



## Episode 520: The Heresies of Liberty: Why the Conservative Movement Shuns Us

Guest: Jim Babka

**WOODS:** You've got this Downsize D.C. that I think will resonate with a lot of my listeners. A lot of them will say downsizing it isn't enough. Yeah, we'll downsize it all the way down to zero. We'll talk about that when we talk about your Zero Aggression Project in a minute, but a lot of stuff to talk about. I'd like to talk about some of the bills you guys have written, at least one of which has actually been voted on, at least I guess was introduced —

**BABKA:** All of them have been introduced.

**WOODS:** Okay.

**BABKA:** In fact, the last term of Congress we had all of them introduced in both houses, but at present, two of our guys in the House did not make the return this time around, so right now all three bills are introduced and were previous two congressional sessions by Senator Rand Paul. They are the Read the Bills Act, the Write the Laws Act, and the One Subject at a Time Act.

**WOODS:** All right, what I like about these bills is you can tell from the title what they're all about, which, normally the titles of bills obscure the contents. They sanitize what's in it. It's usually something horrifying, but the title sounds like skipping through meadows. Here what you're doing is of course very — and to me, what's more significant than actually having them read the bills is for more Americans to be aware that they're currently not reading them.

**BABKA:** That's exactly right, and in fact, let me spell out for you what we call for in the Read the Bills Act, because I think it's pretty important. A lot of people think that there's no way that Congress would actually follow through on this, but all three of these bills have an enforcement provision in them. All three of these bills say that in the event that this is the law of the land and Congress passes legislation, introduces a law that did not follow the procedures spelled out in these respective bills, that if you find yourself in the dock, you're on trial, you can present the evidence to the judge that the procedure was not followed, and the judge can throw the case out with impunity. So it makes laws that do not follow the procedure unenforceable.

**WOODS:** But how would I know? Couldn't the guy just lie and say that he did read it?

**BABKA:** Well, they could; you know, they actually could. So there's no way that you could make a utopian bill that solves everything, that perfectly regulates all types of behavior, but here's what we did on the Read the Bills Act: we said that first of all, every member that wants to vote yes, everyone that wants to cast a vote to create a new program to spend your money, to increase your taxes, to pass a law has to sign an affidavit saying that they have heard the bill read or that they have read the bill in its entirety themselves. The heard the read provision says that they actually had to sit a quorum, which the Constitution defines as 50% plus one of the members, has to listen to a word-for-word, in order, start-to-finish reading of the bill being read aloud to them, and we did this because the mind will procure what the honey will endure, and we believe that if they had to sit through these long bills that there would be fewer of them and they would get shorter, would cover fewer things. We are Downsize D.C., after all.

When that reading period's over, a seven-day waiting period starts. I don't know if you remember, but there was a point in time in the gun control debate when there needed to be a seven-day waiting period before you could actually possess your firearm after you came in to purchase it, because you might go out and assault someone. Well, legislation can assault people too, and we said they should have a seven-day waiting period, and during that time the bill should be posted online so that talk show hosts like yourself, watchdog groups like Downsize D.C., and everyone that's listening right now would have their own opportunity to read it and give feedback to the congressman before he cast his final vote. No more midnight sneaking anything through. They would have a seven-day waiting period in there.

**WOODS:** All right, let's talk about the other bill. So if you're dealing with one subject at a time, you mean none of these omnibus bills with 8,000 things in them?

**BABKA:** That's exactly right, and in fact, if you take the combined approach of the Read the Bills Act and the One Subject at a Time Act, you would largely undo the type of work that Jack Abramoff said that he used to do. He described in his book how he used to pass legislation, where he would sneak arcane language into a large omnibus, very complicated bill. The language would be written in purposely obtuse fashion, and it would be inserted late in the process, and that way it would be missed. And it would be part of a must-pass bill. I call this process clustering, for obvious reasons.

The One Subject at a Time Act deals with this titling issue you brought up a couple of minutes ago, as well. It says that the bill has to have a clear descriptive title that is limited to one topic — you can tell exactly what the bill's about; here's the one thing that this bill's about — and that everything in the bill has to conform to that.

