

COMMON SENSE II:

How America Can Prevent
The Three Types Of Terrorism

by
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AUTHOR'S INTRODUCTION

Twenty three decades ago Thomas Paine's *Common Sense* sold several hundred thousand copies in America and Europe. A blockbuster with proportional success today might sell six million copies. While American colonists didn't grasp their predicament, Mr. Paine did, and his 48-page wonder proposed a bold yet simple solution: independence, and offered simple arguments, clear and logical thinking, common sense.

Today America faces new dangers which seem to defy solution, such as smuggled nuclear bombs. And government may overreact to such threats by imposing new tyrannies on citizens. Common Sense II offers an understanding of our predicament as well as a bold solution. It breaks down a complex problem to simplest parts, and shines a path to greater human liberty. If it remains true that "the cause of America is in great measure the cause of all mankind", as Paine wrote, this book should have worldwide appeal, not only to authorities, students, and followers of current events, but free citizens everywhere, because like its predecessor, it offers common sense.

This strategy prevents terrorism. No other strategy makes this claim. By comparison, the efforts of politicians and pundits and Presidential candidates and academics to address the problem are shallow exercises in confused thinking, and bookstores bulge with their stupid books which dance with the problem but fail to solve it. I challenge them to debate my strategy.

Peek in my pockets and you'll find no stashed cash from lurking lobbyists. Peer in my mind and you'll find no partisan agenda of any kind. I am my own man. My guide is reason and principle.

Friday, July 4, 2008

UNDERSTANDING TERRORISM

Our Predicament

In coffee houses across America, customers sip lattes, sift through newspapers, sit alone, meet friends. Sometimes moms with kids chat quietly or an occasional job interview happens. But I never hear politics discussed. I find it difficult to imagine any public place where political communication between citizens happens regularly. Why? In a republic where citizens are supposed to exert control over government, it seems reasonable to expect that citizens would talk about politics from time to time, and so this silence is troubling, particularly when dangers loom. Later, I'll try to explain the silence.

I begin with a few observations:

We are not full citizens. Many think we still influence government, individually or collectively, but in reality our influence has slipped past our grasp. We're marginal citizens, spectators who find politics boring, a taboo subject, avoided at parties, unspoken even among close friends. We keep our political views hidden, generally, occasionally talking back to a blaring television or pressing levers in the secrecy of a voting booth, that is, if we bother to vote. Our political muscle has atrophied. We've abandoned our rightful role in government to those who don't care about us. Wasn't there a time in American history when neighbors had political discussions regularly, respectfully, with open minds, such as in New England towns?

We are consumers. There's much to buy if we have money. We excel at this art. Much time is spent watching screens, playing video games, entertaining ourselves with mindless celebrity antics and sensational screen garbage. And much of the news we consume isn't what citizens need to stay informed, but rather entertainment and gossip and junk. While we don't have much sense about what happens in Washington, we know about O.J. Simpson, Paris Hilton, Princess Diana. But consumer power is unsteady, easily lost; we can not count on it to protect us because it's trumped by political power. For example, airline passengers were stuck in planes for hours awaiting takeoff, with no freedom to exit, because airlines have political clout, while passengers don't.

Government is corrupt. It's run by a self-chosen political class of both parties who serve primarily for their own benefit, not ours. That over 90% of elected Congressional representatives win re-election is a sign that rules have been rigged. We don't choose representatives; rather, they choose themselves, and we get to pick from them on the ballot, but in almost all elections, the incumbent wins. Voting gives us the illusion of political control, but it is an empty act which essentially gives permission to a political elite to keep running the country. Behind the politicians, money runs Washington. Since it requires big bucks to buy television time to smear opponents, politicians have become puppets of special interests. Squabbling by interest groups dominates Washington to the point where it is unable to confront real issues. If government is like our computer, then a virus written by lobbyists has downloaded itself deeply within our hard drive where it's impossible for us to see what it's doing or fix it.

People are afraid. I saw fear in the eyes of *passengers* when I protested at a train station and fear in the eyes of *police* when I protested at Newark Airport. We think of ourselves as free people, but freedom and fear don't mix. It is beneath our dignity to live like dogs scared by thunderstorms. We can't enjoy life when worrying whether terrorists will attack subways or hijack airliners or poison reservoirs or detonate cities. We can't enjoy life when worrying whether government officials are eavesdropping on our phone calls or perusing our Internet searches or reading our e-mails. Perpetual fear is unacceptable.

Everything appears normal. Malls are open. People shop. Life ambles on. No crisis forces us to think, no enemy threatens at the border. There's a deadly appearance of normality. And years have passed without a major attack so it *seems* government is doing a good job of protecting us.

If my observations are right, then when a serious danger such as massive smuggled nuclear weapons threatens, government is unable to cope, and citizens are unable to hold them accountable. Even if such a disaster never happens, the fear that it may happen can have a tyrannical effect. Citizens expect government and police and the military to protect them, but this is unrealistic because terrorism is too difficult for them to handle without participation from citizens. But citizens lack political clout and skill, fail to understand the problem, and wallow in clueless apathy with little agreement and much inertia.

This portends disaster.

It is a real possibility that terrorists can win, and America can lose, even if no smuggled bombs are ever detonated, because we could lose our freedom to our own government in its overzealous desire to protect us. While I remain optimistic, a realist would think the odds are against us, and the hour is late.

But we must never give up.

Resolve, then, not to be afraid.

Resolve, as well, that if we have become marginal citizens of America, that a first step to regain citizenship is to **own the problem of terrorism**. Think it through. Solve it. Read this brief pamphlet. Form your opinions. When you understand terrorism, you will have a power and authority that government, itself, lacks, and you'll begin seeing yourself as a real citizen and have a solid footing with which to recover your citizenship.

Examine the Danger

What's scarier than real danger is refusing to think about it. But this seems to happen. Most American minds freeze like crashed computers, unresponsive to keystrokes. Some hope that not thinking about nuclear terrorism will cause terrorists to similarly not think about it, but this is foolish logic. Fight fear by facing it.

Technological advances mean greater potential destructiveness. In Roman times a fire might destroy a public building, and in medieval times a trebuchet might blast castle walls, but the steady progression of technology from dynamite to nitroglycerin to nuclear weaponry increases destructiveness exponentially. Perhaps today's hydrogen bomb may be replaced someday by a bomb capable of blowing up the entire planet.

- **Nuclear weapons continue to proliferate.** In 1945, one nation had the bomb, but now there are eight: United States, Britain, France, Israel, Russia, Pakistan, India, and China. Iran and North Korea are trying to build them. Since having nuclear weapons brings bargaining power and lets nations scale back conventional forces, we should expect the list of nuclear nations to grow. And the worldwide stockpile has grown to twenty thousand, according to one estimate, and keeps increasing. So preventing terrorists from getting nuclear weapons becomes more difficult because each new bomb presents more opportunities for theft or bribery. Most governments have no reason to give or sell them to terrorists, and most keep them well guarded, but as the list of nuclear armed nations grows, it is conceivable that a nuclear nation could give them to terrorists, secretly or openly, for purposes unknown to us, perhaps to instigate a war, perhaps for blackmail. Can we trust Pakistan, for example, an Islamic nation with millions of terrorist sympathizers, to keep a clenched grip on their arsenal? Further, terrorists could come to power legitimately through

an election or illegitimately through a military coup and get nuclear weapons that way. It is unlikely that terrorists could build a nuclear weapon from raw materials without assistance. Nevertheless, tools for building weapons become more available and cheaper each day, and instructions about how to build weapons may be on the Internet.

- **People are increasingly interdependent.** In an agrarian world, self-sufficient farmers didn't need neighbors much except perhaps for tool-making. Today, we depend on countless others for our needs and wants. For example, we count on a vast network of reservoirs and pipes for drinking water and high speed highways to get to work. A single burst pipe can disrupt water for thousands of homes in the same way a single traffic collision can disrupt a highway for hours. A single explosion in an electric transformer can blackout a region. Cities are larger, taller, more densely packed, better targets.

Both technology and interdependence mean a terrorist has much more power to destroy and disrupt than ever before.

A simpler way to think about it is:

Nuclear bombs exist.

Cities exist.

Doesn't common sense suggest that it is a matter of time before a smuggled bomb is detonated inside a city?

I think it's reasonable to expect this in the next few decades. Luckily, obstacles involving maintenance and transportation of nuclear materials make it harder for terrorists to hurt us, and foreign governments have been diligent so far in locking up weapons, but it seems wise that we can't count on these obstacles to protect us for much longer.

Perhaps the worst possible attack is terrorists getting dozens of nuclear bombs, smuggling them inside cities, and detonating them simultaneously by remote control. Then, in an instant, our world could be blasted to bits. This would be very difficult to execute, but possible, and this danger alone demands an adequate prevention strategy. But other dangers lurk with less damage but higher likelihood, such as dirty bombs posing a costly cleanup risk as well as attacks on chemical or nuclear plants or tankers carrying liquefied natural gas. Even attacks requiring little technology, such as arson and derailments, can cause significant destruction. We have few defenses against surface-to-air rocket attacks against commercial jetliners. And ports are vulnerable. The list of our vulnerabilities is quite extensive.

America's Clueless Response to Terrorism

In Boston on January 31 of 2007, authorities shut down highways after noticing mysterious objects hanging from street lamps and underpasses. Police worried they were bombs. They weren't. They were TV cartoon show promotions. So Boston was gridlocked for hours by cartoons. My point: If the cartoons had been dangerous, **police found them too late**, so terrorism wasn't prevented. Do not blame police;

they're doing their best. Rather, blame America's flawed strategy to prevent terrorism.

The essential problem is: we don't know who the terrorists are, where they'll strike, or when. We're blind.

It's that simple.

So we try to guard every possible target. But this is absurd and costly and stupid like all our other anti-terror efforts:

- **Frisking people at airports** is stupid. At Newark Airport, where I protested, six years of Americans frisking Americans has failed to nab ONE terrorist. Have they caught any terrorist at ANY airport? Millions of dollars were spent paying security people. Trillions of man-hours were wasted. Passengers agree to pat-downs because they fail to see a better way. And terrorists will figure better ways to attack. After flying, passengers return once again to a non-secure area known as the rest of America. If we ride a train or subway or bus or ferryboat, we're unprotected. What's the logic?
- **Toppling dictators** is stupid. Government leaders failed to determine correctly whether Saddam Hussein was a danger. He wasn't. War resulted. Many lives were lost, much treasure wasted.
- **Color coded alerts** are stupid. They reveal America guesses about possible attacks. Blue means less

danger, yellow more, red means an attack is imminent. But we don't know. Dump the stupid alerts.

- **Posting troops at train stations** is stupid. They don't know who the terrorists are or when they'll strike. They're more likely to shoot passengers by accident.
- **Disaster planning** is stupid. Generally all disaster preparation efforts are not solutions but stupid attempts to lessen damage. Preventing an attack from happening means we won't need disaster planning.

I trust the reader is smart enough to see how most terrorism prevention strategies are mindless, ineffective wastes of time and money. It's been almost six years since 9/11. Osama bin Laden remains uncaught, and dangerous networks of international conspirators continue to threaten us. People continue to be scared. Look around. I doubt any rational person would be happy with America's anti-terror effort.

This is not a criticism of current law enforcement personnel. Police do their best to protect us. They've foiled many attacks. They deserve gratitude. But the framework in which police operate hobbles their efforts.

Witness terrorism's impressive **efficiency**. That the murder of 2800 civilians on September 11th was committed by a mere 19 airline hijackers is a stark example of terrorism's cruel kill ratio: each hijacker, in effect, murdered 147 people. By spending a mere \$450,000, hijackers caused billions in damage.

An entire metropolitan region was terrorized in October 2002 by only two men with a high-powered rifle living in a used sedan. They killed ten people and eluded capture for three weeks despite a massive manhunt involving thousands of police.

Further, terrorists have the advantage of **surprise**. Trying to defend against an anywhere-anytime surprise attack is impossible because we can't defend every city, landmark, reservoir, airport, building, bridge, power plant, library, school, government building, and so on. Our forces are spread thin, making it easier to overpower any specific site, and it is too expensive to guard everywhere.

How to Understand Terrorism

I was in my early thirties walking along a Manhattan street during my lunch break from a boring desk job when a loud boom happened.

A truck tire burst, perhaps.

It shook me up.

I felt like I had been in a terrorist bombing, but lived. I remembered a President once said that nuclear terrorism was a dangerous unsolved problem. There were bombings and airplane hijackings on TV. And so, off and on, in my spare time, I wondered: what was the solution?

I had common sense. I thought I could figure it out. But I couldn't. Years passed. I read widely. I sensed nobody else

knew how to solve it either because I wasn't satisfied with their thinking.

And I didn't begin to get anywhere until I realized ***I didn't know what terrorism was.***

This was my first breakthrough.

And it was by breaking things down to simplest parts, looking at what I saw, and rebuilding, that I was able to figure it out, and this led me to a definition which was powerful and robust and simple but which had weird implications. Let me explain.

If we wave our hands in the air, it's a **power** we have. Notice that nobody stops us from waving them. Hand waving is something others let us do, and it's understood, beforehand, that we can do this, that is, we have a right to wave our hands.

A **right** is a power we have to act in the future which others acknowledge beforehand that we have. We can do something tomorrow which others acknowledge today that we can do. It works only when everybody agrees, in advance, about what we are permitted to do. Nobody will stop us. This concept is the backbone of freedom in civilization. Since we live in society with others, it's important to know, beforehand, what we can and can't do, and rights clarify these powers.

Rights are based on powers. We have the power to wave our hands but we don't have the power to hop to the moon, for example, so it doesn't make sense to speak of a right to hop to the moon.

Rights are like tickets in our pockets which say that others recognize our freedom to do something, such as go to a restaurant, walk down a street, visit a friend, ride on a train, fly to Madrid, phone home, breathe. We can possess a right even though we don't use it, or delay using it. The process of choosing which tickets to use, and at what time, is freedom.

The boundary between your rights and another's is a **law**, of course, like the double yellow line dividing a road. Eastbound drivers keep right, westbound ones keep left. Neither must cross the center line else the law of keeping to your side will have been broken.

The subject of rights can get quite complex, because society is complex, with various technologies and capabilities and relationships. If you wave your hand in an auction, for example, you might buy something accidentally. Some rights depend on specific circumstances or times while others depend on other rights; some rights can be bought and sold, while others can be voluntarily surrendered for specific temporary benefits. And some rights must be balanced against competing rights; for example, our right to see things in public should be balanced against others rights of privacy. But it is not necessary, in my view, to get mired in the complexity to understand terrorism.

Terrorism is violence against individual rights.

It's that simple. This definition is clean, robust, powerful. It allows a solution. I challenge anybody to write a better one. I think much of the difficulty of understanding terrorism is a failure to see terrorism clearly. Experts bicker about

convoluted definitions, work themselves into a confused lather, and still can't agree.

Terrorism is crossing the boundary between one's acknowledged zone of possible future activity, and trespassing into another's acknowledged zone of possible future activity. It's breaking a law. It includes all examples of boundaries being crossed, such as hitting, hurting, punching, kicking, stabbing, shooting, murdering, maiming, bombing, and poisoning. It includes threatening to cross into another's legitimate sphere of activity, so threatening to stab as well as stabbing are both examples of terrorism.

Examine another definition which I believe is mistaken: "Terrorism is the deliberate murder, maiming, and menacing of the innocent to inspire fear for political purposes", which I read in a book. This describes a certain kind of extreme terrorist, but it doesn't describe all terrorists, so I don't like this definition because it introduces needless complexity and clouds our understanding. It emphasizes the terrorist's intentions and motivations while I think these are irrelevant.

It's hard to determine:

- **Which acts are deliberate?** While juries and judges must guess about possible motives, we needn't bother when deciding whether something is terrorism. It's difficult to guess what a terrorist may have been thinking during a crime and know, with certainty, whether a terrorist acted deliberately.

- **Which purposes are political?** It is not clear what a politically motivated crime is. Regardless of what a violator thinks, all crimes have a political effect in the sense that government must respond to the crime. For example, most robbers act from an economic rather than a political purpose; but regardless of motive, there is a political effect. Government must catch the robber. So thinking of terrorism as politically-motivated crime seems mistaken.
- **Whether terrorists intended to cause fear?** All violence causes fear among survivors anyway, so whether a terrorist tries to cause fear is irrelevant.
- **Which victims are innocent?** Innocence versus guilt is a dubious, unnecessary distinction fogging our understanding. If innocence means being unarmed, then this suggests that armed individuals such as soldiers and police are, in some manner, guilty of something, but what? Unarmed civilians pay taxes and, in so doing, pay police salaries; so aren't taxpayers guilty too? Applying terms like guilt or innocence to terrorism suggests, in a way, that it is acceptable for a terrorist to kill soldiers or police because they're guilty of something unspecified, while unacceptable to kill unarmed civilians; following this logic, when terrorists kill supposedly innocent civilians, their acts are even more dastardly. This doesn't make sense. Killing anybody, whether police officer (off-duty or on-duty), soldier, homemaker, child or teen or adult or senior citizen, or government official, is terrorism.

Every murder violates individual rights. Every murder is reprehensible and wrong.

Terrorists, in my view, include muggers ... thieves ... rapists ... carjackers ... schoolyard bullies ... Third World warlords ... jewel thieves ... bombers of buildings ... serial killers ... stalkers ... police officers who plant evidence ... jury tamperers ... army generals who suspend elections in peacetime ... extortionists ... public officials who violate laws of procedure ... and others who violate individual rights.

Some readers can continue to think of terrorism in its familiar, narrow sense, and still grasp my strategy, but I'll use my expanded definition as a way of exposing the bigger, more complex problem that I think terrorism is. My list of terrorists is longer than usual. Everybody agrees airline hijackers and suicide bombers are terrorists.

I believe even muggers are terrorists. Suppose you're being mugged. Your life is in danger. You feel fear. Does your mugger have a political purpose? Probably not, but there are political effects: law is breached, government must use resources to apprehend and prosecute and punish the attacker. Does your mugger seek media attention? Probably not, but it is a media event: neighbors need to know whether there's a danger, and newspapers report such events in the police blotter section. Begin to see that muggers are terrorists too.

I don't see how to distinguish terrorists from ordinary murderers. I don't think we can pick some arbitrary number of murders, and after the murder count reaches that magic number, then the murderer qualifies as a terrorist. And

I don't think some murders are so gruesome that they qualify as terrorism while other murders fail to qualify. All murderers are terrorists. It's a mistake to think of terrorism as a particularly heinous crime because all crimes are heinous, all murders cross the line, all trespass the victim's acknowledged zone of future activity.

If you're a man and question whether rape is terrorism, ask your daughter or mother or sister or wife, and listen.

Terrorism isn't victim-less crime: there must be someone bleeding or bruised or broken or burned or dead, and acts with no clear victim such as drug use or prostitution are not terrorism. Terrorism is neither poverty nor economic recessions nor hurricanes nor tornadoes nor earthquakes nor floods; rather, it's violence between humans.

So, a mistake I think almost everybody makes is:

Terrorism isn't a type of crime; rather, crime is a type of terrorism.

Now, something weird happens when you draw this thinking out to its logical conclusions. You can expand the definition of terrorism into three parts so the problem is *even bigger*, but weirdly solvable.

Let me explain. I see three entities which can harm us: a neighbor, our government, and a foreign government. Accordingly, there is terrorism associated with each type.

The Three Types of Terrorists

They are...

A **criminal** is a neighbor who commits terrorism. The first type of terrorism is crime. The locus of defense against crime is, of course, police and the criminal justice system. Crime is determined by examining the law.

A **tyrant** is a ruler of your own nation who commits terrorism. This is the second type. A government which attacks individual rights commits tyranny. The locus of defense against tyranny is fellow citizens. Tyranny is determined by examining the Constitution.

A **foreign terrorist** is a foreigner who commits terrorism. This is the third type. The most dangerous type is the leader of a foreign nation, but powerful foreign individuals can wreak havoc too. The locus of defense against foreign terrorism is our government. Foreign terrorism is determined by examining treaties and international law.

Please begin to see terrorism as an expanded three-part problem: crime, tyranny, and foreign terrorism. It's a useful way to think about the larger problem.

Suppose a hijacked airliner is surrounded by police:

- To police outside, hijackers inside look like **criminals**, because they've broken laws, stolen an airplane, kidnapped passengers.

- To passengers inside, hijackers look like **tyrants**. They are a bad government ruling by whim, not by law. The framework of rights and rules is suspended by these non-elected self-chosen leaders who can issue the death penalty to any passenger without due process of law.
- To the government, hijackers look like **foreign terrorist leaders**. The space inside is like a foreign nation because government does not control it. Law does not apply within the aircraft. Government officials negotiate with hijackers as if they were foreign terrorist leaders.

It's how you see it. Airline hijackers are each type of terrorist: criminal, tyrant, and foreign terrorist leader, all at once, depending on your perspective.

All three types of terrorism are present in any act of terrorism.

Even a mugging has each type. Clearly it's a crime, but you can see elements of tyranny and foreign terrorism by looking at it from different angles. During the attack there is a temporary space created outside the jurisdiction of legitimate government in which law doesn't apply. From the victim's perspective, the mugger is a temporary tyrannical government, and the money stolen is a tax to that illegitimate government, and the beating is a form of punishment without due process of law. Every mugging is a challenge to legitimate government because the victim has less money to pay real taxes. From the perspective of legitimate government, the

temporary space created by the mugging is like a walled-off compound of a foreign embassy; government doesn't control what happens inside.

Consider serial killers. Each murder is clearly a crime. But government, by its failure to grab elusive and crafty killers, by its inaction or failure of intelligent action, allows the systematic killing of citizens. A wily murderer roams freely, picking off individuals at random, while government fails to keep people alive and uphold law. So an argument could be made that government is complicit in the killings in the sense that it has the legal responsibility and power to stop them, but fails to do so. Government allows a rival government, in the form of a serial killer, to impose ruthless non-jury verdicts on law-abiding citizens. The murdered are, in a sense, victims of both the serial killer as well as the inept government which lets the serial killer kill. Further, as the population is reduced, fewer people remain to pay taxes or serve as soldiers, so the nation is weaker and more susceptible to foreign terrorism.

Witness similarities:

- They **break rules**: criminals break laws, tyrants break Constitutions, and foreign terrorist leaders break treaties.
- They **enslave** people: criminals enslave their victims temporarily during a robbery, tyrants jail political opponents without due process of law, and foreign terrorist leaders enslave neighboring nations during war.

- They **lie**: criminals lie to police officers, tyrants lie to the press, and foreign terrorist leaders lie to ambassadors.
- They **create fear**: criminals frighten victims with injury, tyrants intimidate opposition leaders with possible imprisonment, and foreign terrorist leaders scare neighboring governments with military force.

Terrorists are weak, impatient, spenders not savers, confused persons who use violence because they can not see how to get things peacefully and patiently. They're cash hungry losers who want more than they need, who speed. They're time starved with terminal illnesses, borrowers whose loans have come due, adults physically but children mentally. They experience a time deficit egging them to a quick kill, to risk the world in a dicey venture, to strike first out of desperation.

- **Criminals** do not earn money the slow and sure and legal way by holding a job but steal to get rich quickly.
- **Tyrants** fail to follow the rules of ruling and in their rush for power trample on their own citizens and undermine their own authority.
- **Foreign terrorists** are time-starved misfits prone to miscalculation and eager for war to undo their mess, compelled to strike first before their power base crumbles beneath their feet.

Please begin to share my three-part view of terrorism. I know it's difficult seeing terrorism in a new way, but it's necessary. Seeing terrorism the old way won't lead to a solution.

My thinking about the greatest terrorist in history, so far, was Hitler. Before coming to power, Hitler was a *criminal*, breaking laws; in power, Hitler became a *tyrant*, murdering millions of Germans systematically and creating terror on a massive scale. From the perspective of neighboring governments, Hitler was a *foreign terrorist leader*, making secret treaties, violating agreements, trespassing borders with tanks and troops, breaking international law. Hitler was all three types of terrorist from different perspectives.

And this leads to several important points:

A good prevention strategy must tackle all three types.

Fighting only one type leaves us vulnerable to the other two. We can't focus solely on nuclear terrorism, for example, while ignoring bank robbery, because stopping a nuclear terrorist and stopping a bank robbery are not separate problems but different aspects of the same problem. Terrorists may rob banks for money to buy bomb-making materials, and bank robbers may use the threat of a nuclear blast to divert police during a robbery.

