

THE

# Libertarian Forum

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## MASSACRE AT PEOPLE'S PARK

Sometimes it is difficult to escape the conviction that there is a sickness so deep in the soul of the American people that they are beyond redemption. On May 15 and in ensuing days the massed armed might of the State, local police, state police, National Guardsmen, zeroed in on a few thousand unarmed citizens of Berkeley, California, who were doing what? Who had taken a muddy lot and transformed it lovingly into a "people's park". For this crime, and for the crime of refusing to move from this park which they had created with their own hands, the brutal forces of the State, led by Governor Reagan, moved in with fixed bayonets; shot into the unarmed crowd, wounding over 70 people and murdering the innocent bystander James Rector; flew a helicopter over the crowd and sprayed a super-form of mace over everyone in the area, including children and hospital patients; rounded up hundreds of people and humiliated and tortured them in the infamous Santa Rita concentration camp--one of the major camps for Japanese-Americans during World War II. All this has happened in our America of 1969, and where oh where is the nationwide cry of outrage? Where is the demand for the impeachment of the murderer Reagan and all of the lesser governmental cohorts implicated in this monstrosity?

Sure, there are a few protests from liberals who feel that the use of force was a bit excessive, but one gets the distinct impression that for the great American masses the massacre was a pretty good show. There is our pervasive sickness. Why this range of reaction from indifference to enthusiasm for this terrible deed? Because the Berkeley park-creators were apparently longhairs and "hippies", and therefore subhuman with no rights or liberties that need to be respected. There are apparently tens of millions of God-fearing Americans who favor the genocidal destruction of hundreds of thousands or even millions of young people whose only crime is to persist in esthetic differentiation from the mass of the populace.

The American soul-sickness is also manifest in the pervasive reaction to the problem of "violence" in America. Mention "violence" and the average person begins to fulminate against isolated muggers, against Negroes who burn down stores, and against students who blacken a few ashtrays in university buildings. Never does this average American, when he contemplates violence in our epoch, consider the American army and its genocidal destruction of the people of Vietnam, or the American police in their clubbing at Chicago, or their murdering and gassing at People's Park. Because apparently when the State, the monopolizer of violence, the great bestial Moloch of mass destruction, when the State uses violence it apparently is not violence at all. Only virtually unarmed citizens using force against the State, or even simply refusing to obey State orders, only these citizens are considered to be "violent". It is this kind of insane blindness that permitted President Johnson to trumpet that "we shall not tolerate

violence, no matter the slogan", and President Nixon to denounce student violence while lauding the military-industrial complex, and not be laughed out of office.

The cry has gone up that all this was necessary to defend the "private property" of the University of California. In the first place, even if this little lot *was* private property, the bayoneting, gassing, torturing, and shooting of these unarmed park-developers would have been "overkill" so excessive and grotesque as to be mass murder and torture and therefore far more criminal than the original trespass on the lot. You do not machine-run someone for stealing an apple; this is punishment so far beyond the proportion that "fits the crime" as to be itself far more criminal than the original infraction. So that even if this property were legitimately private the massacre is still to be condemned.

Secondly, it is surely grotesquerie to call the muddy lot "private property". The University of California is a governmental institution which acquires its funds and its property from mulcting the taxpayers. It is *not* in any sense private property then, but stolen property, and as such is morally unowned, and subject to the libertarian homesteading principle which we discuss below. The people of Berkeley were homesteaders in the best American--and libertarian--tradition, taking an unused, morally unowned, muddy lot, and transforming it by their homesteading labor into a pleasant and useful people's park. For this they were massacred.