**WOODS:** All right, now what is the third one? I can't tell what it means about writing the laws.

**BABKA:** Yeah, the Write the Laws Act deals with an issue that conservatives in particular have been bringing up for a very long time. I mean, all the way back to Milton Friedman's video, *Free to Choose*, this topic was being discussed, and nobody

had done anything specifically to address it. And that is the fact that for every law that Congress passes, the bureaucracy passes more than 20 of them on average. It varies from year to year.

**WOODS:** I see, okay.

**BABKA:** And we're saying the unelected bureaucrats should not be able to pass regulations that are binding on American citizens as if they were law. We're saying that every one of these things, every regulation has to go back to the people's Congress where it receives an up or down vote. It cannot be passed into law by the bureaucrats; it's Congress that should write the law. And on this note, Tom, I would say that if I were to identify something that has failed in our Constitution, if I were to say, okay, here's where the Constitution has completely dropped the ball, it's this idea of separation of powers. Our Founding Fathers believed that these three branches would be very jealous of their powers, they would be coequal in nature, they would guard each other — and, as a result, us — from the abuse of power by one of the others.

But that has not happened. We have a court system that defers to the Congress. We have a congressional system that hands everything over to the president's bureaucracy, and even the powers of war, the keys, if you will, on that subject to the president himself. We do not have a three-branch system; we have a unitary system where each of these — two of these are subservient to the executive branch, and we're saying with the Write the Laws Act we want to begin to reinsert this notion of a separation of powers, and only the Congress was delegated the power by we, the people, to write our laws.

**WOODS:** Your organization, Downsize D.C., was founded by four people, and one of them was Harry Browne. And as I look at the demographics of my show, I realize that my really key demographic is people who — although, they're spread out everywhere, but the one that's the largest is people in their late 20s and early 30s who by my judgment would be people who are just young enough to maybe not know anything about Harry Browne. And Harry Browne was such a — not only was he great in terms of telling you how to sell a product and so on, but he was great at selling ideas too, which he gave away for free. He was an extraordinary communicator. He could take something that some of us might take half an hour to debate with somebody and express it in a beautiful sentence or two sentences. There are very, very few people with that talent and certainly very few today that we're fortunate to have. So I'd like you to take a moment to tell us a little something about Harry Browne, because I think people should know about him.

**BABKA:** Well, I want to tell you before we're done then what his secret was to doing the exact art that you just described, because he did believe there was only one opportunity to make a first impression. But Harry Browne was a bestselling author in the investment field. He predicted that the dollar was going to be devalued, that massive inflation was on the way in the early 1970s. When his book came out, there were people who laughed and said that this will never happen, and then it did. And

overnight he became a celebrity. The 1970s were basically his salad days, but he continued on into the 1990s.

He was the creator of the permanent portfolio concept. This was the idea that you set up a very simple, well balanced portfolio that minimized your risk, and every year rather than pay attention to the ups and downs of the market you simply readjusted the portfolio back to where it was every year to keep your risk diversified. This approach yields safe returns, but it also tends to yield better returns, because you don't get hit by the big down spells that could come in a market because you're too heavily invested in a place, and particularly when you get older, it gets harder and harder to catch up for those times when you go down. And so he did this stuff in the investment field. He sold over 2 million books and created this permanent portfolio. There's even an organization now, a fund that is based largely on the principles that he laid down. They have a slightly more complicated version, because they're a fund, but his vision is largely responsible for the creation of that.

But then in 1994, he decided that he would run for president of the United States as Libertarian, and he had previously eschewed being involved in politics. His other big book that he had written, that has been influential on a lot of people of the years and is still timely and prescient even today, is *How I Found Freedom in an Unfree World*, where he laid out a course of action, a philosophy of life that was based on pursuing your own happiness, your own vision and your own dreams, and not being encumbered by the burdens that people want to lay on you, the ways they want to enslave you personally. And this included being free from the government. Now, some of the proposals in the book are dated, and if you get the reissue that he did 25 years later, you find out that he even changed his mind on a couple of things. But that book, I've run into quite a few people over the years who said, man, that book had a profound influence on me.