Further, one type can aggravate another. Aggression by a foreign warlord, for example, can weaken government and make it more vulnerable to crime. And a government under foreign attack may become tyrannical to its own citizens. Rampant crime can weaken government and make it vulnerable to foreign predators. And government

can use the threat of external terrorism as an excuse to increase its own power.

The three types are related. Any strategy to fight one type of terrorism must be considered by weighing its impact on the other two. For example, we can eliminate crime by becoming a police state, but fighting one type of terrorism (crime) exacerbates a second type (tyranny). This happens at airports today when we prevent airline hijackings (crime) by subjecting passengers to extensive body searches (tyranny). What's necessary is to find strategies that reduce crime while not increasing tyranny. It's a tough order. And this is why most current approaches falter because they fail to see the multifaceted nature of the problem.

Basic Principles

We don't seek bare-knuckled fistfights with terrorists. Most of us are ill equipped for combat, unarmed, unskilled in martial arts. Still, we must be ready to fight, and if necessary, we must fight. This willingness to fight helps deter terrorism. It's important to grasp the formula for fighting terrorism because it is a building block for a general prevention strategy and a basis for citizenship which I'll explain later.

The basic formula for fighting terrorism is:

Individuals form a group, fight the terrorist, disband.

An individual, acting alone, is rarely strong enough to defeat a terrorist, but many individuals working together can prevail. This is common sense.

The strategy works for each type. Farmers beset by cattle thieves would form a posse, hunt down the thieves, then return to farming. Citizens beset by a tyrannical government would band together, protest, unseat the government, disband. Individual nations threatened by a rogue state would band together into an alliance, defeat the terrorist nation, disband.

What is difficult to grasp, however, is what happens to individual rights during an attack.

Suppose you're walking in a train station and somebody brandishes a knife and threatens to kill somebody else.

That very moment: you don't have rights.

Neither does anybody else.

The knife-wielding terrorist clearly does not acknowledge the power of people to act in the future, that is, does not acknowledge your right to a stab-free stroll to your train.

All it took was one menacing gesture and poof: everybody's rights disappeared like magic.

So fragile, rights: how quickly they disappear. Acknowledge that terrorists have the power to make our rights vanish instantly, to thrust us instantly into a jungle with no law, no government, no order, no guarantees.

Suppose in the train station, there's one terrorist, others, and you.

Then the best way to fight the knife-wielder is to use my formula: form a group, fight, disband. If everybody bands together instantly, encircles the terrorist and attacks together, the terrorist would be immobilized quickly by many grasping hands until police arrive. Nobody gets hurt.

That's the best way to fight terrorism in theory, but in reality, of course, things are difficult. People vary; some are strong, others fledgling. It's difficult for many people to learn of the danger simultaneously. It is never clear who will lead the group or whether it needs leading. We don't want aged grandmothers closing in on an attacker. It depends on how strong the terrorist is, and whether there are any group members trained in wrestling or karate. Many variables influence a battle. Some may run, others remain oblivious, nothing is certain.

Suppose there's no group effort and everybody acts independently. Some scatter, others don't. Survival depends on qualities such as fleetness of foot or physical prowess or wits. Without organized opposition, the terrorist, like a wolf among sheep, could kill one or two or three, maybe more, before police arrive.

While things vary, overall, generally, it should be plainly evident that in such a situation you're safer with an organized group effort. In my example the group magically coalesced, united instantly, cooperated, and subdued the attacker. In reality, it rarely happens that easily, but we can help it happen. Suppose everybody agreed, in advance, that if terrorism strikes, we'll unite and fight and protect each other as best we can given our abilities. Suppose people take an oath promising to act

in some way to help thwart the attack such as phone police as well as physically fight the attacker. Suppose people who scatter may be punished. Steps like these could help people form a group more quickly and fight better.

Perhaps the hardest idea to grasp, however, is how rights change during an attack: **rights shift from individuals to the group**. Only the group has rights: it unites, fights, defeats the terrorist, disbands, and rights revert to individuals, and this controversial idea is at the heart of fighting terrorism.

A group properly entrusted with rights has great power and force and freedom to impose its will. The group's rights are more than a summed total of individual rights because it has a broader range of powers than any individual because of its greater size and wider range of talents. It exists in a dangerous world where only natural law, not human law, applies, and it acts properly when it tries to restore human law. Whether the group triumphs depends on factors such as the quality of leadership, size, extent of participation, resources, training, and such. There is no guarantee of victory, of course, but the chance of victory is greatly improved with a group effort.

When under attack, individual rights are secured by group rights. Your freedom as an individual, when threatened by terrorism, can be preserved by temporary and voluntary bonding to a group. This notion seems contrary to our understanding of freedom, but it isn't, and I think that the more you think about it, you'll agree this is right.

Note that group action is:

- **temporary**, meaning its duration is limited to when terrorism threatens.
- **voluntary**, meaning individuals agree, beforehand, to unite if terrorism strikes.
- **limited**, meaning an attack in one space doesn't apply to other spaces. So a battle with a terrorist in a train station doesn't curtail rights in a bus station.

Restoring individual rights is the group's only legitimate purpose. The group's creation is caused by a terrorist attack, and its legitimate existence is based on subduing that terrorist. A group which pursues goals other than restoring individual rights or fails to disband after terrorism is defeated or acts outside its proper zone of activity may be illegal, bad, and dangerous. Remember that a group can never have total power over individuals since members can withhold support or disobey or abandon the group.

Property rights, as well, vanish during an attack. For example, suppose when a knife wielder threatens that somebody else has an umbrella. You can grab this umbrella to whack the knife-wielder. Normally grabbing somebody else's umbrella might be considered stealing, but in this situation, it isn't. The umbrella owner doesn't have a *right* to that umbrella at that moment. You won't be punished later for grabbing it. When hijacked passengers on United Flight 93 rammed a food cart against the locked cockpit door, they weren't stealing airline property or committing vandalism, but trying to stay alive.

You can see the idea of individuals morphing into groups and back again in different forms. When two people join to start a family, it is a *marriage*. When a buyer and seller join for an exchange, it is a *contract*. When neighbors join a group for defense, it is *citizenship*. When nations join a group for defense, it is an *alliance*. In each case we sacrifice something today to get something better tomorrow. The bond allows people to do things they can't do by themselves. This is why a person alone on an island won't have as much freedom as a person with neighbors in a free society, because a person in society can bind themselves to others, temporarily and voluntarily, to secure greater freedom later. Hermits, lacking neighbors, can't, so they'll usually have less freedom.

An idea which may be difficult for many to accept is that a group formed to fight terrorism must have power to punish members for disobedience. Lacking such authority, it can't enforce difficult commands. It's not fair for most members if a few disobey. The group's leaders have a right to know who's in and who's out.

An example may illustrate this point. In a war movie, soldiers storming a beachhead were pinned by enemy fire, and a sergeant ordered a soldier to push forward a pole of dynamite to explode a path through barbed wire, a maneuver exposing him to withering fire but necessary for destroying the enemy machine gun.

The soldier hesitated halfway up the beach.

The sergeant began shooting near the soldier, missing by inches, as a warning not to hesitate.

The soldier then pushed the pole forward and exploded a path to the enemy.

My point is that a group must have total power, even the power of life and death, over individual members when fighting terrorism. Shooting a disobedient soldier isn't murder but an act of extreme discipline, justifiable because the group's survival trumps the individual's. A disobedient soldier jeopardizes everyone's lives. An American general executed a disobedient soldier during wartime and later became President; another hung deserters. Extreme discipline may happen, but rarely, because killing a fellow soldier lessens the potential fighting ability of the group, may undermine morale, and may subject the punisher to review by superiors and possible punishment later.

I realize this is a difficult idea but please understand that if everybody is prepared to fight for freedom, and will fight if necessary, then it is much less likely that we will ever have to, in fact, fight. We'll be safer. Potential criminals will be scared into behaving. Conversely, if none of our neighbors have this attitude, then we're more likely to encounter such situations.

When terrorism is defeated, the group must disband and transfer rights back to individuals. Groups failing to disband may bring tyranny.

Some groups remain organized even without terrorism, that is, they don't disband after terrorism. Police remain organized as a group even when society is orderly. Some military units remain mobilized in peacetime. The legitimacy

of such groups is based on their purpose of preventing future terrorism. One benefit of remaining organized is to lessen the awkward time between the initial terrorist attack and the response to that attack. Since mobilization without immediate terrorism invites abuse, police and military are subject to special rules and their behavior is highly regulated. If they break the rules, then they must be held accountable by the same legal system they try to uphold. For example, if an officer speeds recklessly through town, siren blaring, on a personal errand, then punishment can result.

While this simple model of individuals morphing into groups to fight terrorism and then disbanding is useful for thinking about terrorism, modern society, of course, is too complex for such a simple model to apply directly to real world situations. It's rarely a straightforward matter to determine which persons belong in a group to fight terrorism. For example, if a mugging happens downtown, then residents uptown should not be obligated to organize to help defeat the mugger: only people nearby should be responsible for acting, and the extent of their response should reflect the seriousness of the crime and their individual power to thwart the attacker.

A more vexing problem which confounds the simple model is that some types of terrorism end when they begin, such as suicide bombings. In such instances, the attack is effectively over when it began. It's nonsensical to punish a dead person. Clearly the model of group action to fight terrorism does not apply in this situation.

Terrorists seek to blur the line between peacetime and wartime, to make it difficult to guess when an attack is happening and whether it is over. After a sudden blast on a crowded street, with body parts hurtling through smoke, it may not be clear whether danger has passed or whether there is a second bomb waiting to blast the rescuers. Terrorists seek to paralyze us with uncertainty.

While terrorism can become quite complex, the model of individual rights reverting to group rights, and back again, is a simple model from which to think about many issues including citizenship and war and how they relate to terrorism, and it will be important later for understanding strategies I have yet to propose. For now, please accept the model as a general method for fighting terrorism.

Generally, this is how we FIGHT terrorism.

But it's much more important to PREVENT terrorism.

How is this done?

How to Prevent Terrorism

Back in Manhattan in the early nineteen eighties, I grasped the nature of terrorism, but the magic of preventing terrorism eluded me. I kept reading books in bookshops and from sidewalk vendors on history, philosophy, economics, military strategy, politics, religion, science, anything I could read, talking to people, asking questions, watching television, searching for any ideas or approaches which made sense. I wondered what John Jay might have thought about nuclear

terrorism, or Spinoza, or Machiavelli or Rousseau or Plato or Locke or Madison or Tzu or Tocqueville or Caesar or Aristotle, and how they might have approached the problem of car-sized bombs capable of destroying a city.

But they were never confronted with such a problem, of course, so I had to guess what they might have thought, and for years I muddled around aimlessly.

Then in the middle of the decade I saw a movie called "Witness" and an amazing thing happened.

At the end there's a shootout on a farm.

The last bad guy confronted a dozen farmers and an unarmed detective and a little boy and his mother.

Only the bad guy had a gun.

The others didn't.

Nevertheless, the bad guy surrendered.

Why?

Because the number of bullets in the gun was less than the pairs of eyes.

The bad guy couldn't possibly kill all the farmers without some surviving to witness the murders, and when the bad guy realized this, he surrendered. Terrorism was prevented.

After all my reading and thinking and question asking and wondering and frittering about, my puzzle was answered in a movie, of all places.

I was stunned by the revelation.

And as I sat through the credits while moviegoers ambled out, I realized this idea was central to the problem of preventing terrorism, and of course there were many dots left to link and thoughts left to think, but by raw luck I had bumped into a big, big idea, and I knew it, and things clicked together. And, looking back, everything seems obvious, but it didn't seem obvious to me back then.

So I began thinking seriously about a weapon I shall call *light*.

I think the key to preventing terrorism is light.

Light in that movie was the idea in the bad guy's mind that there were more witnesses than bullets, but there are lots of examples of how it can prevent terrorism.

Light is a picture of a license plate.

Light is a mental image of the face of a rapist.

Light is an expense report of a public official.

Light is a written treaty.

Light is a contract.

Light is eyewitness testimony.

Light is rules of courtroom procedure.

Light is a Constitution.

Light is a citizenship document.

Light can shine within the mind of a potential terrorist to persuade him or her not to be violent, like the bad guy in the movie.

Light can shine within the mind of a tyrant, and lead to resignation.

Light is ideas in your mind about what citizenship means.

Light can shine on different aspects of the transformation from individuals to a group and back again.

These are only a few senses of light but what is common to each is the benefit of exposing terrorism.

Light bothers terrorists. They hate daylight, exposure, information, and they love darkness, confusion, murkiness.

- **Criminals** smother light by lying, using false identities, wearing masks when robbing grocery stores, switching license plates.
- **Tyrants** smother light by closing printing presses, blocking phone calls, banning open meetings, lying to the public, lying to journalists, genocide, imprisoning opposition leaders, canceling elections.

- **Foreign terrorist leaders** smother light by lying to other governments, making secret treaties, using embassies for espionage, spreading false stories to the worldwide media, restricting foreign journalists from entering, war.

This brings us to preventing the first type of terrorism, or crime.

HOW TO PREVENT CRIME

Crime, the first type of terrorism, is prevented using light.

Light to prevent crime is recorded information about movement of people and things in public places.

Examples of light are a record of a license plate, a phone call, a purchase, a delivery, an airline flight, a meeting of two people, an event, a transfer of money, and so on.

Recorded information must itself be capable of movement from person to person and be re-transmittable, because if it gets stuck in a drawer somewhere, it's useless, that is, light must have legs. Light can travel from person to person by phone lines and radio waves, by speech and fiber optic cables, and it can move when people talk or tell a police officer what was seen.

Let's call a device which records light an *information camera*. Information cameras are tape recorders, photoelectric sensors, credit card readers, grocery scanners, scales, pencil and paper, computer scanners, and regular photographic cameras too. Just as a camera takes a picture, an information camera takes an information picture.

Click.

An information picture should link: a subject, time, and place. A subject could be a person, a thing, an item, an amount of money, a transaction, a relationship of two

or more people, an event. An information picture is the building block of a system of information that helps police see terrorism.

When an information camera shutter opens and light passes through and snaps an information picture, three information bits are linked to form a fact that may be useful. An example of an information picture is that Mr. Doe (subject) was, at 6:01 pm (time), on 5th street (place).

Single information pictures can be combined into *information movies*. Film editors put images together to make a movie. Similarly, investigators can link information pictures together to make an information movie which may reveal something important.

For example, suppose there are two information pictures: the first is Mr. Doe at 6:01 pm on 5th street, and the second is Mr. Doe at 6:03 pm on 6th street. The information movie is both pictures together. A possible inference is that Mr. Doe moved from 5th to 6th streets during those two minutes probably by walking.

Unique information is preferred. A picture of a face is good but a number is better because it describes only one possible subject such as Mr. Doe #123456789 from Boston.

Different information should be recorded. Money can move. Things can move. Ideas can move. A crime can occur even if a criminal remains in a fixed place, such as a person reporting a false fire alarm from a telephone.

Movement should trigger cameras. When something moves, click, an information picture is taken. Cameras should remain off when there is no movement to reduce expense. Folks who do not move, who stay home, make no phone calls, write no letters, get no packages, and have no visitors, are not dangerous because they can not murder or make bombs or phone in false fire alarms, so there's really no need to watch them. Travelers, however, have more chances to cause mischief and therefore require greater monitoring.

Three main ideas are: identification, movement, uniqueness. When something moves in public, it should be identified, and identified uniquely.

The first reaction people have when I suggest recording the highlights of our activity in public is fear of losing freedom and privacy. However, I think both freedom and privacy will be strengthened with my arrangement. This is one of those areas where citizens need to think deeply and carefully. Please remember I am a citizen too, and I value my freedom and privacy highly like everybody does. But before I can show why I think my proposal is superior, let me try to clear up some of the confusion.

In public, we have a right to see what's going on. We can see trees and streets and passersby. We are not required to shut our eyes when others pass; rather, we can examine their faces and clothes and appearance and what they do. We can take pictures of people and things in public or write things seen in a notebook. Merchants watch shoppers, sometimes using video cameras.

Police have a right to watch what happens in public. They look for speeders. They can follow a car to study what it's doing. They can monitor activity using video cameras perched around town. All this is perfectly legal and acceptable. I'm making this point because I believe there is significant confusion about privacy, the general mistake being:

Some think they have a right of privacy in public. This, of course, is nonsense, because it's impossible to prevent others from seeing us in public, and privacy-in-public is obviously a contradiction in terms.

In *public*, we're in public, of course, and what we do is seen by others, and what others do is seen by us.

In *private*, we can have privacy, like being home with window shades drawn. There are semi-private places, such as public bathrooms, where we can have a measure of privacy. But walking down a street or driving in a car, we're in public, and what we do and where we go can be watched and recorded by others.

What's happened perhaps is that people have gotten used to the fact that while others, including police, can see what we do in public, what we do is rarely recorded, and we have a measure of anonymity because people forget what we do. And over time we've gotten used to having such privacy in public because of this anonymity, which we've persuaded ourselves we have a right to, but we really don't have such a right at all.

Anonymous movement in public — when people and things move about unidentified, unlabeled, unrecorded —

is bad and stupid and dangerous. Today people travel anonymously, from city to city and within cities, walking, driving, flying on planes, making phone calls, buying things, meeting others, and doing other things without anybody really ever knowing what they're doing because it's anonymous, unrecorded, forgotten, a blur.

Anonymity is multiplied by the swelling size of cities. In a small town where people know people, a criminal is caught more easily because folks have an inkling of what their neighbors do. In a large metropolis, however, few can remember the thousands of faces seen each day. We may have seen criminals free in society but didn't realize it, possibly sitting next to a criminal on a train or a plane and in our brain for a moment there was a mental picture of a criminal but it faded. If that picture didn't fade but was turned into a physical picture and given to investigators, then a future crime might be prevented.

Pictures fading: this happens often, and criminals count on it. Killers kill pictures as well as victims. During a murder the mind of the victim has a picture of the face of the murderer, but when the victim dies the pictures in the mind of the victim die too.

I love privacy like everybody does.

The challenge, then, as I see it, is to combine identification and privacy so police have vital information to prevent terrorism while people have as much privacy as possible. Let me show first how police can use light to prevent terrorism, and then I'll show how to strengthen privacy.

The task of identifying movement should belong to police. That's their job. How police do this should be monitored and regulated by law. If done badly, police should be held accountable by police supervisors, local political authority, journalists and citizens. An internal police department can watch where police go and what police do and what police buy and what police know to help ensure police obey the rules.

Police should be divided into two branches:

- An **observation** branch would monitor public movement. In a giant building, centrally located, police would use computers to sift through massive amounts of data about movement of people and things in public, looking for dangers. Our numbers, not our names, would be tracked in their computers as we move about in public. Investigators would search for patterns, for conspiracies, for crimes in the making. **By law, all data should stay inside this building unless there was a threat to the public.** Police couldn't remove any information or reveal it to anybody for a spurious reason, and if they did, there would be a record of such a leak, and leakers would be subject to punishment. Officials employed in this branch would be banned from working in other areas of government for the rest of their lives.
- An **enforcement** branch would be all other police. They would do what they do today: issue traffic tickets, keep order at public events, settle

domestic disputes, and so forth. But they wouldn't know much about us other than what they see in public. They could not access information from the other branch. They wouldn't know where we went, what we bought, who are friends are, what videos we rented, where we go to church, whether we voted. For example, to catch speeders, they couldn't query a computer, but continue to use hand-held radar detectors as they do today.

The idea is to **keep the two branches separate**. Any communication between the two branches should be highly regulated and monitored. For example, a court order may be required for regular police to get information from the observation branch needed to solve a murder, and procedures followed to make sure that private information stays private. Or, if the observation branch identified a possible conspiracy, then a court order would be required before alerting the enforcement branch.

Let me show how information can prevent crime.

It is *almost impossible* to prevent a criminal's very first crime. Anybody could grab a kitchen knife and run into a street and stab somebody. This is almost impossible to foresee and prevent. Before becoming criminals, people are presumed innocent and it is consequently hard for police to stop a possible first crime without interfering with the freedom of a presumably innocent citizen.

Still, if every first crime is exposed, then every first-time criminal would be caught. This prevents any subsequent

crime. The only way a convicted criminal could commit a second crime was after serving time in jail or after being acquitted by a jury. There would be no more crime sprees. If police had records of the public movement of every person, they could trace where anybody went, what they did, what they bought, who they met, and so forth. If a crime happened, police could access computer records and learn what happened. Knowing this, potential criminals wouldn't commit a crime in the first place *because they'd know they'd get caught*. This kind of light enters the minds of would-be criminals and keeps them honest.

Crime, then, would be prevented.

I believe the certainty of punishment will deter almost all people from committing crime, so almost all first crimes would be prevented.

Notice I said *almost all* crimes. There are several exceptions:

- It deters rational criminals. Mentally ill people who don't understand the consequences of their actions might not be deterred. Jilted lovers overpowered by emotions can be dangerous too.
- A second exception in which certainty of punishment might not deter crime is when the expected punishment is mild, so a criminal may commit a crime knowing they can endure a mild punishment. But lawmakers can stiffen punishments.
- Another exception in when an opportunity to murder many people may tempt rational but

suicidal people. Normally a balance between crime and punishment restrains rational criminals who fear the retaliation of a death penalty, but the most a criminal can lose is one life. However, if there's a chance to murder dozens, hundreds, thousands, millions, then the balance of crime and punishment is disturbed. I don't see how we can punish one who has murdered a multitude since we can't impose the death penalty a dozen times on one body. In a weird calculus a criminal might think losing one's life is an acceptable sacrifice for murdering many, particularly if criminals don't value their own life much. I realize this isn't rational. If soldiers who sacrifice their own life to kill many of the enemy are heroes, then people who sympathize with terrorists may see them as heroes as well. An increasing size of cities tempts mass murderers in the same way that a widening disparity of wealth tempts robbers.

How Light Prevents Big Crimes

While we can't rely on fear of punishment alone to prevent all crimes, a strategy of identifying movement in public makes it very difficult to commit a horrendous crime such as nuclear terrorism, so let me explain why.

Before doing a big crime, criminals must almost always do little crimes to get stuff necessary for a big crime. For example, they might have to steal a gun before hijacking an airplane. However, since stealing the gun would result in capture, the airline hijacking would be prevented.

The benefit of capturing all first-time criminals is blocking subsequent crimes such as bank heists and airplane hijackings and nuclear terrorism as well as preventing them from getting the experience necessary to commit a major crime. Authorities can take additional steps to prevent specific crimes, such as monitoring more closely people with the technical expertise to make bombs as well as tracking the movement of tools and parts for making explosives.

Light can squash serial killers. In the past, crafty and careful killers have murdered dozens before being caught, some eluding capture for years. A prevention strategy using light will make it very difficult for them to operate. Suppose a killer kills in city X on Monday, in city Y on Tuesday, and in city Z on Wednesday. Without light, the police in city X may still be looking for the murderer in their city on Tuesday and Wednesday long after the killer skipped town. With light, it's easy for police to compare lists: who was in X on Monday, Y on Tuesday, and Z on Wednesday? The name will pop right out of the computer. This is an efficient and intelligent way to catch a dangerous killer.

Contrast this with the inefficient method used to catch the Washington area snipers in 2002. Over three weeks, two snipers living in a used sedan killed ten people, terrorized an entire region, and eluded police despite dragnets, aerial surveillance, psychological profiling, random searches. The attack was clever: one sniper hiding in the car's trunk fired an accurate high-powered rifle through a small hole, and then the other drove their car away, making it hard to locate the gunshot sound. People were afraid to leave their houses. Police sorted through thousands of incorrect tips. Detectives trying to identify the sniper's car had to pinpoint

one vehicle out of millions, like finding one grain of rice in a truckload. This was a daunting task requiring oceans of patience. That police did catch the sniper is a testament to their hard work and dedication, but luck was involved since one sniper phoned in a clue that led to their arrest.

While most big crimes depend on a previous succession of smaller crimes, there may be exceptions. A passenger might say to a stewardess there is a bomb on the plane, and the plane might be diverted from its course, so this might be a case where a first-time crime is a big one.

Still, in a world where movement in public is identified, it would be much less likely that there was a bomb on the plane. How would a passenger have gotten the bomb in the first place? Probably not by stealing since there is a record of purchases, so police would know if anybody had bought or stolen supplies necessary for bomb assembly. Authorities may see through the ruse and keep the plane flying on its proper course and arrest the fake bomber upon landing.

The preparation necessary for a big crime is mostly invisible, like the submerged part of an iceberg. Police need to see the whole iceberg, not just the tip.

