

## **Forgotten Lines**

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In the January 23, 2010, Los Angeles Times crossword puzzle, one of the clues was "Sassy reply to criticism." The answer: "It's a free country." Why do I find this so striking? For two reasons. First, when I grew up in the 1950s and 1960s, not many people around me considered that a sassy reply. When I used the line, it was shorthand for, "I have rights; maybe this isn't the best decision, but I have the right to make my own mistakes." Second, almost no one uses that line any more. Why? I think it's because, if only subconsciously, most people recognize that in some important ways, freedom in the United States has declined.

Pay attention and you'll see the ways we're not free. Some of these predate the 1950s. If you have school-aged children, you can't legally decide not to send them to school. You can't, for example, have your 17-year-old kids work in your business instead of attending school. At best, you can home-school them, and even that option is limited in some states. Buying liquor is legal only from a licensed dealer, and in many states, licenses are often impossible to get. Forget about using marijuana or cocaine. If you want to get certain medicines, you must first get a doctor's permission, even if all he does is listen to you ask him to prescribe it.

But many of life's daily restrictions on freedom are much more recent. If you go to a restaurant, chances are that it's one in which a state or local government has banned smoking. In my city of Pacific Grove, California, people can't buy food at a Taco Bell or a Burger King because the city council decided a few years ago not to let those chains in. The government of New York City banned certain kinds of fats in meals, thus reducing the freedom of producers and consumers who want to produce or consume those fats. If you want to travel by air, the government insists that you get permission from a TSA employee, and to get that permission you must submit to a body search and, maybe soon, an X-ray so that a government employee can see your naked body. And don't dare make fun of that government employee or you might go to jail.

## **Significant Gains in Freedom**

It's true that over the last 40 years there also have been major increases in freedom, economic and otherwise. Consider the draft. Americans of my generation, if they were unlucky enough to be male and healthy, knew that when they turned 18, the U.S. government could forcibly put them in the military. During the Vietnam war, in which more than 58,000 Americans were killed, that was a scary prospect. Another major increase in freedom was for black and white people who wished to marry. In many states anti-miscegenation laws were on the books as late as the 1960s.

On the issue of race another major increase in freedom came in the 1960s, when businesses in the southern United States were no longer forced to discriminate against potential customers who were black. This was a major increase in freedom both for businesses and for blacks, who had been prevented from engaging in mutually beneficial exchange. Unfortunately, the U.S. government did not just overturn the laws that had required discrimination but went further and prohibited discrimination on racial grounds. So the discrimination that had been required by law was now prohibited by law. Simple freedom of association was never tried.

There have been other increases in freedom, as well. Until the early 1970s, the telephone company had a monopoly on long-distance service and used that monopoly to set high prices. By the late 1980s much of that government-granted monopoly power had disappeared. Also, a federal agency called the Civil Aeronautics Board (CAB) regulated the airline industry, requiring an airline that wanted to fly between two cities to get permission to do so. Permission was often refused. The CAB also required airlines to file their fares before changing them, and competing airlines could protest these fares and often did so if they were "too low." Starting in 1978 and finishing in 1984, the federal government ended these restrictions. Although the Federal Aviation Administration still regulates safety, the CAB was eliminated on December 31, 1984. Airlines have much more freedom to enter markets and cut prices, with travelers being the major beneficiaries. There was similar deregulation in surface transportation around the same time.

## **Recent Losses**

But notice that most of the gain in freedom started in the late 1960s and concluded by the mid-1980s. Since then, most of the changes have been toward less freedom. Think of the increasing bureaucratization of life, most of which is due to government. If I want to cut off a tree branch that is more than four inches in diameter—even in my own yard—I must get the city government’s permission and pay for that permission. In the city of Monterey, California, someone who wants to install a new dishwasher must get government permission to do so. I’m sure that few people bother because the requirement is so hard to enforce, but it’s a requirement. Under a law passed in 2008 the Consumer Product Safety Commission warned that children’s books published before 1985 are not safe and cannot be sold unless the seller does expensive testing to make sure they don’t contain lead. This is so even though, as Walter Olson has written, “no one seems to have been able to produce a single instance in which an American child has been made ill by the lead in old book illustrations.”

Credentialism is also reducing our freedom, and one interesting recent illustration was in President Obama’s speech to U.S. schools at the start of the 2009-10 school year. What received the publicity at the time was the controversy about whether it was proper for a U.S. president to address the students and for the U.S. Department of Education to put together exercises for the teachers to conduct after the speech on how the students could help Obama achieve his goals. What went unnoted was Obama’s statement that students should finish high school because otherwise they will not be able to pursue the careers of their choice. Obama gave seven examples of such careers: lawyer, doctor, nurse, teacher, architect, police officer, and military. Why is that remarkable? The reason people need a high school diploma to enter the first five of those seven occupations is that governments require them to. And the reason people need a diploma to be police officers or to advance in the military is not only that the employer requires it but that in both cases, the employer is the government. You don’t need a high-school diploma to write software because the government hasn’t gotten around to regulating that occupation—yet.

Let’s put the truth back in the expression “It’s a free country.”