



Breaking Away

by Tom Bethell

The Committee for Waco Justice turned out to be a rather pitiful group of no more than fifty people holding candles in Lafayette Square. Some carried signs, one reading "Is Your Church ATF-Approved?" They were huddled directly in front of the floodlit, silent White House. Their muffled chants—*Hey hey, ho ho, / ATF has got to go; Hey Bill Clinton, find the scoundrels, / Appoint an independent counsel* (for Waco, not Whitewater)—could hardly be heard above the Pennsylvania Avenue traffic, and there were no supportive horns or headlights flashing. In Washington terms, we didn't exist.

Jon Utley had told me about the gathering, and we stood with the group for a while. One couple, wearing "Gun Owner" buttons, said they had read about it on the Internet. Carol Moore was the organizer, and she was selling her 134-page report, *The Massacre of the Branch Davidians*, for \$7. I was glad to give her the money. Hardly anyone would see it, let alone read it. The Texas jury's verdict in the case, acquitting the survivors of murder and conspiracy, had been handed down a few days earlier, prompting Attorney General Janet Reno to say that justice had been "had." The *Washington Post* called this verdict "a professional setback for government prosecutors," which should "spur on the review of military assault-type activities that federal law enforcement agencies launched . . ."

My own feeling was that bringing murder charges against the survivors of a military assault was just one more example, although an outrageous one, of the unlimited power that the federal establishment now wields. Before the final assault on the compound, the Waco standoff engaged the attention of hun-

dreds of reporters and I must have seen dozens of stories on TV, without seeing one that bothered to explain just how the federals had claimed jurisdiction in the first place. It is simply assumed on all sides that their jurisdiction is unlimited, which in practice it is. I realized how much my whole outlook on such matters had changed when I was reading recently about the American Revolution. I found myself thinking of today's federal government as analogous to the British in the 1770s. I suspect a lot of people may feel this way, perhaps without so formulating it. What can ordinary citizens do?

The real trend in the world today is toward the decentralization of power. This has been conspicuous all over Europe, in Canada, and in the demise of the Soviet Union. Here, however, it has been held in check, thanks to the continued liberal stranglehold over policy (unchecked by twelve years of Republican "rule"). In fact, the liberal establishment increasingly resembles nothing so much as a bitter remnant of the Socialist International. Unfazed by socialist failure everywhere else, they are pursuing the further centralization of power in Washington, with the Clintons as their willing agents. Centralize, centralize! That is their agenda, most obvious of late in the realm of health care.

Washington's attention, as I write, has been totally focused on Whitewater, Vincent Foster, Webster Hubbell, the shredded documents, and so on. Underlying all this weird business is the implicit question: Who gets to steer the federal beast? What I would like to know is how we cut it down to size. Bill Clinton's Arkansas background deserves all the attention it gets, of course. He pretended in his campaign to be a "new" Democrat, but his great hero turns out to have been FDR.

He's an astute enough politician to know that the expansion of federal power is the last thing people want, so deception was integral to his strategy. More federal power would have to be dressed up as something else. For this deceit alone, he deserves to be run out of town. (Clinton, incidentally, made the tactical error of choosing as his vice president a man whom Beltway regulars would dearly love to see in the Oval Office.)

Meanwhile, what about the federal beast? I think at bottom the impatient mood in the country stems from the government's failure to respond to the end of the Cold War. For decades, many Americans were willing to tolerate a bloated federal establishment as the price for resisting Soviet expansionism. The unstated deal in Congress was that conservatives would get their expanded military in return for ever-increasing domestic programs. Now that the Cold War is over, the military is (rightly) being cut back, but domestic spending keeps on growing. A lot of people—I will not call them conservatives, let us just say normal people (still the majority)—feel frustrated as a result. Even in the (net tax-recipient) Washington area voters are said to be "angry and impatient," according to the *Washington Post*.

Initially, Ross Perot appealed to the electorate because he seemed to understand this problem and perhaps could bring change. A familiar campaign of envy-arousal by the press, stressing his great wealth, backfired in favor of Perot. His money was seen as liberating him from the usual media suspects and party power-brokers. But Perot was a disappointment. His self-confidence exceeded his grasp of the underlying issue. He just didn't get it. In promising to raise taxes to balance the budget, he fell straight into the very first trap set for him. Establishment ringleader Pete Peterson, Republican Moderate, must have been

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gleeful. Then came the NAFTA fiasco (there are valid arguments against it but Perot didn't understand them) and he ended up on cable TV making Al Gore look like a fount of wisdom.