To prevent a big crime, law enforcement must:

- Gather useful clues.
- Link clues together to identify a danger.
- Capture conspirators or thwart their attack.

The problem is police lack clues. There are intelligent investigators who can link clues together but they often lack clues so they can't do their job properly. Officers know how to catch suspects and make arrests and interrupt attacks, but they can not always see who to pursue.

Law enforcement today is like a blind person. There is a brain to analyze clues and arms to capture criminals but there are no eyes to see clues.

Principles

A criminal could be anybody: man or woman, old or young, black or brown or red or white or yellow, poor or rich, short or tall, atheist or Buddhist or Christian or Hindu or Jewish or Muslim, army officer or citizen or government official or judge or police officer or President or religious authority or visiting foreigner or anybody else.

It follows, then, that **everybody must be identified**, that nobody remain nameless, faceless, anonymous, dangerous.

Further, as citizens, **we must agree to identify ourselves in public**. We must identify who we are, what we buy, what we carry, who we meet, where we go, and so forth. Self identification should be a duty of citizenship; people will come to see why it's sensible and necessary.

It is much better if citizens initiate the transition to an identified world than if government forces this transition on us, perhaps as a response to terrorism. If a city is destroyed by a nuclear bomb, then I believe government will be forced

to take extreme and hurried measures to protect us, such as placing cameras everywhere regardless of any respect for privacy considerations. But if citizens take the lead in building identification systems which preserve privacy, we can avoid a headlong rush towards a police state, and the end result will be more to our liking. I believe the approaching reality is that identification is coming whether we like it or not. While I write this, police in New York City are installing cameras throughout the city with few safeguards for privacy.

Another mistake is seeing the issue as an unfortunate but necessary trade-off between having an authoritarian police state, safe but not private, and an open society, private but dangerous. Some think we have to live in the middle between these extremes and that the only way to get greater safety is to sacrifice privacy, so they wonder how much privacy should be given up for that safety.

I think seeing the choice as a trade-off is a mistake. Rather, we need both better safety *and* better privacy. I think everybody realizes our vulnerability, but what many fail to see is that privacy today, as well, is flimsy, based mainly on anonymity, not law.

How to Enhance Privacy

A general principle to protect privacy is to encourage **two-way seeing** in which someone sees you and you see back, and each is aware of being seen by the other. One-way seeing, of course, is when only one sees the other. Examples include being spied on by a neighbor with a telescope or being followed by a stranger through public streets. One-way

seeing is bad because rights are not balanced: the spy has a lopsided advantage over the viewed and power isn't equal; spies and snoopers have too much. Obviously, an identified world should be based on two-way seeing.

Suppose police know everything about us: who we are, where we go, what we buy, what we own, who we know, and so forth. Then I agree we would be vulnerable to abuse and this would be dangerous. But suppose police themselves are identified, their behavior recorded, so there's a record of which police officers have what information. This information protects us.

The system which records public movement must record police movement as well. If police abuse their power and misuse information, then there would be concrete data to expose such abuses. Police misbehavior could be punished. The public could see back. A system which monitors police as well as civilian behavior is capable, in my view, of meeting everybody's needs.

Consider when other people hold our personal medical data. At present, it is hard to know if these records are safely locked in a filing cabinet or loosely guarded on a computer network, or whether they were sold to a medical insurer for some dubious purpose. None of this movement of information is tracked. It should be tracked, in my view, so if information is improperly leaked or otherwise abused, we can expose such abuse and punish the abusers.

Most people probably don't realize how little privacy we have because most of us are uninteresting to others. There's no financial incentive for prying eyes to peep inside our

personal lives. In contrast, rich and famous people have precious little privacy. Privacy falls apart when we become interesting to others, when we have something others want, such as money or fame. Celebrities know better than the rest of us that privacy is practically nonexistent because they live like poodles in a pet shop window. A few celebrities have been murdered by weird freaky types who stalked them secretly. Others have had their privacy violated when former nannies or bodyguards sold personal information to tabloids. Some have been bothered for years by obsessive fans. Many build high-walled compounds to keep photographers with telephoto lenses at bay.

And even for particularly uninteresting folks such as myself, there will always be some person or corporation or entity interested in learning more about my private self. I buy things. I travel. I read. I have health insurance. To a small extent, then, I'm interesting to marketers, travel agencies, publishers, health insurers.

Suppose, for example, I get a terminal illness. Then a potential health insurer can save money by declining coverage. There are financial incentives for insurers to snoop into private medical data, and little to deter health insurers from paying doctors to reveal sensitive personal data. If this information was sold, it would be difficult to learn who leaked what when. There are a few legal safeguards but not enough, in my opinion, because generally the movement of information is not recorded.

Some ex-wives have been murdered by estranged husbands who took advantage of shaky privacy to discover their location. Swindlers take advantage of thin privacy to secretly

profile assets of potential victims. Identity thieves take out loans based on information fished out of garbage cans. There are countless examples of privacy breaking down.

Privacy protects against current and future public scrutiny. It's a window shade helping people act without worry about what others might think. If we worry others may learn about our taste for unpopular music, for example, then we might refrain from buying music we like.

That's why privacy is great: we can let our hair down, buy music we like, be free from scrutiny by a majority which can have a narrow sense of proper behavior. Privacy is a vital part of freedom.

Sometimes we won't care if others have our private information. For example, I don't care if food makers know my preferences for breakfast cereal. Manufacturers with such knowledge can target advertisements more effectively to me. And I may get fewer messages from manufacturers who know I'm not interested in their stuff.

Suppose a police officer knew your every public move, and knew you drove to a coffee shop for breakfast before going to work, and later stopped by a store on the way home. You bought toothpaste. So what. The officer won't care. You won't either. It's not a big deal. If we think through various situations in which our privacy could be violated, there would be many instances when we don't care.

Most likely, police wouldn't see us as people but rather as numbers in computers. Police in the observation branch wouldn't be able to connect our number to our name

without official permission, perhaps from a judge, an act which would itself be recorded. Our numbers, moving on a screen with millions of other numbers, need to be in that computer, however, so police can decide not to focus on us when hunting for possible terrorists, so police know we're good, so they know we're not a threat, so government knows not to frisk us at airports or inspect our shoes countless times or put us through unnecessary fuss again and again and knows not to waste money and time worrying whether we're terrorists. Police can focus on finding real terrorists.

Suppose you were at the coffee shop when a murder happened nearby. Your number in their computer eliminates you as a suspect.

You were at the coffee shop.

You weren't at the crime scene.

So you didn't do it.

Police wouldn't bother you but focus on the culprit.

A number possibly interesting to detectives is one which drives to different gas stations repeatedly, buys gas, but drives only a few miles. The discrepancy between the volume of gasoline bought and the few miles driven could suggest, perhaps, a leaky gas tank or possibly a bomb under construction. Detectives having this information might foil a bombing.

We need **identified privacy**. If all movement is identified, then the movement of even private information should be

identified. Every chunk of information should be tagged with a **privacy label** which determines who can and can't see that information and which determines where it can and can't go. For example, a privacy tag may allow a computer to release medical information within a hospital but not to medical insurers, or it may say information isn't private, or it may grant access to employees but not competitors.

There are many ways to protect private information. During every investigation, a record should be made of the investigation itself, noting the police's request, the judge's response, which officers accessed which private information, what police did, and so forth. The investigation itself should be exposed to light. Law may require police to notify people under scrutiny that they are, in fact, under scrutiny. During a trial, irrelevant private information should be kept secret.

Suppose a rogue police officer learned from a previous investigation that a particular citizen did something legal but embarrassing, and threatens to reveal this information unless paid. This act of blackmail would be very difficult to accomplish. The extortion request would itself be recorded, which is evidence of blackmail. It would be difficult for a blackmailer to be paid since all money transactions would be recorded. Prosecutors would have plenty of evidence to build a case against an officer who tried such a stunt. Perhaps in some cases individuals could sue police officers if it was proved that an officer released legal yet embarrassing information or violated a citizen's privacy.

This is one of many ways in which the public can see back, to complete the loop so that citizens are not victims of snooping and blackmail, and privacy is protected.

Generally I don't think police would abuse information, because they wouldn't want to...

- lose the trust of the public
- be sued by citizens whose privacy was violated
- be fired or demoted or suspended by superiors
- be chided by the media

Remember the public holds the ultimate trump card since we could, as a group, refuse to cooperate with voluntary self-identification. It's a drastic yet powerful weapon which the public has. If elected officials failed to fire top police officials, or if police tried to cover-up privacy violations, then the public could stage an information boycott.

Abuse of information will happen, but rarely, and the abuse, itself, will be exposed, and this will be a good thing because it will spur continued improvements to privacy legislation. I don't think there is much to fret about, provided safeguards are used.

Everybody in this nation loves privacy so much, and there is a habitual respect for law and due process, so while we may worry about a 1984-style totalitarian oligarchy spying on us, I think there is little chance that such a horror would ever happen. We wouldn't put up with it.

Currently, privacy laws are weak and inconsistent and fail to recognize the need of police to have information necessary for preventing terrorism as well as individuals to maintain

a level of privacy. Lawmakers and courts must create good privacy legislation which should:

- govern what happens to private information publicly held such as medical records
- punish privacy violators
- specify what's private and what isn't
- establish procedures for exposing privacy violations
- presume information is private unless specified otherwise

What is needed are simple rules governing privacy so people can plan accordingly. Before we did something which might be recorded in some way, we would know which privacy rules applied to that upcoming situation or should be able to learn if interested. As time passes, privacy rules will become understood and accepted, and there will be fewer times when privacy is violated, and people will become familiar with the new arrangements.

Some particular cases may demand extreme measures to preserve privacy. One creative way to safeguard privacy is through phantom identities. A celebrity could have an additional and legal second identity, complete with name and number, allowing him or her to transact business and move through society without shopkeepers or hotel managers knowing their true identity. Only the police, with permission obtained by judicial due process, could link both identities.

A general test, before releasing private information, should be: is there a good need to know? An individual has a good reason to examine information if it pertains to himself or herself. A police officer has a good reason if it helps solve a crime. A lawyer has good reason if needed to clear a client of blame.

Nobody should have access without a good reason. No neighbor needs to know what others bought yesterday. No employer needs details about the social lives of employees.

It should be illegal to broadcast private information. For example, a lawyer with knowledge of private information could not reveal it, sell it, or broadcast it to the public without permission, but if he or she did, then there should be penalties.

Why Victim-less Vices Can Cause Problems

It is easier for privacy to mesh with identified movement if there is **tolerance** of individual customs, harmless religious behaviors, victim-less vices, quirky behavior, unusual yet nonviolent activities. A majority with voting power can use the machinery of government to enforce its narrow ideas of proper behavior and punish people who do otherwise. A majority can outlaw chewing gum in public if it desired.

Consider prostitution. It doesn't really hurt anybody in the same way murder does but perhaps it isn't good for society as a whole, arguably, according to majority opinion. Some people will engage in the world's oldest profession regardless of its legality and may undermine, convolute, and

finagle any system of identified movement so they can keep doing it.

Suppose a married man is caught paying a woman prostitute. Since prostitution is illegal, government faces a tough choice. If it prosecutes, it must expose the prostitution and, in so doing, it violates the right of both people to privacy. Any legal penalty may be insignificant compared to the severe penalty of public embarrassment. If government doesn't prosecute, it fails to uphold the law.

Consider not only prostitution, but smoking, homosexuality, gambling, drug abuse, alcohol abuse, pornography, obscene speech, marital infidelity, video game addiction, food addiction, sex between minors and other such behaviors which meet with majority disapproval to varying extents. Such behavior doesn't hurt anybody, arguably, and are not acts of terrorism. But punishing such behavior by making it illegal and treating people who do such things as criminals can aggravate any attempt to build a system of identified movement.

The basic problem is:

- If victim-less vices are **outlawed**, then non-majority groups will be angry and frustrate attempts to record movement.
- If victim-less vices are **legalized**, then the majority will be angry whenever it bumps into this behavior. The majority will worry that this behavior will corrupt society because it's legal and seems like it's running rampant. And it may appear that

government approves of these behaviors because they're legal.

A compromise is to legalize victim-less vices but limit their activity to specific places and times, and protect the privacy of people who do such things.

The battle between majorities and non-majorities should not be whether victim-less vices are legal or illegal but about the degree of their exposure. For example, prostitution may be legal but limited to specific parts of town during specific hours, and people who do this activity should have their privacy respected. Instead of outlawing the oldest profession outright, a more intelligent and tolerant solution is to restrict more tightly those zones and times where such activity can happen, and punish violations with fines. People can battle in legislatures about where to draw these boundary lines, which will change as customs change.

Look what happened when alcohol was banned early in the twentieth century. Banning liquor made it scarce, driving up the price, causing a huge upsurge in crime to supply this need which, in turn, fueled other types of crime, including murder. Further, enormous profits were an ongoing temptation to police to accept bribes for assisting in protecting the liquor supply business, and this was a form of tyranny. Banning alcohol gave organized crime a lucrative business. Later, wisely, the ban was overturned. But this whole sordid lesson seems to have been lost on people. I see it as one more example of how the types of terrorism are related: in this case, a stupid law to ban alcohol (tyranny) encouraged another type of terrorism (crime). Today, the same mistake is

made with narcotics. Government is not our parent. It can't prevent us from vices. It can't enforce morality. It should restrict itself to punishing violence, not vice.

While no perfect solution exists, a compromise is a way to keep most people happy while allowing both privacy and safety.

Here are principles to organize information into a working system. It's necessary the system be sufficiently rigorous to prevent nuclear terrorism while being fuss-free and simple and quick so we can adjust easily to the new arrangements.

How To Identify People

Identification cards — A single identification card may act as a driver's license and bank card and credit card and identification card, all at once, replacing a wallet crammed with cards. Visiting foreigners should also be issued cards which have a person's picture, unique number or numbers, fingerprints, address, phone number, height, weight, eye-color, skin-color, citizenship status, nationality, and perhaps genetic information.

Tiny radios — Citizens might wear a tiny radio on a belt which when paged would send an identification code silently, like tollbooth transponders currently in use, so all we'd have to do is remember to wear it.

Personal data recorders — Airplanes have rugged recorders which survive crashes and provide clues about

what went awry. Perhaps people could wear a personal data recorder, activated by loud noises or screams so a person in distress could leave an audio record of what happened. Once activated, the device should secure itself to the wearer and become difficult to dislodge or disable. If police recover this device, it may help their investigation. Such devices could be worn by police as well as citizens engaged in isolated or dangerous activities, such as tow truck operators or forest rangers.

Faces — A three-dimensional color image of a human face can be described by a number and processed by a computer. It could help investigators pose difficult questions such as whether one face could be a disguised or altered or older version of a second face or whether two faces could be related genetically.

Legal portals — Doorways to public buildings such as theaters and libraries and stadiums and hospitals should have entrances equipped with scanners to record the identifies of people entering and exiting. It should be illegal to deliberately bypass a legal portal, with exceptions being emergencies such as evacuating a fire.

How To Identify Things

Unique numbers — Each item of value should have a unique identifying number to help police track things stolen or lost or used in a crime.

Barcodes on vehicle roofs — A black and white UPC-like barcode can be read by overhead scanners.

Weapons — All weapons should have a unique identification number. An internal black box could record every time a gun was fired. Technology permitting only owners to fire it is recommended. Rules for identifying weapons should apply not only to citizens but to police as well. Perhaps bullet manufacturers might be required to place inside each bullet a chemical tag to help police identify the owner. Guns should have tiny radio transmitters which emit an identifying signal every time they're moved or fired. Explosives should have chemical signatures.

No hidden weapons — It is especially important to record movement of destructive things such as guns, explosives, poisons, and their components. There should be no confusion about who is armed. Armed persons must signal they're carrying a weapon in public in some manner chosen by law, perhaps by wearing special clothing or displaying a badge, and failure to abide by such rules should carry severe penalties. Since handguns can be concealed beneath clothing and carried secretly in public, they are more dangerous than larger weapons such as rifles or shotguns; it makes sense to regulate their sale and use, or ban their sale to the public entirely.

Tag manufactured things — Manufacturers can label products with a sturdy metal tag. Shippers should keep records of things they move. The exact path of every manufactured thing should be traceable to foil bombers and poisoners and thieves. Tag nuclear bombs with tiny indestructible labels or traceable chemicals, and place internal radios inside them which silently send a warning signal on a frequency monitored by police.

Label packages — Senders must identify themselves and the contents of their packages. In addition, package delivery personnel can label packages with an indestructible tag shaped to maximize chances for recovery while not becoming a harmful projectile itself.

How To Identify Money

Eliminate cash — Criminals, of course, prefer cash since it's harder to trace. Cash, then, should be eliminated over time except for small transactions, and replaced with identified money such as checks and credit cards and debit cards and electronic transfers in which a third party, usually a bank, witnesses and records each transaction.

How To Identify Communication

Record communication — Each record should identify the sender and receiver, time, location, and medium. Machines used should be recorded too. If it becomes practical to record the actual conversation or message, in terms of technology and expense, then this should be considered. A common format should be used.

Ban attempts to obscure communication — Encryption must be illegal unless police have matching encryption technology, and the type of encryption must be identified before messages are sent. It should be illegal to use intermediaries to disguise the true parties of a communication. Destruction of communication trails for the purpose of deception should be prohibited.

How To Build A Database System

Information can be woven into a system of connected databases, which might include:

- A database of **people** would link names, faces, numbers, addresses, faces, fingerprints, genetic information.
- A database of **assets** would record who owns what.
- A database of **associations** would record meetings of people.
- A database of **financial transactions** would record transfers of money.
- A database of **weapons** would link weapons to owners.

Databases should be linked so the purchase of a gun might be first recorded in a database of financial transactions and later in databases of assets and weapons.

Each record should have a **unique identifying number**. Since the number of database records will be staggering, it may be necessary to use ASCII codes instead of numbers because they allow 256 possibilities for each digit instead of ten.

Records should be able to point to other records.

For example, the inference Tom went to a concert might be described with two records: the first record would be that Tom went somewhere, the second record would be the concert, and the first record could point to the second. If two people met in public, then records could point to each other and allow investigators to study associations such as meetings of law abiding citizens or terrorists planning an attack.

Identify geographic space so the precise location of a house or boundary or sports arena or seventh floor of a skyscraper or a subway tunnel could be described.

Government should establish standards for identifying subjects and times and places, perhaps using a fixed number of digits or common format so different computers can work together.

Cameras should check each other. A camera recording a license plate, for example, might check another which weighs a vehicle, and overlapping systems make it difficult for a terrorist to outwit police by evading a single camera.

Place cameras to maximize information and minimize cost.

Vulnerable targets such as nuclear power plants should get more coverage, and **capital cities** should get more coverage than provincial towns.

Keep summary information at a **central site**, such as a hardened underground bunker, for example, and information should be backed up periodically to a separate site.

Discard unimportant information. Record what was discarded, when, by whom.

After any crime investigators could generate a list of suspects by posing questions to a computer. They could expand their list by searching backward in time or widening the geographic radius around a crime site. If a murder happens, then investigators could build a list of all persons who had contact with the victim. If a hotel fire happens, then the computer could generate a list of every hotel guest and staff member and visitor.

Lists provide an intelligent start for an investigation. If done properly, it would contain the culprit as well as potential witnesses lost in the mayhem. Then, police work would be a matter of carefully pursuing each lead.

Suppose a terrorist places a bomb inside a television and smuggles it on a commercial airliner which explodes later in mid-flight. Detectives could build many lists: passengers and items on the plane, maintenance crew who serviced the plane, people on the ground below the plane immediately before the explosion, and so forth. These lists would be an intelligent starting point for further investigation and would help police rule out persons who could not have been involved. If cockpit data was recovered then it may be possible to pinpoint the exact location on the plane where the explosion occurred, perhaps pointing to the television,

and a new list could be made of everybody associated with handling or manufacturing or transporting that television.

In the case of poisoning, police could trace a consumer product back to the warehouse where it was stored, back to persons associated with handling and preparation and manufacture. Police have work ahead but their chances of catching the culprits are good. Today, chances are negligible.

Costs and Benefits

This information will be **expensive**.

But it will be highly **valuable**.

I think the value outweighs the cost. It is beyond my ability to even guess what it might cost and I doubt anybody could perform such an addition. I think rebuilding an exploded city is more expensive than protecting it from exploding.

It's that simple.

Millions may die in a single blast. If one life is priceless, then the price of millions is beyond comprehension. Tally the funeral and medical expense, bulldozing, rebuilding countless buildings, and you'll agree that the cost would be astronomical.

Today we waste billions trying to guard every possible target. This is stupid and impractical. Airport security guards currently frisk every passenger. This is ineffective and wasteful. Terrorists will either outsmart or overpower protected sites,

or attack unprotected sites. If we guard airports, terrorists will attack trains or ships. The expense of guarding big public events such as political conventions is astronomical; there are huge bills for police overtime, extra police, traffic delays, a huge drag on the economy. Money earmarked for disaster relief is much better spent preventing the disaster in the first place. Metal foil caps on medicines are an unnecessary and wasteful deterrent to poisoners.

Spend security dollars wisely. Channel funds for maximum impact. Build a security network. It will give the nation's best investigators the valuable information needed to nab terrorists. It will scare terrorists into becoming non-terrorists.

I see seven benefits:

- **Survival.** We get to live. We avoid unpleasant encounters with serial killers, rapists, muggers, stabbers, robbers, nuclear terrorists, thugs.
- **Freedom from fear.** We need not fear being stabbed, raped, mugged, clubbed, mutilated. We need not fear that lovers and children and parents and friends may be stabbed, raped, mugged, clubbed, mutilated.
- **More accurate court decisions.** Courts will find the guilty guilty, and the innocent innocent, more often than today. Plea bargains will be few.
- **Economic growth.** Preventing crime encourages investment, savings, productivity, growth.

- **More honesty in business.** It will be harder to cheat people, run, and set up shop in the next town.
- **Lower tax rates.** Less tax evasion will increase tax revenue, allowing government to lower the overall tax rate.
- **Fewer security gadgets.** There will be less need for keys, locks, strong doors, security guards, high fences, barbed wire, cans of mace in pockets, chains on bicycles, bars to disable car steering wheels, removable radios, and other security gadgets which cause fuss.

I believe the issue of cost is irrelevant, in a sense, because the danger of nuclear terrorism leaves no choice. Building a security network should be our highest priority. Since nuclear technology becomes more available each day, it is only a matter of time until desperate people get them. When a city is destroyed by a nuclear blast and terrorists threaten to destroy another, the framework necessary for a republic will crumble.

Here's why I think a security system is affordable:

- First, there is no need to invest billions to invent some new gadget but merely to assemble existing inventions, such as cameras, clocks, computers, radios, and scales.
- Second, parts become cheaper and better daily by mass production.

HOW TO PREVENT CRIME

- Third, individuals could pay selected minor costs directly to help reduce overall cost, such as buying a small belt transponder or sewing name tags on clothing or painting a black and white bar label on a car rooftop.
- Fourth, computers can perform routine checking, searching for discrepancies, hunting for anomalies. If something looks suspicious, human investigators could examine it more closely. This is cost effective. It frees human detectives to work more effectively. For example, a single line of computer code could compare gasoline purchases to miles driven.

It's an expensive yet worthwhile investment.

The vast information can have good purposes. Researchers could study traffic flow, marketing habits, consumer choice, investment patterns, disease patterns and many other things without accessing names, and their findings might benefit specific groups or firms or industries or humanity in general.

That's how to prevent crime.

Good, but it's only the first type of terrorism.

One down, two to go.

We have given government much needed eyesight, but we must keep its guns from pointing at us. This brings us to the second type of terrorism, tyranny, or terrorism by our own government, which can be more dangerous than crime.

HOW TO PREVENT TYRANNY

During a crime a person can seek help from government, but with tyranny there is no such protection because government is, itself, the criminal.

With crime, the judge is government. If a crime has occurred, police decide by looking at the law.

With foreign terrorism, the judge is again government. If foreign terrorism has occurred, national government decides by looking at international law and treaties.

With tyranny, the judge is, unlike the other types, the citizen. If tyranny has occurred, citizens decide by examining the Constitution.

That's you and me. That's our job.

Tyranny is different from the other two types because it is citizens, not government, who determine whether it is happening, and our job as citizens is to judge whether government is behaving, and we have a duty to each other as citizens to protect each other.

