



Libertarian Porn, Part II

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Back in 2010, I shared a video that predicted a catastrophic end to the welfare state.

I said it was an example of “Libertarian Porn” because:

...it is designed for the dark enjoyment of people who think the government is destroying the nation. If you don't like bloated government and statist intervention and you think that the policies being imposed by Washington are going to lead to hyperinflation and societal collapse, then you will get a certain level of grim satisfaction by watching the video.

While I also stated in that post that I thought the video was far too dour and pessimistic, I don't automatically reject the hypothesis that the welfare state will lead to societal chaos.

Indeed, I've specifically warned that America might experience European-type disarray because of big government and I even wrote about which nations that might be good escape options if the welfare state causes our country to unravel.

Moreover, I've speculated about the possible loss of democracy in Europe and specifically said that people should have the right to be well armed just in case society goes you-know-where in a handbasket.

So I'm definitely not a Pollyanna.

I've given this background because here's another video for those of you who revel in the glass being nine-tenths empty. It's about the United Kingdom, but these numbers from the BIS, OECD, and IMF show that the long-term spending problem is equally severe in the United States.

Be warned, though, that it's depressing as well as long. And I gather it's also designed to sell a magazine, so you can ignore that (particularly if you're not British).

Now that I've shared the video, I'll add a couple of my own observations.

First and foremost, no country is past the point of no return, at least based on the numbers. It doesn't matter whether we're talking about the United Kingdom, the United States, Greece, or France. Politicians always have the option of reforming entitlements and restraining the burden of government spending. So long as they follow Mitchell's Golden Rule over an extended period of time, they can dig out of the mess.

That's why I'm a big fan of Switzerland's spending cap, That policy, technically known as the debt brake, imposes a rolling cap on budgetary growth and has been very effective. Colorado also has a spending cap that has been somewhat effective in restraining the cost of the public sector.

My second observation, however, is that some nations may be past the psychological point of return. This is not easy to measure, but it basically means that there's good reason to be pessimistic when the majority of citizens in a country think it's morally acceptable to have their snouts in the public trough and to live off the labor of others. When you have too many people riding in the wagon (or riding in the party ship), then it's difficult to envision how good policy is implemented.

Indeed, the video includes some discussion of how a growing number of people in the United Kingdom now live off the state. And if you add together the votes of people like Natailija, Tracey, Anjem, Gina, and Danny, perhaps the United Kingdom has reached a grim tipping point. Especially since welfare spending has dramatically increased in recent years!

A third and final point about the video. I think it focuses too much on deficits and debt. Red ink is a serious issue, to be sure, but it's very important to understand that too much borrowing is merely a symptom of too much spending.

P.S. On a totally separate matter, everyone should read the *USA Today* column by Glenn Reynolds. He explains how government is perverting our criminal justice system.

Here are some of the most important passages, but you should read the whole thing.

Here's how things all-too-often work today: Law enforcement decides that a person is suspicious (or, possibly, just a political enemy). Upon investigation into every aspect of his/her life, they find possible violations of the law, often involving obscure, technical statutes that no one really knows. They then file a "kitchen-sink" indictment involving dozens, or even hundreds of charges, which the grand jury rubber stamps. The accused then must choose between a plea bargain, or the risk of a trial in which a jury might convict on one or two felony counts simply on a "where there's smoke there must be fire" theory even if the evidence seems less than compelling.

This is why, Glenn explains, there are very few trials. Almost everything gets settled as part of plea bargains.

But that's not a good thing, particularly when there are no checks and balances to restrain bad behavior by the state.

...although there's lots of due process at trial — right to cross-examine, right to counsel, rules of evidence, and, of course, the jury itself, which the Framers of our Constitution thought the most important protection in criminal cases — there's basically no due process at the stage when prosecutors decide to bring charges. Prosecutors who are out to “get” people have a free hand; prosecutors who want to give favored groups or individuals a pass have a free hand, too. When juries decide not to convict because doing so would be unjust, it's called “jury nullification,” and although everyone admits that it's a power juries have, many disapprove of it. But when prosecutors decide not to bring charges, it's called “prosecutorial discretion,” and it's subject to far less criticism, if it's even noticed.

Here's the bottom line.

...with today's broad and vague criminal statutes at both the state and federal level, *everyone* is guilty of some sort of crime, a point that Harvey Silverglate underscores with the title of his recent book, *Three Felonies A Day: How The Feds Target The Innocent*, that being the number of felonies that the average American, usually unknowingly, commits. ...The combination of vague and pervasive criminal laws — the federal government literally doesn't know how many federal criminal laws there are — and prosecutorial discretion, plus easy overcharging and coercive plea-bargaining, means that where criminal law is concerned we don't really have a judicial system as most people imagine it. Instead, we have a criminal justice bureaucracy that assesses guilt and imposes penalties with only modest supervision from the judiciary, and with very little actual accountability.

Glenn offers some possible answers.

...prosecutors should have “skin in the game” — if someone's charged with 100 crimes but convicted of only one, the state should have to pay 99% of his legal fees. This would discourage overcharging. (So would judicial oversight, but we've seen little enough of that.) Second, plea-bargain offers should be disclosed at trial, so that judges and juries can understand just how serious the state really thinks the offense is. ...And finally, I think that prosecutors should be stripped of their absolute immunity to suit — an immunity created by judicial activism, not by statute — and should be subject to civil damages for misconduct such as withholding evidence. If our criminal justice system is to be a true justice system, then due process must attach at all stages. Right now, prosecutors run riot. That needs to change.

Amen to all that. And you can read more on this topic by clicking [here](#).

The Obama years have taught us that dishonest people can twist and abuse the law for ideological purposes.

Whether we're talking about the corruption of the IRS, the deliberate disregard of the law for Obamacare, or the NSA spying scandal, the White House has shown that it's naive to assume that folks in government have ethical standards.

And that's also true for the law enforcement bureaucracy, as Glenn explained. Simply stated, people in government abuse power. And jury nullification, while a helpful check on misbehavior, only works when there is a trial.

Indeed, I'm now much more skeptical about the death penalty for many of the reasons Glenn discusses in his column. To be blunt, I don't trust that politically ambitious prosecutors will behave honorably.

That's why, regardless of the issue, you rarely will go wrong if you're advocating fewer laws and less government power.

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