**WOODS:** I have too.

**BABKA:** And some have even said it made them a libertarian. They recognize themselves in this book or the common sense of this book. In 1996 and 2000, he was the Libertarian Party presidential nominee, and he wrote two books, one book for each of those campaigns as well and communicated our ideas extremely well. I got to work on his 2000 campaign, and I was brought into the party in 1996 because of his presidential campaign. And for my money, I've seen all the Libertarian candidates; I've met most of them in my lifetime, and nobody compares to him in their ability to communicate our ideas. He was very, very good. He looked good on TV; he looked the part, like he walked out of central casting, but it was his ability, the way that he turned phrase both in writing and in speaking that really, really distinguished him.

**WOODS:** About this, I know I probably shouldn't raise this, but to heck with it, right? It's my show, and I feel like talking about it.

**BABKA:** (laughing)

**WOODS:** The Libertarian Party, how did he get treated by the Libertarian Party? I know he got the nomination, but that doesn't necessarily mean that the party's going to do anything for you or not stab you in the back or whatever, and that doesn't make the Libertarian Party unique by any means. Like, let's see what happens when Donald Trump wins the GOP nomination, how they treat him. So I'm not singling them out, but on the other hand, I've just heard — I've known people who have run for president on that ticket, and I've heard some stories.

**BABKA:** Um, no good deed goes unpunished. The Libertarian Party, of which I used to be a member and I have a lot of wonderful friends there and I wish them the best — I vote Libertarian to this day when I'm given the opportunity. But the fact is it's a collective, replete with five-year plans, and it's not owned by anybody who is responsible for the failings that they have. It has little institutional memory, and it does have a habit of blaming the people who do the most work. And this happens after virtually every presidential campaign — Harry's no exception to this — but after the disastrous idea, if you will, of running a second time, you accumulate a lot of people who thought maybe it was their turn or their guy's turn —

**WOODS:** Oh, yeah, okay.

**BABKA:** And so there was in 2001 some pretty serious hell to pay that affected me personally and several other people that were involved in that campaign quite personally, including in the launch of the organizations and projects that we were attempting to do after the campaign followed. But you know, Harry was a happy warrior. He was the guy who would go out, and he did what he did because he enjoyed it. He didn't really run for president because he had this big vision that he was going to save America. He wanted his ideas out there, and it gave him joy and pleasure to go out and share his ideas, and that was part of how he was free and that he knew who he was and what it was he wanted, and so he was doing something that he enjoyed right up until the very end. I hosted his radio show for most of the last six months of his life because he couldn't do it due to health reasons, but he wanted to be in that studio as much as possible, and the nights that I was there, there were quite a few nights that I know he was still listening. This was his passion, was sharing these ideas, and he almost pretty much totally left the investment field to focus on these ideas. These were the things he wanted to share and do.

**WOODS:** Well, on the show notes page for today, which will be [TomWoods.com/520](http://TomWoods.com/520), I'm going to link to *How I Found Freedom in an Unfree World*. Of course I'll link to [DownsizeDC.org](http://DownsizeDC.org) and all your material, but I'll link to that book certainly for people to check it out. Let's talk about the Zero Aggression Project. Tell me what that is.

**BABKA:** The Zero Aggression Project is a brand new entity we just launched at the beginning of June, and we are trying to advance the central libertarian idea. We've noticed that there was no organization out there that was specifically devoted to this, and we call that the Zero Aggression Principle. Many of your listeners will recognize it as the NAP. We wanted to kind of put a little more pep and life in it, so we have a ZAP instead, but it's the same concept. It's the idea that it is wrong to initiate force against

your neighbor to achieve your social goals, and it's even more wrong when you hand that power to a politician. It doesn't suddenly become right when we get together and take a majority vote. And there's a body of work or thinking that is attached to this.

This idea doesn't stand all by itself necessarily, but it's an idea that should be front and center and it should be discussed more, because it has tremendous power. If you agree with me on the Zero Aggression Principle and you believe it with all your heart, it explains how you should address virtually everything that our government presently does. Most of the ways that we spend our time discussing politics most of the time is on issue-by-issue basis. There are hundreds and hundreds of issues to discuss and debate, and if I win your heart on one of them, I still have all the rest about which we need to have another conversation.