A Call for a Constitutional Convention

I believe survival requires major changes to the Constitution, more than mere amendments, but a substantial overhaul requiring a **Constitutional Convention**. I propose a meeting of the nation's brightest political minds, one from each state, in Philadelphia, to rethink government, to enhance

privacy, to prevent crime and tyranny and foreign terrorism, to limit corruption, and to enable better foreign policy. They must craft an improved Constitution, based as much as possible on the existing Constitution, but which adapts government to meet the threats confronting us, to expand liberty, to rethink citizenship. Then, the public must vote on its adoption, decided by majority vote in a special election.

Understanding Tyranny

Tyranny isn't some abstract idea.

You've felt tyranny.

You've felt its bony hands when boarding jetliners. Government frisks us. Fingers grope our groins. We're presumed to be guilty. We didn't do anything wrong. We were not planning wrongdoing. Still, we're treated like criminals. Every time you're frisked, the ugly truth should scream at you that **government can't tell whether you're good or bad.** It's clueless. And it can't prevent more serious dangers like smuggled nuclear bombs.

Airport security made my aging father bend to remove his sneakers. He was treated like a terrorist. He wasn't. He was a Korean War veteran. Every bony-fingered grope violated his personal space. This pointless exercise wastes money and reveals a chasm of distrust between government and citizens.

Why Governments Become Tyrannical

Suppose you're a government official charged with fighting an armed insurgency punctuated by nasty terrorist attacks,

but lack means of identifying public movement. You'll have difficulty targeting the rebels. Your official job is to keep order and protect the state and save lives, but to do your job, and follow the law, it will be difficult to pinpoint thirty terrorists in a city of millions.

If you spy on people you *think* may be terrorists, but who prove otherwise, then you've invaded the privacy of innocent civilians and, in a sense, committed tyranny.

An official on a quest to identify terrorists will be continually thwarted by laws regulating privacy and police behavior and may find themselves in this bind: that to uphold law, one must break law. Suppose you learn a terrorist will detonate a nuclear bomb tomorrow. You will find yourself frustrated by every legally required procedure such as getting a judge's consent before wiretapping phones. If you follow every rule, you'll take so long that your city may explode, or, if you circumvent privacy laws, you may interrupt the explosion but violate privacy and commit tyranny.

Some governments besieged by a serious and sustained internal rebellion have metamorphosed into an authoritarian state. This happened in Chile under Pinochet and in the Philippines under Marcos. In each case, democratic government reverted to a semi-authoritarian police state as a structure better suited to fight the rebellion and, in both cases, government won its war, but during the prolonged struggle, tyranny reigned and citizens suffered.

Government officials may see how their power increases greatly when terrorism looms, so they are tempted to

exacerbate the threat to keep citizens scared and obedient. Declaring a Color Coded Alert right before an election, for example, results in a slight percentage bump in votes, so officials may be tempted to manipulate elections by scaring voters, even when there's no danger. There is a political benefit to prolonging the danger of terrorism because officials have heightened power and importance during such times. There's an incentive for them *not* to catch the terrorists. A case could be made that our government has, in a sense, permitted terrorists to survive by containing them in Afghanistan with only a small, token force resulting in a stalemate, while the bulk of our troops fight for dubious purposes in a civil war in Iraq. Six years after 9/11, Osama bin Laden remains caught. He's survived against the U.S. military longer than Hitler. At the very least, a skeptical citizen should question whether government is committed fully to finding and killing bin Laden.

Today, the United States is besieged with a similar threat. Its response has been to fight one type of terrorism, crime, by exacerbating a second type, tyranny. To hunt Al Qaeda, government beats up its own citizens. We're frisked at airports. Some phones are wiretapped without judicial permission or oversight. Some homes are searched without our knowledge or permission, some e-mails read secretly, some Internet search histories scanned. Some suspects are detained without access to lawyers.

Some feel we must put up with such invasions to prevent a horrific attack, but *please think carefully*. Suppose you're a Democrat. Currently executive authority is held by

Republicans. There's a huge temptation for Republicans to misuse information to prevent terrorism for dubious political purposes, such as studying whether you vote, who your friends are, what you buy, which magazines you read. Suppose you run for office. Their snooping makes it easy to ferret through hundreds of details about your past to find one detail taken out of context which makes you look stupid or unprofessional or foolish and which can be used in a 30-second attack advertisement run by the opposition. If you win a seat in Congress, the President can use such information to blackmail you. Partisan political forces should not be trusted with private information. And if the Presidency shifts to Democratic control, Republicans will have the same problem.

I'm a terrorism prevention activist. I protest in public places and speak at government meetings. Suppose government doesn't like my strategy. Armed with information from my e-mails and phone calls and Internet searches, government can try to scare me into silence, intimidate me, make me look stupid, hassle people I communicate with. They can send so-called National Security Letters to force firms to reveal my car payments, bank records, library searches, book purchases, credit card purchases, Internet search history, and so forth. No judge's permission is needed. All that's required under the Foreign Intelligence Surveillance Act is that records were sought for an authorized investigation. And they can force firms to keep silent about their requests, so I'll never know I've been spied on, although my integrity has been questioned indirectly. The danger is that information

gained from a legitimate hunt for terrorists can be misused by partisan political forces to intimidate critics.

Naomi Wolf is a critic of government. In her excellent book The End of America, she describes parallels between pre-fascist Germany and today's United States: external and internal threats used as an excuse by government to gain more power, paramilitary forces, secret prisons, surveillance of ordinary citizens without warrants, arbitrary detainments, harassment of citizens' groups and dissidents and critics, suspension of habeas corpus, intimidation of the press. These actions stifle dissent and can lead to dictatorship. She thinks the United States leans towards fascism. She is a critic, not a terrorist. Still, she claims to have been singled out by airport security and subjected to intensive body searches and delays. If this happened, it's intimidation, and it's wrong.

We want government studying real enemies, not us, but to find them it must know enough about us to determine we're not dangerous. At the same time, we don't want this information used against us.

A government good at catching criminals has few incentives to violate your rights. It knows when you visit a gas station, for instance, that the gas you buy will be used for motoring, not bomb-making. It doesn't stoop to frisking you at airports.

A weak government, in contrast, is more likely to violate your rights because it has difficulty deciding whether you are a peace-loving citizen or a menace. It isn't sure, for example, whether your gas purchases are for motoring or making bombs. So it is less sure how to treat you and more likely

to pester you with unlawful invasions of your privacy or seizures or detentions or jail time. A government frustrated in its attempt to catch the real terrorists may impose a curfew on everybody, limiting everybody's freedom.

So I think a general relation between crime and tyranny is that **a government good at fighting crime is less likely to commit tyranny**, generally, so preventing crime brings about a beneficial tendency to lessen the risk of tyranny.

But the problem is deeper. Recording all public movement makes government much more powerful, thereby increasing the risk of tyranny exponentially. So rethinking government is vital. In a simple monarchy or dictatorship, tyranny is easy to see because it usually involves a single ruler overstepping proper authority. But in a republic, however, tyranny is harder to see because power is distributed among many centers, and tyranny can result from different causes and combinations of causes, so that we may not face a torrent of tyranny but merely a sprinkling, or tyranny may fester quietly like cancer.

So let's explore government.

In a democracy, representatives make laws, but it is possible that the laws they make are bad. If a right is an acknowledged zone of future action, and laws are boundaries between these zones, then it's possible the boundary lines are badly drawn. Lawmakers are people; people make mistakes. Bad laws are a form of tyranny, but generally, when exposed to democratic processes and public discussion, bad laws are, in the course of time, exposed and fixed.

Still, I think it's important to consider what makes a law good or bad, generally, so citizens can judge whether tyranny is happening.

Good laws...

- maximize individual freedom
- give freedom to as many people as possible
- draw concise boundaries between rights
- give rights equally to different people
- are simple
- are straightforward
- are universal
- are constant over time
- help us plan
- are easy to enforce because people agree with them

Principles like these can help us gauge a law's goodness, even in a world of constantly changing powers and rights and technologies and freedoms.

A good law is like a double yellow line dividing a highway, smack dab in the middle, giving rights equally to inbound and

outbound drivers. It's concise, clear, simple, universally applied from Providence to Portland, easy to enforce. It doesn't care about your gender or religion or sexual orientation or skin color. It's fair. It's never wobbly, never crooked, straightforward literally. It doesn't change every season. All drivers get equal treatment. Nobody hogs the road. Your freedom is maximized because you can drive either way.

I think laws permitting anonymous movement in public are bad because freedom isn't maximized. Anonymity helps a terrorist smuggle a nuclear bomb into a city, jeopardizing everybody's freedom. Anonymity lets terrorists plan, hide, attack and kill dozens or hundreds or thousands or millions and possibly escape. If good laws balance rights, laws which allow or protect anonymous movement in public are bad because they create a lopsided balance stacked in favor of terrorists and against victims.

Think of government as a kind of super person: like a person, it has powers and rights. It makes sense to think about the boundaries between the government's rights and those of citizens.

This boundary is, of course, the Constitution. A good Constitution specifies the roles of citizens and the roles of government and the relation of each to each other, and gives both citizens and government the most possible freedom without intruding on the freedom of the other, and permits each to act freely within its own sphere of activity. The Constitution is a national legal backbone which holds together its laws, and the laws are usually good although sometimes they can be bad.

One kind of law is almost always bad. Government oversteps its bounds when making a so-called **retroactive law**. When a current law is changed, and the force of such a law is extended backward into the past, applying to past actions, then it is retroactive and almost always bad because it undermines faith in the entire legal system. We can not be sure what we do today, legally, will be seen as legal tomorrow. It is possible a person could be punished for obeying the law today if it is ruled tomorrow that such an action had been illegal.

Decrees of tyrants are like retroactive laws. By changing the law, and extending its power backward into the past, retroactively, tyrants can punish people today for having obeyed the law yesterday.

No doubt democracies will make bad laws from time to time, but the proper way to fight them is to expose them and urge reform, write letters, vote, protest, and encourage others to do likewise. If bad laws are not fixed, then it is probably better to keep obeying and tolerating them while continuing to try to change them. Citizens have the right to take up arms against government but this very drastic measure should be used only as the very last resort when every peaceful alternative has failed and the stakes are very high.

How the Framers Might See America Now

If the Republic's Framers were alive today, no doubt they'd be impressed with America's size and technology, but appalled at government corruption, partisan infighting, foreign policy

blunders and apathetic citizens, and be worried enough to agree that a Constitutional Convention is necessary.

When the Constitution was written, America was protected by vast oceans from predatory European powers. Atlantic crossings took months. No regional power threatened. So instead of crafting a government built for astute foreign policy, the Framers focused on preventing tyranny by dividing government into separate branches based on function, and further subdividing Congress into House and Senate to prevent any person or group from dominating government. Each branch had specific duties and could check the others. Government was clumsy, but functioned; mistakes were made, but fixed; corruption happened, but was often exposed. In many ways this brilliant system contained tyranny for two centuries. Ambitious politicians exhausted themselves sparring constantly with other ambitious politicians.

The world today is much different from 1787. America is a world power. The population grew from four million to three hundred million. Technology has reduced travel times incredibly so that it only takes twenty minutes for intercontinental missiles launched anywhere in the world to strike our cities. In a sense, the oceans have shrunk.

And, like an old house with squeaky stairs, there are noticeable defects in the Constitution. Voters in heavily populated states are underrepresented in the Senate. District of Columbia citizens lack representation. The electoral college method of choosing Presidents seems convoluted and unnecessary. It is difficult removing Presidents quickly who are incompetent or ill. And during the transition between a President's election

and inauguration there can be effectively two Presidents, one in office, another awaiting office, which can cause problems.

While these repairs need fixing, I find more substantial cracks in the foundation which threaten to bring the whole house down. For example, there is a troubling shift of power from state governments to Washington. This happened gradually, punctuated with dislocating events like the Civil War and the Depression and the New Deal and the Cold War. Ideally a federal system combines the benefits of small state regulatory smarts with the safety of size. State governments are likely to regulate local economies wisely because the distance between ruler and ruled is less. But small states are, of course, weak, vulnerable to foreign aggressors, so it makes sense to combine them into a federal entity for protection.

But state regulatory authority has been usurped by Washington. Creative reinterpretations of the Constitution's Commerce clause have stripped states of most of their regulatory authority, so Washington regulates much of the economy, but clumsily.

I wondered how over two centuries federal officials usurped state power, and while there is much speculation about this, it wasn't until re-reading the Constitution that I noticed *something missing*. The original Constitution specified powers of the **federal government**, and the Bill of Rights specified powers of **citizens**. But it failed to specify powers of **states**.

This was a huge omission.

It's easy to see why it happened. Back then, state governments were established and powerful while the Federal government was weak and fledgling, so perhaps the Framers thought it was unnecessary to specify state powers; an alternative explanation is that the omission was a deliberate yet subtle move by Federalists. The states' sole protection was the trifling Tenth Amendment which said powers not specifically granted to the federal government were reserved to the states or to citizens. These words proved vague and meaningless and ripe for misinterpretation, allowing astute lawyers and politicians, over time, vying for partisan advantage, to chip away at states' power. The Supreme Court generally went along with these choices, and as a result, power shifted to Washington, particularly in the twentieth century. State governments had difficulty challenging these decisions in court since their powers were never spelled out.

This omission had a huge negative impact because it allowed the Federal government to become the main economic regulator. Washington manages a wide range of tasks. I doubt this is what the Framers had envisioned. Since Washington decides many matters involving huge amounts of money, partisan forces have rushed in to grab for these controls.

Money runs Washington. It's highly corrupt. Big corporations and unions buy favorable legislation, tax breaks, special exemptions, lucrative contracts. Journalists know this. Politicians know this. Experts know this. Political science professors know this. But most Americans seem clueless. I doubt the public realizes how pervasive corruption has become. But here are some disturbing examples of blatant corruption:

- **Congressman Jefferson is caught with \$90,000 cash in his freezer.** Some think this is an exception. It isn't. Lobbyist Jack Abramoff was caught bribing dozens of members of Congress and the bureaucracy.
- **A Minneapolis highway bridge collapses.** Thirteen people die. The federal government was supposed to inspect and repair such bridges. It didn't. Money hasn't been going to inspecting and repairing bridges.
- **A toy manufacturer recalls millions of toys.** Toys with lead paint have been coming into the country from China for months. The federal government was supposed to inspect incoming products for safety. It didn't.

When money runs Washington, folks like us are mostly excluded from decision-making. Our elected representatives don't represent us; rather, they represent moneyed interests, lobbyists with cash and checkbooks, corporations and unions and associations and such. And representatives pursue their *own* interests too: they're career politicians, in office for life, deaf to our needs, driven by a personal agenda for wealth and power and fame and status, and Washington is the trough where they feed. During election time, we're bathed electronically in mindless television attack ads which debase opponents while ignoring issues. Those mindless ads are a sign that politicians think we're stupid.

I tried speaking with my Congressperson about strategies for preventing terrorism, but he wasn't interested in

my opinions. He didn't want a free copy of my book. He kept walking to his car. Why should he care? He needed money for re-election. I didn't have it. I was a nuisance to him. He will get re-elected with or without my vote. My own Congressperson was supposed to represent me in Washington but he couldn't spend one minute listening to my concerns and, of course, he remains hollow headed about terrorism prevention.

The situation could be worse. One factor which limits the damage is that some special interests oppose other interests. For example, oil and gas interests oppose environmental interests, and to an extent they check each other's power; so we have modest gas prices with a semi-clean environment. Still, citizens pay a cost indirectly for this bickering between special interests in the form of higher taxes and prices. Often tax dollars meant to solve problems are diverted to enriching political elites.

Government regulation can have a huge impact on entire industries. So firms affected by possible rulings will spend huge sums of money lobbying government for a favorable ruling. For example, oil firms wanted to drill off Florida's coast, but the tourism industry worried it would hurt Florida's image. So a huge fight broke out. Each side lobbied hard to win; each contributed huge sums to Congressional re-election campaigns. Congress and Executive regulators spent much time on this issue. And the fight went on and on. Government officials became so absorbed by this squabbling that they were unable to listen to citizens.

Every time you're stuck in traffic, realize *government isn't building enough roads*. Commuters leave especially early

in the morning and return especially late in the evening to try to avoid aggravating traffic jams. There are millions of new cars and drivers. But the last serious road-building spree came after World War II when interstate highways were built. Since then, government has done diddly squat. It usurped this task of road building, and it isn't doing this job. And every time you're stuck at an airport, realize *government isn't building enough runways*.

Not only has power shifted from state governments to Washington, but power has shifted within Washington from Congress to the President, partly as a result of danger from abroad, both real and perceived. Historically, during past wars, Presidential power has increased relative to Congress. Today we fight a so-called War on Terror but is it really a war? It is not like World War II when the entire nation was mobilized, and yet it isn't peacetime, either. This blurriness is deadly: we don't know how much danger we face and what to do about it. It should be clear whether we're at peace or at war, but this blurriness is a convenient excuse to increase Presidential power.

Presidents have started wars without declarations by Congress. The Framers explicitly gave this power to Congress, not the President. But Presidents have started wars in Korea, Vietnam, Panama, Grenada, Bosnia, Kuwait and Iraq without official acts by Congress. This is a clear sign of Presidential power. A Democratic Congress has failed to hold a Republican President accountable for the Iraq war.

The power of the Presidency attracts fiercely competitive campaigners who burn with intense ambition and single-minded focus. About twelve have been jousting *almost two*

years before the 2008 election, enduring grueling hours and sleepless travel, speaking, kissing babies, talking to reporters. Some have planned for decades to build the contacts, power base, resumes, campaigning skills and finances to compete for a virtual dictatorship. The Presidency attracts tyrants as well as the shrewd and the ambitious, and it is possible that a non-democratic schemer will slip in without our knowing; remember that Hitler was elected initially. Since there will be no incumbent in 2008, it may be the first fair Presidential election in eight years. Some expect major reform if a Democrat is elected, but I am cynical, expecting little change, because substantive reform means less Presidential power. No President-elect will give away such power after having worked so hard to win it.

A further sign of increased Presidential power is a sprawling bureaucracy. Washington bulges with dubious agencies such as the SEC, NLRB, NSF, GSA, FCC, SBA, and on and on. Most agencies didn't exist eighty years ago. So during most of our history, the nation got along fine without them. Most are obscure. It's hard to see how they benefit us.

Consider the following agencies:

- **Small Business Administration.** I have no clear idea what this agency does. Do you? Why would small businesses need some government agency to help them? If they need loans, businesses go to banks. Does it provide advice to small businesses? I can't see how government would know better than business how to manage its affairs.
- **National Science Foundation.** If this agency tries to promote science and technology, it's hard

for me to judge how well they're succeeding at this task. And, isn't science the proper task of universities and corporations and inventors? Why is government involved here?

- **United States Post Office.** They deliver letters, packages, junk mail. It's a monopoly. If government thinks monopolies are illegal in the private sphere, why does it run one itself? And are you happy with its service? I'm nonplussed. Lacking competition, there's no incentive to lower costs. Despite the advent of e-mail, which is free and fast, developed largely by private firms, the cost of a first class letter keeps going up: presently it's 43 cents. Shouldn't costs be going down?
- **Drug Enforcement Administration.** Think they're doing a great job? I don't. Addictive drugs are everywhere. One estimate is that for every package of illegal drugs seized, a hundred more make it to the street.
- **Food and Drug Administration.** They're supposed to ensure foods and drugs are safe. Are they doing a good job? It seems every three months in the news there's another FDA-approved drug with killer side-effects. Why do dangerous drugs slip through the approval process? Government isn't doing a good job. What consumers rarely see, however, is how many potentially life-saving drugs are denied approval because the agency is afraid of criticism. Instead of helping new drugs come to market, this agency is a giant drag on the approval

process, raising the costs of making new drugs significantly as well as killing off trials of promising new medicines. And it's possible for large drug companies to use the FDA as a shield to keep smaller competitors from entering the market.

- **Federal Emergency Management Administration.** Their Hurricane Katrina relief effort was a national humiliation.
- **U.S. Army Corps of Engineers.** They manage Mississippi River flood waters. They build levees. They were supposed to protect New Orleans, but failed, and their short-sighted thinking caused much of Louisiana to be washed away to the Gulf of Mexico. It had not been getting much needed flood-delivered silt and sand and mud.

What do these agencies do? Not much. They make arcane rules. They complicate the simple. They waste taxpayers money. They are staffed by paper shufflers feigning busy-ness. While most of the country works 8am to 6pm, they work 9am to 3pm, and still don't do much.

When federal government inspects medicines, helps businesses find loans, and delivers junk mail, **it's not fighting terrorism.** It's distracted, weak, unfocused. It needs to focus on the only thing which it **can** and **should** and **must** be good at, which is protecting individual rights.

In the marketplace, government should referee, not play. Being both player and referee is an obvious conflict of interest. How can government regulate the package delivery

business impartially when its own United States Post Office delivers packages? Its rulings are suspect, and even if fair, may be perceived as unfair.

Congress created many agencies of the bloated bureaucracy, but the President controls them. They need Executive authority to act. The President has unitary control making it easy to act; in contrast, Congress must coordinate agreement among several hundred members before it can act. And the President has access to detailed information from the agencies themselves, an important advantage, although Congress gets some information from the Government Accounting Office. A President can decide how these agencies are used; for example, a President unhappy with an environmental agenda can turn the Environmental Protection Agency into a figurehead while subtly disabling much of its power. Congress might want to clean up a polluted river, but can't, if the President is beholden to industrial interests and instructs the Environmental Protection Agency to do nothing.

A recent tool to increase Presidential power is the *signing statement*. While signing a bill into law, the President makes a statement saying how the law will be understood and enforced and, in an indirect way, the President can change the meaning of a law. The last few Presidents have begun doing this. It extends the President's legislative power. It is against the spirit of the Constitution.

The Framers wanted Congress to make laws, and the President to enforce them. They wanted to divide power between these two branches of government. They didn't want

the President to legislate. But since an extensive government bureaucracy makes detailed regulations pertaining to many industries, the President does have, in effect, the power to legislate. Further, what happens within agencies is largely hidden from Congress and the media and the public, and with little exposure, there are few opportunities for healthy debate. The result is an unhealthy concentration of power. What these agencies do is largely screened from public view, except when there's a glaring failure, such as the Hurricane Katrina relief effort.

What drives the corruption? I think the Framers would agree that a powerful underlying cause is **factionalism**: people with an economic agenda grabbing government power for financial gain. Factions appeared within the first twenty years after the Constitution was signed. Framers observing early government were surprised, sometimes outraged, by their appearance and force, and yet they were often partisan themselves: Hamilton thinking one way, Jefferson another. Factional fighting is over money, generally, but in extreme cases it can lead to genocide; the murder of six million Jews during World War II in Germany can be seen as extreme factional violence between an empowered national-socialist faction and a defenseless religious faction. Factionalism is worth studying.

On Factions

Throughout history there have been generally two political parties. Each sees differently, has particular strengths, has a bias. Here I must generalize and oversimplify greatly to reveal what I consider to be the heart of the problem

and to keep this pamphlet short; my general caution is, of course, that politics is much more complex in real life. But we can see things better by simplifying. Every civilization has been troubled by partisanship. The Greeks had factions, as did the Romans, Byzantines, Hindus, Chinese, Persians, Mongols, Huns, Spanish, Britons – most civilizations have had some version of these two contending forces:

- The HAVES have money, wealth, land, stocks, titles, deeds, salaries. They are business owners, corporations, small businesses, landlords. They own. They're creditors. They aspire to be better than the rest. They like law and order. They're factory managers, inventors, risk-takers. Their ideology is capitalism. They like egoism. Their emphasis is on the future. Their academics are called business professors. HAVES groping for government power are called Republicans.
- The HAVE-NOTS lack money, wealth, things. They're workers. They're paid hourly. They rent. They're debtors. They aspire to be the same as the rest. They like steady jobs. Their ideology is socialism. They like altruism. Their emphasis is on the present. Their academics are called economists. HAVE-NOTS groping for government power are called Democrats.

It's possible to have a rich HAVE-NOT and a poor HAVE because each side is a mindset, a way of looking at things, and each side sees things differently.

Imagine a factory. Raw materials and people come in, work happens, then things go out such as lamps and salaries.

