

RAMPART JOURNAL

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RAMPART JOURNAL of Individualist Thought

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and sound scholarship
in the field of individualist thought.

The Morality of Autarchy

by Robert LeFevre

Robert LeFevre is founder-dean of Rampart College. The following is the third article by LeFevre on the subject of autarchy to be published in the RAMPART JOURNAL.

Are there moral laws?

Can a standard be found upon which a moral order could be based?

The theory of autarchy provides an affirmative answer.

Autarchy is the name given to a system of human organization in which self-government is the central principle. By exploring the meaning of autarchy, a basic position of right and wrong can be discerned.

Exploration and examination in the area of moral certainty has repeatedly led to less than satisfactory conclusions. All persons have some idea as to the kind of behavior every other person ought to have in order to maximize benefits for himself. But the search for a possible objective starting point for a moral order which would apply universally to all men has almost always failed.

Autarchy gives us a new look at this perplexing area. In this theory of behavior there are significant discoveries which, while falling short of a complete set of positive rules, provide a base upon which moral man may be able to construct positive behavioral recommendations.

Although it can be posited that there would exist a single "best" course for an individual to take in a given set of circumstances, the practical aspects of this posit are nil since it is obvious that no human being is so totally informed and so correct in his judgment as to be able to detect this single "best" procedure with any certainty. Thus, a set of standards by which positive action is catalogued and rated appears to be beyond our intellectual reach at the moment.

However, once the principles of self-rule are understood, it is entirely possible to detect an objective position as a base, provided

this position is stated in the negative. Thus, autarchy does not presume to say what should be done; but it does presume to set forth a principle of what should not be done which should stand without exception or contradiction.

In speaking of autarchy and, hence, self-rule, care must be taken not to confuse it with democracy, which is often equated with self-rule. The democratic process, while it provides a convenient method of discovering where majorities are to be found, is in no way a system of self-rule, or rule based upon principle. The practice of democracy is nothing more than might makes right. As a system for publicizing popularity rivalries it is unsurpassed; as a method for discovering truth or morality it is quite useless. Democratic rule is the caprice of mass opinion, solemnized.

Autarchy is self-rule, neither more nor less. It means that each individual rules himself. Only the individual can live for himself. Only the individual can control his own energy. Only the individual can experience liberty, and the only liberty he experiences is his own.

It is certainly true that some men seek to control other men by the threat of force or by the actual application of force. It is often stated in such a case that one individual "controls" another. Actually, *control* of one by another is physically impossible. Through force or the fear of its application, a man may discipline himself to obey the edicts of a ruler, a criminal, or any other tyrant. The very fact that a tyrant feels impelled to employ force or to threaten to employ it, is proof that the tyrant cannot control the one he oppresses. Could he do so, no recourse to force would be necessary. It is the frustration of the tyrant who fails to obtain the control over others he seeks, that causes him to resort to force so that his victims will control themselves in accordance with his wishes. Even the slave is not really controlled by his master. He merely finds it expedient to obey, but disobedience is always possible to him, if he is willing to brave the consequences.

This general principle of self-rule, when applied to morality, ethics, and other studies relating to human behavior, provides fascinating glimpses of what the world might be like if autarchy were generally understood and accepted. If man were to rely upon his own nature and the control he exercises in fact over himself instead of relying upon government, which is merely the formal organization of man's frustrations in seeking to control others, then an entirely different form of social arrangement would emerge.

Children and adults can be educated in respect to their own control of themselves. It is painfully apparent that members of the human species can be conditioned to believe almost any set of falsehoods if only people who are trusted repeat the falsehoods frequently enough and with conviction. Just as a falsehood can become a matter of popular acceptance through incorrect educational methods, so could honest reliance upon fact and upon the laws of nature produce a social order in which people would be educated in relation to their own control of themselves. The consequences of education of this sort would be unparalleled in the benefits mankind would swiftly reap.

The purpose of discovering as much as possible about human behavior relates to the hope that we will in time find out what men "ought to" do. Both morality and ethics are concerned with setting forth either reasonable or principled arguments relating to what people ought to do, not to what they have done or are presently doing.

Dictionary definitions of morality and ethics tend to make these words virtually synonymous and to cast them both into the general area of value judgments. Viz: moral behavior is "good" behavior, "right"; immoral behavior is "bad," "wrong," etc. The same type of value finding is made in ethics, with minor variations. Moral behavior is ethical behavior; immoral behavior is unethical.

This may be satisfactory when ordinary usage of terms is involved, especially among those who are careless in speech and imprecise in their reasoning. Clarity demands a more certain footing.

Implicit in autarchy is the recognition of two philosophic orders of phenomena: the order of objective reality; the order of subjective evaluation.

Objective reality is comprised of that which is. It exists. Its existence is not dependent upon human perception or cognition, although the knowledge of the existence of any reality awaits cognition. All physical phenomena exist. All mental concepts exist. Persons are objectively real. The world is real, having had existence before any of us were born, and continuing its existence after each of us is dead. Life is objectively real. Death is objectively real.

In short, the order of objective reality is the order which includes fact, truth, principle, existence.

Subjective evaluation is a portion of the act of perception and cognition. Perceptive facilities are objective. Cognition is subjective. In the process of perceiving reality and formulating mental patterns

concerning its nature, a scale of relative values, or relative importance, is attributed to items of reality. The human consciousness not only perceives, identifies, compares, and contrasts, it identifies itself as one item that is real and has existence, and locates itself with respect to all other items that it perceives and admits into consciousness.

It is impossible for the human mind to function without recognition of the self, the "I." I see a tree. Not only is the tree seen and identified as a tree, the I is acknowledged and the tree is seen in relationship to the I. All reality that is recognized by the consciousness of anyone is recognized in its relationship to the I.

The relationships that are recognized between the I and all other real phenomena, physical or abstract, are value relationships. They are subjective.

Man is born without knowledge. Everything that he is ever to learn, he learns through the process of self-identification in relation to all other phenomena.

It is impossible for man to think without attributing values to what he thinks about. The values attributed are those of importance or lack of importance insofar as the self, the I, is concerned.

Because of the existence of the order of subjectivity, there are schools of thought which contend that there are no phenomena that are truly real. Since his learning about anything occurs as a result of his sense perceptions, originally applied through experience, or vicariously applied through the experiences of others, it is assumed that man never truly comes in contact with reality and hence the existence of anything can be challenged. All is merely a part of man's awareness and has no existence outside his spheres of cognition.

Man does not "know" that the world existed before he was born. He merely "accepts" its prior existence as a possible fact but one that he can never know for certain. This assumption arises from the recognition that man's perceptive and cognitive facilities, while real enough to the I, have their limitations. No one is able to perceive total reality. The attribute of evaluating is now recognized as being invariably relative and not firmly moored. Reality may exist, but the relationship of the I to other phenomena is transitory. Not only does the I recognize phenomena other than itself, and its relationship to them, but it invariably attaches importance or lack of importance to these other phenomena. Thus, the tree that I see may be real enough, but its relationship to the I and hence its existence

as far as the I is concerned is valued relatively. The evaluation sense intrudes and the ultimate reality of the tree as an item separate from the I is never comprehended. The tree only exists in its relationship to the I.

Thus, the order of subjectivity is the order which includes opinion, judgment, evaluation (good, bad, helpful, harmful, and so on).

Autarchy recognizes both the objective and the subjective orders. The objective exists and would exist if the I were not present. The subjective order is a process dealing with that portion of cognition wherein values of importance are attributed to phenomena in their respective relationships to the I, and to each other as the I is aware of them.

The principal merit of autarchy here is that it does not dismiss the existence of objective reality while at the same time it recognizes the merits of some of the arguments of the relativists. The evaluation process, which is admittedly relative and subject to variations, is only one portion of the processes of cognition. It is possible for the human mind to perceive reality and within limits to confirm its true nature, even in the process of making an evaluation within the relationship of the I to the objective phenomenon. Thus, while the subjective process remains subjective, that which is objective and has existence can be observed with sufficient accuracy so that truth can be learned.

Mathematics provides an excellent illustration.

A column of figures is provided and the process of addition is applied. The column of figures is real. The answer obtained is real. The answer can be right or wrong, as it emerges from the addition process. Right or wrong, the answer is objective. It is a fact.

But if the answer is right, then, although the process wherein its rightness is ascertained can be called subjective, the fact is that the answer coincides with reality within the context of the rules of addition as applied. Counterrariwise, if the answer is in error, the process of discovering this fact is subjective, but the error is recognized as being what it is, an error.

The great problem of both objective and subjective schools of thought is the tendency, in different connections, for each to assume that subjective evaluation is invariably related to error and not to truth. An opinion may be in error. But an opinion may also be an accurate appraisal in harmony with objective reality.

The answer obtained by addition is either correct or incorrect. Whether correct or incorrect, it may be valued relatively. The in-

dividual adding the column who wishes truth will value the right answer. The individual adding the column who has a preconceived notion of the answer he wishes may be unhappy with the right answer and devalue it. Both answers are facts, of the order of objectivity. Both answers are valued, within the order of subjectivity. But the answer that is correct and also valued because it is correct provides an instance in which subjectivity and objectivity coalesce.

It is by the process of employing subjective processes in relation to items within the order of objectivity, wherein truth is obtained, that all reliable knowledge is acquired. Life is possible on this planet only because men have accurately and correctly recognized objective reality at least to some degree.

Returning to the words *morality* and *ethics*, it becomes necessary to separate them from their position in common usage as synonyms. Two words are necessary, one to be attributed to the order of objectivity, one to be attributed to the order of subjectivity. Rather than devising at least one new word, a particular meaning will now be given to morality and a separate and distinct meaning to ethics. In any argument or discussion it is proper to define words as their usage is intended. Thus, morality is herein stipulated as belonging to the order of objectivity. Moral behavior is human behavior which is in harmony with human reality. Ethics will be stipulated as the word relating to the process wherein values are attributed to human behavior.

The theater of our inquiry must now be separated from other theaters. All moral and ethical inquiry within the purview of this examination will be limited to interpersonal relationships. This is merely to say that the question of immorality does not arise when only a single person is involved. A man may do as he pleases with himself and his property. So long as no other person is involved, there is no possibility that his conduct might be immoral, although it could certainly be either wise or foolish. Nor does this inquiry relate to the relationship of man to animals or of man to other entities aside from man. Perhaps at some future time these theaters of human behavior may be examined separately within the context of autarchy. For the present, the boundaries of our inquiry are confined to relationships between men. This is, of necessity, a relationship limited to interspecial behavior. It is presumed that all men are of a single species, the genus *homo sapiens*. The moral theater of observation now under examination will be limited to the be-

havior of individuals within this species as it relates to other individuals within the same species.

Man is of the order of objectivity. Man exists. Man's behavior is real. It, too, exists. How existence is valued is a matter of individual ethics. The value a man places upon his own life and upon his own death is invariably subjective. The value he places upon his own behavior and the behavior of others is also subjective.

At the moment, it is not necessary to postulate the question as to whether or not man OUGHT to exist. He does exist. Survival of man, as a species, is a fact. This is an ultimate given, a self-evident truth. We may not be able to define man satisfactorily to all men. It is equally unlikely that we can define either life or death in terms that are universally satisfying. Man does live. The species continues to live.

Individual men are born and, in due course, individual men die. It is conceivable that, in time, the genus *homo sapiens* will die. At our moment in time, it lives.

The nature of man is such that for men to live, certain human behavior is necessary. For death to ensue, other behavior is necessary. A total absence of human action by any individual human being can predictably bring about that individual's death. Additionally, there are certain positive actions that human beings can take which will bring on death, even in the midst of life. Killing one's self or killing another is always possible.

It is here those seeking to examine morality and ethics run afoul of a logical reef. They contend that all morality and all ethics must be confined to the subjective area. Thus, there can be no "laws" (moral laws) concerning human behavior as all human behavior is subject to evaluation, and must be judged relatively and not by any fixed standard.

If there is a moral order that is objective, then it must precede any value processing. For such a moral order to exist, it would have to arise from the nature of man and exist in fact, independent of human judgment.

Autarchy contends that such is the case. Further, it contends that all laws which have been detected by physical scientists are of the same genre.

For example, we are now aware of the steps that must be taken if we wish water to boil. We have to take water, contain it in some kind of receptacle, and then expose it to heat. If the heat is sufficient

and if the time of exposure to the heat is of sufficient duration, the water will boil. This is an objective fact.

Whether it is "good" or "bad" to bring water to a boil is a matter of subjective evaluation. There can be no subjectivity about the process of boiling water. That is physical law.

The same argument can be offered in respect to any law of physics, chemistry, biology, or any other of the physical sciences. We need not ask for subjective evaluation as to the desirability of these laws. We need only to know the laws. The laws of nature revealed by experiment under controlled conditions, give us an objective base on which to stand. Whether or not these natural laws are "good" or "bad" is a secondary matter and falls into the subjective category.

So, in examining human behavior, if we understand enough about the nature of man and the nature of his environment, we should be able to discover objective rules relating to human existence. These rules would be facts and of the order of objectivity (truth).

Whether or not a man values his existence or the existence of other men so that a wish is generated for adherence to these laws is a matter of subjectivity. But the existence of these laws is not a matter of subjectivity. The laws exist. Certain behavior is necessary if men are to exist as men. Other behavior is necessary if men are not to exist. These facts, within some limits, can be discerned. Whether it is "good" or "bad" for men to exist, or for a particular man to exist, is always subject to evaluation. But the laws relative to existence can be discerned and exist, however evaluation follows.

To come closer to an understanding of morality within an objective framework, something of the nature of human life must be ascertained.

The central fact of human existence is the self, the I. Because of the dominance of the self, which views all phenomena as subordinate to the I, many have presumed that the constant factor observed universally among all human beings is the will to survive. Clearly, life is a process of survival of the I. Existence or evaluation of existence is impossible without the I. Thus, some presume that there is a universal drive experienced by all living men calling upon them to stay alive. Staying alive is good (moral). Dying is bad (immoral).

But the evidence reveals notable exceptions. The existence of a "death wish" has been discovered and traced by psychologists. Life is not a standard of value nor even a constant in human motivation.

Nor is the person desirous of death necessarily "irrational" or mentally out of balance with truth. To a person with an excruciatingly painful and incurable disease, it would be in harmony with reality for him to wish to die. He might very well value his death more than his survival, because, in his circumstances, life is too painful to be borne. If, in a given case, the desirability of non-life is seen as superseding a desire for life, then it is clear that life cannot be viewed as a standard of value and all things measured from it.

If the victim of the malady decided to kill himself, would his decision and resulting action be immoral? Ethically, his death may be valued or devalued, but once more the tendency is to define the "good" and the "bad" in terms that are subjectively attained and then to declare them to be objective fact.

Is there some aspect of life which can be viewed as providing a moral base for human behavior, not subject exclusively to evaluation but which can be set forth as a principle of behavior irrespective of evaluation? The study of autarchy reveals just such a principle. To uncover it, man must be examined in greater detail.

The central theme of autarchy is the self and the concept of self-rule. Implicit in this individualistic view is that each human being is furnished with a will and that the exercise of that will is the first function of self. The individual wills himself to live or to die. His choice of goals relates to his value scale; but the exercise of his will is wholly objective. His will exists. He exercises it as he pleases, but he exercises it. Thus, the fully adult individual (children and others not fully adult will be discussed separately) selects his goals and his methods as he wills. If he is left unmolested in the pursuit of his goals, and if his goals, in themselves, do not require the molestation of any other human, then such exercise of the will must be viewed as moral. It is moral within the order of objectivity. The goals and the methods employed will be subjectively determined.

Thus, if an individual is molested, he is the victim of an immoral act. Similarly, if an individual molests another, he is guilty of an immoral act. The nature of the molestation is not significant. The fact of molestation is. If an individual wills his own death and is left unmolested in the pursuit of this goal, his action is moral. It may be questioned on ethical grounds, but not on moral grounds.

If, when the individual seeks his own death, he is molested in such a way that the attainment of his goal is prevented, then he is the victim of an immoral act.

If an individual wills to live, but in order to live he molests

another, then irrespective of the desirability of his own life (to him), he is guilty of an immoral act. *Moral behavior is seen as the expression of the will by the individual in such a way that he is neither molested by another nor guilty of molestation.*

What he is seeking to do will be scaled in value by himself in terms of his highest good as he sees it at the moment. Another, viewing his actions on a different value scale, will obviously view his actions differently in terms of value. But the thwarting of the will by the imposition of force or the threat of force is contrary to the expression of the will, OBJECTIVELY.

Whether the person should want to do what he does is a matter for ethical consideration. But if the person molests no one in his willful behavior and at the same time remains unmolested, a moral condition pertains. The moral condition is the condition of human liberty.

All human life on this planet is life that is physically real. That is to say, it is of the order of objectivity. Man does not "own" his life, he IS his life. Man IS. In this respect, man owns his body, his mind, and all of his physical and mental attributes.

For man to continue to exist in this physical world, man is wholly dependent upon property and his relationships to property.

Man cannot live without property. He exists in time and space, and the nature of his body is such that food, drink, shelter, and comfort must be provided or he dies. Whether he wishes to live or die is the concern of ethics; the moral concern is that whatever he wills, he be permitted to will it without molestation, either originating in him or originating elsewhere and imposed upon him.

Man comes into the world as a property owner. He owns his body and his mind and his various physical and mental attributes. For him to live or die, he must employ these physical and mental attributes in accordance with his scale of values.

If a man desires to live, he must be free to obtain property so that his will is not thwarted. He must manage this acquisition of property without molesting others. Having acquired property, he must be free to use that property as he wills. That is, he may consume it, or save it, or give it away, or trade it for other property. He may invest it so that the property itself multiplies. He must be free to do as he pleases with what he owns. All property that he owns is an extension of his ownership of his body and mind. Provided he molests no one and remains himself unmolested, his behavior in respect to his own property is invariably moral.

Property is anything that is subject to ownership. For ownership to occur, the item to be owned must be valued to some degree by the would-be owner. It must also be capable of precise identification. This means that it must have a discernible boundary separating it from all other properties, both unowned and owned by others.

Finally, it must be subject to the sovereign control of an owner. Property that is subject to control is subject to the management of a final decision-maker. When two or more decision-makers presume ultimate control over an item of property, a condition of molestation appears. The nature of man being what it is, sovereign control of anything admits of no rivals. The ultimate decision-maker over any property is the person capable of making final decisions over it.

If the purchaser of a property is one individual, but the individual exerting partial or total control over the property is another (as with a thief, trespasser, government agent, etc.), then the purchaser of the property, the presumed owner, is the victim of molestation.

The Latin word for property and for propriety is of the same root, *proper*, correct, as relating to property. Proper behavior is proprietary behavior. Proprietary behavior is moral behavior.

In this regard, man is the sovereign over his body and mind and all extensions of them in the area of other properties he may acquire. The sovereign of anything can do no wrong in relation to his realm. It is impossible for a man to own something and to be guilty of an immoral act in respect to what he owns. If a man chooses to destroy what he owns, this is moral behavior. It may be foolish by some extraneous set of values (ethics), but the behavior of destruction over one's own property is merely the action of the will in carrying out its function.

Man, by his nature, is both a consumer and a producer. This is to say that he is both a destroyer of property and a creator of it.

If a man owns a house and decides to destroy it, the decision and the act in carrying it out are moral. The act is the successful expression of his will. Of course, if his ownership is incomplete, that is, if others have a financial interest in his house, then he is not free to exercise his will over the house until he has first removed any other real interest that may exist in it.

Assume that a man owns a house. Assume further that he owns no money on it and has no insurance policy covering it, and there are no others to whom he is obligated in respect to its existence or use. He may, within a moral order, destroy his house in any way he pleases.

Many times, others impose restraints upon him in what he owns, presuming that "society" has a real interest in his home. This is a false and spurious interest, arising ethically but not morally. Autarchy views as moral only the decisions of the real owner. Each individual in a social order has total will over what is his own. The fact that others may live in proximity provides no real or moral interest. Each owner must be viewed as a sovereign over his property. A non-owner has no moral interest in property belonging to another.

The law of nature has drawn the line between each man and the property he acquires without molestation, and every other man and the property every other man has acquired without molestation.

No man has an obligation in nature insofar as any other man is concerned. Each man may seek his own interests in his own way according to his own will, as expressed according to his subjective value judgment. His only obligation to all other men is the obligation of non-molestation. What is true concerning the man and his own physical nature is equally true of all property each man acquires without molestation. Each man may do as he wills with what is his. No man may express any valid decision concerning another man or the property of another man.

If this principle is seen correctly, then moral behavior is nothing more than behavior void of molestation.

Suppose one man steals five cents from a second man. The act of theft is immoral. It is a violation of the objective will of the owner. Suppose one man steals \$1,000 from another man. This act of theft is immoral, also. Both actions are actions of theft. We may value them differently. Obviously, a man who is molested to the extent of five cents has not been molested as seriously as the man who is molested to the extent of \$1,000. But there is no way of classifying immoral behavior on a scale of values. Both actions of theft are totally immoral. The fact that one is of larger magnitude does not change its character. A thief is a thief. An immoral act is an immoral act. Morality is of the order of objectivity. The manner in which the act is examined is within the order of subjectivity and relates to ethics.

Within an autarchic community or society each man will, in the course of his life, acquire many obligations. In the process of his various actions, each man is responsible for each action he attempts or completes. Responsibility is the word used to denote a willingness and an ability on the part of acting man to assume the cost

arising out of his actions. An irresponsible person is one who acts but is unwilling or unable to assume the costs occasioned by what he does.

Since man is a rational being, in the sense that he acts for reasons best known to himself, and since, at least to some degree, he can foresee the results of his actions, each acting man is automatically responsible, in fact. Many of the moral problems that confront a person arise from an unwillingness or an inability to pay for what he has caused.

The responsible person knows that effects follow causes and does not seek to avoid these costs; rather, he seeks to govern his actions in advance so that the costs arising from them are within his ability to cover.

Whether an individual recognizes his responsibility or not, the fact is that he is responsible, since only he can control his own energy. Thus, responsibility occurs whether one wishes to be responsible or not.

Responsibility is not the same as obligation. An obligation invariably relates to future performance. Responsibility relates to past performance. Since autarchy views man as a self-willed person, able to understand objective reality (within limits) and to predict the outcome of his actions (within limits), and since each individual controls his own energies and no other can, it follows that responsibility is unavoidable insofar as any normal, adult human being is concerned.

Obligations, within the autarchic society, are never automatic save in relation to the recognition of the wills of others. Thus, within autarchy, no man may morally molest another. It matters not what his scale of values may be. The moment he molests another, the autarchic condition has been violated to some degree. Aside from this general acceptance of the obligation of non-molestation, no obligation exists unless it is voluntarily assumed.

For a man to live, he must have property. For him to have the property he requires and desires, a great deal of production must occur. Man is a consumer; but before he consumes, there must be something on hand for him to consume. In his ordinary lifetime, each man will consume a great many things. He must be free to consume; but he must also be free to produce.

Production is the process of converting the products of nature and human energy into goods and services, which goods and services do not arise from a state of nature. To produce in the modern

world requires a skillful blending of natural resources, the energies of many persons, the products of prior production, and the employment of a vast array of tools. To obtain this blend, each individual participating must work in harmony within a framework of cooperation with others.

If autarchy is practiced, then non-molestation is the rule and desirable harmony is readily obtained. Each individual rules himself in voluntary cooperation with the overall objective.

Involuntary cooperation, which is only obtained by threats and force, is not conducive to the greatest amount of productivity.

When men join together, contractually, for purposes of production, interhuman relationships occur on a vast scale.

An obligation is merely a working relationship existing objectively, that is, within a moral framework, wherein a man has agreed in advance to such specific performance as his contract sets forth. If the man does not fulfill his obligation, this is an act of molestation to the other party or parties to the contract.

Thus, obligations should be entered into with great care and with the understanding that proper behavior (proprietary behavior) is anticipated. Each man, within any kind of relationship to other men, must consider as a total obligation the concept of non-molestation.

If the contract is between employer and employee, both parties must give full recognition to the properties, of whatever kind or amount, belonging to the other. Each party knows what he owns and is always aware of the extent of his ownership. If he assumes that he has some property right to trespass the property of the other party, simply because a contract exists in general, he will be guilty of an immoral act.

The worker who presumes that he may rightfully molest an employer because the employer has more money or property than he, is guilty of immoral conduct. The employer who presumes that he has a call upon the energies and time of his employee beyond the limits expressed in the contract is guilty of immoral conduct in that he is molesting the will of his employee. Both must respect the will of the opposite contracting party.

The marriage contract is particularly susceptible to molestation and should not be entered into without a full recognition of the contractual nature of marriage. This is especially true since it is in the nature of man to bring new human beings into the world.

Each child that is born is a property owner and begins by owning himself and his own energies. Since he is not born an adult, but born in a less-than-adult state, the parents are responsible for the care and the actions of the child so long as he remains a child. They are responsible since it was their conscious performance before birth that provided the direct cause of the birth. Responsibility is automatic.

But each contract and the resulting actions of contractual performance, since they lie in the future, result in obligations. Persons who marry are responsible for their actions in marrying, and are obligated to care for children who result from their union. Thus, each parent has an obligation to care for his own child. This conduct must preclude molestation of the child, or the condition of autarchy is violated.

This is not to suggest that the child is capable of total free expression and must be permitted to do as it pleases. On the contrary, the child is at once the responsibility and the obligation of the parents. The parents must morally assume the care and training of the child. Proper behavior of parents is proprietary behavior which recognizes the child as a property owner and which begins at the earliest possible moment to teach the child what is involved in being responsible and in assuming obligations.

No person who is not a parent is in any way responsible or obligated for the care or training of the children of others. Aside from the general prohibition or obligation not to molest, no obligation can be thrust upon someone against his will. To seek to impose an obligation upon another is an act of molestation and is immoral.

One of the many things parents are obligated to do in relation to their children is to train them in respect to the proprieties (respect for the property of others).

The nature of man being what it is, there is no known chronological limit to this training. Some children are susceptible to training and can learn to assume their own responsibilities and obligations at an early age. Others, who are possibly malfunctioning individuals, take many years to train. Some, apparently due to malfunctioning, never achieve full training.

In any case, the parents, since they brought the individual into the world, are obligated to provide that training. Their obligations have no automatic shut-off point. This fact should be viewed in advance by would-be parents, and the best judgment (ethics)

brought to bear before children are born. Their responsibility is automatic and moral. They may not shift this responsibility to non-participating members of an autarchic community.

The imposition of the value judgments of others upon parents is obviously an act of molestation, irrespective of whether ethical value judgments proceed from the state or from society at large.

Thus, parents may find their child able to assume his full responsibilities at an extraordinary age, either while extremely young or after many years have passed. Proprietary behavior on the part of other members of society requires that the parents retain their full responsibility in this matter, until the parents themselves discharge their obligations.

Obviously, all human beings are subject to error. No one's value judgments are immune to correction. But proprietary conduct requires that responsibilities be neither abridged nor abrogated.

The single rule to be followed is this. Parents should train their children as thoroughly and as rapidly as possible. Beyond training, the parent who persists in retaining responsibility for a matured young person is engaged in molestation and the action is immoral.

When the child's will is developed and his character formed, the child is no longer a child. Molestation is the interference with the will of the adult person, whether such interference is compulsive or preventive. An adult person is a matured child, capable of taking responsible action and capable further of discharging obligations.

Is there some magic chronological line beyond which the responsibility and obligation of the parents of malfunctioning children cease? The answer must be negative. If we assume that the children in question are incapable of assuming responsibility through any kind of malfunction, we cannot assume that somehow the failure of the children becomes at some point a responsibility of society, or of persons other than the parents.

In an autarchic and moral society, the manner in which the parents face up to their responsibility is subject to the ethical development of the parents; but in no way may their wills be challenged by society at large, without the creation of an immoral condition. The care and treatment of defective children within a moral arrangement is and remains a responsibility of the parents. Assume that the parents die. The conditions are not changed insofar as responsibility is concerned. The parents, prior to death, should morally have arranged for the management of their obligations after death just as

they will morally have arranged for the management of any other obligation they may have incurred.

But what happens when the will of an adult is bent on molestation of others? This is the constant concern of those who sense in autarchy the long-sought *modus vivendi* of the human race. So long as adults concern themselves with their own affairs and restrain themselves from committing acts of molestation of others, then a system of autarchy is obviously both desirable and practical. But how can one be certain that an adult will not commit an act of molestation? The only reasonable answer is that such certainty is impossible in human affairs.

It is because of the tendency of individuals to trespass the persons or properties of others that mankind has created governments. Governments are instruments of ethical enforcement, but not of moral enforcement. Morality requires no enforcement since it is a natural law related to the nature of man. Ethics are subjective; if they are to be universally followed, ethics would have to be enforced because they derive from human opinion and exist on a relative scale. The difficulty is that ethical judgments are enforced in violation of moral law.

All ethical considerations are either extensions of moral law or violations of moral law. Virtually every violation of moral law derives from an enforced value judgment which runs contrary to the natural law of morality.

Governments are only necessary among those men who insist on performing moral violations. Whenever men are willing to abide by moral law and to limit their ethical evaluations to themselves and their own properties and obligations, an autarchic community will emerge.

The central theme of autarchy proclaims that no man's ethical judgments may be enforced upon any other man. Any such enforcement is immoral for it violates the will of the victim, whatever the proclaimed ethics are.

When men discovered that they were endowed with the rational facility of making value judgments, they assumed that such a facility was automatically moral. Thus, they presumed that any set of value judgments they cared to set forth was right and proper.

The fact is that only those value judgments relating to themselves and their own property can be right and proper. At any point where a value judgment is imposed upon another, a violation of

moral law ensues, irrespective of the end in view. Ethical enforcement is all too frequently nothing more than the assertion (made or implied) that the end justifies the means.

Autarchy contends that there can be no ethical justification for a violation of moral law; that moral law is superior in every case and must be permitted to stand irrespective of value judgments.

It might be commented in passing that the ability to subjectively evaluate is not an unalloyed human blessing. On the contrary, value judgments can be worthy and unworthy of the best in man. But the moral rule is that no man is bound by another man's value judgments. Rather, each man is bound to respect the moral limits of his own behavior and to exist within a framework of non-molestation of others.

The sole function of government, which cannot be performed in the market place under voluntary conditions, is the function of retaliation.

To be sure, a market-type organization could be organized to perform normal policing operations in the area of crime prevention. Guards can be hired, safety devices can be installed. Alarms can be located strategically, bars put across windows, safety deposit boxes built, noise-makers, including dogs and geese, can be purchased. There are hundreds of procedures which can be invoked both with the aid of tools and with the active participation of men, which will reduce the incidence of crime and raise the cost of depredation to any criminal.

But what happens when, in spite of precautions, an act of trespass or molestation does occur? A free-market voluntary agency taking to itself the power of arresting a suspect after the fact, is taking on the role of government. Usually, the molester does not wish to be discovered or arrested. To employ force upon him against his will, however one's value sense may warrant the procedure, is an act of molestation against the will of the recipient of such treatment.

Any agency endowed with the power to proceed in such fashion against anyone, has assumed the trappings of the state, irrespective of semantic niceties. Governments can be defined as a group of men who sell retributive justice to the inhabitants of a limited geographic area at monopolistic prices. The only conceivable merit of a market-type organization engaged in similar practices is that the element of monopoly would vanish in the face of competing agencies all striving to offer their services to the highest bidder. However, the

element of molestation is preserved and with it all of the attendant evils of retroactive arrest, prosecution, punishment, and, finally, willful killing of the molester, if in the value judgments of his captors such killing is warranted.

In actual fact, competing agencies of retaliation are not attractive. Even if voluntary support of one's favorite agency and boycott of all other agencies is a portion of the procedure, the fact remains that when any agency invades the person or property of another, it must, of necessity, do so against the will of that person and must be acting the role of government. Such procedure is immoral, whatever we may say of it ethically.

This is the point at which autarchy offers its most unique challenge and reveals its most interesting finding.

What is essential is a radically new look at the entire question of molestation. For at least ten thousand years, and probably more, the accepted idea has been that trespass and molestation will occur. Governmental structures, police agencies, penal institutions, and even armies and military organizations, have set themselves up to deal retroactively against those who are believed to have committed some type of molestation or trespass. At the core of the entire pattern of belief is the assumption that protection will not occur (that molestation can not be prevented).

