just as wary of the corporate aristocracy of the East India Company as they were of the family aristocracy of King George III, and they fought the Revolutionary War against both.

But the Founders also knew that times change. They didn't intend their system to be inflexible, although they did intend that the principles upon which it was established should remain strong.

Eight years after he had retired to Monticello, Thomas Jefferson wrote to Samuel Kercheval in a July 12, 1816, letter his thoughts on the idealism of 40 years earlier when he had drafted the Declaration of Independence and the lessons he had learned since.

"Some men look at constitutions with sanctimonious reverence, and deem them like the Ark of the Covenant, too sacred to be touched," Jefferson wrote. "They ascribe to the men of the preceding age a wisdom more than human, and suppose what they did to be beyond amendment. I knew that age well; I belonged to it, and labored with it. It deserved well of its country. It was very like the present, but without the experience of the present; and forty years of experience in government is worth a century of book reading; and this they would say themselves, were they to rise from the dead.

"I am certainly not an advocate for frequent and untried

changes in laws and constitutions. I think moderate imperfections had better be borne with; because, when once known, we accommodate ourselves to them, and find practical means of correcting their ill effects.

"But I know also, that laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times.

"We might as well require a man to wear still the coat which fitted him when a boy, as civilized society to remain ever under the regimen of their barbarous ancestors."

But how often should the laws of the land be revisited? Jefferson gave a candid and somewhat startling answer to the question: "What these periods should be, nature herself indicates. By the European tables of mortality, of the adults living at any one moment of time, a majority will be dead in about nineteen years. At the end of that period then, a new majority is come into place; or, in other words, a new generation. Each generation is as independent of the one preceding, as that was of all which had gone before. It has then, like them, a right to choose for itself the form of government it believes most promotive of its own happiness."

While the previous generation made laws for their own time, Jefferson wrote, they were now dead and gone. Some would say their laws should stay on the books because thoughtful people put them there or the laws served the people well. "But," Jefferson wrote, "the dead have no rights. They are nothing; and nothing cannot own something. Where there is no substance, there can be no accident. This corporeal globe, and everything upon it, belongs to its present corporeal inhabitants, during their generation. They alone have a right to direct what is the concern of themselves alone, and to declare the law of that direction, and this declaration can only be made by their majority"

So long as the principles were held true, Jefferson believed,

times would change and laws would change but a democratic republic would survive.

On the other hand, "If this avenue be shut to the call of sufferance, it will make itself heard through that of force, and we shall go on, as other nations are doing, in the endless circle of oppression, rebellion, reformation; and oppression, rebellion, reformation, again; and so on forever. These, Sir," Jefferson summarized to Kercheval, "are my opinions of the governments we see among men, and of the principles by which alone we may prevent our own from falling into the same dreadful track."

Myth: "Government is an evil entity that's
against the people."

Reality: Government *is* us.

Conservatives love to attack the government as if it's the enemy of freedom, liberty, and commerce. Although this may be true of despotic governments and kingdoms, the major innovation of the Founders was the idea that *the government is us*. It's owned by us, run by us for the benefit of us, exists solely because we continue to approve of it, and is 100 percent answerable to us.

This was an idea that the anti-Revolution conservatives of 1776 strongly opposed. Many of them were among the richest men in America, and to protect their wealth, they wanted the colonies to remain part of Great Britain. But the liberals of 1776 had the new idea that instead of people getting their rights from a king, they, themselves, were the sole legitimate holders of rights. And they could confer privileges on a government they could create, so long as it behaved in a fashion that supported "We the People."

Of course, there have been some hiccups along the way. In 1886, conservatives tried to take control of the government by claiming that corporations should have equal rights with humans, and it seemed that the Supreme Court had gone along with it. Later, corporations began to claim human rights against discrimi-

nation, and giant chain stores fought communities that don't want them wiping out local merchants by claiming that laws that guarantee rights for African Americans should also protect them. A giant chemical company claimed Fourth Amendment privacy rights to block the EPA from doing surprise inspections looking for cancer-causing poison emissions. And corporations even asserted the First Amendment human right of free speech, including the right to give politicians campaign cash (formerly a felony in most U.S. states) and the right to lie in advertising and PR (ditto); and in a celebrated case, a so-called fair and balanced media corporation even claimed the right to lie in newscasts and defended it up through the courts, calling it a "vindication" when a federal court ruled that FCC regulations requiring truth in news reporting were only "guidelines."

But the bottom line in America is that the government is us.

Conservatives, however, don't much like this idea of democracy. From trying to overturn elections by judicial process to using the power of corporations and corporate money, they consistently laugh at the notion of "the will of the people" or "the good of the people." Instead, they suggest, government should provide huge breaks and welfare for corporations.

Myth: "The Founders and Framers were impractical,
idealistic Enlightenment-era dreamers."

Reality: Democracy is the most practical, stable, and
normal form of governance for both nature and humans.

The Founders and Framers of American democracy weren't just experimenters and dreamers. They were grounded in the realities of the most fundamental and visceral science of biology. They knew that Gilgamesh's eruption of despotism had caused humanity to lose its way.

They were returning us to a form of governance both functional and ancient, which they saw working in tribes all around

them and that they knew from the history of Athens could be made to work among technologically advanced and literate societies as well as among indigenous peoples. As you'll learn in chapter 7, in "The biology of democracy" section, even in nuance, like requiring different voting thresholds for different types of decisions, the Framers of our Constitution perfectly modeled the behavior of the rest of nature, and the true historic behavior of humans.

The most recent peer-reviewed scientific research gives the lie to the now-fashionable trend among conservative historians to characterize democracy advocates like Thomas Jefferson and James Madison as out of touch with reality, while they suggest that those like John Adams, who favored a more oligarchic form of government, had a more realistic view of how democracy could best survive.

When Joseph Ellis wrote in his biography of Jefferson (*American Sphinx*⁶³) that "the Jeffersonian magic works because we permit it to function at a rarefied region where real-life choices do not have to be made,"⁶⁴ he was echoing the conservative belief that democracy is both magic and rarefied. Nature and a broad view of human history tell us otherwise.

As John Locke wrote in 1690, in the sixth chapter of his *Second Treatise of Civil Government* (a work widely read during Jefferson's day): "The State of Nature has a Law of Nature to govern it. . . . Reason teaches all Mankind . . . that being all equal and independent, no one ought to harm another in his Life, Health, Liberty, or Possessions."

Myth: "The Constitution offers no right to privacy."

Reality: "Privacy" had a very different meaning two hundred years ago.

Today conservatives claim the power to invade citizens' private lives (even their bedrooms) and tell them what to do in private—

because, they say, there is no "right to privacy" in the United States. As evidence, they point to the fact that the word "privacy" doesn't occur even a single time in the Constitution or the Bill of Rights.

Troubled radio commentator Rush Limbaugh said on his program on June 27, 2003: "There is no right to privacy specifically enumerated in the Constitution." Jerry Falwell (the same reverend who felt God punished America on 9/11 for tolerating gays) agreed on Fox News. They could just as well point out that the Constitution doesn't grant a right to marry, or eat, or read, or have children.

