



## **Liberty and Tyranny:**

### **A Conservative Manifesto**

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### **About The Author:**

Mark R. Levin is a nationally syndicated talk-radio host. He is the author of *Men in Black: How the Supreme Court is Destroying America* and *Rescuing Sprite: A Dog Lover's Story of Joy and Anguish*, both bestsellers. Levin is also an attorney and the president of the Landmark Legal Foundation. He has served as a top advisor to several members of President Ronald Reagan's cabinet.

### **General Overview:**

*Liberty and Tyranny* is Mark Levin's call to conservative America, a new manifesto for the conservative movement for the 21st century. Levin argues that in the face of the modern liberal assault on Constitution-based values, the time for re-enforcing the intellectual and practical case for conservatism is now. He lays out how conservatives can counter the liberal influence that has filtered into every timely issue affecting our daily lives, from the economy to healthcare, global warming, immigration, and more.

*Liberty and Tyranny* offers a philosophical, historical, and practical framework for revitalizing the conservative vision and ensuring the preservation of American society.

**\* Please Note:** This CapitolReader.com summary does *not* offer judgment or opinion on the book's content. The ideas, viewpoints and arguments are presented just as the book's *author* has intended.

## **An Introduction to Conservatism**

Conservatism and Constitution-based values have been under siege since Franklin Roosevelt's New Deal. Conservatism is not easy to define, but broadly speaking, it "is a way of understanding life, society, and governance." In essence, conservatives believe that freedom and dignity are the birthright of every individual. These are natural, God-given rights. No state or government confers them, thus no state or government can take them away. It follows from this that individuals have a right to live freely and pursue their own ends without the state dictating what they should do.

Conservatives have been influenced by many thinkers, statesmen, and philosophers – particularly the Founding Fathers, Adam Smith, John Locke, Edmund Burke, and Charles Montesquieu. These thinkers, like conservatives today, take the freedom and dignity of the individual as a starting point, but they also believe in promoting a "harmony of interests" between the individual and society. To put it simply, conservatives believe in "ordered liberty," a social condition whereby individuals follow time-honored norms gleaned from tradition; for it is within the wisdom of our collective experience that we can discern the moral rules that will "promote the betterment of both the individual and society."

Conservatives believe that because individuals exist within a moral order, they have an obligation to society as a whole. Each individual is responsible for looking after their own well-being and that of their family, of course, but they also should contribute voluntarily in ways that improve the welfare of their communities. The individual who pursues virtue, guided by faith, while exercising prudence helps promote civil society.

Conservatives believe that civil society depends on recognizing the link between liberty and private property. Conversely, any system that deprives the individual of the fruits of his or her own labor (physical or intellectual) denies them their liberty. Civil society requires the rule of law, which is a bulwark against arbitrary, unwarranted, or draconian abuses of power against the individual. "For the conservative, the civil society has as its highest purpose its preservation and improvement."

The Modern Liberal, in contrast, views the individual as subordinate to the state. More specifically, the Modern Liberal believes individual striving leads to inequality, which is at odds with their goal of a completely equal and just society – i.e., a utopian state. In fact, Modern Liberalism advocates what Alexis De Tocqueville termed *soft tyranny*: coercion aimed at seemingly benevolent ends. Unfortunately, soft tyranny has a way of morphing into hard tyranny.

The Founders feared that an all-powerful central government would threaten civil society and individual liberty. In essence, the Founders wanted a federal government strong enough to secure the blessings of liberty, but not strong enough to threaten civil society and our freedoms.

Unfortunately, the principles enshrined in the Constitution have been eviscerated by liberals ever since the New Deal. The Statist imposes a maze of laws and regulations that contradict or exceed what the Constitution prescribes. Progressive taxation and programs like Social Security redistribute wealth, an aim found nowhere in our Constitution. Likewise, scare tactics associated with global warming have emboldened the government to take over all aspects of the economy, a development that threatens both civil society and our free market system. We have drifted so far from our founding principles that we risk trading citizenship for subjugation.

