

THE GREAT CURSE OF BUREAUCRACY

SCIENTIFIC AND BUREAUCRATIC FRAUD

After retiring from the U.S. Health Department, Richard A. Mackie wrote a book titled, *Beat the Devil*, in which he describes very well the true character of bureaucracy and why it acts as it does. In his book, Mr. Mackie wrote:

In my capacity as a medical Entomologist, I continually received all the latest information on health issues and research surrounding my profession. We had all but eliminated the problem of mosquitoes carrying diseases to human beings here in the United States, and we were frantically looking around for something else to justify our existence... The boys and girls in the laboratories began looking at all the other insects that share our environment and discovered that many of these insects were capable of hauling around some of the bacteria that can make us sick.

I took this information to my boss, partly for its informational value and partly out of concern. I wasn't really convinced that any of these insects were likely to make anyone sick, but then, why take any chances? My boss took the information to his boss who, in turn, took it to our local law making body. It was then that I discovered that our law makers are great politicians but lousy scientists. My boss's boss was truly eloquent. In short order, he had all those law makers convinced that the public was at great risk if something wasn't done. He fed the politicians a lot of malarkey that violated every scientific principal devised by man...

Since I was the expert in such matters, the project was handed over to me. In short order, I had my own budget, a bunch of equipment and several people working for me... Way back in the deepest recesses of my mind, I realized that I was probably doing absolutely nothing to protect the public health. The organisms our laboratory people had found on these insects were the same bacteria every one of us human beings carry around on our bodies all the time... It wasn't until some time later that I began to learn more about the nuances involved in resenting information in the fashion most favorable to your own personal cause. For instance, the information you keep hidden is often many times more important than the information you provide. As it turned out, I discovered some time later that the toothbrush each of us sticks

into our mouths each morning and evening has far more harmful bacteria on it than there are on the insects I was mandated to destroy. (See pages 171 and 172)

PROMOTING FEAR AND HATE

To fully grasp how the use of FEAR and HATE have evolved, let's examine what would have happened if I had pulled my little escapade in 1940 and how things would have evolved if I had pulled my prank any time after 1970, See if you can detect the difference. In 1940 you, the taxpayer, would have been totally unaware that some laboratory junkies had found some disease organisms on a few insects... The newspapers in those days had no interest in reporting "such nonsense." You would hear nothing about our game unless the lab junkies and I were able to prove that some human or group of humans had actually gotten sick from being exposed to these insects. Newspapers in those days were interested in reporting facts, not extremely remote possibilities.

In the 1970's, however, is a different story. You (the taxpayer) would have had little choice but to hear about our little discovery. We would make sure of it. All that would be necessary is for either the "lab boys" or me to slip the information to the press and every television station and newspaper in the country would be carrying the story of our "discovery"... In fact, the media feels an obligation to make the news interesting, so much so that some of what is broadcast is re-written with little embellishments in order to make sure they have your attention...

If we have done everything right, we have added all the ingredients we need to begin a new dynasty. First, we started our campaign with a liberal dose of Fear... Next we flavor our campaign with a couple of tablespoons of Hate... We know that a large segment of the population is wary of big corporations, especially corporations that have anything to do with pesticides... With these two ingredients well established in the public mind, the rest is simple. We know that we have hit a vital nerve among a number of "special interest groups" that are politically very active. We no longer need to go before our law makers and plea our case in hopes of getting a small budget to control these pests. These politically powerful "special interest groups" will make sure our "discovery" gets the attention of the law makers. The only thing left for us to do is to decide what sort of "empire" we should advise the lawmakers that we need in order to prevent the big epidemic. (See pages 173, 174, 175 and 176)

On page 171, Richard Mackie goes on to explain how research is controlled:

A large portion of the budget we will require from our legislators will include money for further research. There are hundreds of Universities and research institutions out there that are panting breathlessly for research dollars. They will do whatever is necessary to get their share of our research money. Because of this, we can be sure the research that is produced will support the continuation of our program. We can guarantee this through a very simple mechanism. Since we provide the funds for the research we "own" the results and merely require that the results of all research be turned over to us. If we don't like the results being produced by a particular researcher, we can file the results in the waste basket and you will never hear "the other side of the story." We want only research that will continue to "prove" how badly we are needed.

