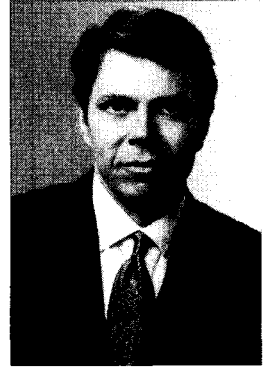


Thoughts on Freedom

by Donald J. Boudreaux



Break This Vile Addiction

Janneral Denson, who is black, was seven-months pregnant when she returned to her home in Florida after visiting Jamaica. U.S. Customs agents at the Fort Lauderdale airport greeted her with accusations that she had swallowed packets of drugs to smuggle them into the United States.

Ignoring a physician's opinion that Ms. Denson's stomach contained no prohibited substances, Customs Service agents denied her request to call her mother, spirited her away against her will to a Miami hospital, handcuffed her to a bed, and forced her to down laxatives. Careful inspection of the results of their handiwork finally persuaded them that Ms. Denson was, in fact, no drug smuggler. She was released the next day.

Eight days later, following bouts of bleeding and diarrhea, Ms. Denson required an emergency Caesarean section. Her premature son weighed only three pounds, four ounces. It is still unknown whether or not her child's health will be permanently impaired.

In May, Customs Commissioner Raymond Kelly testified before Congress about this and similar episodes. Asked about his agency's handling of Ms. Denson, Mr. Kelly denied—unbelievably—that the Customs Service uses racial profiling. But he defended the practice of strip-searches as a necessary weapon in the “war on drugs.”

Reflect on this episode—reflect that government officials waylaid an innocent woman,

chained her to a bed, and fed her laxatives so that they could inspect the contents of her bowels. Reflect that this woman's disgraceful experience isn't unique: innocent people are routinely subjected to such humiliating treatment. Reflect also that a high government official unabashedly tells Congress that such searches are necessary.


Freedom Requires Tolerance of Foolishness

Ms. Denson's experience shows that the war on drugs is no such thing: it is, like all wars, a war on people. But the people targeted by government drug warriors don't threaten anyone's peace and prosperity. These people merely seek to do as they please without interference from the state.

In a free society, even people who recklessly risk self-destruction should be free to do so. (Of course, taxpayers owe such abusers neither aid nor comfort.) Not only is freedom meaningless if the government assumes the paternalistic power to protect us from ourselves, but a wise people will never trust government with that power.

This wisdom motivated Ludwig von Mises to write that “A free man must be able to endure it when his fellow men act and live otherwise than he considers proper. He must free himself from the habit, just as soon as something does not please him, of calling for the police.” Without this tolerance for the freedom of others, no one's freedoms are

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secure. As the government's increasingly beligerent "war" against tobacco demonstrates, powers ceded to the state so that it can behave paternalistically on one front will inevitably be abused and extended to other fronts. The reason is that no sound principle is available to constrain these powers. If the state presumes to protect me from destroying my life with heroin or marijuana, why should it refrain from protecting me from tobacco, alcohol, animal fat, or a sedentary lifestyle? Each can ruin lives and upset friends and loved ones.

Innocent People Victimized

It's important also to be aware of another heavy cost of the "drug war": government's weaponry in this war necessarily is fired scattershot. These bullets too often hit people—such as Janneral Denson—who are innocent of any drug offenses. And Customs Commissioner Kelly's defense of strip-searches is evidence that such scattershooting is inevitable as long as the government wages its "war on drugs." Here's why.

Drug traffickers don't tell government authorities about their illegal activities. And there are no victims to complain. Seldom is there a participant in a drug deal who has an interest in reporting it. This fact distinguishes drug selling (and other victimless "crimes") from true crimes such as murder, rape, kidnapping, and robbery.

Because drug dealing involves only willing participants, drug warriors *inevitably* must guess whether or not an offense is occurring and who is committing it. Such guessing, of course, involves choosing targets according to their racial, sex, and age profiles. This is why Commissioner Kelly's denial of racial profiling is unbelievable (and why Congress can end it only by ending the "drug war"). No matter how refined the technique for selecting targets, large numbers of innocent people will be detained, strip-searched, and humiliated à la Janneral Denson. After all, if Customs agents could identify drug traffickers without strip-searches, there would be no need for such searches.

Some well-meaning people argue that statistical errors are the price we must pay for law enforcement. But surely the degree to which we should tolerate such errors ought to be determined by the importance of the law-enforcement effort. If the effort itself is highly questionable, then there's no need to tolerate these errors.

