

Liberty

Constitution in Crisis

by Harry George

<http://www.seanet.com/~hgg9140>

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Overview

Humans are physically ill-equipped to survive in a garden of eden, much less flourish across the harsh Earth. We succeed only due to our ability to learn, think, plan, organize, and work together. These skills evolve in self-consistent cultures, which are passed along from generation to generation.

Some of those cultural models provide paradise for the few and desperation for the many: hereditary aristocracy vs peasants, slave-owners vs slaves, land owners vs sharecroppers, robber barons vs wage-slaves, conquerors vs conquered, etc. These models follow a pattern of control, tentative uprising, violent suppression, secret preparation, revolt, and either more suppression or a reversal of roles.

Some cultural models assume good-will by all parties: utopias, religious retreats, self-contained pacifistic farming communities. These models follow a pattern of working well until a violent conqueror (external or home-grown) destroys the cultural order by fear or death.

A few cultural models, including Liberty, assume general good-will but account for internal despots and external conquerors. This essay will examine

- Definitions
- Prerequisite mechanisms
- US history
- Current conditions
- Steps required to regain Liberty.

What is Liberty?

An ex-POW who survived slave labor on the WWII Burmese railroad, remembered the day he was freed:

“I was a man again. I could say no.”

This is the essence of liberty.

In the wake of the American Revolution and the French Revolution, and with “Liberty” in the air, John Stuart Mill wrote:

...the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not sufficient warrant. [On Liberty, pg 13]

The word Liberty comes from the Latin *libre* or “free man”. In the cultural context that means a family with:

- Its own plot of land, free-and-clear, situated in a robust ecosystem providing clean air and clean water
- Health care as good as any king or potentate might get
- Enough food in the cellar or in the fields or on the hoof to prevent hardship for the coming year.
- A community of similar families helping one another in bad times, and rejoicing together in good times.

An adult in such a society takes part in community affairs, chooses leaders, pays taxes for needed projects, and avoids wars if at all possible. Visitors are welcomed, but there is no need or interest in becoming dependent on far off lands. In the Roman republic such a person might even be a "citizen of Rome", with influence on the affairs of the world.

The American founding fathers (and mothers) knew this from studying Greek and Latin. Living at the outskirts of the civilized world, they knew from experience the practical realities of community efforts such as fire brigades, lending libraries, public schools, and militias of men bringing their own rifles to protect their communities.

They also knew from Roman history and from current relations with England that a dominant central government, powered by mercenary armies wielded within the nation's borders, would crush such liberty.

Jefferson bet the future of the nation on a rural middle class -- that they would exist, that they would fight back against return of tyranny, and that they would know enough history to understand the phrase "Crossing the Rubicon".

Prerequisite Mechanisms

Examining a number of experiments throughout historical space and time, it appears Liberty has these common conditions:

1. No hereditary rights. Each baby starts with the same formal status and could in theory grow up to assume any role in the community.
2. Communal duty to provide equal and sufficient resources to raise babies to become free adults. This includes health, education, and protection during the formative years, and ongoing education (e.g., via free press) in adulthood.

3. Open and vigorous discussion of and control of the mechanisms of government.
4. Arrangements for recognizing and defeating the rise of internal despots or external conquerors. No matter how cloaked in pomp and ceremony they may be.
5. Non-violent change of direction, including non-violent transfer of power to a new set of leaders at stated intervals. Candidate mechanisms include pure democracy, democratic republics, drawing lots for the leaders, etc. What cannot be tolerated is fraud – there must be both the fact and the appearance of honest transfer.

US History

Beginnings

In 1763 James Otis, arguing against the Writs of Assistance, stated “An Act against the Constitution is void; an act against natural equity is void”. This is generally considered the opening salvo in the American Revolution. In the following years a generation of men and women risked all to rebel against foreign landlords, mercenary armies, arbitrary "justice", a state-sponsored religion, and a unitary executive known as monarchy.

Some, like Sam Adams and Patrick Henry, were firebrands by nature. Some, like Benjamin Franklin, had spent a lifetime trying to work within the system. Some, like Thomas Jefferson and George Mason, reached their positions from historical perspectives and practical politics.

By 1776 there had already been 60 armed rebellions. In 1776 there was sufficient determination (and support from France) that the rebels won their freedom. It was touch-and-go, and not everyone wanted the revolution to succeed. In fact, when the British returned in the War of 1812, the Federalists invited them into Washington DC and would have rejoined the Monarchy had not the patriots fought back.