All university research must be financed either through government or private funds. Those scientists who produce research pleasing to their financiers are the most likely to continue getting financed. The Environmental Protection Agency is especially good at using research money to control the outcome of scientific research. (Page 179)

Mr. Mackie then goes on to explain how Congress, by passing "enabling legislation" is now able to shield itself and the bureaucracies from the public.

...I was in the throes of becoming the Director of a Health Department at just about the time Congress decided to completely ditch its responsibilities and use "Enabling Legislation" as a means of resolving almost all our country's perceived problems. I believe I can speak on behalf of Health Directors and Department Heads every where in assuring you that people such as I were delighted. We now had all the tools we needed to correct any public health problems and, in addition, we had the power to stomp on the toes of anyone who stood in our way. Basically, the Legislature had given us the legal authority to write our own laws and then enforce them. Not even the cops could do that. More important however, Congress gave us the tools to ensure that our departments (and our jobs) would live on in perpetuity and that they would grow and flourish. Congress gave agencies such as mine immortality.

The only real losers in this deal were the taxpayers. Not only were they about to be regulated by a bunch of power-hungry Department Heads, but they were going to pay

very dearly for it through their pocket books. One cannot write more laws and enforce them effectively without adding a good deal more personnel, and personnel cost money. We Department Heads now had the power we needed to build an empire. Henry Kissinger was right. Its quite an aphrodisiac.

The Legislature, in its benevolence, gave those of you who were about to be regulated an opportunity to participate in the development of the regulations. After we (government officials) have written the regulations, each of us "regulators" is required by law to hold a public hearing before we begin actual enforcement procedures.

There was a very good reason for this. The law requires that all such public hearings be announced in a newspaper of general circulation. However, the selection of the paper and the location of the announcement is pretty much up to the agency head. It is not difficult to place such an announcement in a place where few of the "soon to be regulated" will see it.

The final portion of the law states that the "regulator" shall take "under advisement" all comments offered by the public at the "hearing." In reality, "under advisement" means we can ignore all comments if we so desire. Therefore, your appearance at my public hearing will have as much or as little significance as I determine it will. (See pages 84 and 85)

GETTING RECOURSE AFTER THE FACT [understanding why it is that bureaucrats end up working against you]

If you are one of those who suddenly has another regulator knocking on your door as a result of any new regulations, you are probably not too pleased with my latest intrusion into your private or business life. You will most likely be required to take actions that don't make a whole lot of sense to you and could cost you quite a lot of money. Like any normal human being, you need to talk to someone about this ridiculousness. After all, why would anyone want you to do something that is totally contrary to the normal operation of a business? Once you plea your case, you know any reasonable person will realize that you shouldn't be required to undertake such meaningless and expensive activities. Therefore, you might take your grievance to your Congressperson or to some other politician you voted into office. They are, after all, responsible to you, the voter.

As I discussed in Chapter 1, by passing "Enabling Legislation," Congress and other law passing entities, no

longer need take responsibility if something doesn't work. They can smile their sly little smiles and tell you, in all honesty, that they have done their job. They gave the Health Department all the authority it needs to take care of the problem. If things aren't working out, go yell at the Health Department.

So, you traipse off to the Health Department in an effort to get your problem resolved, The Health Department, like every government department, is set up so that the first person you encounter is a Clerk with absolutely no authority. The clerk can take your money and give you forms to fill out but cannot make any decisions. If you're persistent, you will get to talk to the Clerk's boss who also has no authority to make decisions. Little do you know that I, as the Department Head, am the only one with the authority to make the kind of decision you need. Am I accessible? Of course I am, if you have an unlimited supply of patience, and the persistence to fight your way through the many layers of bureaucracy that lie between me and the Clerk that you first met.