The plain fact is that drug prohibition *is* highly questionable. At bottom, it is an attempt not to protect each individual's property and person from the aggression of others, but, rather, an attempt to engineer social behavior. It's an attempt at the impossible, protecting people from themselves.

"Drug war" proponents often retort that without this social-engineering effort our society would descend into a grim incivility. They insist that with drug legalization our streets would teem with disgusting junkies and our storefronts would crassly advertise the sale of deadly narcotics.

For various reasons, I dispute these predictions. But let me assume here that these are valid. So what? Would a world with more wasted junkies and crass drug merchants be as vile as what we have now? Today, our prisons are chock-full of non-violent offenders. Our inner-city streets are battle zones. Young blacks and Hispanics are suspected criminals simply because they are young blacks and Hispanics. Our courts permit government to seize and keep properties that are merely *suspected* of having been associated with drug offenses. Many ill citizens cannot get the drugs they need to cure their illnesses or to relieve their suffering. And U.S. Customs agents kidnap innocent young women and men, chain them to beds, pump laxatives down their throats, and inspect the contents of their stomachs.

These and countless other consequences of the "war on drugs" are vastly more uncivil, grim, vile, degrading, unsightly, dangerous, costly, and immoral than even the worst-case scenario of widespread drug abuse.

Let's break our unholy and repellent addiction to the "war on drugs." □

The Wealthy Hurt the Middle Class?

It Just Ain't So!

Bashing the rich just ain't as easy as it used to be. With the stock market at record levels, unemployment low, and wages rising, most Americans are busy trying to become rich, not brooding over how much others earn. Most of us are better off, so why begrudge those who, through hard work or sheer luck, are making lots of money?

Well . . . Cornell University economist Robert H. Frank has found a reason. Frank, coauthor of 1995's anti-capitalist manifesto *The Winner-Take-All Society*, argues in the April 12, 1999, *New York Times* that the wealthy harm the middle class. They do so simply by spending money on such ordinary things as bigger houses, heftier cars, and nice clothes, which raises a sort of "entry barrier" to the good life for the rest of us.

Pity the unfortunate middle-class families that can't buy houses in the best school districts, whose puny sedans share the roads with 6,000-pound Lincoln Navigators, and whose children don't wear the hippest clothes. "The gifts you give, the night out at the theater, the family vacation—all are affected by the upward pull exerted by the sharply higher affluence of top earners," Frank contends.

Defending the upper classes doesn't provide the same feel-good factor as standing up for the poor and downtrodden. Yet it's dangerously wrong to malign the rich and their spending as some sort of hindrance to the rest of society. Fact is, Frank has it backwards.

We'd all be a lot poorer if not for the rich. Let us count the ways. First, the rich give generously to charity. Households making \$100,000 or more donate over five times as much as middle-class families making

\$30,000 to \$50,000—supporting hospitals, libraries, homeless shelters, research, schools and universities (including Frank's own privately endowed university, Cornell, named for the generosity of its chief benefactor, Ezra Cornell, who earned his fortune laying telegraph lines). Second, the rich start new businesses, which create jobs for the rest of us. Third, the rich deliver goods and services to society's rank and file. Indeed, we routinely fill our homes with the products the rich have invented, improved, or simply made more affordable: Colgate (toothpaste), Borden (milk), Campbell (soup), Gillette (razors), Heinz (ketchup), Maytag (appliances), Mars (candy), Dell (computers), Turner (entertainment), Mrs. Fields (cookies), Mary Kay (cosmetics), and on and on. The rich have virtually "branded" America with their gifts.

Fourth, and perhaps most important of all, the rich play a subtle but vital role in funding economic progress—not by their saving but by their *spending*! By and large, economies move forward by introducing waves of new products. New goods and services typically enter the market very expensive, with sales to only a small number of consumers—generally the wealthy. The rich are able to buy, even at what would for most of us be prohibitive prices, simply because they've got the money.

Henry Ford's first Model T hit the market at \$850 in 1908, a sum that would take an average factory worker two years to earn. Not surprisingly, Ford sold only 2,500 cars that year, and critics dismissed the early automobile as a "rich man's toy." The sticker prices for today's cars may cause buyers to gag, but they actually take less of a toll on the family budget. A 1997 Ford Taurus required only a third of the work time of the first Model T.

Few entrepreneurs get rich selling only to the rich, even at extravagant prices. The big money—and the greater benefit to society—lies in bringing products within the reach of the masses. The "rich man's toy" will remain so forever unless it gets cheaper—if not in