The rebels were well aware of the mechanisms which had been used to keep them subject to the crown, and wrote their Declaration of Rights (Virginia) and their Articles of Confederation to avoid those conditions in the future. So when the Articles of Confederation needed modification, and wealthy parties used the opportunity to ram through an entirely new Constitution giving vast new powers to a central government, there was outcry.

It became a battle between **Federalists** and **Anti-Federalists**.

The Federalists portrayed their opposition as untutored rabble. James Madison (Federalist) to Thomas Jefferson (Anti-Federalist) re Massachusetts, Feb 19, 1788:

...the vote stood 187 against 168; a majority of 19 only being in favor of the Constitution. The prevailing party comprised however all men of abilities, of property, and of influence. In the opposite multitude there was not a single character capable of uniting their wills or directing their measures. It was made up partly of deputies from the province of Maine who apprehended difficulties from the New Government to their scheme of separation, partly of men who had espoused the disaffection of Shay's; and partly of ignorant and jealous men, who had been taught or fancied that the Convention at Phalida. had entered into a conspiracy against the liberties of the people at large, in order to erect an aristocracy for the rich, the well-born, and the men of Education. (kammen86:p104)

Among themselves, the Federalists were even more bluntly political.

James Madison to Alexander Hamilton, June 22, 1788

The plan mediated by friends [of] the Constitution is to preface the ratification with some plain and general truths that can not affect the validity of the act; and to subjoin a recommendation which may hold up amendments as objects to be pursued in the constitutional mode. (kammen86:p118)

The Anti-Federalists were a) outraged at the Convention hijacking and b) concerned about the potential evils of the proposal. Jefferson had earlier expressed concerns to Madison, Dec 20, 1787

I will now add what I do not like. First the omission of a bill of rights providing clearly and without the aid of

sophisms for freedom of religion, freedom of the press, protection against standing armies, restriction against monopolies, the eternal and unremitting force of the habeas corpus laws, and trials by jury in all matters of fact triable by the laws of the land and not by the law of Nations.

...I own I am not a friend to a very energetic government. It is always oppressive. The late rebellion in Massachusetts has given more alarm than I think it should have done. Calculate that one rebellion in 13 states in the course of 11 years, is but one for each state in a century and a half. No country should go so long without one. Nor will any degree of power in the hands of government prevent insurrection.

... If they approve the proposed Constitution in all its parts, I shall concur in it cheerfully, in hopes that they will amend it whenever they shall find it work wrong. I think our government will remain virtuous for many centuries; as long as they are chiefly agricultural; and this will be as long as there shall be vacant lands in any part of America. When they get piled upon one another in large cities, as in Europe, they will become corrupt as in Europe. Above all things I hope the education of the common people will be attended to; convinced that on their good sense we may rely with the most security for the preservation of a due degree of liberty

(kammen86:pp90-93)

"Brutus" and "The Farmer" wrote eloquently and learnedly about the potential for abuse in the new structure. Jefferson continued to prod Madison privately. In the hindsight of recent history, the Anti-Federalists were prescient.

Nevertheless, the Federalists won enough signatures for success. To fulfill his promise to Jefferson, in the summer of 1789 James Madison took the initiative to introduce and prod Congress to consider the Bill of Rights. Note that the chief lobbyist for the Constitution was charged with preparing amendments to curtail its power. Any modern attempt at reading nuance into the phrasing must take this into account, along with Jefferson's admonition to declare rights "without the aid of sophisms".

In summary:

- The Revolutionary War generation had considerable practical experience with formation of governments and with the mechanisms of liberty.
- Their Articles of Confederation were not as bad as our history texts now claim. Read in the context of WTO, NAFTA, and the neocons, they are refreshingly sane.
- The Constitution's Preamble ("We the People") was a PR gimmick.
- The *promise* of a Bill of Rights was a sop to the massed rabble, to ensure signature on the initial Constitution.
- The Bill of Rights was then managed by a proponent of centralized power to appease opponents of centralized power.
- Jefferson (and others) accepted the Constitution (with the promise of a Bill of Rights), hoping there would be a stable rural middle class for centuries to come, but fearing a return to tyranny if that middle class migrated to cities.

Midlife

In the 1860's a Civil War was fought to abolish States' right to leave the Federal system – in direct contradiction of Federalist 46, and precisely what the anti-Federalists had feared. To be sure, many people believed and still believe the war was to abolish slavery, but that was more a propaganda ploy than a prime cause:

The Federalists accepted slavery when it was in their favor and rejected it when it was not.