This is it; this is an acid test of whether any person can in reason and in conscience call himself a "libertarian". Here the issues are clear and simple; here there are no complicating factors. There is no alleged "national security" involved; there is no "international Communist conspiracy" at work; there are no stores being burned; there are no solipsistic students bellyaching about classes being suspended. The issues are crystal-clear: the armed, brutal, oppressive forces of the State stomping upon peaceful, unarmed, homesteading citizens. Anyone who fails to raise his voice in absolute condemnation of this reign of terror, anyone who equivocates or excuses or condones, can no longer call himself a libertarian. On the contrary, he thereby ranges himself with the forces of despotism; he becomes part of the Enemy.

### TO OUR READERS:

## Change Of Name

After we had launched *The Libertarian*, we discovered that a monthly mimeographed periodical with the same name emanating from New Jersey had been publishing for several years. To avoid confusion with this publication, we are hereby changing our name to *The Libertarian Forum*; no change is involved in policy or format.

# Letter From Washington

By Karl Hess

## Where Are The Specifics?

Libertarianism is clearly the most, perhaps the only truly radical movement in America. It grasps the problems of society by the roots. It is not reformist in any sense. It is revolutionary in every sense.

Because so many of its people, however, have come from the right there remains about it at least an aura or, perhaps, miasma of defensiveness, as though its interests really center in, for instance, defending private property. The truth, of course, is that libertarianism wants to advance *principles* of property but that it in no way wishes to *defend*, willy nilly, all property which now is called private.

Much of that property is stolen. Much is of dubious title. All of it is deeply intertwined with an immoral, coercive state system which has condoned, built on, and profited from slavery; has expanded through and exploited a brutal and aggressive imperial and colonial foreign policy, and continues to hold the people in a roughly serf-master relationship to political-economic power concentrations.

Libertarians are concerned, first and foremost, with that most valuable of properties, the life of each individual. That is the property most brutally and constantly abused by state systems whether they are of the right or left. Property rights pertaining to material objects are seen by libertarians as stemming from and as importantly secondary to the right to own, direct, and enjoy one's own life and those appurtenances thereto which may be acquired *without coercion*.

Libertarians, in short, simply do not believe that theft is proper whether it is committed in the name of a state, a class, a crisis, a credo, or a cliché.

This is a far cry from sharing common ground with those who want to create a society in which super capitalists are free to amass vast holdings and who say that that is ultimately the most important purpose of freedom. This is proto-heroic nonsense.

Libertarianism is a people's movement and a liberation movement. It seeks the sort of open, non-coercive society in which the people, the living, free, distinct people may voluntarily associate, dis-associate, and, as they see fit, participate in the decisions affecting their lives. This means a truly free market in everything from ideas to idiosyncrasies. It means people free *collectively* to organize the resources of their immediate community or individualistically to organize them; it means the freedom to have a community-based and supported judiciary where wanted, none where not, or private arbitration services where that is seen as most desirable. The same with police. The same with schools, hospitals, factories, farms, laboratories, parks, and pensions. Liberty means the right to shape your own institutions. It opposes the right of those institutions to shape you simply because of accreted power or gerontological status.

For many, however, these root principles of radical libertarianism will remain mere abstractions, and even suspect, until they are developed into aggressive, specific proposals.

There is scarcely anything radical about, for instance,

those who say that the poor should have a larger share of the Federal budget. That is reactionary, asking that the institution of state theft be made merely more palatable by distributing its loot to more sympathetic persons. Perhaps no one of sound mind could object more to giving Federal funds to poor people than to spending the money on the slaughter of Vietnamese peasant fighters. But to argue such relative merits must end being simply reformist and not revolutionary.

Libertarians could and should propose specific revolutionary tactics and goals which would have specific meaning to poor people and to all people; to analyze in depth and to demonstrate in example the meaning of liberty, revolutionary liberty to them.

I, for one, earnestly beseech such thinking from my comrades.

The proposals should take into account the revolutionary treatment of stolen 'private' and 'public' property in libertarian, radical, and revolutionary terms; the factors which have oppressed people so far, and so forth. Murray Rothbard and others have done much theoretical work along these lines but it can never be enough for just a few to shoulder so much of the burden.