So we felt that it was time to bring this very, very strong argument forward, and we wanted to know why people weren't doing that, so we built specific tools that we think address some of the reasons that people weren't advancing this argument front and center, and we're going to encourage people to take this more voluntarist, post-statist approach and share this idea first.

**WOODS:** All right, now there are a lot of educational projects in libertarianism broadly conceived. What's different about this one? In fact I understand you have some events related to it.

**BABKA:** Well, there are a couple of things. First of all, if they come to our website we've designed an interactive tool where people can take issues and they can see these issues properly framed inside a Zero Aggression Principle mindset. And they can — this tool's interactive in that it's keeping score of how people are answering, and you can see how others are answering as well as how you're answering. We have another tool called Mental Levers at [ZeroAggressionProject.org](http://ZeroAggressionProject.org). These are short pieces that describe various parts of the infrastructure of the libertarian mind, how we analyze issues, how we view the world, how do we use these tools when we think. Smart people tend to use intellectual tools; these are some of the levers or tools that we use. They're excellent for using in a social media situation, for example. So those are some of the things that we're providing there. I am headed to Florida for my very first tour to promote these ideas. I will be in Orlando, Fort Myers, and Tampa the first week of November, and we have a blog post with full details about that up at [ZeroAggressionProject.org](http://ZeroAggressionProject.org).

**WOODS:** Okay, so it's a whole separate site? And is it an entirely different entity from Downsize D.C.?

**BABKA:** You know, it is. The legalities of these things are that most organizations like us set up something called a 501(c)(4) and a 501(c)(3), and the 501(c)(3) are the ones to which the checks are tax deductible when you donate. The (c)(4) is the one that's allowed to be more political and engage Congress, and the Zero Aggression Project is the (c)(3) side of that equation. It's strictly educational. It's not engaging with Congress and legislation at all.

**WOODS:** Okay, so that'll — I'll also link to that at [TomWoods.com/520](http://TomWoods.com/520). Here's an interesting thing about what you guys have been working on. You've been writing a bit about Syria and what's going on there, and let me tell you something: when listeners and as you well know, they hear the name of an organization and it's Downsize D.C., their first instinct will probably be it's another racket like the Heritage Foundation that sends out fundraising letters for the sake of raising money for the next fundraising letter. They never wind up downsizing anything, because to the contrary, they want to upsize the military. But you guys are the exact opposite of everything I just said, including the military aspect, which is one of the most important issues we've got. And you were talking about Syria. You sent me a document today, a Pentagon document in which they come right out and concede the possibility that, what?

**BABKA:** Yeah, last year when this was first written, when this was first published and circulated within the government and it's now available to the public because of a Freedom of Information Act request, experts told leading officials in our government that if we got involved in the mess in Syria, if we picked a side, we would be building up an — we would probably get involved with al Qaeda and possibly be building up an organization that wanted to bring us an Islamic state — in other words, ISIS. And they said this was inevitable, basically, that we would be doing these two things. The policy was pursued anyway.

And, Tom, we find this shocking and upsetting, because we've been told since 2001 that we have to give up our liberties. We have to be groped in airports, and we have to have all of our records surveilled without proper Fourth Amendment protection, and on and on it goes. And all these liberties were taken because we have this great enemy in this war that we were fighting against al Qaeda and forces like ISIS. And yet, we find that because it's now politically convenient, our politicians are dealing with these very people in Syria.

And this narrative is starting to take off. People are beginning to understand this. As Vladimir Putin has gotten involved in the region, they're beginning to understand that we were, indeed, in bed with some very nefarious characters, and he is not interested in getting involved with ISIS or al Qaeda. He's not under the pretense that he's going to take out both them and Assad. He's made his mission much more clear. He's going to take out ISIS and al Qaeda.

And we're actually opposed to this. We think that the reason that this happens is that our politicians think and a lot of the American people think that somehow we have some ability to go over and intervene in the affairs of foreign countries and that we can make things right. And history is replete with examples again and again and again that we do exactly the opposite. We create something that makes the next problem even more sticky, even more complicated, even more expensive, even more bloody to solve. And at some point, you simply have to stop swinging the hammer and hitting the wrong nail. You've just got to stop. And so we firmly embrace the policy of non-interventionism, and we think this is the latest example of why that policy should be embraced.