There is a wonderful reason why I am the only one who can make the decision you need. As we discussed at the beginning of this chapter, any government employee who risk trying to help you by making a decision that is not in direct accordance with the regulations can get into all sorts of trouble. No one wants to be in trouble, so no one is going to help you. The only person who might grant you an exception is me. However, I have little incentive to make an exception in your case either.

There is only one person that any Department Head need fear and it certainly isn't you. You have no power over me whatsoever. The only person I need fear is a lawyer. However, even the lawyer has no power over what I do unless I make an exception for you. As long as I make you abide by the regulations I wrote, I am untouchable. Only if I make an exception on your behalf am I open to possible legal action. Therefore, I don't really care if what you want to do is going to have no impact on anyone's health. I am not likely to grant you an exception when it could very well invite some action from a lawyer. If you are going to violate a regulation, let it be on you head, not on mine.

The lesson here is, I hope, rather obvious. Even going all the way to the top dog in an agency in an effort to get something changed is unlikely to do any good. You and your lawyer can rattle your sabers all day, but you will accomplish little, You are after all, trying to get me to do two things that will endanger my position. First, you are trying to get me to grant an exception to the law when granting such an exception would bring me

nothing but legal troubles from every other lawyer in town. Second, you would be asking me to undermine my employees.

While the law often provides that you can appeal the enforcement actions of an inspector to his or her superior, an appeal is generally a waste of time. Would a supervisor or Department Head not support his or her employees, the word would soon get around. If inspectors know that their supervisors aren't going to support them, the inspections will soon stop. No Department Head can afford to let this happen. Therefore, a Department Head is going to support his or her employees regardless of what took place. (See pages 86, 87 and 88)

THE PUBLIC INTEREST

Government has been able to get away with the "taking" of private property because it has declared that it is acting in the "public good" or on behalf of the "public interest." The "public good" or the "public interest," as interpreted by the various agencies, seems to be whatever that agency decides it wants domain over at any particular moment in time. For instance, the "public interest" with relation to the Federal Water Pollution Control Act has evolved numerous times since its inception. This evolution has taken place, not through acts of Congress, but because the Army Corps of Engineers and the EPA wanted to increase their powers over your property rights.

The original act was intended to give these two agencies the power to stop the deposition of pollutants in navigable waterways. However, these agencies have been very busy expanding this act, through regulation, to the point where it now encompasses any area that they define as a "wetland." In their eyes now include millions of acres of land, some of which is wet only when it rains.

Unfortunately, where the "public good" or "public interest" comes face to face with individual property rights, individual property rights have generally come out the loser. Over time, the courts have tended to rule that it is all right for government to trample all over one's property rights and the Fifth Amendment to the Constitution if it is for the "public good."

Someone once remarked that the thing we must be most wary of is not the villains of this world but those people who are well-meaning. This could very well apply to our court system. In their well-meaning attempt to do some "public good," they have allowed government agencies to trample all over our property rights.

[Which brings forth another issue]...if the government actions are really for the "public good," why doesn't the public pay for them? Why doesn't the government purchase the property rather than just take over control of the property? Why should one individual be expected to pay all the expenses for something that the entire public is going to benefit from?

The government's answer, obviously, is why pay for something that you can get for free? Government is not stupid. Those in control know that few people are going to challenge their authority. Out of several thousand "takings" only a few owners are going to challenge the government's actions. (Pages 64, 65, 66 and 67)

One of the greatest government land grabs to ever hit this nation is taking place as you read this book. This new enterprise is taking place under the guise of protecting endangered and threatened species of plants and animals. (Page 241)

"TAKING" YOUR PROPERTY [via the permit process]

Government learned a long time ago that you don't need to own a piece of land or own a business outright in order to control its use and its operation. All government needs to do to control land use and business operations is to write regulations giving itself that power. The less control you have over how your property is used or how your business is run, the less value it has for you.

