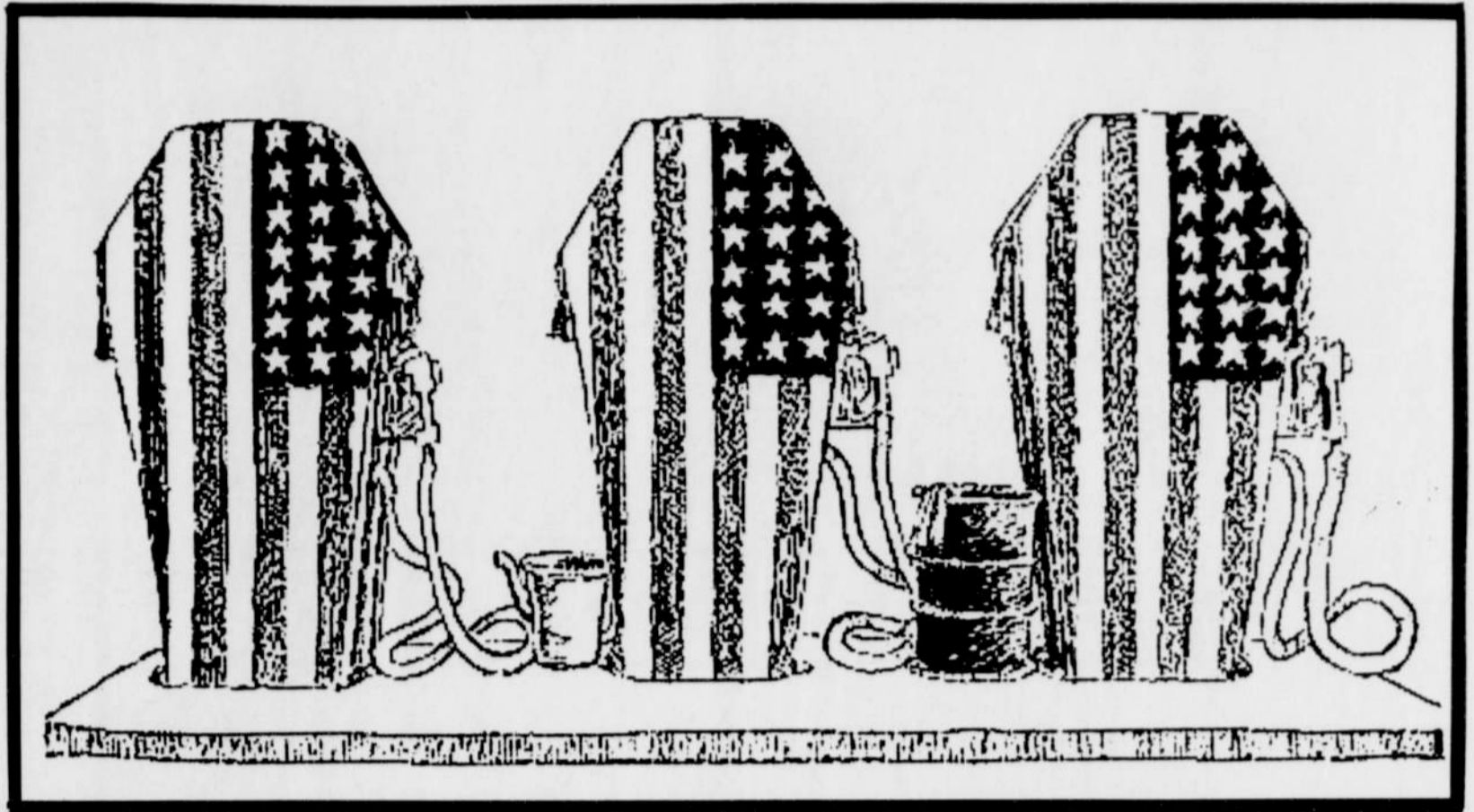


*In time of actual war, great discretionary powers are constantly given to the executive magistrate. Constant apprehension of war has the same tendency to render the head too large for the body. A standing military force with an overgrown executive will not long be safe companions to liberty. The means of defense against foreign danger have always been the instruments of tyranny at home.... Among the Romans it was a standing maxim to excite war...and throughout Europe the armies kept under pretext of defensive need are really kept to enslave the people and alarms of foreign danger help tame the people.*

~JAMES MADISON

*Of course the people don't want war....But, after all, it is the leaders of the country who determine the policy....And it is always a simple matter to drag the people along....All you have to do is tell them they are being attacked....And denounce the pacifists for lack of patriotism and exposing the country to danger.*

~HERMAN GOERING



MARLETTE

We are not a nation seeking liberty as our ancestors once found necessary. We are instead attempting to preserve what remains against domination of powerful cults of our own citizens who wish not only domestic rule but Napoleonic grasp of world supremacy. It is our own power we must reign in.