- HAVES want fair rules **inside** the factory. Some examples of rules: if two bundles of X are combined with three bundles of Y, heated to temperature Z, the result is a widget; or, persons working twice as long should be paid double; or, persons performing more valuable work should be paid more. The rules mirror the realities of production. HAVES insist rules inside the factory be consistent and fair. They don't care if some make more money than others, provided the process is fair. They see evil as breaking the rules, and their concept of justice is based on fair procedures. Property rights mean keeping what you've earned. Freedom means absence of restraint. Since HAVES think people are unruly, emotional, driven by desire, rules are necessary to prod them towards good behavior.
- HAVE-NOTS focus on fairness **outside** the factory. They want fairness there. They want workers to be paid equally. They see unequal outcomes as unfair, indeed, as proof that the factory's rules are rigged. When inequality happens, they try to bend rules inside the factory to make outcomes equal or abandon the rules altogether. It doesn't matter if one employee didn't work as hard as the others; what matters is the employee needs money to survive. They see evil as poverty, hunger, deprivation. They see justice as fair outcomes. Property rights mean having a claim to things like

food, shelter, medicine, earned or not, regardless of whether somebody else has to provide these things. Freedom means freedom from want, from hunger, from homelessness. Since HAVE-NOTS think people are essentially good, rules are an unnecessary impediment because people can reason what's best.

The battle between HAVES and HAVE-NOTS isn't limited to factories, but extends to most places. Most professors think like HAVE-NOTS. Journalists think like HAVES when reporting facts but like HAVE-NOTS when choosing stories; for example, a story about someone making money is boring, so editors emphasize altruistic deeds but report them factually. The legal profession is divided too:

- Judges thinking like HAVES are sticklers for procedure. They dislike major changes instinctively and seek to restrain law to fit particular circumstances and conform to precedent, and call their legal philosophy **judicial restraint**. Their outlook is conservative and embraces principles such as stare decisis in which past decisions guide current ones.
- Judges thinking like HAVE-NOTS, however, overlook procedural rules to make outcomes equal, and will ignore evidence or previous decisions to legislate what they see as fair results, and call their philosophy **judicial activism**. Their outlook is progressive. Most trial lawyers support the Democratic party.

Both sides grapple to control a highly politicized Supreme Court. Both pervert the courts:

- HAVE-NOTS love huge jury awards against negligent corporations. It redistributes wealth. They love emotional jurors.
- HAVES fight back by cloaking huge payouts. Judges *hide* a payout settlement from the public so possible future plaintiffs won't realize how vulnerable corporations are. The decision is sealed: parties to the lawsuit agree to keep their mouths shut under threat of penalty. While technically legal, secrecy prevents the public from learning about judicial outcomes and keeps consumers uninformed about dangerous products. Further, HAVES make jury duty boring to keep potential jurors away. Their newspapers downplay disputes which make business look bad and emphasize cases where plaintiffs look greedy. Their legislators write rules making it harder to sue.

Some see the Constitution, itself, as a compromise:

- HAVES specified a strong central government to enforce contracts, penalize debtors, maintain order, suppress rebellions. Federalists built a powerhouse engine to create vast wealth. They hoped most branches of government would be filled with HAVES, including the Presidency, the

Supreme Court, and Senate, while the unruly House of Representatives, directly elected by the people and therefore a HAVE-NOTS branch, could be stymied by the Senate.

- HAVE-NOTS fought back with the Bill of Rights. These ten amendments limited federal power, but failed to specify states' regulatory authority.

So HAVES and HAVE-NOTS work at cross purposes. They're at loggerheads.

Both can't win. If HAVES win, inequities result; if HAVE-NOTS win, factories won't run well. You can't have both extremes at once. Most economies today are mixed systems with elements of both, such as capitalist economies with socialist elements, or socialist economies with capitalist elements.

Each side has a different idea of rights:

- HAVES see rights in a *limited* way. It's limited to processes, procedures, fair play by the rules. Redistributing wealth violates their idea of rights because it requires others to provide goods and services without payment, turning providers into slaves.
- HAVE-NOTS see rights in an *expanded* way to include life's necessities, such as health care, food, jobs, housing. People without shelter can barely survive, so they have a right to shelter, as they see it. The need for shelter, by itself, justifies bending

or ignoring or dismantling the rules. It doesn't matter if somebody else has to build this house. They insist government shelter the homeless or limit rents or impose minimum wages.

These are different mindsets.

It's difficult for HAVES and HAVE-NOTS to argue, to persuade each other to switch sides because each side sees things differently. Words like *rights* and *freedom* and *justice* and *fairness* mean different things.

Each side has a different idea of government's proper role:

- HAVES favor limited government.
- HAVE-NOTS favor expanded government.

When HAVES and HAVE-NOTS battle for the levers of government, corruption happens. It's almost inevitable. It's tempting for each to use its own particular weapons to trump the other side. HAVES use money to bribe government; HAVE-NOTS use numbers to win electoral victories. Each side thinks they're right, good, fair, just, true, benefiting the whole nation. And in this battling, government grows and grows and grows, since despite the differences in their mindsets, both sides can figure out new ways to use government for partisan advantage.

- Republicans, for example, use their superior economic strength to lobby Congress and President for favors. Corporations get tax breaks. The Halliburton corporation got no-bid contracts to

provide war supplies to soldiers in Iraq. Since most television stations are owned by HAVES, they install capitalist-leaning talk show hosts to emphasize private enterprise and downplay socialist themes while giving Republican issues plenty of airtime. Officials running for re-election need money for expensive 30-second television commercials, so business interests can provide these funds in return for favorable legislation and regulatory outcomes, tax breaks and special treatment. It's bribery.

- Democrats, as well, use their superior numbers to pass legislation such as Social Security and Medicare. Like Robin Hood, they transfer funds from rich to poor, from young to old, from workers to retirees, by government tools such as graduated income taxes. So rich persons pay proportionately more taxes. They love it when trial lawyers use so-called class action lawsuits to shake down corporations with huge damage awards to victims hurt by consumer products. They write laws to penalize price fixing, insider trading, monopoly. They love minimum wages. Democrats invented Social Security as a giant bribe to keep retirees voting Democratic, and it works as intended. Retirees want these monthly money streams to keep pouring into their pockets, so they keep voting Democratic. It's bribery.

It's smart, philosophically, for us to step back and see that partisan fighting will always be. It's life. We can't deny it.

No side can dominate the other permanently, because each side, if successful, encourages the opposite way of thinking. For example, when America was highly capitalistic between 1861 to 1932, dominated by wave after wave of Republican presidents and legislatures, the economy boomed, but so did glaring inequalities, ornate mansions hedged away from rickety hovels; railroads prospered but farmers suffered, and these inequalities, in turn, spawned voices begging for fairness which eventually found political expression in 1933's New Deal socialism.

American history cycles between the two mindsets:

- HAVE-NOTS dominated after the American Revolution until the Constitution took effect in 1789.
- HAVES dominated (although Jefferson veered to HAVE-NOTS in 1801) until the election of Andrew Jackson in 1829.
- HAVE-NOTS dominated until the Civil War in 1861.
- HAVES dominated (especially after 1894) until the New Deal in 1933.
- HAVE-NOTS dominated until the election of Reagan in 1981.
- HAVES dominate at the time of this writing.

America's economy is like a car on a curvy mountain highway, changing drivers while moving, HAVES favoring the accelerator, HAVE-NOTS favoring the brake. It's dangerous to press one pedal too long.

It happens to foreign nations too. From 1918 through 1991, the Soviet Union showcased extreme socialism, but its success at creating equality brought dreary boredom and economic malaise, with masses paid equally but poorly, so equality was mostly achieved but the nation lived in squalor, which spawned a hidden yearning for splashy consumer goods and capitalist free-market reforms, which happened to varying extents, beginning in 1992.

Historically there's a lag between the time when public thinking has shifted to the opposite mindset until the time when this shift is expressed politically. For example, Democrats continued to control Congress long after the public switched to a HAVES mindset during the Reagan years. Parties in power rig the rules to perpetuate power after public enthusiasm for their side has waned. Often a political shift is triggered by an extreme circumstance like war or depression or scandal. If mankind survives for thousands more years, HAVES and HAVE-NOTS will squabble still, for we're more than individual creatures like spiders, and more than group creatures like bees, because we can switch between the individual and the group orientation, that is, we're dynamic beings, fated to forever flummox simpler species.

And, one more point:

Neither Republicans nor Democrats, acting alone, can defeat terrorism. The problem is deeper than business or labor

interests. Republicans and Democrats who can't see beyond narrow-minded partisan concerns are blind to the beauty of America and deaf to danger crouching in the night. Neither party can lead by itself; neither should govern the nation.

Here's a simpler way to see it: if Republicans represent the *rich* and Democrats the *poor*, who represents the middle class? That's me. Perhaps it's you too. We lack representation.

So which mindset do you have? Are you a HAVE or a HAVE-NOT? Know your mind. Think what you think. But realize some think differently, respect these differences, and try to see both sides.

Realize the futility of trying to change somebody's mindset. Why a person thinks like a HAVE or a HAVE-NOT is beyond understanding. There are no arguments or appeals or experiences guaranteed to cause somebody to switch sides, for the causes of these belief systems are complex and defy explanation. Realize that you, too, may switch sides in the future, and not know why.

Differences in mindsets make it difficult for HAVES and HAVE-NOTS to have a political discussion. It's like there are two distinct political languages. Some words have different meanings. It's hard to communicate. When the mindsets are exacerbated by partisan differences, particularly when political choices involve money and jobs and wealth, then political discussion degenerates from a respectful look at differing views into a dirty fight over money. So it isn't much fun talking about politics when this happens. People just get angry and frustrated. Nobody learns anything. We lose sight of the bigger picture. And, to some extent, I think this

explains why many have lost interest in politics, and if we realize this, it may help us regain our ability to have political discussions.

So I propose a way to restructure government to contain partisan politics.

How a Federal System Can Limit Factions

The way to thwart factionalism is to limit strictly the role of the federal government. Then, partisans won't be attracted to Washington because there won't be spoils worth fighting over. They won't bicker over handouts, political pork, favorable tax rulings, university grants, programs to aid unwed mothers, VA hospitals, highway repair contracts, ways to regulate toy manufacturing, what software is bundled with which Internet browsers, and such because federal government won't control these things and, as a result, partisan forces will look elsewhere.

HAVES and HAVE-NOTS should battle in statehouses. This is their proper gaming ground. Let them make whatever laws they like. Let them regulate to their hearts desire. Some states will be dominated by HAVES, others by HAVE-NOTS, but most will likely have a mixture. And some states may find a proper balance where both business and labor can flourish, while others may struggle. States would be wise to pass decision-making back down to the local level as much as possible, and if not possible, encourage local governments to implement state-wide rules rather than use state contractors. And states can learn from each other. And when corruption in some states becomes

oppressive, which will happen, people and businesses and workers and investors can easily move to states which regulate more wisely. And this **freedom of movement is a powerful brake on the ambitions of both political parties and limits corruption**, nudging each state to compromise and regulate wisely to keep their states from emptying out.

Washington should focus on what's best for the nation as a whole. It should limit itself to foreign policy, immigration, foreign trade, citizenship, preventing terrorism, and protecting individual rights. Since it is necessary to monitor movement in public, as I have tried to show, then it's necessary that officials doing this monitoring be neither Republicans nor Democrats nor allied with either party, nor have any agenda different from the national agenda. Washington's focus should be preventing terrorism, a tough task, tough enough to keep Washington plenty busy.

State governments should manage the economy. Their authority should be broad and unrestricted on almost all issues, with the exception that victim-less vices should be permitted but confined to specific times and places, as I have suggested, and when rules regarding these limits are broken, then punishments should be mild initially. Let states decide whether to fund scientific research, welfare programs, health clinics, environmental monitoring, and so forth. Let states decide how much to tax businesses. Let states decide the difficult and confusing issue of abortion. Let states choose minimum wage levels. And when regulatory issues involve many states, such as interstate highway construction or long distance trucking regulations, state governments can work

together to resolve these issues. Further, states should not collect data about movement of persons and things in public, but should leave this task to federal government.

When decisions are made at the federal level, issues are abstract. It's easy for HAVES and HAVE-NOTS to fight over fuzzy theories. Each side doesn't experience the problem directly. In contrast, passing decision making back to states, and preferably back to local governments, makes these issues more concrete. What should the school teach? How will mail be delivered? What should be done about intoxicated persons in public? These problems aren't solved by theorizing. A solution will work or it won't. It's right there. If it fails, another should be tried. Whether it's a HAVES or a HAVE-NOTS method won't matter. Dealing with the nuts and bolts of real problems, people will lose a taste for polarizing theories and partisan blindness.

Washington fumbles when it tries to regulate the economy. It can't rule wisely. When it meddles, it opens itself to corruption and waste and heavy-handedness. There is no natural brake on its authority since it is difficult for citizens to switch allegiances to another nation. When Washington stoops to fruitless partisan quarreling, it lessens itself, distracts itself with complexity it cannot master, undermines its authority, wastes money, becomes tyrannical, and loses sight of the bigger picture. Partisan Washington represents only part of America, only the business *part* or only the labor *part*, and cannot properly represent *all* of America.

A general test for the legitimacy of federal government should be:

Government's proper sphere of activity is protecting individual rights.

That's its job.

When it does its job, it acts properly; when it does otherwise, it may commit tyranny.

It is common sense.

Activities such as paying judges and minting money and making laws and collecting taxes and conducting diplomacy and preventing crime and raising an army are proper tasks for federal government because I see a direct connection between them and upholding individual rights. For example, judges run the courts which rule on individual rights, so I see a direct connection.

In contrast, activities like delivering packages is a business. This should be done by businesses. Private carriers already do this job efficiently. I see no direct connection between delivering packages and upholding individual rights. So federal government should stay out. And if we give government the awesome power to see public movement, then it would have an unfair competitive advantage in the package delivery business. Since it would know where everybody was at every minute, it could deliver items faster and cheaper than private carriers, run them out of business, and establish a monopoly which restricts consumer choice. A possible exception is if government decides it must deliver certain government notices, such as summons or tax notices, but magazines and junk mail and letters and packages should be carried by

private firms. Or, individual states may decide to set up their own post offices, but federal government should stay out.

Government can be a perfect pickpocket, its long arm slinking quietly into our pockets, grabbing our cash without us feeling its bony fingers. In a hypothetical example, I can put \$100 cash in my pocket, clamp my hand over my pocket, remain awake, but still get robbed. I pull out \$100 and it's still there, but it can only buy \$83 worth of gasoline. Prices rose. My cash lost buying power. What happened was government wanted to buy thousands of concrete truck barriers in its misguided war on terrorism, but lacked funds, so rather than raise taxes, it printed too much money, so everybody's money became less valuable. Everybody got robbed. Economists call this inflation. I call it stealing from citizens.

Unfortunately, it is probably the federal government's rightful job to make money and determine how much circulates, although there is disagreement about this. While *inflation* in the United States is generally under control, other nations have endured significant pain, such as Argentina, in which many citizens lost their life savings. Inflation is, in my view, a form of tyranny, as well as *deflation*, its opposite, which happens when government fails to make enough money; scarce dollars cripple spending, stall the economy, cause layoffs.

Perhaps there are no easy solutions to inflation or deflation other than to require government to inform the public about the size of the money supply. This is one more example of how light can prevent terrorism: knowing the size of the money supply can help people make intelligent choices to

minimize the pain, such as swapping money for gold or foreign currencies.

Free speech is a vital safeguard against tyranny because it lets citizens inform each other about the misbehavior of government. Any government which attacks newsrooms or broadcasting stations or reporters is probably dangerous. While people can abuse free speech, we can't censor terrorists without jeopardizing our own speech.

On Citizenship

I think the **idea of citizenship is confused**, and this confusion is a source of tyranny.

Citizenship is presumed, not chosen. If we're born here, we're presumed to be citizens after reaching a certain age. Nobody asks if we want to be a citizen; rather, we become citizens automatically by blowing out eighteen birthday candles. We don't think what it means. It happens without effort. There's no commitment or oath or promise. Some foreigners who move here become citizens after passing an easy test and taking a loyalty oath. Citizenship should not be a happenstance based on birthplace. I think it's important to eliminate confusion about the proper roles of citizens and government, in order to keep each from interfering with the other.

During World War Two, West Coast Japanese-Americans got a rude lesson. They thought they were citizens. They had proper documents. But they weren't. Officials worried a few were spies or saboteurs, but they couldn't identify

them, so they imprisoned *all* of them. Innocent people spent years in detention camps. They didn't do anything wrong. American government became their terrorist. While German-Americans and Italian-Americans were treated with respect, Japanese-Americans were treated harshly because *they looked like the enemy*. America committed a giant bias crime. These unfortunate folks got a rude lesson which African-Americans and native Americans and other minorities have known since they came into contact with whites, specifically, the humiliation and degradation of being less than free citizens. If citizenship had been clear, and if government had been able to distinguish friends from foes, then this horrific racism might have been avoided. The same murkiness about citizenship which has confounded minorities throughout America's history can hurt all of us today. The internment of Japanese-Americans shows once again how the three types of terrorism interrelate: the threat of *foreign terrorism* (type 3) caused government to commit *tyranny* (type 2) because government lacked confidence in being able to prevent *crimes* (type 1) such as sabotage.

So let's explore citizenship.

A core aspect of citizenship must be a **willingness to fight terrorism**. Citizens are folks who, when confronted by terrorism, roll up their sleeves, pitch in, and fight. Citizenship means promising to fight, and if necessary, fighting, and people who don't, or won't, shouldn't be citizens. Fighting means doing our best to help thwart terrorism, given our particular capabilities, and this may include summoning a police officer or alerting others as well as physically confronting a terrorist. This doesn't mean being a vigilante or taking the law into one's own hands. But it means being ready to fight for that

freedom and to help in some way. Free people know deep within us that if we become dependent on bodyguards to fight for us, then someday we may wake to find their guns pointing at us.

This principle applies when crime happens without police present. Bystanders witnessing a crime must help as best they can, such as alert citizens, summon police, help subdue the criminal if possible to do so safely, be a witness during a subsequent trial, or help the injured; those who neglect such duties aren't really citizens. Bystanders could be summoned to explain their actions, and if found guilty of failing to act, then they should be punished. With a system of recorded public movement, it will be easier to identify exactly who was at a crime scene, so it will be harder for shirkers to scoot away into the night.

It is especially important for citizens to help each other when government becomes the terrorist. Citizens have a duty to protest tyranny when other citizens are harassed or arrested arbitrarily. Citizens who do nothing have failed a basic duty of citizenship and should be held accountable by other citizens for failing to protest tyranny, which could lead to a possible revocation of citizenship.

I'm less sure about those unable to fight, such as elderly or children, whose citizenship status is debatable and depends on past or future activity. For example, I think an elderly man or woman who fought or agreed to fight in younger days should be a citizen by virtue of their previous commitment. I think a child may be presumed to fight when he or she is older and, as a result, may be thought of as a future citizen.

What's happened over time, I think, is that living in a strong nation with a boisterous economy and skilled military and protected by vast oceans has meant that ordinary people have rarely been tested, have rarely had to fight for that freedom, have rarely had to think about such issues. When war came, others fought, and perhaps we've become soft. And our sense of citizenship as a duty to ourselves and others has been whittled away over generations so we are, at best, marginal players in government, confused spectators watching from the sidelines, political zombies. If citizenship means having some control over government, we're not really citizens; rather, Congressmen and Presidents and Supreme Court justices and lobbyists are citizens as well as corporations and unions behind them. They have power. They run things. They're citizens. We're not. We must regain citizenship to protect ourselves.

We must bear some of the blame for this mess. We've chosen to stay uninvolved. We've shirked our duty. We've trusted others to run things on a wishful but faulty assumption that their interests parallel ours. They don't. We must regain our power as citizens. It's time to wake up and grab the national steering wheel before we plow into that oncoming clump of trees.

I think citizenship should be a **relation** between an individual and the government which is:

- **Active**, because it takes time to create and effort to maintain.
- **Temporary**, because it can be dissolved by either party.

- **Voluntary**, because it must be chosen freely by both citizen and State.

Citizenship means:

- **Privileges**, such as voting, police protection, and safety from foreign aggression.
- **Responsibilities**, such as military service, obeying laws, serving on juries, serving in government, protesting tyranny, and paying taxes.

Citizenship is like a **contract between citizen and State**, entered into freely and voluntarily by both parties, with terms clear to both parties. If either party violates the agreement, then the other party may dissolve the relationship after due process of law.

Citizenship should be **recorded by some form of light**. For example, the citizenship compact should be written, and gaining or losing citizenship should be a matter of public record.

The beginning of citizenship should be marked by a **public ceremony** during which an individual and a government official sign the Constitution together in front of other citizens, and such a ceremony would help people think about the commitment involved. Candidates for citizenship should take a public oath affirming a respect for individual rights, free and fair and open debate, tolerance, freedom, virtue. They should promise to participate in government by voting and serving on juries and paying taxes. They should vow

to government and to other citizens to resist terrorism in every form. They must promise to participate in government regularly by voting, staying informed, attending meetings.

Citizens must meet **minimum standards of conduct**. Citizens who shirk jury duty, vote rarely, and skip public meetings may have their citizenship status questioned by government or other citizens. It should be a public matter to determine what these minimum standards are. Citizens failing to meet such standards may lose citizenship after due process of law.

Government, as well, must make **citizenship tasks** as painless and fuss-free and easy as possible. Presently they're difficult. Let me illustrate.

Years ago I was called for jury duty on a weekday. I had to miss work. I sat in a dreary courthouse with dreary people and waited and waited and waited. I had to listen for my name during a continuing roll call so I couldn't read my magazine. Hours later, I went to another room. Lawyers said somebody had died in a hospital and there was a lawsuit. They grilled me: Had I ever been hospitalized? No. I said. Did I believe mistakes could happen? Yes. Is there risk in the world? Yes. I wanted to be on a jury. Then, I was dismissed without explanation. My services weren't needed. My day was wasted.

If I had been chosen, the trial could have dragged for weeks with me sequestered in a lousy hotel, unable to read newspapers. During trials, lawyers may ask provocative yet

illegal questions to force the opposing lawyer to object and to sway the jury with a slanted question, but this bantering wastes jurors' time. Since verdicts must be unanimous, a stubborn juror can exert veto power over the group. If there's a mistrial or a hung jury, then the court will have wasted every juror's time.

Jury duty doesn't have to be a boring, dreary, thankless chore. I think partisan forces have made jury duty unappealing for many reasons. HAVES want jurors sympathetic to business, HAVE-NOTS want jurors sympathetic to labor. Most likely, this is what kept me off the jury; a HAVE-NOTS lawyer may have thought I had a HAVES mindset, or vice versa, and so I was sent home on suspicion of bias. Neither Republicans nor Democrats care much about our rights as citizens; rather, they're fighting over money and power in courtrooms.

But being a juror is a great way to learn about citizenship, according to Tocqueville. We think about rights and powers and law and democracy. Make it easy: let jurors choose which day to come; let some trials happen on weekends so jurors don't have to miss work; prevent lawyers from dismissing jurors they think are biased; videotape the trial (with illegal questions from lawyers edited out) so jurors could watch the whole trial on videotape in a comfortable setting at their own pace, rewinding if necessary, so they can finish sooner; drop the requirement that jurors be unanimous to perhaps 10/12 or 11/12 of jurors; make waiting more pleasant by giving vibrating tags to alert us to walk to the next room so we can read. These are a few suggestions. If we can get partisanship out of Washington, perhaps legislators can find

ways to make jury duty less stressful, more efficient, more pleasant.

Similarly, make it easy for citizens to attend public meetings and vote. Can we vote from home? Why can't elections happen over a weekend when people have more time? How can we use technologies such as the Internet to make being a citizen easier?

We need to **rediscover citizenship habits**: attending political meetings, discussing differences, listening, debating, voting, cultivating a rational, tolerant, open-minded manner with a willingness to admit we're wrong while trusting truth to emerge from debate.

There was a time when citizenship was vital such as in pre-revolutionary war New England towns. And the process worked. Since then, however, citizenship has declined slowly, steadily, so today most Americans are barely involved in politics. Many factors can be blamed: television, money, partisan politics, technology, increasing population, increasing mobility, and so forth.

Citizenship is like the Bald Eagle. It needs open skies, food, mates, nesting areas. Unthinking forces crowd its world, hunt it, stuff it, hang it over a fireplace. It becomes harder to find a sky without bullets.

The habitat of citizenship is shrinking. This public sphere, a narrow zone between government and private life, is encroached on by television, shopping, jobs, investments, business, entertainment, leisure. It's easily squeezed by powerful, unthinking forces. The public sphere is like

Manhattan's Central Park, a leafy oasis in a sea of tall buildings with beautiful ponds, lovely landscapes, grassy meadows, ballfields, a huge rectangle in a bustling metropolis. It's public space where people can mingle, speak, listen, assemble. But Central Park is threatened by powerful commercial interests who see its only value as prime real estate. Tavern on the Green restaurant took a chunk of its west side; a zoo and a museum took chunks out of its east side. As it narrows, there is less space for public purposes. Citizenship needs the public sphere to flourish, and when it's habitat shrinks, it becomes endangered. It needs our protection.