There are two egregious errors in such statements: they're wrong about the Constitution, and the English language has changed in two hundred years.

The Fifth Amendment protects liberty, and the Ninth Amendment protects other rights.

There are two substantial errors in the assertion that the issue of privacy doesn't appear in the Constitution:

- ▶ The Fifth Amendment does protect people's liberty to do as they wish, saying, "No person shall be . . . deprived of . . . liberty . . . without due process of law."
- ▶ The Ninth Amendment says the Constitution is not intended to list all the rights held by We the People: "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." Thus, Limbaugh's argument has no meaning in the first place. And a substantial body of correspondence during the creation of the Bill of Rights makes this abundantly clear.

Additionally, there's good reason to believe that the Founders and Framers did write a right to privacy into the Constitution. However, living in the eighteenth century, they would never have used the word "privacy." A search, for example, of all of the more than ten thousand of Thomas Jefferson's letters and writings pro-

duces not a single use of the word “privacy.” Nor does Adams use the word in his writings or any of the other Founders, so far as I can find.

The issue of the privy

The reason is simple: “privacy” in 1776 was a code word for toilet functions.

A person would say, “I need a moment of privacy” as a way of excusing themselves to use the “privy” or outhouse. The chamber pots around the house, into which people relieved themselves during the evening and which were emptied in the morning, were referred to as “the privates,” along with another meaning that continues today.

“Privacy,” in short, was a word that wasn’t generally used in political discourse or polite company.

It wasn’t until 1898 that Thomas Crapper began marketing the flush toilet and discussion of toilet functions became relatively acceptable. Prior to then, saying somebody had a “right to privacy” would have meant “a right to excrete”—which is obvious but is certainly not something that would have been enumerated in the Constitution.

Thus, the Fourth Amendment is entirely about privacy.

Our best defense against today’s pervasive ignorance about American history and human rights is education, a task that Jefferson undertook in starting the University of Virginia to provide a comprehensive and free public education to all capable students. A well-informed populace will always preserve liberty better than a powerful government, a philosophy that led the University of California and others to once offer free education to its state’s citizens. We must ensure that when politicians of any stripe misquote the Constitution, our children and their children will be prepared to stand up and say “Wrong!”

Myth: “Jefferson said it’s wrong for the rich to pay more in taxes.”

Reality: What he opposed was double taxation.

Jefferson is often quoted as saying: “If the overgrown wealth of an individual be deemed dangerous to the State, the best corrective is the law of equal inheritance to all in equal degree; and the better, as this enforces a law of nature, while extra-taxation violates it.”

This seems like a straightforward statement that taking “extra” taxes from rich people in order to provide services to poor people is a bad thing.

The reality, however, is quite different.

That quote came from a letter that Thomas Jefferson wrote to Joseph Milligan on April 6, 1816. A week later, in a letter to Albert Gallatin, Jefferson explains why he had been corresponding with Milligan. He describes a book on the relationship between politics and economics by Messier Destutt Tracy (Antoine Louis Claude Destutt, Comte de Tracy, 1754–1836), “the ablest writer in France in the moral line.”

Jefferson explained that the original translation of Tracy’s book was so bad that he had offered to retranslate it. Jefferson “worked on it four or five hours a day for three months”—while he was president—until it was finished.

What was it that Jefferson thought was so important that he’d give it so much attention while running the new country?

Liberal economics

Tracy was the founder of what is today called the French Liberal School, a line of thinkers who brought us modern liberal democracies as we see in most of modern Europe. He challenged Adam Smith’s cost theory of value and was a major inspiration for the famous British economist David Ricardo (1772–1823). Tracy even invented the word “ideology,” although his definition of the word was “the science of ideas.”

Tracy was vigorously opposed to monopolies and would look upon today's anticompetitive corporate behemoths with horror. Monopolies that were controlled by the government were doubly evil, as was then the case in much of Europe.

In Jefferson's translation, Tracy wrote: "Monopoly . . . is odious, tyrannical, contrary to the natural right which every one has of buying and selling as he pleases, and it necessitates a multitude of violent measures."⁶⁵

But nations had the power to narrow or broaden competition by allowing corporations to become so large as to become monopolistic, or preventing them (with measures like the later Sherman Anti-Trust Act) from seizing control of entire commercial sectors.

The greatest sin, in Tracy's mind, was when a corporation became big enough to get government to use the force of law to help it accomplish its aims. (Today we call the process "lobbying"; back then it was called "bribery and influencing.") In speaking of how powerful men (at the time there were only a handful of corporations in America) would try to use government regulation or deregulation to allow them to form monopolies, Tracy wrote: ". . . every one fears competition in his own way, and would wish to be alone in order to be master. If you pursue further the complication of these different interests, in the progress of society, and the action of the passions which they produce, you will soon see all these men implore the assistance of force in favour of the idea with which they are prepossessed; or, at least, under different pretexts, provoke prohibitive laws, to constrain those who obstruct them in this universal contention."⁶⁶

Because he was what was then called a liberal, Tracy was banned by Napoleon from publishing his works in France. Thus, he turned to the president of the United States, through their mutual friend the Marquis de Lafayette, to ask for help getting his work *Commentaires* published.

Jefferson was, however, sensitive to the impact it could have

on international relations if an American president was known to be writing the translation of a banned French liberal.

"My name must in nowise appear connected with the work," he wrote, even though ". . . I should be happy to see it in the hands of every American citizen."

Jefferson points out that another topic of the book is potentially explosive. "Taxation is in fact the most difficult function of government—and that against which their citizens are most apt to be refractory."⁶⁷

Jefferson: Don't double-tax.

Jefferson wrote that taxes "class themselves readily" into: "1. Capital. 2. Income. 3. Consumption."

Having defined these three types of taxes, Jefferson notes: "A government may select either of these bases for the establishment of its system of taxation . . . and, if this be correctly obtained, it is the perfection of the function of taxation."

Thus, Jefferson suggests (as did Tracy), a government could tax people three ways.

The first is to place a tax on the wealth people own. The main forms of this in the United States are property taxes on real estate and estate taxes when a person dies. It was, during Jefferson's time, a common form of taxation in Europe: each person's or each family's wealth was determined every year, and a tax was levied on the overall total of their assets. Some nations taxed only real estate, as we do in the United States (although most states now also tax the value of automobiles by rating the license fee on the cost of the car), whereas others considered the totality of a person's wealth.

The second form of taxation is to charge a tax only on what people earn, regardless of what they own or what they consume. This, today, is called an income tax.

The third form of taxation is to charge a tax only on consumption—typically a sales tax.

“Once a government has assumed” the basic form of taxation it’s going to use, Jefferson wrote, if it also hits people “from either of the other classes” of taxes, that “is double taxation.” Using the example of a person buying whiskey, broadcloth, or a coach, Jefferson noted that “for that portion of income with which these articles are purchased, having already paid its tax as income, to pay another tax on the thing it purchased, is paying twice for the same thing.” This, he said, “is an aggrievance on the citizens who use these articles” and “contrary to the most sacred of the duties of a government, to do equal and impartial justice to all its citizens.”