We need a new generation of conservative activists to reverse the trend towards Statism. To begin with, parents and grandparents must teach their children conservative principles and the importance of building and nurturing a civil society as an alternative to Statism. Second, conservatives must be prepared to help educate friends, neighbors, and co-workers about conservative values. And thirdly, conservatives need to be involved in the public arena, both in terms of seeking elected office and contributing to the debate on the airwaves.

Today's conservative finds himself on the defensive. The Statist has a head start and has been trying to impose his hollow values for generations. Conservatives must maintain the courage of their convictions. America's liberty has been threatened before; by the Civil War and World War II, for example. The threat of "soft tyranny" we face today is more subtle, but just as real.

The conservative believes we must return to our founding principles. To this end, we must eliminate the progressive income tax and replace it with a flat tax or a national sales tax. Today's conservative also believes there is no place for judicial activism, where the judiciary *makes* law, thus usurping power from the legislature. Instead, only judicial nominees who accept originalism – a plain text understanding of the Constitution as it was written – should be confirmed to the bench.

Conservatives also believe that environmental groups should not receive special tax-exempt status. Onerous environmental regulations and "cap-and-trade" schemes are draconian responses to the overhyped threat of "climate change." Three decades ago, scientists were warning about global cooling. Today, they are trying to induce panic about global warming, but their real agenda is to create a climate of fear to cover their Statist agenda.

The conservative opposes the current unlimited migration policy, which effectively cedes control of immigration policy to aliens and foreign governments. We must secure our national borders and discourage multiculturalism and bilingualism. Instead, we must insist that immigrants pledge allegiance to American culture.

We must also resist the “elixir of entitlements” that will burden future generations under a mountain of debt. Programs like Social Security, Medicare, and Medicaid are popular with the masses, but these programs represent a \$50 trillion burden for future generations. Similarly, nationalized healthcare must be resisted because it represents the culmination of the Statist agenda, namely to control “not only the material wealth of the individual but his physical well-being.”

### **On Liberty and Tyranny**

The United States was founded on principles that are the bedrock of conservatism. Conservatives believe in the dignity of the individual and his or her right to live freely. The conservative agrees with the Declaration of Independence; that these are God-given natural rights, not rights any ruler or government can give or take away.

Conservatives believe the Constitution is a contract between generations. The Constitution gives the federal government enough authority to “secure the blessings of liberty,” but not enough to be able to threaten them. Thus, the Constitution is a delicate balancing act that disperses political power between three branches (the executive, the legislative, and the judicial), and also between the federal government, the states, and ultimately the people.

The Framers intentionally made it difficult to alter the Constitution. Of course, they did build in flexibility by allowing super-majorities to ratify amendments, but they clearly believed altering the Constitution should not be taken lightly or undertaken without the overwhelming consent of the body politic. However, during the Great Depression in the 1930s, Franklin Roosevelt and a Democratic Congress launched a counterrevolution that undid the Constitution’s delicate checks and balances. Since the New Deal, the federal government has been passing laws, creating agencies, and issuing regulations at a frenetic pace. Federal power has expanded in ways that clearly contradict the Constitution. For instance, the Founders never intended that the federal government redistribute wealth, establish pension programs, or exercise control over vast swaths of economic activity.

The Framers believed in limited government. Only when there is limited government can you have what Adam Smith recognized as ordered liberty, which is the harmony of interests between individuals and society.

The Statist, in contrast, believes in unlimited government power. The Statist’s intentions may seem benevolent; to eliminate inequality by redistributing wealth, for instance. However, the individual and civil society will always be impediments to the expansion of state power. The Statist aims at a worldly utopia, a society where all suffering, injustice, and inequality are ameliorated by the state. However, the Statist can only create new rights and entitlements by eroding liberty. After all, entitlements like universal healthcare inevitably entail appropriating wealth from some in order to provide benefits to others. The road taken by the Statist leads away from liberty and towards tyranny.