Let me propose just a few examples of the sort of specific, revolutionary and radical questions to which members of our Movement might well address themselves.

--Land ownership and/or usage in a situation of declining state power. The Tijerina situation suggests one approach. There must be many others. And what about (realistically, not romantically) water and air pollution liability and prevention?

--Worker, share-owner, community roles or rights in productive facilities in terms of libertarian analysis and as specific proposals in a radical and revolutionary context. What, for instance, might or should happen to General Motors in a liberated society?

Of particular interest, to me at any rate, is focusing libertarian analysis and ingenuity on finishing the great unfinished business of the abolition of slavery. Simply setting slaves free, in a world still owned by their masters, obviously was an historic inequity. (Libertarians hold that the South should have been permitted to secede so that the slaves themselves, along with their Northern friends, could have built a revolutionary liberation movement, overthrown the masters, and thus shaped the reparations of revolution.) Thoughts of reparations today are clouded by concern that it would be taken out against innocent persons who in no way could be connected to former oppression. There is an area where that could be avoided: in the use of government-'owned' lands and facilities as items of exchange in compensating the descendants of slaves and making it possible for them to participate in the communities of the land, finally, as equals and not wards.

Somewhere, I must assume, there is a libertarian who, sharing the idea, might work out a good and consistent proposal for justice in that area.

Obviously the list is endless. But the point is finite and finely focused.

With libertarianism now developing as a Movement, it earnestly and urgently requires innovative proposals, radical and specific goals, and a revolutionary agenda which can translate its great and enduring principles into timely and commanding courses of possible and even practical action.

"What country can preserve its liberties if their rulers are not warned from time to time that their people preserve the spirit of resistance? Let them take arms."

--Thomas Jefferson, 1787

## CONFISCATION AND THE HOMESTEAD PRINCIPLE

Karl Hess's brilliant and challenging article in this issue raises a problem of specifics that ranges further than the libertarian movement. For example, there must be hundreds of thousands of "professional" anti-Communists in this country. Yet not one of these gentry, in the course of their fulminations, has come up with a specific plan for de-Communization. Suppose, for example, that Messers. Brezhnev and Co. become converted to the principles of a free society; they then ask our anti-Communists, all right, *how* do we go about de-socializing? What could our anti-Communists offer them?

This question has been essentially answered by the exciting developments of Tito's Yugoslavia. Beginning in 1952, Yugoslavia has been de-socializing at a remarkable rate. The principle the Yugoslavs have used is the libertarian "homesteading" one: the state-owned factories to the workers that work in them! The nationalized plants in the "public" sector have all been transferred in virtual ownership to the specific workers who work in the particular plants, thus making them producers' coops, and moving rapidly in the direction of individual shares of virtual ownership to the individual worker. What other practicable route toward destatization could there be? The principle in the Communist countries should be: land to the peasants and the factories to the workers, thereby getting the property out of the hands of the State and into private, homesteading hands.

The homesteading principle means that the way that unowned property gets into private ownership is by the principle that this property justly belongs to the person who finds, occupies, and transforms it by his labor. This is clear in the case of the pioneer and virgin land. But what of the case of stolen property?

Suppose, for example, that A steals B's horse. Then C comes along and takes the horse from A. Can C be called a thief? Certainly not, for we cannot call a man a criminal for stealing goods from a thief. On the contrary, C is performing a *virtuous* act of confiscation, for he is depriving thief A of the fruits of his crime of aggression, and he is at least returning the horse to the innocent "private" sector and out of the "criminal" sector. C has done a noble act and should be applauded. Of course, it would be still better if he returned the horse to B, the original victim. But even if he does not, the horse is far more justly in C's hands than it is in the hands of A, the thief and criminal.

