
Paving the Road to Serfdom

BY BECKY AKERS

It's the stuff of nightmares and science fiction: a society so depersonalized and regimented that survival depends on producing the correct credentials. Sometimes it's a fingerprint or other biometric; more often it's a document. Without that totem there's no trading, no traveling, no transaction of any kind. A demand for "Papers, please" pesters people at every turn, whether they're buying a loaf of bread or enrolling a child in school. The citizen whose identification is lost, stolen, or—chillingly—revoked by the government becomes an instant pariah. He finds himself in a state of nature worse than any Hobbesian could imagine: not only is Everyman at war with him, but so is Everyman's technology.

The United States took a giant leap toward this harsh horror with the REAL ID Act. Passed in 2005, due to take effect next year, REAL ID is "vital to preventing foreign terrorists from hiding in plain sight while conducting their operations and planning attacks." Or so its sponsor, U.S. Rep.

James Sensenbrenner (R-Wis.), wants us to believe. "By targeting terrorist travel, the Real ID will assist in our War on Terror efforts to disrupt terrorist operations and help secure our borders." But REAL ID actually targets—and hits—American drivers. The bill standardizes licenses so that whether they're issued in Alaska or Florida, they display the same data: name, date of birth, gender, a "digital photograph," the holder's signature, and home address ("permanent home address: no PO boxes; no exceptions," as Bill Scannell of unrealid.com puts it—even for spouses fleeing abusive

marriages and other vulnerable folks). It then forces each state to "provide electronic access to all other States to information contained in the motor vehicle database of the State." Translation: REAL ID enables bureaucrats in California or Connecticut to learn anything and everything about someone in the Carolinas. It also puts that data at the feds' fingertips, granting them and others unlimited access to information about us—and the unlimited power such knowledge brings.

Ominously, REAL ID also mandates that licenses

include "a common machine-readable technology, with defined minimum data elements." Who will "define" those "elements"? The Department of Homeland Security. Many experts think the department will require RFID (radio-frequency identification) chips as one "element." Manufacturers and warehouses control inventory with RFID because it uniquely identifies each product and tracks its movement. Substitute "person" for "product," and you'll understand the state's enthusiasm for this technology.

REAL ID puts your driver's license on steroids, pumping it up to a national ID that must be flashed on authorities' demand. Intriguingly, Americans who scarcely mutter when taxes chomp a third of their paycheck, who submit without fuss to pat-downs at airports, who trust government to school their children, are outraged at REAL ID. So are state legislatures,

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though a cynic might attribute that to fear that the feds will steal some of their power over us. As I write, two states have passed laws rejecting REAL ID and 28 are deliberating about doing so. As you read, more have probably joined the revolt.

Meanwhile, despite their fury over REAL ID, Americans continue to ignore the dragon's teeth from which it sprouted: driver's licenses. The state has so habituated us to these permits that virtually no one questions them. Even champions of limited government who protest at having to seek permission before selling a product or buying a gun seldom object to licensing drivers. Most people see it as not only a legitimate function of government but a desirable one. Shouldn't the state protect us from the maniacs who would otherwise clog our roads?

But compelling citizens to ask permission before driving cars they've bought on roads they've paid for is lethal to liberty—and, often, to drivers. The state wants us to think its licensing protects us. Indeed, it would like us to commit the same error regarding its control of all things automotive, from road design and maintenance to enforcement of traffic laws to regulation of automobile design and manufacturing. But in all these areas, the state is a sponge, not a safety belt, sopping up all the money and power for miles. Protecting us is merely an excuse for controlling us. And, true to form, the authority that licensing handed the state spread like an oil slick. Having saturated our automotive lives, it's now seeping into more and more crannies that have nothing to do with cars.

Licenses for the Asking

In the beginning states licensed anyone who paid a fee. They didn't test competence, vision, or anything else. Many contented themselves for years with this payoff; decades sometimes passed before they also forced drivers to satisfy a bureaucrat that they could see and decipher the government's highway markings. Massachusetts and Missouri were both robbing drivers by 1903, but it wasn't until 1920 that "Massachusetts . . .

passed its first requirement for an examination of general operators" and "Missouri had no driver examination law until 1952," according to Carl Watner at voluntaryist.com. Nor were Massachusetts and Missouri alone in picking drivers' pockets. By 1909 "twelve states and the District of Columbia required all automobile drivers to obtain," that is, buy, licenses. These permits generally listed only the operator's "name, address, age, and the type of automobile he claimed to be competent to drive." No demonstration of skills was required, and drivers usually ordered licenses through the mail.