Perhaps the most devious form of subterfuge is the permit process. The permit process is the government's way of telling you that you had better not do anything with your property without first getting a permit to do so from your government. Certain agencies have discovered that if they make you jump through enough hoops for a long enough period of time, you will eventually give up any attempt to develop your property or your business. The Army Corps of Engineers, the EPA, and many local Planning, Zoning and Building Departments are especially adept at this. They have also found that by delaying your project for a year or two, they can bankrupt your project.

In recent years some courts have ruled that such tactics constitute a "takings" and the agencies causing these unjust and extensive delays have been required to pay "just compensation." Therefore, many of the current permit systems are vulnerable to challenge as a violation of property rights. Although there have been few challenges at this point.

Unfortunately, one of the groups most severely damaged by the permit process has, thus far, been unrepresented in this particular "takings" procedure. This group consists of the poor and the homeless in this country. Many studies, including some by government agencies, have proven that the permit process and similar regulations have added upwards of 50% or more to the cost of construction. This means that a house that might otherwise cost only \$50,000 will instead cost \$75,000 or \$80,000. These additional costs often place home ownership out of the reach of a large number of people in the middle to lower income groups.

The regulation plague is by no means on the decrease. There were more than 63,000 pages of new, revised and proposed regulations issued in just the year 1990 alone. When I wrote to the state of Texas with a request for a copy of the law that established "The Texas Water Commission" and for a copy of their Rules and Regulations, I received a phone call from one of their employees. They would be happy to meet my request, I was told. However, I needed to pay them up front because it would cost thousands of dollars to make me a copy of all their rules and regulations.

The Water Commission is just one of thirty or more state regulatory agencies in Texas, all with similar sets of regulations. . . . Then, of course, there are the Feds and all their regulations. Is it any wonder the Library of Congress is the largest library in the world?
(Pages 57, 62, 63, and 64)

[Understanding why you are unable to find relief from elected officials]

So why don't our legislators pass legislation which would correct these problems? Mostly, its because of the public's desire to have the government do everything for them. This has led to more and more government growth and power - to the point where government is now our nations largest enterprise - absorbing over 50% of our gross national product. Government is by far the largest and most influential lobbying force in the United States. As Richard Mackie explained:

James L. Payne of Yale University and researchers from John Hopkins evaluated the testimony given before Congress. Their results say it all. "Overwhelmingly, Congress' view on spending programs are shaped by government officials themselves. Of the 1,060 people providing testimony on spending issues 47% were federal administrators, 10% were state and local government officials, 6% were U.S. Senators for a total of 63%. Of the remaining 37% all but 4% were lobbyists of special

interest groups with definite government ties." What chance does the average citizen or small businessperson have?

While the average Joe is home making a living, agency heads are writing new legislation to be presented at the next session of the legislature. And when such legislation is presented the right people are there with ample support for its passage. At every step of the way in the legislative process, the private sector is out maneuvered, out gunned and less than adequately represented. Not to mention, the fact that we are also facing, possibly, one of the most effective disinformational campaigns ever to be launched against a specific segment of society. Its no wonder that agencies at every level are growing and growing and growing.

The surest way to corrupt a nation and its people is by increased regulation.

What Mr. Mackie did not delve into was the corruptive effects of regulation. With the power to control comes the power to selectively control. And that is where America is today. Through ever increasing regulation, everything has become politicized and corrupted. Government agencies are now the most powerful entities in our society - they can make or break any business they have been authorized to regulate. Pay homage to the agencies upon which you depend and you shall survive, and maybe even prosper - challenge, and you shall suffer. Which puts the agency people in complete and absolute control. Which is about as far from a government which is "of the people, by the people, for the people" as you can get.