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In a dark time the eye begins to see  
~Theodore Roethke

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## INALIENABLE RIGHTS ARE INEVITABLE OBLIGATIONS

BY MICHAEL PAUL McCUSKER

*"You say that freedom of utterance is not for times of stress, and I reply with the sad truth that only in time of stress is freedom of utterance in danger. No one questions it in calm days, because it is not needed. And the reverse is true also; only when free utterance is suppressed is it needed, and when it is most needed, it is most vital to justice. This state is in more danger from suppression than from violence. Violence, indeed, is the child of suppression."*

~WILLIAM ALLEN WHITE

*"This strange nation we have become, all helmet and wallet and no brain or heart."*

~IVAN DOIG



PAUL LACHINE

The theft of the Presidency of the United States by a born again Federalist Party is probably not the worst blow to the disintegrating democracy but it is a major setpiece for a take over of constitutional government by a powerful minority that from the very beginning of the Republic has insisted that liberty is the property of the elite and that the rest of the population must be made to serve its interests.

These newly reconstructed Federalists share a constrained interpretation of the Constitution: its rights and privileges belong to the wealthy and propertied, its dues and obligations to everyone else. They would like to suspend the Bill of Rights and believe that what they call the 'original intent' of the framers of the Constitution (who were all white propertied and/or mercantile males) should be its only interpretation.

It is an absurd and dangerous notion, contrary to the actual intent of the Constitution's authors to make it broad and flexible enough to reflect future problems and ideas they knew they were unable to anticipate or too contemporarily divided in opinion to immediately resolve, among them the large movements to emancipate slaves and women.

The rigid concept of original intent is religious in its implication that all progress of intellect, thought and purpose ended with the instance of the Constitution's origin. As with fundamentalist Christianity and its continual censure of liberal heretics and abhorrence with liberation theology, the U.S. government under the unelected President\* substitutes its own brand of secular/divine authority to subvert evolutionary political process and shifts constitutional government rapidly and markedly to the right. George Bush, Vice President Dick Cheney and Attorney General John Ashcroft form a sort of *Monarchical Trinity* that is determined to center all power at the top. Disguising their intent with patriotic platitudes and exigencies of war, they order resurrection of government police powers (reminiscent of the 'Red Squads' of Attorney General A Mitchell Palmer during the early post-World War 1 era) to monitor and dictate the political, social and private lives of the rest of us.

Our ancestors who wrote the Constitution knew very well that governments swallow the rights of their citizenries and that the natural inclination of authority is to concentrate and perpetuate its power by any means. Reflexively government subverts the rights of all but its ruling classes, even if the system originated to provide rights to the governed. The laws of the Constitution simply make it more difficult for the leaders of government to make the rest of us so completely their subjects.

While we commemorate the development of political rights and liberties over the centuries, through displays and ceremonies around such documents as the Magna Carta which gave barons rights against kings in 1215, and this year's 226th anniversary of the Declaration of Independence and 211th of the Bill of Rights which gave rights to the common people and in particular protects minorities from the tyranny of majorities, we witness a calculated reversal of this progress. Ritual public celebrations of rights and liberties are usually signals of their

insignificance or loss through usurpation and decay. Political rights or liberties won by one generation are usually eroded by successors who take them for granted and do not realize how rare and necessary they are. Calculated fears of enemies lead to abrogation of civil rights. Dialogue succumbs to what is safe to say or think.

You never really know how far you've come until a reaction sets in, and the more specific targets of inquisition are those that moved farthest from traditional control. The movement to *nouveau Federalism* shows up in five critical areas: diminished freedoms of speech and press; imposition of religion into affairs of state; increased suppression of civil rights of women, racial minorities and the poor (and consequently everybody else); curtailed judicial rights synchronous with rising police powers; and continued trickle-down and flood-up of the nation's wealth.