The reason for this assumption is probably a complex one, but it certainly relates to the fact that governments from time immemorial have sought to operate at this level. Early governments which formalized their edicts into law, set forth at some length the type and kind of punishment that would be inflicted upon the wrongdoer once he had been caught. These laws are generally referred to as *lex talionis*, the laws of retaliation. The assumption is that private persons will be trespassed and molested. The government will not prevent this, but will serve as a *posse comitatus* in pursuit and punishment of the malefactor.

Growing from this widely accepted practice has been the apparently invalid assumption that punishment of the criminal after the fact, serves in some manner as a preventative of future molestations.

To make certain that punishment served this purpose, public punishment was the vogue for many centuries. A public hanging, burning, racking, torturing, or even the placing of persons in stocks, ducking them in ponds, or publicly whipping them, was presumed to have a meritorious effect upon the people at large, serving to keep them from future acts of molestation. Since this is not a study

of criminology or penology, no attempt will be made here to cite the numerous instances in which efforts of this sort were made. The results of many studies by competent men in the field lead one to doubt the effectiveness of punishment AFTER the molestation has occurred, as a preventative of future actions of molestation. So broadly has the effectiveness of this procedure been challenged that only rarely today do we still hear of punishments performed in public. Today, the state hides its victims and punishment is done in the dark hours and in dark places with only a limited few permitted to view the grisly and barbaric practices.

Autarchy suggests that it is no more difficult to lock a malefactor OUT of a house, than INTO a house of correction and punishment. Further, it suggests that if modern methods are adopted, by the use of improved tools which the market has developed, the incidence of crime can be immeasurably reduced by the practice of educating each person to understand that he is responsible for his own actions and his own property. If each person assumes the responsibility for his own safety and well-being and at the same time assumes the responsibility for *protecting* his own property, there is little need to turn the matter of retaliation over to anyone.

Logically, we know that if a person and his property are protected in fact, no act of retaliation is necessary. One does not have to punish or seek revenge against the unsuccessful malefactor. Even if we assume that some men may wish to trespass, if they are successfully stopped before a trespass or an act of molestation can occur, then discussions as to what to do with the man after he has been identified, arrested, tried, and judged become academic exercises.

The mere existence of criminal courts, jails, penitentiaries, arresting officers, and the like, proves positively that we are not being protected and, indeed, that governments are not engaged in protecting. Rather, governments act on the assumption that molestation will occur, and are themselves the primary agency of molestation.

Governmental ineptitude in most areas including the area dealing with criminals has become common knowledge. The very eagerness with which people seek to discuss ways and means of inflicting punishment upon their fellows is rather a good indication that governments have not served as particularly successful paladins in preventing molestation.

The growth of private detective agencies, insurance firms, private

watchmen, armored car service, and various alarm and repellent devices demonstrates that, in the final analysis, most of us find that we must rely on ourselves anyway when it comes to protecting our lives and our properties.

The cost of crime, even today, is largely a cost devoted to paying government men for their efforts in tracking and ultimately punishing the wrong-doer. The criminal's share of the losses occasioned by his actions is, in the main, small. The enormity of the cost is occasioned by the cost of law enforcement, not by the profits picked up by molesters.

But, it will be said, even if we assume that individuals are to look after themselves and take full responsibility for protecting their persons and their properties, what do we do when, in spite of all, a criminal is successful?

The answer of autarchy is the answer that one finds in the market. If a man buys an automobile, he expects it to work reasonably well. But no automotive manufacturer can absolutely guarantee that his product will not break down on occasion. Tires go flat, batteries go dead, various mechanical malfunctions can and will appear.

The same situation pertains in all products and services. Nothing is perfect in this world. We buy the products we hope will serve us and we make the best use of them we can. But if a failure occurs, we normally do not go to the manufacturer or businessman and ask for his arrest and punishment. Rather, we go into the market and shop for a better product, one that will not have the weak points that the prior product had.

In the field of protection, if a man hires a guard to keep trespassers out of his home and a trespasser enters anyway, the procedure is to fire the guard and hire a better one. If one puts a lock on the door which a burglar manages to pick, the procedure is to get a better lock.

If we fully adopted the individualist view, we would stop seeking to assess society for the costs of pursuing and punishing malefactors. We would protect ourselves as best we could. And if we failed, rather than seeking vengeance we would take larger precautions so that a repetition of the failure could not occur.

It is curious to note that a host of persons who object to the societal view that the public at large must be made responsible for the hunger and poverty of non-income or low-income groups, seek to make society responsible for the actions of criminals. If a person

has no automatic obligation to rid the world of poverty, then he has no automatic obligation to rid the world of criminals.

His only obligation is to himself and, within the system of autarchy, to refrain from acts of trespass upon others. He is not required to support the efforts of others in any area unless he agrees voluntarily to furnish such support.

There is another way of looking at it which is deserving of discussion. Americans, in the main, are convinced that there are such things as human rights. By definition, any right relates to actions a human being may take which do not require permission from some other human being.

We say that a man has a right to his life. This does not mean that he has a guarantee that he will live; rather, that he may live without asking permission of the state or of any other person. This does not mean that other men owe him a living. It means, merely, that he has a right to live at his own expense in his own way, never by trespass or molestation, but as a result of his own energies expended.

We say that rights are something with which all men are endowed. Further, we insist that rights are equal; that all men have a right to life, liberty, and the pursuit of happiness without asking permission.

If it is true that rights are equal and that they operate in the area where permission is not required, then it would follow that all rights are unalienable. For if a right could be alienated in fact, then equality of rights would be impossible. We would have a system in which some men had a right to live without asking permission but other men would have to first ask permission if they were to live.

Rights, if the concept is to hold, cannot be lost (alienated) and cannot be collected or amassed by some over others. The entire area of rights relates to the area of voluntary action without asking permission. These rights are functional, arising from the nature of man. If all men have a right to life, then no man has a right to deprive another man of his life. Obviously, man is capable of enormous destruction including the destruction of another life. But the man who takes the life of another does not proceed from that point to live his own life and the life he took. He can never acquire another life. No right can be transferred.

The same is true of liberty. If a man deprives another man of liberty, it does not follow that the molester has picked up the liberty of his victim and is twice as capable of freedom.

Rightful action is action which respects the rights of others. Rights do not derive from human conduct but from the nature of man. If rights are as they are described here, then it follows that the malefactor, although he may have trespassed the rights of his victim, has not acquired rights over his victim, nor has he lost any rights of his own. He has behaved wrongfully, not rightfully. But actions against him which violate his rights are as wrongful as his own wrongful acts.

If theft, murder, and molestation of any sort are wrong, they are wrong intrinsically because of their character, and not right or wrong depending upon who performs them, or what the provocation was by means of which the wrongful act was motivated.

Yet the system we have adopted and supported for millenia is one which sets up an innocent person as a potential victim and survives because of the inept but costly ability of the state to keep us convinced that the procedure of retributive justice is the only "practical" means of dealing with molestation.

In the face of this widely held belief concerning victimization and retaliation, the position of the autarchist stands out in bold relief.

The autarchist will protect himself and his property prior to incursions against him. He will honor his contracts and support himself. He will commit no acts of molestation against others even when he supposes they may have trespassed upon him. Rather, he will govern himself, and no others. In the event his own protection of his property or his contracts appears to be insufficient and he is, in fact, trespassed upon or molested in some way, he will not seek vengeance or retaliation, but will seek to improve his protection so that future incursions which might be levied against him will not succeed.

In a word: autarchy supports protection of life and property, self-responsibility, and reliance upon voluntary exchanges in the market, to a total degree. Autarchy abandons vengeance, retaliation, retribution, recourse to punishment, and the concept that some men can acquire rights over others in any kind of moral society.

Are there moral laws?

The autarchist position is that there are such laws. These laws arise from the nature of man, a portion of which nature is the human will. Autarchy recognizes the fact that men will evaluate all objective reality on a relative scale. But the autarchist accepts as a moral principle the concept that for man to exist as man, he must be non-molested in the function of his will.

Autarchy separates morals from ethics. The former is predicated upon the human imperative of non-molestation. The latter is of the order of subjectivity and may or may not call for molestation.

The relativist will ask one final question. Isn't it of the order of subjectivity that we should assume the "rightness" of the unimpaired will to function as it pleases?

The autarchist answer is that the function of the will is neither right nor wrong. It is. The will may function in accordance with any individual's relative scale of good or bad, but its function is objective and not subjective. Thus, the violation of the will is objectively an act of immorality, although such violation might be supported by extensive ethical argument. Virtually all human problems in the area of human relationships arise when moral law is overlooked or bypassed in an effort to make some system of ethics supreme and binding upon others.

Autarchy is the name given to a working system of practical individualism. Autarchy does not preclude contract or compact. But it objects to any contract or compact created or enforced against any moral law—against the will of any participant.

REA Co-ops, a Compulsory-Political System

by A. R. Bellerue

A. R. Bellerue owns a cactus business (El Rancho Galapagos) in Twentynine Palms, California, where he served as a director, treasurer, and president of the Desert Electric Cooperative. He writes from practical experience following a protracted but successful campaign to sell the utility co-op to private industry—the first such sale in the history of REA.

In a rare interval between hearings, depositions, and seemingly endless testimony before various agencies, courts, and commissions, Bellerue attended a Freedom School course at Rampart College in 1965.

You would use the law to oppose socialism. But it is upon the law that socialism itself relies. Socialists desire to practice *legal* plunder, not illegal plunder. Socialists, like all other monopolists, desire to make the law their own weapon. And when once the law is on the side of socialism, how can it be used against socialism? For when plunder is abetted by the law, it does not fear your courts, your gendarmes, and your prisons. Rather, it may call upon them for help.—Frederic Bastiat (1801-1850)¹

Introduction

The origins of this essay lie in the past six years, when considerable time was given, by the writer, to the study of cooperation and cooperative corporations—particularly the electric power co-ops financed by the United States Department of Agriculture's Rural Electrification Administration. Opinions resulting from this study were influenced considerably by actually observing cooperation in action, as a member of a local electric co-op for a period of six years and as an elected director and president of the REA co-op board for three of those years.

¹Bastiat, *The Law* (New York: Foundation for Economic Education, 1961), pp. 22-23.

This paper has been prompted by numerous requests for information on the subject of REA cooperatives; what they are, where they came from, how they operate, how they are financed, and whether they are beneficial or destructive. The purpose of this essay will be to answer these basic questions through historical documentation as well as personal conclusion.

Though the subject of this paper deals with REA co-ops, for purposes of analysis it is necessary to present research gleaned from cooperation as a whole.

Definitions

For purposes of clarity, it is necessary to point out that the words cooperate, cooperation, cooperative, and cooperator all suffer in use due to their double meaning. *Webster's Dictionary*² (1965) defines cooperative as follows:

"cooperative:

n.: an enterprise or organization owned by and operated for the benefit of those using its service."

"cooperative:

adj., 1-a: marked by cooperation (efforts); 1-b: marked by a willingness and ability to work with others (neighbors).

2: of, relating to, or organized as a cooperative.

3: relating to or comprising a program of usu. liberal arts and technical studies at different schools."

Webster's Dictionary (1961) has this definition:

"cooperative:

adj.: pertaining to or designating any association for buying and selling to the better advantage of its members or participants by elimination of middlemen's profits."

Webster's 1965 definition of "cooperative n." poses a definite problem relative to REA co-ops, which are not "owned by," nor "operated by, nor for the benefit" of *all* of those using co-op service. If one is to be bound by this definition, one would have to say that an REA co-op is not a cooperative. However, since that is an obvious error, I choose to employ a substitute definition of cooperative for purposes of clarity in this paper.

²*Webster's Seventh New Collegiate Dictionary* (Springfield, Mass.: G. & C. Merriam Co., 1965), p. 184.

Cooperative will be defined as a non-profit association of people bound together by a system of communal-holding and sharing of property.

Cooperation (syn. *cooperatism*) will be used as the philosophy advocating a system of communal holding of property and a non-profit system of exchange.

Cooperator (syn. *cooperatist*) is a person who practices the principles of cooperation defined herein.

Cooperate will be used as that action applying the principles of cooperation defined herein.

It is interesting to note that state legislatures also have a problem defining cooperative corporations. In the *California Corporation Code* a cooperative is defined thusly (note the absence of *ownership*):

(2) *Section 12201*: A "cooperative corporation" means a corporation composed of ultimate producers or consumers, or both, organized for the purpose of conducting any lawful business primarily for the mutual benefit of its shareholders who may be natural or legal persons, and the earnings, savings, or benefits of which are used for the general welfare of the shareholders or patrons or are distributed in the form of cash, stock, evidences of indebtedness, goods, or services proportionately and equitably among the persons for which it does business upon the basis of the amount of their transactions or participation in production, or both.³

State law has added the word "mutual" to "benefit" making the primary purpose of a cooperative the *collective* benefit of the shareholders, as opposed to the *individual* benefit of each member.

Cooperative Objectives and Methods

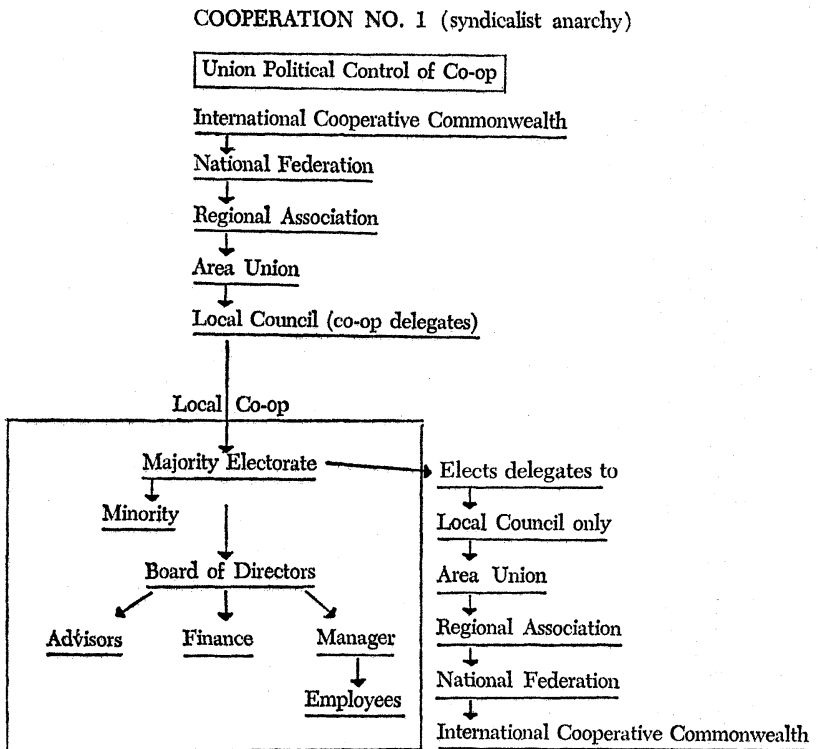
The two common objectives of all schools of cooperative philosophy are: (1) substitution of communal holding (which they call ownership) for private property ownership; (2) substitution of a non-profit system of exchange to replace profit-motivated capitalism.

Dr. James Peter Warbasse, founder and for twenty-five years president of the Cooperative League of the U.S.A., points to a present-day change from profit-motivated capitalism to some other

³*California Corporations Code* (Sacramento, Calif.: State of California Documents Section, 1961), Title I, Part 2, I, Sec. 12201.

form of economic system, advocating cooperation as an answer to this challenge.⁴

Paul Lambert, professor of economics at the University of Liege, in his *Studies in the Social Philosophy of Co-operation*, says, "Co-operation must strive to build a world in which capital will no longer be a source of income or a source of power."⁵



⁴Warbasse, *Cooperative Peace* (Superior, Wis.: Cooperative Publishing Association, 1950), p. viii.

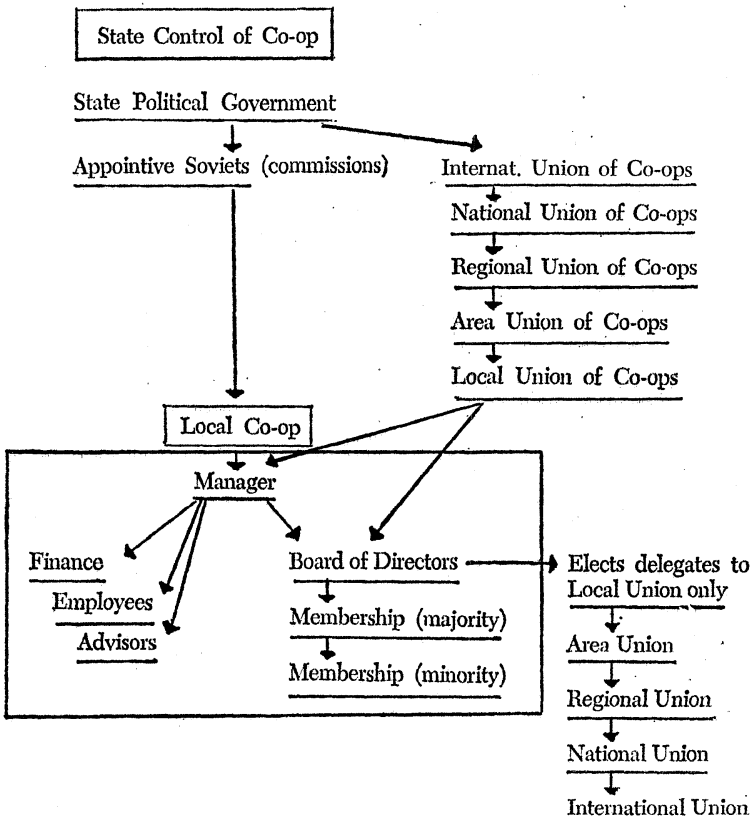
⁵Joseph Letargez (trans.), Paul Lambert's *Studies in the Social Philosophy of Cooperation* (Belgium: Co-operative Union, Ltd., Manchester; Co-operative League of the USA, Chicago; and Society Generale Co-operative, Brussels, 1963), p. 19.

Three different methods for establishing cooperation have been advocated:

- (1) An international cooperative federation replacing the state (syndicalist anarchy).
- (2) State control of the cooperative movement (communism).
- (3) Voluntary cooperation with complete local autonomy unhindered by state political government (collective free-enterprise).

Although most cooperators give lip-service to the third method (voluntary cooperation), they have, either wittingly or unwittingly,

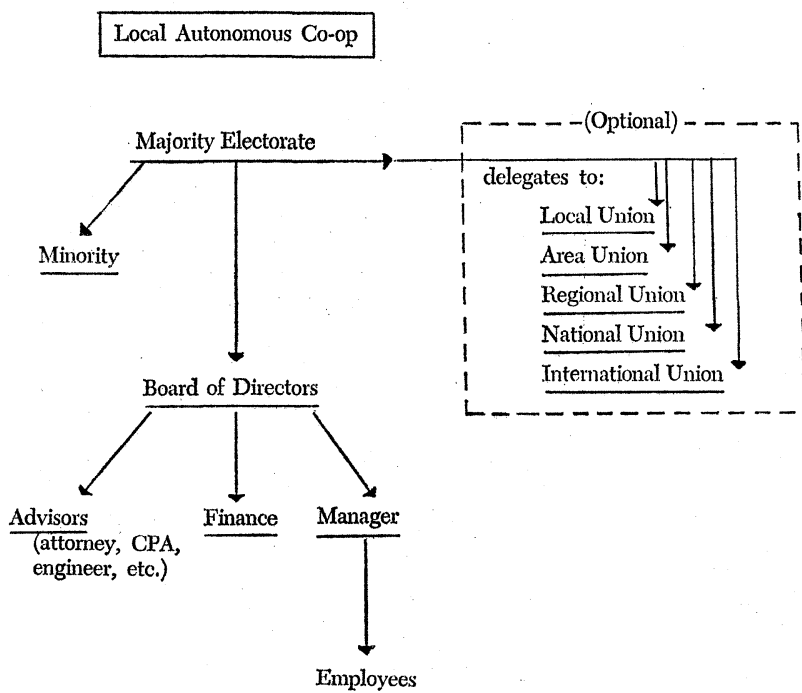
COOPERATION NO. 2 (communist cooperation)



encouraged state control, union control, or a combination of both. And the so-called voluntary group, which seeks only its "natural" place in a free economy, almost always willingly accepts tax advantages offered by political government.⁶

Professor Lambert lists two other requirements for a cooperative republic: "(1) Cooperation is autonomous; if it is not yet so in some parts of the world, it must reach this level as soon as possible. This does not mean that it should consider itself a distinct body, completely separated from state action." (In Russia, cooperatives are

COOPERATION NO. 3 (voluntary collective free-enterprise)



⁶Robert T. Patterson, *The Tax Exemption of Cooperatives* (New York: University Publishers, Inc., 1961), p. 18.

controlled by the state.) "(2) Cooperation must look for contact and collaboration with trade unions" (syndicalism).⁷

Social Philosophy

Professor Lambert claims that the social philosophy of cooperation is collective and that the theory of cooperative property is not contradictory to the socialist ideal of the first cooperators of Rochdale (the nineteenth-century communal colony founded by Robert Owen in Great Britain). He states: "Cooperation was precisely created to react against the profit-making enterprise system. Cooperation cannot become a profit-making enterprise."⁸

He discusses relationships between cooperative and socialist thought, touching on Proudhon, Louis Blanc, Fourier, Babeuf, Saint-Simon, and other socialist pioneers, eventually leading to Robert Owen, the acknowledged father of cooperation. Lambert agrees with Henri Sellier and his "well founded truth" that "cooperation is by nature socialist." He classes cooperator Owen as a 100% socialist by reason of the fact he expounded the ultimate flowering of man through society and a collective organization, and sought the eventual destruction of capital and property as a power. In fact, he states that in the early 1800's, socialism appeared as a synonym for "Owenism"—which is now "cooperation." In closing his discussion of Robert Owen, Lambert states, "Let us finally recall that Owen, through his plans for a world organization, is the forerunner of the International Cooperative Alliance."⁹

William Z. Foster, former national chairman of the American Communist Party, stated in his book *Toward Soviet America*, "The cooperatives are also a foundation stone in the socialist economic system. The cooperatives form the great retail distributing mechanism; they are directly connected with the factories, thus cutting out all useless and parasitic middlemen. Entering into every city and village, they constitute a gigantic distributing agency, beside which even the biggest American chain stores and mail-order houses are only small potatoes. The cooperatives also play a very important role in production, especially in agriculture. The tremendous collective farm movement in the U.S.S.R. represents the cooperative grown to revolutionary maturity.

"As in the case of American trade unions, the existing cooper-

⁷*Op. cit.*, p. 19.

⁸*Ibid.*, pp. 29, 31, 35.

⁹*Ibid.*, p. 44.

atives will have to be profoundly reorganized and rebuilt to perform their new tasks. They will be developed from the skeleton organizations they are today into a gigantic mass movement. This will be one of the first and most urgent tasks of a revolutionary American government."¹⁰

Since Foster's book was written, there are some who claim considerable "progress" has been made along the aforementioned lines. Austin Flett, author of *The United States as a Communist Nation—Under Which Flag?*¹¹ presents a compilation of documentation which lends considerable credence to the charge of communist domination of the cooperative movement, including his own testimony before the Senate subcommittee to investigate the administration of the Internal Security Act and other internal security laws, March 4, 1958. (Though it is not likely that political government will ever take any action on this testimony, it is most interesting from a viewpoint of historical study of the cooperative movement and its relationship to international socialization through cooperation.) Mr. Flett's basic point is that the Marxian¹² federal income tax laws lead to tax favoritism relative to non-profit co-ops, which in turn use this advantage to destroy private enterprise, profit-motivated capitalism, and private-property ownership. Their goal, he states, is the establishment of the International Cooperative Commonwealth.

Flett's analysis seems to have merit considering the policy established in a meeting of representatives of eighty-one Communist parties, from throughout the world, that convened in Moscow in November, 1960. The new Communist Manifesto, issued in December, 1960, stated in part: "It is of the utmost importance that Communists should extend their work in trade unions and cooperatives, among the peasantry, the youth, the women, in sports organizations, and the unorganized sections of the population." Since the Communist economic system is socialism, it is easy to see how cooperatives can be used for their purposes. Support for Flett's thesis can be found by examining Professor Lambert's views of Marxian use of cooperation. Lambert claims Marx held the opinion that cooperatives were non-capitalist elements within capitalism, and

¹⁰Foster, *Toward Soviet America* (Balboa Island, Calif.: Elgin Publications, 1961), p. 294.

¹¹Flett, *The United States as a Communist Nation... Under Which Flag?* (Chicago: Austin T. Flett, 1962).

¹²Marx, *The Communist Manifesto* (Gateway edit.; Chicago: Henry Regnery Co., 1963), p. 55. Point No. 2 in the *Manifesto* calls for "a heavy progressive or graduated income tax."

though they alone were incapable of bringing about the revolution, they were to be retained after the revolution as "the only organizations dating from the capitalist regime that were good," and "they were to be kept at all costs."¹³

Dr. Warbasse's autobiography, *Three Voyages*, indicates that he opposed the communist cooperative philosophy, favoring international alliance.¹⁴ His writings easily place him within the syndicalist anarchy school of cooperative philosophy. (However, since communism is international in scope, the syndicalist cooperative alliance would benefit purposes of communist control, rather than hinder them, as positions of authority within the union could be filled with party members much the same as the state.)

Actually, whether the anarchist school of cooperators know it or not, they advocate substitution of a political state in the federated alliance much the same as the despised state they seek to eliminate. In other words, though there appears to be a major philosophical difference between cooperators on the point of state control vs. international syndication, the end result would likely be the same, subjection to political domination—the antithesis of freedom. A use of political power can be demonstrated to be implicit in all three methods for establishing cooperation, even in the voluntary group that advocates autonomous local control.

Origins of Cooperation

To examine the historical development of cooperation, a study was made of the words *syndicalism*, *anarchism*, and *cooperation*.¹⁵

Syndicalism

Syndicalism was found to be classed as a form of moderate socialist doctrine, having derived its name from the French "syndicats," or trade unions of the early 1800's. Its basic objective was the abolition of individual ownership of the instruments of production, by substituting communally held trade organizations of producer-consumers.

The pattern of organization starts with local-level communes or "syndicats," composed of consumers and producers, who unite into regional associations, which in turn group together with

¹³*Op. cit.*, p. 127.

¹⁴Warbasse, *Three Voyages* (Superior, Wis.: Cooperative Publishing Association, 1956), pp. 78-81.

¹⁵*Encyclopaedia Britannica* (1948 edit.).

other regional combines, federating into national leagues. The ultimate goal would be a tightly knit international alliance of national leagues. It was proposed that trade take place strictly between the interlocking unions, following the theory that eventually profit-motivated private enterprise would be peacefully forced out of existence. Strike and sabotage were considered favored weapons. Communal self-government was advocated with the best interests of the collective predominating over the individual. They also sought elimination of the state. Political (state) action was non-existent, for experience had proven that when union leaders became involved in political government (the state), they invariably lost contact with rank and file members. This movement later merged into that of the union anarchists. Evidence of adoption of syndicalism into the present-day cooperative movement is noted in a quote from early-day cooperator Ernest Poisson: "The social philosophy of the trade unions is the twin sister of cooperation."¹⁶

Anarchism

Anarchism in the early 1800's, according to *Britannica*, constituted the "extreme left wing" of the socialist doctrine, advocating the abolishment of the state, of all private property, and of capitalistic production for profit. Robert LeFevre in *This Bread Is Mine* states, "Because of its basic individualism, anarchism can be classed as the right flank of the socialist political front."¹⁷ I agree with LeFevre and would class communism as the extreme left wing of the socialist doctrine since communism does *not* advocate the abolition of the state. Instead, the communist state controls everything—"including the (present-day) Centrosoyus—the central organization of the cooperatives" (in Russia).¹⁸

Fanatical anarchists employed violent means of obtaining their objectives and the movement was nearly eliminated by such acts as the Chicago Haymarket bombing of 1886, the bombing of the French chamber of deputies in Paris in 1893, the assassination of President Carnot of France in 1894, of Empress Elizabeth of Austria in 1898, of King Humbert of Italy in 1900; in 1901, President McKinley was murdered by anarchist Czolgosz, and

¹⁶Lambert, *op. cit.*, p. 121.

¹⁷LeFevre, *This Bread Is Mine* (Milwaukee, Wis.: American Liberty Press, 1960), p. 75.

¹⁸Lambert, *op cit.*, p. 127.

King George of Greece lost his life to anarchists in 1913. Such senseless anarchist actions naturally cast the entire movement in a bad light, ignoring completely the non-violent advocacies of Proudhon and Godwin.

Proudhon, a Frenchman, is given credit by historians¹⁹ as being the first man to use the name *anarchy*, in 1840, to apply to a social system consisting of no state government, a non-profit system of economy, and the communal holding of property. In order to achieve this socialist utopia, Proudhon drew up a non-violent plan which was to accomplish these objectives by rendering capital incapable of earning interest. Basically, this consisted of the establishment of a national mutual bank to be used by collectives of consumer-producer (communes) for the non-profit exchange of products. A progressive income tax was proposed to support the system, which he described as "Mutuellisme." All exchanges would supposedly be strictly equivalent, non-profit, and non-competitive. Labor "cheques," representing man-hours of production required to produce every commodity, were to be the proposed medium of exchange. It was anticipated that this national bank would lend money, at non-profit interest, to communes or combines of producer-consumers, ultimately bringing about a "social liquidation" of all profit-motivated private enterprise, thereby eliminating the need for violent state expropriation. (It is interesting to note at this point that the National Rural Electric Cooperative Association in their annual meeting at Las Vegas, February, 1966, proposed just such a bank. Currently, it is being considered by Congress, a subject that will be covered later in this paper.)

Lambert comments on the Proudhon cooperative bank: "I shall not dwell on this 'bank of exchange,' for it would exceed the subject of this book. Let us be content with noting that it would comprise—as we would say—technical flaws; namely, by causing inflation."²⁰

Proudhon stoutly maintained that both consumer co-ops and producer co-ops could not survive in his program of anarchy because of the natural antipathy between the two. His proposed commune of producer-consumer would, he believed, eliminate this problem. (A point of interest along these lines is that the current trend of rural electric *consumer* [distribution] co-ops is

¹⁹*Encyclopaedia Britannica*, I, p. 874.

²⁰*Op. cit.*, p. 56.

an attempt to transform themselves into consumer-producer co-ops by including power generation within their present-day purveying operations.)

I am inclined to agree with Proudhon's theory of "natural antipathy." It certainly does exist, and I class it as one of the greatest obstacles to the entire cooperative movement. It is natural self-interest, which will be hard to eliminate—though it may be forcibly stifled for a short period. Proudhon, no doubt, understood this since he termed it "natural" antipathy. Further evidence of this "antipathy" is revealed by Murray D. Lincoln, president of the Cooperative League of the United States for more than twenty years, who touches on this producer vs. consumer problem in his autobiography.²¹

Though similarities between cooperation and anarchy have been based upon common principle thus far, concrete evidence of anarchist transference to the cooperative movement is seen in the 1883 Congress of Anarchists, held in Pittsburgh, Pennsylvania, wherein a plan was adopted supporting cooperative organs of production.²² The program proposed was as follows:

"First, destruction of the existing class rule by all means; i.e., energetic, relentless, revolutionary, and international action.

"Secondly, establishment of a free society, based upon cooperative organization of production.

"Thirdly, free exchange of equivalent products by and between the productive organizations without commerce and profit-mongery.

"Fourthly, organization of education on a secular, scientific and equal basis for both sexes.

"Fifthly, equal rights for all, without distinction of sex or race.

"Sixthly, regulation of all public affairs by free contracts between the autonomous (independent) communes and associations, resting on a federalistic basis."

Cooperatives proved an excellent anarchist medium in view of their similar objectives: communal "ownership" as opposed to private-property ownership, non-profit association as opposed to profit-motivated capitalism, and the long-range plan for the cooperative republic to replace the evil state. Here we see the formal merger of anarchism with cooperation.

²¹Lincoln, *Vice President in Charge of Revolution* (as told by David Karp), (New York: McGraw-Hill Book Company, 1960).