There are, however, times when it may be important to pay a double tax “on the importation of certain articles, in order to encourage their manufacture at home, or an excise on others injurious to the morals or health of the citizens.”

Most important, Jefferson agreed with Tracy that the poor shouldn’t be hit as hard as the wealthy by taxation, be the taxes based on wealth, consumption, or income.

Thus, in the writings of Tracy and Jefferson we find the basis of progressive taxation: poor and middle-class people, who spend all or much of their income on food, shelter, clothing, transportation, medical care, and other necessities, should not pay taxes on that portion of their income or wealth that meets life’s necessities.

On the other hand, those with wealth or income high enough to extend beyond the necessities should be taxed at levels necessary to support the functions of government and reflecting the disproportionate “blessings” they have derived from the commons, the infrastructure of government, and the nation as a whole.

Which brings us to the final paragraph of Jefferson’s 1816 letter to Joseph Milligan, so often quoted by conservatives, which opened with this passage. “Whether property alone, and the whole of what each citizen possesses, shall be subject to contribution, or

only its surplus after satisfying his first wants, or whether the faculties of body and mind shall contribute also from their annual earnings, is a question to be decided. But, when decided, and the principle settled, it is to be equally and fairly applied to all.”

In context, we realize Jefferson was urging his day’s politicians to come up with a way of taxing people and applying it to everybody equally, with the exception of taxing a person only “after satisfying his first wants” are purchased. This is the core principle of “progressive taxation.”

Jefferson urged inheritance taxes, to prevent dynasties.

Jefferson explicitly suggested that if individuals became so rich that their wealth could influence or challenge government, then their wealth should be decreased upon their death.

This is one reason why until the Republicans rose up during the robber baron era of the mid- to late nineteenth century there were no American dynastic families. We don’t see fortunes left over from the Revolutionary era; all of America’s wealthy elite gained their status during and after the Civil War.

Jefferson was not arguing against taxes, or even against higher taxes on the rich, and particularly not against inheritance taxes. He was arguing that a tax system must be fair, uniform, and predictable, consistent with the prime concepts of the liberal school of thought, that government must not produce or allow monopolies in commerce, and that no person (or business, he notes elsewhere) must be allowed to become so wealthy as to be “dangerous to the State.”

In this, he was making the same argument that the Framers of Pennsylvania tried to make when writing their constitution in 1776. A Sixteenth Article to a Pennsylvania Bill of Rights declared: “An enormous proportion of property vested in a few individuals is dangerous to the rights, and destructive of the common happiness of mankind, and, therefore, every free state hath a right by its laws to discourage the possession of such property.”⁶⁸

Myth: “Working women are responsible for the loss of good-paying jobs.”

Reality: Procorporate, antilabor policies such as unregulated “free trade” globalization are devastating our middle class.

In the third week of December 2003, Rush Limbaugh declared psychological war on the working white males of America, although most of them probably didn’t realize it. That week Limbaugh rolled out a “funny” faux advertisement for the “Hillary Clinton Testicle Lock Box” that now any woman can use to clamp down on men’s testicles just as he implied Hillary does.

Ask most men “Who are you?” or “What do you do?” and you won’t hear, “I’m my wife’s husband” or “I’m my son’s dad.” Men typically answer such questions by describing what they do for a living. Men do this because they’re so conditioned to think of themselves as breadwinners, and they generally derive most of their social status from their occupation.

That’s why, in this day and age, men who work for a living are a troubled bunch. Jobs are moving overseas in record numbers, conservatives have declared war on organized labor, and insecurity in the workplace is at a peak not seen since the Great Depression. And the change from a generation earlier—when men were most often sole breadwinners (because a good union job could easily support an entire family)—to 2003, when fully 32 percent of women earned more than their husbands, has been dizzying for “traditional” males.⁶⁹ Add to this the fact that most men feel their masculinity is defined in part by their ability to be successful breadwinners, and you have a potent formula for psychological manipulation.

Today’s working-poor and middle-class men, living with job insecurity and a declining standard of living, feel emasculated. Their ability to earn a living is eroding, and, with it, their sense of their own potency, their ability to project themselves onto the

world and “conquer” it in a way that meets the needs of their family. The result is that working men are getting angry or falling into despair.

Suicide increases under conservative rule around the world.

The despair of working men is reflected in suicide statistics. As the BBC reported on July, 29, 2003, “Suicide is the single biggest cause of accidental or violent death among men in England and Wales,” even exceeding deaths in car accidents, traditionally the largest killer. Suicide among men in England, the BBC noted, “accounted for more than one third (34%) of the total number of male accidental or violent deaths during the year.”⁷⁰ It’s a particular problem, another BBC report noted, for men in areas of high unemployment, such as Britain’s suicide capital, Manchester. In that community, the suicide rate among working-age men has doubled over what it was twenty years ago when jobs were more secure and pay relatively higher.⁷¹

The problem has spread throughout the developed world, where good jobs are being lost in droves. In Japan, for example, Japan Update news service reported that in the working-class prefecture of Okinawa, “The male suicide rate per 100,000 people has increased 1.5 times compared to 20 years ago.” It added bluntly, “The suicide rate in the 50–60 age group is especially high and the reason for the dramatic increase is thought to be a combination of low income and high unemployment.”

Two recent exhaustive and thorough epidemiological studies done in Australia and the United Kingdom show that when conservative parties take power, suicides increase dramatically, whereas when the liberal “Labour” parties rule, suicides drop.⁷²

As Kendall Powell noted in his article “Suicide Rises Under Conservative Rule” in the journal *Nature*, “The researchers accounted for the effects of drought, both world wars, and the availability of sedatives. Even so, men and women were 17 and 40 per cent more likely to take their own lives, respectively, with conservatives in power.”⁷³ *Nature* quotes University of Manches-

ter psychologist Cary Cooper as confirming that “poorer social support and higher job insecurity may drive more to suicide under conservative regimes.”

The British study, which looked at suicide in England and Wales from 1901 to 2000, was so compelling that a BBC report noted, “The figures suggest that 35,000 people would not have died had the Conservatives not been in power.”⁷⁴

Given the preceding, is it any wonder that when policies favor concentration of power, ordinary citizens are more likely to despair?

Instead of getting sad, some get mad.

The majority of unemployed or underemployed men don’t kill themselves, however. Instead, they get angry. And most, not being particularly well informed about the details of social and economic policy, look in other places for the sources of their pain. And this is where the conservatives are working hard to perform an elegant smoke-and-mirrors switch of attention.

Conservatives have figured out how crucial it is to make sure that the working-class “NASCAR Dad” demographic—so important to conservatives that NASCAR drivers were invited to place their cars on the White House lawn for a Bush photo op—don’t connect their sense of lost masculinity with this conservative administration’s procorporate, antiemployee policies.