For those who would like to see a reduction of the federal burden, Perot has not been the only false hope in recent years. Another has been the Supreme Court. And here I am not referring to Ruth Bader Ginsburg and the possibility of further Democratic appointments. The great problem is that the Supreme Court has for some time acted as the judicial-enforcement arm of Congress, making sure that the states comply with federal law, but rarely venturing to find federal law itself unconstitutional. This is almost the reverse of what the framers had in mind. Strangely, conservatives on the court believe that a law is constitutional if a sufficient number of their predecessors thought so, too. The criticism of "judicial activism" so often heard in the 1980s seems to have produced in them nothing more inspiring than a philosophy of congressional supremacy.

In recent years, Congress has enacted asset-forfeiture statutes that permit suspects (notably in drug cases) to be deprived of their property without due process of law; that is, without trial or conviction. This is so blatant a repudiation of the Fifth Amendment that even the ACLU has emerged as a latter-day defender of property rights. Recent Supreme Court rulings have chipped away at these forfeiture laws—but with the court's liberals emerging as the (admittedly faint-hearted) defenders of property. They have not been joined by Rehnquist & Co., whose view seems to be that if a law is bad, it's up to Congress to change it. In a case decided in December, Clarence Thomas "disagree[d] with the outcome reached by the Court" (a bare majority of Kennedy, Blackmun, Stevens, Souter, and Ginsburg) but was wistfully "sympathetic to its focus on the protection of property rights—rights that are central to our heritage."

Oh. So perhaps Senator Biden didn't have cause for concern after all when he waved a copy of Richard Epstein's *Takings* before the cameras at Thomas's confirmation hearings, and worried that he might be so bold as to defend our economic liberties against congressional inroads.

Since the 1930s, the Court has been a major force for the centralization of power, and Republican appointees have

either made no difference, or have been worse than the Democrats. The court acts not as a check upon Congress, but as its legal arm. With the exception of Ginsburg, the entire sitting court today was appointed by Republican presidents. Which brings us to another doleful institution, the Republican Party. Luckily for the GOP, I would guess, Clinton beat Bush in 1992; otherwise the party might be well on the way to joining Canada's Progressive Conservatives in oblivion. Clinton's troubles will no doubt revive the GOP, but to what end, other than boosting the careers of senior Republicans? The lesson of the past is that it's no good looking to the GOP to diminish federal power. Party leaders have stood for "less of the same" when out of power and "more of the same" once safely ensconced.

House minority leader Bob Michel revealed to a *Washington Post* reporter the other day how much he had changed since coming to Washington. "Man, in those early days I'd just flat out vote against foreign aid," Michel said, as though looking back in wonderment at his own youthful naïveté. Well, he's leaving, and the *Washington Post* has been saddened by that, not to say concerned that a two-party system might one day re-emerge. (Within the Beltway, political opposition to Democratic proposals is called "gridlock.")

Reporters keep reminding us how "aggressive" and "partisan" is Michel's probable successor, Newt Gingrich of Georgia. But as the columnist Robert Novak pointed out recently, Gingrich himself has been showing signs of "growing." He has toned down tax and other proposals to suit those in the liberal wing of the GOP. The other day I heard Gingrich say that Republican welfare reform would force recipients to work for their benefits. He seemed not to realize that this leads to government jobs programs and full-employment for social workers. As a result, I can reveal, Gingrich has been under consideration for the Strange New Respect Award (given to conservatives who see the progressive light), but no decision has yet been made.

Are the Feds unstoppable, then? No, good things are happening out there. Above all, politicians are unable to stop the ongoing technological revolution, a powerful force for decentralization. The Industrial Revolution took

workers out of their homes and put them in factories; the Computer Revolution is putting them back into their homes. At a time when our cities are becoming more and more hazardous as a result of the obdurate, unceasing, and quite fanatical social engineering of the underclass by the American ruling class, there are fewer and fewer reasons to live in these cities in the first place.

Another healthy development is the removal of children from government schools and the continuing growth of home-schooling. Likewise the property-rights movement (a by-product of environmentalism, which won tyrannical power for some federal agencies). There are also demographic grounds for optimism. Faith in a centrally controlled future is mostly confined to those aged 65 or older; meanwhile, those under 35 know that they are at the wrong end of a Ponzi scheme and will be lucky to get back what they are now required to contribute to the federal coffers under the guise of Social Security. The younger generation is more "conservative" in that it will embrace more fundamental changes in our government.