²²*Encyclopaedia Britannica*, I, p. 876.

Cooperation

Cooperation has its roots in both socialist movements, syndicalism and anarchy. In fact, present-day cooperation, using the rural electric cooperatives as an example, very strongly resembles a combination of these two socialist philosophies of the 1800's. But the roots go deeper than that, for Ewell Paul Roy, Ph.D., associate professor of Agricultural Economics and Agribusiness at Louisiana State University, mentions in his book, *Cooperatives: Today and Tomorrow*,²³ "quasi-cooperative" organizations dating from the inception of the Egyptian empire (3000 B.C.). The Babylonians under the Code of Hammurabi contracted for co-op tenant farming (2067-2025 B.C.). The early Greeks had their communal burial benefit societies, and the first cooperative savings and loans had their beginnings in China (about 200 B.C.). In fact, the Roman "Collegias," first mentioned in the law of the Twelve Tables (451-449 B.C.), were cooperative craftsmen's organizations. Lambert points to Plato (428-348 B.C.) as strongly influencing cooperation along the lines of "fair price." "For Plato, the trader's margin should be determined after having consulted several specialists and the application ought then to be controlled by state officials. One sees immediately how modern this idea is."

Certainly, the "fair price" line has been echoed throughout the land in proselyting for cooperation, in much the same way that "peace" has been used by political governments to instigate war. Both terms are emotional appeals, meaning little. The *market price* of anything can only, properly, be determined by the buyer and the seller at the time of the sale transaction and is subject to their respective value judgments. It is a strictly subjective matter, and if a market price is agreeable to both parties, the price is "fair," for they have both benefited by the transaction, or it would not have taken place.

Plato was a statist, whose idea of controlling and regimenting the people has been adopted by political socialists and other collectivists. Governor Bradford, in 1623, evidenced his distaste for Plato and other ancients after cooperation nearly ended in complete disaster for the American Pilgrims.

In an analysis of the early Christian era by A. B. Genung in *Christianity and Private Property*, economist Genung concludes:

²³Roy, *Cooperatives: Today and Tomorrow* (Danville, Ill.: Interstate Printers & Publishers, Inc., 1964).

"It was Christ who, at the very pinnacle of Roman power, effectively challenged the age-old slavery system. What was this particular kernel of Christian teaching? That man is not a slave. That man is responsible to God, through his God-given conscience, and not to any master, ruler, or government. That man is the creation of God and is endowed thereby with a dignity which neither master nor government may impugn.

"What, then, did it mean when a ruler was forced to yield a measure of personal freedom to his subject? It meant that a man could come and go freely, could speak freely, could work for himself and for pay—*could own things*.

"That was the very essence of personal freedom: one could enjoy the fruits of his own labor, could own property. Private property! It was the right to be his own master, to work for himself or sell his own labor for pay, to acquire things that should belong to him exclusively.

"The dignity of the individual, as set forth by Christ, cannot be realized without a private-property system. It does not exist today in Russia nor in any other slave state. Freedom and private property are inseparable. The basic human right in a free society is the right to use or sell one's own labor and enjoy the fruits thereof as his own property.

"Which means, per se, a free market for goods and services."²⁴

(I have inserted the foregoing quotation from economist Genung because Professor Roy has included it in his chapter dealing with historical evolution of cooperatives, presumably to imply that the system of cooperative communal "ownership" is private property ownership. Nothing could be further from the truth. In reality, it is non-ownership, which will be discussed on page 58.)

Roy continues with the Barbaric Age (475 A.D.) and explains that the collective farms in that period could easily be considered the precedent for communist collective farms of today—except that the Russian state has been substituted for landlords. (It follows that they can also be considered a precedent for cooperatives since the collective farms of today are simply patterned after that philosophic school of cooperation favoring state

²⁴Genung, *Christianity and Private Property* (Ithaca, New York: G. L. F. Co-operative Exchange, undated); also Roy, *op. cit.*, p. 47.

control.) Professor Roy also contends²⁵ that the Islamic faith, which began about 600 A.D., based around the Koran, and which resulted from supernatural instructions received by Mohammed, lends strong support to the co-op idea.

The Middle Ages produced the guilds (500-1400 A.D.), the forerunner of the modern trade unions (syndicalism). Roy acknowledges that "in a sense" these guilds "anticipated" the modern consumer co-ops.

The Renaissance period produced the joint-stock company wherein each subscriber received shares of stock and profits in proportion to the money he invested. (While this has certain communal aspects, it definitely favored profit-motivated capitalism and property ownership, in that the *share of stock was negotiable*. Since the company charter was issued by the king [state], it did not permit "laissez faire," and is similar to present-day state control.) Somewhere in the mid-1500's, cooperative fire-insurance companies (mutuals) were organized. (Mutual [co-op] insurance was dear to the heart of Murray D. Lincoln, as evidenced by his establishment of nationwide insurance companies.)²⁶

The coming of the Pilgrims to the New World in 1620 historically points to the fallacy of cooperation as a productive philosophy. The Mayflower Compact was a share-the-wealth agreement setting up a communal system wherein everything that was produced belonged to the entire community. Private property ownership was eliminated in favor of "the commone course and condition." Prior to embarking from England it had been necessary for the Pilgrims to solicit financing from colonizing speculators in London. In return for financial aid from these London promoters, the Pilgrims had contractually agreed to enforce a system of "ownership of property in common" in Plymouth Colony.²⁷

From 1620 to the starvation spring of 1623, poverty, death, disease, and failure plagued the Colony until, relates William Bradford (one of the original Pilgrims and second governor of Plymouth Colony) in his *Of Plimoth Plantation*, "the governor [William Bradford] gave way that they should set corne every man for his own perticular . . . And so assigned to every family a parcel of land . . . This had very good success for it made all

²⁵*Op. cit.*, p. 49.

²⁶*Op. cit.*

²⁷*Encyclopaedia Britannica*, XV, p. 30.

hands very industrious, so as much more corne was planted then other waise would have bene."²⁸

Bradford continues, "The experience that was had in this commone course and condition, tried sundrie years, and that amongst Godly and sober men, may well evince the Vanitie of that conceite of Plato's and other ancients, applauded by some of later times;—that the taking away of propertie, and bringing in communitie into a commone wealth would make them happy and flourishing; as if they were wiser than God!"

The failure of "share-the-wealth" (cooperation) and the success of "every man for his own perticular," was a lesson well learned by the Pilgrims in this first American experiment.

It is interesting to note that today the only three states within the continental limits of the United States which have refused to permit establishment of REA co-ops within their borders are Massachusetts, Rhode Island, and Connecticut, all of which were settled by descendants of Plymouth Colony.

In Germany in 1767 the "Landschaften" system of a cooperative state bank was organized, which Professor Roy claims is the "forerunner" of the United States federal land bank system. (I would agree and would add other United States government banking systems to the list, such as the Federal Reserve System, the Federal Home Loan Bank, and the Central Bank for Cooperatives, which are all patterned after communal cooperation.)

The Industrial Revolution which began somewhere around 1750 produced many schools of socialist thought but the basic divisions pro and con were over the ownership of property and resulting capitalism. Since the state had historically doled out property on a politically favored basis, the association of the state and property were antipathetically lumped. One school favored state control of all private property, and another favored abolishment of the state and private property. Both of these groups can be classed as socialist with the former developing into the Marx-Engels communists and the latter into the more individualist-socialist grouping of anarchists. Robert LeFevre, dean of Rampart College, has made a brief examination of some of the various types of anarchists, such as: Nihilist-Anarchists, Christian-Anarchists, Union Anarchists, Communist Anarchists, Philosophic Anarchists, and Individualist-Anarchists in "Autarchy

²⁸Sartell Prentice, Jr., "Three Kernels of Corn," *Freedom Magazine* (November-December, 1962).

vs. Anarchy,"²⁹ showing the dendritic pattern of variation in anarchist philosophy of those times. In examining these variations, I conclude that the cooperative movement results from the syndicalist or union anarchist movement of the 1800's, a fact which today is strongly denied by many uninformed cooperators, in spite of the aforementioned adoption of cooperation by the 1883 Congress of Anarchists.

Britannica reports that in 1821, Robert Owen, an English pioneer cooperator, formed the Cooperative and Economic Society, which promptly failed in its attempt to create a successful communal village. Repeated failures continued to plague this movement until 1844, when Owen's followers, after several attempts, successfully established the Rochdale communal colony in Great Britain. In 1848, the cooperative movement, aided by the British government, began to take root. In 1852, the British parliament passed the Industrial and Provident Societies Act, which permitted communal associations such as Rochdale to incorporate and later authorized limited liability of their shareholders. After this political assistance, progress of cooperatives in Great Britain was greatly increased. Because of the success of Rochdale, Robert Owen is today considered the father of the world cooperative movement.

Rochdale Rules

Dr. James Peter Warbasse listed³⁰ a ten-point program of cooperative methods which he termed "*Rochdale Rules of Cooperation*":

- (1) Democratic control—one vote for each member.
- (2) Limited rewards to capital. Capital, if it receives returns, to have a fixed percentage which shall be not more than the prevalent legal interest rate.
- (3) Savings returns—surplus saving, accruing from the difference between net cost and the distribution price of commodities and services, shall be returned to the patrons as savings returns in proportion to their patronage or used for beneficent social purposes.
- (4) Unlimited membership.
- (5) Voluntary affiliation.
- (6) Business done for cash.

²⁹*Rampart Journal*, I (1965), No. 4, pp. 40-48.

³⁰Warbasse, *Three Voyages*, p. 167.

- (7) Allocation of a certain percentage of surplus savings for cooperative education.³¹
- (8) Class, political, and religious neutrality.
- (9) Expansion into other fields of service as proficiency is attained.
- (10) Federation of cooperative societies toward international alliance.

These socialist principles, previously destined to failure, now with the help of political government began to spread throughout the world. By 1948, Russia had become the leader in co-operation, with 15 million shareholders and thousands of co-operatives controlling 48 per cent of the Soviet retail trade.³² Communist trade with the English Cooperative Wholesale Society by this time surpassed all other trade in Europe.

In the United States, Robert Owen's cooperative colony at New Harmony, Indiana, was established in 1824. This commune soon proved a complete failure. Professor Roy credits the Workingmen's Protective Union, formed in Boston in 1845, with being a forerunner of consumer cooperation in the United States. In 1850, mutual irrigation associations were formed in California and Utah, leading to the establishment of eighty-three such co-ops by 1860. During the prosperous period following the Civil War, consumer co-ops expanded rapidly. However, by the 1870's, in the recessionary period, most of these were disbanded, indicating their lack of beneficial service in time of need.

The National Grange, in 1871, became quite successful in the establishment of local cooperative purchasing clubs and by 1877 had more than 30,000 co-ops with a membership totaling 2,500,000. Though some are still in existence today, they are but a fragment of earlier days.

During the period of 1890-1915, the number of local co-ops in the U.S. increased to more than 12,000,³³ stimulated by the National Farmers Union and the American Society for Equity. Regional co-op federations (syndicalism) had their beginnings during this period.

Examples of such combines are: Sunkist Growers of California

³¹Suggested reading: R. L. Marshall, *Cooperative Education* (Leicester, England: Leicester Printers Limited).

³²*Encyclopaedia Britannica*, VI, p. 388.

³³Roy, *op. cit.*, p. 59.

in 1895; Erie Grape Growers Cooperative Association of New York in 1897; and the Farmers Grain Association of Iowa in 1894. This movement toward national federation grew considerably during this period, stimulated by political legislation in 1898.

The Credit Union Cooperative movement had its birth in 1909 in Manchester, New Hampshire, fathered by Alphonse Desjardins of Quebec. Today, with the concentrated assistance of political government, these tax-favored unions have expanded considerably, particularly through U.S. government agencies.

From World War I to the "New Deal" of the thirties, the local co-op movement underwent a period of consolidation and moved rapidly toward national federations of unions such as the American Institute of Cooperation, National Federation of Grain Cooperatives, and the Cooperative League of the U.S.A. State organizations were formed in many areas within the movement. The American Farm Bureau Federation was organized and became active in co-op purchasing and marketing.

Legislation

State and federal governments began to aid the co-op movement in the late 1800's with privileged legislation and political promotion.³⁴ Important federal co-op legislation provided exemption from most of the burden of corporation income tax, provided government credit to co-ops, authorized government research which was beneficial to co-ops, allowed preference in purchase of government-generated electricity, and granted exemption from the stamp tax on stocks and bonds as well as exemption from capital stock taxes.

This federal legislation began with the War Revenue Act of 1898 and has been liberalized regularly to present-day extremes. Subsequent co-op favored legislation was: Corporation Tax Statute of 1909, Income Tax Statute of 1913, Federal Reserve Act of 1913, Revenue Act of 1916, and the Revenue Act of 1918. The 1918 War Finance Corporation Act (as amended in 1921) authorized government loans to farmer co-ops. Further government financing was authorized in 1923 when Congress established the Federal Intermediate Credit Banks. The Agricultural Market Act of 1929 created a Federal Farm Board permitting additional government financing at taxpayer expense. The 1933 Farm Credit

³⁴Patterson, *op. cit.*, p. 50

Act established the Central Bank for Cooperatives, which tremendously expanded taxpayer support of cooperation.

The Capper-Volstead Act of 1922, the Cooperative Marketing Act of 1926, and the Cooperative Marketing Act of 1929 furthered co-op tax privilege and also provided exemption from the Sherman Antitrust Act relative to co-op monopoly. Patterson explains further proliferation of legislation favoring the cooperative movement of the thirties, through the fifties, and points out that tremendous government aid which was furnished this movement, resulted in disadvantage to private enterprises.

Roy reports that the Hoover administration relied heavily upon the Federal Farm Board, created in 1929 under the Agricultural Marketing Act, in an effort to help stabilize farm prices. Though this program was an utter failure, it was interpreted as a Congressional indication favoring stronger federal encouragement and assistance to the cooperative movement. From this date, U.S. political interventionists have concentrated on lending the unnatural support of political government to this movement—to the severe disadvantage of profit-motivated individuals.

The coming of the "New Deal" in 1933 brought further government legislation, giving cooperation tremendous artificial stimulation. A federal credit union act was passed, permitting the federal government to charter financial co-ops. In 1933, provisions for agricultural credit through cooperatives were passed, permitting a taxpayer-supported co-op banking system. The Farm Security Administration aided in the formation of over 17,000 purchasing and servicing cooperatives. Co-op housing projects were insured by the Federal Housing Administration, and the Federal Savings and Loan Insurance Corporation cooperatively insured banking co-ops. Additional government aid to the co-op movement was supplied through the Farmer Cooperative Service. Government cooperative banking systems such as the Bank for Farmer Cooperatives, and the Federal Home Loan Bank, which chartered federal savings and loans and aided mutual savings banks, all furnished taxpayer-supported financing for the establishment and furtherance of the cooperative movement.

A few of the many direct government financing agencies for cooperatives are Bureau of Fisheries: fish marketing co-ops; Bureau of Indian Affairs: Indian, Eskimo, and Aleuts co-ops; Bureau of Reclamation: cooperative efforts in irrigation, drainage, commercial electric power, flood control, and fish and wild-

life conservation; Farmers Home Administration: mutuals to develop water, soil conservation, grazing, forestry, and recreation.

Cooperatives also receive considerable taxpayer-support through financing by the Rural Areas Development and Area Redevelopment Administrations, the Small Business Administration, the Federal Housing Administration, and the subject of this paper, the Rural Electrification Administration, as well as other political agencies too numerous to mention.

Historical Failure of Cooperation

It is interesting to note that, historically, cooperatives which have had to stand "on their own two feet" have failed. Perpetuation of cooperation has been largely due to the unnatural support of political government. The cooperative farms of the Babylonians were inspired and maintained, through the Code of Hammurabi, by the coercive force of monarchical government. The German "Landschaften" system of a cooperative state bank derived its support from the coercive force of the state. In England, in 1852, the British parliament enacted the Industrial and Provident Societies Act which was later amended to provide limited liability to co-ops (such as were to follow Rochdale). In Russia, membership in co-ops was from time to time made compulsory in order to artificially stimulate a movement that would otherwise have failed. In the United States, government co-op support, beginning in the early 1900's, advanced to the wholehearted effort of the 30's, resulting in our present-day proliferation of agencies of political government.

The Rural Electrification Administration

The Rural Electrification Administration (REA) was first created as a temporary government agency on May 11, 1935, under Executive Order No. 7037, authorized by the new Emergency Relief Appropriations Act, automatically establishing REA as a general program of unemployment relief.³⁵ This relief program immediately authorized the spending of \$100 million to help correct the unemployment problem of the thirties. "The money, it was thought, would stimulate employment through construction of new electric lines and the production of poles,

³⁵*Rural Lines, USA* (Washington, D.C.: U.S. Department of Agriculture Miscellaneous Publication No. 811).

transformers, and all the other materials needed for electrification," reports REA's *Rural Lines, USA*.³⁶

The White House also issued an order, at that time, that 25 per cent of REA funds should be spent for labor, and 90 per cent of the labor should be taken from relief rolls. This ruling nearly stopped REA in its tracks, because they could not get skilled labor from the relief rolls, and it took skilled labor to build electric systems. Normally, one would assume that the 100 million dollars would, therefore, have been put to work in other relief agencies to help "correct" unemployment—but this was not what happened.

Morris L. Cooke, formerly director of Public Works for Philadelphia, was appointed REA administrator May 20, 1935. As the REA problem unfolded, Cooke got busy with a lobby program, maintaining that REA would have to be a loan agency instead of an emergency unemployment relief program. After considerable lobbying by REA, the comptroller general's office cleared the way for REA to proceed with making loans, and the following day, August 8, 1935, the President issued Regulation No. 4 establishing REA as a lending agency, which "freed it from many of the earlier regulations, and gave it authority to make its own exceptions to still more regulations." An REA historian has described Regulation No. 4 as "the first and probably the most far-reaching policy decision in the history of the agency."³⁷ It most certainly was, for it transformed an emergency unemployment relief program into a non-profit taxpayer-supported national banking business—all by executive order.

Private power companies at that time lent considerable aid in starting REA, through the National Electric Light Association (NELA), which in 1923 organized the Committee on the Relation of Electricity to Agriculture (CREA) to research feasibility of electrification of farms. Financing of this committee, with all of its expensive studies, was paid for largely by the investor-owned utilities. On-the-site experiments were made by NELA in various parts of the country, one of which was at Red Wing, Minnesota. Another, sponsored by the Illinois State Electric Association, an association of private enterprise electric companies in Illinois, took place in Champaign County in 1925-28. These studies, as well as general analysis of the problem, showed that

³⁶*Ibid.*, p. 7.

³⁷*Ibid.*

electrification was already beginning to reach the farms, based upon the orderly process of *economic feasibility*.

Though the private power companies' CREA report apparently exposed the lack of need for REA, probably the strongest factor in obtaining Congressional approval of this new agency was the private companies' sanction of a government lending program, by their willingness to accept the \$100 million of taxpayers' monies for furthering rural electrification. But REA Administrator Cooke turned the tables on them, and taught them a lesson they should never forget.

A publication of the Central Illinois Public Service Company reported "Some Strange Shenanigans at REA":³⁸

"Morris L. Cooke, administrator of the REA when it still was a New Deal emergency measure, acknowledged to a group of utility executives in 1935, that investor-owned electric companies were serving 95 per cent of the electrified farms in the country. He said the companies had ample physical facilities and trained personnel, and that he expected the bulk of the administration's appropriations would go to electric companies.

"The companies, at the request of Mr. Cooke, drew up plans for extending rural service. They agreed to borrow the full \$100,000,000 the REA then had for construction of rural facilities. No action could be obtained from Mr. Cooke.

"Finally, Wisconsin Power and Light Company applied for a \$250,000 loan on its own in an effort to determine the intentions of Mr. Cooke and REA. After numerous delays, the loan was rejected even though the company apparently met all eligibility requirements."

Central Illinois Public Service Company further stated that Cooke began campaigning for the promotion of cooperative organizations which were to be recipients of REA loans. Later, it was reported in the *Wall Street Journal* on July 25, 1935: "Mr. Cooke announced that preference for REA loans would be given to 'applications from municipalities and other agencies of the state and to non-profit associations and cooperatives.'" Strange shenanigans, indeed—but consistent with the principles of co-

³⁸*Facts of the Matter Are...* (Illinois: Central Illinois Public Service Co., 1961), p. 7.

operation which oppose private ownership of the means of production.

The U.S. government publication *Rural Lines*³⁹ reported the story this way:

“Meanwhile, Cooke had been holding meetings with representatives of large electric power companies. He assumed that they would carry forward the work of building rural lines, with the financial aid of the government. He also met with spokesmen for farmer cooperatives, the American Farm Bureau Federation, the National Grange, the National Association of Master Plumbers, and other groups with an interest—direct or indirect—in rural electrification.”

So far, this agreed with the CIPS publication; however, the U.S. government publication continued by explaining that Cooke was counting on the private power companies for results until they submitted their committee report to him which stated, “There are very few farms requiring electricity for major farm purposes that are not now served,” and that “additional rural consumers must largely be those who use electricity for household purposes.” Cooke objected to the report and the suggestion from the power companies that an additional \$124 million be spent by the REA to loan rural people money for wiring and electric appliances—which they would sorely need. (Today, REA has incorporated this loan feature into its program.)

The government publication continued:

“Cooke replied, taking issue over the significance of rates and costs, but he replied courteously. He then advised the electric companies that ‘we are now organized and authorized to receive requests for loans for rural line construction from public and private agencies.’

“If Cooke had expected a flood of applications to result from his announcement, he was disappointed. When the first allocation for REA projects was made from relief funds in September, 1935, not one electric company was among the recipients.” (Note that it does not say applicants.) “The first loans went to three cooperatives and one municipality. . .” just as nearly all subsequent REA loans have, in the past thirty years.

³⁹*Rural Lines*, USA, p. 8.

Rural Lines continued by explaining that the electric co-op movement in the United States (prior to 1935) had not been very successful. "A few electric co-ops had been formed in the United States, and not all had proved sound ventures. At best, the record of success was no better than fifty-fifty." Yet, the REA picked cooperatives—which they admitted were *not* proven to be "sound ventures"—as a medium for distributing taxpayers' monies.

Political lobbyists who had been working hard during these months succeeded, early in 1936, in passing Congressional bills directing the REA administration to give preference in making loans to "states, territories, and subdivisions and agencies thereof, municipalities, peoples' utility districts, and cooperative, non-profit or limited-dividend associations."

This forced direct taxpayer support of entities which were tax-favored and communally held, rather than fully taxed and privately owned, and which were the antithesis of profit-motivated capitalism. It was a sad day for investor-owned utilities, for they would henceforth be subjected to taxpayer-subsidized competition—that is, if they would be able to survive at all.

The REA bill was introduced in the Senate by Senator George Norris of Nebraska (a state which today has *not one* investor-owned utility), and in the House of Representatives by Sam Rayburn of Texas (a state which today holds the record of seventy-nine REA co-ops). Opposing briefs were filed at House hearings by the Committee of Utility Executives, representing the private power companies and the Chamber of Commerce of the United States. The Senate Committee on Agriculture and Forestry held no open hearings.

Sam Rayburn's statement before Congress April 9, 1936, follows (in part): "May I say to the gentlemen that we are not, in this bill, intending to compete with anybody. By this bill, we hope to bring electricity to the people who do not now have it. This bill was not written on the theory that we were going to punish somebody or parallel their lines or enter competition with them." Congress passed the bill, and it was signed by President Roosevelt on May 20, 1936—and REA promptly forgot Speaker Rayburn's words.

The Rural Electrification Administration Act of 1936 re-established REA as a government lending business for a period of ten years (later renewed). It authorized loans to non-profit organi-

zations in the amount of \$40,000,000 each year. (This has been raised considerably to date, totaling more than five billion dollars in REA-approved loans). It permitted loans for generating plants, transmission lines, distribution lines, and has today expanded to include ski-lifts, snow-making machines, mutual water companies, and private loans for anything remotely connected with electric consumption, including electronic mousetraps.

It permitted loans to extend for twenty-five years (now forty), with no repayment of principal for the first five years. It specified interest on loans at the rate paid by government on its own long-term securities (later amended to provide a standing 2 per cent REA loan, while present long-term securities average double that—4 per cent). REA was to be run by an administrator, appointed by the President for a period of ten years and confirmed by the Senate. Today, as then, the administrator has only to certify that the security of each loan he approves is *reasonably adequate* and that the loan *could* be repaid within the time agreed. However, subsequent loans are intermittently made by REA which, from time to time, aid failing co-ops. Other loans made at later and continuing dates, advance the date of pay-off regularly, so that, for the most part, the REA program has become a taxpayer-supported *burden in perpetuity*. The final Congressional requirement that REA be administered on a non-partisan basis is, for the most part, ignored.

The Department of Agriculture reports in *REA Bulletin 1-1*, table 3, energized systems, that during the first ten years of REA, active co-op and other communal-type borrowers totaled 835 for the period ending December 31, 1945.⁴⁰ The government report indicates active borrowers totaled 991 as of December 31, 1964 (latest report)—an increase of only 156 in the past 19 years. It is fairly obvious from this that the REA program has slowed down, relative to creating new electric co-op borrowers. In fact, REA admits that 98 per cent of all farms now have electricity, either by private enterprise or communal service. According to the Central Illinois Public Service Company, "In Illinois, 99.2 per cent (1961) of all possible customers in rural areas now have central station service available to them."⁴¹ Additionally, CIPS

⁴⁰"Rural Electrification Borrowers," *REA Bulletin 1-1* (Washington, D.C.: U.S. Department of Agriculture, December 31, 1964), p. 7.

⁴¹*Facts of the Matter Are...*

states that in Illinois, as well as in other states, REA co-ops are competing directly with investor-owned companies in the urban electric power market, ignoring completely the former remarks of Sam Rayburn before Congress in 1936.

As of December 31, 1954, *REA Bulletin 1-1* shows 998 active borrowers with cumulative net electric loans approved by REA as of that date totalling \$2,929,389,667.⁴² Ten years later, as of December 31, 1964, *REA Bulletin 1-1* shows only 1,003 active borrowers—a cumulative increase of only five; however, the cumulative net total of electric loans approved by REA is listed at \$5,434,114,079.⁴³

Based upon this percentage of increase, one could safely estimate that as of the date of this writing (1966), REA has approved cumulative net electric loans totalling six billion dollars. Of these monies 50 per cent was approved during the first twenty years of REA in order to start 98 per cent of the cumulative total of co-ops. The remaining 50 per cent was approved during the last ten years of REA when there was a cumulative increase in the total number of borrowers of less than 2 per cent.

What's wrong? The answer is found, in part, in the REA entry into cooperative combines aimed at generating their own power in direct competition with the private power industry. It is also found in REA's continuing loan program to existing co-ops. (Co-operatives and other non-profit agencies pay no income tax and, along with other tax advantages, particularly the corporation tax omission, derive taxpayer-supported advantage when compared with the fully taxed, investor-owned utilities.)

The REA Welfare Roll

In order to give taxpayers a good look at what they have already provided, I submit the following REA "welfare roll," taken from the 1964 annual statistical report, "Rural Electrification Borrowers."⁴⁴ Listed are 1,003 REA active borrowers with total REA loans approved as of December 31, 1964—\$5,434,114,097—roughly five and a half BILLION DOLLARS. Following is the breakdown as to states:

⁴²*REA Bulletin 1-1*, 1954, p. iv.

⁴³*REA Bulletin 1-1*, 1964, p. 5.

⁴⁴*Op. cit.*, p. 21.

<i>State</i>	<i>Number of Borrowers</i>	<i>Total REA Loans Approved Through December 31, 1964</i>
Alabama	24	\$134,005,670
Alaska	11	98,221,467
Arizona	11	55,047,464
Arkansas	20	172,932,304
California	7	36,743,353
Colorado	25	173,562,157
Connecticut	none	none
Delaware	1	8,048,880
Florida	15	99,584,043
Georgia	41	164,066,467
Hawaii	none	none
Idaho	9	29,890,357
Illinois	29	151,368,745
Indiana	41	134,044,731
Iowa	54	223,910,262
Kansas	37	131,824,543
Kentucky	28	291,385,405
Louisiana	15	149,936,841
Maine	5	5,285,765
Maryland	2	29,562,500
Massachusetts	none	none
Michigan	15	85,339,812
Minnesota	53	247,532,057
Mississippi	28	148,192,698
Missouri	47	369,617,316
Montana	25	71,205,429
Nebraska	36	173,407,440
Nevada	6	9,937,387
New Hampshire	2	11,179,884
New Jersey	1	1,383,700
New Mexico	17	128,689,019
New York	5	5,000,765
North Carolina	33	151,507,900
North Dakota	26	179,556,485
Ohio	27	81,232,917
Oklahoma	27	205,510,758
Oregon	15	61,647,505

Pennsylvania	13	55,894,328
Rhode Island	none	none
South Carolina	24	140,963,051
South Dakota	34	118,269,756
Tennessee	25	131,456,444
Texas	81	455,486,878
Utah	5	26,391,570
Vermont	3	7,005,918
Virginia	16	92,663,797
Washington	17	53,397,604
West Virginia	1	1,618,632
Wisconsin	30	207,630,036
Wyoming	15	48,824,017
Puerto Rico	1	74,040,000

Note: Johnson's Texas, Truman's Missouri, and Humphrey and Freeman's Minnesota are three of the largest REA welfare states. The total approved REA loans for these three states exceeds ONE BILLION DOLLARS.

The National Rural Electric Cooperative Association

The Central Illinois Public Service Company asks: "What's Behind It All?" The answer can be found in an examination of the policies and programs of the National Rural Electric Cooperative Association, Washington, D.C., a trade union or syndicate of REA co-ops first organized in 1942. The NRECA lists in its monthly magazine *Rural Electrification* a membership of 977 REA co-ops,⁴⁵ and claims to speak for 4,575,038 co-op members, who for the most part have never heard of the association. (A survey made by CIPS⁴⁶ stated that 71 per cent of the farm families interviewed in a community in Illinois had never heard of the National Rural Electric Cooperative Association, and nine out of ten did not know that NRECA favored government control of the electric power industry.)

Robert B. Craig, an REA deputy administrator, is the acknowledged father of NRECA. John Becker, former manager of the Wisconsin Development Authority, reported to CIPS⁴⁷ that REA

⁴⁵*Rural Electrification* (Washington, D.C.: National Rural Electric Cooperative Association, November, 1965), p. 3.

⁴⁶*Facts of the Matter Are...*, p. 11.

⁴⁷*Ibid.*, p. 9.

administrator Craig told him that in NRECA, "we will have one million members which means about four million votes. Further, we will have manufacturers doing millions of dollars' worth of business with us, and during the campaign we can raise lots of money for our friends from these sources . . . With four million votes and several hundred thousand in campaign funds, we will maintain in public offices enough friends that even the devil himself can't hurt us."

REA co-ops which are financed by the taxpayers contribute direct annual support to the NRECA in the form of membership dues. In fact, it can be stated that the NRECA is supported by the U.S. taxpayers, not only through REA but through later taxpayer-supported programs such as the Agency for International Development and the Foreign Aid program.

In spite of the non-partisan clause in the Rural Electrification Act, tax monies are being used by NRECA to lobby REA (partisan and political) appropriations through Congress, to encourage the relaxation of REA requirements to the disadvantage of taxpayers, and to generally improve the already favorable political climate for the REA dynasty of cooperation. This union of co-ops (syndicalism) has grown to tremendous strength, both politically and financially, under the guidance of Clyde Ellis, former Arkansas politician, who since 1943 has served in the capacity of NRECA general manager.

CIPS claims that Ellis' attitude and actions follow those of the socialist steering committee which calls itself the Electric Consumer's Information Committee (ECIC), and which advocates complete government control of America's power industry, exploiting every opportunity to further the expansion of the socialist dream—federal power.