Let us now apply our libertarian theory of property to the case of property in the hands of, or derived from, the State apparatus. The libertarian sees the State as a giant gang of organized criminals, who live off the theft called "taxation" and use the proceeds to kill, enslave, and generally push people around. Therefore, any property in the hands of the State is in the hands of thieves, and should be liberated as quickly as possible. *Any* person or group who liberates such property, who confiscates or appropriates it from the State, is performing a virtuous act and a signal service to the cause of liberty. In the case of the State, furthermore, the victim is not readily identifiable as B, the horse-owner. All taxpayers, all draftees, all victims of the State have been mulcted. How to go about returning all this property to the taxpayers? What proportions should be used in this terrific tangle of robbery and injustice that we have all suffered at the hands of the State? Often, the most practical method of de-statizing is simply to grant the moral right of ownership to the person or group who seizes the property from the State. Of this group, the most morally deserving are the ones who are already using the property but who have no moral complicity in the State's act of aggression. These people then become the "homesteaders" of the stolen

property and hence the rightful owners.

Take, for example, the State universities. This is property built on funds stolen from the taxpayers. Since the State has not found or put into effect a way of returning ownership of this property to the taxpaying public, the proper owners of this university are the "homesteaders", those who have already been using and therefore "mixing their labor" with the facilities. The prime consideration is to deprive the thief, in this case the State, as quickly as possible of the ownership and control of its ill-gotten gains, to return the property to the innocent, private sector. This means student and/or faculty ownership of the universities.

As between the two groups, the students have a prior claim, for the students have been paying at least some amount to support the university whereas the faculty suffer from the moral taint of living off State funds and thereby becoming to some extent a part of the State apparatus.

The same principle applies to nominally "private" property which really comes from the State as a result of zealous lobbying on behalf of the recipient. Columbia University, for example, which receives nearly two-thirds of its income from government, is only a "private" college in the most ironic sense. It deserves a similar fate of virtuous homesteading confiscation.

But if Columbia University, what of General Dynamics? What of the myriad of corporations which are integral parts of the military-industrial complex, which not only get over half or sometimes virtually all their revenue from the government but also participate in mass murder? What are *their* credentials to "private" property? Surely less than zero. As eager lobbyists for these contracts and subsidies, as co-founders of the garrison state, they deserve confiscation and reversion of their property to the *genuine* private sector as rapidly as possible. To say that their "private" property must be respected is to say that the property stolen by the horsethief and the murdered must be "respected".

But how then do we go about destatizing the entire mass of government property, as well as the "private property" of General Dynamics? All this needs detailed thought and inquiry on the part of libertarians. One method would be to turn over ownership to the homesteading workers in the particular plants; another to turn over pro-rata ownership to the individual taxpayers. But we must face the fact that it *might* prove the most practical route to first nationalize the property as a prelude to redistribution. Thus, how could the ownership of General Dynamics be transferred to the deserving taxpayers without first being nationalized enroute? And, further more, *even if* the government should decide to nationalize General Dynamics--without compensation, of course--*per se* and *not* as a prelude to redistribution to the taxpayers, this is not immoral or something to be combatted. For it would only mean that one gang of thieves--the government--would be confiscating property from another previously cooperating gang, the corporation that has lived off the government. I do not often agree with John Kenneth Galbraith, but his recent suggestion to nationalize businesses which get more than 75% of their revenue from government, or from the military, has considerable merit. Certainly it does not mean aggression against *private* property, and, furthermore, we could expect a considerable diminution of zeal from the military-industrial complex if much of the profits were taken out of war and plunder. And besides, it would make the American military machine less efficient, being governmental, and that is surely all to the good. But why stop at 75%? Fifty per cent seems to be a reasonable

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**CONFISCATION — (Continued from page 3)**

cutoff point on whether an organization is largely public or largely private.