Other citizenship habitats are shrinking. For example, shopping has moved from public downtowns to semi-private suburban malls. I can protest downtown but not in malls because mall managers can claim my right to free speech infringes upon their right to sell stuff. I don't think developers or merchants or town planners thought much about freedom of speech when building malls; rather, they wanted pleasing places for purchasing. They acted unthinkingly. As a result, my freedom of speech is less. And shoppers lose, too, because they can't hear about my terrorism prevention strategy which might save lives.

There was a time when rich and middle class and poor lived in the same town. While the rich had big houses and the poor had shacks, they breathed the same air, walked the same streets, shared a common concern for their town's prosperity. Wealth was an issue, but not an overriding one. It wasn't a perfect world, but inclusive, and people got along. It was possible to meet people of different economic backgrounds every day, walking to work, shopping, at the barber shop. People mixed; rich people could hire poor

ones for odd jobs; a teacher or business person could serve as role models for growing kids.

When cars came, people separated. Rich folks moved to distant mansions, hidden behind shrubbery, away from the masses. Suburbs zoned for big houses on big lots excluded the poor from buying property. Different communities sprouted. There were upper-middle, middle, working class towns. Your neighbor had as much money as you, with some variation. The poor were stuck in the inner cities, with relatively high taxes, crime, lack of role models, crowded conditions, filth, drugs, gangs.

Today, we're shut off from people of different backgrounds by walls, fences, prickly shrubberies, barking dogs, car windows, zoning laws. They can't influence us, nor we them; they can't learn from us, nor we from them. We don't know how other people live, what their concerns are. It's like they don't exist. Segregation of people based on wealth rips at the fabric of society. Each suburb becomes a special interest group based on real estate.

I live in an upper to upper-middle class town with a few middle class types like me and some poor sandwiched among million dollar houses. Most police officers can't afford to live in my town so they're mostly strangers. My kids don't play with their kids. Most teachers don't live here for the same reason. So there are few bonds between those who *work* here and those who *live* here, and much commuting, and fewer chances to see that people are just like ourselves. It's impersonal. People don't mix. There's a stifling stillness. When I walk local streets among the mansions, few neighbors say

hello; my only greeting is from dogs barking and sprinklers hissing like coiled cobras.

Several factors drive rich people away from cities:

- **Fear of crime:** When HAVES and HAVE-NOTS live in the same town, there are more chances for theft than in a town where everybody has pretty much the same stuff. And the fear of robbery spurs rich to flee. But if we prevent crime by identifying anonymous movement in public, using ideas I've proposed, then rich folks may return.
- **Lack of good schools:** Forcing all children to attend the same mediocre school spurs rich families to flee. They can afford better education; why must their children attend mediocre schools? At the same time, society benefits when poor children are educated, kept off the streets, and given opportunities. So what solution can satisfy everybody? While this is a difficult problem with no easy answers, I favor greater educational choice.
- **Fear of lawsuits:** When citizens can sue each other for different reasons, it engenders fear which undermines citizenship. For example, pedestrians who break a leg on an icy sidewalk can sue the homeowner for failing to sprinkle sand. Car crashes ignite many lawsuits. Fear of lawsuits erodes trust among neighbors and causes wealthier folk to flee. The legal community deserves some blame for widening the list of grievances which can be settled

by lawsuits, as well as pushing for huge payouts. Whether plaintiffs win or defendants win, lawyers get paid, so lawyers have a financial incentive to ratchet up the level of lawsuits. This is one more area where conflict between HAVES and HAVE-NOTS has trounced unthinkingly on citizenship. There should be ways to resolve disputes between citizens quickly, fairly, without expensive, time-consuming lawsuits with potentially huge payouts.

There are fewer times when people can help other people. In frontier towns, neighbors helped each other out with meals and shelter which often meant survival. Today, it is rare to ask anybody for help; if your car breaks down, you call a tow truck, and a paid employee fulfills a contractual obligation. Generosity has become unnecessary. It's largely disappeared. Neighbors don't knock on other peoples' doors to meet. People are inside with doors locked, mingling with friendly faces on television in one-way conversations.

Television time reserved for serious news has been declining steadily, pushed out by mindless celebrity antics, soft pornography, gossip, pseudo-events, entertainment, inane advice, catchy garbage. We need serious news to help us stay free, but market forces have been pushing this off the screen, so we're inundated with bald Britney Spears drunk in public and stupid Paris Hilton behaving badly and eye-catching crap which drowns out important information.

During my life I ignored politics except for voting. I never went to political meetings. I rarely visited City Hall. I wasn't a campaign worker. I was busy with school, work,

entertainment, shopping, and such. I figured I was a citizen. It wasn't until I began thinking about terrorism, realized it was a problem for citizens, that I began to reach out to others, only to realize we're zombies, dead inside, hollow and headless like I've been most of my life.

It's important to **show up at regular local government meetings**. Even if we say nothing, our presence forces speakers to wonder what we're thinking and lets other citizens know we exist and we're citizens and we care. It lets democracy happen. We learn which persons are citizens and which aren't. It enables a vital forum where good ideas can emerge from the rigors of debate.

Regular meetings help form **bonds among citizens** which may be our only defense if government becomes a terrorist against us. It builds a power base to offset government tyranny. Each group should have different ways to alert each other during emergencies, such as phone chains, ringing of bells, or text messaging. Before Hitler consolidated power in pre-war Germany, he engineered a coup in which approximately a thousand leading citizens were dragged from their homes late at night and murdered. This happened suddenly. There was no press coverage afterwards. Hitler used the excuse of a coup against the government to justify his power grab. But Hitler could get away with this tyranny because there were few ties between citizens. Suppose late at night there's a knock on your door from armed uniformed officers; your ability to summon other citizens probably won't save your life, but may save theirs, perhaps giving them time to flee or arm themselves. And a government knowing that citizens can summon each other quickly will be less likely to attack citizens.

So it's important to **require attendance at local government meetings**, perhaps quarterly, perhaps semi-annually, perhaps annually. There should be a roll call. Names of citizens failing to attend should be publicized. In an hour-long meeting, perhaps, citizens would discuss politics, learn about new developments, examine what their representatives were doing, ask questions, and have an opportunity to raise issues. During meetings, outside distractions should be banned by law; for example, television and shopping should be prohibited to encourage attendance.

Earlier I promised to explore why Americans hate politics. Perhaps this is a good time to pour light on historical processes that caused this. My thinking comes from Tocqueville, Aristotle, Machiavelli, Habermas.

How Democracies Break Down

Looking back to 1620, the first Europeans in America braved many dangers, and since settlers depended on neighbors for survival, democracy grew naturally. Building a school house, for example, was decided by majority vote, since it required everybody to work together to build it. Survival demanded participation from active citizens thinking rationally how to tackle problems, so in small towns, democracy was virile and vibrant. Churches helped people see the common interest, and encouraged virtue and morality. Town governments had real power. Decisions were made close to home, so rulings were usually practical and fair. As settlements grew, layers of higher governments formed, because most towns were too small to justify the expense of courthouses or prisons, so county governments managed these tasks. State governments

helped build larger roads and bridges. Federal government came later. But in the early years, most decision-making was local, and administrative decisions by higher governments were enacted locally.

In this world citizens learned skills necessary for self-government: debating, thinking, compromising, listening. Many volunteered to serve in elected one-year offices such as treasurer, postmaster, clerk, justice of the peace. By dividing work, nobody became too powerful or overworked; by widening participation, and shuffling positions, office holders learned valuable political skills hands-on, up-close, every day. People developed a respect for neighbors. They knew each other. By 1776, many citizens had such skill in self-government that their generation produced an outstanding cadre of first-class thinkers educated not only in the political wisdom of antiquity, but in the nuts and bolts of governing, and their collective skill surpassed that of the British Parliament and monarchy, culminating in a successful revolution and a political masterwork: the United States Constitution. Further, an enlightened public studied the proposed Constitution, read the Federalist Papers, talked with neighbors, debated its merits, and came to the correct conclusion that it was good.

But Tocqueville, analyzing America in 1831, spotted a fundamental force undermining democracy: **equality of conditions**. Unlike Europe, there were no dukes, earls, counts, kings, aristocrats. Nobody saluted clergy or professors, for example. People treated each other equally (with the painful exception of slavery). Supposing people have a natural yearning for distinction and respect, then how

can the urge to rise above others be satisfied? Tocqueville wrote: only by one's commerce and industry, and he saw a feverish hunt for wealth everywhere he looked.

The pursuit of wealth brings benefits but **undermines civic participation**. Generally helping in town affairs doesn't pay much; as frontier dangers receded and the population expanded, many citizens skipped civic duties to pursue jobs and careers and money. There's no requirement to participate in government. People showing up for a community meeting, for example, couldn't force no-shows to show. There was a social pressure to cooperate but this began to erode. And fixing one's house or earning more money or expanding one's business brings a direct benefit, while debating in the town council about where to build a new firehouse, for example, brings an indirect benefit. Pressure to participate waned. People began to admire people with big houses rather than political skill. At local government, fewer people showing up faced problems but lacked adequate local hands to solve them. As a result, they'd either raise taxes to hire a local contractor to do the work, or else ask a higher level of government to solve the problem.

As time passed, county, state and federal governments were being asked to solve local problems. Regulators farther away from the actual problem were asked to decide specific matters and, as a result, decision-making became more abstract, less personal, more expensive, less fair, less just. Rules had a one-size-fits-all character which couldn't account for local variation or particular circumstances. Bureaucracy expanded. And once a type of decision was hiked up the chain of government, authority didn't revert back down the chain; so towns ceding power rarely got this power back.

Fewer matters to decide locally caused, in turn, fewer people to show up at local meetings; why attend local meetings if there was little to decide? So there was a kind of **feedback loop working against local government**, eroding local civic participation, which meant, in turn, that fewer people learned the vital skills of self-governance: debating, thinking, using reason to solve problems, and a vital breeding ground for politicians to learn the skills of democracy was dying at the roots.

Tocqueville saw a natural tendency for democratic peoples to **turn inwards**, to tune out others. Being in public doesn't make us feel important, so we turn to families, friends, television, entertainment, that is, we turn away from public life. He wouldn't have been surprised to see pedestrians listening to iPods oblivious to others. He hoped local organizations and civic groups and churches would counteract this trend and help people turn outward.

With fewer people participating in government, the ones showing up had **relatively more power**, particularly at higher levels of government. Politics became a full time game for professionals tempted to rig the rules to win re-election, and with fewer eyes watching, corrupt officials could hide mischief. Politicians replaced statesmen. Money brought chances for corruption. A ruling buried inside a complex legislative decision could divert dollars to hidden pockets. Politics became progressively less well understood, complex, corrupt, dirty.

Government grew as an employer, hiring postal workers, aid workers, officials, testers, inspectors, regulators. It became harder for these workers to be impartial citizens because

they had a vested interest in gaining more power and pay. Government grew relatively and absolutely. Washington became the dominant regulator. Aid recipients remained citizens despite their obvious inability to manage their own lives. As distance between aid recipients and government grew, it was harder for government to reckon who was really worthy of aid, and it became more expensive to run aid programs, leading to higher taxes, waste, corrupted aid-recipient citizens. Uncle Sam became less uncle, more father, with one exception: a father wants his children to become independent adults, but Uncle Sam didn't have this motivation.

Equality of conditions led to an **expansion of the citizenship franchise**, overall a highly positive development. More people counted as citizens, not just white propertied males, but all white males, then African-American males, then women. But as citizenship widened, responsibilities were diluted. Current citizens didn't teach incoming citizens the duties of being a citizen. Further, the franchise expanded to include people with barely the economic means or educational skills to serve responsibly as citizens. Citizenship is practically meaningless today in terms of responsibilities. Today, only half of the electorate votes.

As America prospered, a split into HAVES and HAVE-NOTS **exacerbated political differences** into fights which couldn't be resolved with reason, only with turf battles decided on power. Within Congress, serious debate about issues was replaced by behind-the-scenes horse-trading. Representatives voted along party lines, not based on reason, and when they were baffled by the sheer complexity of economic regulation, shrewd lobbyists inserted themselves into decision-making to engineer tax breaks and favorable

decrees for their respective clients. And it became difficult for voters, even highly interested and educated ones, to follow events in Washington. Such partisan bickering angers Americans.

Habermas, a philosopher of democracy, shows how the **public sphere has shrunk**. This is the space between private people and government where people could critically debate, ponder public policy, and form opinions as a counterweight to political authority. It sprouted with the rise of trade in Europe when merchants needed accurate information about distant markets, and bloomed in the seventeenth and eighteenth centuries with impartial newspapers, coffee house socializing, and vigorous discussion of a rational-critical nature among citizens. It was a positive force; it forced authorities to think. Since then, however, this public sphere has shrunk, both in Europe and America, because of an interplay of factors, such as the inclusion into the public of persons lacking the financial and educational ability to participate rationally. So the public widened, but the public sphere shrunk. Today there's little meaningful political discussion. Newspapers and television have less real news, that is, news we need to stay free, and more gossip and advice and human interest and celebrity misdeeds and nonsense. Entertainment elbows out real news. It's a business; again, the drive for wealth undermines democracy. Television grovels for the lowest common denominator because that's where the money is. Some hope the Internet will revitalize democracy but I think it will become one more selling medium.

So, for these and other reasons, it's easy to see **why Americans hate politics**. We don't participate. We don't

know how. Our parents didn't teach us because they didn't know either. We've lost respect for offices and office-holders. We don't understand procedure. If we tried to participate, we'd waste our time because there's little left to do locally. We're beset with high taxes, a paternalistic federal government, corruption, partisan bickering, flawed one-size-fits-all laws, bureaucratic sluggishness, complex rules. We don't know how to grasp the levers of government. Every election we're besieged with below-the-belt TV attacks on opponents' character which, over time, blur themselves into a sullied reputation for all politicians. We hate politicians.

Some politicians hate us too. For example, I've criticized my congressperson and governor for various failings, but perhaps they could criticize me for being a zombie citizen, for shirking my citizenship duties while seeking my personal betterment. They might be right. I didn't get involved in local politics. I was a no-show for local government meetings. I didn't volunteer for local office. I didn't help. I never learned the skills of governing. Only recently I've woken to my failings by exploring the problem of terrorism. But blaming people doesn't solve the problem; it's much better to understand forces working upon us, forgive ourselves, and fix the problem with intelligent reform.

But how can citizenship be revived? Powerful forces continue to wedge legislators away from citizens, and we can't change these forces without real effort. I think serious reform of the Constitution is necessary, requiring a Constitutional Convention, but this requires citizens to demand such an event, but citizens remain asleep to the problem.

How can I wake them? I think a terrorism prevention strategy requires thinking by citizens, but there's no forum where I can command attention. I can't make people stop and listen. Everybody's busy. I must compete with mindless advertising and catchy entertainment. How can I interest people in a political subject when everybody hates politics? How can I sell consumers on a product they're loathe to buy? How can I make people think in a land which doesn't value thinking or philosophy or logic? I can't afford expensive television ads. When protesting, few expressed any interest in my sign or message but saw me as a freak. People today are highly educated, but narrowly focused and lack interest in political problems. What a sharp contrast from Americans 300 years ago. Few read my book or offered suggestions. They think terrorism is not their problem. They're apathetic. I don't blame them. I understand how they feel. Newspapers don't cover my speeches at local political events; their primary interest is selling advertising, not engaging in serious issues. Editors see me as beyond the bounds of majority opinion, unworthy of ink, for what private citizen would come up with a plan to prevent terrorism? My plan is easily dismissed, too complex for a slogan or soundbite; if I get covered by newspapers or television, it will be easy for opponents to paint me as a crank by taking selected suggestions out of context and ridiculing them. Authorities think only in terms of enforcement but rarely look at the bigger picture. Academics dismiss me because I lack credentials. My fellow churchgoers aren't interested in my book. Still, nevertheless, despite everything, I believe in myself, my mind, my thought, my strategy, so I continue my one-man protest campaign, I continue to believe in my book, and I'm not giving up.

No wonder activists become outrageous. They test the bounds of sensibility, quarrel over details, trample truth, display bizarre behavior. They *must* entertain. They *must* get on TV. It's their only hope to get attention in an apathetic world. Michael Moore, a HAVE-NOTS activist, makes bizarre films, ridicules opponents, transforms targets into commercial jokes; if his film about General Motors had been accurate and fair, then it wouldn't have been entertaining and nobody would have seen it; as a result, Moore pushes the extreme. Al Sharpton, another HAVE-NOTS activist and lawyer, will pull any stunt for airtime; for example, he represented an African-American woman who claimed to have been raped by a white police officer; the rape never happened; it didn't matter that Sharpton's behavior made a mockery of the legal profession or inflamed racial tension; what mattered was that he got on TV. HAVES activists like Rush Limbaugh and Ann Coulter make outrageous statements daily. They tailor truth. They exaggerate wildly. Must I become like Moore or Limbaugh to sell my book? Extreme speech from left and right further alienates the public, erodes respect for facts, shrinks the public sphere, undermines democracy. If there was a forum where citizens could express themselves, then activists from both sides would not feel forced to skirt the bizarre, and political discussion might become more civil.

I've focused on problems. But there are some highly positive things I should mention.

First, wealth is good, overall, because it enables freedom and lets us buy things to help us stay free such as cars and houses and food and televisions. With such stuff, we're less dependent on government; money brings real liberty. Cars

let us travel quickly, and televisions help us see news as it unfolds. These are good things. And the fact that Americans are wealthy, on average, is good because we have the resources and free time necessary to be full citizens. We can live longer, healthier, freer. The problem is, of course, when the pursuit of wealth and the enjoyment of things distracts us from the responsibilities of citizenship.

Second, the legal framework, while distorted, helps protect us. We still have some individual rights. There is some protection against crime. There are ways to resolve disputes.

But, on balance, the direction we're heading is troubling. Virtue in America is shifting from **civic** to **economic virtue**. If virtue is excellence at being human, a habit improved with practice and sharpened with common-sense smarts, as Aristotle might suggest, then Americans have excellent economic virtue: discipline, hard work, being on-time, keeping commitments, resolving disputes peacefully, finding bargains. The result is a powerhouse economy. In contrast, civic virtues have languished, such as debating peacefully with an open mind, volunteering, working with neighbors, solving local problems. It's not all bad. There's some overlap between the two sets of virtues: the discipline of work can help people become good volunteers, for example. But, to solve terrorism, Americans need to improve both sets of virtues.

Generally, American affluence masks serious problems.

- America is like a giant tree. Citizen participation in government is a rotted inner trunk, while prosperity

supports the tree and hides the inner rot. A violent burst of wind may topple it tomorrow, such as nuclear terrorism or a tyrant.

- America is like a sport utility vehicle barreling down the highway. We're passengers, not sure where we're going, but someplace fun as billboards breeze by. Our driver is our Congressperson, Senator, Supreme Court justice, President, who looks like they know the route, who looks like us, wears the right clothes, smiles, says the right things. But our driver isn't like us but a millionaire we've helped make rich, who listens not to us but to car companies, gas firms, lobbyists, unions. We think we could change direction by voting, but this is mostly an illusion. Perhaps we're headed for a giant amusement park to spend money, but we're too busy to ask where we're going because we're glued to television screens inside the van filling our heads with happy clutter of happy people with happy problems. No one thinks our expensive gasoline habit sends dollars to the Middle East where some goes to extremists who crash planes into buildings and seek nuclear bombs. It's fun while the money lasts: if that runs out, the SUV pulls over to the shoulder, shoves us out, roars off, and we're left alone with haggard roadside stragglers, cold, hungry, with minimum wage jobs and no health insurance, foreclosed out of our homes, Katrina victims, dead-end Americans with no prospects who the rest of the country pretends not to see.

Let me return to another aspect of citizenship.

Suppose a group opposes war for philosophical reasons. They refuse to fight. But they can vote. So they enjoy the privileges of citizenship while failing to bear its full responsibilities. If the nation was attacked, then their refusal to fight could jeopardize everybody's safety. I see this as unfair to those who risk their lives defending their nation. So people refusing to fight shouldn't be citizens.

Government, too, has a right to know which persons it can trust for steadfast and loyal support when it jockeys with rival powers on the international stage. Government shouldn't have to guess whether people will support its foreign policy decisions. If it chooses war, it should know in advance whether people can be relied on to show up for battle rather than hide in the hills. It's unfair to keep government clueless about domestic support. It makes government weak, and a weak government is less able to uphold everybody's rights.

Clearing up confusion about citizenship can clarify related issues. For example, some argued that selecting citizens to fight in a war based on a lottery system was a type of tyranny. It wasn't. The draft was not tyranny because it was based on the underlying reality of citizenship, but this is one more example of how murkiness about citizenship confuses matters and makes it harder to diagnose true tyranny. The compulsory military induction issue could be clarified if a person agreed upon becoming a citizen to serve in the military if summoned. If war happened and the citizen

refused to fight, then he or she could be punished rightly for breaking an earlier promise.

Consider taxes. Since citizens never formally accepted the Constitution by signing it in a public ceremony, it is not clear why we must pay taxes. Citizens who refuse to pay taxes are punished, rightly in my view, because the underlying reality is that paying taxes is a responsibility of citizenship. Put this reality in writing with a signed citizenship contract which is, of course, one more application of light. It will help prevent tax evaders from yanking around the justice system with convoluted arguments about why they don't have to pay taxes.

Consider jailed convicts. They can't vote or hold office or serve on juries, and obviously this is proper, but sometimes the legal basis for why these privileges have been revoked is not clear. If people signed a citizenship agreement in which they promised to obey the law, then it would be clearer that breaking a law might void their citizenship, so there's less confusion.

Spelling out citizenship with a signed written contract is an important way to pour light on the relation between citizen and State. By defining the duties of each to each, it clarifies the boundaries of civic life. The citizenship ceremony itself may help people think about their relation with the State, about their duties to fellow citizens, about the nature of terrorism, and about their duty to fight terrorism in all of its forms.

A written agreement, too, reminds government about its responsibilities. I can foresee a situation in which a citizen's lawyer, pointing to the written citizenship contract, holds

government accountable for keeping its part of the bargain, such as obeying the Constitution, giving people due process of law, holding free and fair elections, and so forth. Perhaps there should be additional provisions in the Constitution to force government to recognize persons who fulfill the requirements of citizenship as citizens. Non-citizens should have regular chances to petition for citizenship.

One last comment. Some may choose willingly *not* to be citizens. They can avoid jury duty and military service and voting and possibly boring political meetings. Since they'd lack political power, their fate would be determined by citizens. That's their choice. We can't force people to be citizens. It should be clear to everybody which persons are citizens and which aren't. And it's proper to have regular opportunities for non-citizens to petition for citizenship. For me, I want to be a citizen.

Other Matters

Use light to **expose public meetings**, to expose which legislators are meeting and what they are saying, to expose meetings between officials and contractors, to record who met with whom and what was said. The financial records of officials in charge of budgets should be exposed to discourage bribery and stealing from the public treasury. If government officials meet privately, the public has a right to know why such meetings are private and when their content will be revealed.

Illuminate court decisions. It should be illegal for parties to a lawsuit to settle secretly. But this happens routinely.

Suppose an automobile defect causes crashes, somebody is killed, and relatives sue. But the car maker wants to hush up the defect as well as the payout. So the car maker and relatives and lawyers and judge agree on a *secret payout*. Lawyers and victims get paid; the car maker avoids an even bigger payout from a possibly emotional jury; judges reduce their backlog of cases. Jurors are dismissed without hearing evidence. The judge orders the decision sealed so journalists can't find out what happened. So everybody wins *except the public*: it remains unaware of a killer defect. And more motorists may die because of the unexposed defect.

Illuminate police. Point cameras at police. Take pictures of them. Record their activity. Track what they know, where they go, what they do, and who they meet. Require police to videotape every arrest and detention. Some police departments have begun doing this now.

There should be **no confusion about who is a police officer**. All on-duty officers, including detectives, federal agents, and Secret Service guards, must wear uniforms identifying their status. No more of this plainclothes stuff. Unmarked police cars should be banned. Off-duty officers shouldn't carry weapons. Plainclothes detectives and undercover officers present a false image to the public since they have the power of armed force while appearing to lack it. Therefore, they can evade accountability for their actions and can more easily violate the rights of citizens. It permits espionage on private citizens, and this lopsided one-way seeing can cause tyranny. A disproportionate share of shooting accidents occur when police are undercover or off-duty; by being armed but not appearing to be, it invites mistakes and confusion.