It reports that Harry Slattery, a former REA administrator, late in 1943 summarized Congressional hearings on NRECA by stating, "I think it is quite evident, from the many speeches made in the National (NRECA), and the speeches made all around the country lately at various meetings, that the National is out to involve REA in politics and the cooperatives in politics. . ."⁴⁸

To those few remaining cooperators who advocate voluntarism, it is suggested that a study be made of the NRECA to determine if it really and truly believes in voluntary cooperation. A good

⁴⁸*Ibid.*

place to start would be at one of Ellis' objectives: "To authorize and permit the establishment of public power districts and a workable procedure for turning electric co-ops and all other non-government facilities within the power districts' borders into such districts as might be necessary."⁴⁹

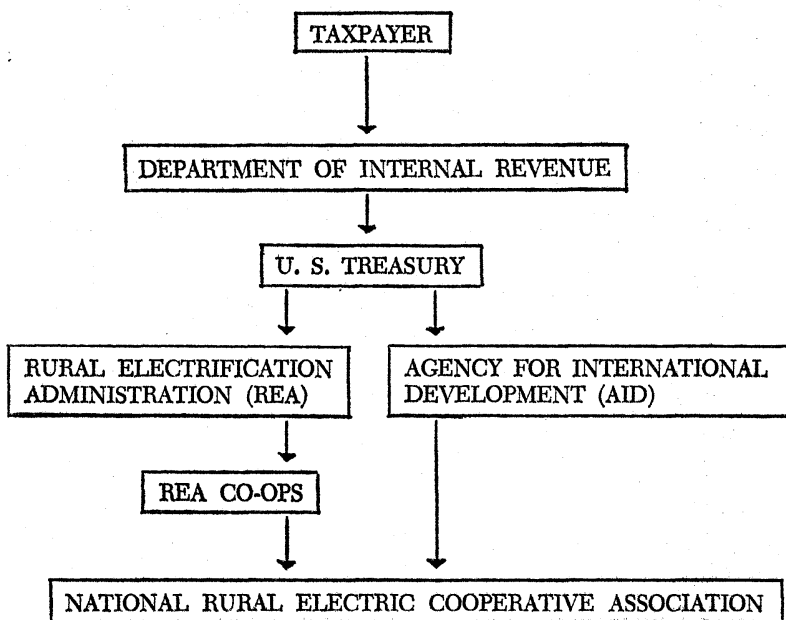
A second item which should be of interest to voluntary cooperators is the following quote from an article in the *Tonasket Tribune* (Tonasket, Washington), December 24, 1964, "Molson Co-op Votes To Sell": "Members of the Molson-Chelsaw Electric Cooperative, Tuesday, voted authorization to their directors to proceed with the sale of their power distribution system to the Okanogan County Public Utility District No. 1. The PUD has operated the system since 1956 under an agreement giving the district an option to buy." There is no doubt that I would have the agreement of all voluntary cooperators in stating that this certainly is a move in the opposite direction from freedom. No less than Dr. Warbasse himself, founder of the Cooperative League of the U.S.A., has stated as much.

A third item which should be of interest to voluntary cooperators is NRECA's relationship with the public power state of Nebraska, where out of a total of thirty-six REA borrowers, only two are cooperatives. The balance, thirty-four, are public power district communes, thirty of which are members of NRECA.

Raymond Moley, one-time associate of the liberal establishment, reports in the *Los Angeles Times*, July 16, 1963, a story on the REA entitled, "The Cow Is Useless But Sacred." He mentions that what keeps the REA going, when it should long ago have been dissolved, is the NRECA, "headed by one Clyde Ellis." Moley tells how the NRECA "hovers" over Congress members, lobbying for REA, and how it "ill betides" any elected representative who opposes this gigantic union of co-ops. Republicans and Democrats alike, he states, "pay tribute" to this powerful combine. (See diagram on following page.)

According to Chesly Manly of the *Chicago Tribune* (October 21, 1963), the American Farm Bureau Federation has awakened to the threats posed by REA and NRECA. A resolution was passed at its last annual meeting which stated, in part, "We oppose any plan to convert rural electric cooperatives into a public power system." It was acknowledged that many factors have

⁴⁹*Ibid.*, p. 24.

MONEY FLOW-CHART SHOWING COMPULSORY TAXPAYER SUPPORT
OF REA CO-OP UNION

changed since Congress originally approved the REA bill.

The executive committee of the Department of Montana, American Legion, adopted a resolution on January 21, 1962, which states, in part, "Now, therefore, be it resolved, that the Executive Committee of the American Legion, Department of Montana, opposes the cooperative movement as alien and foreign to our way of life and a threat to our economic well-being, and that it favors income taxation of all cooperatives on the state and national levels on the same basis as private enterprise. . ."

Whether or not the cooperative movement is a threat to our economic system can only be determined by individual study and

individual conclusion. My analysis reveals that NRECA is closely related to the socialist movement of the 1800's in France, known as syndicalism. In the organization pattern of NRECA, nearly all of the REA co-ops are members of the National Rural Electric Cooperative Association. The NRECA, in turn, is a member of the Cooperative League of the United States, which is a federation of national cooperative associations. The CLUS is a component part of the International Cooperative Alliance, which is a worldwide collective of federated associations of cooperatives.

History shows that the syndicalist and anarchist movements of the past have had considerable influence upon present-day objectives of the cooperative movement, not only in the establishment of communal-holding of property, but in methods of accomplishment as well. A disappointing fact to Americans who believe in freedom is that political government of today is aiding in the destruction of the underlying principle of the Declaration of Independence—private property ownership.

In order to clear up any doubt relative to U.S. political government actively supporting socialist cooperation, I quote from an address by Secretary of Agriculture Orville Freeman, made at a meeting of the International Cooperative Petroleum Association, September 18, 1964. This address was reprinted by the Department of Agriculture (known as USDA 3186-64) and mailed, at taxpayers' expense, to all REA co-ops. I quote directly from the copy Secretary Freeman sent to me while I was president of the Desert Electric Cooperative:

COOPERATIVES—AN OLD "NEW FORCE"

"We have a common bond here today—our mutual interest in cooperatives. My interest goes back many years. Minnesota, where I grew up, is one of the most cooperative-minded states in the nation. As governor of Minnesota, and as Secretary of Agriculture, I have worked very closely with the cooperative movement. It is a movement that the Department of Agriculture, as a matter of public policy clearly set down by law, will continue to strengthen in every way possible.

"We are fortunate to have a President in Lyndon B. Johnson who knows and understands the value of cooperatives. He helped organize the rural electric cooperative which now serves his ranch on the Pedernales River in Texas.

"Your International Association, with member cooperatives

in twenty-four countries on every continent, has long been a leader in the cooperative movement—a movement which is as old as the idea of people banding together for a better life—and as new as the age of abundance we are entering. . . .

“There is a persistent and underlying impression that cooperatives somehow are an alien invention, maybe socialistic or even akin almost to communism. We know that cooperatives are PRIVATE BUSINESSES. They are OWNED and OPERATED by their members.” (Emphasis added.)

REA Co-ops are not “Owned”

To Secretary of Agriculture Freeman, and others who believe that cooperatives are private businesses, owned and operated by their members, I would like to point out a few facts: If a person wishes to purchase electricity in an area served by an REA co-op, it is necessary that he first put up a deposit for membership. His membership must be approved by the board of directors before he can be issued a share certificate. He must have this certificate prior to his purchase of electricity. If he ceases to purchase electricity for a period of time, the board must cancel his certificate and refund his deposit. The share has no cash value other than that of the initial deposit. It cannot be sold to another—nor can it be transferred. It is merely a revocable, non-transferable certificate of permission to purchase electricity.

If the co-op member is informed that the co-op is in bad financial condition or under questionable management and he wishes to sever his relationship with the co-op, he may surrender his share, and generally (subject to state law), if he does that, he must also cease to purchase electricity. He can only have one share certificate which entitles him to only one vote. He cannot will the share to a survivor. It can only be surrendered to the co-op at death, and if his wife inherits his property, she must apply for board approval and a new share certificate issued in her name before she can purchase electricity. There is no such thing as interest paid on an REA shareholder's investment, because there is no investment. The U.S. taxpayers make the investment for the co-op member in the form of 100 per cent financing.

Let us compare these conditions with those of an investor-owned utility: If a person wishes to purchase electricity in an area served by an investor-owned utility, he need only apply at the local office of the private power company. In most cases he

can obtain service within twenty-four hours and will continue to be served as long as he keeps his part of the contract by paying his bill.

If, however, any person wishes to invest in a private stock corporation, such as an investor-owned utility, it is a simple matter to arrange for purchase of the desired number of stock certificates, at the going market price. Ownership of the stock is not subject to approval of the board; it is simply established by purchase and recorded in the corporate secretary's register of stockholders.

The stock certificate establishes ownership in a proportionate share of the investment based upon total capitalization. The more stock one owns, the more votes one has. The owner can will his stock to a survivor, transfer his interest in ownership, or, if the financial condition of the corporation becomes shaky or does not return a fair interest in the eyes of the stockholder, he can divest ownership in the company by selling his stock. He is paid interest on his stock investment by regular dividends and if the company gains in financial stature, the eventual market price of his stock will reflect his proportionate part of that capital gain.

Capital gain from electric distribution profit, in an REA co-op, can only be distributed on a patronage basis, in the form of lower rates (subject to state law) except upon dissolution.

Sale of Desert Electric Cooperative

To further clarify this comparison between the ownership of stock in an investor-owned utility and the holding of a non-negotiable share in a cooperative, I submit the following case: Eighty per cent of the membership of the Desert Electric Cooperative, an REA co-op (not a member of NRECA) in Twenty-nine Palms, California, consented to sell the co-op to the Southern California Edison Company, an investor-owned utility, for a mutually agreed upon sale price.

The sale price basically was that sum which would repay a two and one-half million dollar loan to the taxpayer-supported REA, assume a quarter-million dollar deficit, and provide the members of the DEC with a 50 per cent average rate reduction.

The California Public Utilities Commission and the Federal Power Commission, after lengthy hearings in the desert area, gave their approval to the proposed sale. In addition, the Federal Power Commission stated that the sales price was fair to all

parties concerned; any higher price, they said, would be unfair to Edison stockholders.

One dissident member of the co-op, with NRECA support, filed a court action to stop the sale, alleging that the directors had fraudulently confused the members into approving the transaction. A superior court judge stated in a "minute order" that he would deny these allegations if Edison would pay an additional sum of \$325,000 for the purchase of the co-op. Edison refused, but did enter into a court-approved settlement in the amount of \$235,888. Plaintiff's attorney was, by court order, to receive \$59,583, and co-op members \$176,250. In spite of the fact that the original sales price had been agreed upon by 80 per cent of the co-op membership, the DEC board of directors, the state PUC, and the FPC, a higher sales price was forced through use of the judicial system. Do the co-op members own and operate (control) "their" co-op?

For a number of years, government officials have been propagandizing that REA co-ops are "consumer-owned" utilities, and they have echoed this line throughout the land, as demonstrated by Secretary Freeman. A necessary prerequisite to the right of *ownership* is the *authority of disposal*. One of the first steps necessary in the disposal of an article for sale, is for the owner to agree to a sales price with the prospective buyer. If he does not have this authority, as well as the authority to refuse to sell, he does not have the right of ownership; nor does he own something if he must first obtain the approval of another party in order to sell it.

The only authority that Desert Electric cooperative members had was permission to sell "their" co-op, subject to the approval or disapproval of several government agencies, none of which had sole authority to approve the sale. If any one of them had denied approval, the members would have been prohibited from selling. Actually, co-op members were even denied permission to approve or disapprove the higher sales price that the court forced upon them.

Since these co-op members did not have the sole authority of disposal, they had no ownership, and since no one seemed to have sole authority, it follows that REA co-ops are an excellent example of *non-ownership*, in which case they certainly cannot be considered private businesses. Since ownership and control run hand-in-glove, it also follows that co-op members do not

control their "own" REA co-ops, and this fact is becoming more evident every day.

Further evidence of this mistaken thinking on the part of government politicians is exhibited in REA's *Rural Lines*:⁵⁰

"WHAT IS A CO-OP?"

"A rural electric cooperative is a private, non-profit enterprise, locally owned and managed, and incorporated under state law. It is owned by the members it serves, and each member has one vote in the affairs of the cooperative, regardless of the amount of electricity he uses.

"Many cooperatives have adopted plans whereby any revenue in excess of expenses are capital and are assigned to individuals on a patronage basis. They provide for retiring this capital as the boards of directors determine.

"Under the by-laws of practically all cooperatives, there is one annual membership meeting each year, at which consumers elect a board of directors from among the membership. The directors elect their own officers and employ a manager to run the co-op. Employees are responsible to the manager, the manager is responsible to the board, and the board is responsible to the membership at large."

The foregoing is typical political salesmanship, in which the main points just don't happen to be true. The membership neither owns, controls, nor manages a communal non-profit cooperative—nobody does. However, since there must be some quasi-authoritarian force to direct the affairs of the cooperative entity, this is, for the most part, vested in the appointed manager, who in turn is either dominated by REA or the union of co-ops, or both. *REA Bulletin 103-1*, published by the U.S. Department of Agriculture and entitled, "A Practical Approach To Making Policy,"⁵¹ states: "Just as the Congress, elected by the people, is the policy-making group for the government, so is the board of directors, elected by the members, the policy-making body for a rural electric cooperative. The executive branch of the government carries out the Congressional policy, and operating management of a rural electric cooperative executes board policy."

⁵⁰*Op. cit.*, p. 14.

⁵¹*REA Bulletin 103-1* (Washington, D.C.: U.S. Department of Agriculture, revised January, 1959), p. 1.

This government bulletin defines *policy* as "a statement which provides guide lines for making consistent decisions."

At this point, one begins to wonder if a new constitutional amendment has been enacted unbeknown to U.S. voters, changing Congress from a legislative body, as outlined in Article I, Section 1, of the U.S. Constitution, to a "policy-making group" which provides "guide lines," as outlined in *REA Bulletin 103-1*. But since that is another subject, I shall proceed with my analysis of the problem at hand relative to co-op management.

REA and NRECA, in special "workshops" for elected directors, use this peculiar government publication to convince co-op board members that decision-making should be placed directly in the hands of the appointed manager, with the board merely issuing statements of "policy" which are aimed at providing guide lines for the managerial decisions. Since, for the most part, co-op managers are NRECA and REA oriented, and frequently employed by co-ops with NRECA or REA assistance, one can well imagine the type of empire-building decisions that can result.

Additionally, co-op managers attend NRECA orientation or indoctrination sessions, which are aimed at maintaining the cooperative philosophy in cooperator-managers, and building it into those who are not already indoctrinated. (Naturally, the U.S. taxpayers foot the bill for these sessions.)

The board of directors of the Desert Electric Cooperative in California resigned co-op membership in the NRECA when these disturbing factors became evident, but REA took matters in hand by placing one of its staff in the local co-op as a resident observer of management. Strange as it may seem, this happened to be at the time the members were seeking to sell the co-op to private enterprise. The REA representative was not long on the local scene before he began meeting with local groups in order to encourage opposition to the sale. About this time, though DEC was not a member of NRECA, an NRECA representative showed up in the area, and lent strong support to the REA opposition to the sale by trying to encourage sale opponents. Neither NRECA nor REA had much success in promoting major opposition among the DEC members, for the co-op members had experienced, among other things, an attempt by former NRECA-oriented directors to place them under subservient political control.

An REA Co-op "Kangaroo Court"

This quite interesting little story is centered around a beginning suspicion among co-op members that something was seriously wrong in the REA co-op movement, particularly "their very own" co-op. Local study groups were formed. When this activity came to the attention of the manager of the co-op, he encouraged, through the co-op attorney, the following proposed by-law change:

It is proposed that: Article I be amended by adding thereto Section 8 as follows:

Restriction of Membership Rights. The board of directors shall have the authority to withdraw all rights of membership save and except the right to receive electricity and to have credited to his capital account any sums properly allocated thereto upon the following conditions:

- (1) That a member has engaged in any activities which are contrary or adverse to the interest of the cooperative, and proof thereof is established to the satisfaction of the board of directors;
- (2) Such action shall be based upon written charges signed by a member of the cooperative and which charges shall set forth specifically the acts of the member deemed to be adverse to the interests of the cooperative. A copy of such charges shall be served upon the member so charged at least ten days prior to the board meeting at which the charges are to be considered. The member shall have the opportunity at the meeting to be heard in person or by counsel and to present evidence in respect to such charges, and the person or persons bringing the charges against him shall have the same opportunity.

This proposed law, if approved, would have made the electorate subservient to their elected directors. As one can easily see, it would have trespassed upon freedom of speech and action. With the "interest of the cooperative" as the main and only concern, the individual "interest" of each member would have been sacrificed. If electric power bills were cheaper in an area served by a private utility, mere mention of that fact could have been adverse to the "interest of the cooperative," for it would not have been constructive to cooperation. In fact, nearly anything could have been decreed to be "adverse" by the co-op politicians, and would have resulted in complete control of the membership.

Those were troubled days for DEC members, until one man suggested that there might be a thing called "the best interest of the individual member." This was a day of awakening for the desert residents. They defeated the by-law change and after many hard battles finally succeeded in selling "their" co-op to an investor-owned utility, thereby eliminating a serious threat to their freedom.

REAs are Awakening

No doubt REA is aware that there might be a general awakening in other areas of their co-op dynasty, and if this happens, it is possible many local co-ops would resign NRECA membership. If such were the case, REA would lose considerable control of co-op managers and the entire government co-op empire, to say nothing of the political machine it has created.

Evidence of this fear on the part of REA as well as NRECA, relative to loss of control of co-op managers, was displayed at a meeting December 10, 1964, called by REA Administrator Norman Clapp and reported in U.S. Department of Agriculture REA letter of January 15, 1965, entitled: "Summary of Conference on Achieving Program Objectives." Clapp called upon A. C. Hauffe, president, National Rural Electric Cooperative Association, South Dakota Statewide Association of Electric Cooperatives, and FEM Electric Association, Ipswich, South Dakota. The NRECA president made the following proposals:

- (1) That rural electric systems institute a recruitment and "in-training" program for the management level in order that a qualified replacement be available to succeed the manager from within the staff.
- (2) That there be studied the practicality of establishing special position standards on rural electric systems to guide local boards of directors in selecting managers and other personnel.
- (3) That there be established a clearing house for management prospects.

It certainly appears from this that attempts by REA and NRECA are being made to increase control of all REA managers, much to the disadvantage of the individual members throughout the entire REA system. While it may be true, as REA reports in *Rural Lines*, that employees are responsible to the manager, the manager responsible to the board, and the board responsible to the membership at large, it doesn't mean very much since managerial decisions will be made with the "advice and consent" of

the REA-NRECA political machine. However, the co-op members do not operate "their" co-op—as the line of authority indicates—nor do they own or control it. It controls them.

The recent sale of the Greenwood County Electric Power Commission, an REA borrower, to the Duke Power Company in South Carolina is another example of the public favoring freedom in private enterprise. It, too, was quite a battle and came to an end on April 12, 1966, when the voters, by a five-to-three majority, authorized sale of this 9,000-member association. Here is what NRECA's South Carolina statewide manager had to say (in part) about the sale, relative to what he termed "contributing ills."⁵²

"A board of commissioners dominated by a small minority, which lacked training in board-management responsibilities and did more managing than *policy making*." (Emphasis added.)

"Refusal to espouse *consumer ownership* or to accept professional assistance when sellout offer came." (Emphasis added.)

Once again we see the repetitious expounding of policy-making vs. decision-making, and ownership vs. non-ownership.

The membership of Anza Electric Cooperative in California have petitioned to sell "their" co-op to an investor-owned utility. This campaign has been going on for some time against odds which include a typical NRECA-oriented manager and board of directors. A quote from a report made by the Electric Fact-Finding Committee of the Anza Valley Chamber of Commerce in 1962 complains of high rates, high debts, and wasted taxpayers' monies. It further states: "We find that a great deal of time and money (impossible to pin down in actual figures) is spent by this co-op in membership participation in the National Rural Electric Cooperative Association (known as NRECA). This expenditure includes not only dues, but our manager's absenteeism from the local business and consequent reduction of service; also, his traveling expenses, other travel expenses for some of the board members in attendance at these union meetings, heavy correspondence, long-distance telephone calls, and an extra burden on the staff. No known report has ever been made of these expenses, nor of any benefits accruing to this co-op therefrom. We believe that over the past seven years this has run into thousands of dollars."

⁵²Rural Electrification, June, 1966, p. 46.

The Midstate Electric Co-op in central Oregon, according to NRECA's *Rural Electrification* (February, 1966), recently experienced a move to sell to private enterprise. They were defeated by a so-called "Co-op Protective Committee", who enlisted the aid of REA sympathizer Senator Wayne Morse. The sale group then backed off, but NRECA states: "The situation at Midstate still bears careful watching, for the seeds of sellout do not just happen. They are planted and always have a way of blooming again and again." I might add, just like the seeds of knowledge of freedom.

Co-op Members Don't Want to be Used

The people who make up the membership of local cooperatives don't want to be used by REA, NRECA, political socialists or, for that matter, anyone else. They want fair, honest dealings in government affairs just as they want honesty in their everyday lives. Many are truly concerned about the peculiar trends of "their" local co-ops and would like to do something to correct them, but they seem to be defeated at nearly every turn.

Congressman Robert H. Michel (R-Ill.), a critic of misuse of taxpayers' monies in REA, has charged that the REA approval of a \$110,000 loan to the Valley Rural Electric Cooperative, Huntingdon, Pennsylvania, to reloan funds to finance a ski resort ("News Highlights," Sept. 9, 1963, Electric Companies Public Information Program) is in direct defiance of a warning given REA by the chairman of the House Agricultural Committee. This is the second ski-resort loan made by REA. The other was for \$30,000 for snow-making equipment and lighting for ski slopes in Northern Illinois. This was over two years ago, but REA pays little heed.

The Colorado Springs *Gazette Telegraph* in an editorial on February 24, 1966, reported a "curious omission" in REA's *Bulletin 1-1* which supposedly lists all financial accountings for the electrical welfare programs: "Search the REA's *Bulletin 1-1* (all 264 pages of it) as we laboriously did, we fail to find any reference to any steam plant (or \$22 million) at Hayden, Colorado. Now in view of the fact that the plant, according to Associated Press, was begun in 1962, and the REA *Bulletin* supposedly includes all REA loans through December 31, 1964, we find the omission a little strange. Don't you? No wonder the judges ruled the plant illegal." (This had reference to the Colo-

rado-Ute Supreme Court decision declaring a \$22 million Colorado REA co-op electrical generating project illegal.) REA has not, as of the date of this paper, made any attempt to explain this curious omission to the *Gazette Telegraph*, nor to the taxpayers whose funds were misused.

This same type of story repeats itself throughout the REA dynasty, in California, Arizona, Colorado, Louisiana, Ohio, Oregon, South Carolina, Pennsylvania, Montana, Washington, and probably in all of the rest of the fifty states—and it gets worse, with taxpayers as well as co-op members the losers.

In the great sovereign State of California, the capital city, Sacramento, feeds at the federal welfare trough of REA to the extent of \$23,239,000 through a communal enterprise known as the Sacramento Municipal Utility District. All of the taxpayers in these United States are forced to subsidize the electrical “needs” of residents of this “proud” capital city of the “Golden State.”

Expansion of REA to Foreign Lands

U.S. politicians have now expanded the distribution of taxpayers' monies to the entire world. In the twenty-fourth annual meeting of the NRECA, held in Las Vegas, Nevada, February 13-17, 1966, Secretary of State Dean Rusk addressed the cooperators as follows:⁵³ “As Secretary of State, I am keenly aware of the extremely valuable contributions your association and its members are making to one of the most fundamental parts of the foreign policy of the United States: aid to developing countries. When we help other free nations to move forward—economically, socially, and politically—we help to build a more peaceful world.

“Less than five years have passed since the Humphrey Amendment to the Foreign Assistance Act of 1961 declared it ‘to be the policy of the United States. . . to encourage the development and use of cooperatives, credit unions, and savings and loan associations . . .’ in foreign assistance. It has been less than three-and-one-half years since your association (NRECA) signed its basic agreement with AID (Agency for International Development) to assist in organizing rural electric cooperatives overseas. Since then, you have contracted to undertake forty-seven specific assignments in twenty-two countries. You and your members and

⁵³*Rural Electrification*, March, 1966, p. 53.

the Rural Electrification Administration have provided a total of fifty-six specialists. In Latin America you have helped to organize twenty-one cooperatives in nine countries, have aided existing cooperatives in one other country, and have helped to start preliminary work on cooperatives in several additional countries.

"I should like to mention here the active role that several statewide rural cooperative associations have played in assisting the Partners of the Alliance Program. For example: Arkansas in Bolivia; Indiana in Brazil; Minnesota in Uruguay; Tennessee in Venezuela, and Wisconsin in Nicaragua. These voluntary contributions are in the finest American tradition."

These aforementioned "contributions" are used to help socialize every one of the so-called "free nations." Rusk continues his speech by quoting Vice President Humphrey's concept of cooperation: "In the cooperative idea, we are supporting one of the finest products of a democratic society."

Rusk devoted the balance of his time to South Viet Nam and the government program aimed at encouraging irrigation programs, soil reclamation, 35,000 new agricultural loans, and organization of agricultural cooperatives, which will include further expansion of NRECA plans. All of this is to be done in the guise of aiding freedom and peace.

On May 11, 1964, the President authorized loans to four electric co-ops in South America. The NRECA contracted with the Agency for International Development to negotiate a \$400,000 tax-supported loan to a rural electric co-op near Managua, Nicaragua. Three rural electrics in Colombia were to receive another U.S. loan totaling \$1.3 million. These co-ops are patterned after the REA co-ops, meaning that U.S. taxpayers are forced to support the foreign export of anti-capitalist principles.

In addition to Nicaragua and Colombia, REA cooperators were sent by the U.S. government to Bolivia, Brazil, Peru, Costa Rica, Dominican Republic, Ecuador, Guatemala, Panama, Uruguay, Venezuela, and countries in Southeast Asia, to proselyte for further establishment of cooperatives.

A Thailand government advisor told NRECA cooperators that he would advise against electric co-ops in that country. "The people," he said, "were too content and life was so easy that there was a lack of initiative." In spite of this, the NRECA manager stated, "The job will not be easily done (establishing U.S.-financed electric co-ops), but the job is there to do and I think

we should share the know-how to do it." But the question is, should the taxpayer be forced to do it?

In July of 1965, Congress approved an \$89 million appropriation for economic aid to Southeast Asia, \$5 million of which was earmarked for establishment of rural electric co-ops in Vietnam. This project will be accomplished thru AID in conjunction with a non-profit contract with NRECA, which has already made surveys and plans to build several REA systems in that country.

Additionally, REA cooperators are being financed by U.S. political government to establish electric co-ops in Korea. In justifying need for this proposed Korean project, NRECA's manager stated: "I do not believe that Korea's rural people should be deprived of an opportunity to take their place in the 20th Century. Tom Venables (AID official) and I both feel that there are areas in Korea that can support a rural electric cooperative and benefit immensely from the light and power it would supply."

The kind of political thinking that claims deprivation in order to further cooperation, using the coercive force of government for support of these programs, strongly resembles the Marxian concept of "From each according to his ability, to each according to his needs." It is not hard to determine which school of cooperative philosophy is followed in this approach.

The REA political sales program of the thirties was that the "haves" in the United States were depriving the rural "have-nots" and the result was the present REA political monopoly. Today, it is implied that the American "haves" are depriving the foreign "have-nots" and this expanded repetition is aimed at international political monopoly. The goal of cooperation is the same—socialism, the antithesis of freedom—whether local, national, or international, and history shows that the goal is fast being achieved.

Federal Mutual Bank for REA Co-ops

Increased addiction to this philosophy has led to a further proposal by NRECA and Norman Clapp, political administrator of REA: the creation of a Federal Bank for Rural Electric Systems.

At the February, 1966, annual meeting of the National Rural Electric Cooperative Association, in Las Vegas, the member co-ops of this "syndicat" adopted anarchist Proudhon's plan for a Federal Mutual Bank for REA cooperatives. NRECA hopes that this scheme will be born sometime in 1967 with Congressional

approval, forcing taxpayers to underwrite this communal venture to the tune of \$750 million.

This project is being sold to the public on the basis that it is a method to remove the REA program from tax subsidy to the private money market. The proposed mutual will have an intermediate loan rate supposedly varying with the cost of additional funds to be raised. Private investors would not be attracted to bonds, notes, or debentures unless they could receive a return more attractive than that already offered by tax-exempts in other areas of investment. (Tax-exempts are also taxpayer supported.) This would either raise the interest rate to many local co-ops or would create a need for a larger volume of tax monies to equalize a lower loan rate. Meanwhile, this does not eliminate the REA, which will continue to go on and on, in the lending of 2 per cent below cost monies, until twelve months after taxpayers have bought (through the REA co-ops) 51 per cent of the shares of the mutual bank in the names of the borrowing cooperatives—and this does not conclude the REA. Appointed politicians will run this mutual bank in the same cooperative pattern of organization as already legislated in other federal mutual banks, while the REA continues business as usual.

News Highlights, a publication of the Electric Power Companies, on May 31, 1966 reported that the House Committee on Agriculture opened hearings May 31 on legislation to create an "electric bank" for rural co-ops, with Secretary Orville L. Freeman strongly supporting the measure as necessary to "preserve cooperatives as permanent cooperatives are permanent segments of the rural economy." Secretary Freeman testified that administration Bills H.R. 14837 and H.R. 14000 would authorize a \$750 million Federal Bank for REA Cooperatives, and would add to, rather than replace, the existing 2 per cent REA loan program. The administration bill would: (1) take care of the money which co-ops could "reasonably expect" Congress to make available for loans; (2) remove many of the restrictions currently imposed upon REA loans; (3) provide the flexibility which will permit co-ops to strengthen their systems. Investor-owned utilities naturally are opposing the bill.

A second bank is proposed, a Federal Mutual Telephone Bank, for which Congress is asked to approve \$250 million. This would be patterned along the same lines as the "electric bank." The pres-

ent REA telephone loan program is made for improving or providing communications in rural areas. It is the result of an amendment to the REA Act approved by Congress on October 28, 1949, which authorized loans to existing companies and to cooperatives and other non-profit, limited-dividend, or mutual associations. The telephone loan program of REA is minor compared with the electrification program, but equally damaging, in principle, to a free economy.

One may ask, what is the reason for this Federal Bank for REA Cooperatives considering the fact that REA agrees that 98 per cent of the rural farms have been electrified? The stated reason is for the REAs to expand into the field of generation and transmission or production of electricity through gigantic combines of unions of local co-ops. This is in complete accord with the plans of Proudhon, who maintained that both consumer co-ops and producer co-ops could not survive individually, in an anarchistic society. He advocated the combination of both into producer-consumer combines, to successfully achieve the peaceful destruction of private property and profit-motivated capitalism. The REA plan for these giant producer-consumer cooperatives, supported by a national mutual bank advocating a non-profit or limited-profit means of exchange, is a facsimile production of Proudhon's "Mutuellisme," propounded in the early 1800's in France and once again come to life in the 1960's in the USA. Credit should be given where credit is due.

At this point I wish to agree with Professor Lambert relative to his comment on the Proudhon cooperative bank of the anarchists⁵⁴ (I shall not dwell on this federal mutual bank, for it would exceed the subject of this paper): "Let us be content with saying it would comprise technical flaws, namely, by causing inflation."

REAs Violate Principles of Cooperation

While nearly all cooperators claim to pattern their philosophy after the Rochdale principles (see page 41) in seeking freedom through cooperation, the root of the problem causing REA co-ops to be destructive of this purpose is the fact that REA and NRECA cooperators give sanction to methods which violate their own basic principles.

Let us examine Dr. Warbasse's "Rochdale Rules of Cooperation" relative to REA cooperative methods.

⁵⁴*Op. cit.*, p. 56.

(1) *Democratic control—one vote for each member.*

Simply stated, this is majority rule which is practiced in all co-ops resulting in "mutual" benefit, as derived from the action of 51 per cent of the members. Relative to the rights of the minority which could be trespassed upon by the majority, cooperators have repeatedly stated that since co-ops are voluntary organizations, any dissenter in the minority who anticipated individual damage to himself from any group action (majority rule), could resign voluntarily in order to protect himself. Additionally, it has been theorized that if a minority persisted with any action which might be *harmful to the cooperative*, the majority membership group should expel the minority dissenting group from the co-op. One can readily see the problems that can be generated by this policy. The determination of what is harmful to a cooperative *entity* is, for the most part, a strictly subjective matter which can present considerable confusion. For example, if the best interests of the individual members were to be served by selling the cooperative to a privately owned, profit-motivated enterprise in order to achieve lower electric rates, this would be harmful to the cooperative entity, but beneficial to the individual members. If a minority group favored individual benefits and the majority did not, the result could be either the forced resignation of the minority from the co-op or majority membership action mandating that they be expelled.