Lincoln's Emancipation Proclamation applied only to Confederate slaves, not Union slaves. As Lincoln told Horace Greeley a month before signing the Proclamation:

“My paramount object in this struggle is to save the Union, and is not to save or destroy slavery. If I could save the Union without freeing any slaves, I would do it; and if I could save it by freeing all the slaves, I would do it; and if I could do it by freeing some and leaving others alone, I would also do that.”
Quoted in Bartlett's 16ed, p449.

Subsequent efforts to help ex-slaves via the 14th Amendment were hijacked by 1880's-era Federalists to give corporations personhood.

Throughout the 1800's, the US military overran, corralled, and murdered Native Americans in order to steal their lands and give control to corporations (who might then sell to white settlers). Throughout the late 1800's and into the 1900's a similar approach was used in Latin America, Hawaii, Philippines, Japan, Korea.

Attempts to question or publicize what was being done with US tax dollars were treated as sedition. Alien and Sedition Act. McCarthy HUAC hearings. Pentagon Papers. FBI files on peace activists.

Attempts to directly challenge corrupt government (e.g., labor unions, mining camps, peace marches, general strikes) were met with ruthless violence. Hay Market, Everett Wobblies, Seattle WTO, “Miami Model”, NY GOP Convention.

Recent

Since the Reagan presidency, things have taken a turn for the worse. Formal Congressional action is met with off-the-books circumvention. Run a drug ring and use that money to fund off-the-books wars. Hire entire mercenary armies to do what the official military cannot be legally asked to do. Use FISA (then skip it altogether) to circumvent the age-old requirement for a publicly reviewable warrant.

The Republicans under George “W” Bush have gone even further. Eliminate habeas corpus, ignore treaties, and condone torture. Yes, even for US citizens, at the whim of the President. Use the national military against US citizens, at the whim of the President. Use the state national guards against US citizens, at the whim of the President and in the face of opposition by the state Governors.

Current Conditions

Declaration of Independence - Revisited

Historians tell us the Declaration of Independence is largely a list of temporally specific grievances. Yet several ring true today.

1. "...when a long train of abuses and usurptions, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty to throw off such a Government"

If the Object is to transfer power from the USA-as-a-democracy to multinationals and their wealthy owners, then the train of abuses includes:

- Corporate control of ever more aspects of military, CIA, and NSA functions.
- Corporate control of the mechanisms of public education (including the media).
- Corporate control of voting and vote counting.
- Warrantless access to corporate-owned databases of phone records, travel records, bank records. Secrecy, re-classification, and missing archives.
- Embedded reporters, psyops, paid propaganda, attacks on the press. CIA/DIA/FBI infiltration of groups opposed to the Object.

2. "...to places unusual...distant...fatiguing them into compliance"

Davos, Bohemian Grove, and other ubermensch getaways, well protected from mere civilians by massed armies and SWAT teams.

3. "...swarms of Officers to harass our people and eat out their substance."

Federal funding targeted at policing the "lower classes" (those with net worth under \$1M) rather improving their lot.

4. "...render the Military independent of and superior to the Civil Power"

When was the last time Congress (esp a Congress responsive to the American people) had a clue what the military did with its billions? To say nothing of "off the books" funding such as Iran-Contra.

5. "...subject us to jurisdictions foreign to our constitution."

NAFTA, CAFTA, WTO, World Bank.

6. "...protecting them by mock Trial"

Inquiries of police beatings and shootings for breathing-while-black. Or for protesting an illegal war. Or for striking a job site.

7. "...depriving us in many cases, of the benefits of Trial by jury"

Military tribunals for "enemy combatants" -- which per the Patriot act could include those who donate to the Sierra Club.

NOTE: Even King George wasn't accused of messing with the Great Writ (habeas corpus). We, on the other hand, have let it slip away without a whimper.

8. "For transporting beyond Seas to be tried for pretended offenses"

Guantanamo and rendition

9. "...declaring themselves invested with Power"

Executive Orders. Signing statements. Repeated trial balloons of martial law, with New Orleans as the practice case and bird flu as the obvious next opportunity.

10. "...waging war against us"

WTO in Seattle. The "Miami Model". FBI, CIA and DIA infiltration of peace groups.

11. "...plundered our Seas, ravaged our Coasts, burnt our towns, and ravaged the lives of our people"

Oil tanker spills and drift nets. Eminent Domain dismantling of towns. Offshoring, union-busting, NAFTA/CAFTA, cutting the safety net.

