

CHAPTER 4

RETURN REVOLUTION

IT ALL BEGAN, as you know, with the Declaration of Independence. The Americans stated their case, both as to the disabilities put upon them by the British Crown and as to the kind of government they considered it fitting for men to live under. The indictment was rejected and the issue was joined in battle. The god of war decided in favor of the Americans, insofar as removing the grievous rule was concerned; but in the establishment of a government to their liking the victors were on their own. Nobody could help them. Even history could not make a suggestion; for never had there been a political establishment constructed or operating on principles laid down in the Declaration.

These principles, moreover, were quite metaphysical,

completely outside the realm of experience. They were: one, that all men are created equal, and, two, that all men are endowed with inalienable rights. When you come down to it, the two metaphysical concepts are really one. For the postulate of equality did not apply to human capacities or attributes, which are quite unequal and far beyond the scope of government, but to the enjoyment of rights or prerogatives. In that respect, they maintained, all men must be considered on a par.

This was a brand-new base for government. In all political science hitherto known it had been an axiom that rights were privileges handed down to subjects by the sovereign power; hence there was nothing positive about them. A new king or a new parliament could abrogate existing rights or extend them to other groups or establish new favorites. The Americans, however, insisted that in the nature of things all rights inhere in the individual, by virtue of his existence, and that he instituted government for the sole purpose of preventing one citizen from violating the rights of another. Sovereign power, they said, resides in the individual; the government is only an agency of his will. If it fails to carry out its duties properly, or if it itself presumes to invade his rights, then the moral thing to do is to kick it out.

But, government is not an abstraction; it consists of people, and the inclination of all people is to improve upon their circumstances with whatever skills or capacities they possess and by whatever opportunities they meet up with. The power placed in the hands of this agency—to enforce the observance of an equality of rights—is in itself a temptation from which only the saintly are delivered. The Founding Fathers were therefore confronted with a difficult contradiction: men being what they are, a government is necessary; and government being what it is, men must be safeguarded

against it. Their recipe was the Constitution. Whether or not the ensuing government would materialize the metaphysics of the Declaration, the Constitution was, at any rate, a definite pattern; and when it was ratified and put into operation, it became the end-product of the Revolution.

To be sure, the Constitution cut corners around the doctrine of natural rights. We must remember that it was, after all, a political instrument, concocted by men. Only in its preamble can such an instrument serve the moralities; its working parts must be geared to the interests of the dominating groups in society, and hence it must be a compromise; to effect the compromise the moralities must be watered down. The Constitution was no exception. The assumed equality of rights was distinctly out of line with the profitable slave-trade; owners of large estates wondered how it might affect their business; merchants and manufacturers deemed it dangerous to their preferred position. The Constitution was therefore so framed that the doctrine could not be employed to disrupt the status. There were many Americans who contended that the profit of the Revolution was liquidated by the Constitution and at their insistence a Bill of Rights was included.

The Basic Social Struggle

The Founding Fathers forged well. Putting aside what it might have been, the Constitution did pay homage to the doctrine of natural rights. It did so by the simple expedient of putting restraints and limitations on the powers of government. We learn from their published statements that the intent of the Founding Fathers was to prevent the despised "democrats," should they come into power, from using it for spoliation. They were quite forthright about it, and not a little could be said in favor of their thesis. In recent years the "mob" they feared has indeed come into

power and the result seems to support the contention of Madison, Adams and Hamilton. But regardless of their argument and regardless of their intent, the Constitutional shackles did in fact, though perhaps inadvertently, protect the people in the enjoyment of their cherished rights.

From this we learn a little heeded lesson in social science, namely, that the real struggle that disturbs the enjoyment of life is not between economic classes but between Society as a whole and the political power which imposes itself on Society. The class-struggle theory is a blind alley. True, people of like economic interests will gang up for the purpose of taking advantage of others. But within these classes there is as much rivalry as there is between the classes. When, however, you examine the advantage which one class obtains over another you find that the basis of it is political power. It is impossible for one person to exploit another, for one class to exploit another, without the aid of law and the force to back up the law. Examine any monopoly and you will find it resting on the State. So that the economic and social injustices we complain of are not due to economic inequalities, but to the political means that bring about these inequalities. If peace is to be brought into the social order it is not by accentuating a class-struggle, but by restraining the basic cause of it; that is, the political power. To bring about a condition of equal rights, which is a condition of justice, the hands of the politician must be so tied that he cannot extend his activities beyond the simple duty of protecting life and property, his only competence.

To the extent, then, that the Founding Fathers delimited the powers of the new government—by the system of checks-and-balances—to that extent did they render inestimable social service. And to that extent did they insure the victory of the Revolution.

The Three Immunities

For about a century and a half the American citizen enjoyed, in the main, three immunities against the State: in respect to his property; in respect to his person; in respect to his thought and expression. Pressure upon them was constant, for in the pursuit of power the State is relentless, but the dikes of the Constitution held firm and so did the immunities. Only within our time did the State effect a vital breach in the Constitution, and in short order the American, no matter what his classification, was reduced to the status of subject, as he was before 1776. His citizenship shrivelled up when the Sixteenth Amendment replaced the Declaration of Independence.