Thus Rush’s Hillary Clinton Testicle Lock Box. And Bush’s Phallic Projection Force War Against Iraq. And the Big Bulge Strut on the Aircraft Carrier Deck.

This is psychological warfare of the first order and will be successful if advocates of liberal democracy fail to respond properly. Conservatives like George W. Bush and Karl Rove have effectively used 9/11 as a substitute for job anxiety, and Bush’s various wars as an opportunity for men to feel personal power via their stand-in, the macho-acting man in the White House.

At the same time, Limbaugh and the vast conservative talk

machine are working overtime to assure the underemployed and threatened men of America that the target of their rage should not be conservative policies but, instead, “castrating women”: they say we should blame Hillary Clinton and those damn liberals for all the ills that have befallen the working class.

The simple reality is that “cheap labor” conservative policies are responsible for the thinning out of the middle class in America, not women who aspire to work in the labor force or to rise in political power.

Myth: “Liberals wrote child labor laws to create a shortage and drive up wages.”

Reality: Banning child labor produced more educated citizens and helped create a middle class to buy goods.

In the 1900 census, more than 18 percent of the labor force was between ten and fifteen years old. Those children never finished school and rarely became economically productive consumers.

But today, conservatives love to complain that the only reason liberals pushed through child labor laws in 1916 was to drive up the cost of labor by denying factory owners access to all that labor. Indeed, when child labor was banned, the cost of labor increased.

What the conservatives never cite is that this helped create the American middle class.

And that’s not to mention the fact that child labor had kept children out of school, which kept them from becoming the informed thinking citizens that Jefferson envisioned. This led to a particularly harmful form of circular thinking on the part of pseudoconservatives: child labor resulted in uneducated adults, which conservative leaders said proved their case that some people (the rich) were simply better than others.

One wonders what conservative philosopher Edmund Burke, who suggested hairdressers and candle makers should never be

given political power, would have thought about hairdressers who got college educations, perhaps even trained in free public universities.

The benefits of realistic regulation of business

Child or immigrant labor laws are sometimes cited as an example of “overregulation of business”—something that stifles economic growth. The same is sometimes said about regulations for worker safety and consumer safety. For instance, the Occupational Safety and Health Administration (OSHA) is a favorite target.

On one level there may be something to that argument—something that illustrates how twisted our judgments can become if we look only at numbers and forget about the humans. Here’s why.

The first substance regulated by OSHA when it came into being in 1970 was asbestos, a substance that causes a terrible form of cancer. And every time someone gets cancer in the United States, it’s great for the economy: it causes a miniboom of about a quarter-million dollars, because the average patient gets expensive treatments, nursing and doctor care, and, often, a funeral.

So there’s no question that asbestos is good for economic growth. Indeed, every cancer avoided is a quarter-million dollars lost to the medical services part of our economy—which is today about one-seventh of the entire U.S. economy.

Similarly, economic activity is reduced by regulations that reduce cancer-causing arsenic in drinking water, or soot from power plants and auto exhaust, or emissions of chemicals from factories, exposures to pesticides and other agricultural chemicals by farm workers and consumers.

However, it keeps more of us—We the People—alive and well.

Myth: “Left to themselves, people would drain the Treasury.”

Reality: They haven’t; to the contrary, conservative administrations have.

Conservatives are aggressively promoting the idea that democracy is doomed and should be replaced by the aristocracy of large corporations, because (they say) people are fundamentally lazy and will drain the Treasury, simply voting themselves unlimited welfare benefits.

This myth is especially ironic since the irresponsible fiscal policies of conservative Presidents Reagan and George H. W. Bush mostly created today’s enormous budget deficits.

Numerous conservative websites promote this myth by quoting Alexander Fraser Tytler (1747–1813), a Scottish politician and historian, writing in 1776:

A democracy cannot exist as a permanent form of government. It can only exist until the voters discover that they can vote themselves largesse from the public treasury. From that moment on, the majority always votes for the candidates promising the most benefits from the public treasury with the result that a democracy always collapses over loose fiscal policy, always followed by a dictatorship. The average age of the world’s greatest civilizations has been 200 years.⁷⁵

The problem is that Lord Tytler had his facts wrong. At the time he wrote that statement (if he did; *Bartleby’s* lists it as “unverified”), only one democracy had existed for more than a few decades—that of Athens—and its end had nothing whatsoever to do with people voting themselves benefits from the public Treasury. In 1776, when that quote was supposedly written, the world’s second democracy was just being birthed and wouldn’t take form fully for another decade, so it seems on its face nonsensical.

Similarly, Tytler’s description of the way nations with repre-

sentative governments would fail is accurate only if you're counting those democracies that are corrupted by the wealthy and powerful to the point where they're sham democracies but have, in fact, become feudal aristocracies (whether the feudal lords are wealthy individuals or powerful corporations).

History—and the experience of the world's mature democracies—shows us clearly that when a majority of the people participate in democracy (even simply by voting for their representatives), they don't vote to steal the wealth of the nation from themselves.

Myth: "Liberal democratic policies are socialism."

Reality: Democracy has nothing to do with collective ownership.

Conservative commentators love to roll out this myth when people in a democratic society agree to tax themselves in order to provide for the common good.

In fact, the *Merriam-Webster's Dictionary* defines "socialism" as:

1: any of various economic and political theories advocating collective or governmental ownership and administration of the means of production and distribution of goods;

2: *a*: a system of society or group living in which there is no private property; *b*: a system or condition of society in which the means of production are owned and controlled by the state;

3: a stage of society in Marxist theory transitional between capitalism and communism and distinguished by unequal distribution of goods and pay according to work done.⁷⁶

No rational liberal or progressive in America is suggesting any of these three.

Have you heard a conservative complain about our "socialist police forces" or our "socialist fire departments"? Of course not; but they're paid for by taxes. Or our "socialist roads" or our "socialist air traffic control system"?

Or—best of all—our "socialist military," with its strict rules that the highest paid may not make more than twenty times the salary of the lowest paid, its comprehensive free health-care system, and its subsidized housing? Indeed, the military might qualify as the most "socialist" institution in our government (though I doubt they'd like to be called that, by conservatives or anyone else).

So why do conservatives incessantly apply this label to programs that don't match the definition? It's because the word has such a negative reputation. Socialist and communist nations have for the most part been conspicuous failures, killing tens of millions of dissenters in the process.

Modern democracy is not collective ownership, but a political system in which the voice of the people is not only heard in government but *is* the government.

The means of production and distribution of goods and services (except those in the commons like police, fire, etc.) should continue to be privately owned. But just as certainly, We the People must take back ownership of our government. This will remove us from Benito Mussolini's vision of a corporate state and adequately protect us from the possibility of socialism. It will leave us in the "radical middle" place of a constitutionally limited democratic republic: a modern liberal democracy.

Myth: "Free markets are nature's way of making the winner fit and strong (it's Darwin)."

Reality: Darwin's method led to more diversity, not less.