12. "...already begun with Circumstance of Cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation."

Abu Ghraib, Guantanamo. Staff-on-prisoner and prisoner-on-prisoner violence in American jails and prisons. Broom handles, choke holds, rape-by-cop, taser-to-death, "face printing".

13. "...excited domestic insurrections amongst us"

In the classic form, union-busters and their police goon squads. In the more modern form, Rovian Wedgies with their border Minutemen, and assorted other vigilantes encouraged from the pulpit and the talk shows.

14. "In every stage of these Oppressions We have Petitioned for Redress in the most humble terms. Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is this marked by every act which may define a Tyrant, is unfit to be the ruler of a free people."

Marches ad nauseum, letters-to-the-editor, letters and phone calls to Congress. Election after election after election with no discernible impact on the "System" -- so long as it is framed as Republicans vs Democrats.

US Constitution- Revisited

Art 1 Sec 9. "The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it"

We inherited habeas corpus from the Magna Carta and English law. Jefferson actually wanted protection for “the eternal and unremitting force of the habeas corpus laws, and trials by jury in all matters of fact triable by the laws of the land” He also suggested a specific number of days for compliance with habeas corpus.

The Republican response is to declare that the Constitution does not give a right to habeas corpus.

Art 2, Sec 4. “The President, Vice President and all civil Officers of the United States shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other High Crimes and Misdemeanors.”

The Republican response is to charge Bill Clinton for lying about a sexual affair and to oppose charging George Bush for lying about immediate threats to national security. The Democrats are so concerned over getting along with Republicans that they too oppose charging George Bush.

Art 6. “...all Treaties made, or which shall be made under the Authority of the United States, shall be the supreme Law of the land”

Unless it is the Geneva Convention re treatment of prisoners.

“...no religious test shall ever be required as a Qualification to any Office or public Trust under the United States.”

See Republican “faith-based” initiatives.

Bill of Rights - Revisited

1st Amendment “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

Unless of course abridgment serves the purposes of those in power... who want to stay in power. Anyone who attempts to speak up or push back against the established regime may be tracked, monitored, spied upon, harassed, jailed, harddrives confiscated, websites shut down, personal effects examined, etc.

2nd Amendment “A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.”

The model for this phrasing is the Virginia Declaration of Rights (by George Mason) (Sec 13) “That a well-regulated militia, composed of the body of the people, trained in arms, is the proper, natural, and safe defense of a free state; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under the strict subordination to, and governed by the civil power”. Thus answering the meaning of “well-regulated militia”.

Is the Bill of Rights really intended to support rebellion against the federal government? For this we turn to the author of the Bill of Rights, James Madison,

In the 46th Federalist Paper Madison argued that the States need not fear the power of the new federal government.

First he argued the people were the source of authority for both State and Nation, and if they wanted to favor one over the other, that was their choice. He ignored the Anti-Federalist concerns that the federal assumption of "supreme law" would force the people over time to abandon states in favor of the nation.

He argued that for the nation to gather resources and attack a state would require the people to fund their own attack, which "must appear to every one more like the incoherent dreams of a delirious jealousy". Again, he ignored Anti-Federalist concerns that the federal scheme included using the army to assure the collection of taxes -- the people could not simply refuse to pay for the resources used to attack themselves.

Most notably, he argued that even if the national army were sent directly against the state, the people of the state could easily defend themselves:

Extravagant as the supposition is, let it however be made. Let a regular army, fully equal to the resources of the country, be formed, and let it be entirely at the devotion of the federal government, still it would not be going too far to say, that the State governments, with the people on their side, would be able to repel the danger. The highest number to which, according to the best computation, a standing army can be carried in

any country, does not exceed one hundredth part of the whole number of souls, or one twenty-fifth part of the whole number able to bear arms. This proportion would not yield, in the United States, an army of more than twenty-five or thirty thousand men. To these would be opposed a militia amounting to near a half million of citizens with arms in their hands, officered by men chosen from among themselves, fighting for their common liberties, and assisted and conducted by governments possessing their affections and confidence. (ham2001, pg 305)

Nevertheless, Democrats have for years fought to unilaterally disarm civilians. Republicans want to retain arms for themselves but do away with arms for dissidents. Both are willing to track purchase and use. Wealthy families and their corporations hire Blackwater to fight the wars that can't be fought under Congressional direction.

