

Posted to the Gilder forum - July 4, 2001

Freedom

fishstyx wrote: There's a reason anti-trust laws exist. I see nothing wrong with informing those in power of those violations.

There are many nations that encourage you to rat on your neighbor, NAZI Germany and the Soviet Union come to mind.

Most of us like law and order but we cherish freedom even more. An excess of law and order kills freedom, that is the reason for the First and the Fourth Amendments. If we can only say what the law allows then we have no freedom. If we are forced to rat on ourselves then we have no freedom. In the Soviet Union and in Red China "confessions" were extracted from people by means of torture, not too different from being broken on the wheel in the middle ages when it was the Church that extracted the "confessions."

It is very important to distinguish between two types of law breaking, the criminal and the civil law breaking. Of course you want to stop a murder and inform the police about the whereabouts of a murderer. Here we are talking about criminal activity.

But civil law, including antitrust law, is designed to resolve "reasonable disagreements between reasonable people." Let's say you have two neighbors who have a life long dispute about a tree that grows on one side of the fence but sheds leaves and fruit on the other side. I know all about this because my mother had such a feud with our neighbor. Is the owner of the tree obliged to clean up the mess his tree makes in the neighbor's lot? Is the neighbor allowed to take fruit from the tree? Is the neighbors allowed to pick up fruit from the ground or does he have to return it to the owner of the tree? Believe it or not, all these things are covered by the civil laws of Venezuela and I bet also by your common law.

But the question is, should a third neighbor go to the police to report that one of the other two is not acting according to the letter of the law? Should the third neighbor rat on his two other neighbors?

We have a case much closer at hand. A lot of people post stolen, copyrighted material on this forum. Should we rat on them? Should we go to the police to accuse these members of breaking the law? Yahoo! has a very good copyright policy. If, and only if, the owner of the copyrighted material complains do they remove the offending post. If a third party informs of a copyright violation, they tell him to contact the owner of the copyright. It is incumbent on the owner to protect his property. Busybodies are not welcome.

Police often have a very difficult job when they try to stop criminals, specially the well organized criminals like the Mafia. The criminal defense lawyers have learned every trick on the books and then some to keep their clients out of jail and they are extremely well paid to do so. Frustrated, the police come up with new laws and regulations to keep crime off the street. Police looks for every possible means to get at the criminals. The story of Al Capone is very illuminating. The FBI was not able to catch and jail Al Capone with criminal laws mostly because Capone had bought off a good part of the local police force and judicial system. But the FBI was successful when they used civil laws, tax evasion, as a weapon. But civil laws have relatively lenient sentencing attached to them. The next step for the forces of Law and Order is to criminalize civil activity so that they can punish the criminals with heavier sentences.

Soon these newly criminal laws are used against regular civilians because they are available. Pretty soon, ordinary citizens are treated like criminals.

Far fetched? Not at all. Have a good look at the War on Drugs. Frustrated police kept pushing for stronger measures and stiffer penalties to be able to fight the drug cartels and drug dealers. Now, if you are found with some marihuana in your house, they can confiscate your home with no trial. If you travel with a lot of cash, the police can stop and search you and confiscate the cash as evidence of criminal activity. That is the result of the escalation of the War on Drugs. BTW, the DEA also advises your neighbors to rat on you and they will pay you a percentage of any money confiscated from the "criminals."

Americans, please fight for your freedom now while you still have some of it left. After you lose it all, you will have Hell to pay to get it back.

That is my 4th of July thought and plea.

Denny

"Demand creates queues. Supply gets rid of them."

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