The income tax completely destroys the immunity of property. It flatly declares a prior right of the State to all things produced. What it permits the individual to retain is a concession to expediency, not by any means a right; for the State retains the liberty to set rates and to fix exemptions from year to year, as its convenience dictates. Thus, the sacred right of private property is violated, and the fact that it is done *pro forma* makes the violation no less real than when it is done arbitrarily by an autocrat. The blanks we so dutifully fill out simply accentuate our degradation to subject-status.

Demagoguery loves to emphasize a distinction between human rights and property rights. The distinction is without validity and only serves to arouse envy. The right to own is the mark of a free man. The slave is a slave simply because he is denied that right. And because the free man is secure in the possession and enjoyment of what he produces, and the slave is not, the spur to production is in one and not in the other. Men produce to satisfy their desires and if their

gratifications are curbed they cease to produce beyond the point of limitation; on the other hand the only limit to their aspirations is the freedom to enjoy the fruits of their labors. That fact, deep-rooted in the nature of man, accounts for the progress of civilization when and where the right of property is recognized, and for the retrogression that follows from its denial. Property rights and human rights are more than complementary; they are identical.

The income tax did more than revoke the immunity of property. It gave the State the means of effectively attacking the immunities of mind and of person; it transferred to the State that sovereignty which, according to the American theory, is lodged in the individual. In the final analysis, sovereignty is a matter of dollars. The more dollars the more sovereignty. The individual is no longer sovereign when his living is dependent on a superior will, when that will becomes dominant by the economic strength behind it. The edicts of the State are not self-enforcing, since they lack the voluntary support of public opinion, and are therefore only as effective as the size of the police force; but the police force must be paid, and since the payments must come out of the property of those upon whom the edicts fall, there is no standing up to it. Without an F.B.I., military conscription—which violates the immunity of person—would be impossible; it failed during the Civil War simply because Lincoln did not have the funds to support such an agency. The Espionage Act—which violated the immunity of mind—would have been but a piece of paper but for the thugs hired by the State to enforce it.

Bribing the Constitution

Further, the wealth acquired by the State at the expense of the producers enabled it to buy its way into sovereignty. The Founding Fathers put a check on the central power by

clearly delimiting its scope, specifying that all other prerogatives, named and unnamed, shall reside in the component and autonomous commonwealths. They knew from experience what a far-away and self-sufficient authority could do to human liberty, and sought to avoid that danger by making local government the residuary of all unspecified power; not that the local politician is different in kind from the national politician, but that his proximity to the people makes him more sensitive to their will.

However, with the advent of the income tax this safeguard lost all meaning, for from then on the local politician was less and less under obligation to his constituents; on the other hand, they fell under his obligation by his ability to hand out gratuities derived from federal grants, for which he gave up nothing but the dignity vested in him by the Constitution. His political preferment is now largely a matter of dispensing federal patronage. The American no longer regards his local government as anything more than an agency of the State. Thus, the original federation—the Union—has been superseded in fact by a single, centralized power, and the citizen of the commonwealth has become a subject of that power. The income tax alone made this possible, inevitable.

The transmutation of the Constitution by bribery has also been effected through private channels. The income tax has made the State the largest single buyer in the country and, since "the customer is always right," it is unthinkable that the recipients of its patronage would oppose the State on any issue important to its purposes. Subvention of agriculture, education and the press has been supplemented by gratuities to sundry pressure-groups, all easing the shift of sovereignty from the individual to the State. To top it all off, the capital absorbed by the State, via the income tax, has put it into business in a big way, so that it is now the largest

employer in the nation; loyalty to a boss of that potential breeds a peculiar kind of freedom of conscience.

Lost Will for Freedom

Our forefathers were not unaware of the inverse ratio of taxation to liberty. Their experience with the British Crown was still fresh when the Founding Fathers came up with the Constitution, and they scrutinized its taxing provisions most carefully. About the only fiscal power generally conceded to the federal authority was a levy on imports. Hamilton knew this would hardly yield enough to support the establishment contemplated and pleaded with great acumen for the right to levy internal excise taxes. His argument prevailed, but only because, as he pointed out, without this revenue the government would be compelled to ask for the unthinkable: a land tax or an income tax. And, until 1913, the federal establishment had to get along as best it could with what it picked up from custom duties and a few excise taxes. Its sovereignty was thus contained.

In 1913 the relationship between the State and Society was reversed. Areas which had heretofore been considered within the private domain, sacred ground so to speak, were now invaded by the arrogant and enriched State, and within thirty years the individual was squeezed into a corner so small that even his soul lacked elbow-room. His case was far worse than it was in 1776; in exchange for an income tax King George III would have conceded every point made against him by the colonists, and might even have done penance for past sins. But, such was the character of these Americans that they challenged him to battle because he presumed to impose a miserable tax on tea. What they won at Yorktown was lost by their offspring one hundred and thirty-two years later.

Were the disposition of the current crop of Americans

comparable to that of their forbears, a new revolution, to regain the profit of the first one, would be in order. There is far more justification for it now than there was in 1776. But, people do not do what reason dictates; they do what their disposition impels them to do. And the American disposition of the 1950s is flaccidly placid, obsequious and completely without a sense of freedom; it has been molded into that condition by the proceeds of the Sixteenth Amendment. We are Americans geographically, not in the tradition. In the circumstances, a return to the Constitutional immunities must wait for a miracle.