Conservative activists love to complain about the dangers associated with the concentrated power of government. Indeed, anybody who's ever spent time in most of the Third World, in dictatorships like the old Soviet Union, or in a repressive communist state like modern-day China (I've worked in all three) understands how dangerous concentrated and unrestrained government power can be.

The real problem, however, arises when there are gross inequities in the size and power of different entities in a culture. This is true whether the giant party is a powerful government, a powerful corporation, or a vastly powerful individual: in any case, ordinary people can find themselves in trouble, without a thing they can do about it, no matter how great the injustice.

For that reason, the conservatives' answer is just as bad as the problem. They suggest ceding more authority to very large corporations while reducing the power of a democratic government that might constrain them to balance their power with that of the nation's citizens.

The result of this, every time it's been tried in the United States (most conspicuously during the era of the robber barons, and under the administrations of Reagan/Bush, Clinton/Gore, and Bush/Cheney), has been to bring about a new feudalism, "rule by the rich," which in every case led quickly to so much abuse that it was overthrown—but not before great damage was done to many individuals.

This is a vitally important point when evaluating the arguments of conservatives who claim to represent our Founders. The Founders explicitly rejected a government dominated by corporations when they started the American Revolution by throwing the East India Company's tea into Boston Harbor in 1773.

Where is the real power held?

Although any form of government has the potential to be oppressive, one of the biggest things the conservatives miss is that in a liberal democracy like the United States, the government is ultimately answerable to We the People. We have both the right and the power (and, according to the Declaration of Independence, the duty) to restrain or even change our government when it overreaches.

Corporations, however, are not answerable to We the People in any sort of democratic way. Their internal structure is more

like a kingdom or a feudal state, and their position within society is more often similar to that of a feudal lord than to a citizen.

Ah, but we can choose not to buy from corporations, the conservatives will say. If you don't like the way they do business, go elsewhere! Vote with your feet—this is democracy that involves corporations!

But, as is so often the case, real-world experience shows that conservative theories are more religion than science. When a large, predatory corporation like Wal-Mart comes into a community and wipes out all the smaller businesses, citizens no longer have the option of voting with their feet.

But doesn't that mean that Wal-Mart has "won" in the free market competition? That the people have "voted" for them over the smaller, local businesses? Isn't that how democracy and the free market are supposed to work?

Fortunately, the answer is no.

The real law of the jungle

The core of this logic is that unrestrained competition is the "law of the jungle," the way all of nature works, and that economic systems are just imitating natural systems. Only the fit survive; the weak are consumed or destroyed.

Certainly there are dimensions of nature that are competitive. We've been well sensitized to them, ever since Darwin first adapted Victorian-era economics to biology. But—as Darwin himself pointed out—the key survival element of nature is not raw win/lose competition, but a "struggle for existence" that leads to greater rather than less diversity. In this regard, Wal-Mart is anti-Darwinian, as is the entire conservative idea that unrestrained "free" market behavior enhances democracy and improves the quality of people's lives in a "natural" way.

Consider Darwin's own words, from his landmark book *The Origin of Species*. "We will now discuss in a little more detail the struggle for existence," he wrote to open his chapter titled "The

Struggle for Existence.” “Nothing is easier than to admit in words [than] the truth of the universal struggle for life.”

But in referring to the struggle for existence, Darwin didn't mean what the conservatives think when they support one individual company (species) getting bigger and bigger while consuming all the small ones in its path. In fact, he contemplated that with horror.

“I should premise that I use the term ‘Struggle for Existence’ in a large and metaphorical sense, including the dependence of one being on another,” Darwin said, laying it out clearly. Darwin then supplied examples of how the *goal* of the “struggle for existence” is to enhance variety—as all the little shops in a town center would do—and not to reduce diversity as a Wal-Mart or other big out-of-town predatory company does.

Nature's balancing systems are like democracies balancing the power of corporations.

So not only is Darwin *not* saying that only the strongest survive against all others, he is explicitly saying that nature has put specific caps and checks into the system—just as good government does in economic systems—to keep the struggle going while at the same time keeping even the smallest and most fragile parts of the system alive.

And any person, Darwin suggested, who thought “survival of the fittest” or “to the victor go the spoils” was a natural law was profoundly ignorant of how such delicately balanced systems work. In fact, we'd even create stories of great floods or lost continents, or commonsense-defying “laws” (like “trickle-down economics”), to try to explain what should be obvious. “Nevertheless so profound is our ignorance,” he wrote, “and so high our presumption, that we marvel when we hear of the extinction of an organic being; and as we do not see the cause, we invoke cataclysms to desolate the world, or invent laws on the duration of the forms of life!”

Thus, we see that the free market is never free—as life exists

on the earth's crust, business exists on the substrate of a government court system to enforce its contracts, a government monetary system to ensure the stability of its means of commerce and exchange (currency and banking), and a government system of regulation and controls to prevent profits from being held in higher esteem than human health or quality of life.

Similarly, unconstrained capitalism makes no more sense in the ecology of nations than an unconstrained cell within your body. Every cell must act in concert with those around it, regulated by a system that looks out for the common good, and when a single cell decides to grow without limits, we call that cancer. In business and economy, it is necessary for government to provide a basis for the existence and function of small and medium-sized businesses, and to prevent large businesses from becoming cancerlike, subsuming everything in their path.

“Business” and “big business” are different animals.

President Theodore Roosevelt said in Columbus, Ohio, in 1912, “The great mass of business is of course done by men whose business is either small or of moderate size.” These businesspeople, he said, “are satisfied with a legitimate profit” and an entrepreneur, as a rule, is “in no sense dangerous to his community, just because he is an integral part of his community, bone of its bone and flesh of its flesh. His life fibers are intertwined with the life fibers of his fellow citizens.”⁷⁷

From that praise of the organic elegance of small and medium-sized businesses in the life of America, Roosevelt turned his attention to the handful of large corporations that, even then, were trying to get lobbying and antitrust laws changed so they could grow ever bigger.

“So much for the small business man and the middle-sized business man. Now for big business,” Roosevelt said.

“A wicked big interest is necessarily more dangerous to the community than a wicked little interest. ‘Big business’ in the past has been responsible for much of the special privilege which must

be unsparingly cut out of our national life." While he did "not believe in making mere size of and by itself criminal," Roosevelt said that because big business had so much potential power, "there should be by law provision made for the strict supervision and regulation of these great industrial concerns."

The challenge was to prevent corporations from growing so large and powerful that they destroyed the ability of entrepreneurs—the jobs-creating powerhouse of America from its founding—to succeed. It should "be not only possible but easy for an ambitious man, whose character has so impressed itself upon his neighbors that they are willing to give him capital and credit, to start in business for himself, and, if his superior efficiency deserves it, to triumph over the biggest organization that may happen to exist in his particular field. Whatever practices upon the part of large combinations may threaten to discourage such a man, or deny to him that which in the judgment of the community is a square deal, should be specifically defined by the statutes as crimes."

Myth: "Taxes are an unfair burden and a waste of money."

Reality: The commons—including the commons of government—are necessary for our survival and quality of life.