**WOODS:** I think we can't possibly have this conversation without also mentioning what you refer to at [DownsizeDC.org](http://DownsizeDC.org) as "Our Heresies."

**BABKA:** (laughing)

**WOODS:** I love the way you put that. It sounds like something I would say. Explain what you mean by "Our Heresies."

**BABKA:** We have taken a position, and this I guess would make us different from Heritage and it might even explain why I don't have as much money as they do —

**WOODS:** It might. It just might.

**BABKA:** We have taken a position that there are certain issues that need to be broached, and even when they are not quite well understood yet within the libertarian movement itself. People tend to be a little bit too led by the media. There's thing called agenda setting theory, and it applies even with libertarians unfortunately. We've tried over the years in numerous ways to address this. We have a set of issues where we've kind of taken on things that aren't as widely discussed or as embraced. If I say something about the Patriot Act, I get an overwhelming gushing response of affection from libertarians.

But if I say something about Social Security or we say something about Iran and we go against the popular media position, we get pretty thoroughly attacked; we get unsubscribes; we get people who stop donating. And so we haven't stopped. These issues need to be broached, and libertarians need to get them right first if we expect anyone else to get them right.

And so we have taken on stuff over the years that has been more controversial. Harry Browne did it. We were talking about him earlier. The day after 9/11, his most widely published editorial in his entire life came on 9/12, and it was titled "When Will We Learn." Not exactly what people wanted to hear at that moment, but he began a series of these kinds of essays, because he was attacked for saying it, and it was exactly the thing that needed to be said at that hour, and we've continued to model that example and take on issues that are not as obvious. And we've had some success on some of the things. In fact, I need to update this page as I'm looking at it. We've had some success over the years in some of the areas.

**WOODS:** Well for instance, the very first one you put — I mean, about midway down you've got "Abolish federal education spending." Well, that's something that, let's say, a Tea Party person could support, and there are a few of these here and there. But your very first one is "Protect Wikileaks." So you are not trying to candy coat this for anybody.

**BABKA:** No, not at all. We think that there's been a lot of good that's been done, both by Wikileaks and then later by Edward Snowden. In fact, Edward Snowden to me is one of the most beyond reproach people in recent American history. He took an



extraordinary act at great cost. He still is being reviled, right up until the recent Democrat debates. Hillary Clinton stood up and lied about him and his character and what he could or could not do in his situation. I believe she knew she was lying. It doesn't matter whether she did or not; this is an establishment narrative, so she was either quoting a lie or she was lying herself. And Wikileaks has changed the world. The information that has gotten out there has changed a lot of things, has changed the dynamic of a lot of things. People have found out what people are like in secret, when they're not putting on the public airs that they do for the spoon-fed images we're given by the media every night.

**WOODS:** What possible objection could you have, he asks rhetorically almost, to the Department of Homeland Security?

**BABKA:** (laughing)

**WOODS:** I mean, listen to the name of the department, Jim. It's "Homeland Security."

**BABKA:** And I'm sorry to be invoking Godwin's Law, but your Führer would be proud. It is the very entity that has arrive on the scene to ask us, "Can I see your papers, please?" It is the entity that has decided that our Fourth Amendment is a great inconvenience, and there might even be some concerns about the First and Second as a result. And I think that we have to do everything we can to rip out virtually everything that's been created in the last 100 years in these cabinet levels and so forth, right to the very root. But this Homeland Security thing is the latest big boondoggle. This is a place where a lot of extra money can get spent fighting a war that doesn't even really exist.

We have another campaign up on this paged called I Am Not Afraid that we put up back in I think right when we started, back in 2004. And it basically was arguing that you have no reason to be afraid of terrorism. You have a greater chance of drowning in your own bathtub, of winning the lottery, or being struck by lightning than you do of dying at the hands of a foreign terrorist here in the United States of America. The reason that we have the danger of terrorism is because of all of the interventions that we're doing around the world. Our military, in our name, with our tax dollars has killed people and broken things. It harmed real people, and some portion of them have gotten so upset that they are willing to put their own lives and their own wealth and their own family on the line so that they can do something to punish us, to get even with Americans. And this is unfortunate. This should have never happened in the first place.