Flashing lights and sirens must indicate an **emergency in progress**. It is one more example of how light benefits our understanding and helps expose tyranny. Police who abuse such signals for spurious reasons should be punished. For example, police driving the New Jersey governor in 2007 drove 91 in a 65 miles per hour zone, using sirens and flashing lights to bully through the highway. The governor was late for a meeting. There was no emergency. But they were speeding. This was tyranny. A crash happened. The governor was injured because he wasn't wearing seat belts and, in so doing, broke another law requiring their use.

Simplify the tax code. It's convoluted. Good laws are simple; the tax code isn't. Calculating taxes has become intricate, labyrinthine, complex to the point of absurdity, positively painful. Tax complexity makes it easier for government to hoodwink citizens and for rich folks to find loopholes. Perhaps the tax code is the clearest sign of how bloated, complex, and wasteful federal government has become. Each extra line on the tax form represents a break for a special interest. Partisan forces give tax breaks to special interest groups, such as landlords, homeowners, charities, businesses, and so on, and each break introduces needless complexity. Some breaks are quite devious: the so-called mortgage interest deduction for homeowners appears to benefit homeowners, but benefits mortgage firms; this fools most taxpayers. Every time you fuss with complex forms every April, realize it's a form of government tyranny based on partisan bickering.

Eliminate ballot restrictions. Both political parties have extensive requirements to get on a ballot. It costs tens of thousands of dollars to run as a Republican; it takes thousands

of signatures to run as a Democrat. It should be easy for any candidate to get a spot on the ballot. The Democratic and Republican parties have rigged the ballot form so both parties are prominently displayed with their candidates in a neat, easy-to-check line; this is unfair.

End tax withholding. We don't pay taxes directly; rather, **our employers pay our taxes for us.** Government calls this nifty scheme *tax withholding* but it is more accurately called *wage garnishment*: government treats us like delinquent parents avoiding child support. Tax withholding lessens the power of citizens to express displeasure with government by refusing to pay taxes. Every April 15th we should have a chance to reaffirm our citizenship by choosing, willfully and voluntarily, to pay taxes. But it's already paid. The government has made this decision for us. We file the tax forms. If we get a refund, it seems like *government is paying us.* Or if we owe money, it's a small amount, so it *seems like our tax bill is negligible.* This is manipulation by government resulting from partisan politics. We'd have more clout if government was genuinely worried, every April 15th, that it might not get paid, so it might feel an impulse not to waste our money.

Illuminate privacy. Protect it with strong, meaty legislation. Put it in the Constitution. Prohibit officials from releasing embarrassing yet private information. Insist every piece of information have a privacy tag so unauthorized leaks could be traced, abusers exposed, and punishments awarded.

Voting, a public act, must remain private, for obvious reasons. If the party in power discovered how each citizen voted,

then it could reward supporters and punish opponents, and turn voting for the opposition into a sort of political victimless vice.

Here are other issues for a Constitutional Convention to consider:

- **Eliminate gerrymandering.** This happens when the party controlling Congress redraws electoral districts so their candidates face less opposition in future elections. A majority party will carve out several districts with a 60% party majority, virtually guaranteeing re-election for their candidates in those districts, and leave one district with a 90% majority for the opposition; this trick results in more seats for the majority party, discourages competition and undermines voter choices. It rigs the election. One solution is to eliminate electoral districts entirely and let voters in each state choose from a list of candidates untied to geographic space. Another solution is to have a computer pick geographic points, based on math algorithms, for each representative in such a way that the total distance between voters and representatives is minimized. For example, suppose New Jersey gets 19 representatives by census count; then computers, using voter addresses, can pick 19 points within the state which minimizes overall distance between voters and representatives; there should be only one possible solution (although a mathematician suggests this needs further study). It is an impartial way to assign voters to representatives.

- **Eliminate party labels in the voting booth.** Candidates for House, Senate or President should not have a party identifier such as Republican or Democrat next to their name.
- **Restructure the Senate.** Voters in heavily populated states are underrepresented. Since each state has two senators, rural state voters have more political clout than urban ones on a per capita basis. As a result of the Senate's influence, a disproportionate share of Federal funds benefit rural voters. One result of this is that Homeland Security funds often go to low target areas in rural states rather than big cities. Again, limiting Federal regulation of the economy will help solve this problem. Another solution is to limit the Senate's role regarding domestic spending.
- **Let state governments choose Senators.** Originally, the Constitution required Senators to be chosen by state governments, not the public. This resulted in high quality appointments, generally, and gave state governments an important voice in national affairs. Later, the Constitution was amended so Senators were picked by the public within each state, so state governments lost an important voice in Washington. I advocate returning to the original way.
- **Single terms for Presidents.** An elected President is tempted to abuse the power of office for re-election. This happened in the Watergate

scandal. President Nixon abused Presidential power to conduct illegal surveillance and wiretaps and break-ins to confound the opposition party and secure re-election. These actions were tyrannical. Further, incumbents have a natural, unfair advantage over challengers; most Presidential contests between an incumbent and a challenger result in victory for the incumbent, so the public doesn't have a fair choice in such contests. Consider limiting the President's term to four or six years.

- **Term limits for Congress.** There are endless temptations for representatives to rig upcoming elections. For example, Congresspersons can mail promotional brochures without cost, while challengers lack this advantage. Over 90% of representatives keep their seats election after election. So the power of voters to select their representatives is subtly undermined. One way to eliminate these problems is to limit representatives to a single term, but one downside is that the Congress will always have inexperienced members and may be vulnerable to challenges from other branches of government. Another is to limit time in office to a specified number of years, such as four or six or eight or ten. Another way, perhaps less effective, to apply light to voting is to require candidates on the ballot to have the word *incumbent* or *challenger* beside their names; so voters can vote for all incumbents or all challengers, depending on their satisfaction with current government.

- **Dump the Electoral College.** This complex scheme for choosing Presidents encourages candidates to focus on evenly divided states while ignoring states which lean heavily towards one candidate. As a result, voters in so-called swing states have more power to influence an election. Sometimes candidates lose despite having won the popular vote. The initial purpose was to encourage candidates with appeal distributed across many states and discourage candidates with strong appeal in only one region, but this practice should be reconsidered.
- **Ways to remove incompetent Presidents.** It is not easy to oust a sick or incompetent President. The nation becomes leaderless when this happens. This happened several times in the past. There should be a formal Constitutional mechanism easier than impeachment to oust Presidents when this happens.
- **Term limits for Supreme Court justices.** Some justices become too old to reason effectively; others fall asleep during deliberations. Some departing justices wait until a President from their party is in office before resigning; they may be too feeble to think clearly, but they'll hold on until a like-minded President gets into office. In this way, departing justices can steer the direction of the court. Justices shouldn't have this power. One proposal limits Supreme Court appointments to 18 years. This seems reasonable.
- **No superdelegates.** Some Democratic party members can vote at the convention for a Presidential nominee. But they're unelected. This is undemocratic.
- **Juggle the order of state primaries.** Early primary states such as Iowa and New Hampshire win the lion's share of attention from candidates seeking re-election hoping for an early win to build momentum. As a result, voters in these states have a disproportionate share of the power of choosing candidates. In contrast, voters in a state like mine, New Jersey, rarely meet candidates face to face. A better approach is to assign the dates of primary elections randomly, so that each state has an equal chance to be first. Another approach is to group states into small regions which have primaries on the same day, and then primary days for these regions are selected randomly; for example, Arizona and New Mexico would have a primary one Tuesday, then next Tuesday it would be Texas and Oklahoma; this reduces travel time for candidates and gives voters more chances to meet candidates and learn about their positions.
- **Limit the President's power to pardon.** It's been abused. For example, President Bush pardoned a staffer who covered up a serious offense, that is, revealing the identity of an American secret agent. And President Clinton pardoned a former campaign contributor in his final days in office. Presidential power to pardon should be limited to cases in

which the President doesn't benefit directly or indirectly, or abandoned altogether.

As citizens trying to guard against tyranny, there are no hard-and-fast rules, no clear-cut answers, only fuzzy issues everywhere. Nobody knows everything. Many issues are controversial.

It's important to start thinking.

And debating.

And asking questions.

And listening to fellow citizens.

I hope you can begin to see how big the problem of terrorism is and how much must happen before it's solved, and why an adequate solution involves much more than reorganizing police or having greater cooperation between intelligence agencies or passing tighter gun control laws or chasing suspected terrorists in obscure mountain regions or toppling dictators or asking citizens to be more vigilant or avoiding train stations or buying gas masks or saving duct tape or buying better metal detectors at airports or having National Guard troops patrol nuclear power plants or choosing not to think about terrorism in the mindless hope that danger will disappear by itself or flying military planes over cities or any of the other stupid half-measures or non-measures or lame strategies bandied about.

What mindlessness.

What is necessary is serious rethinking of basics like citizenship and movement in public and privacy, and any adequate solution requires substantial change including amendments to the Constitution. Before anything, the struggle to win terrorism happens within our hearts and minds, and unless as citizens we can agree on a plan of action, and act on that plan, then we risk losing our cities and businesses and livelihoods and lives.

So far I have tried to show how to prevent the guns of criminals and police from hurting us by shining light at them. But there's more to do.

You're a citizen, that is, you've promised to fight in a war if summoned.

Suppose war happens. Then you could find yourself crawling through shrub grass, dodging bullets in a dusty land, supposedly fighting foreign terrorism.

But suppose government goofed. It chose the wrong enemy. So you fight in an unnecessary war. Government's mistake endangers your life. Soldiers killed or injured in unnecessary wars are, in a sense, victims of tyranny by their own government. This is one more example of how trying to fight one form of terrorism (foreign terrorism) can exacerbate another (tyranny), and further shows why we must define terrorism broadly, and why an adequate solution forces us to look at its multi-faceted nature. Preventing terrorism is a big problem. The three types of terrorism are intertwined in a tight knot. We must tackle all three while making sure that fighting one type doesn't exacerbate another.

HOW TO PREVENT TYRANNY

Consider the Vietnam War. 50,000 Americans died in a pointless, decade-long war. 50,000 lives snuffed in the prime of youth. 50,000 homes with grieving mothers and fathers and sisters and brothers. Some consider this war was a form of tyranny against citizens. Certainly, government wasted treasure and goodwill and lives. This mistake points to why we should examine foreign policy as an important part of the problem of preventing terrorism.

Today, government confronts a secretive, stateless network of dangerous international conspirators. It is a tough challenge to identify and hunt for bearded thugs hiding in caves, hands squirming for weapons of mass destruction, eyes flashing with fire, brains brimming with the fecal mush of hate. The task of the next section is to shine light on government so it can see which enemies to attack, protect us from violent foreigners, make smart choices in diplomacy, avoid stupid wars, fight necessary wars, and triumph.

HOW TO PREVENT FOREIGN TERRORISM

Foreign terrorism is the third type of terrorism. Foreign terrorists are foreigners who violate our rights. They include foreign heads of State, powerful individuals and organized international groups. They target our government. Since government protects free people, terrorists will try to undermine and embarrass and weaken and confuse and destroy it. Our government is our locus of defense against foreign terrorism. This is different than the other types: the locus of defense against crime is police, and the locus of defense against tyranny is citizens, as I said.

The strategy for fighting terrorism is the same except instead of individuals uniting, it is nations which unite and fight and defeat the terrorist. Governments decide these things. Generally, the principles of fighting and preventing terrorism described earlier apply, but on a larger level. Confronted by a rogue state, individual nations link together to form an alliance to fight the rogue.

Light can prevent foreign terrorism in many ways:

- Encourage allies to expose anonymous movement within and between borders. Government must know with certainty that incoming people and things aren't hazardous, that incoming car parts aren't smuggled bombs, for example.
- Systems should mesh: governments should agree on common formats for sharing information, so a package can be tracked seamlessly from country to country.

- Safeguard privacy internationally.
- Expose treaties.
- Discourage secret deals between governments.

Preventing foreign terrorism requires conducting a farsighted foreign policy which bolsters friends, appeals to neutrals, and deters enemies. The list of actions a nation can take to influence events is long and varied.

About Freedom in an International Context

Suppose government is a kind of super person, with powers and rights, bounded by a Constitution which specifies the roles of citizens and government and their duties to each other. Suppose, further, the best Constitution gives both citizens and government the most possible freedom without intruding on the freedom of the other, and permits each to act freely within its own sphere of activity.

Then, regarding foreign policy, the task is to specify the proper sphere of...

- the citizen and
- the government

I think foreign policy is the exclusive task of government, not citizens, because government represents the combined national interest of all citizens.

The principle of individual freedom for citizens does not extend to actions which interfere with government's task of dealing with foreign nations, in my opinion. As individual citizens, we don't negotiate personally with foreign governments, of course, but surrender that right to government. If a neighbor within our nation acts in some way to possibly instigate a war with another nation, without consulting our government, then such an act may violate the rights of everybody if war ensues.

It is unlikely, but within the realm of possibility, that an individual, acting alone, could ignite a war. For example, during the Cold War in which two superpowers engaged in a tense nuclear standoff, a private pilot flew a small airplane without authorization into Soviet airspace and landed in Moscow's Red Square. Luckily, no triggers were pressed, but this act could have been misinterpreted as an act of aggression.

What I'm saying is people don't have a right to make independent foreign policy decisions because it violates your right and everybody else's right to have government decide these matters.

Citizens, for example, must not insult foreign ambassadors, vote in foreign elections, make political speeches or engage in other political activity abroad unless government permits such activity. Citizens who disobey travel advisories and become hostages, for example, become an unnecessary complication, and such unauthorized actions violate the rights of other people to have foreign policy determined solely by government.

Government has a right to control foreign policy exclusively.

That's its job.

It's not a job for private citizens.

Private citizens must not meddle with foreign policy because, in so doing, they trespass the boundary between the rights of citizens and the rights of government. It should be a clear duty of citizenship that citizens respect government's authority in foreign policy and agree, in advance, and as part of the citizenship contract, not to meddle. Nobody has thought much about freedom in an international context. People assume freedom is absolute and haven't reflected that some forms of freedom violate the freedoms of others. People don't see how government, as well, has rights.

There have been examples of individuals trespassing into government's sphere. Past mayors of New York City, for example, have traveled and met with foreign leaders and made political speeches at odds with national policy. Mayors weren't elected to make foreign policy. When mayors appear on foreign television, they exceed their rightful zone of authority and trespass into the zone of national government.

Not just local officials but powerful business leaders and celebrities and prominent opposition candidates have behaved as unofficial ambassadors and meddled with foreign policy. Some negotiated hostage releases or tried to settle disputes between warring factions. Their actions make real foreign policy officials look somewhat irrelevant.

I have no objection if a mayor visits a foreign country as a private citizen because it is proper for citizens to visit foreign countries and speak with other foreign citizens about international politics. There are ways to voice concern over foreign affairs without violating government's authority. For example, citizens upset with foreign leaders can protest properly to our own government. Or, citizens should seek permission from the State department before writing to a foreign official or protesting near a foreign embassy. But certain lines shouldn't be crossed, and these boundaries should be specified in the citizenship contract. It should be the task of government to specify these boundaries.

Why Foreign Policy Is Difficult

Imagine a playground with 200 teenagers. Each chalks off a territory. A few territories are large, many medium-sized, some small. A few teenagers have sub-machine guns, many have pistols, some have sticks. Each chalked-off zone has toys other teenagers want. And there are *no* teachers, *no* police, *no* principals, *no* playground supervisors. It's everyone for himself or herself. Sometimes the playground erupts in a horrific game called Let's Play World War. Other times it's calm. Survival depends on your street smarts, friends, savvy, weapons and skill in using them, ability to scare possible enemies with retaliation, ability to bluff, money. It's a tough game.

Such is the task of nations in the world.

Foreign policy has always been difficult. It has challenged every hunter-gatherer band, every city-state, every kingdom

and fiefdom and republic and nation throughout history. It requires planning and patience, knowledge, diplomatic skill, ability to forecast, sensitivity and smarts and timing. There are many variables in constant flux and it is never clear how different choices may influence future events. Avoiding war is difficult. Some choices take decades to bear fruit, and require a steadiness of purpose and focus, such as cultivating allies. If war happens, allies may abandon us. Today there's the added challenge of fighting an elusive band of international conspirators searching for weapons of mass destruction.

Such is the challenge of the United States today.

Few nations throughout history have been consistently good at foreign policy. Monarchies have mixed results; wise monarchs can work wonders but they are often replaced by lackluster offspring on the throne, and their work is undone. Democracies, too, have mixed results. There are some advantages: citizens who participate in making decisions about war will be more likely to fight in wars they've voted on; democracies have economic benefits too. However, democracies have trouble planning and acting decisively when necessary. Since many foreign policy decisions require debate, decision making can be slow, and officials in charge of these decisions often lack experience. And after some elections, a sea of fresh faces is found in government, which makes it difficult to stick with plans made by previous officials. Allies worry whether they can count on steadfast support from ever-changing officials pandering to a fickle majority, who can become enraptured by the passion of the moment and lose sight of future goals and forget past commitments. When democracies are beset by a serious

international challenge, many revert to autocracies to meet that challenge, and such a change may stave off disaster if the leaders are of good quality, but citizens suffer during these periods.

The democracy of ancient Athens had mixed results in foreign policy. It had trouble befriending other Greek city-states. Sometimes it made good decisions, such as during the Persian War when it chose the wise Themistocles to lead the war effort. But other times it faltered; for example, during the Peloponnesian War, Athens made a horrendous decision, voted on after lengthy debate, to attack Syracuse, an equally large city-state; few of its warriors survived this catastrophe. Like ancient Athens, American foreign policy suffers from similar problems such as how to handle prosperity and allies and trade, and shows signs of diplomatic arrogance.

American foreign policy is not always bad or clumsy. The nation prospers. Sometimes we make good decisions, sometimes not. Most experts might grade American foreign policy as average: not bad, not good, somewhere in the middle. It depends mostly on who is President; an astute President, and we're fine; an incompetent President, and grave dangers can result.

In the past, America has survived not because of its skill in foreign policy, but because it had a superior economic engine based on democratic capitalism. During most of its history, few rivals had this winning combination of respect for individual rights, private property, free markets, individual liberty and popular sovereignty. As a result, when wars came, America had greater economic ability to make

powerful weapons in great quantities, so it usually won. It's comparative advantage meant it didn't have to be shrewd diplomatically.

Today, however, most nations have switched to democratic capitalism. They've figured out the beauty of free markets. Large nations will catch up in terms of wealth. So America will lose this comparative advantage which it enjoyed through most of its history. In the future, national survival will depend on its international smarts.

And the crucial point is that in the age of nuclear terrorism, there's no room for average grades, occasional failure, experimentation, guesswork, average or incompetent Presidents.

Foreign policy must be excellent consistently.

And America was not designed for foreign policy excellence; rather, it was designed to thwart tyranny by having different power centers check each other. This was a reasonable choice in 1787 because predatory European powers were distant and regional powers non-threatening, so a focus on preventing tyranny within government made sense.

But this structure doesn't make sense today. America has grown to worldwide prominence. Nations throughout the world look to it for leadership. But this is a role America was not built for. It can not afford to make mistakes and fix them later. It can not waffle, hesitate, or experiment; rather, it must make correct calls consistently. If the Republic's Framers were alive today, they would grasp the danger and propose substantial changes.

Look at the weakness of foreign policy. No one branch is firmly in control. While the President has the most power, the Senate has an important role in ratifying treaties. Even the Judiciary has a role in interpreting treaties and dealing with some questions of immigration. Since several branches influence foreign policy, each branch has an incentive to leak information to influence pending decisions. A skillful adversary can play one branch against another. Since Congress controls spending, decisions about the placement of military bases are made not by military necessity but by electoral clout; accordingly, large states like New York and California get much of this revenue instead of states in the strategic heartland.

It is especially difficult for two democracies to coordinate policy because many variables must be resolved in both governments. American Presidents have often found it easier to befriend foreign dictators who could deliver as promised, act quickly, and get things done, instead of dealing with the difficult parliaments of foreign nations. Sometimes these strongmen brutally mistreated their own people, but American Presidents have often overlooked such abuses and supported tyrants as long as the relationship supported our interests. So American foreign policy was, at times, hypocritical, publicly espousing human rights while privately supporting dictators who violated such rights. Tyrants supported by the US have included the Shah of Iran, President Pinochet of Chile, various Saudi Arabian rulers; even Saddam Hussein of Iraq was a friend until the relationship soured.

Some well-meaning but harmful domestic policies undercut foreign policy. For example, when narcotics are made illegal,

they become scarce which, in turn, raises their price and, as a result, narcotics becomes a lucrative international business. Foreign terrorists can grow and transport and sell narcotics to generate cash for weapons. This happens in Afghanistan, where much of the profits of growing poppy and opium and hashish end up in the hands of terrorists. This is one more example of how the three types of terrorism are interrelated; it shows how making narcotics illegal (tyranny by the majority against non-majorities) exacerbates another type (foreign terrorism).

How Factions Hurt Foreign Policy

Foreign policy should be what's best for the *whole* country, not for only a *part*, not for a faction. A HAVES government may make business deals with enemies and, in so doing, jeopardize national safety; a HAVE-NOTS government may permit unstable persons to immigrate assuming they'll vote for HAVE-NOTS candidates and, in so doing, jeopardize national safety. Either side is tempted to pull a cheap foreign policy stunt to help candidates win re-election. For example, a president beset by scandal is tempted to launch an unnecessary raid to distract media attention away from their misdeeds. A president with low poll numbers may raise the color-coded alert, falsely, on the eve of an election, to help party members win re-election. And a HAVES government may befriend another HAVES government because of ideological compatibility even though this choice may hurt the national interest. And a HAVES government may anger nations led by HAVE-NOTS leaders; for example, this may partly explain why Venezuela's President

Chavez and Iran's President Ahmadinejad rail against the United States.

Immigration policy is a convoluted jumble guided largely by special interests and partisan politics. Large immigrant communities exert pressure to allow fellow nationals to enter, preventing capable people from underrepresented groups to immigrate. Business seeks trained professionals and entrepreneurs from abroad, but pro-labor forces often prevent them from entering because they fear they'll take jobs away from natives. Some immigrants are denied visas because of arcane and complex rules. Both parties are tempted to let in persons likely to vote for their party, regardless of what's best for the nation.

One special interest is arms makers. They need permission to sell military hardware abroad. Arms makers are tempted to bribe officials to get the proper permits. Since elected officials need money for expensive re-election campaigns, they may be tempted to accept bribes in the form of campaign contributions, in exchange for approving unwise military sales and, in so doing, endanger national security. Powerful weapons could be sold to future enemies.

Similarly, special interests can manipulate government by steering aid money to places where it doesn't help the national interest. Powerful foreign interests, as well, can influence federal decision-making by circuitous routes, such as by contributing to lobbying firms which swap favors with other lobbyists.

An example of how factionalism can hurt foreign policy is the 1803 Louisiana Purchase. Clearly doubling the nation's

landmass for a reasonable sum, without bloodshed, was a wise foreign policy move, but seven Senators voted against it. They were Federalists, a partisan HAVES group who fretted that New England's maritime interests would be hurt by adding new non-maritime states, weakening the Federalists' grip on power. What shortsightedness. Luckily, twenty-four Senators outvoted them and the treaty was approved, but this illustrates how partisanship can corrupt foreign policy.

A President can misuse foreign policy to hurt the opposition. For example, President Jefferson, favoring HAVE-NOTS, banned foreign trade to prevent the British navy from kidnapping American sailors. But the Embargo Act of 1807 also crippled New England's maritime business interests. So here's a situation in which a HAVE-NOTS President used government's foreign policy machinery to hurt the HAVES. While it is difficult to tell to what extent Jefferson was motivated by partisan politics, these considerations had to have been a significant factor in his decision. These motivations exist today: a Democratic President can make stupid foreign policy choices to hurt Republicans, and vice versa.

A blatant example of factionalism hurting foreign policy happened recently. President Bush is a Republican while an ambassador named Wilson was a Democrat. They squabbled over evidence justifying the decision to invade Iraq. The ambassador submitted an article to a newspaper criticizing the President's decision; the White House retaliated by exposing the secret identity of the ambassador's wife, who was a government agent. This squabbling undermined national security. It ended the career of a committed government agent and endangered the lives of American agents who

worked with her. When prosecutors tried to ferret facts regarding the unlawful exposure of the agent's identity by the White House, a staffer lied, was found guilty of lying, was convicted, but was pardoned by the President. It is unlikely the President will be impeached for his role in this affair because Congress seems to be too intimidated to confront him.