The Bush administration is conspicuously flagrant in its rapacious grab for power domestically and in the wider world. It not only distrusts the common intelligence of the American citizenry but generally regards it with fatuous contempt, and like old-time Federalists is certain only a pompous, arrogant and self-serving elite are capable of not only ruling the people but thinking for them also.

With the USA Patriot Act the Bush cadre are reorganizing the USA into a corporate militocracy under martial law. Attorney General Ashcroft says in Orwellian doubletalk, "We are not taking away personal liberties, we are increasing personal security." He equates expanded police powers with expanded personal liberties, and says the Bill of Rights are still in operation where deemed "appropriate."

The American Civil Liberties Union has instituted court action against the USA Patriot Act, which it sees as the most serious threat to civil liberties since the McCarthy era, "a rise to totalitarianism in its worst form."

Cities and counties across the country are taking real issue with the USA Patriot Act by pressing resolutions upon local governments to "revoke all sections...which limit or violate fundamental rights and liberties" as embodied in the Constitution (and also state constitutions), "and to oppose any new federal legislation which abrogates these rights and liberties."

Last year Ann Arbor, Michigan was the first city to challenge the USA Patriot Act. Since then at least 50 cities in more than 30 states have or are considering local repeal of

the Act, and resolutions in both Senate and House will soon be introduced to at least overrule parts of it.

In Oregon similar resolutions have been passed or are being introduced in Ashland, Grants Pass, Newport, Bend, Benton County and Corvallis, which also passed a resolution against a preemptive strike against Iraq. Portland's resolution failed. Astoria's Bill of Rights Defense Committee plans to introduce its own resolution to the City Council in February.

These resolutions might be merely symbolic as their critics dismiss them, but so is the flag.

It is a given that every name on petitions against the USA Patriot Act will probably be turned over to the FBI and other interested Homeland Security agencies — but think of it as a rollcall of honor, that the names on such a petition are a record of proof to history that they stood up for their basic rights and liberties at a time when it is perilous to show such courage and freedom of opinion.

There are two ways to challenge the Constitution: to broaden it or narrow it. The Bush administration has worked fervently to narrow it. We will discover if our democracy actually works by refusing to cooperate with these new draconian laws and by replacing them and their authors through legislation and election.

Perhaps Bush, underneath the gunfighter facade, is beginning to unravel. Americans who haven't already recognized him as a fraud might finally be mistrustful of him, and remember that his pose as president is nothing less than fraudulent.

A part of that sense of deceit is the unalterable fact that Bush and his closest cadre are what are called "shirkers", having used their status of privilege to escape war service when they were young. One might assume someone who does that will

also be amenable to appropriating the presidency without being elected.

Our brains have been mismanaged with great skill. The distinctly Orwellian concept of economic prosperity through perpetual war and Kafkaesque laws designed to subdue (and punish) dissent or insurrection by the majority of the population who are saturated with propaganda and obscurity, as well as placating promises that are never kept.

Politics makes strange collaborators, left and right. Accusations that the groups organizing large peace demonstrations all over the country against war in Iraq have so-called communist affiliations sound more like old swipes about peaceniks being traitors and/or dupes. In general the progressive movement in the USA has from its very beginning been an uneasy coalition between various groups that range from hardcore leftists to brie-and-Chablis liberals with a few communists, socialists and one worlders in both center and fringe — solidarity is the key word even if many disagree with what exactly they are in solidarity about.

Attempts to discredit the peace and progressive coalitions are sparked by accusations that anyone who opposes the Bushies are un-American; but Americans are Greens, Communists, Socialists, Marxists and anarchists as well as Democrats, Republicans and Libertarians.

An illusion of democracy is that it ensures autocratic and avaricious persons or groups do not overpower or successfully manipulate the instruments designed to prevent or at least restrict their ambitions. The reality is that power and wealth are nearly enough to abrogate and overwhelm the system — and ultimately it is tested to its very core, as now. It works only when the acquiescent and baffled finally react with clarity and force of mind to thwart the abuses of their liberties and political rights.