When you woke up this morning, the odds are you used a shower and toilet that wouldn't function if it weren't for taxpayer-funded water supplies and sewage treatment systems. Your bathroom was lighted with power carried across public rights-of-way, built and maintained with tax dollars. When you stepped out of your home or apartment, looters or muggers didn't attack you because the taxpayer-funded police are on their jobs. If you'd had a fire, the taxpayer-funded fire department would have been there within minutes.

Your streets and sidewalks were put there with tax dollars,

and if you drove to work, your car was as safe as the state of the art allows because of tax-funded research and tax-funded agencies that required airbags and other safety standards. (If you took public transportation, it was created with tax dollars.) The air you breathed on the road today was cleaner than our parents' air because of tax-funded research and tax-funded agencies that require clean air from our cars, power plants, and other past polluters.

If you work for a company, it owes its existence to tax dollars: only state governments can authorize the creation of a corporation, and taxpayer-funded courts provide the legal infrastructure and stability necessary to do business. The taxpayer-funded federal government authorizes the creation of the money your corporation uses to conduct business, and it works to keep stable both the value of our currency and the banking system through which it flows.

Companies use telephone and Internet systems that were developed with taxpayer dollars and depend on taxpayer-maintained rights-of-way. When your company's employees travel, they do so on a taxpayer-funded highway, rail, or air traffic control system, knowing these are safe because of taxpayer-funded government standards and inspectors. And your business couldn't exist without a competent workforce educated in public schools at taxpayer expense.

Conservatives who protest paying taxes want to use all the benefits of a free society, but let others—particularly average wage earners—pay the expenses through payroll taxes, sales taxes, property taxes, and user fees.

They complain almost exclusively about "income taxes," which are paid only by people making over roughly \$20,000 a year, and they completely ignore payroll taxes paid by *all* workers on the first \$81,000 of their income (but not paid by wealthy people on anything after that first \$81,000).

The core concept of taxation in a free society is one the Founders well understood—if the government is to administer

the commons, then we all, by virtue of agreeing to remain citizens of this nation, are voluntarily entering into a social contract to pay for them.

“But I didn’t sign any social contract!” say some conservatives. The simple answer is that this is a free society and our out-bound borders are not closed—if they don’t like the social contract, they have the option to change it through the electoral process, or go elsewhere. But denying that it exists won’t work.

During the 2003 tax-cut debate, I was driving on a tax-funded public road to visit our tax-funded public library. Turning on the radio, I was just in time to hear Sean Hannity squeal at a guest something to the effect of, “You don’t want the government to let you keep your own money? It’s your money! You earned it!”

George W. Bush proposed in 2003 that the federal government borrow over \$1.2 trillion and hand it over to people in America who earn more than \$150,000 per year. (Some “tax cuts” went to people earning less, but I’m not including them in the \$1.2 trillion figure, as they would raise it slightly.) Running a country into debt to give cash to wealthy taxpayers is not a tax cut; it’s a tax postponement. Eventually that money will have to be repaid—most of the Treasuries (IOUs) sold to fund the debt will come due in either ten, twenty, or thirty years—and will be repaid (with interest) by taxes, pure and simple.

That American citizens (particularly those who speak on our nation’s airwaves) could be so ignorant—or willing to blatantly lie—about the nature of the social contract our Founders put into place, and think that borrowing money and giving it to the wealthy was a “tax cut,” is an indication of the damage conservatives have done with thirty years of relentless attacks on the funding and functioning of our public education system, and the consolidation of our media keeping out nonconservative voices.

The last two American presidents to submit balanced budgets were Jimmy Carter and Bill Clinton. In the meantime, the so-called conservative Reagan/Bush, Bush/Quayle, and Bush/Cheney administrations have supervised the handing over of more than

\$6 trillion to America’s wealthiest citizens and most powerful corporations—all of it borrowed in the name of you and me, and due and payable in the future by us, our children, and their children.

Myth: “Social programs are the liberals’ way of buying votes.”

Reality: Democratic government is *supposed* to respond to the needs and desires of the majority of its citizens, while protecting the rights of its minorities.

This myth betrays either an ignorance of or disregard for the system of representative democracy.

When elected officials do what the majority of the people want, that’s called democracy. When they do something that serves only the interests of a narrow part of the electorate, that’s antidemocratic.

“But,” the conservatives say, “what if most people (and their representatives) vote in a system where most never work at all and the minority who work and are wealthy have to support them?”

It won’t happen. It never has in a democracy.

The reality is that most people want to work. Work defines us and gives our lives purpose. Even people who are fabulously wealthy search for meaningful work to do, and those who don’t work often end up depressed and self-destructive. This is why in all the two-hundred-plus years of various nations experimenting with constitutionally limited democratic republics, none has ever voted for a system where the majority of the people don’t work and the minority who work have to support them.

As Ben Franklin pointed out, it is true that poorly constructed “welfare” systems can train people in dependence and multigenerational poverty. It’s similarly true that the police don’t capture all of our criminals, and our fire departments don’t stop

all fires. These are all arguments for improving the way our social protective systems work, not discarding them.

It makes no sense whatsoever to destroy a social safety net for all of us to prevent a few of us from scamming the system. That would be like eliminating highways to prevent some people from speeding.

Why, then, do conservative leaders say we should dismantle the social safety net?

Why did Ronald Reagan produce an epidemic of homelessness in America by refusing the chronically long-term mentally ill housing in state mental hospitals?

Why did George W. Bush's Treasury secretary call for the total elimination of Social Security, Medicaid, and Medicare in May 2001?

Greed: a sociopathic mental illness?

Conservative social critics are right in noting that a few lazy people will always try to "game the system," being interested only in their own comfort regardless of what it costs others. But they should equally acknowledge the flip side: there are also greedy people, who are similarly gaming the system, interested only in their own personal comfort regardless of who it harms or how it damages society. Both are ways of getting something for nothing.

The difference is that people who are unhealthy with laziness usually end up powerless, but those mentally ill with greed often end up very wealthy and thus powerful—even though they may have destroyed many lives in the process.

It only takes a handful of people with severe greed to seize control of a political party and wreak havoc on a nation, particularly if they believe the end justifies the means and they're willing to lie to We the People to reach their goals.

A well-thought-out social system, as in most of the advanced democratic republics of Europe, protects society from both: from the small damages that can be inflicted on it by the lazy, and the huge damages that can be caused by the greedy.

And it realizes that when elected representatives propose systems that are broadly popular, that's not called "vote buying"—it's called "democracy."

Myth: "Unlimited growth and concentration of power is nature's way and it's good for us."

Reality: Absolute power corrupts absolutely; only allowing voters—and not institutions—to influence politics is our protection as people.

Combining political power with the economic power of great wealth was a danger to democracy, and one of the reasons why Thomas Jefferson suggested amending the Constitution to "ban monopolies in commerce."