### **On Prudence and Progress**

The Founders were revolutionaries, but only as a last resort in response to despotism. In fact, the Founders, following the lead of the philosopher Edmund Burke, were careful in insisting that under normal circumstances change should be incremental and guided by prudence. After all, change should improve and preserve the basic institutions of the state. Change for the sake of change, in contrast, is generally a departure from time-tested practices of the past, therefore it is usually dangerous.

The Statist is dissatisfied with his own condition. He does not celebrate liberty. He is also angry and resentful of the success of others. Therefore, he tries to deflect responsibility for his own failures and miseries by concocting a vision of a fictitious utopian state, which if it could be brought into existence would supposedly ameliorate all the slights and injuries the Statist feels. Unfortunately, the Statist sees individual liberty and civil society as impediments to the realization of his utopian fantasy.

Throughout history, Statist systems have included: National Socialism, communism, and economic socialism. Invariably, the various forms are governed by the same principle: equality above all else. The Statist offers a Faustian bargain; if the individual surrenders his will to the state, then perfect equality in a worldly utopia is possible. Barack Obama has articulated views along these lines. For example, in 2008 he told a group of college graduates, “[O]ur salvation depends on collective salvation.” Of course, the conservative rejects the view that salvation is something government can grant.

The international community, academics, and the media are generally allied or sympathetic to the Statist agenda. The enemies of individual liberty and civil society recognize they cannot achieve their aims in America overnight. Instead, their goal is to ridicule and marginalize Americans who believe in God, patriotism, and the blessings of liberty.

### **On Faith and the Founding**

“Reason cannot, by itself, explain why there is reason. Science cannot, by itself, explain why there is science.” Science is an important tool, but science cannot address man’s spiritual nature.

The conservative philosopher, Edmund Burke, argued that man is part of a transcendent moral order. This conception influenced the Founders, who accepted the idea of Natural Law, the notion that man can use his God-given reason to discern right and wrong as well as the physical and moral laws that govern creation.

Atheists, of course, argue there is no God. If they are right, then Natural Law would be fiction as well. Concomitantly, if the atheist is right, then life, liberty, and the pursuit of happiness are not unalienable rights. Without Natural Law, however, civil society could have no foundation. Abandoning Natural Law, in fact, leads to the kind of anarchy that breeds tyranny.

Generally speaking, the Founders were men of faith, but they did not seek to establish an official state religion, which they believed would interfere with religious liberty. The Founders' emphasis on the freedom to worship explains why "Americans are among the most religious and tolerant people in the world."

Statists are not always secularists, but they invariably disdain public displays of religion because they compete with the Statist agenda: namely, that the individual should owe his or her allegiance solely to the state. Statists also disparage the idea of Natural Law. Not surprisingly, secularism and Statism associated with the New Deal have risen in tandem.

Conservatives believe faith is vital to civil society. The Statists, in contrast, see faith as a threat. Unfortunately, Statists seek to marginalize faith through judicial activism and the media. However, conservatives believe that faith and freedom go hand-in-hand. After all, "a people cannot remain free and civilized without [the] moral purposes, constraints, and duties" that are entailed by Natural Law.

### **On the Free Market**

The free market is the most catalytic economic system ever devised. Clearly, free markets are better at tapping human ingenuity and creating wealth than any other economic model. Conservatives believe man is more than just a producer and a consumer. The free market fosters a harmony of interests between the individual and civil society.

Free markets depend inexorably on private property. Private property is the tangible value created by the intellect or physical labor of the individual. Consequently, conservatives believe that excessive taxation and regulation of private property – any taxation or regulation that exceeds Constitutional limits – amounts to servitude.

The conservative recognizes the need for government to collect tax revenue in order to finance activities specified in the Constitution. However, progressive taxation, which attempts to redistribute wealth, is a Statist scheme that flatly exceeds the Constitution's parameters.

The Statist contends that free markets do not serve the public's interest. The Statist insists that extensive government meddling in the economy (and in their lives) is necessary to achieve what is in fact unachievable: complete equality. The challenge for conservatives is to expose the fatal contradiction that lies at the heart of the Statists' agenda, namely that thievery by the government in the name of the public interest is an affront to human nature and an assault on civil society.