The position of cooperators in a problem such as this would be that elimination of the minority would serve the best interests of the cooperative entity, because individual benefits derived from anything other than cooperation would *not* be in the best interests of the cooperative. Basically, only those things that promote cooperation are considered to be in the best interests of a cooperative.

If the minority resigned or if the majority expelled the minority under the by-law provisions of the co-op, this would be consistent with voluntarism as advocated by cooperators, because the dissenting members had, upon joining the co-op, contractually agreed to these limiting provisions of majority rule.

REA co-ops therefore abide by "democratic control" or majority rule—even though it may be to the severe disadvantage of the minority. Additionally, no issue can be taken with the fact that local REAs follow "one vote for each member"—though this prin-

ciple presents serious problems, especially when applied to federations of co-ops.

(2) *Limited rewards to capital. Capital, if it receive returns, to have a fixed percentage which shall be not more than the prevalent legal interest rate.*

Basically, the REAs borrow money at an interest rate of 2 per cent. If the prevalent "legal interest rate" is presumed to be the average cost that government must pay to borrow money, this would exceed 4 per cent. REAs therefore borrow at one-half the actual cost of capital and are, in this action, consistent with principle No. 2.

On the other hand, where local co-ops borrow 2 per cent taxpayers' monies and then invest surplus co-op funds in 5 per cent revenue-producing, government-supported cooperative savings and loans, permitting a 3 per cent profit on 2 per cent money, it would appear that the REAs violate their own principles. But since there is no logical definition of "prevalent legal interest rate," one must assume that they are, for the most part, consistent with this principle.

(3) *Savings returns. Surplus saving, accruing from the difference between net cost and the distribution price of commodities and services, shall be returned to the patrons as savings returns in proportion to their patronage or used for beneficent social purposes.*

One can easily observe a violation of cooperative principle here. If the net cost of REA service were to include (as it properly should) the cost to the taxpayer of the 2 per cent subsidy, the taxpayer-supported REA administration costs, political expenses, tax-collecting expenses, and the additional burden upon taxpayers through tax-favored legislation and preferential treatment of REAs by government generating plants, the "net cost" would amount to an unbelievable sum.

Since REAs completely ignore these taxpayer burdens in determining patronage returns, co-ops are merely using a mistaken substitute formula for principle No. 3 which returns to their members "the difference between" taxpayer "cost and the distribution price."

Many REAs have distributed patronage returns to their members basing refunded monies upon this mistaken substitution

which they term "net cost." Recognition of this violation of cooperative principle would mandate repayment of all taxpayer support prior to distribution of any surplus savings to their members. One can see what would happen to the "distribution price" if REAs were to abide by this principle. The true costs of rural electrification would be so high that there would be very few co-op patrons—and for that matter very few REA co-ops.

Another violation of "net cost" is seen in another REA co-op practice. If a co-op makes a "profit" (also based upon taxpayer costs) in one particular fiscal year, these "surplus savings" are classed as patronage capital—to be returned to the members. If, however, the co-op goes in the "red" in subsequent years, the deficit is merely carried on the books and cannot be reduced by "profits" of prior years. All previous "profits" must be classed as patronage capital or membership returns and cannot be used to reduce subsequent deficits.

An interesting example of this practice was provided by the Desert Electric Co-op, Twentynine Palms, California, which was recently sold to private enterprise. This REA co-op was at that time one-quarter million dollars in the "red." Because a profit was made during two fiscal years of the first five-year period of its life (REA does not require repayment of loan principal for the first five years), these "profits" had to be returned to the co-op members prior to dissolution. The "profits" could not be used to reduce the cumulative deficit. Here we see that REA cooperators share their fictitious profits (at the expense of the taxpayer) but do NOT share co-op deficits. Since REAs ignore "net cost," they violate principle No. 3.

(4) Unlimited membership.

Actually, this principle in itself violates No. 1, "democratic control," because the co-op membership is subject to certain limitations, based upon majority rule. Since they are denied membership if they refuse to abide by majority rule and since the majority can expel the minority, this has the effect of limiting membership. Because of this inconsistency within cooperation itself, I believe that cooperators should seriously consider its elimination. Probably the question that should be asked is: Does "unlimited membership" violate "democratic control" or does "democratic control" violate "unlimited membership"? In either event, I leave it for the cooperators to decide.

(5) *Voluntary affiliation.*

Voluntarism is evidenced in the Declaration of Independence: "Governments are instituted among men, deriving their just powers from the *consent of the governed*..." which is nothing less than unanimous consent. Cooperators recognize this principle by requiring prospective members to waive unanimous consent in favor of majority rule prior to membership acceptance. If the applicant refuses, he is denied membership. If he agrees, unanimous consent has been obtained in that all of the co-op members have unanimously contracted to abide by majority rule. This is voluntarism and the recognition of the membership right of voluntary disassociation from the co-op is completely consistent with voluntary membership affiliation.

Voluntarism permits each individual to pick and choose that which he believes will benefit him. That which he believes will harm him, he can voluntarily discard. The result is individual freedom of choice. Basically voluntarism is freedom. But do Rural Electrification Administration co-ops practice "voluntary affiliation"?

Assume, for example, that you are a member of an electric co-op and you have found that in a neighboring area a private investor-owned utility is furnishing electric power at one-half the cost charged by the co-op. You are extremely pleased, and attend your local co-op board meeting to report your findings. The board may already know of this rate comparison or they may not, but assuming that they are already aware of it, but are unwilling or unable to lower the co-op electric rates to meet "comparable competition," what would you do? Probably, you would tell all your friends who were also co-op members and you might form a study-group to analyze all of the facts. Then, in accord with "democratic" processes, a spokesman for your group might offer your facts and conclusions to the co-op membership at the annual meeting. If your conclusion advocated selling the co-op to the investor-owned utility, even though it would be a beneficial move for every member financially, you could well find yourself in the position of the aforementioned minority. Assuming that, as a result, you either resigned from the association or were expelled by the group for your actions—"not in the best interests of the co-operative"—would you have been treated in accordance with the principles of voluntarism (unanimous consent)?

Let us examine the problem! Considering that your purpose in joining the co-op was to voluntarily purchase electricity, your voluntary relinquishment of unanimous consent as a requirement of the co-op constitution and by-laws actually became a part of the purchase price for the electric power. In other words, the purchase price consisted of two things:

- (1) The cost of power used by the consumer.
- (2) The requirement that the consumer become a co-op member (and be bound by majority rule).

It appears that since the purchase price of electricity included subjecting yourself to "rule by the majority," any action mandated by the majority would have automatically assumed your approval because upon becoming a member, you had in effect agreed that if the majority expelled you, this would be acceptable to you. Would you not have been treated in accordance with the principles of voluntarism?

Since your voluntary approval of the purchase price was obtained, even though it included subjecting yourself to a principle you may have disbelieved, there was no violation of voluntarism. You were not forced to use the electricity or pay the purchase price, and you could voluntarily have withheld your patronage or support. In fact, by recognition of voluntary disassociation, it must be agreed that REA co-ops practice voluntarism relative to membership affiliation. But do they practice it in every aspect of affiliation?

A statement made in 1829 by Dr. William King, of Brighton, a pioneer cooperator, proclaiming the voluntary nature of co-operation, leads us directly to REA co-op violation of voluntary principle:⁵⁵ "Cooperation is a voluntary act, and all the power in the world cannot make it compulsory; *nor is it desirable that it should depend upon any power but its own.*" (Emphasis added.)

Do REA co-ops depend upon any power but their own? Let us briefly review their method of financing to determine if it is in accordance with "voluntary affiliation." As we have seen, political government has mandated the Rural Electrification Act of 1936, which forces every taxpayer into compulsory support of the entire REA program. We are quite familiar with the 100 per

⁵⁵Lambert, *op. cit.*, p. 47.

cent financing these co-ops receive and the additional benefits at taxpayer expense covered under point No. 3 (page 73), to which we can add special low co-op postal rates, intra co-op personal loans, and loans now being made to authorize refinance of co-ops in financial distress. Though the list may be continued, it should be quite clear at this point that the taxpayer has a close *compulsory* "affiliation" with REA co-ops.

Herein REA co-ops violate "voluntary affiliation," the most important of all co-op principles. This is the basis of cooperation which is supposed to secure the individual freedom that pioneer cooperators claimed was being destroyed by political government. Violation of voluntarism can be stated as violation of freedom.

Such statements as those of Dr. Warbasse in his chapter entitled "Voluntary Action Versus Coercion"⁵⁶ amplify the seriousness of abandonment of voluntarism. "Cooperation, in contrast with political government, is an example of voluntary action and free enterprise." "Cooperation is voluntary, the state is compulsory." To which Cooperator Lambert adds: "Voluntary membership means that a cooperative should only comprise persons who have joined it voluntarily without being coerced in any way."⁵⁷

Lambert's statement brings up the additional problem existing in most states where REAs are granted political state franchises or delimited area-monopolies which actually *force* the prospective electric consumer to join the REA co-op or do without electric service.

In noting this problem by comparable example Lambert opines thusly: "But if a local authority decides to join a municipal electricity supply cooperative, a person living in that particular district is *forced* to avail himself of the services of that particular cooperative, even though he himself may prefer a capitalistic type of organization."

The political state hereby coerces the prospective customer into acceptance of socialist cooperation in such cases, thereby denying the individual freedom of choice. Since the REA-NRECA combine encouraged this state control, it is relatively easy to detect their antipathy for voluntarism, as well as which school of cooperative philosophy they are following.

⁵⁶*Cooperative Peace*, pp. 37-41.

⁵⁷*Op. cit.*, p. 84.

REA co-ops are compulsory political systems, the antithesis of voluntary cooperation.

(6) Business done for cash.

Once again REAs violate cooperative principle. One hundred per cent government financing, at 2 per cent cost on the basis of forty-year amortization, is far from the principle of "cash business."

(7) Allocation of a certain percentage of surplus savings for cooperative education.

REAs abide by this if one can class "surplus savings" as REA monies, but since these surpluses are truly taxpayer costs, the proper interpretation should be that REAs allocate a certain portion of taxpayers' monies for cooperative education. However, as "cooperative education" is probably a good deal different from REA-NRECA indoctrination, even this interpretation could be challenged.

(8) Class, political, and religious neutrality.

REAs are quite consistent with the "class" and "religious" portion of this principle, but relative to "political neutrality" the REA-NRECA political machine is anything but neutral, as testified to in previous pages of this paper.

(9) Expansion into other fields of service as proficiency is attained.

Considering that REA co-ops are not economically proficient by very reason of the fact that they must rely upon taxpayer support for survival, one can only assume that REAs have interpreted "proficiency" to mean the political variety. Since political "proficiency" has been obtained with the help of the coercive force of government, REA-NRECA cooperation is being expanded into nearly everything, including foreign "fields of service" such as the tax-supported export of their product.

Though their political proficiency exploits the productive people of the nation, I would not argue that they were inconsistent with point No. 9.

(10) Federation of cooperative societies toward international alliance.

Nine hundred and seventy-seven REAs belong to the National Rural Electric Cooperative Association, which in turn is a mem-

ber of the Cooperative League of the United States. The CLUS is a federated part of the International Cooperative Alliance. There is little question that REAs are consistent with "federation," but considerable question can be raised as to whether the REA-NRECA is truly a cooperative society.

Since these cooperative principles outlined by Warbasse have had considerable influence in selling cooperation, true cooperators of the voluntary school of cooperative thought should be worried by this utter disregard for principle as evidenced by the REA-NRECA syndicate of co-ops, for flagrant violations such as these can do serious damage to the entire cooperative movement. A point that should be noted by voluntarists is that the REA-NRECA political machine is following a course which can only end in complete compulsory political control—the antithesis of individual freedom.

In concluding examination of the principles, I wish once again to call upon the well-respected cooperator, Dr. James Peter Warbasse, who as early as 1956 showed concern for the destructive and dangerous tendencies of REA co-ops:

"I favored the government lending money to the societies on a strictly business basis, the societies to furnish adequate security for every cent borrowed, to pay interest, and to pay back the loans within a stipulated period—absolutely and without fail. My experience with business getting money from government for nothing had taught me the danger of the practice. I feared a combination of politics and cooperation."⁵⁸

Unfortunately, the history of the REA-NRECA co-op political combine indicates that Dr. Warbasse's fears were truly justified.

From Emergency Relief to Political Monopoly

We have seen a federal political program first begun in 1935 by presidential executive order, as a \$100 million unemployment relief program, expanded eight months after birth, with Congressional approval, into an entirely different program—a socialist electrical "welfare" program, designed to aid the needy and underprivileged farmer with electrification. We have seen the original growth of \$100 million into \$5 billion in REA-approved loans, an increase in REA co-ops to nearly 1,000 locals, the cooperative telephone loan

⁵⁸*Three Voyages*, p. 199.

program, and the liberal extension of REA taxpayer-supported lending into various other fields from ski-lifts to electronic mousetraps. We have seen the local welfare programs, in their desire to expand, form into a gigantic national union of co-ops (NRECA) which now lobbies for further taxpayer support and perpetuates its own survival by manipulation of politicians.

We have seen that local co-ops have lost their autonomy to their national union as well as to the state, by allowing themselves to become pawns of a gigantic political machine, which can be likened to Frankenstein's monster crushing anything in its path that may pose as opposition to its self-perpetuation. We have seen taxpayers' hard-earned dollars continually plundered by political government in order to feed the monster's ever-growing appetite. We have seen the machine force these plundered monies, not only upon our people, but upon those of other "free" nations, under the guise of "peace" and "freedom," and we have seen the latest attempt to force the paying-public to donate to the political domain—a national bank for cooperatives, which is to be the "frosting" for the REA "cake." All of this, in thirty years' time, has resulted from a "political mistake."

The picture is not a pretty one but it is an accurate one, and it can easily be referred to as political parasitism run wild. In the name of the law, political government saps the individual strength of the people at will for its own self-perpetuation. To those who claim that the answer lies in supporting politicians who will eliminate the problem, I must remind them that the REA is but a drop of water in the entire pond of socialism. If it were eliminated tomorrow, it would have little effect on the overall degeneration of the political system which would continue to expand in other areas. For example, if a Congressman were to examine each day one different government agency that is in competition with private enterprise, his two-year term of office would expire prior to a complete examination of all government businesses. And since he had "wasted" his time on the problems at hand, instead of devoting it to political expediency, the electorate would likely pass him over at the next election. Whether they want to or not, it is next to impossible for politicians to clean up the political mess they have created. Once created, socialist agencies expand, and as they increase in size and power, they eliminate taxpaying enterprises thereby increasing the load on every taxpayer. As the monster grows, "legal plunder" of the taxpayer continues and increases with further political expansion and will

continue to do so, until the day that individuals refuse to look to political government for answers. This destructive trend will be reversed only when individuals seek out answers for themselves. Naturally, a prerequisite to a return to freedom is the ability to recognize what freedom is.

The quote at the beginning of this paper and the one which follows are statements of Frederic Bastiat, French economist, statesman and author, made more than 100 years ago.⁵⁹ They are as appropriate today as they were then:

"This question of legal plunder must be settled once and for all, and there are only three ways to settle it:

- (1) The few plunder the many.
- (2) Everybody plunders everybody.
- (3) Nobody plunders anybody."

Bastiat gives us the moral answer, adopting No. 3, and reasons thusly:

"*No legal plunder*: This is the principle of justice, peace, order, stability, harmony, and logic. Until the day of my death, I shall proclaim this principle with all the force of my lungs. . ."

⁵⁹*Op. cit.*, pp. 23-24.

Roberta Wohlstetter's Pearl Harbor: Warning and Decision

by Charles C. Hiles

Lieutenant Commander Charles C. Hiles, U.S.N. (Ret.), is eminently qualified to write as an expert on the Pearl Harbor situation. On active duty for thirty-three years, he had extensive naval service in the Far East, going back to the period before the first Japanese invasion of Shanghai in 1932, when he was official observer and naval liaison officer, and including the war period. This gave him full and direct knowledge of the political situation in the Far East and of the relation between naval warfare and the communication systems involved. In the period when he was not at sea, he was trained in cryptanalysis by Laurence F. Safford, regarded by many as the most capable cryptanalyst of that period. Safford was head of the security section of naval intelligence communications at the time of Pearl Harbor. Long after the war, when he learned of Hiles' retirement and interest in Pearl Harbor, he encouraged him to begin research work on the subject and cooperated with him heartily for more than two years.

In retirement, Commander Hiles has devoted the last four years to an exhaustive study of the developments which led to the Japanese attack on Pearl Harbor and to the reasons why it was a surprise to General Short and Admiral Kimmel. According to historian Harry Elmer Barnes, "It is safe to say that no other student of this subject has accumulated as impressive a collection of information relevant to this theme. He is well advanced in the production of what should be the definitive work on this crucial event in American military and diplomatic history."

Dr. Harry Elmer Barnes¹ introduces the following review article by Commander Hiles.

Introduction

Dr. Roberta Wohlstetter's *Pearl Harbor: Warning and Decision*² constituted a landmark and turning-point in serious publications on Pearl Harbor and anti-revisionist historical writing in general.

¹Dr. Barnes has achieved international recognition as a pioneer revisionist historian. For details on his career and published works, see his "Revisionism: A Key to Peace" in the Spring, 1966 *Rampart Journal*, p. 8.

²Stanford, Calif.: Stanford University Press, 1962.

Until this time, the method pursued in seeking to obscure the actual responsibility for the fact that the Japanese attack on Pearl Harbor was a surprise to the American commanders there, was to blackout the evidence that revealed this responsibility. This procedure was well illustrated by Walter Millis' *This Is Pearl* (1947) and Herbert Feis' *The Road to Pearl Harbor* (1950). By 1962, this method had to be abandoned. Beginning with George Morgenstern's tour de force, *Pearl Harbor: The Story of the Secret War* (1947) and ending with *Admiral Kimmel's Story* (1955), a series of revisionist books and articles had so well established the facts about the surprise attack on December 7, 1941, that they could no longer be suppressed or blacked out, even by such adroit practitioners of this art as Samuel Eliot Morison, Millis, and Feis.

The problem then became one of how to admit most of the vital facts, save for Roosevelt's ultimate and overall responsibility, and still state them in such a manner as to obscure them and merely confuse readers other than those who were expertly informed on the crucial details. The technique decided upon was what has come to be known as the "historical blurout," which succeeded the "historical blackout" that had sufficed down to the 1960's.

Dr. Wohlstetter's achievement is the classic example of this new procedure. The importance of her effort to those determined to obscure the vital information that could no longer be dodged is revealed by the fact that it is said to be the most heavily subsidized anti-revisionist book, with the exception of the massive two-volume Langer and Gleason *The World Crisis and American Foreign Policy* (1953). In its way, it is as masterly a product of court historiography as the Langer and Gleason classic.

One can only admire, even marvel, at the patience and skill with which Dr. Wohlstetter has been able to fog and befog the cogent material about the surprise attack and avoid placing the responsibility where it belongs.³ If, as has been stated, Dr. Wohlstetter devoted seven years to the research and writing required to produce her book as printed, it would not be unfair to estimate that at least half of this time was devoted to so arranging and presenting her

³(Readers who are uninformed about the long controversy over Pearl Harbor should become familiar with the literature discussed in the *Bibliography of Revisionist Books* [Oxnard, Calif.: Oxnard Press-Courier] with March, 1966 supplement [Larkspur, Colorado: Pine Tree Publications], particularly the volumes by Charles A. Beard, George Morgenstern, Frederic R. Sanborn, Admirals H. E. Kimmel and R. A. Theobald, and the symposium, *Perpetual War for Perpetual Peace*.)

material as to distract attention, so far as possible, from the evidence that clearly incriminates the guilty parties.

Most of the important facts, other than those which evade even the most astute obscuration, are in the book but they are so enmeshed in the welter of verbosity, evasive rhetoric, semantic virtuosity, backing and filling, and defiance of logical inference and sequence that the overwhelming impression is given of political and military helplessness on the part of the Washington authorities in the face of insuperable complexity and confusion.

In reality, the responsibility for the Pearl Harbor surprise attack, from the Chicago Bridge speech of Roosevelt on October 5, 1937, to the appearance of the Japanese bombers over Pearl Harbor about 7:55 a.m. on December 7, 1941, is crystal clear and cumulative to all those who know the facts whether or not they are willing and courageous enough to set them forth for public enlightenment. The path to war is also straight, save for the switch which began with the economic strangulation of Japan in July, 1941, when it had become very likely that Hitler could not be provoked into an act of war in the Atlantic. Throughout, the architect and maestro of the bellicose design was Franklin Delano Roosevelt. Others were eager and skillful collaborators or helpful puppets. The bulk of the facts which support the truth are in the Wohlstetter book and any informed person eager to use them in its cause could produce an admirable manual on Pearl Harbor without going too far beyond the text.

Yet, it has been this very evasive technique which has made the Wohlstetter volume both the first masterpiece of the "blurout" method and the last serious effort to frustrate historical truth by this form of semantic acrobatics. It has proved far too vulnerable in the face of the facts which revisionist scholars have now assembled and effectively organized. As Professor Connors and I made clear in the spring (1966) revisionist issue of the *Rampart Journal*, the anti-revisionist contingent have already abandoned the "blurout" and adopted the "historical smotherout," based on irresponsible Germanophobia.

It is this situation which has enabled Commander Hiles to produce a treatment of Dr. Wohlstetter's book which is both a candid appraisal and an obituarial note on this sophisticated technique of frustrating straight-forward exposition of factual material.

Just such an obituary is especially timely on the twenty-fifth anniversary of Pearl Harbor. In a famous decision related to sterili-

zation laws in May, 1927, Justice Oliver Wendell Holmes observed that "three generations of imbeciles are enough." It is equally true in the historical field that three decades of frustrating the truth in regard to world history through what is bound to prove imbecilic historical writing is more than enough. We should be able to look forward to something more honest and dependable in the quarter of a century between now and the fiftieth anniversary of Pearl Harbor.

HARRY ELMER BARNES

A Candid Appraisal

On this twenty-fifth anniversary of the so-called day of infamy, it seems highly appropriate to call to account those who have since contributed to the perpetuation and aggravation of this infamy. It has been said that December 7, 1941, was the day that truth died. This is true in a sense, although it had been badly stricken in American administrative and diplomatic circles for months before that time. So far as the American people are concerned, the truth about Pearl Harbor has never emerged from the murk and debris of the deceit that preceded the calamity and followed the effort of those responsible for it to conceal their guilt.

It had one momentary chance, even before World War II was over, in the autumn of 1944. Making use of information they had received from honest government intelligence sources, John T. Flynn and others had discovered that the United States had broken the Japanese Purple Diplomatic Code in August, 1940, and had been reading all Japanese diplomatic messages for a year and a half before Pearl Harbor. Hence, President Roosevelt had good reason for expecting a Japanese attack on Pearl Harbor but had failed to warn the American commanders there, General Walter C. Short and Admiral Husband E. Kimmel. He gravely needed a surprise attack to enable him to get into the war with a united country behind him.

This information was delivered to the Dewey headquarters by Flynn and others, and a sensational speech was suggested for Dewey to deliver at the conclusion of his campaign. Roosevelt's "spies" at the Republican headquarters rushed this information to the White House and General Marshall elected to send one of his aides to Dewey to request, if not order, him not to deliver the speech. Marshall stated that this revelation would greatly endanger our

war effort because it would enable the Japanese to learn that we had broken their diplomatic code.⁴ This was disputable because the Japanese had learned that we had broken their Purple code in late April, 1941.⁵ Dewey was unaware of this and, unlike Roosevelt, put his obligation to his country ahead of his personal political ambitions. He cancelled the planning of the speech that could very possibly have won the election for him.

From this time onward, Roosevelt and his associates and successors have taken no chances. They have succeeded in keeping any significant part of the truth about Pearl Harbor from the American people. Most Americans even today are little better informed with respect to the responsibility for the Pearl Harbor disaster than they were before the first of the eight investigations, commissions, and inquiries about Pearl Harbor began less than a fortnight after the attack. Secretary Knox's first-hand report on Pearl Harbor, made within a few days after the attack, which in effect absolved Short and Kimmel of any dereliction of duty, was immediately suppressed by Roosevelt and never made public until after his death, and then by accident.⁶ The Roberts Commission was immediately created to pillory Short and Kimmel as the scapegoats, and defensive politi-

⁴*Pearl Harbor Attack*, Hearings Joint Committee, 79th Congress (U.S. Government Printing Office [Washington, D.C., 1946]), Part 3, pp. 1128-33.

⁵*Documents on German Foreign Policy, 1918-45*, Department of State (U.S. Government Printing Office [Washington, D.C., 1962]), XII, p. 661.

(For some reason which has never been officially explained, the Japanese continued to use their Purple code for their most secret diplomatic messages after they learned that we had broken it. Our cryptanalysts in both army and navy communications were dismayed when they learned that the Japanese had discovered that we had broken the Purple code, for they expected that they would abandon it and all the efforts that went into our duplicating their Purple Machine would have been wasted. The most logical explanation is that they wanted the United States to know that they wished to settle relations with the United States peacefully but, failing this, would go to war rather than submit to economic strangulation and political disgrace. They revealed both of these attitudes in their actual negotiations with the United States from April to December, 1941.)

⁶*Pearl Harbor Attack*, Part 5, pp. 2348-49, 2336-39.

(The manner in which the Knox Report "skeleton" was brought out of the Roosevelt closet is as follows: A friendly government officer tipped off Senator Homer Ferguson, head of the minority in the joint congressional investigation, to its existence in the Navy Department files, and one of Ferguson's aides found it there. On his personal request, the report was given to Ferguson but was never given to other members of the congressional committee or to the press. Every attempt was made to keep the content secret. The Roosevelt administration had never intended it to be public, the majority of the American public have never heard of it yet, and there is no realization that Knox absolved Short and Kimmel, especially since they were both relieved from duty right after Knox handed in his report. It was taken for granted that Knox had condemned them. Not even Admiral Stark had seen the report.)

cal and military pressure, making use of every kind of mendacity, perjury, mental intimidation, and memory failures, was thereafter able to prevent anything like the complete truth from emerging from the numerous investigations. It should be pointed out, however, as would be expected, that more truth was revealed in the army and naval inquiries than by the purely political joint congressional committee investigation. Yet in all fairness it should be said that no lawyer or politician in the joint congressional investigation exhibited greater talent, zeal, and persistence in browbeating would-be honest witnesses than Lieutenant Commander John F. Sonnett, who officiated mainly in the Hewitt Inquiry and was especially insistent with Captain Safford and, purportedly, with others.⁷

The public has not benefited much more from the literary work done on Pearl Harbor. Beginning with Walter Millis' *This Is Pearl* (1947) and continuing with Herbert Feis' *The Road to Pearl Harbor* and Professor Samuel Eliot Morison's *The Two-Ocean War*, the blackout establishment has done its best to perpetuate the "day of infamy" legend and to suppress or ridicule the facts about the responsibility for the attack and for its being a surprise. So far as public knowledge is concerned, the apologists have been highly successful.

But a number of honest investigators, beginning with John T. Flynn's first brochure in late 1944, and continued in the books of George Morgenstern, Charles Beard, Frederic R. Sanborn, Charles C. Tansill, William Henry Chamberlin, and the contributions to *Perpetual War for Perpetual Peace*, edited by Harry Elmer Barnes, uncovered the facts as to why Roosevelt wished to have any attack and the reasons why it had to be a surprise attack by Japan.

The blackout establishment has been highly successful in keeping these extremely important works from the public gaze but they could not keep them from some scholarly notice.

Pertinent to this contention and indicative of Dr. Wohlstetter's complete bias is the fact that, in her preface to *Warning and Decision*, not one of these books received even passing attention, whereas "such excellent, objective studies" as the works of Butow, Feis, Langer and Gleason, Millis, and Morison all received special mention as authorities for her research material. This per se is sufficient to show that Dr. Wohlstetter was interested in exploring only one side of the controversy.

⁷*Pearl Harbor Attack*, Part 18, pp. 3345-46, (4), (6), (8), and (9).

Even those consecrated to protecting President Roosevelt and his associates who brought on the surprise attack became convinced that they could no longer succeed in this mission by the blackout procedure. It was deemed necessary to admit most facts that were established beyond peradventure of a doubt, other than those which pinpointed the ultimate responsibility on Roosevelt himself.

The change which they decided upon strategically appears to be responsible for the writing of the Wohlstetter volume. The facts about Pearl Harbor that are not too devastating to the Roosevelt record or seem possible to be safely included are recognized and embodied in the narrative. But their relevance and significance as to the total story of Pearl Harbor are obscured by a welter of verbiage, semantic acrobatics, alibis, inconsistencies, and diversionary rhetoric, leaving any general reader as much a victim of the "day of infamy" fantasies as the earlier blackout technique of Millis, Feis, and Morison.

Considering its formal scholarship and the meticulous care with which it was organized and written, and the enthusiastic reception accorded it by purportedly competent reviewers, the Wohlstetter book is probably the most formidable and best publicized work on the subject that has appeared during the last decade. For this reason alone it should have produced the optimum for its declared objective—a reliable, close study of all the important phases of military intelligence, and a judicious assessment of the known facts. Because of its failure to attain the high degree of perfection to be expected of such a pretentious work, it has been selected for this brief critique in the hope that the American people, on this twenty-fifth anniversary of the tragic affair, will be moved to demand an honest re-examination of the problem.

Pearl Harbor cannot be disassociated from World War II and its causes. It was the ultimate, inevitable, and logical conclusion to some three decades of international diplomatic skullduggery, in the course of which Japan had, invariably, emerged with the "short end of the stick." At times she had been allowed to play the role of partner in the several Pacific power-pacts but was, almost invariably, the target for doublecrossing by one or more of the great powers.⁸ Japan always understood this and had no illusions about her position in the Pacific. Accordingly, she played her cards close

⁸(For a revisionist survey of American relations with Japan from Perry to MacArthur, see W. L. Neumann, *America Encounters Japan* [Baltimore, Md.: Johns Hopkins Press, 1963].)

to her chest. The attack itself was not really desired by Japan because, despite the prejudicial opinions held by many nations, Japan actually had a wholesome respect for public approbation and the niceties of international negotiations under reasonable and amicable conditions.

Indeed, the exemplary manner in which Nomura and Kurusu performed their most difficult, arduous, and completely hopeless task under the bludgeonings of the Roosevelt-Hull-Stimson team,⁹ aided and abetted by the several great powers, must win the admiration of all students and practitioners of the art of statecraft and diplomacy. These men, always ready and willing to mediate on every controversial point and prepared to compromise, reflected the real sentiments of the Japanese people and their government. True, there was a belligerent and bellicose element among the Japanese leaders who had been stung into fury by the contempt of the Western powers and their continuous and studied programs of denial, humiliation, and embarrassment for the empire; but we also had such a group here in America whose argument for justification of intervention was founded on far less provocation than that of Japan's war party.

Yamamoto, the genius who planned the attack, was really opposed to the war and warned his government that if it could not be won in a year, he could not promise a successful outcome. The attack was one of desperation. Japan had been euchred into a position whereby war or economic strangulation, national dissolution, and diplomatic disgrace were the alternatives, and without the element of surprise she would have been faced with the combined potential of the ABCD powers. Dastardly as it appeared to us, at first, it was, for them, the logical move to make, and they had practiced it in the past on several occasions, of which the entire Western World was well aware.

In *Pearl Harbor—Warning and Decision* Dr. Wohlstetter has treated us to a fine exposition of equivocative rhetoric. She has produced a very effective treatise for those who will be content with a seemingly satisfactory rationalization of the failures that, presumably, facilitated the attack on Pearl Harbor with its disastrous results. For the uninformed and those who care little for the truth, the work has been completely acceptable. It is more than welcome, as a definitive effort to smother, for all time, the pertinent facts respect-

⁹(Barnes, *op. cit.*, pp. 30-34.)

ing the disaster and to allow the American conscience to retain, at all cost to honesty and integrity, its questionable claim to righteousness and self-respect.