As Jefferson pointed out in a December 26, 1825, letter to William Giles, economic powers will always seek to gain political power and thus threaten to create "a single and splendid government of an aristocracy, founded on banking institutions, and moneyed incorporations under the guise and cloak of their favored branches of manufactures, commerce and navigation, riding and ruling over the plundered ploughman and beggared yeomanry [working class]."

Every past tyrannical government in the history of civilization had oppressed its citizens because it had combined political power with one or more of the other three categories, and the Founders were determined to prevent America from repeating the mistakes of previous nations.

Thus, political power would be held only by We the People and never again shared with military, corporate, or religious agencies.

Myth: “Media conglomerates are just nature taking its course.”

Reality: Without a free, independent, nonmonopolized press, democracy is at risk.

In a January 28, 1786, letter to James Currie, Jefferson noted: “Our liberty depends on the freedom of the press, and that cannot be limited without being lost.”

Echoing a similar sentiment in 1835, Alexis de Tocqueville closed *Democracy in America* with a prescient chapter titled “What Sort of Despotism Democratic Nations Have to Fear.” He noted: “I think that men living in aristocracies may, strictly speaking, do without the liberty of the press: but such is not the case with those who live in democratic countries. . . . Servitude cannot be complete if the press is free: the press is the chief democratic instrument of freedom.”

In the past few decades, conservatives have taken the archetypal ideas carried by all Americans and twisted “freedom of the press” around to mean “freedom of one to own all the presses.” This is, in fact, the opposite of what Jefferson and de Tocqueville were championing.

Freedom of the press means the freedom of media to speak what it perceives as truth and to offer its opinions. For years, the television networks and TV and radio stations across the nation were so aware of the critical importance of unbiased and clearly presented news to democracy that their news operations were separate from all other divisions of the corporation and were not required to make a profit. Producing news was part of the “giving back,” fulfilling the obligation of electronic media that uses public airwaves or public rights-of-way (in the case of cable) to “serve the public good.”

But since the Reagan era, the ascendancy of conservative corporate values has changed the equation. News divisions are now answerable to the bottom line, and the result is that many net-

works have closed foreign bureaus. News operations have become ratings-driven and are often used to advance—or at least to not hurt—the profit agendas of their corporate owners.

It’s time to break up our media monopolies and return to local ownership and a diversity of voices.

Myth: “The media have a liberal bias.”

Reality: Most of America’s media is now in the hands of large, generally conservative corporations who strive for “truth.”

It’s a good thing that Fox News has a conservative bias. It’s in the finest tradition of American journalism for a media outlet to state the position through which they filter the news, to be up front about their bias, and to invite in like-minded people to read or listen or watch.

Through nearly the entire history of America, most towns had several newspapers and those papers each took a different political position. From the days of Jefferson, when it was Federalist-leaning newspapers against Democratic-Republican-leaning newspapers, to the 1920–1970s era, when it was Republican-leaning versus Democratic-leaning newspapers, everybody knew where everybody stood.

The simple reality is that truly fair and balanced reporting is impossible. Every reporter, every news organization, and every corporation involved in the business of the news brings their own bias to the table. At least Fox is (relatively) honest about its bias.

The problem is that our local media have been wiped out, replaced by large corporations who offer most communities only one single newspaper and only a few nationally affiliated corporate-owned radio and TV outlets. For these corporations, homogeneity is the name of the game—play everything right down the middle. The result is pabulum news, hyperfocus on celebrity and sex scandals, and the death of investigative reporting.

Let's give up on the charade of "neutrality," "truth," and "fair and balanced reporting." We need more media with a liberal bias, and we need more media with conservative bias. Both locally owned, reflecting the passions and concerns of the local community. Only then will serious debate and discussion of the real issues of our time return to the stage of American life.

Myth: "There's too much regulation: Get government off the backs of big companies."

Reality: Big companies *create* regulations, which protect them from lawsuits.

Successful lies are always built on a germ of truth, and everybody who has ever filled out government forms or stood in line at the Department of Motor Vehicles knows how frustrating it can be to deal with government bureaucrats. But notice how the word "bureaucrat" is always preceded in conservative rhetoric with the word "government," and never the word "corporate."

Corporate bureaucracies create far more pain and hassle for Americans than government bureaucracies, as anybody who has ever tried to get an insurance company to pay for a claim or to deal with a problem in telephone or credit billing can tell you.

Nonetheless, this myth is phrased in such a way that the average person imagines big business dealing with government bureaucrats in the same exasperated fashion as we deal with the DMV or the IRS.

The reality is that the larger and more toxic the business, the more it may welcome—indeed, may even demand—regulation by government. The reasons for this are simple: regulations legalize activity that would otherwise subject the business to consumer lawsuits, and highly regulated environments can make it easy for big corporations to keep out smaller competitors.

Corporate lobbyists routinely press lawmakers to increase favorable regulations on their industries. For example, when

George H. W. Bush was vice president in 1986, Monsanto approached him about creating regulations for genetically modified organisms (GMOs), which at the time were not in production. One of the Monsanto executives at the meeting, Leonard Guarraia, told the *New York Times* in 2001: "There were no [GMO] products at the time, but we bugged him for regulation. We told him that we have to be regulated." And so, the *Times* reported, "the White House complied," and Monsanto got the regulations they wanted with the EPA, USDA, and FDA.⁷⁸

The reason regulations can be so important to big corporations that manufacture products that may be dangerous is because the regulations serve to shield them from prosecution or financial liability. If a corporation is selling soft drinks that contain 10 parts per billion (ppb) arsenic—which can cause cancer—then consumers who get cancer could sue them. But if there are regulations in place that say a corporation may sell a product that contains up to but not above 10 ppb, then that 10 ppb becomes legal, and there is no recourse for consumers.

The secondary benefit of such regulation is that a huge commercial concern can easily spread out the cost of complying with regulations over a large budget. But smaller companies and new entrepreneurial start-ups often can't afford the cost of complying with some regulations. Thus, some companies in regulated industries (like pharmaceuticals) actually lobby for the government not to perform tests on their products but for they themselves to be required to bear the costs of testing and performance reviews. This isn't so they can cook the books on the tests, but to make the cost of bringing a product to market too high for anybody but a very large corporation.

This can also bring the regulatory agency under the effective control of the industry it is supposed to be regulating. As Robert Monks and Nell Minow, who worked with the Presidential Task Force on Regulatory Relief during the Reagan administration, wrote in their 1991 book *Power and Accountability*, "We found that business representatives continually sought more rather than less

regulation, particularly when [the new regulations] would limit their liability or protect them from competition.” They added: “The ultimate commercial accomplishment is to achieve regulation under law that is purported to be comprehensive and preempting and is administered by an agency that is in fact captive to the industry.”⁷⁹

The other types of regulations that industry seeks are those that limit government protection of consumers. On May 26, 1992, Vice President Dan Quayle said, “We will ensure that biotech products will receive the same oversight as other products, instead of being hampered by unnecessary regulation.”⁸⁰ What he meant was that regulations were being promulgated that would limit the ability of consumers to know what was in their foods.