Presidents often fill sensitive foreign policy positions with campaign workers ill-suited for diplomatic work. Since campaigning is grueling work, with long hours and demanding schedules, Presidential candidates may promise workers lucrative positions in the State department to reward their efforts. But they may not be qualified for such jobs. Foreign policy posts shouldn't be staffed with political cronies. This weakens the nation.

Currently, it's difficult to criticize a wartime president without appearing unpatriotic. Is criticism of a president's foreign policy, for example, a partisan attack or a legitimate complaint? It's hard to tell. Genuine criticisms can be painted as partisan bickering, or misinterpreted as such; critics can be accused of failing to support a besieged president. Such difficulties stifle real discussion and dissent, especially when clear thinking is most needed, and can lead to resentment and finger pointing. When Congress debated giving President Bush authority to invade Iraq, discussion was muted by a fear that dissenters would appear unpatriotic. Dissenting Democrats feared a Republican President would paint them as being soft on terrorism if they failed to approve war powers. So Congress authorized war, and it appears in retrospect to have been a mistake.

At present, Congress is divided about the Iraq War. Democrats oppose the war, Republicans support it, with few exceptions. It's hard to think of a better example to show how a foreign policy question is controlled by partisan politics.

Flaws in American Foreign Policy

Since administrations must change every eight years, sometimes after four, it's **hard to keep a consistent long term focus**. An ally can not depend on the word of an elected official who may fail to win re-election.

The **Presidency is overburdened**. While the President has considerable responsibility for foreign matters, he or she has domestic duties including being the head of a political party. Further, the Presidency has usurped much of the legislative function of Congress, as I have argued. It's too much work for a single person. I don't see how one person can handle these tasks. Should the President meet with a foreign leader or attend a party fund-raiser or rethink environmental legislation? Will a President order an unnecessary military strike to distract domestic attention from a local concern? A continuing domestic scandal can render the nation essentially leaderless; during Nixon's Watergate, Reagan's Iran-Contra affair, and Clinton's amorous adventures, executive authority was distracted and less able to manage foreign policy.

Foreign policy experts in Washington agree with my views, perhaps not with every criticism, but with the general conclusion that America's foreign policy is flawed. Read any book or magazine about this subject, and you'll see what I mean.

Good policy depends mainly on the quality of Presidential leadership. And it's tough for the public to choose a President good at such decisions. What one skill can we be sure Presidents have mastered? They excel at winning elections. That's what they're best at. They say what people want to hear. They know how to smile at cameras. Their advisers pick TV commercials to make their opponents look stupid or heartless or incompetent. But is a candidate for President qualified to manage foreign policy? We won't know until they're in office.

Foreign policy demands special skill, an elusive art of statecraft which is hard to teach and harder to define, different substantively from business or management skills. Some business executives think they're financial warlords and use terms like *hostile takeover* to describe buying a company that doesn't want to be bought, but there is a world of difference between buying stock and storming a stockade. Business and war are vastly different.

- **Foreign policy** requires skill in military matters, knowledge of world history, diplomatic acumen, leadership ability. It involves extreme choices. Waste and inefficiency can be virtues; in war, a direct path is efficient but sometimes dangerous. An ideal leader is someone who can bluff and gamble, a poker player, unpredictable, hard to read, someone who knows how to deceive.
- **Domestic policy** requires skill at building coalitions, satisfying popular needs, business smarts.

It involves compromise and efficiency, routines and cost-cutting. An ideal leader is someone who invests wisely, finds the middle ground, pleases the masses, is a predictable and trustworthy truth-teller.

These are opposing sets of skills. It's rare to find somebody adept at both and I find it difficult to name a President who managed both tasks skillfully, with the possible exception of Lincoln.

Flaws in foreign policy are apparent. On the international stage, America is a bumbler, a lucky giant protected by vast oceans, a mercantile power with a gangbusters economy but little skill in foreign policy.

Some consider the United States as a superpower. I disagree. If nineteen hijackers on 9/11 didn't deflate this myth, then massive nuclear terrorism will. That the United States was on the right side of two World Wars in the twentieth century was partially a result of having an ally with greater international dexterity, namely Britain. And it was also fortunate that there was considerable time to prepare for each war, and by being a late entrant on the right side, it prevailed.

Look at errors. The Vietnam war was a painful, expensive, unnecessary mistake lasting a decade. Fifty thousand soldiers died for nothing, victims of our own tyrannical government. The Middle East continues to fester, worsening. Some think the United States won the Cold War, but I think much credit should go to those Soviet leaders who, with wisdom and foresight and integrity, gave up power without war. A key

lesson is that an impoverished nation with chronic problems was able to compete effectively with the United States, move for move, decade after decade, because it had impressive foreign policy skill.

At the time of this writing, the United States has been largely abandoned by allies such as France and Germany and Canada in a conflict with Iraq. America defended these nations for decades during the Cold War. Today, the U.S. fights alone, and I see this as one more indication of bad foreign policy. A decision was made to invade Iraq based partially on a belief that weapons of mass destruction were there, but no such weapons were found. More than 4000 United States soldiers have been killed in what many regard as a pointless and counter-productive conflict. And while American soldiers battle a difficult enemy, government waffles in a public debate about whether the war is good and when and how to exit.

Foreign policy is vital. Our nation must be good at it. In a nuclear age, foreign policy can no longer be a game of lightweights, a happenstance, a cacophony of discordant voices emerging from a nation, partisan bickering, a muddle, a ship with many rudders, a way to advance a partisan agenda.

It's life and death. Bad foreign policy can lead to war; wise policy can stave off war.

Government must be a tough fighter for the national interest, astute internationally, shrewd diplomatically, tenacious and smart, steadfast with allies, with unified control over

foreign policy so it can plan skillfully and maintain consistent strategies over decades. It must be able to wait patiently for the right time to enact a policy. It can't be bound by partisan interests. Government must reward friends and punish enemies consistently, over time, and stick with complex plans which may take decades to unfold. It must not be haphazard and flaky in its dealings. Allies need to know they can count on us; enemies need to know that harmful deeds will not be forgotten when administrations change. Right now government can't do this, and I do not blame current officials but rather the architecture of government.

How to Fix the Structure

Some political philosophers see elements within government having specific strengths:

- A **monarchical** element, or rule by one, especially helpful in emergencies and war.
- An **aristocratic** element, or rule by a minority, very helpful for long range planning and diplomacy.
- A **democratic** element, or rule by a majority, which protects citizens and the economy.

If we look through history, governments skilled at foreign policy had all three elements, with foreign policy managed by an aristocratic group within government. The best example is ancient Rome. Its Republic lasted five centuries. Roman government had all three elements, each checking

the other two, each rising to prominence to cope with changing circumstances. In wartime the *monarchical* element represented by Consuls became prominent; when Rome was sacked by the Gauls, a dictator was appointed temporarily who restored order. A *democratic* element represented by Tribunes reflected popular concerns. An *aristocratic* element represented by the Roman Senate managed foreign policy with shrewd dexterity.

The Roman Senate consistently rewarded friends and punished enemies. It rarely made mistakes. It seldom fought two wars at the same time. Senators studied the Mediterranean political world with hard-headed rational intensity, year after year, decade after decade. They knew what was happening. When they debated among themselves, stupid strategies were exposed and dropped. They knew what to do. And unlike a King, an aristocratic body is like a wise man who never dies, as Tocqueville wrote, since members are continually being replaced with new members allowing wisdom to be passed from senior members to junior ones. Allies knew they could depend on Rome's help. When Hannibal invaded Italy, few Italian cities defected to the Carthaginian side, and chose wisely to remain loyal to Rome, and the few cities which defected came to regret their decision.

In contrast, the United States government has a monarchical element represented by the President who serves as commander in chief, although this office is overburdened. The democratic element is dominant because the President exerts substantial control over legislation and domestic policy, with additional input from Congress. The aristocratic

element, however, is lacking, which is a huge disadvantage. Talented and bright Americans don't manage foreign policy but run businesses or become celebrities or pursue science and such. As Tocqueville noted, the legal establishment has a quasi-aristocratic function, but it doesn't manage foreign policy.

American government is a broken building. It lacks a major pillar. It's wobbly.

In contrast, look at how Britain, a small European country, managed a far-flung empire which, at one point, covered a quarter of the globe, and lasted several centuries. It had a multi-faceted government with all three elements represented by King (monarchical), Parliament's House of Lords (aristocratic) and Commons (quasi-democratic). While the structure of government evolved over time, it is clear that during major periods of its history, particularly the nineteenth century, enlightened aristocrats had substantial control over foreign policy. Britain prospered. It consistently sided against the dominant European land power, and this wise course prevented warlords such as Napoleon and Hitler from dominating the continent, and preserved Europe's balance of power. The lesson is not that British rule was perfect; rather, its foreign policy was superior to America's throughout much of its history. And when Britain fumbled, such as when it lost its American colonies, foreign policy was in the hands of an inept king rather than an aristocratic body. Later, when its economic power began to wane, Britain consistently followed a shrewd long term strategy, maintained over decades in many acts and gestures, large and small, of befriending its former adversary and rising power, the United States. When world war threatened twice to overwhelm Britain, this friendship

paid huge dividends because the United States sided with Britain in both world wars.

What America needs is an aristocratic element managing foreign policy.

It's common sense.

I'm not suggesting America become an aristocracy, but rather that the foreign policy function become aristocratic, like Rome, like the Soviet Union (more accurately an oligarchy), like Britain, like China.

Accordingly, I propose a separate branch of government with exclusive control over foreign policy called the State department. It would have foreign policy advisers appointed by individual state governments, and confirmed by Congress. Their terms of office should be long to enable them to become knowledgeable and skilled and unlikely to be hoodwinked from lack of experience. Their number should be odd to prevent tie votes, perhaps fifty-five to ninety-five. They should be highly paid to attract talented, seasoned, smart, high-caliber thinkers of character, and appointed when relatively young, such as in their thirties, with the hope that they'll serve for a long time and, in so doing, gather experience and wisdom in studying world affairs. They would be required to report in person to Congress at regular intervals, perhaps quarterly or monthly, as well as to their individual state government, again, in person. They should inform national and state officials about international developments. Espionage agencies would report to them. They would appoint ambassadors. They must have no connections with either political party and be prohibited from identifying themselves as party members or receiving

funds or assistance from partisan political groups. As a further check on their power, each state government would control the security guards for each adviser.

The State department should control all foreign policy variables, including diplomacy, treaties, trade policy, intelligence gathering, immigration policy, military spending, foreign aid. It should have unity of action so competing power centers in government won't interfere with its decisions. It would not be distracted by domestic concerns. It would represent the missing aristocratic element.

In addition, to strengthen the monarchical element, I propose:

Split the Presidency into two separate offices.

- The head of **domestic** policy will continue to be the **President**.
- But **foreign** policy should be led by a new officer called the **head of State**. This person would be charged with defending the nation, and would meet with foreign leaders, make treaties, negotiate with foreign powers, conduct diplomacy, and so forth. He or she would be appointed by President and Congress and confirmed by the foreign policy advisers. If he or she became ill or incompetent or tyrannical, then he or she could be replaced quickly without a prolonged scandal, and this solves a defect in America's current Constitution which makes it difficult to rid ourselves of an incompetent commander in chief.

Then, it's possible to find two people, each suited for each task.

In review, here's the proposed architecture:

- **Monarchical:** The head of State could act decisively in a crisis and coordinate foreign policy in peacetime.
- **Aristocratic:** Foreign policy advisers would advise the head of State. They could help keep lasting commitments with other nations as well as help develop long term strategies.
- **Democratic:** President and Congress would focus on domestic matters. They could hire and fire members of the State department. In addition, Congress should retain the power to declare war.

The democratic element remains dominant by controlling the other branches, and this is consistent with America's nature and history. The public would continue to elect the President and Congress by voting, but these officials would be restricted to domestic matters with the exception of hiring or firing any member of the State department, and voting on war. The State department would have exclusive control over foreign policy. An ideal arrangement would keep checks and balances among these branches of government, to prevent abuse by any one or by any combination of branches, while allowing each to operate autonomously in its own sphere of influence.

And while citizens should continue to elect domestic leadership, including the President, by voting in free and fair and periodic elections, I think members of the State department should be chosen not by citizens but by the President and Congress, who in turn select the nation's foreign policy officials, including the head of State. Since government's task is to defend the nation, it should be able to choose which leaders it entrusts with this task. Presently the public elects foreign policy leaders directly by voting for a President who has this as one of many responsibilities. I feel it is better if the public chooses foreign policy leadership indirectly by electing a government which, in turn, selects foreign policy leaders.

These proposed changes are substantial, of course, and I realize there may be better ways to reorganize government to improve foreign policy. Still, I think the proposed architecture is better than what exists. Of course any change of this magnitude requires substantial discussion and debate, and while change can happen by separate amendments to the Constitution, it is much better to bring together non-partisan thinkers of excellent character who can discuss a new structure, resolve conflicts, and draft a superior Constitution.

The military should mirror the revised structure.

- A **national military** force would defend the nation against external aggression from foreign powers, have power to wage war on distant battlefields, and would be commanded by the head of State. It should excel at highly sophisticated technical war at a distance.

- A **militia**, in contrast, would maintain civil peace within the nation and would be led by the President. It should excel at grass-roots war and defending the homeland.

Each force, while operating in a separate sphere of influence, would check the power of the other and minimize the risk of tyranny by a military coup.

Similarly, courts should mirror the new structure.

- **Domestic courts** should continue to handle disputes and crimes between citizens in which government is an impartial referee. The basis is civil and criminal law.
- **National courts**, however, should handle crimes in which government is attacked. It might have jurisdiction over foreign terrorism, treason, attacks against the government, crimes by soldiers, international espionage, immigration law, crimes by foreigners here or Americans abroad, and other international cases. It should handle domestic cases when damage is so great that government is seen as the victim, such as mass murder, serial murder, murders of police, assassinations of government officials, or substantial destruction of property. The basis is military law, with procedures, standards, and tests different from civil and criminal law.

Further, national courts should be able to use the death penalty, but domestic courts shouldn't, for the following reason. Government's right to defend itself includes the

power to kill. When soldiers kill a battlefield enemy, they impose a death penalty, in a sense, on the enemy soldier, so I see the death penalty as a logical extension of a basic power. To deny government this power could backfire in all sorts of unforeseen ways. Government, as I see it, should even have power to use torture to prevent horrendous crimes. Although this is cruel, it may be necessary to cope with extraordinary situations of extreme urgency, such as when a person suspected of planting a time-delayed nuclear bomb in a city is caught by police yet refuses to reveal its location. In contrast, domestic courts which mediate civil disputes should not be able to punish with torture or the death penalty.

National borders must not be porous. It should be difficult to smuggle nuclear weapons across them so the national perimeter should be closely guarded. At every port of entry, all incoming people and things should be inspected, identified, labeled, and tracked as they move within the nation. Special rules regarding diplomatic travel should be made to prevent smuggling of hazardous materials while preserving the privacy of diplomatic communication.

If government is rearranged as proposed, then it could cope with thorny international complexities such as nuclear proliferation as well as fight international conspiracies with greater precision and vigor.

I think the underlying political reality is that all civilized peoples share a common destiny, and it makes sense that this destiny be expressed politically. Groups such as the United Nations, NATO, the European Union, the World Court, and

the World Trade Organization can be seen as early attempts to give body to this underlying reality, but clearly they lack sufficient power. I think civilized people everywhere would be safer with more structure, and the specific form that this should take, perhaps a League or a Federation or a Union or an Empire or an Alliance, is unclear to me at this point. I think such a structure is coming whether we like it or not. We can help bring about this change, or else the change will be forced upon us; the former alternative seems preferable.

So it makes sense to begin thinking this way.

On War

That ugly and dangerous game of war, with nasty surprises and uncertain victory, presses nations in a life-and-death struggle in which survival depends on how skillfully citizens are transformed into expendable tools. It upsets the balance of power inside nations. If the nation is defeated, then personal freedom may be lost entirely; if victorious, then surviving citizens may find it difficult to regain pre-war freedoms or limit the increased power of government. War can result in confiscated or destroyed property, lost lives, restrictions on free speech, disruptions of free elections, unnecessary detentions of suspected spies.

War challenges individuals with two types of terrorism at once: foreign terrorism and tyranny. Government's power over citizens increases exponentially while the rule of law is tenuous. Censorship threatens free speech. Government is both a shield from external enemies as well as a dagger pointed at citizens, and government has the power to foist

the whole mess of war on the citizenry. And when it fights stupid and unnecessary wars, it becomes like a tyrant against the citizenry.

So, in my view, it is best to give government sufficient power to wage war effectively and quickly while ensuring it doesn't initiate war without careful deliberation by experts. Any laws or changes within government made during wartime should be viewed as temporary; after war, these changes would automatically expire, in the hope that the nation will return to a normal peacetime stance.

Before a war, a database of all private property would enable government to inventory resources available for fighting. **During** a war, government can consume or destroy private property to prosecute the war. **After** a war, government should restore property or provide compensation as best as possible to pre-war levels. For example, government may decide to burn your house to deny shelter to an invader, but after the invader is expelled, government should build you a new one or compensate you for your loss as best it can.

Terrorism causes a transformation from street corner to battlefield, from city to jungle, from the rule of law to the rule of force, from private property to public property, from individual rights to group rights, from respect for industry to respect for power, from individual initiative to group action, from capitalism to socialism.

- While **capitalism** is good in peacetime because it brings prosperity through individual initiative and helps secure individual rights via free exchange, it's

bad in wartime when everybody must cooperate to fight a common foe.

- While **socialism** is good in wartime because it fosters group cohesiveness, fairness, and cooperation, it becomes tyrannical during peacetime because it stifles freedom.

So, in my view, the United States should not attach itself permanently to either capitalism or socialism, but rather be capitalist in peacetime and socialist in wartime, and alternate as needed. The nation will prosper if there are long intervals of peacetime, but short intervals of wartime, and grow economically while keeping alive valuable military skills. While switching from capitalism to socialism and back again is stressful and difficult for any nation, the flexibility helps individuals defeat terrorism and gives mankind, as a species, extraordinary leverage and power, and it is a potent weapon in the war against terrorism.

And looking back at America's history, transformations from capitalism to socialism, and back again, have been the pattern. During serious wars such as World War II, the nation was highly socialist in character: government appropriated private property without payment, seized businesses in order to prosecute the war, suspended writs of habeas corpus, jailed peace advocates, and even imprisoned an entire ethnic group of west coast Japanese-Americans on suspicion of espionage or sabotage. Government ordered blackouts of cities. It drafted soldiers. There was little capitalist freedom during this war. But it worked, and America prevailed in a dangerous struggle. In different wars throughout its history, America

usually fared better when its conversion to socialism was more complete; in such cases, it tended to win, like in World War II. When America didn't transform itself well to socialism, such as the War of 1812, Korean War, Vietnam War, and both Iraq Wars, the results were stalemate, inconclusive victory, or defeat. There was a half-hearted transition to socialism. Some fought, most didn't, and the nation behaved as if war was a secondary matter, like a boxer fighting nonchalantly with only one arm.

The transformation from individual to group and back again is easy to describe in a book, but difficult in practice.

Light must illuminate whether we're at war or peace. There should be no blurriness. It should be clear to everybody as a flashing red light indicates an emergency.

If America heeds my suggestions, it will prevail against terrorists without becoming a terrorist itself. It will flush out thugs in caves who seek weapons of mass destruction. It will make intelligent alliances with rising nations. It will avoid unnecessary war.

It may be now that our nation is on a rigid path, fixed possibly by its own success in growing from a land of frontier farmers to an industrial powerhouse. The wisdom of our forefathers, expressed in an elastic Constitution, has navigated the nation safely past many dangers, but eighteenth century minds would not have imagined the challenge of massive nuclear terrorism. I hope our Constitution is flexible enough to meet such exigencies and that it can be rewritten to end anonymous movement in public while preserving privacy, to redefine

citizenship, and to rebuild the foreign policy architecture. Again, the magnitude of these changes suggest the need to summon the nation's best minds to meet together in a twenty-first century Constitutional Convention.

That's my thinking.

I believe this strategy will prevent terrorism for our nation at this time.

HOW WE CAN SURVIVE

I expect people will react differently to my strategy:

Skimmers think they understand it, but don't, because they missed the core argument while rapid-fire page flipping like preppies prepping for tests. The book builds logically, like math. Read start to finish.

Strategy-haters hate this book. I agree. I hate it too. It isn't fun. But don't blame me. Terrorism isn't my fault. I didn't invent horrific weapons. I didn't fly planes into buildings. I wish things could stay as they are, but times have changed. Be realistic.

Privacy advocates may worry my cure is worse than the disease. Anonymity in public is illusory and is not a right because it violates the rights of others to see in public. People don't mind license plates on cars, cameras in stores, or caller identification on phones. I agree the scale of my proposed monitoring is troubling but I outline how privacy can be protected. Think carefully.

Appetizer pickers like some ideas but dislike others. This is a mistake because my strategy is an integrated whole, a system, not a buffet but an engine with only vital parts. Don't remove a carburetor and expect it to run.

Undecideds wait, watch, wonder what others will do. Realize your inaction is a silent vote for America's current flawed strategy. Decide.

Doubters worry my strategy is stupid, wrong, unworkable, too expensive. Debate me. Debate yourself. Think through the problem.

Status quo lovers think America's current effort will protect us. It won't.

Critics may think there's a better way. Show me. While I remain open-minded to the possibility that I am mistaken, I believe my approach is smart and good and necessary.

Experts may think my strategy is too simple. I think their strategies are too complex. They like complexity so they can get paid to unravel it. Come down from the clouds.

Morality pushers will try to keep victim-less vices illegal. Give up trying to legislate morality. No government in history has done this successfully. If vices are illegal, people won't identify themselves in public, so any effort to prevent terrorism is hobbled. Realize this. Please know that the agenda of preventing terrorism differs from my personal preferences for the nation. As I've said, I like things as they are, generally; I like narcotics being illegal, for example, but I realize this personal choice will cripple terrorism prevention efforts, so I changed my thinking. It's tough choices like these that we must face.

Authorities aren't. Real authority comes from democratic political process. But this democratic foundation is cracked and corrupt. Authorities are like skilled carpenters sent to shore up a shaky shack, lacking tools, working for a hollow-headed homeowner. They are being set up to fail. When big terrorism comes calling with its calling card, hundreds of stupid

fingers will point at them through the smoke, but mine won't. Authorities must insist political leaders read this pamphlet.

I challenge everybody to do whatever it takes to come to the conclusion that this strategy is right and good and the only smart way to untie a difficult knot. Learn the easy way from me, or learn the hard way from terrorists: the choice is yours.

Speak up. Protest. Persuade others to do likewise. Challenge elected officials to debate. Work with police and government and military and fellow citizens to convince a majority within a reluctant nation that this strategy is necessary. Think with the same surefooted and levelheaded bravery as the firefighters and police who rescued countless civilians that fateful September morning, and you'll know that my strategy leads through smoky stairwells into buttery sunlight.

If my words fail to convince you, I apologize. Please understand I write with a sincere desire to protect us all, with brotherly love, with love for the bond between citizens, with tolerance and respect, with hope for our common destiny as free people.

I want to see in your eyes a steely-eyed look, steadfast and sure, that same look in the eyes of the hijacked passengers rushing the cockpit of United 93, that same look in the eyes of the soldier blasting a pathway to the enemy pillbox, a look of controlled desperation, quiet energy, cool fury. I want that look in your eyes. Perhaps you won't get that look until you realize that as Americans, our every footfall is at Ground Zero, and we're still in the burning Twin Towers.

My strategy is the **only way out**.

COMMON SENSE II

Are Americans on a runaway train speeding recklessly through the night? Our nation seems out of control, with nagging dangers like nuclear terrorism lurking down the tracks. Twenty three decades after Thomas Paine's pamphlet roused Americans to face their predicament, Common Sense II urges people to be more than sleeping passengers but responsible citizens. Sulcer says terrorism, misunderstood by practically everybody, is simply *violence against individual rights* with three types: crime, tyranny, and foreign terrorism. And the common theme for preventing all types is *light*. To prevent crime, for example, we shine light on anonymous movement in public while strengthening privacy. A Constitutional Convention is needed to restore checks and balances, repair citizenship, limit factions, fix foreign policy. This is major reform, non-partisan, non-religious, tough and simple common sense. Don't expect to like it. But it solves terrorism. No other strategy does. It will keep people alive and prosperous. It should be read by every American.

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