Statist central planning invariably creates economic havoc. The housing bust of 2008 is a prime example of why social engineering and government meddling with markets is unwise. More specifically, government pressure on private lending institutions to make

risky loans to subprime borrowers – all in the name of supposedly helping low-income homebuyers – was instrumental in generating the subprime bubble, a crisis that threatened to bring down the financial system. “The crisis created in the financial markets is of the Statist’s making.” However, taxpayers will be expected to foot the bill.

President Obama wants to use the current financial crisis as a pretext to expand the power and scope of the state, just as FDR used the Great Depression as a pretext for the New Deal. However, the evidence indicates that New Deal policies actually prolonged the Depression. As the philosopher Alexis De Tocqueville noted, “Democracy extends the sphere of human freedom ... while socialism makes each man a mere agent, a mere number.”

The Statist, as the economist Friedrich Hayek observed, shifts the meaning of the word “freedom.” For the socialist, “freedom” means freedom from want and this leads to the demand for wealth distribution. This notion of freedom contrasts with the Founders’ conception of liberty, which is freedom from coercion. If America is to remain a strong and prosperous country, then conservatives must resist the forms of creeping socialism and Statism that undermine liberty, civil society, and free markets.

### **On the Welfare State**

Statist programs like Social Security, Medicare, and Medicaid are essentially swindles that steal the earnings of future generations. In fact, the cumulative burden of these schemes amounts to some \$53 trillion. In order to cover these obligations, every family in America would have set aside \$455,000. Simply put, the government’s open-ended commitments are a fiscal time-bomb.

“Social Security, Medicare, and Medicaid are built on a family of frauds – the fraudulent concealment of material facts, the fraudulent representation of material facts, and the fraudulent conversion of one’s money for another use.” These programs are supposed to be virtuous because they help the elderly, the disabled, and the poor, but they are setting the stage for an economic catastrophe that ultimately threatens individual liberty and civil society.

The Statist is not deterred by economic realities. In fact, the Statist wants to create a new entitlement: universal healthcare. Indeed, even the disastrous experiences of the British and Canadian national healthcare systems – with their rationing, long waiting lines, and sub-standard care – are not enough to chasten those clamoring for socialist medicine.

The Statist is driven by the need to exert complete authority over the individual. Universal healthcare is seductive because many will see it as a valuable new benefit. However, government-controlled healthcare is a Faustian bargain because the individual will give up control of his own health and well-being to the state. Needless to say, the state will look after individuals the way it looks after most other things, which is not reassuring.

### **On Enviro-Statism**

The Statist accuses conservatives of rejecting science. This is not true. The conservative believes science is a door to knowledge. The Statist, however, is more interested in power than truth. This explains why Statists resort to junk science and fear mongering to advance their agenda. Statists hope to use health and environmental scare tactics to get the public into accepting more government authority and regulation.

The much-hyped threat of “global warming” is a case in point. Thirty-five years ago, scientists and the media issued alarmist threats about global cooling. Needless to say, their warnings of a looming Ice Age have since proven unfounded. Today, the Enviro-Statists are at it again, this time blaming man for a supposed global warming trend that is heating up the planet and causing extreme weather patterns. However, contrary to the Enviro-Statist’s claims that the debate on global warming is over, there are many experts that reject the human-caused global warming hypothesis. In fact, numerous experts now believe that the world is in fact cooling.

The mania surrounding global warming is creating an impetus for oppressive environmental regulations, particularly the innocuous sounding but economically insane “cap and trade” scheme. The Enviro-Statist agenda would inevitably entail draconian regulations, economic impoverishment, and severe restriction on individual liberty. The Enviro-Statist claims to be the friend of the environment, but he says nothing about the countless millions that will suffer if economic development is retarded because of his economically ruinous environmental regulations. The Enviro-Statist’s so-called Green Revolution is in fact a veiled attack on the foundations of civil society.