The book is, by far, the best effort thus far made to disarm the conscientious and objective seeker for the truth, in that it offers a new palliative for easing the American mind in the matter of deceit, evasion, equivocation, out-and-out denial of provable facts, double-talk, and gobble-de-goop, in the concerted efforts of those who would banish forever from American closets the disgraceful skeleton of Pearl Harbor.

But this skeleton refuses to be banished until such time as there is a return to the American concept of justice and fair play, and the people are sufficiently aroused to re-submit the problem of Pearl Harbor to the light of complete and impartial scrutiny. The ghosts of some three thousand who perished there will never rest, nor will the tragic page of perfidy and perjury ever be turned, until justice has been done to those who were crucified in the interests of sheer political expediency.

Dr. Wohlstetter introduces a new note of apology that has been sufficiently sugar-coated to render it palatable to many, but not to those who understand the problem and come under her indictment. We are now invited to believe that Pearl Harbor was brought on by a complete breakdown of the intelligence systems of the Army and Navy at Washington and Pearl Harbor, and the bungling of the evaluations made of such intelligence (Magic) that managed to "trickle" through to those in higher echelons. But she removes the sting by ascribing such failures, in essence, to human frailties and a super-abundance of "noise" that tended to confuse the "signals" she so nicely tabulates in the form of handy statistics to support her conclusions. As Dr. Harry Elmer Barnes has expressed it, Dr. Wohlstetter has moved on from the technique of the "blackout school" to that of the "blurout school" in obscuring embarrassing facts.

In her account Dr. Wohlstetter has made it a point to over-emphasize the most insignificant human failings by certain individuals at Washington and Pearl Harbor—many so superficial as to have had little or no real bearing on the success of the attack, but which will appear quite impressive to the uninformed. She completely ignores the far more important factors. No service officer at the time of Pearl Harbor, or now, will deny that there were human failings and some ineptitude and inefficiency. These there have

always been and always will be, human nature being what it is, whether in civil or military affairs, but to assert that these to any appreciable extent caused, or even contributed substantially to, the surprise and success of the Pearl Harbor attack is to ignore completely the known and provable facts which must, some day, be inevitably faced and judged.

Dr. Wohlstetter very neatly sidesteps the self-evident fact that at Pearl Harbor all normal procedure and performance had been abridged or contravened by Washington with its cryptic instructions for dubious action, denial of intelligence well known in Washington, failure to provide the material of war with which to accomplish the tasks set by Washington, of offense or defense (it was never clear just what was expected), and the final denials (very adroitly and effectively accomplished) of the prerogatives of field commanders to make decisions on their own account. Either through ignorance or a disregard of the readily apparent causes therefor, she wonders at the "paper" organizational set-ups which bore so little resemblance to actualities. Normal functions *were* out of line and the gears were *not* meshing but this was due to far deeper underlying causes than the superficial failings so heavily emphasized by Dr. Wohlstetter, who, having so keen an ear for "noises," should have recognized and correctly interpreted them.

In Washington, the situation was no less confused. It was actually still more complicated for the reason that the ramifications of the executive organizational set-up were more far-reaching and extensive, but the effects of the "monkey wrench" which had been tossed into the machinery were no less effective there than at Pearl Harbor. In the attempt to control the march of events to coincide with the administration's designs, it was essential that all previously devised contours of operations for harmonious and intelligent action, inter-servicewise and intra-servicewise, be so distorted or contravened as to appear to be the result of coincidence, stupidity, fallacious judgment, or a combination of all these.

That so many subordinate officers (but of considerable rank and experience) were baffled and bewildered is fully comprehensible when one considers their anxiety and despair, and their several frantic attempts to deliver intelligent and adequate warnings to Pearl Harbor. Training and experience of a lifetime and devotion to duty and loyalty to the nation demanded such action but an invisible political wall had been erected which they could not get through or over. The unseen "monkey wrench" was having its effect;

the gears *were* grinding, producing plenty of "noise" but of a far different kind than that heard by Dr. Wohlstetter.

There is no need to elaborate here on the mechanics of this figurative operational "monkey wrench." It was a hydra-headed thing of which considerations of space prohibit any detailed exposition in a brief discussion such as this.

It is pertinent, however, to offer the views and motivations entertained by this reviewer, which are:

- (1) To prevent, if possible, a recurrence of Pearl Harbor.
- (2) To exonerate those who have been unjustly accused of serious culpability in the matter, restore their erstwhile fine reputations, and make such restitution as is still possible.
- (3) To place the responsibility squarely on the shoulders of those who were really at fault.
- (4) To correct the historical record for the benefit of posterity.

No attempt is made here to justify, or to criticize, the motives of President Roosevelt and his advisers in following the fateful course they did. That must remain the task of students and researchers far more expert and erudite in this field than myself. It is assumed that the administration, to whatever lengths it went in lying to, and deceiving, the people and the Congress, believed that it was acting for the public good in pursuing its disastrous foreign policy. It is even assumed by some, such as Professor T. A. Bailey, that the administration honestly believed that the people were too stupid to "know what was good for them." Yet all of Roosevelt's propaganda and brainwashing had not succeeded in its deceptive purposes. Right down to the morning of the attack on Pearl Harbor, the overwhelming majority of the American people were opposed to our going to war unless we were attacked. Whether the Congress of the United States was included in this presidential assessment of defective American acumen is not clear; but one thing is certainly obvious. Considering the critical stage to which this country has come in 1966 and the general demoralization of the entire world, resulting from the imposition of President Roosevelt's alleged wisdom and paternalism, one can only conclude that the people, stupid as they were presumed to have been, could not possibly have done better than they did by opposing war down to Pearl Harbor.

The criticism here is directed against the Big Lie, which has been resorted to in various forms in the effort to cover up the facts regarding the war with Japan and the attack on Pearl Harbor. The

people can be expected to be reasonable and forgiving for human errors of judgment on the part of the administration. No man is infallible and a margin of error can be allowed, but under no circumstances can there be found any validity for, nor can the people condone, the preposterous and outrageous blanket of lies, evasions, ambiguities, and perjury under which the truth about Pearl Harbor has thus far been smothered. That innocent people should suffer, that erstwhile splendid reputations should be ruined, that capable and patriotic officers of national reputation should remain, to this day, humiliated and embarrassed and helpless in their efforts to gain an equitable public hearing and judgment is an appalling matter for any American who believes in truth and justice.

The basic contention is here made that:

- (1) The Japanese government sincerely desired to maintain peace with the U.S. on terms that "fully protected all of our valid interests" in the Far East, but the U.S. government, by its harsh, unremitting, diplomatic and economic pressure on Japan, deliberately provoked her into a decision for war for which she had no other safe or respectable alternative.
- (2) The attack on Pearl Harbor, while deliberately planned by Japan as a last resort, would not have taken place had our government (a) displayed a modicum of understanding, tolerance, and consideration for the claims of the Japanese which, in all fairness, did have substantial validity; or (b) taken advantage of the secret information conveyed in the Japanese intercepts adequately and properly to warn Pearl Harbor of its jeopardy. By this deliberate failure on two basic counts, and its subsequent persistent and ruthless attempt to cover up the guilty, and defame the innocent, the administration became, *ipso facto*, an accessory to the crime both before and after the attack.

In her apparent aim of investing the intelligence and warplanning services of the Army and Navy with responsibility for the surprise Pearl Harbor attack, however charitable she may appear to be, Dr. Wohlstetter has treated the attack almost solely as an isolated incident, the blame for which can be fixed on certain individuals with whatever extenuating circumstances, forgetting completely the inevitability and immutability of cause and effect. She appears to regard Pearl Harbor in relation to World War II in much the same sense that popular belief related the sinking of the *Lusitania* to World War I. She appears to ignore the probability that, within a

few days, we would probably have gone to war anyhow to implement our secret commitments made in March and April, 1941, to defend decadent empires; that Japan gave us a "face saver" in that she had "fired the first shot" which was so much needed by the administration in its desire to enter the war with "clean hands" (God save the words) and with unified public support.

Ironically enough, in the final analysis, we fired the first shot,¹⁰ albeit only one hour in advance of the fatal event, under proper auspices, but too late to ward off disaster. But for the weird policy of allowing the Japanese the "first shot," our own shot, had it been fired earlier, as well it might have been, would have given President Roosevelt the "incident" he so ardently desired and with no penalty. And so, posterity will have to reckon with that detail in judging the quality of our rectitude as balanced off against that of the Japanese. Dr. Wohlstetter has failed to peek behind the scenes even once, or to attune her ears to the real source of the "noises" that muffled the "signals."

No proper assessment of the Pearl Harbor problem can be made without recourse to a study of the background of U.S. foreign policy. Sound judgment cannot be rendered merely by an appraisal of the performance of selected individuals, acting under restraint and compulsion, and in the totally alien atmosphere that then pervaded the Washington scene whereby tradition, training, and patriotic attributes became the casualties of a weird, inexplicable, and completely incomprehensible war policy. In her final assessment, Dr. Wohlstetter leaves us with the impression that military and naval intelligence are worthless as media for determining enemy (or potential enemy) intent and capabilities. We are compelled to inquire if she is suggesting that we rely on a crystal ball for such guidance in the future. Just what does she recommend? Just where does the ideology of her sponsors, the powerful Rand Corporation, fit into the picture? Does Dr. Wohlstetter seek to pave the way for the militant "diplomacy of violence," set forth by Professor Thomas C. Schelling of Harvard University in his recent book, *Arms and Influence*, as seems to be implied in his eloquent foreword to her book?

Along with her biased and unrealistic conclusions is another be-

¹⁰(A full hour before the Japanese air attack on Pearl Harbor, the commander of the U.S. Destroyer *Ward* radioed Pearl Harbor: "We have attacked, fired upon, and dropped depth charges upon a submarine operating in the defensive area." The operator at Bishop's Point naval radio station acknowledged receipt." George Morgenstern, *Pearl Harbor: The Story of the Secret War* [New York: Devin-Adair, 1947], p. 29.)

setting sin, that of omission. While more forthright on this matter than the earlier blackout contingent, she has disregarded much that is pertinent to Pearl Harbor. In other words, along with the Orwellian devices of "newspeak" and "crime-stop" (failing to carry discussions through to their logical conclusion), with which her book abounds, she has not lost sight of the indispensable resources of the "memory hole." I use the term "disregarded" because not even the most charitable appraisal can concede it to be otherwise. Surely, "overlooked" would be inappropriate. No careful and thorough research student could have culled from the published record and her numerous interviews so much that was authentic without turning up the many unpalatable, unwholesome, but nonetheless well-substantiated facts that shed far more light on the problem than did the "noises" she emphasizes. That these facts were deliberately ignored is self-evident, and that they remain clamoring for attention cannot be denied. As to why they were ignored, we are left to speculate, although it is not too perplexing to the initiated.

It has been suggested that Dr. Wohlstetter may have invaded strange and unfamiliar territory in which the technical know-how requires much previous experience in the art of warfare on sea and land and highly specialized training—a field from which the gentler sex has been thus far excluded—but from this I shall desist. However strongly I may disagree with her conclusions, I will concede that she has done a very adroit and persuasive job in presenting her views on an utterly alien subject, and has been very convincing for the uninformed. By and large, she has not been seriously challenged except by those who are professionally acquainted with the facts. I hope there will be enough of such persons successfully to contradict her! I hope, too, that if she chances to read this critique, she will understand that my comment is courteously offered, solely and strictly from the standpoint of objectivity and without any personal bias against her or her sex.

It is regrettable that the intellect that was capable of producing *Pearl Harbor—Warning and Decision* and the long years of labor devoted to it, not to mention the prominent foundation that sponsored it, could not have been combined to provide a more diligent and unbiased search for truth and objectivity, and given the people of the United States a literary monument of real worth rather than another court-historical effort to obscure the failures of those into whose hands we entrusted our lives and fortunes in perhaps the most momentous crisis of modern times.

A Look at Conscription, Then and Now

by James J. Martin

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Not long after the national nominating conventions named President Lyndon Johnson and Senator Barry Goldwater as the contenders for the presidency in the election of 1964, both men astounded large elements in the country by pledging to work for the termination of conscription, if elected. These promises were headline news in several of the country's largest newspapers in the middle of the summer, and excited a goodly volume of discussion and comment.

One hesitates to suggest that either candidate or his entourage considered such a policy move a majority desire. But undoubtedly it was prompted by the feeling that enough people were of such persuasion as to represent a juicy parcel of votes. A Gallup poll released just before Christmas, 1964, corroborated this surmise. It revealed that 23 per cent of their national sample believed the draft should be abolished, while another 14 per cent were in doubt as to the wisdom of continuing this institution.¹ These two combined constituted a rather tidy fraction of the national community, and indicated a significant deterioration in a state of mind which, over the last quarter of a century, seemed growingly committed, with few dissenters, to this totalitarian service for its young men as far ahead as anyone might care to peer.

¹A subsequent Gallup poll in ninety-seven colleges revealed 61 per cent of the men favored continuation of conscription, but with 37 per cent favoring dependence upon the volunteer principle. See the two American Institute of Public Opinion copyrighted stories signed by George Gallup, "People Still Favor the Draft in Principle," *Los Angeles Times*, December 23, 1964, part 1, p. 11, and "Students Back Draft Continuation 6 to 4," *Los Angeles Times*, May 7, 1965, part 4, p. 18.

The revival of conscription as an arguable issue has been an electrifying event, at a time when it seemed as though the paying of the Confederate debt was more likely to gain the agenda as a discussion topic, so many people having become adjusted to compulsory military service as one of the endurable pillars of the American way of life. Of course, these would not include the number acquainted with the eloquence of Daniel Webster during the War of 1812, denouncing suggestions that this country adopt such a program then, as little more than reliance on the artifices of distant tyrants.

The state everywhere owes a profound debt to this handiwork of the French Revolution, brought to a high polish later by Napoleon I. But it was not until the First World War that the modern industrial national states perfected it into the science which it has become. And it has been the complement to universal suffrage in the evolution of the ant-hill society; the common man has had proffered to him the ballot in one hand and the rifle in the other; the two have usually accompanied one another, even if at an irregular pace.²

As far as today's collegians are concerned, perhaps there is an aspect of confusion and mystery connected with this stage of the situation, since an overwhelming majority seems to believe that a period of compulsory military service has been a thing American males have always had to look forward to. And some of those fighting for its dissolution know so little history that they imagine they will be the first eligible youth free from its grasp since colonial times, if not from those of Genghis Khan. But there is a goodly fraction of their teachers whose whole college careers, graduate work and all, were spent entirely in an era when the cold breath of the draft did not blow on the nape of anyone's neck.

The writer belongs to the last college generation (four years, the usual time span necessary to attain the bachelor's degree, is considered a generation in this context) which were able to spend at least part of their undergraduate life unconfronted by compulsory military service in peace time. Possessors of one of the original draft cards, issued in mid-October, 1940, have become as elite a "club" as those holding Social Security cards beginning with an "001" number.

²See especially Hoffman Nickerson, *The Armed Horde, 1793-1939: A Study of the Rise, Survival, and Decline of the Mass Army* (New York: Putnam's, 1940). It is obvious that Nickerson's subtitle was too ambitious, in view of the fantastic expansion of the "armed horde" in the six-year planetary bloodbath which followed its writing.

The majority at that time trudged off to register with the morale of a steer being led into an abattoir. But at least there was the general atmosphere that something unusual was happening, and a widespread unhappy and depressed sentiment prevailed; the circumstances under which this revolutionary change in policy was taking place charmed very few of those involved.

"The Panic Is On" was the title of one of the swing-music hits of the time. And indeed it was, though the peace-time draft was a reflection of a somewhat different one. This panic was the one induced by the successes of the German military machine in Scandinavia, the Low Countries, and France in April, May, and June of 1940, before which the vaunted forces of the French and British had folded like an oriental fan, despite enjoying vast material and manpower superiority.

Bi-partisan supporters of the foreign policy of the Roosevelt administration, with its powerful favorable predisposition toward these latter countries' regimes, promptly contributed to the hysteria by helping to float scare stories of imminent invasion of this country. Before the end of the summer, eyes were already being raised skyward, in expectation of seeing Adolf Hitler's paratroopers descending on Des Moines, Keokuk, and points elsewhere. *Life* magazine, just over three years old at the time and ready to try anything, had a generous hand in this spate of palpitation, publishing on the heels of the Anglo-French debacle three pages of sketches, drawn as far back as March, 1939, and based on advice from "the best available military advisers in Washington," which described an easy aerial and naval invasion of the United States from both West and East simultaneously.³ It was obvious that there was no objection from high places to this incubation of morbid anxiety and consternation, and its contribution to popular panic which helped depress opposition to "defense" appropriation legislation was never estimated, let alone its part in diverting attention from the flurry of conscription proposals, which events of that moment also inspired.

³*Life*, June 24, 1940, pp. 16-19. Roosevelt himself entered the arena of fright propaganda in his address before the Navy League dinner in Washington late in October, 1941, when he told the audience he had gained possession of a "secret map" prepared by Adolf Hitler which showed South and Central America carved up into five vassal states of Germany, and also a "secret Nazi document" which revealed the intention to "abolish every religion in the world" and replace them by an "international Nazi Church" and with Hitler's *Mein Kampf* to take the place of the Bible. *Time*, November 3, 1941, p. 11, soberly reported this as fact and no one laughed.

A formidable team of journalists, aided by radio and newsreel commandos, and supported by a contingent of completely unhinged educators, shrieked of our utter inability to fend off the horrid "Narzies," to use the pronunciation of Britain's Winston Churchill. Though unable to cross the twenty-six miles of the English Channel, by some magic they were expected to drop unopposed upon mid-America, 4,000 miles away. (One route which they were expected to take was via the hump of South America, in which case the Germans would have been performing a stunt comparable to moving back to Istanbul for a running start. One must keep in mind, of course, the limitations of the propeller-driven aircraft of over twenty-five years ago.) It was of interest to those who resisted these efforts to dissipate their skeptical judgment to learn in 1945, when General George Marshall filed his final report as chief of staff, that no evidence could be found that the Germans even had a coherent plan for controlling Central Europe, let alone entertaining grandiose schemes for overpowering the United States.

This was part of the emotional climate prevailing when Congress undertook debate on bills to provide vast "defense" spending.

An idea of the effect of this invasion-scare program can be gained from observing the behavior of the representatives of the people, who argued long and cantankerously over an appropriation bill of \$363 *million* for building warships in 1933, but passed an appropriation bill of some \$8 *billion* with scarcely a murmur in the summer of 1940. Of course, an immense conscript armed force to use the martial hardware which would presumably result from this "defense effort" was also on the legislative agenda; the thesis that if the country was really in danger, such manpower would have been readily forthcoming via the volunteer system, was never allowed a test. The fact that majorities of 80 per cent and over stubbornly refused to support entry into the war by the administration right to the day of the Japanese attack on Hawaii on December 7, 1941, indicates the degree to which the scare propaganda of imminent invasion of continental United States (Hawaii was an island possession 2,000 miles away, not a state, in those days) was discounted.⁴

⁴The state usually finds printed limitations on the exercise of power, such as constitutions, particularly expendable in war time, and all states when feeling especially endangered resort to such means as they consider they must in order to sustain themselves and preserve their life and tenure. Reproaching the citizenry at large for its lack of devotion to this goal is a widely-employed tactic in modern times. One may recall David Lawrence's scolding and rebuke to the faint-hearted during the war: "To refuse to assist the State is to con-

In any event, by the end of the summer of 1940 the representatives of the people had passed and Roosevelt had signed the Selective Training and Service Act, often referred to as the Burke-Wadsworth Act, from the names of the bi-partisan pair who introduced the bill, Senator Edward R. Burke and Representative James W. Wadsworth. This was the first compulsory peace-time military service bill ever passed in United States history, and with a number of modifications in the more than a quarter century since, it remains our basic conscription law. The Burke-Wadsworth bill was not the only measure proposed, but it ended up being the one adopted. With Roosevelt's signature September 16, it provided for the registration of all men between the ages of 21 and 36, and for the training for a calendar year of 1,200,000 troops and 800,000 reserves. On October 16 was begun the job of registering 16,400,000 men. Those selected were drawn in a lottery, beginning October 29, and the first draft notices began to be received in November. (This writer remembers being one of the first to receive the famous "greetings" but recent recuperation from a near-fatal illness, involving pneumonia and various complications, did not make for ready acceptance.)

A fantastic amount of undercover work was represented in this conscription act; many persons of diverse political persuasions contributed their labors in its behalf. The work of a powerful and wealthy Anglophile "conservative" element drew much attention in the four months before the work ended in law. An influential "liber-

done the suicide of the State." ("Do We Deserve Peace?" *U.S. News*, March 17, 1944, p. 28.) In the first weeks of unwarranted terror after the Japanese bombing of Pearl Harbor in December, 1941, a belief took hold in certain circles of national leadership that a massive invasion of the U.S. Pacific Coast was impending, and there was even talk of withdrawing all forces and population not only from the Pacific islands but from the entire coastal area and conducting a prodigious migration back to the Continental Divide, with the suggestion that a last-ditch defense be thrown up somewhere in the vicinity of Denver. It was probably as a result of such ionospheric hysteria that the decision was made to deport all the Japanese residents of the Coast states to concentration camps in the interior, a breach of the Bill of Rights on a scale so large as to beggar the sum total of all such violations from the beginnings of the United States down to that time. Speculation on the panic in Washington referred to above has never abated, though little has ever been dared to be said about it. Virtually the only published memorandum referring to it is contained in Helen C. Lombard's *While They Fought: Behind the Scenes in Washington, 1941-1946* (New York: Scribner's, 1947). On the Japanese expulsion the ideal starting point is Morton M. Grodzins, *Americans Betrayed: Politics and the Japanese Evacuation* (Chicago: University of Chicago Press, 1949).

al" sector of opinion makers, after first backing a universal training suggestion, also found their way to this side of this draft proposal.⁵ Undoubtedly, the former element, in addition to their ardent sensitivity toward the cause of certain British Tory leaders at grips with the Germans at that moment, also thought of conscription as some kind of political therapeutic. As Lawrence Dennis analyzed them in his acerbic critique, "Many, for example most of the members and supporters of the Civilian Military Training Camps Association, favor conscription because they believe it will be a force for conservatism and an antidote for the subversive isms and for revolution. In this belief they are 100 per cent wrong."⁶ Dennis, of course, was proven absolutely right. But probably the most concise analysis had occurred forty years earlier. "Universal, conscript military service with its twin brother universal suffrage has mastered all continental Europe, with what promises of massacre and bankruptcy for the Twentieth Century!" exclaimed the celebrated French historian Hippolyte Taine, in 1891, in his *Origines de la France contemporaine*. One could only remark in extension that the slaughter of 1914-1918 had proven insufficient illumination of M. Taine's vision, apparently, as everyone began to get ready for another round of murder, robbery, and destruction.

The new conscription act promised to be somewhat more grimly and stringently enforced, if its stipulations were to be believed. Though Roosevelt on registration day spoke expansively about this being a reviving of "the 300-year-old American custom of the muster," this must have caused his speech writers as much heartburn as Robert E. Sherwood confessed to have suffered every time he heard the part of Roosevelt's 1940 Navy Day speech in which the promise

⁵For the people and the arguments supporting conscription in those heated months, see in particular Porter Sargent, *Getting US Into War* (Boston: Porter Sargent, 1941), pp. 396-432, 442-447, 470-488. This book, by the author and publisher of the celebrated *Handbook of Private Schools*, undoubtedly contains the most formidable compendium of material relating to the war drive of the Roosevelt administration between 1939 and 1941, and the sources of its opposition.

⁶Dennis, *Weekly Foreign Letter*, August 24, 1940. This crisply written, privately circulated publication infuriated pro-war elements as much if not more than anti-involvement newspapers with circulations in the millions; apparently they did not forget, once the war so dearly desired was a reality, for in a matter of months thereafter Dennis was indicted for "sedition" and became one of the defendants in the ludicrous trial which collapsed with the death of the trial judge in 1944. The best account of the disintegration of this politically motivated legal burlesque is the book co-authored by Dennis and Maximilian St. George, *A Trial on Trial* (Chicago: National Civil Rights Committee, 1946).

was made "again and again and again" that no Americans would be sent off to "foreign wars," Sherwood having written this succulent tidbit. In the case of this conscription procedure, there really was no one kidding anyone; this was compulsory, and utterly unrelated to the colonial muster. A violator was guilty of a felony, not a misdemeanor, as had been the case in the First World War; the law provided for a penalty of five years in prison or a fine of \$10,000 or both.

There is little material on the subject of evasion during World War I, and little more on the subject of conscientious objectors. There had been about 1,300 of the latter in the First World War, and something was known about their treatment during the war years. What remained an obscure subject was the degree of evasion of the law by those who "joined the forces of General Green," as evasion and desertion had been so picturesquely described in the Civil War. Apparently it had been substantial in 1917-1918 as well, since even textbooks in the 1940's declared that evasion had been the major handicap to proper enforcement in that time. But far better police methods and improved transportation and communication in 1940-1941 were expected to make both evasion and desertion much more difficult and their incidence much less, though we have little to work with on these subjects for the Second World War as well as the First. Looking for material on such subjects is in a class with trying to prepare a faithful account of the extent of violations of wartime rationing and price control and the operation of the "black market." The successful in such enterprises are most unlikely to become sources of documentation.

A literature does exist on the fate of those who challenged conscription, on various grounds; after the United States became a belligerent, their treatment was anything but gentle. Should anyone think that the vaunted liberal Roosevelt régime treated intellectual or religious objectors with kind and gentle hand, a rude surprise is in store.⁷ Far more Americans spent the decade of the 1940's in

⁷One might begin by searching out such poorly distributed books as the following: Lowell Naeve and David Wieck, *Field of Broken Stones* (Glen Gardner, N.J.: Libertarian Press, 1950); Joe Nunnally, *I Was a Conscientious Objector in Camp—in Prison—on Parole* (Berkeley, California: Sooner Publishing Company, 1948); Holley Cantine and Dachine Rainer (eds.), *Prison Etiquette* (Bearsville, N.Y.: Retort Press, 1950); Harry Wallenberg, *Whither Freedom?* (Glen Gardner, N.J.: Libertarian Press, 1954); Jim Peck, *We Who Would Not Kill* (New York: Lyle Stuart, 1958), and Ammon Hennacy, *Autobiography of a Catholic Anarchist* (New York: Catholic Worker Press, 1954). A useful scholarly survey is that by Mulford Q. Sibley and P. E. Jacob, *Conscription of*

jails and work camps on account of their resistance to compulsory militarization than is generally assumed, and still another contingent spelled out the era in assigned labor tasks of one sort or another which did not differ in principle from the forced-labor programs of Hitlerite Germany or Stalinist Russia. The fate of such as the Jehovah's Witnesses is another aspect of the story. The mauling, maiming, and even lynching of members of this inoffensive sect by outraged "patriots" for their attitude toward conscription and other outward trappings of the state was later matched by their imprisonment by federal authorities, with federal judges refusing to grant them hearings even on writs of habeas corpus. The experience of the Jehovah's Witnesses alone shreds the tiresome liberal bromide that the excesses of the First World War did not make their appearance during the Second. (To be sure, there were no repetitions of such lunacies as the uprooting of German as a school subject and the changing of the name of sauerkraut to "liberty cabbage," but there was a special venom and covert totalitarian viciousness to the World War II social in-fighting when compared to the ignorant exuberance of the war enthusiasts of 1917-1918.) But strangely enough, there has been only very modest circulation of the writings of the CO's of the Second World War, as compared, for example, to the reception of Harold Studley Gray's "*Character Bad*."⁸ At the start of registration, only a few religiously-motivated residents dared to refuse to "cooperate," principally a group of students at Union Theological Seminary. It was instructive to note the position of the two major voices of liberalism in America in those times, the *Nation* and *New Republic*, once the leaders of anti-militarism and all related sentiments, now enlisted emotionally in the European war and straining every nerve to spread belligerent feelings in the intellectual community. Both rejoiced over the situation in October, 1940, while reserving harsh words for the handful which refused to register, hinting that stern measures were likely to be taken against them.⁹ It seemed a bit grim that such a position should be taken,

Conscience: The American State and the Conscientious Objector, 1940-1947 (Ithaca, N.Y.: Cornell University Press, 1952). On the Jehovah's Witnesses and conscription, chapters 21-25 of *Jehovah's Witnesses in the Divine Purpose* (New York: Watch Tower Bible and Tract Society, 1959), pp. 141-185, are particularly significant.

⁸"*Character Bad*": *The Story of a Conscientious Objector* (New York: Harper, 1934).

⁹On the liberal press and conscription prior to U.S. entrance into World War Two see this writer's *American Liberalism and World Politics, 1931-1941* (2 vols., New York: Devin-Adair, 1964), Vol. 2, chap. 31.

for the country was not in the war, and most of the proponents of conscription, including the President, were hailing a peacetime draft as just another of the steps "short of war" necessary to keep the country out of it. Not everyone was taken in by this soothing explanation, however; as Senator Henry F. Ashurst of Arizona remarked, "Men do not jump half-way down Niagara Falls."¹⁰

The high emotion and hysterical climate which prevailed during the time the peacetime draft became national policy, steadily deteriorated in the twelve months that followed. For one thing, the war in Europe developed into a stalemate, and it apparently took some effort to keep it alive. As the spirited liberal academic warrior Hans Kohn declared late in 1942, "If Britain had wished to make peace with Germany, she could have done it easily in 1939, in the summer of 1940, and again in the spring of 1941."¹¹

While many opinion-makers in the country began to work themselves into cheering squads for or against Stalin in the summer of 1941, after Hitler's Germany went to war with the Soviet Union, the state of mind prevailing among the drafted in the makeshift army camps of the day began to darken, and this first contingent of draftees began to get restless. The one-year period of service was drawing to an end, and the law needed supplementation in order to keep the process going. Threats of mass departure were heard, and the sepulchral acronym OHIO (Over the Hill in October) began to appear on barracks walls and elsewhere as the Congress began to debate a bill extending the original period of service. And it was accompanied by a new variety of invasion hysteria. It was advanced with a straight face that now that the Germans were invading Russia, they would soon sweep across Siberia and then be poised for an invasion of Alaska from Vladivostok, thus making it even more imperative that a big conscript army and extended military construction take place to forestall this portending foray. There was prompt seconding of this variant on Mr. Roosevelt's widely advertised German air-drop on Iowa by the profoundly pro-war weekly

¹⁰Quoted by Sargent, *Getting US Into War*, p. 444. Some sources were not in the slightest way inclined to indulge in this kind of coyness. *Time* (November 10, 1941, p. 13) referred admiringly to Roosevelt as the man who "was waging the first great undeclared war in U.S. history," and summarized his press conference the morning the news was revealed that the destroyer Reuben James was sunk by a German submarine as a statement describing the United States as "far into the unknown waters of war." The attack on Pearl Harbor was still weeks in the future.

¹¹Kohn, in review of John Scott's *Duel for Europe* in *New Republic*, December 14, 1942, p. 799.

Time, which announced in trembling tones, "With Russia's Siberian bases in German hands, Alaska could become another Norway," presumably fully equipped in advance with "quislings," undoubtedly.¹² It was reported that the President relished the revival of invasion threats as an aid to pass supplementary conscription legislation, spending a large amount of time drafting his address to Congress pleading for their action, while insisting that the country was in "infinitely greater danger" in the summer of 1941 than it was in the summer of 1940.¹³

There was substantially more difference of opinion on this question now than there had been a year before, however. A widespread attitude of skepticism prevailed, pro-war propaganda was selling very badly (a Gallup audience survey at the moment the President was active with the second annual invasion scare revealed that there was no audience outside of New York City for anti-Hitler and anti-German moving pictures, and that almost all propaganda movies into July, 1941, had "fizzled at the box office"),¹⁴ while a re-

¹²*Time*, July 7, 1941, p. 14. One should consult the amazing revisionist work on the Norwegian Vidkun Quisling by the English writer Ralph Hewins, *Quisling: Prophet Without Honor* (London: W. H. Allen, 1965).