And so taxpayers whose money had bought and paved the roads now paid the government yet again so that it would allow them to use those roads. Prior to licensing, this arrangement was known as "highway robbery." Regardless, the driver's competence—and the government's as well—didn't matter. In fact, the 12 states that extorted licensing fees from drivers in 1909 had issued "a combined total of 89,495 licenses . . . between January 1 and October 4[;] but only twelve applicants were rejected for incompetency or other reasons during this period—two in Rhode Island and ten in Vermont." No wonder Watner emphasizes, "*Our contemporary belief that drivers licenses were instituted to keep incompetent drivers off the road is a false one.*"

Given the loot lifted from drivers, you might expect the push for licensing to have originated with government. But the blame actually belongs to the American Automobile Association (AAA), those seemingly innocuous folks who rescue stranded motorists and rate motels. AAA's website says the club was founded in 1902 by "1000 auto enthusiasts demanding a response to a lack of highways suitable for automobiles"—and we can all guess from whom they "demanded" this "response." Wikipedia adds that these "enthusiasts" were "typically wealthy." But their newfangled toy with its exhaust and loud engine irritated their neighbors, and they fought "widespread public disapproval of the automobile and its noise" at a time when there were roughly 17,000,000 horses versus 23,000 cars. How better to

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win this battle than to enlist the government's power and prestige? A certificate testifying to the state's approval should silence the spoilsports whose fastest stallions were eating the Model A's dust.

Departments of motor vehicles (DMVs) have come a long way since then with their eye charts, driving exams, and surly clerks. DMVs fool Americans into equating licensed driving with safe driving. But there's no proof behind that supposition because we don't know how many motorists neglect to ask permission. This invalidates statistics on who causes accidents. The AAA warns in "Unlicensed to Kill": "[The] methodology [of researchers who study licensing and safety] has limitations. . . . [I]t is hard to arrive at reliable findings for unlicensed drivers simply because so little is known about them." Belief that licensing makes safer drivers is just that.

So who needs research? Intuition alone tells us that licensing contributes to safer roads, doesn't it? Not necessarily. We won't debate the relationship driver's exams bear to the real world, nor whether an applicant is a better driver because he knows what behavior the law dictates when encountering a school bus on a divided highway or the exact moment at which headlights must legally shine. Even if the bureaucrats who devise these tests know what they're doing, licensing has unintended—and dangerous—consequences like all government fiats.

More Likely to Flee the Scene

Unlicensed drivers who crash are likelier to run rather than stay to offer help or first-aid—or to receive it themselves: "Drivers with suspended, expired or revoked licenses may flee, rather than risk explaining to a police officer why they are driving," says a report at deadlyroads.com. "This is especially true in California, where some estimate as many as 1 million unlicensed drivers occupy that states [sic] highways. Many drivers with no license are illegal immigrants, who risk deportment [sic] with any law enforcement contact." Other

places complain of the same hazard. Sylvia Lazon of the University of Missouri-Columbia School of Law claims that "The large number of immigrants driving without a license is creating a public health hazard. . . . In rural Missouri, there is no public transportation and driving is a necessity, with or without a license. . . . The unintended consequence is that these drivers create public health hazards."

By law, unlicensed drivers cannot purchase insurance. Not only does that increase the pressure to flee an accident, but those who can't or don't flee are usually unable to pay for damages.

Government's greatest talent lies in destroying life and property, judging by its thousands of years of warfare. Why then do we expect it to save lives and property on the highway? It's no accident that driving has been considered inherently risky for as long as the state has monopolized the design of roadways and heavily regulated that of automobiles. Perhaps that's because the incentives that prompt private entrepreneurs to produce safe products go missing from government: "Bureaucrats do not lose money when the death rate rises," economist Walter Block notes in "Theories of Highway Safety." "Nor is the road manager rewarded, as in private enterprise, if a decline in accidents occurs." Those who design and maintain roads bear little responsibility for them; they

duck behind sovereign-immunity laws when their lack of initiative and innovation kills us. We don't know what free-market versions of roads and cars would look like, just as most Americans before the creation of UPS and Federal Express didn't realize how slow the Post Office was at delivering mail. But it's reasonable to suppose that if a completely free market prevailed in the automotive industry, we'd benefit from radical improvements.

For sure, no company could stay in business if its products were as lethal as the government's roads. Annual "traffic deaths" in the United States have hovered at roughly 42,000 for the last decade—about 22 deaths out

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of every 100,000 users. (The number has very slightly declined since there are more licensed drivers now, from 23.21 deaths per 100,000 users in 1994 down to 21.54 per 100,000 in 2004, according to the “Fatality Analysis Reporting System Web-Based Encyclopedia” of the federal Department of Transportation.) That’s almost double the fatality rate of firearms. Many of these deaths occur when the victims are using cars and roads exactly as the government intends; they aren’t speeding nor have they bent an elbow except to turn the ignition key.