### **On Immigration**

The principle duty of the state is to protect the rights and interests of its citizens. “No society can withstand the unconditional mass migration of aliens from every corner of the globe.” But unfortunately, today’s Statists put the rights of immigrants ahead of the rights of our nation’s citizens. Citizens who seek to preserve America’s laws and culture are disparaged as bigots because they oppose the unlimited immigration that is eroding civil society.

The conservative recognizes that we are a nation of immigrants and that sensible immigration policies can help renew our society. But, he also believes that imprudent policies will threaten America’s identity. In short, “the purpose of immigration policies must be to preserve and improve American society.”

Unfortunately, current policies are not fostering assimilation. Migrants are not learning English, nor do they adopt and internalize America’s traditions, customs, history, and value system. This is leading to cultural relativism and Balkanization, which is slowly corroding America’s identity as a nation.



The United States is a “melting pot,” but it is one sustained by an allegiance to America’s founding ideals. America’s citizens have not consented to the kind of open-ended migration that threatens to destroy our culture and our values. Immigrants come to the U.S. because they recognize the unique advantages of our culture. The character of American citizenship must be maintained. Therefore, multiculturalism, bilingualism (in public), and ethnic Balkanization must be discouraged. When immigrants are permitted into our country, they should learn English as our official language and pledge allegiance to American culture.

### **On Self-Preservation**

Conservatives believe that our foreign and domestic policies should be aimed at protecting and improving American society. The Founders recognized that because we live in a dangerous world we need a strong national defense. The conservative believes that all individuals have inalienable human rights, but it is not necessarily the responsibility of the United States to spread liberty abroad.

The conservative believes that the U.S. must maintain its position as the world’s unrivaled superpower and act in our own national security interests, even if that doesn’t suit world opinion. Conservatives reject the Statist agenda, which would relinquish America’s supremacy in favor of multilateralism.

Conservatives are deeply concerned about Statist aims that would undermine America’s sovereignty. For instance, when it comes to the vigorous interrogation methods needed to combat terrorism, the U.S. must not compromise its security by allowing international institutions (such as the International Criminal Court) to dictate, oversee, or judge our policies.

The Statist agenda frequently displays more concern for the right of terrorists than the security of America’s citizens. For instance, Barack Obama insists on treating terrorists as soldiers protected under the Geneva Conventions. However, terrorists are irregular forces waging war illegally. Therefore, there is no legal or historical precedent for recognizing their so-called “rights” under international or Constitutional law. Put simply, terrorists are the modern equivalent of pirates and experience shows that granting them rights simply makes their barbarism harder to prevent.

### **Conclusion**

America has drifted far from its founding principles. In fact, the nation is heading towards Statism and conservatives are on the defensive. Unfortunately, even Republicans seem incapable or unwilling to resist the abandonment of our Constitutional and free market principles.

The question naturally arises: What is a conservative to do?

- Conservatives must become more engaged in public affairs. Conservatives can no longer cede the public arena to Statists.
- Conservatives need to educate and prepare a new generation of conservative activists. Presently, Statists dominate the academic world, government, and the media. Conservatives must reverse this trend.
- Parents and grandparents must teach young people conservative values.
- Conservatives need to reach out and share conservative principles with their fellow citizens.
- Conservatives need to take advantage of new technologies, such as the Internet, to help get their ideas across. Conservatives should also promote their ideas on college campuses and by supporting colleges and institutions that reflect a conservative point of view.
- “Talk radio provides a dynamic forum for conservative thought and debate.” Therefore, Statist efforts to regulate or inhibit talk radio must be resisted.

Conservatives need to recognize that the Statist agenda has nearly 80 years of momentum. The conservative cannot hope to reverse the Statist project overnight. Conservatives must be resolute, but flexible. Compromise is acceptable if doing so will ultimately advance founding principles. However, the conservative must not accept “the ideological boundaries the Statist and neo-Statist seek to impose upon him.”

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