¹³*Time*, July 28, 1941, p. 7. One of *Time's* most pointed bits of unconscious humor, and, at the same time, superb double-think, appeared two weeks before. The editors, responding to a correspondent who sought to find out whether *Time's* dictum of June 9, that "every man is a propagandist, whether he knows it or not," also applied to *Time*, announced, "*Time* makes no claim to being unbiased and impartial," which they promptly qualified, "But *Time* does set as its goal to be fair in reporting and never takes sides in partisan affairs." (July 14, 1941, pp. 2-3.) Actually *Time* was enlisted in the war on Germany and Japan well before much of the rest of the country, and in 1941 reported anti-war or neutralist activity as though they were barely noncriminal enterprises. It gloated when Senator Burton K. Wheeler (D.-Mont.), a liberal leader in the non-interventionist camp in the U.S. Senate, and the famed flier Charles A. Lindbergh, the most notable speaker in anti-involvement circles, were denied the opportunity to speak in behalf of these views in Atlanta and Oklahoma City, respectively, in July and September. This made good accompanying copy to hypocritical groans over the suspension of free speech in Germany, Soviet Russia, and Vichy France. To be sure, there must have been substantial differences of motive to be found in *Time's* pro-war stance when one compared the Anglophile tendencies of its publisher, Henry R. Luce, and the fervent pro-Soviet emotions of two of its most influential editors, Whittaker Chambers and T. S. Matthews. Matthews' memoirs, *Name and Address* (New York: Simon and Schuster, 1960), are revealing; Chambers' case is known the world over.

¹⁴See report of Gallup's Audience Research Institute, headed by David Ogilvy, "Biz Meets Facts," *Time*, July 21, 1941, pp. 73-74. The real bonanza on World War Two propaganda films was struck after the war; television has shown almost all of the propaganda films of 1938-1945 many hundreds of times all over the country in the last fifteen years.

doubtable contingent in the Congress was fighting the extension of the period of service of the draftees with dogged determination; part of their attitude was that such an extension would constitute a violation of contract, in that the full period of service had been spelled out in the original law. But the extension of the period of service for another eighteen months squeaked through by the astounding margin of a single vote, 203-202, in the House of Representatives, and Roosevelt promptly signed the bill on August 18, 1941.

The closeness of the vote and the division which it represented nationwide was a sobering experience for FDR and many of his most closely adhering supporters in high places. The drive to make the U.S. a formal belligerent had sputtered badly as well, though in the eyes of some legal figures, the country had become one technically for sure, as a consequence of its vast military and other aid to England beginning about the time of the first draft law with the dispatch of some fifty so-called "over-age" destroyers to help augment the British navy. By the time of the supplementary conscription act, the economies of the U.S. and Great Britain had drawn quite close together; probably something between two-thirds and three-fourths of America's export trade were going to this destination at this moment. And the academic and intellectual world was stepping up its calls for war as a compensatory step for the decreasing zealotry of the general populace. The first outright declaration by an organized group of American educators for full participation in the war came from the Progressive Education Association in the form of a manifesto signed by twelve of the fourteen editors of its journal, *Frontiers of Democracy*, about a month before the supplementary draft act was passed.¹⁵ The growing bellicosity of the senior faculties in many colleges was a revelation in its own right.¹⁶

By this time, also, the economic effect of the "defense" activity

¹⁵"Progressives for War," *Time*, July 7, 1941, p. 48.

¹⁶Anti-war Harvard students, picketing a pro-war rally by a fellow-student organization, the Militant Aid to Britain Committee, in the Harvard Yard in December, 1940, carried a placard reading, "Let's Send 50 Over-age Professors to Britain." The success of the militant interventionists in capturing the strategic editors' chairs on college student newspapers tended to reflect a much more heated eagerness for combat than one was likely to encounter among the student bodies at large. Already-enlisted journals such as *Time* worked hard to create the former impression by calling attention to student newspaper editorials rather than to unspecialized student opinion; see for example its article "Switch" in the issue for October 13, 1941, pp. 68-69.

was being felt everywhere, and the spreading stake in a "defense" job was having a noticeable and in some cases profound effect on political behavior. Between-the-wars liberal spokesmen had taken upon themselves the task of covering themselves with shame for the "egregious profits"¹⁷ made by American businesses out of various World War One enterprises, and the "merchants of death" theme had been enlarged upon with great effectiveness and éclat. But liberalism having split to its core on the issue of this new war, only the anti-war sector was paying attention to the profits being amassed out of "defense," on which subject there was now barely an occasional squeal from the interventionist (and majority) faction, many of whom were moving toward the assumption of important jobs in the future war administration, of which a few had already been taken by such as Archibald MacLeish.¹⁸

¹⁷The term is Frederick Lewis Allen's; see his "The Lesson of 1917," *Harper's*, September, 1940, pp. 344-353 (350). The leftist New York newspaper *PM* was one of the few to report a speech by Senator Ashurst on August 21, 1940, in which he asserted the First World War had made 23,000 millionaires, while many senators left their seats in embarrassment. (*PM*, August 22, 1940). Shortly after June 22, 1941, *PM* would no more have printed such news than they would have praised Hitler.

¹⁸MacLeish, the new Librarian of Congress, had already emerged as a top war propagandist, and spoke of war in such glowing terms as almost to embarrass a career man in the Army, while bitterly condemning the young men of the time for their resistance to emotional mobilization in the British cause. But, a few years before, in 1934, as the editor of *Fortune* magazine he had been responsible for approving Eric Hodgins' famous article, "Arms and the Men," which for all practical purposes launched the whole "merchants of death" era. His personal sentiments were best expressed in response to a questionnaire from the editors of the *Modern Monthly*, published in June, 1935. In reply to their questions, "What will you do when America goes to war?" and "Would a prospective victory by Hitler over most of Europe move you to urge U.S. participation in opposition to Germany in order to prevent such a catastrophe?" MacLeish replied emphatically, "I should do everything in my power to prevent the U.S. going to war under *any* circumstances. There is only one possible position against the menace of militarism: absolute hostility. Any other is romantic." Fellow liberal (but sharply anti-war) Edmund Wilson, commenting on one of MacLeish's most aggravating war calls in the 1940-41 period, estimated him as the outstanding intellectual turncoat of that time. (See Wilson's article, "Archibald MacLeish and 'The Word,'" *New Republic*, July 1, 1940, pp. 30-32.) An equally effective dissection of MacLeish as a profound ideological somersaulter was that by Morton Dauwen Zabel in the first two issues of the *Partisan Review* in 1941. MacLeish as a darling of the American Stalinists during the 1935-38 period was examined with considerable verve by Burton Rascoe in his famous November, 1940, *American Mercury* article, "The Tough Muscle Boys of Literature." Probably it was the difficulty of making sense out of MacLeish's contradictions, obscurities, and sudden emotional and intellectual conversions and repudiations that provoked the Hearst columnist

However, there is a counter-lesson to the doctrine of economic determinism in observing the sectional vote on the subject of the extension of the draft. The congressmen from the South outdid all other sections in their enthusiasm for more conscription and voted for it almost to a man. Yet they came from a section which was enjoying little of the new income flowing from "defense." For instance, the state of New Jersey alone at one time in 1941 had more "defense" contracts than the entire fourteen states of the South combined.¹⁹ (It is ironic also to note that the South was more incensed at Hitler Germany and its racial policies and more anxious to fight than any other section of the country, again illustrating another American tendency, the penchant for becoming furious at someone place elsewhere.)

Far from accepting the situation, indeed a healthy segment of American industry, commerce, and finance was vastly troubled by the rapid transformation of America. David Lawrence, in his famous July 4, 1941, editorial in the *United States News* called loudly, "The United States is on the threshold of national socialism," adding, "The inroads of national socialism are unchecked by either Republicans or Democrats who have hitherto defended our system of private initiative." For sure, the discipline and planning of industry was geared more then, as always, to the success of the national state in warfare, as is also increased state regulation of the economic system, than to gain any other alleged objectives related to the "welfare" of the citizenry. And, a short time later, Lawrence, coaching businessmen to be alert and cash in on the vast reconversion of industry to war, admitted this in his issue of August 22, 1941: "Government isn't a respecter of individual interests, isn't too much concerned about individual hardships, so long as its own purpose is served." Shortly after, Lawrence himself smoothly and effortlessly

George Dixon to write the satirical spoofing verse (prior to his "elevation" to government employ MacLeish was best known as a poet):

Oh west is west and
eash is eash

And so is Archibald MacLeish.

(See reprint of this in *Newsweek*, "Lay On, MacLeish," January 15, 1945, p. 42.) For other aspects see the subsection of Chapter 2 of *American Liberalism and World Politics, 1931-1941* titled, "L'Affaire MacLeish: A Case Study," Vol. 1, pp. 43-50, and Vol. 2, chap. 30, pp. 1166-1185.

¹⁹There is more to be learned concerning what World War Two was about in the "Business and Finance" sections of *Time*, *Newsweek* and *U.S. News*, and half a dozen major daily newspapers in Boston, Chicago, New York, Washington, and Los Angeles between 1930 and 1945 than from reading the propagandistic books of any number of the inhabitants of Academe.

joined the forces which obliterated the distinction between war and peace; "defense" was the key word in this successful assault, and the resulting state of affairs continues to the present day. Conscription was simply its other face. The eventual entry of the U.S. into the war via the Japanese attack on December 7, 1941, ended all talk about the wisdom or necessity of compulsory military service, while just the first six months of intensive military production and conscription in 1942 did more to take the "bends" out of the already much-socialized U.S. economy than the eight years of peace-time New Deal tinkering, combined and compounded.

For a long time, the Second World War and the leaders of the victorious side have been as sacred a herd of cows as has ever been known to graze in the meadow of history. A handful of novels have dared to discuss its dark and seamy side, while a few recent television shows have undertaken to tell the viewers that it was funny, but an almost solid lock-step exists in the scholarly world on this immense and complex subject, faithfully clinging to as many of the fables and propaganda yarns and emotional smotherouts as possible, in an effort to keep from getting tarnished by revisionist revelations and having their dearly-cherished fairy tales controverted. This makes it extremely difficult to examine the conscripted army under fire in the manner that might be described as sociological analysis. Picture and print still deal only with the heroic and the semi-celestial.

But a *Harper's* magazine story of nearly twenty years ago is a faint inking as to the scope of the story which still remains to be told. It is obvious that evasion of conscription by failure to register was no doubt the course chosen by a small minority, while the tiny band which defied it undoubtedly were steeled by a deep faith in some principled ethic or strong religious conviction. For the vast majority, registration and superficial cooperation was the route taken, with the objective in a staggering number of instances being that of gaining a discharge from the armed services or seeking a status of incapacity. In an extended comment on this side of the picture, John McPartland, in the article in the above,²⁰ related that at one time the Army decided that bedwetting was sufficient reason for a discharge, and that shortly after that the incidence of bedwetting went up twelve hundred per cent in one Texas training camp. A "wave of psychoneurotic discharges" followed, and it was

²⁰"The Second Aftermath," *Harper's*, February, 1947, pp. 186-192.

only stemmed when the War Department issued a circular which removed bedwetting as a justification for discharge. But there were a number of other avenues open to unenthusiastic conscriptees; "MR 1-9, the army manual for spotting malingering, was never better than a lap or two behind *the ten to twenty per cent of our troops who hit the sick book in high hopes of home.*" "There were more AWOL's than civilian strikers during the war, more hours lost owing to desertion," declared McPartland, "than were lost because of strikes." "This was not a generation of heroes," he summed it up glumly, concluding with an analysis of the country and the times which is in a class all by itself:

By the end of the war it was plain that the only people we were really angry at were ourselves. We knew that we had gone into a war without any great Cause we believed in; we had avoided military service when we could, and we were neither ashamed nor criticized for it. . . . We were unregenerate, unashamed, and uninterested. We weren't even surprised or too angry when all the vaunted postwar planning that had been paraded through our periodicals—had achieved spectacular failure. . . . Nobody thought that this war was going to make the world safe for democracy, that this was the war to end war, or that we were going to succeed in our postwar plans. . . . We receive the courtesy of the extravagant lie, and we return the courtesy by buying the merchandise. But we don't expect very much. This strange relationship of the lie, the lie known and discounted, and the incredulous public that doesn't believe and hasn't believed for a long time but goes along anyway, pervades our politics and our religion as well as our commerce. . . .

But what of the performance of that part of the conscript army which managed to get to the fighting fronts? Brigadier General S.L.A. Marshall and a group of 350 co-workers, investigating the European Theatre of Operations in World War Two, interrogated hundreds of "outfits" fresh out of battle, and, on the basis of what they heard, "fixed the percentage of men who actually fired their rifles against the enemy at 12 to 25 per cent." In other words, Brig. Gen. Marshall's report to the Operations Research Office concluded that anywhere between *one man in eight* and *one man in four* did all the shooting which resulted in "victory" in 1944-1945. This is confined entirely to combat soldiers who were armed and in a position to fire their weapons at their enemy. But even this is a very generous estimate, when one examines some of the case studies mentioned by Brig. Gen. Marshall in his book *Men Against Fire*;²¹

²¹Washington, D.C.: Infantry Journal Press, 1947.

of a reinforced battalion of over a thousand men ambushed by Japanese on Makin Island, only thirty-seven fired their weapons, and in a later engagement on Chance Island in the Marshalls, where a crack unit of over 100 men engaged in a fight with Japanese forces, only fourteen did all the firing against them. Even elite forces had little better records; Brig. Gen. Marshall declared that no more than 25 per cent of the best air-borne troops actually fired their weapons at the Germans in Europe.

In the early stages of the Korean War, the record was even worse; Brig. Gen. Marshall reported one instance of remnants of an infantry division trapped by the Chinese in North Korea, during which engagement the division commander reported seeing *only one* soldier returning Chinese fire. A platoon of another infantry regiment which broke and ran, allowing a serious break-through, arrived in the rear with nearly all of its ammunition unfired. By the end of this latter war, it was claimed that the percentage of those engaging in fire fights had risen to one out of two combat soldiers, but the figures submitted by Brig. Gen. Marshall to the Operations Research Office after five months of observations in Korea in 1952 were not very convincing.

Particularly interesting as techniques used to increase involvement in battle were suggestions from psychiatrists. "The most efficient method is to prompt them to lose their individual identities by promoting a mob psychology," wrote one journalist who summarized the program of breaking down inhibitions against killing, though he admitted the "remolding" via "emphasis on mob-psychology techniques" carried "disturbing implications."²² Seeking advice from clergymen he was reassured by all he consulted that there was nothing to fear, while one was quoted as saying:

In a life-and-death struggle, it sometimes is necessary to lift the curtain of morality and civilization from men's souls to expose the brute beneath. But when the crisis is over, if the curtain is old and solidly designed and substantially built, it will easily drop back into place again—to mask the brute forever.

Undoubtedly, this is the same kind of spiritual advisor who is endlessly heard intoning in dread despair concerning "the moral crisis of our age," and indulging in similar mind-wrenching agitation. If the "life-and-death struggle" is long enough, or if there is

²²For this and related materials above and below see Bill Davidson, "Why Half Our Combat Soldiers Fail to Shoot," *Collier's*, November 8, 1952, pp. 17-18.

a succession of them, there usually is not enough left of "the curtain of morality and civilization" to bother to talk about.

Throughout the emergencies which have prevailed from the late 1940's to the two-thirds mark of the 1960's, conscription has maintained its Svengali-like grip on the American imagination. By far the most important reason for this has been the Cold War. Beginning with the efforts at "containment" of Soviet expansionism in 1947, and continuing through to the present day's similar efforts to stem that of Red China, a state of endemic semi-war, breaking out now and then (especially 1950-1953 in Korea) into full-scale hot war, has persisted. The failure of peace to break out in the more than twenty years since the end of World War Two and the existence of one emergency after another since that time have had much to do with the fact that the draft has never sagged as policy, at least until recent times. A high level of sustained military activity, the development of a prodigious complex devoted to preparation for waging atomic war and defending the country from a similar enterprise, and the vastly increased importance of military personalities in politics and business (we have long been familiar with the general or admiral-turned-politician become chairman of the board), have all helped to contribute to a favorable climate of opinion supporting one of the main props of this system, conscription. We have even seen a spell of politicking by the spokesmen of the armed forces for the great totalitarian dream of Universal Military Service, a structure which goes well beyond the draft.²³

For a time in 1940 there was a rash of talk about such a system and FDR was reported in favor of this rather than a conscription act modeled on that of 1917, which is what the country eventually got. It would have involved the policy of two years of compulsory service for all, young women and young men alike, most of it devoted to home-front labor services not unlike what was being done then by the Civilian Conservation Corps, and which has been extended in recent years to foreign countries via the Peace Corps. In other words, military training was definitely subordinated to this other objective.²⁴ It did not succeed in gaining the necessary sup-

²³See especially John M. Swomley, *Press Agents of the Pentagon: A Study of the Publicity Methods of the Department of Defense* (Washington: National Committee Against Conscription, 1953).

²⁴The liberal press in particular flowered with editorials all during the summer in praise of UMT schemes attributed to Roosevelt; one of the most adulatory was the *New Republic's* "Universal Military Service," July 1, 1940, pp. 6-7.

port in 1940, nor have variations on the theme of universal service suggested from those times to the present. The only serious move in this direction during World War Two was Roosevelt's suggestion in his message to Congress in January, 1944, that a "national service" law be passed. Apparently this was under study for some time because the *Army and Navy Journal* for January 8, 1944, leaked out that such a proposal would be made by the President. However, it lost support rapidly under the charge by "liberals" that it was really a front for a strike-breaking agency; their zeal for such schemes had abated markedly in four years. After the Korean War, in General Dwight D. Eisenhower's first term as president, the proposal of universal military training again went the rounds, especially after Eisenhower's message to Congress in support of such a policy in January, 1955. This did not get off the ground, either.

But the idea is anything but new, despite its revival in still another form by Defense Secretary Robert McNamara in a speech before the American Society of Newspaper Editors in Montreal on May 17, 1966. "It seems to me that we could move toward remedying the present inequity in the military draft system," McNamara said on this occasion, "by asking every young person in the United States to give two years of service to his country—whether in one of the military services, in the Peace Corps, or in some other volunteer development work at home or abroad."²⁵

The far more pronounced favorable psychological atmosphere toward sophisticated totalitarian collectivist proposals today than a quarter of a century ago rules out any jaunty confidence that we shall never see universal service of this sort. The same Gallup poll referred to above on the subject of conscription revealed that "large majorities" were in favor of funneling those physically or mentally incapable of meeting current armed forces standards into a "Domestic Peace Corps," and heavy popular support has also been noted for a revival of the CCC youth work camps of the 1933-1943 period, which in turn were really little more than a version of the para-military

²⁵This address was made front-page news all over the country; the *Denver Post's* sensational promotion (May 18, 1966) can be taken as characteristic of the major newspapers. Undoubtedly this had something to do with the appointment by President Johnson on July 2, 1966, of a commission to study the draft and to determine if it is possible to "establish a practical system of non-military alternatives" to it, a rather peculiar turn of events, since just a few days before, a draft survey which took two years to complete was filed by Assistant Secretary of Defense for Manpower Thomas Morris. This was supposed to be the last word on the subject for some time to come, and flatly stated that the draft would be needed for another ten years.

youth institutions functioning contemporaneously in Stalin Russia, Hitler Germany, and Mussolini Italy, but molded in harmony with American rather than Russian, German, or Italian traditions.²⁶ "A free society is inevitably one in which government is big enough to do its job properly," declared Professor Julian V. Langmead Casserly, of Seabury-Western Theological Seminary (Evanston, Illinois) before the University of Denver International Colloquium on Logic, Physical Reality, and History the same day Secretary McNamara's plea for universal service made headline news all over North America, an assertion which was warmly received.²⁷ It would seem that in a political environment in which Prof. Casserly's dictum can be looked upon as high wisdom, the introduction of universal service ought to be little more than moderate technical problem, at worst.

To be sure, such a scheme would be far milder than the total mobilization order of Emperor Haile Selassie of Ethiopia upon the outbreak of hostilities with Italy late in 1935, which, strangely enough, has been going the rounds among Pentagon officials for the last year, and a framed copy of which hangs in the office of General Lewis Hershey, United States director of Selective Service from 1940 to this day. It reads:²⁸

Everyone will now be mobilized and all boys old enough to carry a spear will be sent to Addis Ababa.

Married men will take their wives to carry food and cook. Those without wives will take any woman without a husband. Women with small babies need not go.

The blind, those who cannot walk, or for any reason cannot carry a spear are exempted.

Anyone found at home after the receipt of this order will be hanged.

In part, the circulation of such a primitive and ferociously barbarian document, authored by an African politician who has been

²⁶On the European origin of these work camps one should see Eugen Rosenstock-Huussy, *Out of Revolution* (New York: Morrow, 1940) and Kenneth Holland, *American Youth* (Cambridge, Mass.: Harvard University Press, 1940). Rosenstock-Huussy, who had a strategic role in the beginning of such institutions for German youth during the Weimar regime in Germany, was repeatedly credited with having played a similar function in bringing about the launching of the Civilian Conservation Corps by the New Deal.

²⁷Quoted in *Denver Post*, May 18, 1966, p. 21.

²⁸As published in *Los Angeles Times*, July 24, 1965, part 1, p. 4. On General Hershey and the Selassie mobilization order, see *Parade*, May 15, 1966.

extolled for over a generation by "scholars" as the very distillation of "democracy," is perhaps a reflection of exasperation and a feeling of harassment growing out of the sharply stepped-up tempo of conscription as a result of the amplification of the undeclared war in Viet Nam and the remarkable amount of resistance to it, in a wide variety of ways, which surely has not made the conduct of the Viet Nam campaign weigh any easier upon those responsible for carrying it out. Whether Goldwater or Johnson got the votes of the people opposed to or cool toward conscription will probably never be known. But one thing is definite: there was no more talk by the latter about winding up conscription once the election was in the bag. In fact, the election had barely cooled off before it was discovered that the draft would have to be reinvigorated, not terminated, and a loud wrangle has prevailed ever since over many aspects of the institution. Though the casual talk of 1964 which referred to it as expendable is a thing of the past, the President continues to show his indecision, as in the incident in July, 1966, while talking to a group of young people, during which he spoke of the draft as "a crazy-quilt" and remarked, "We are not wedded to it."

There have been high and low points in the history of conscription in the United States. In many ways the nadir of the institution was somewhere between 1929 and 1935, during which years profoundly depressing anti-war pictures²⁹ such as "Journey's End," "All Quiet on the Western Front," and "What Price Glory" exerted such dramatic influence on a multitude of viewers, while books such as *Squad*, *Company K*, *The Horror of It*, and Lawrence Stallings' *The First World War* and Dalton Trumbo's *Johnny Got His Gun*, plus a scattering of realistic revisionist works from the academic world, all helped to reduce the prestige and attraction of war and the warrior to a twentieth-century low.³⁰

²⁹An indispensable source for understanding the function of the film as both pro- and anti-war influence is the little book by Winifred Johnston, *Memo on the Movies: War Propaganda, 1914-1939* (Norman, Oklahoma: Cooperative Books, 1939). Undoubtedly, there was a pungent aroma of insincerity surrounding the anti-war products of the Stalinist and Stalinist-sympathizer contingent entrenched in the film industry, particularly among the writers. Their sudden somersault around 1937, in harmony with the newly discovered virtues and glories in military combat by the home base at Moscow, is just one of the several ludicrous lurches performed by those in America with unshaken loyalty to what genuine radicals derisively christened "Bolo Heaven."

³⁰The emphasis in much of this film and print was not that "military men are the scourges of the world," as Guy de Maupassant expressed it in his fiercely critical essay on war in *Sur l'Eau*, but on the frightful destruction of property and loss

Late in 1931 Albert Einstein in a celebrated nationally circulated article expressed the conviction that the moral decline of the white race began with the adoption of conscription.³¹ But he and most others of like views in that time made the trip to Canossa in the subsequent decade, and eventually became competitors in the production of belligerent manuals. It was especially ironic to see Einstein, the eloquent detractor of conscription, eagerly lend his assistance in the production of the atomic bomb, a device for the carrying of barbarian warfare against non-combatants on a scale which made the efforts of conscripted armies seem quite selective and restrained, by comparison. At any rate, it has been some thirty years since the last sustained critique of conscription as a moral catastrophe. Of the major world powers, today only Japan, painted by a trainload of Western journalists and propagandists between 1920 and 1945 as a people with a bloodstream filled with martial truculence, is barred by law from employing conscription.³²

of life of ordinary men. Extremely little of this has appeared in the more than a quarter century since the Second World War began. The glorying and the gloating over the murder and destruction in this war, particularly that suffered by the defeated, has literally become a major industry, and not a few fortunes in the publishing, moving picture, and television fields have been built on it in the "Free World."

³¹Einstein, "The Road to Peace," *New York Times Magazine*, November 22, 1931, p. 1.

³²The tough nationalists of one's own neighborhood are usually designated as "patriots"; the tough nationalists of another land are generally written of as "jingo," "extremist zealots," and "chauvinists." When General MacArthur forced on Japan after World War II a constitution forever renouncing conscription, it was acclaimed in the American press in most vociferous terms. Twenty years later, sectors of this same American press were wailing that the once-so ferociously nationalistic and militaristic Japanese had grown so unwarlike and apathetic that they were unable even to staff fully a home defense force of a few thousand. (A Washington, D.C., opera company which put on a performance of Gilbert and Sullivan's *The Mikado* a short time after the Pearl Harbor attack distributed program notes to impress the viewers to the effect that the show depicted the Japanese "in the light that history now records—sly, wily and deceitful, unconscionably corrupt and treacherous." *Time*, December 22, 1941, p. 36). It apparently is a case where the state game had been played "for keeps" so viciously that the defeated no longer wanted to play. But the persisting dislocations caused by the war are multitude. A *Los Angeles Times* reporter visiting the Palau twenty years after they had been smashed by American forces, and the portions undamaged by war subsequently systematically demolished, reported in the summer of 1964 that these islands, once a prosperous and bustling Japanese winter resort, looked approximately the way they had at war's end, in a state of unrelieved forlorn and tattered disorder. That is what "liberation" has meant there. Another curious consequence relates to so-called "reparations" from the defeated; a Manila journalist has recently disclosed, "Reparations payments to the Philippines by Japan are a rich source of swindle. This is known to everyone here—and in Japan...."

Undoubtedly, no moral case will be revived as an accompaniment to any drive which might derail conscription in the time to come. The new rationale likely will be strictly "practical," built around the horrendous new weapons with their mass-killing powers, rendering the Armed Horde quite unnecessary. And there is a possible concomitant, that the new technical weapons are so complex and expensive that it is unwise to trust them to any but persons of superior intelligence, thus bringing to the fore again the idea of a relatively small well-paid group of professionals handling the business of "defense."

Meanwhile, "brush-type" guerrilla warfare has again become the vogue, with its propensity for enrolling the energies of un-uniformed irregulars and many related amateur tactics. Though armed with more wondrous devices, it appears that these behind-rock-and-tree, hit and run activities are making the present-day conduct and problems of a line company in Asian jungle warfare not much different from what they were in colonial American Indian wars. In view of this development, it will be interesting to see how this contradiction, of warfare conducted in the neo-primitive manner, in an age of gigantic weapons capable of impersonal obliteration of millions in an instant, is reconciled. A serious conflict appears to be arising.

One should not be so fascinated or bemused by the spectacle of conscription and its vast social and other consequences and implications so as to neglect to glance at the politico-economic system of which it is a part. It has been suggested many times that conscription has a function in serving as a blotter for unemployment among the youthful uneducated and/or untrained. Granting this for the moment, while posting a reservation to the effect that surely there are more constructive activities for the young than two or more years of compulsory military service, itself one of the best forms of training for existence in a socialist order, one must take a long, hard look at the industrial and other sectors of the community which have become adjusted to an economy in which there is always a generous cut of the melon for the producers of the goods

Through the years, since its inception in 1956, reparations payments have more often than not been diverted to line the pockets of public officials and reparations smart boys who make it a point to be in Tokyo every time procurement orders are out," and "resulted in little visible benefit to the country." Ben Javier, "New Twist for Reparations Payments," *Examiner* (Manila), May 15, 1966, p. 12, and "Reparations Headman," July 3, 1966, p. 23,

consumed in what seems to be an endless series of "defensive" adventures beyond the country's shores.

It is plausible that the populace, in a Gadarene gesture, might endorse such a plan as Universal Service, military or otherwise. But the suspicion lingers that conscription may not be as deeply rooted in American ways as the galloping military socialism that has evolved out of "defense," and which "conservatives" are supposed to be so enamored of, as opposed to the "creeping" socialism of non-martial sorts, allegedly the preserve of "liberals." In actuality, it appears that there is a powerful combination of both to be found in the former, and this is a predictable upshot of "bi-partisanship" in foreign policy, now nearly a quarter century old. The *National Observer* on June 13, 1966, revealed that the production lines of some 5,000 firms in this country were devoted exclusively or almost entirely to war production as a consequence of the expansion of the armed forces' needs in the Viet Nam conflict.³³ A political analysis of this formidable group of enterprises would indubitably reveal that the affiliations involved were quite well dispersed, from the point of view of either ideology or party. The modified warfare state is steadily homogenizing them all. If there is a single dramatic thesis in Donald I. Rogers' recent book, *The End of Free Enterprise*,³⁴ it is that, as of this moment, business is barely more than a handmaiden to big government. Many highly placed individuals and influential institutions are cheering this process on.

Martin R. Gainsbrugh, senior vice president of the National Industrial Conference Board, in attendance at a Washington symposium in April under the sponsorship of the American Bankers' Association, released figures fully as ominous as that cited above:

1. One-fifth of the gross national product is bought by governmental bodies.
2. Twenty-six out of every 100 employed in the country today are directly or indirectly working for one or more governmental bodies.
3. Twenty-eight per cent of the national income is collected in taxes alone by various governments: federal tax collections now

³³Undoubtedly, only a small percentage of this has consisted of actual munitions and military hardware. It is sometimes overlooked that about 80 per cent of the American "loans" to its "Allies" in World War One were spent on non-war goods such as food, clothing, raw materials, and many other products found in ordinary channels of economic life.

³⁴New York: Doubleday, 1966.

exceed the total of the country's entire output of goods and services as recently as 1941. The combined spending of all levels of government today is close to \$185 billion, about seven times what such spending was at the outbreak of World War Two.

4. Government of one sort or another is responsible for supplying seven per cent of all personal incomes "free" to individuals each year, by way of Social Security, disability and military pensions and benefits, unemployment compensation, and a number of other programs.³⁵

The question that comes to mind is this: are we so far along the road in the evolution of this sophisticated form of socialism that outside imbroglions, which rest squarely on conscripted manpower for "solution," are necessary to keep up the level of intervention already achieved and possibly provide excuses for additional intervention? It is impossible to examine the issue of conscription apart from economic realities. It has become an explosive subject off and on for fifty years in this country, and it has been inextricably intertwined with vast foreign wars and an economy more or less geared to these struggles. The magic word has always been "defense." Probably the big government called for by Prof. Casserly, that it may do its job properly, still is not big enough. In which case, it is little more than speculative diversion to talk about the pros and cons of conscription at all. A ray of hope does exist, growing out of the discovery of the bottomless pit of outer space, and the ensuing space race. This has provided for vast socialist expenditure; there are no privately-sponsored space shots or explorations anywhere yet. But neither has it required any conscripted personnel yet, though this might occur if it were discovered that evil forces in the galaxy require the extension of "defense" into the extra-terrestrial reaches.

An apathetic majority of about two-thirds still entertains the notion, even if somewhat vaguely and confusedly, that there is something faintly heroic and noble about conscripted service, indulging in reservation primarily on such occasions as when they are informed by the military authorities of a dead son somewhere in a distant land. The interrelation of business, the military, and the state seems to be beyond comprehension. Should there occur, however, a concentration of yet imperceptible circumstances which

³⁵See summarization of these figures by Sylvia Porter in her column, "Government Role Past Reversal," e.g., *Denver Post*, April 13, 1966, p. 86.

result in the dismantling of conscription,³⁶ a train of consequences and concomitant adjustments are in store which may produce almost as many tensions, even though much different ones, as the present state of affairs is responsible for. A socialist omelet exists which will not be resolved into its constituent elements with any degree of ease.