And so we need to address this, and one of the ways that we address it is by getting rid of an agency that is doing no real good for us, violating the very things that make us unique as Americans, the very things that we would have said about our Soviet opponents 30 years ago. It's putting us in those kind of conditions, and so we want to pull this out root and branch, the Homeland Security department.

**WOODS:** I want to read just a paragraph, if I may, from an article by Robert Higgs. Now, it's a little bit out of date; it only goes up to 2006, but I'm sure the principle is the same. He says, "Between 1999 and 2006, the number of federal homeland-security contractors increased from nine companies to 33,890, and a multi-billion-dollar industry selling security-related goods and services has emerged complete with specialized newsletters, magazines, websites, consultants, trade shows, job-placement services, and a veritable army of lobbyists working around the clock to widen the river of money that flows to these opportunists. As Paul Harris wrote, 'America is in the grip of a business based on fear.' The last thing these vultures want, of course, is an abatement of the perceived terrorist threat, and we can count on them to hype any signs of an increase in such threats and, of course, to crowd the trough, happily slurping up the taxpayers' money."

Now, Robert Higgs wrote the book *Crisis and Leviathan* decades ago, and in that book he writes in a very scientific kind of idiom. But here the moral outrage is bursting through the page, through my computer screen. That statistic of the number going from nine to 33,890 – and heaven knows that the number is today – that statistic really shook me the first time I read it. It is an interest group first and foremost.

**BABKA:** It is an interest group first and foremost, and I'm sure the numbers have gotten worse since, so let me move from his scientific approach to his statistical approach and down into more of an anecdotal approach, because one person's a reality and a million is a statistic. We were just told July 4th weekend, just this past July 4th, that there was going to be a terrorist attack in the United States of America. It was all over the news for the week before that. We were told that we were under greater danger than any time since 9/11. And it didn't happen.

And what's interesting about this isn't that it didn't happen, because I had expectation that it wasn't going to happen either. It's that this wasn't the very first time that they've done this. They've done this multiple times, said that we were under more danger right now at this very hour with this holiday or this event coming up than we have been at any other time since 9/11. And again and again and again they have been proven wrong.

We should actually, Tom, given all the damage that we've done around the world, that our government's done in our name around the world, we should have far more terrorists coming after us, far more people upset because of the loss of lives of sons, of brothers, of mothers, of daughters, of wedding parties, etc. It's amazing that we don't have more people, but it takes a really, really – to keep that level of anger and to decide that you're going to give up your entire life so that you can get even with your opponent, that's a very rare thing. And the notion that somehow or another we're in greater danger that we just absolutely have to spend all this money and give up all of these liberties and provide all these people cushy jobs doing essentially nothing, this nonsense really, really needs to come to an end, and we need to stand up together and say, "I am not afraid."

**WOODS:** Well, Jim, I'm going to of course be linking to the stuff you're working on. I want to urge people to check out [DownsizeDC.org](http://DownsizeDC.org). Give us the Zero Aggression Project domain again?

**BABKA:** Yes, it's [ZeroAggressionProject.org](http://ZeroAggressionProject.org), and again, I encourage people to come and check out the blog right now. The first week of November, if you're in Florida, I will be in Orlando; I will be in Fort Myers; I will be in Tampa, and I'm looking forward to meeting people in Florida and talking about the Zero Aggression Project. My talk is directed strictly pretty much at libertarians. I want to talk to them about how we advance our vision. I'm going to talk about the power of one person to make Florida a libertarian place, but my lesson will apply in all 50 states.

**WOODS:** All right, well I'm going to put up at [TomWoods.com/520](http://TomWoods.com/520) the links to your two projects. I'm going to have the Pentagon document that you and I talked about. I'll have the Harry Browne book that we mentioned, and I'll also link to that Robert Higgs article that I read from just a moment ago. So smorgasbord of stuff at [TomWoods.com/520](http://TomWoods.com/520).

**BABKA:** Cool.

**WOODS:** Jim, it'll be great — I hope your event goes really well in Florida, but it'd be great some time in the future; I hope to be able to talk once again.

**BABKA:** I look forward to it, Tom.