Yet despite years of tragically high fatalities, government constantly shifts the blame for its lethal roadways. Accidents are the driver’s fault, never the state’s for stupidly designing and poorly maintaining roads. Politicians reinforce this with incessant propaganda in favor of seat belts and against speeding, cell phones, and impaired driving. The advertising they buy with our taxes, the tickets and fines and prison sentences their enforcers dispense brainwash most victims into blaming themselves or their fellow drivers for mishaps. They sue each other, not the state, while those “at fault” pay fines to the very system that maimed them or killed the loved ones riding with them. Meanwhile, Americans continue forking over their funds and freedom to the DMV.

Those funds enormously enrich government, given the fees, taxes, and penalties it extracts in return for bestowing on us a privilege we already own as a right. Exactly how much is transferred from drivers to their masters can’t be determined. First, despite REAL ID’s zeal to consolidate information about us in a central database, government feels no compunction to return the courtesy: each state compiles its own records on what it charges drivers—and that varies in both amount and type from state to state. Secondly, reckoning the total by adding columns from the individual states is impossible because so many of the fees are obscured or never reported. Take just one category: traffic tickets. Municipalities often hide their income from this source lest their state demand a cut, so no one knows how much money tickets generate each

year. The National Motorists Association estimates that state and local governments rake in between \$3.75 and \$7.5 billion annually—and that excludes parking tickets. Now add fees for car registration, driver’s licenses, license plates, and title certificates, as well as taxes on automotive sales, insurance, gasoline, and parking, to say nothing of parking meters and tolls. (*Newsday* reports that New York City alone collected 126 million tolls solely for crossing to and from the island of Manhattan in 2006; these range from a couple of bucks for motorcycles to \$36 or more for a truck with 5 axles.) Then there are the quirky taxes some localities impose, such as New York’s “vehicle use tax.” We owe much of this to licensing: decades ago, it became the wedge enabling the state to drive a huge financial stake through our cars.

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Privileges Replace Rights

But licensing’s biggest hit-and-run is philosophical. Licensing replaces the common-law right of travel with a privilege that the state dispenses—and withdraws—at whim. It implies that we are silly children eager to drive without bothering to learn how; only the fatherly state saves us from automotive annihilation. That grants rulers enormous power over all our behavior, not just our driving.


Driving is merely another way to travel between Points A and B, as folks have for centuries. Philosophically, drivers should no more seek the state’s permission before hitting the road than did wagoners before shouting “Giddy-up!” Author Simson Garfinkel notes, “Our Founding Fathers never could have envisioned today’s driver’s license. It would have been inconceivable to [the] likes of Washington, Adams, and Jefferson that one day travel between a person’s home and work, or between nearby cities, in a carriage owned by that person, would be transformed from a right into a privilege to be granted and revoked at the pleasure of the state.”

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don't pertain to driving. Minnesota will suspend a license for "providing false statements regarding insurance coverage" and "moving violations." But it also takes it away for such disobedience as "truancy," "underage consumption of alcohol" or even the "attempt to unlawfully purchase alcohol or tobacco," "failure to pay child support," and "out-of-state conviction." Ohio is more draconian. It doles out "points" for all the usual "traffic offenses" and then some, but there are plenty of nondriving capers that will send you to your room—for keeps. Ohio repeals its permission to drive for "dropping out of high school, drug-related offenses, unsatisfied civil judgments, delinquent, unruly, or habitual drug user (juveniles), failure to appear in court on a bond, liquor law violations, medical condition that would impair your driving ability [and who decides that?], tagged as a 'problem driver' in the National Driver Registry, insurance noncompliance, unresolved out-of-state ticket, out-of-state alcohol- or drug-related offenses." Cleveland, Columbus, and Coshocton may one day surpass New York as walkers' cities.

Ceding the state authority over our automotive lives

has a final consequence, this one likely intended: the Associated Press reports that "Traffic stops are the most frequent way police interact with the public, accounting for 41 percent of all contacts. An estimated 17.8 million drivers were stopped in 2005." The threat to freedom is so obvious that even a bureaucrat quoted by Carl Watner lamented it: "[T]he average adult American citizen [has] more direct dealings with government through licensing and regulation of the automobile than through any other single public activity. . . . [T]he incidence of arrest [for violation of motor vehicle laws] by armed police in the United States has undoubtedly reached the highest point for any civilization, democratic or totalitarian, in recorded history. While ours is assuredly a free society [this was written in 1968], it has nonetheless become commonplace for an American citizen to be arrested by an armed officer of the law. . . . One may well question whether the instincts of a free people will not one day be impaired by the habit of being arrested without protest."

Liberty never grants the state a license to license. Why have we? 



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