And there is another consideration. Dow Chemical, for example, has been heavily criticized for making napalm for the U.S. military machine. The percentage of its sales coming from napalm is undoubtedly small, so that on a percentage basis the company may not seem very guilty; but napalm is and can only be an instrument of mass murder, and therefore Dow Chemical is heavily up to its neck in being an accessory and hence a co-partner in the mass murder in Vietnam. No percentage of sales, however small, can absolve its guilt.

This brings us to Karl's point about slaves. One of the tragic aspects of the emancipation of the serfs in Russia in 1861 was that while the serfs gained their personal freedom, the land--their means of production and of life, their land was retained under the ownership of their feudal masters. The land *should* have gone to the serfs themselves, for under the homestead principle they had tilled the land and deserved its title. Furthermore, the serfs were entitled to a host of *reparations* from their masters for the centuries of oppression and exploitation. The fact that the land remained in the hands of the lords paved the way inexorably for the Bolshevik Revolution, since the revolution that had freed the serfs remained unfinished.

The same is true of the abolition of slavery in the United States. The slaves gained their freedom, it is true, but the land, the plantations that they had tilled and therefore deserved to own under the homestead principle, remained in the hands of their former masters. Furthermore, no reparations were granted the slaves for their oppression out of the hides of their masters. Hence the abolition of slavery remained unfinished, and the seeds of a new revolt have remained to intensify to the present day. Hence, the great importance of the shift in Negro demands from greater welfare handouts to "reparations", reparations for the years of slavery and exploitation and for the failure to grant the Negroes their land, the failure to heed the Radical abolitionist's call for "40 acres and a mule" to the former slaves. In many cases, moreover, the old plantations and the heirs and descendants of the former slaves can be identified, and the reparations can become highly specific indeed.

Alan Milchman, in the days when he was a brilliant young libertarian activist, first pointed out that libertarians had misled themselves by making their main dichotomy "government" vs. "private" with the former bad and the latter good. Government, he pointed out, is after all not a mystical entity but a group of individuals, "private" individuals if you will, acting in the manner of an organized criminal gang. But this means that there may also be "private" criminals

**RECOMMENDED READING**

*Liberation*. Until recently, this monthly magazine was a rather boring pacifist journal, with endless articles about peace ships and nuclear fallout. Now, under the *de facto* editorship of Dave Gelber, it has become an exciting New Left magazine. Particularly recommended is Ron Radosh's scholarly dissection of the phony radical Norman Thomas, in his "Norman Thomas and Cold War Socialism" (February, 1969) and his debate with the pacifist David McReynolds (May, 1969). *Liberation* is available for 75 cents per issue or \$7.00 per year at 339 Lafayette Street, New York, N. Y. 10012.

*Journal of American History* (June, 1969). This issue of the official journal of the Organization of American Historians has three important articles:

Charles W. Roll, Jr., "We, Some of the People", studies the apportionment of the state conventions that ratified the American Constitution, and concludes that there was significant malapportionment that favored the pro-Constitution forces, especially in South Carolina, New York, and Rhode Island, and that this malapportionment played a crucial role in pushing through the Constitution. An important reinforcement of the Beardian view of the Constitution.

Thomas G. Paterson, "The Abortive American Loan to Russia", is a highly useful contribution to Cold War Revisionism, showing how the U.S. used the carrot of a proposed loan to Russia during and after World War II to try to wring massive political concessions. The article whets one's appetite for Professor Paterson's recent doctoral thesis, "The Economic Cold War: American Business and Economic Foreign Policy, 1945-50" (U. of California, Berkeley, 1968), available from University Microfilms, Ann Arbor, Michigan.

Gordon B. Dodds, "The Stream-Flow Controversy". Good article debunking the scientific claims of conservationists, particularly the theory that deforestation causes floods.

as well as people directly affiliated with the government. What we libertarians object to, then, is not *government per se* but crime, what we object to is unjust or criminal property titles; what we are for is not "private" property *per se* but just, innocent, non-criminal private property. It is justice vs. injustice, innocence vs. criminality that must be our major libertarian focus.

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