Term limits for politicians is something else I like. But let's not wait for the Supreme Court to tell us whether or not it's constitutional. What attracts most politicians to Washington is the prospect of spending other people's money, and of being called "compassionate" for doing so. So let's get rid of the bums by voting against incumbents, irrespective of party label.

Finally, there's the counter-revolutionary word that I have begun to hear from some of my conservative friends: secession. Walter Williams wrote a column about it in December, and he told me it elicited more mail than anything he wrote all year. Robert Nelson wrote an article for *Liberty* entitled "Secession as a First Amendment Right," and there's a fellow in Salt Lake City called Joseph Stumph who is agitating for something called the Ultimatum Resolution (too complicated to explain, but he hopes thirty-eight states will pass it). The Von Mises Institute in Alabama is soliciting papers for a conference on secession. And Howard Segermark tells me that a friend of his has on her car a bumper sticker reading: "If at first you don't secede, try, try and try again." She's from South Carolina. □

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The Obstructionists

How the Clinton administration is blocking the Whitewater inquiry on at least three fronts.

by James Ring Adams

The Whitewater affair is no longer a minor land deal in the Ozarks, if it ever was. The scandal is now calling to the bar the entire governmental ethic of the Clinton administration. Charge by charge, memo by memo, the picture accumulates of a rule by crony, bent on politicizing the most sensitive parts of the federal bureaucracy to protect the president and first lady, but primarily the president. In one facet of his complicated personality, Bill Clinton is emerging as an Ivy League version of Huey Long.

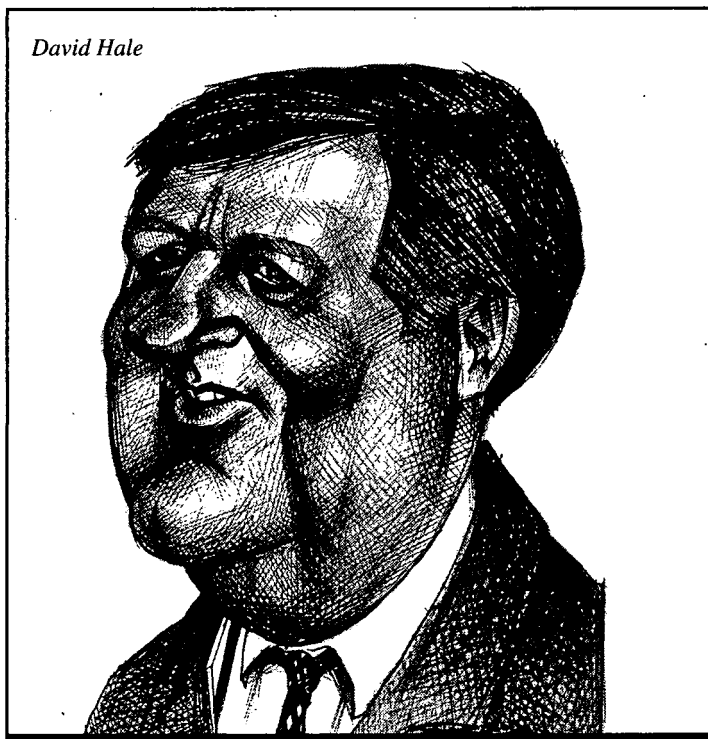
The constitutional danger comes from the unwillingness of the Democratic Congress to exercise oversight and protect the independence of the bureaucracy in its functions of regulation and criminal prosecution, areas in which the public good clearly demands independent action. The current majority has twisted the buzzword concern about "gridlock" into an excuse for a potentially vicious form of one-party rule. The fear of this evolution is the nerve that Whitewater hit in the first place.

Clinton maintains in his self-defense that he was not personally aware of the most blatant incidents of interference, the Washington-based pressure on thrift regulators recently described by Rep. James Leach (R-Iowa).

The Escalating Crisis

In recent weeks, two of the Clintons' inner circle were forced from their senior positions, and the president named a Washington fixture, Lloyd Cutler, as short-term White House counsel, a pretty good sign of disarray. Meanwhile, troubles won't be ending soon for one of the departed,

David Hale



James Ring Adams is The American Spectator's special investigator on Whitewater. He is the author of *The Big Fix: Inside the S&L Scandal* (Wiley) and co-author (with Douglas Frantz) of *A Full Service Bank: How BCCI Stole Billions Around the World* (Pocket Books).