



Figure 1 Richard Nixon and Merle Haggard at the White House, 1973. White House photo, public domain

Merle Haggard and the Lost “Free Life”



by James Bovard

“Is the best of the free life behind us now?” Merle Haggard asked in a haunting 1982 country music hit song. Nine years earlier, Haggard had scoffed at potheads and draft dodgers in a White House performance of his song “Okie from Muskogee” for President Richard Nixon. But reflecting widespread loss of faith in the American dream in the 1970s, his “free life” song lamented Nixon’s lies, the Vietnam debacle, and the ravages of inflation.

The issue of lost freedoms helped spur me 30 years ago to write a book titled *Lost Rights* chronicling how “Americans’ liberty is perishing beneath the constant growth of government

power.” When I recently updated the political damage report in a book titled *Last Rights*, in hindsight, the late twentieth century seemed practically a golden era of freedom, federal, state, and local governments have unleashed themselves from the Constitution and commandeered vast swaths of Americans’ lives. The worst regulatory abuses of the 1990s still exist and plenty of new bureaucratic depredations have been added to the lineup.

In the 1990s, federal regulators censored beer bottles, prohibiting breweries from revealing the alcohol content on the label. That prohibition ended but federal censorship multiplied a hundredfold. On July 4, 2023, federal judge Terry Doughty condemned the Biden administration for potentially “the most massive attack against free speech in United States history,” including “suppressing millions of protected free speech postings by American citizens,” as a federal appeals court ruled last September. The Supreme Court will issue a bellwether ruling on that case before July.

“I wish a buck was still silver” was the first line of Haggard’s song. The U.S. Congress declared in 1792 that silver and gold were the foundation of the nation’s currency. From 1878 onwards, the U.S. government sold silver certificate with this declaration: “This certifies that there is on deposit in the Treasury of the United States of America One Dollar in Silver Payable to the Bearer on Demand.” In 1967, Congress passed the Act to Authorize Adjustments in the Amount of Outstanding Silver Certificates, “adjusting” the certificates by nullifying all further silver redemptions. President Lyndon Johnson removed silver from the nation’s coinage in the mid-1960s.

In the decades after Haggard’s song, inflation has totaled 225 percent. It has made it far more difficult for average Americans to keep their heads above water and ravaged the ability to plan for one’s future. Inflation has also provided a pretext for endless government interventions,

including President Joe Biden's latest caterwauling about "shrinkflation" (companies selling smaller-sized packages for the same price).

During the mid-1990s, Republicans captured control of Congress and promised to put federal agencies back on the leash. But Republican resolve faded and the party rallied around George W. Bush's promise to bring "compassionate conservatism" to Washington. The 9/11 attacks obliterated any tattered remnants of constitutional fidelity in D.C. After the biggest intelligence failure since Pearl Harbor, the percentage of Americans who trusted the government quickly doubled. President Bush pledged to "rid the world of evil" — especially the evil of limiting politicians' power. Attorney General John Ashcroft proclaimed in late 2001: "Those who scare peace-loving people with phantoms of lost liberty ... only aid terrorists for they erode our national unity and ... give ammunition to America's enemies." Critics were correct that the government was ravaging freedom, but we were still damned traitors.

In the 1990s, police used ethnic and racial profiles to target suspected drug couriers. After the 9/11 attacks, the Patriot Act treated every American like a terrorist suspect. The Foreign Intelligence Surveillance Court secretly ruled in 2006 that all Americans' telephone records were "relevant" to terrorism investigations and thus could be poached. The National Security Agency entitled itself to snuff the privacy of anyone "searching the Web for suspicious stuff." Heroic whistleblower Edward Snowden revealed that the NSA can tap almost any cellphone in the world, exploit computer games like Angry Birds to poach personal data, access anyone's email and web browsing history, remotely penetrate almost all computers, crack the vast majority of computer encryption, and use Facebook and Google apps to send malware to targeted individuals. A federal report admitted in 2023 that FBI warrantless searches had zapped the privacy of more than three million Americans, but Congress recently extended the FISA law with no reform.

Singing in the early 1980s, Haggard likely could not have imagined how far politicians would go to forcibly disarm Americans. In a 1994 Supreme Court case, the Clinton administration portrayed gun owners as the legal equivalent of drug dealers, asserting that “one would hardly be surprised to learn that owning a gun is not an innocent act.” President Bill Clinton swayed Congress to temporarily ban the sale of so-called “assault rifles” — semi-automatic firearms with knick-knacks like bayonet lugs and grenade launchers. Nowadays, President Biden and many Democrats are championing outlawing all semi-automatic firearms, which could mean confiscating more than 40 million guns.

In the 1990s, local bureaucrats sporadically cracked down on home schooling, preventing a smattering of parents from teaching their own kids. During the recent COVID epidemic, teacher unions spurred unjustified school lockdowns that victimized tens of millions of children. Teacher unions vilified any opponents of school shutdowns as racists and enemies of humanity. Vast learning losses resulted that continue to plague young lives.