We are citizens of the most powerful nation on earth and it is up to us to decide which direction we go — accede to the imperial ambitions of our present leaders and their wealthy patrons of military and economic neo-colonialism of the planet (*Pax Americana*) or demonstrate to the world our own power of democracy and check-rein the Caesarian avarice so prevalent in contemporary American politics.

War and peace are not abstracts. They are as personal as coitus and death. If we invade Iraq we are turning back to the past. The way to kill 'evil' is certainly not by killing women, men and children. The world has been one long slaughterhouse. Any cry for more killing goes back to the hyena. Realizing this is the place for the future to intersect with this new millennium.

As Abraham Lincoln said, we will be judged down to the last generation for what we do now. Graham Greene wrote, "There is always one moment...when the door opens and lets in the future."

# A FIERCE & BRAVE HEART

## ELIZABETH BALDWIN 1949-2002

Beth Baldwin died on what was originally Armistice Day, an irony because she never made a truce with anything or anybody in her lifelong fight for justice, legal, political and personal. Another irony might be that part of her cremated ashes were interred in a round red can of 'Roll Ready' cigarette tobacco, which more or less killed her.

The rest of her ashes are in a small red cedar box with a Haida symbol of the 'Bear Clan' engraved on its sides. A Haida man she once defended for beating up a cop who attempted to arrest him for urinating in a public place said she was a spiritual member of the Bear Clan, strong and indomitable. That she certainly was: This is what a long time courtroom opponent, Clatsop County District Attorney Josh Marquis said of Beth after she died:

"We clashed frequently on legal matters but everyone who dealt with Beth knew her to be a formidable and well prepared lawyer. She was zealous in defense of her clients and never gave up...and always gave the prosecution a run for its money."

Her invincible fighting spirit is more necessary than ever this fearful repressive time since 9/11/2001, and though she is dead long before she should have died if there were truly justice in this world, the fact her corporeal self is no longer with us does not mean her legacy has to die with her.

Above all Beth was a fierce and unrelenting advocate of the First Amendment, which states clearly and simply that government has no right to interfere with freedoms of speech, press or religion, or with public gatherings; or the "right of the people to petition government for a redress of grievances," which as a lawyer and expert of Constitutional law was Beth's special advocacy.

The First Amendment is the most fundamental of the Bill of Rights because it protects all the others (and the rest of the amendments as well). But it is under vigorous and intense assault by the Bush administration and its so-called USA Patriot Act since 9/11. Dissent, the most definitive and precarious form of free expression, is especially criticized in the current atmosphere of bellicose patriotism and is inferred to be treasonous. Yet now when even friends and neighbors rebuke free speech, it is essential to resist eviscerating the First Amendment and suppressing civil liberties.

A distinguishably progressive legacy for Beth should inculcate the First Amendment, an ongoing public display of free speech here in Astoria where she lived and fought so vigorously for it.

A precedent for a living monument to free expression — and legal minds are especially susceptible to precedent —

is a tribute to the First Amendment that might or might not already be in place at the Charlottesville, Virginia\* City Hall. It is a 7-foot high, 50-foot long chalkboard on which anyone can write anything they wish to write.

The project is sponsored by the Thomas Jefferson Center for the Protection of Free Expression, and to the surprise of its advocates, was approved last year (before 9/11) by the Charlottesville City Council.

Newspaper columnist Ellen Goodwin wrote of the project, "These days we tend to think of free speech as one of those troublesome legacies of the Constitution that we have to tolerate but not always enthusiastically." But as she wrote, "Free speech is not something chiseled in marble to be admired from afar. It is as messy and temporary and as powerful as the debate over this small space."

Indeed there was debate — as most certainly there will be when this proposal is made to the Astoria City Council. In Charlottesville people feared swear words, swastikas, graffiti and hate speech — questions were asked about what should be read by children — a debate that obviously mirrored free speech itself. As one of the chalkboard's advocates said, "We envision the occasional racial slur, but we see twenty people responding as well."

This is an idea Beth would support. We talked about it once or twice, though never considering it a post mortem legacy to her memory. She thought the public chalkboard more symbolic than consequential: and it seemed abnormal that the notion of a public place for people to express their thoughts and opinions should be as provocative as it is likely to be. Yet, as she so often said, Oregon's own state Constitution has a provision even stronger than the First Amendment: Article 1, Section 8 says "No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write or print freely on any subject whatever; but every person shall be responsible for the abuse of this right."

Beth could have written those words. They were straight from her fierce and courageous heart.

~MICHAEL McCUSKER

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\*Charlottesville is the place from which the three year Lewis & Clark bicentennial festivities began early in January.



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