



## Peter and the Commissar — 50 Years Later

The date was July 22, 1964 and 12,627 music lovers converged on the Tanglewood Music Center for the annual performance by the Boston Pops Orchestra to benefit the orchestra's pension fund. The agenda that evening included a mix of music and humor. "Peter and the Commissar" was a twenty-four-and-a-half-minute parody based on life under centralized planning and prior restraint in the Soviet Union.



The story begins as the hero, Peter, composes a new tune. Of course, this new tune is actually the classic "Peter and the Wolf." Peter's troubles begin when he dutifully submits his new tune to the commissar for approval. The commissar, having been endowed with more political power than musical ability, rejects Peter's new tune.

The commissar attempts to impress Peter with demonstrations of his authority. He changes Peter's tune to a bossa nova. He gives Peter examples of similar changes he has forced upon other composers by playing excerpts from their works. Nothing was sacred in this performance of musical humor. Beethoven's Fifth Symphony was played as a cha-cha-cha. Brahms's "Lullaby" was played as a rock 'n' roll song. Tchaikovsky's "Swan Lake Ballet" was changed to a blues song. Verdi's "Grand March from Aïda" was played Dixieland style. The audience reacted with laughter as well as numerous outbursts of applause saluting the incredible talent for presenting these classics in unorthodox styles.

The commissar sentenced Peter to 30 days in jail, where Peter whistled his tune while making Russian license plates. Fortunately for Peter he was near the prison gate when a man who owned a recording company (personifying the free enterprise system and freedom) heard Peter whistling his tune and made it into a record. The story ends on a happy note as Peter's tune becomes a hit. Peter becomes a hero and the commissar goes into damage control mode.

The audience in 1964 laughed at the ridiculousness of living under central planning, arbitrary rulings by regulatory commissions, and requirements for prior permission to do something. There were laws in the United States in 1964 against harming other people, but they were based on harm having been done rather than prior restraint. The laws were passed by legislative bodies elected by the people rather than regulations issued by regulatory commissions. Laws were required to be constitutional, although the erosion of that had already started under the guise of liberal interpretations of the U.S. Constitution. Contrary to claims by those who advocate crime prevention via prior restraint, the fact remains that constitutional laws based on deterrence by prosecuting offenders resulted in a safe country loaded with opportunity.

If anyone asked in 1964 where the local college's free speech zone was, the most likely response would have been a puzzled look accompanied by a request to repeat the question. The closest thing to a free speech zone in 1964 would have been a map of the 50 states. The entire country was free speech zone. It was in operation 24/7 with no prior appointment necessary.

Today, students have been detained by law enforcement on American college campuses for handing out



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copies of the U.S. Constitution to fellow students without having applied for prior permission. Even if they had gotten prior permission, they would have been restricted to a specific zone and only allowed to hand out U.S. Constitutions for a specific amount of time. Religious freedom has been similarly suppressed on college campuses. Religious organizations have reported similar experiences while attempting to hand out Bibles or tracts.

What if Peter had designed a new model car instead of writing a new tune? How many permits, meetings with regulators, and other documents signifying compliance would have been required? In America in 1964 there would have been few, if any.

Peter would not have needed to file any compliance reports with the Department of Transportation because the DOT didn't exist in 1964. It was established by Congress and signed into law by President Lyndon Johnson on October 15, 1966. Peter would not have needed to file any reports with the Environmental Protection Agency in 1964 because the EPA didn't exist until the supposedly conservative Republican President Richard Nixon created it by executive order on July 9, 1970. And Peter definitely wouldn't have needed to file any compliance reports with the Occupational Safety and Health Administration because OSHA didn't exist until Nixon signed the Occupational Safety and Health Act into law on December 29, 1970.

Most of the audience at Tanglewood on July 22, 1964 had never heard of a government-required Certificate of Need, at least not by that name. The first rule of business in the free enterprise system was to find a need and fill it. The determination of need was made by the risk-taker. Once a business started, the consumer was king via freedom of choice. Competition forced entrepreneurs to focus on serving their customers. The customers' preferences might have been price, quality of product or service, respect for the customer, or a host of other considerations. The risk-taker assessed the risk and consumers were in the driver's seat.

The Certificate of Need was in its infancy in 1964, and according to the website of the National Conference of State Legislatures: "In 1964, New York became the first state to enact a statute granting the state government power to determine whether there was a need for any new hospital or nursing home before it was approved for construction."

Recently, [The New American interviewed the doctors](#) who run the Surgery Center of Oklahoma, a free market alternative in surgical healthcare. Dr. G. Keith Smith discussed how Certificates of Need can stifle competition by requiring approval from governmental or quasi-governmental commissions before opening a new healthcare facility or in some cases even the purchase of new equipment for an existing healthcare facility.

The attendees at the performance of "Peter and the Commissar" in 1964 were hardly a conclave of right-wing radical Tea Party conservatives. These people represented the views of middle-class America at that time. Listening to the audience reactions as they were captured by the live recording gives insight into how much this country has changed in 50 years. John Birch Society founder Robert Welch called it patient gradualism. What was laughable then has gained a foothold now and is threatening to become commonplace.

But there is hope. Experiences such as this remind us that America functioned well in freedom before government regulators exercised prior restraint, and that it could work again. What is needed is to educate the American people about their heritage of freedom, the fact that it worked, and that it can be restored.



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*Photo of the Tanglewood Music Shed at the Tanglewood Music Center*



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