In the 1990s, controversies erupted when some schools gave free condoms to teenagers. Many parents fiercely opposed the giveaway programs because they feel that the schools thereby sanction teenage or preteen copulation. Schools prohibited any “opt-out from condoms” option for parents. Nowadays, many of the nation’s largest school systems encourage children to agonize over their own gender identity from kindergarten through high school. According to the *Washington Examiner*, “West Hartford Public Schools in Connecticut has begun to introduce gender ideology in kindergarten as part of what it calls ‘social justice lessons,’” including texts that reportedly “teach 5- and 6-year-olds that their parents and doctor assigned them their sex and might have gotten it wrong.” Ten million kids attend government schools that will assist children to change their gender without parents’ knowledge or permission. The Montgomery County, Maryland, school system justifies keeping young kids’ gender transitions secret in order

to protect children from their own parents. Today's puberty blockers and "gender-affirming" double mastectomies are far more disruptive than prophylactic freebies.

In the 1990s, civil liberties groups challenged laws requiring drug tests for new employees. In September 2021, President Biden decreed that 80+ million adults working for private companies must get COVID vaccine injections. After millions of Americans took the jab thanks to his edict, the Supreme Court struck down his order, but neither Biden nor his political appointees have any liability for that illicit command or the side effects of the vax, including the vast increase in myocarditis in young males.

Decades ago, politicians would not have dared to padlock all the churches and synagogues in their domain. But extrapolations of wildly inaccurate COVID mortality forecasts sufficed to nullify the First Amendment's protection of freedom of religion. Nevada decreed that casinos could operate at half capacity with hundreds of gamblers at a time for example, but churches could not have more than 50 worshippers regardless of their size. When the Supreme Court refused to overturn that edict, Justice Neil Gorsuch dissented: "There is no world in which the Constitution permits Nevada to favor Caesars Palace over Calvary Chapel," the church that sought the injunction.

Haggard lamented the decline of the work ethic, harkening back to a time "when a man could still work and still would." But today, self-reliance is rapidly becoming an endangered species. Since the "free life" song came out, the number of handout recipients has more than doubled, and the feds are now feeding more than 100 million Americans. Politicians have become shameless about using tax dollars to buy votes. In 2020, a Democratic U.S. Senate candidate won an election after distributing fliers "Want a \$2,000 Check? Vote Warnock." The political clout of handout recipients was again demonstrated in 2022 congressional elections, when President Biden mobilized young people by promising to forgive their federal student loans.

In the 40+ years since Haggard's songs came out, far fewer Americans continue to cherish freedom. According to a recent poll, almost a third of young American adults support installing mandatory government surveillance cameras in private homes to "reduce domestic violence, abuse, and other illegal activity." When did government snoops become guardian angels? Fifty-five percent of American adults support government suppression of "false information," even though only 20 percent trust the government. Relying on dishonest officials to eradicate "false information" is not the height of prudence. How can freedom survive if so many people cannot politically add two plus two? A September 2023 poll revealed that almost half of Democrats believed that free speech should be legal "only under certain circumstances" (perhaps excluding criticism of their party's elected officials). Support for censorship is stronger among young folks whose schooling perhaps smote their natural love of freedom.

Subjugation is becoming the norm and freedom the exception. Would earlier generations of Americans have tolerated Transportation Security Administration agents pointlessly squeezing billions of butts and boobs while never catching a single terrorist? Would they have tolerated the FBI investigating traditional Catholics based on far-fetched fears about their religious beliefs? Would they have tolerated a president's reelection campaign trumpeting the notion that a vote for his opponent is a vote for Hitler?

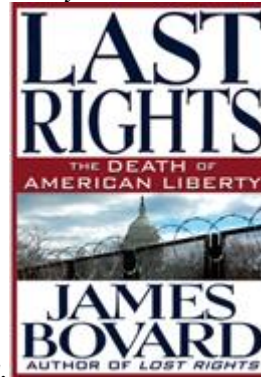
Haggard's 1982 song had a piercing refrain: "Are we rolling down hill like a snowball headed for Hell?" He tacked on an upbeat ending: "The best of the free life is still yet to come." But he lost hope and lamented before his death: "In 1960, when I came out of prison as an ex-convict, I had more freedom under parolee supervision than there's available to an average citizen in America right now.... God almighty, what have we done to each other?" ++ to each other?" As Supreme Court Justice Gorsuch warned two years ago, "We live in a world in which everything has been criminalized."

Since Haggard's passing in 2016, freedom is even more of an endangered species. The biggest sea change is the plummeting number of Americans who cherish their own liberty. Many of the protestors who vehemently denounce Donald Trump or Joe Biden are not opposed to dictators per se; they simply want different dictators. No wonder a 2022 nationwide poll found that six times as many Americans expected their rights and freedoms to decline in the next decade, compared to the number expecting an increase.

How many Americans have lost the sound political instincts of their ancestors? Nowadays, politicians merely need to promise salvation to justify further decimating freedom. The submission to COVID lockdowns and other decrees epitomizes the failure of either (or both) realism and courage among much of the populace. Do Americans recognize that once a president escapes the confines of the Constitution, they will eventually find themselves shackled? Back in 1837, Sen. Daniel Webster warned that "the Constitution was made to guard the people against the dangers of good intentions. There are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters."

Unfortunately, it is easier to document the loss of freedom than to rouse people to defend their own rights. Liberty is invaluable regardless of how many politicians seek to destroy it or how many fools fail to cherish it. [From the June 2024 issue of the Future of Freedom]

James Bovard is a policy advisor to The Future of Freedom Foundation and is the author of the ebook [Freedom Frauds: Hard Lessons in American Liberty](#), published by FFF, his new book,



[Last Rights: The Death of American Liberty](#), and nine other books.