Under regulations proposed by the GMO industry, the dangers of genetically modified foods would be determined by the manufacturers, not the government, and testing would occur only when the companies wanted it to. And consumers were not to be notified if their food contained GMOs. “Labeling was ruled out as potentially misleading to the consumer, since it might suggest that there was reason for concern,” noted *Times* reporter Kurt Eichenwald.⁸¹ And, “the new policy strictly limited the regulatory reach of the F.D.A.”⁸²

There are regulations, however, that industry specifically objects to, and these are usually the ones that corporate-jet conservatives complain about when they discuss “excessive government regulation.” Those are the rules that We the People have put into place to protect us from the products and processes of industry.

As Paul Hawken wrote in 1994 in *The Ecology of Commerce*, industry launched such a huge lobbying effort to fight back regulations on toxic chemicals after passage of the 1970 Clean Air Act that by 1990 “the agency has been able to muster regulations for exactly 7 of the 191 toxins that fell under the original legislation.”⁸³

In the years since 1990, things have only gotten worse. The last year for which EPA statistics are available on the release of toxic chemicals into the environment by industry is 1999, and in that year 7.7 billion pounds of toxics were released directly into our air and water, most with unknown short- or long-term effect.

Corporate lobbyists have succeeded in defining EPA regulations so that now only 650 of the more than 80,000 chemicals being used in industry have to be reported (so the 7.7 billion pound total represents only 1 percent of the possible chemicals in use). And those figures include only accidents and spills. As Worldwatch Institute’s Anne Platt McGinn noted in a commentary entitled “Detoxifying Terrorism” on November 16, 2001, “releases during routine use are not included” in that 7.7 billion pound figure.⁸⁴ Platt goes on to add that we don’t yet even know how dangerous or carcinogenic are “over 71 percent of the most widely used chemicals in the United States today” because the data simply doesn’t exist or hasn’t been released by industry.

Conservatives suggest that even though the corporations producing these toxins are using taxpayer-financed infrastructure like roads, water, septic, and electricity, with a taxpayer-educated workforce, and the taxpayer-funded treasury, banking, and legal systems, the consequences of their actions are none of the taxpayers’ business.

Myth: “NAFTA/GATT/WTO ‘free trade’ is good for all nations.”

Reality: “Free trade” is only free for multinational corporations, and they are its prime beneficiaries.

Nations differ in many respects. Some are richer than others in natural resources like minerals, oil, or timber, whereas others have large pools of potential laborers. The optimal state for every nation is to achieve an internal balance or homeostasis, relative

self-sufficiency, with the means of production and distribution (mostly the businesses) locally owned and operated, producing an economy appropriate to local conditions.

Over history, the result of this has been that population-heavy and natural-resource-light nations have developed economies where people live well using less fuel and fewer resources, while those in nations that have lower populations and higher resource bases have had higher levels of resource consumption. (Americans consume, for example, about 30 times the resources of people in India.)

While a middle-class person in Bombay is paid the U.S. equivalent of \$5,000 a year, because he or she lives in India, that person can still buy a comfortable home, clothes, groceries, a car, and put children through school, pay for health care, and even save for retirement. Internal stabilities are achieved, and local economies flourish. One of the things that keeps national economies relatively stable is that national borders are barriers to the movement of people.

Into this milieu have stepped multinational corporations, asserting that while people can't easily and quickly move from nation to nation, they should have the "right" to roam the world searching for the cheapest sources of all sorts of materials, including human labor. In doing so, they pit the middle class of India against the middle class of America (for example) and the result benefits only the corporation.

The reason the middle class of India isn't truly benefited by this is because in competing with America's middle class it will have its own level of income raised, and eventually it will begin to cost the multinational corporation more than similar labor would cost in some other developing nation. As soon as the corporation finds cheaper labor elsewhere, it will depart India, leaving behind a wake of social and economic devastation.

This pattern has repeated itself over and over again since corporate "free trade" really began to spread across the globe in the 1980s. When the Taiwanese, Thais, and South Koreans raised the

average income of their middle class by manufacturing products previously made in Japan, Europe, and the United States, corporations pulled out and moved to China. Today the former "Asian tigers" are still struggling with the consequences of this. A similar pattern has happened in Mexico, which got many American jobs in the late 1990s and saw an explosion of factory building, but now has seen so many jobs go to China and other slave-labor nations that poverty is actually worse in Mexico now than before NAFTA and GATT were signed.

Myth: "Unions harm economies by driving up wage expenses."

Reality: A rising tide from the bottom up lifts all boats.

Thirteen million Americans are members of unions today, but another 40 million say they would join a union if they could. It's not hard to figure out why: unionized employees earn 26 percent more than nonunionized employees and generally enjoy better benefits and more job security.

Conservatives argue that the higher labor costs drive up the cost of goods and services, and to some extent that's true. But at the same time, unionization increases the disposable income of the middle class, making those slightly-more-expensive goods and services more easily purchasable.

If labor were 100 percent of the cost of a product, it would be a zero-sum game. But because labor is usually only a small fraction of a product's cost, increasing labor costs increases product and service costs only slightly.

The result of widespread well-paid workers and "more expensive" goods is a strong middle class and a healthy local and national economy, as America had during the 40 years before radical conservatives took the White House and Congress in the 1980s. The result of the loss of good-paying jobs may have meant cheaper goods at Wal-Mart, but it hasn't led to healthier commu-

nities or an expansion of the middle class. To the contrary, the Wal-Martization of America has driven up the number of people falling out of the middle class and into the category of the working poor, the largest percentage of adults in poverty.

It's time to set aside the myths.

While conservatives want to "get government off the back of business" so business can fasten itself firmly onto your back, the rest of us are interested in seeing healthy and profitable businesses that are not controlling us and are not controlling the government.

Democracy depends on the sole political power of a nation residing in, of, by, and with We the People—not in an invasive supergovernment (think John Ashcroft), not one-sided corporate power (consider how your health insurance company, phone company, or credit card company treats you when there's a problem), or in church power (do you really want somebody telling you that you should live a particular way because *their* god said so?).

Three generations ago Franklin D. Roosevelt made the point that hungry or fearful people are not free people. It doesn't mean that the state should subsidize people who are capable of working; that, too, can be a form of tyranny. But it does mean that the government ought to concern itself with whether people have jobs—even people who've been out of work for 18 months and are no longer counted in the statistics.

And it means government has an important role to play in defining the rules by which business plays, so people don't work hard and still go hungry—as is the case with so many of the "new jobs" being created by big-box retailers and other parts of the service and retail industries.

A hockey game without rules or referees is anarchy, and history shows that the same is true of unregulated capitalism: it

inevitably becomes predatory, dominated by bullies, and destructive to democracy.

By defining the terms of the game—"Pay a livable wage and don't threaten the environment or hurt people; in exchange we will provide you with an educated workforce, a stable currency, a reliable court system, transportation systems and other parts of the commons, and international agreements to protect your business and your workers"—government of, by, and for We the People can play a vital and important role in retaining freedom and democracy in America.