Manipulation of media and entertainment might have paradoxical consequences if opposition to the government is the only political growth in the next few years. Thomas Jefferson, whom the Federalists loathed and reviled for his 'mobocracy' tendencies, admitted in the Declaration that people will absorb a lot of punishment before they strike back, but inevitably they will even if at present they are preoccupied with *The American Way of Life* and anxiety it is under attack by envious alien religious fanatics. At some point the society will shake off this period of intolerance and repression like a bad dream.



*This issue of the NCTE is the 23rd anniversary of the Born Again Bird, resurrected from a three year crypt a decade after the first moonwalk, which was heralded by a message sent from space, "The Eagle Has Landed," this Eagle's first front page bannerline July 20, 1979.*

*A few articles from earlier issues are sprinkled among current articles. Guess which they are, and consider how much has really changed the past nearly quarter century. Rachel Wynn's poem on Page16 pays tribute to all these years of the Times Eagle.*

*It is also the 150th birthday this year of one of the nation's first and foremost celebrities, Uncle Sam. Pages 8 & 9.*

"The 1st Amendment has many enemies, including the President," Frank Wilkenson says, "but it will survive them all."

We are not a nation seeking liberty as our ancestors once found necessary. We are instead attempting to preserve what remains of functional democracy against domination by cults of our own citizens who crave not only absolute domestic power but Augustan world supremacy.

The problem is that religious fervor is transferred to the secular nation. The Nazis' favorite philosopher Hegel thought people should be slaves to the state. The Flag, as the state's holy icon, must be sanctified and death to whoever sullies it — not death for flag burning yet, but once denounced as a criminal act, defiling 'Old Glory' in any manner moves into similar realms of subjection and punishment.

Wrapping God in the flag is as inappropriate as claiming a nation under God. Worship of the nation supplants God, and invoking a vanishing deity is almost begging forgiveness for transcending a spiritual all-Father with sanctification of entirely human institutions. The pathological fusion of government and religion results in unspeakable crimes against humanity as well as a proscription of freedoms and personal rights and elevation of a political priesthood into dictatorial governance.

The new Federalists argue the 1st Amendment only protects "expression" not the "conduct of expression." That is like saying we all have as many rights as we choose unless we use them, which instantly constitutes abuse of them. It's a topsy-turvy world: the very people who demand obsequious obeisance to the Flag are busily trampling on the rights and freedoms for which it stands.

The so-called 'USA Patriot Act' decreed after 9/11 essentially voids the 1st Amendment and at least three others of the Bill of Rights (4th Amendment freedom from unreasonable searches; 5th and 6th Amendment due process of law and protection of life, liberty and property). The Patriot Act would certainly criminalize our original patriots (who were, after all, traitors and terrorists), and it demands we comply and actually assist in the betrayal of principles those founding revolutionaries fought for and established 11 score and 6 years ago.

Quite disingenuously the U.S. refuses to acknowledge jurisdiction of the newly convened World Court and avoids ratifying UN sponsored international human rights covenants, content to claim that our own democratic institutions are all that matter in our conduct of world affairs.

The Bush administration will prove whether indeed our democracy is able to withstand the ravages of the usurpers and that constitutional government will survive as it has in the past, most remarkably in 1800 when the Federalists attempted to impose their own unelected President on the country by tying up the popular vote in Congress. The Bush régime plows ahead with its rigid agenda as if opposition doesn't exist or count for much, or is imputed as unpatriotic. Our new emperor thinks he can camouflage his oligarchical demeanor by cutting a cloth of Stars & Stripes for a priestly gown.

It seems with an unelected President who has no other constituency than his wealthy backers, the criminal corruption of major corporations and the increasing result of greater poverty to the already poor due to tax cuts that only benefit the wealthy and are made up by scrapping essential social programs that are the glue of society, that the main responsibility to maintain the democracy is upon those who are its least benefactors.

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\* This cannot be overstated; it is the underlying motif affixed to everything written or said about Bush, and is generally understated and regarded as unpatriotic now that we are at war. Not only do we have an unelected President conducting an undeclared war, it should also be remembered that Bush dodged the war of his generation, as did virtually his entire staff who are now the country's war leaders.