³⁶At least one formidable conservative, Dan Smoot, has recognized the problem, and taken a resolute and unequivocal stand. In his *Report* for October 24, 1966 ("The Great Society's Red Guards," p. 212), Smoot declared flatly, "Instead of expanding draft laws to create a national service corps, Congress should let the laws expire on June 30, 1967, and abolish conscription altogether. We do not need it."

Smoot followed this with a consistent prescription: "If we concentrated on the kind of *homeland defense* we need, it could be manned by a relatively small group of professionals who could be hired in the open market for salaries attractive enough to compete with those offered by private industry, and who could be given the intensive, extensive training necessary for their duties."

Food for the Future

by Robert K. Newell

The author owns and operates a farm in Michigan, but is currently spending more time free-lance writing in the field of libertarian philosophy. A graduate of Michigan State University, Robert K. Newell is former chairman of the university's advisory board.

Historically, the production of food has been man's most vital occupation. Consequently, food production has long been considered by collective political planners as being too vital and essential to social welfare to be governed by free-market economics and the unpredictable forces of private management. However, history amply indicates that socialized programs to improve food supplies by transferring responsibility from individuals to supposedly more reliable political agencies eventually result in reduced production and widespread privation.

When the political doctors originally took the nation's agriculture under their protective wing, the proposed economic programs were articulately described as voluntary and temporary. But, as is always the case with political nostrums, the basic economic disorders intensified in direct proportion to imaginative treatment of surface symptoms and quickly seemed to justify the need for permanent and coercive regulation. Many years of intensive political experimentation only succeeded in undermining the life-giving economic factor of personal responsibility, and entrenched agriculture as the nation's most chronic domestic problem.

Even the most ardent supporters of state intervention are fully aware that free human beings do not respond predictively to politically contrived systems of rewards and punishments. Human freedom and political interventionism are diametrically opposed, and no social or economic system can accommodate a mixture of such incompatible ideologies indefinitely. Political attempts to force individuals into prescribed production patterns by coercively applying statistical economic theories have brought agriculture to a philosophic crossroads. The food-producing industries must either turn

to private management or ignore the human element entirely and attempt to meet the nation's ever-increasing demand for food and fiber with a completely socialized agricultural economy.

The economic system of private management realistically recognizes basic differences in human ambitions, initiatives, and managerial abilities, and provides the direct personal rewards that encourage individuals to seek worthwhile goals in a free society. If the free economic and social society appears unpredictable to social planners and seems harsh and imperfect to those lacking the personal energies required to utilize the justice and perfections of social freedom, the system nonetheless justly and equitably accommodates everyone since the only restrictions imposed upon success or failure are the natural consequences of personal application.

The privately managed economy derives continuous vitality from intangible incentives and ingenuities that are inherent to the complex human element and are never accurately accounted in statistical analysis. When technological and social progress force an imbalance of production and consumption on freely functioning systems of economic enterprise, the self-evident principles of supply and demand in the hands of private entrepreneurs continuously and accurately adjust production to new demands of progress.

And progress demands much of agriculture. Thirty years ago, eighty acres, four horses, and twelve to fifteen productive animal units, under reasonable management, made an economical farm unit. Modern production methods and tremendous population increase have since demanded that farm units become much larger with corresponding requirements for mechanization and capitalization. Billions in public funds have been spent politically attempting to provide artificial markets for submarginal producers in this dramatic transition period. However, political subsidization, even when economic common denominators are sought through rigid restrictions on profitable production, provides no correction for managerial deficiencies and only slightly prolongs the time inefficiency must succumb to the realities of progress. Management, so completely ignored in federal farm programs, is gradually gaining recognition as the fundamental requirement necessary to supply the increasing needs of a growing nation.

As management slowly acquires further recognition, agriculture would logically seem to be on the verge of disentangling itself from political stagnation. But social planners are not easily dis-

couraged. Like the proverbial group of over-zealous Boy Scouts forcibly dragging an unwilling old lady across the street, political planners often share well-meaning enthusiasm as a common virtue. But as common faults, they invariably share inability to profit from experience and suffer from incurable delusions that political legalism is the only qualified architect for agriculture's future.

Economic forces continually evolve. In spite of political contrivances to arrest or direct change, agriculture must experience a healthy and continuous response to progress if the nation hopes to provide even minimum nutritional standards for further population increase. But the complex human element rather than interventionism and political alliance is the key factor in any accurate economic adjustment to new demands of progress. Political economic alliances move relentlessly and unsentimentally from one favored group to the next in response to new coalitions of voters and the subsequent demands of political expediency. Producers who base business decisions on unrealistic and transitory political programs fail to modernize and adjust their operations to the constantly changing realities of the market place, and soon disenchantedly discover they are no longer capable of competitive contribution to the nation's much needed food supply or no longer politically significant enough to command further favoritism. The capricious pendulum of political reform swings rapidly. Faced with the possibility of critical shortages and disgruntled consumers, the pendulum is swinging from subsidization of poor management and now appears to be headed for a completely opposite arc on the side of super-management.

How far the pendulum of political reform will swing is beyond imagination but the trend toward further destruction of the human element in American agriculture is clearly established in many political and economic circles. With no more genuine philanthropic concern for humanity than their predecessors entertained, the new social experimenters depend entirely upon expedient political determinations to plan food supplies for the future.

Spectacular population growth coupled with the relentless conversion of productive land to nonagriculture uses makes food production per acre the paramount issue. The margins of surplus that thus far have been able to accommodate political expediency and social experimentation are dwindling. Further state intervention in the production of food can only lead to national disaster. Political aspirants and their admirers who enthusiastically argue that the

pending food crisis calls for stern political measures have only to look to contemporary communistic societies to have their enthusiasm dampened.

In communistic societies, where political planning is more extensively involved in the management of agricultural operations than is thus far the case in the quasi-socialistic societies of the West, mutually shared production responsibility has degenerated rapidly into nobody's responsibility. Russian agriculture experts in a desperate effort to cure this chronic production ailment, experimentally took free enterprise out of moth balls and returned small private acreages to be tilled for personal benefit by peasants when their collective farm assignments were completed. Production on collective farms fell to dismal new lows.

Only limited amounts of enthusiasm can be extracted from communized workers under ideal conditions and when socialism must compete openly with private enterprise for the enthusiastic efforts of production workers, the complex human element invariably finds greater opportunity for expression in an economic system of direct personal reward for responsibilities assumed. In spite of declining state farm production resulting from half-hearted communized efforts, over-all food production steadily increased as a result of industrious applications of personal ingenuity on the private farm plots. Agricultural experimentation behind the iron curtain has given communistic production experts a clearer picture of the human problems involved and has handsomely borne out the adage that the best fertilizer for any farm is the owner's footprints.

Family farm operations with direct personal responsibility are the flywheel of any dynamic agriculture system and the only dependable source of food supply. Even privately controlled corporate farms that must depend upon hired labor are discovering that hourly-wage employees not only lack enthusiasm for twenty-hour harvest days but invariably plan strikes to coincide with the scheduled harvest of perishable crops. The infinitely complex industry functions properly only when individuals motivated entirely by self-interest are politically free to employ the personal enterprise necessary to meet the continually changing needs of the consuming public.

As the nation analyzes the complexities involved in food production, it can ill-afford further indulgence in political intervention that negates the human element. Subsidizing inefficiency can only lead to scarcity as producers become complacent rather than com-

petitive. Nor will the needed food be miraculously provided by exchanging socialized management for subsidized inefficiency. Personal responsibility and human ingenuity share equal importance with soil fertility and technology, and are far too essential to the production of food to be constantly subjected to the whims of political planners. Free-market economics holds the only hope that the vital human element will be accorded the full participation that will insure that food for the future will be provided.

Does Judicial Review Pose a Threat to Human Rights?

by Robert B. Murray

Robert B. Murray earned a bachelor of arts degree in economics and a doctor of law degree from the University of Wisconsin. He has completed some graduate study in history at the University of Colorado. Murray practices law in Colorado Springs as a partner in the law offices of Murray, Hecox, and Tolley.

Introduction

At the federal level the *doctrine of judicial review* is comprised of two distinct court powers. The first is the power given to the federal courts to review state legislative acts. The power of the federal courts to review acts of Congress is the second. The reviewing is done only under certain conditions and entails the obligation to declare acts so reviewed valid or void depending upon their conformance to the provisions of the federal Constitution.¹

The power to review state legislation is firmly based in the Constitution itself.² There is, however, no constitutional authority given to the federal courts to review acts of Congress. This power was assumed by the Supreme Court in an opinion written by Chief Justice John Marshall in the case of *Marbury v. Madison*, 1 Cr. 137 (1803). It is this latter phase of judicial review which shall be the subject of this article.

Initially in this discussion I will develop a theory of what this phase of the doctrine was meant to be by its author, John Marshall. I shall then point out that modern concepts and applications of the doctrine not only run contrary to his concept, but have resulted in

¹Edward S. Corwin, *The Constitution of the United States of America, Analysis and Interpretation* (Washington, D.C.: U.S. Government Printing Office, 1953), pp. 554-560.

²*The Constitution of the United States of America*, Art. VI, Clause 2.

a theory of constitutional interpretation which Marshall *intended to prevent* by the doctrine. I shall conclude the article with a brief discussion of the threat that this theory of interpretation poses to the continued existence of constitutionally guaranteed human rights.

The Judicial Review of John Marshall

When John Marshall became the chief justice of the Supreme Court in 1801, a goodly number of the citizens of the new republic assumed that Congress had the powers to determine what legislation conformed to the Constitution and what did not. They took the attitude, as did many members of Congress, that the Senate and the House of Representatives would not pass a law that was unconstitutional.

John Marshall, on the other hand, felt that the constitutional guarantees were over and above legislative interpretation. In this view he reflected both the grim colonial constitutional tradition of his environment and the deeper thoughts of contemporary constitutional philosophers. Marshall had the firm belief that judicial review was a necessary adjunct, even a cornerstone to our system of government. But what was judicial review to Marshall? What did he think could be accomplished by its existence? The answers to these questions can be better arrived at if we spend a few moments considering Marshall's legal training and the popular legal philosophies contemporary to him.

After serving capably in the Revolutionary War, John Marshall resigned his commission as a captain in 1781. Shortly thereafter, he appeared in Williamsburg to begin the study of law. This study considered of a series of lectures on the law by George Wythe. George Wythe was a student of the political philosophers then in vogue in the new nation and it is reasonable to assume that these philosophies found their way into his lectures on the law.³ It would have been an unusual young student who would not have been influenced by them.

The most popular and possibly most important philosopher of the day at that time was John Locke. In the second of his *Two Treatises on Civil Government* which he had written in 1690, Locke wrote that man, *because he is man*, has a certain dignity and the law of nature endows him with certain rights. Among these rights were

³Edmond Cahn, *Supreme Court and Supreme Law* (Bloomington, Indiana: Indiana University Press, 1954), p. 18.

the right to think as he chose, to worship as he wished, and to speak as he liked. Locke insisted that governments, rather than being absolute, were trusts administering to the public good and guaranteeing individuals their inherent or natural rights.

Locke contemplated a government consisting of a legislative branch and an executive branch. The legislative was to be "the supreme power of the commonwealth." The *law of nature*, however, was superior to both, "an eternal rule to all men, legislators as well as others." This law of nature amounted to an unwritten constitution, and it incorporated the natural rights of all men. This constitution, being natural and inherent, was immutable and unchangeable.

Other later constitutional philosophers discussed the natural inherent rights of men in the same vein as Locke. Charles DeMontesquieu wrote *Spirit of Laws* in 1747. In this work, like Locke, he discussed a *law of nature* which he felt was superior to civil law. DeMontesquieu felt that the legislative branch of government should not attempt to alter the natural law because it, in its very nature, was unchanging and immutable. Jean Jacques Rousseau wrote his *The Social Contract* in 1762. In commenting upon the superior place of law of natural rights, he said:

What makes the constitution of a state really solid and lasting is the due observance of what is proper, so that the natural relations are always in agreement with the laws on every point, and law only serves, so to speak, to assure, accompany and rectify them. But if the legislator mistakes his object and adopts a principle other than circumstances naturally direct; if his principle makes for servitude while they make for liberty, or if it makes for riches, while they make for populousness, or if it makes for peace, while they make for conquest—the laws will insensibly lose their influence, the Constitution will alter, and the state will have no rest from the trouble till it is either destroyed or changed, and nature has resumed her invincible sway.⁴

In summation, it may be said that the constitutional philosophers who most influenced George Wythe and therefore the young John Marshall, believed that man possessed certain basic rights which were founded in nature and were inherent. This law of nature was superior to all law and took the form of an unwritten constitution which was unchangeable and immutable. This concept was so pronounced in these writings that it could be referred to as a *doctrine of constitutional immutability*.

⁴Rousseau, *The Social Contract* (Chicago: Encyclopaedia Britannica, Inc., Great Books of the Western World, 1952), Vol. 38, p. 405.

The *doctrine of constitutional immutability* received practical application in the colonies. The first documents which touched upon the rights of individuals were the charters which created each colony. These charters when issued were, for the most part, grants of land. Discussions of the rights of individuals in them were in the nature of conditions to the grants. In this respect, these early charters resembled deeds to real property which were not only binding upon the grantor and grantee forever but, once made, were unchangeable. It is an important fact that many of these early charters served as the basis for the first written constitutions in America.

One of these early constitutions, that of the colony of Carolina, was drafted by John Locke himself. He gave full expression to the *doctrine of constitutional immutability* when he ended his constitution with:

These fundamental constitutions, in number a hundred and twenty, and every part thereof, shall be and remain the sacred and unalterable form and rule of government of Carolina forever.⁵

He then added to the document:

Since multiplicity of comments, as well as of laws, have great inconveniences, and serve only to obscure and perplex, all manner of comments and expositions on any part of these fundamental constitutions, or on any part of the common or statute laws of Carolina, are absolutely prohibited.⁶

The *doctrine of constitutional immutability* became more firmly entrenched in the colonies as their disputes multiplied with England. James Otis appeared as counsel for the colonists in the *Writs of Assistance Case* in 1761. In granting the writs, the court had in effect granted search warrants of wide powers which were limited in time by the life of the reigning sovereign. In arguing against the writs, Otis maintained that being "against the constitution" and "against natural equity" they were void.⁷ The only constitution in existence at that time was the unwritten natural law discussed by Locks and the other philosophers. The idea of unconstitutionality caught on and became a common expression of many in the colonies as they fought the laws of Parliament prior to the revolution.

After the revolution, the immediate predecessor to our present Constitution, the *Articles of Confederation and Perpetual Union*, expressed immutability in that they prohibited any alteration at

⁵Cahn, *op. cit.*, p. 6.

⁶*Ibid.*, p. 7.

⁷Lawrence Henry Gipson, *The Coming of the Revolution* (New York: Harper & Row, Inc., 1962), p. 37.

any time after their acceptance without unanimous consent of all thirteen states. This was a burden which all knew to be difficult, if not impossible, to obtain.⁸ Nor did most of the new state constitutions of that time have provisions for amendment.⁹

Although Article V of our present Constitution makes provision to amend it, there is much evidence that this amendatory procedure was regarded as a mechanical procedure to be used to achieve or to strive for perfection, while the basic document itself was regarded as irrevocable and immutable.¹⁰

When John Marshall replaced Oliver Ellsworth as Chief Justice of the Supreme Court in 1801 he was fully endowed with the constitutional immutability doctrine. At that time the court's role was not well defined and it was generally regarded as a weak, unimportant body.

In that same year, Thomas Jefferson was inaugurated our third President. Jefferson's election also represented a change in ruling parties from the Federalists to the Republicans. As the time approached for Jefferson to take the reigns of government from John Adams, the latter individual busied himself with activities designed to perpetuate Federalist policies. He appointed a number of Federalists to vacant government positions some of which were just created by the Federalist-controlled Congress. One of Jefferson's first acts when he assumed office was to instruct James Madison, the Secretary of State, to withhold appointment commissions to these positions which remained undelivered. Marbury, one of the appointees affected, sought to obtain his commission from Madison by applying for a *writ of mandamus* from the Supreme Court of the United States. Thus arose the case of *Marbury v. Madison*, 1 Cr. 137 (1803). Such a writ, if granted, would have ordered Madison to deliver the appointment.

An act of Congress, the *Judiciary Act of 1789*, had granted the Supreme Court original jurisdiction in cases of this type. Section 2 of Article III of the Constitution states that the Supreme Court shall, however, have original jurisdiction only "in all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party." When appearing before the court, counsel for the parties assumed that, despite the constitutional restriction, the act of Congress had given the court jurisdiction.

⁸Cahn, *op. cit.*, p. 9.

⁹Andrew C. McLaughlin, *A Constitutional History of the United States* (New York: Appleton-Century Company, Inc., 1935), p. 114.

¹⁰See *The Federalist Papers*, No. 85.

When the court's opinion was given, Chief Justice Marshall first addressed himself to the arguments of counsel. He then inquired whether or not the court had jurisdiction over the matter at all. He pointed out that Congress had given the court original jurisdiction over matters which by the wording of the Constitution should have been initiated in a lower court. He went on to state:

That the people have an original right to establish, for their future government, such principles as, in their opinion, shall most conduce to their own happiness, is the basis on which the whole American fabric has been erected. The exercise of this right is a very great exertion; nor can it, nor ought it, to be frequently repeated. The principles, therefore, so established, are deemed fundamental; and as the authority from which they proceed is supreme, and can seldom act, they are designed to be permanent.¹¹

It is well here to note that the Chief Justice regarded the Constitution in this statement as "fundamental," "supreme," and "permanent." And when Marshall went on to say:

The Constitution is either a superior paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and like other acts, is alterable when the legislature shall please to alter it. If the former part of the alternative be true, then a legislative act, contrary to the Constitution, is not law; if the latter be true, then written constitutions are absurd attempts, on the part of the people, to limit power, in its own nature, illimitable.¹²

he used the *doctrine of constitutional immutability* to launch judicial review on the sea of American constitutional law.

The Chief Justice declared that part of the *Judiciary Act of 1789* in question unconstitutional and invalid.

Modern Judicial Review

While we keep in mind that the man who gave birth to judicial review saw it as a tool to maintain the Constitution and its provisions unchanged and immutable as far as legislative attempts to change them are concerned, let us now view the modern application of this power.

Though often regarded as an extreme case, still the modern view is well expressed in *Helvering v. Davis*,¹³ where Mr. Justice Cardozo in interpreting the general welfare provisions of the Constitution stated:

¹¹*Marbury v. Madison*, 1 Cr. 137 at 175 (1803).

¹²*Ibid.*, 176.

¹³*Helvering v. Davis*, 301 U.S. 619 (1937).

Nor is the concept of the general welfare static. Needs that were narrow or parochial a century ago may be interwoven in our day with the well-being of the nation. What is critical or urgent changes with the times.¹⁴

And Mr. Justice Sutherland in *Euclid v. Ambler Realty Co.*¹⁵ stated:

...for while the meaning of constitutional guarantees never varies, the scope of their application must expand or contract to meet the new and different conditions which are constantly coming within the field of their operation. In a changing world, it is impossible that it should be otherwise.¹⁶

To briefly summarize, to John Marshall, judicial review was a tool to hold the Constitution unchanging; a shield protecting it from legislative eroding. He regarded judicial review as an extension of the *doctrine of constitutional immutability*. Modern judicial review, however, is applied to the Constitution in such a manner so as to "expand or contract" its meaning to meet conditions. The Constitution is interpreted in light of what is "critical or urgent" and this classification "changes with the times." Note that this is not John Marshall's judicial review. Indeed, it is at the opposite pole of what he meant judicial review to be.

This application of judicial review has permitted the federal government to be interjected into phases of our daily lives not dreamed possible by the Constitution's founders. It should also be noted that this has arisen not from that phase of judicial review which permits the court to declare a statute unconstitutional, but rather from that phase of judicial review permitting the court to declare a statute valid. This power when exercised under the standards set for modern judicial review which we have just read gives the court near amendatory powers. It has been thus recognized by legal scholars. Professor Edmond Cahn, who in 1954 was a member of the faculty of the New York University School of Law and the editor of a work concerned primarily with judicial review published in that year, described the doctrine as follows:

Judicial review is always more than pure and simple enforcement of the Constitution; in addition, it always comprises express or tacit interpretation of the Constitution, or—in other words—a continual process of adjusting and adapting the fundamental fabric. The sanction which Marshall installed in *Marbury v. Madison* should be seen as having

¹⁴*Ibid.*, 641.

¹⁵*Euclid v. Ambler Realty Co.*, 272 U.S. 365 (1926).

¹⁶*Ibid.*, 387.

served both purposes; it has maintained the Constitution not only by giving it legal force but also by providing in a substantial measure for continual reshaping and development. This is why our theme has linked Article III concerning the judicial power with Article V concerning the power of amendment. I believe their functions link them of necessity.¹⁷

Conclusion

I am not one to argue that the Constitution should not be adaptable to modern circumstances. My only argument is that in so adapting it, we should be forever cognizant that many great minds of the past saw great dangers in any procedure designed to do this. Indeed, the one tool we use to adapt the Constitution to modern concepts, judicial review, was initiated by a great constitutional thinker who originally envisioned it as a tool to achieve the opposite result. This alone should give us pause for thought.

The modern application of judicial review can easily be supported by many of us when we are interpreting Constitutional terms to permit the functioning of a possible solution to an urgent national crisis such as social security to extensive poverty of the aged or civil rights acts to mass discrimination. But what may be an application for good today could very easily be something quite different in the future. What, for example, if some future court should determine that freedom of speech stood in the path of and was less important than the solution to a contemporary critical national concern? It would be a short step from the modern judicial review to an interpretation which would dictate that the freedom could be contracted to meet the new and different condition. If it can be *contracted*, may it not just as well be *eliminated*?

The world has many examples of people who are given freedoms, of speech, religion and of the press, for example, in a basic document they call a constitution. Many of these are even called *peoples' republics*. Still we have been made aware that the citizens of these countries do not enjoy these freedoms. Why? It is because Karl Marx taught that socialist thinking must be *historical* in the sense that a given right cannot be permitted to stand by itself. A consciousness of time must fit the right into the historical movement. The individual is placed in a class, and whether or not the right is enforceable, depends upon the position of the class in the historical struggle. The rights of the individual are merged into the current objectives of the class. If the right does not further the class ob-

¹⁷Cahn, *op. cit.*, p. 19.

jectives, it is secondary to it and if it should conflict with the class objectives in any manner whatsoever, the right is just not available to the individual. This is why the Russian who has the freedom of speech guaranteed to him in his constitution still does not have that freedom. In Russia, freedom of speech is secondary to the objectives of the class. The objectives of the class depend in turn upon what is critical or urgent at the time and freedom of speech is just never important enough to be in that category.

Though it is often considered a bit old-fashioned, we should not forget that the distinguishing feature of our governmental system has been our foundation of timeless human rights which the philosophers termed inherent and natural. These have been codified in our Constitution to remain timeless and immutable regardless of the problem confronting our nation at any given time. This is in direct contrast with the Marxian concept that human rights are to be determined as of any given moment.

John Marshall thought it wise that our Supreme Court should sit in judicial review of the legislative process to preserve our rights for then, now, and forever in the future. Modern judicial review, however, allows the court to interpret the Constitution on the basis of what appears to be critical or urgent at the time; to expand or contract its terms depending upon new conditions. This is a distinct departure from what judicial review was originally understood to be. When applied to human rights this application moves closer to the Marxian concept of rights and a frightful distance away from our own Constitutional heritage.

On the Other Hand

REA Co-ops, A Compulsory-Political System

Al Bellerue has done an outstanding job in putting together various salient features of the system of "cooperation" as embodied in the present Rural Electrification Administration.

He notes that the *Britannica*, which relies heavily upon the writings of Kropotkin, has identified anarchy as the "extreme left wing" of the socialist doctrine whereas, in my book *This Bread Is Mine*, I have placed anarchy at the "extreme right" of the same doctrine. Mr. Bellerue is gracious in accepting my position, which is based upon the current use of the terms "right" and "left" in their political sense. It should be noted, however, that at the time Kropotkin wrote, the classical liberal position (the left) was opposed to the state while the classical conservative position (the right) was strongly entrenched behind monarchs and centralized political government generally. These positions have shifted with the passing of years so that in our own century the rightist has tended to favor less government, with the leftist holding to the position of the classical conservative in favoring reliance upon the state.

Currently, in the present political shiftings, lines between "left" and "right" are in motion again, with the current "rightist" favoring more government intervention and the "leftist" tending away from state centralism. If the present trend continues to its logical conclusion, Kropotkin will be back in style.

In his masterful job of tabulating the development of the REA idea, Mr. Bellerue reveals with considerable directness the present position of the taxpayer as he is being forced to subsidize an enlarging bureau dedicated to socialist policies.

It would not be amiss to point out that REA discouraged a major industry and sent it into premature eclipse; that is, the production of small, private, generator equipment. With technical knowledge available, it should be feasible to produce low-cost generators for

farm and home usage that might very well eliminate the necessity for power lines and other unsightly obstacles to open vistas. In view of the current drive to beautify and landscape, one might imagine the beauty of America if REA power poles and power lines came down, replaced by private generators that would inexpensively provide all the electric light and power needed. This industry would predictably expand were it not for REA, tax-supported competition. When one considers the lateral displacement of economic factors as well as the direct curtailment of profits by tax-subsidized economic intervention, the role of the REA is seen in an even more baneful light.

Another facet of the study of the REA which should be emphasized relates to the general philosophic stance of those who favor collective ownership in place of individual private ownership. It relates to the antagonism to profits and the general antipathy shown to accumulations of capital used for basic investments as well as for the research and development needed to keep productive tools in top repair and efficient employment.

So thoroughly has the doctrine of socialism done its work, both in anarchistic and communistic camps, that the only answer conceivable by these collectivist reasoners is that the "evils" of capital investment can best be overcome if the taxpayers put up the money.

It is an economic fact that investment is the first act that stimulates an economic cycle. Someone will have to provide investment capital. If it is not to be accumulated by profit making, it must be accumulated by taxation. The basic difference appears here. If investment is furnished through the private-ownership method, which is based upon profits and surplus, then people who wish to invest will make the investments. If the investment is to be furnished by government taxation, then those not wishing to invest and not being particularly capable of making investments will nonetheless be forced to put up the money so that bureaucrats can manage the properties which are purchased through this forcefully collected exaction.

It is obvious that in the first system, those most capable and most willing provide the financing. In the second system, investment funds are provided involuntarily, depriving would-be investors of capital that could be profitably placed, and depriving others of the sums they require for ordinary expenses. This REA method leads to increasing poverty by reducing the amount of profitable investment and by increasing governmental costs.

A Candid Appraisal

The "candid appraisal" by Charles C. Hiles should serve as a grim reminder that political ambitions and opportunities flow beneath the surface of prepared government propaganda.

Commander Hiles is making an assumption that would be difficult to sustain when he suggests that Nomura and Kurusu "reflected the true sentiments of the Japanese people and their government." It is doubtful that anyone ever truly represents another, and when representation is considered on a collective basis, the likelihood of true reflection becomes slim indeed.

Again, there is reason to challenge the commander when he states that Japan had "no other respectable alternative" than launching an attack. To launch any kind of an attack upon others, whether they are alerted and expect such an event or whether they are unprepared and ignorant of the pending assault, is never "respectable." It is the prerogative of politicians, Japanese or otherwise, to try to preserve their mask of political infallibility. And when the monopoly of power they hold is challenged seriously, they invariably presume that they have no "respectable" alternative other than to begin aggression. If principles are to be followed, one cannot condone aggression either by one's own state apparatus or by war-makers of any other state.

Twenty-five years have now passed since that memorable December 7th when the news came to the American people, via radio, that Pearl Harbor was under attack. From that time, there has been a constant effort in two directions. Certain persons in power have spent considerable effort, time, and money to convince the public either that the disaster was unavoidable or that blame should be placed on the shoulder of certain "incompetents" at the scene of the tragedy.

Other persons, placed strategically, have insisted that the pending holocaust was known to certain persons in Washington, D.C., who for political and propaganda purposes did not wish to prevent it. These parties, having it within their power to alert the officials at Pearl Harbor, did not do so because of the presumed necessity of "uniting America" and steeling it to undertake a role as a major combatant in a worldwide struggle as a partner of Great Britain.

In political circles, lives and properties are frequently employed as pawns when major events are in the making or when major policies are at stake. And although the myth persists that a given

government acts in the best interests of its own taxpayers, the fact emerges that all governments act in their own best interests, in terms of perpetuating the power structure, and the individuals presumably the concern of officialdom are the media of exchange for the attainment of political goals.

All of this is brought vividly to mind in this heretofore unpublished comment by Commander Hiles, who is ably introduced by Dr. Harry Elmer Barnes.

Commander Hiles is serving a useful purpose in reminding us that the American people have never had the full story from the lips of officialdom. But he is presuming a great deal if he supposes that a "demand" for an "honest answer" will elicit anything from the White House, the Defense Department, or the Pentagon.

A Look at Conscription, Then and Now

In trenchant prose, Dr. James J. Martin has catalogued the story of America's transition from a country in favor of peace and minding its own business to one which considers international involvement and universal conscription a justifiable *modus vivendi*.

The inconsistencies of those who support conscription and war are documented here in depressing profusion. While it should be obvious that freedom and war are antithetical, it is frequently argued that the reverse is true. Even those classed as moralists find it convenient at times to abandon what they presume are principles in favor of a political bloodletting.

This is one of a series of writings along the same line which have come from Dr. Martin at intervals for a number of years. As one of the leaders in the school of historical revisionism, his views here are important. It is doubtful if even the most belligerent of the "hawks" will wish to challenge them.

Food for the Future

Robert K. Newell has raised a voice in support of independent farmers and privately managed farms. His article is both timely and stimulating.

There is little doubt about most of what Mr. Newell has to say. Russian experiments in collective farming stand out as among the worst failures of the communal system which has had so many. And

American governmental tampering and pampering within the agricultural community has done much to distort the farming picture, providing for subsidized profits in some areas and vast losses in others.

But Mr. Newell seems to be supporting the idea that a return to the small private farm, or possibly a medium-sized private farm, is something of a panacea that will solve our various agricultural problems. This is to suggest that mass-production methods are not as effective on the farm as they have actually been proven to be.

Of course, where strikes and immigration policy cause a sudden shortage of agricultural workers, a major farm operation can be crippled whereas a small farm might not be. But the problem here is not in the size of the farm so much as it lies in the intervention employed.

If we assume a free market, which is what Mr. Newell really wants, then there is likelihood that there will be a place for the small farm as well as the large. And in a free-market farm situation, strikes and governmental interference at any level would not occur.

There is, however, much merit in the idea of personal responsibility as set forth by Mr. Newell. But we see nothing intrinsically evil in a large farm, equipped with modern machinery and many hundreds of workers, provided only that the free-market concept is sustained.

Does Judicial Review Pose a Threat to Human Rights?

This question, as set forth by Robert B. Murray, and as answered by him, reveals some interesting facets of the legal background in this area. And Mr. Murray makes a good point.

But there is an implicit assumption in the Murray argument which goes a long way toward defeating it. While he extols the "law of nature" as Locke and others defined it, Murray apparently equates the Constitution of the United States as a specific instrument of this "law of nature" and hence does not favor judicial review.

The problem here is to see first that the Constitution is not an instrument of natural law, but rather a very human device, put together by men for the purpose of placing power in the hands of some over others. That this was done with excellent intentions can be and usually is presumed, but the presumption here does not

warrant equating the document with natural law or even common law.

If the Constitution is not the equivalent of natural law, then there is nothing immutable about it, saving the fact that a number of persons have tended to say so. Indeed, the more thoroughly the Constitution and procedures stemming from it are reviewed, the more likely are we to avoid the folly of supposing that the Constitution was "divinely ordained" or otherwise immutable in any way. And while judicial review may, as lawyer Murray points out, result in decisions which violate natural law, reliance upon the Constitution has demonstrably resulted in violations of natural law.

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