3rd Amendment "No soldier shall, in times of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law." This seems out of date. However, its intent was to address the still-relevant impacts of a) the cost of maintaining an army, and b) damage to civilians (e.g., rape of daughters) in close association. The military still costs us a fortune better spent elsewhere, and they still insist on using their courts when civil laws have been violated, and now our daughters are being raped while in uniform.

4th Amendment "The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no Warrant shall issue, but upon probable cause; supported by Oath on affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

The Patriot Act and its follow-ons (pushed by Republicans and acquiesced by Democrats) makes a total hash of this one. Here is a way to view the debate:

1. In English and US law, there is an assumed right to privacy. "A man's home is his castle." This is part of the social contract we make when we agree to be citizens with a shared destiny.
2. There are legitimate reasons to breach this assumption, if there are sound suspicions a person is a menace to society.
3. Powerful people and institutions have historically used law enforcement for their own interests. These abuses include spying on the opposition political parties, harassing those who speak out, etc. They justify this by fudging the "menace to society" rule.
4. We have therefore evolved a balance between society's legitimate needs for law enforcement and right to privacy.
5. Much of this balance is based on "due process" and constraints against "illegal search and seizure". The basic requirement is that a judge (nominally a trusted independent third party) sign a warrant for search before Law Enforcement Officers (LEOs) can breach the assumed privacy.
6. Law enforcement agencies and personnel consistently try to avoid, stretch, circumvent, or otherwise abuse this arrangement. Doing so is *obviously* the right thing to do because the guy being protected is *obviously* a menace to society.

In other words, there are reasons that honest, sincere people would want to circumvent "due process".

7. Unfortunately law enforcement people and agencies sometimes get it wrong. The obvious bad guy turns out to be innocent, though his/her life is now in ruins. Oops.

Further, letting law enforcement agencies bend the rules for honest reasons opens the door to dishonest, insincere abuses as well.

So we muddle along with rights protected except with a judge's approval, and some bad guys going free.

8. The PATRIOT Act provisions were available in one form or another in law enforcement circles long before Sept 11, 2001. They represent a wish list for circumventing the normal due process balancing act. 9/11 just gave an excuse to rush them through Congress.

In essence, the PATRIOT Act and its extensions sweep away the need for an independent third party to confirm that the bad guy really is a bad guy. It nominally is to be used just for national crises of terrorism, but already we see law enforcement agencies using it for other purposes.

9. There is no evidence that the PATRIOT Act was needed to deal with terrorism. There is considerable evidence it dramatically harms our assumed privacy.

Having an Attorney General promise to use it only for bad guys doesn't help. I don't trust the FBI, CIA, DOD, etc to get it right even if they try. Remember, they failed to use the processes they had already, due to turf wars. And I don't trust the Bush Administration to proceed honestly. Remember, they took us to Iraq with threats of nuclear war.

In other words, the Act was rushed into law without need or justification, and at considerable harm to our nation.

10. Extension to the PATRIOT Act are even worse.
11. We should just plain repeal the PATRIOT Act and any extensions that show up on their own or get tucked into other bills. Then go back to the drawing board and see if we really need to make *any* changes to our historical balancing act.

5th Amendment “No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentation of indictment of a Grand jury except in cases arising in the land or naval forces, or in the Militia, where in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be witness against himself, not be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation”

The current flavor is to declare the 5th for actions perhaps taken in the future, to use confiscation to give land to wealthy developers, and to call upon the 5th to stand against environmental laws. In re the environmental laws, one should remember that English-based riparian law already (and still) allowed for curtailment of activities which impacted others.

6th Amendment “In all criminal Prosecutions, the accused shall enjoy the right to a speedy trial and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation to be conditioned with the witnesses against hi; to have compulsory process for obtaining witnesses in his favor; and to have the Assistance of Counsel for his defence”

The Republicans have made a total hash of this with their “enemy combatant” notion and their military commissions. The Democrats have played along, with (as far as I can tell) no effort to protect the Constitution by, say, strangling Republicans on the floor of the Senate.

7th Amendment “In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by jury shall be otherwise reexamined in any Court of the United States than according to the rules of the common law”

This was an attempt to prevent a wealthy-defendant-biased court system from voiding a finding by victim-biased jury. As we now know, lawyers and judges can find “legal” reasons to uphold or strike down pretty much anything. Further, the structure of the Constitution ensures that the Supreme Court has the last word on any case in the land. The Supreme Court itself has amply demonstrated (e.g., in anointing G. W. Bush president in 2000) that they are corrupt beyond all hope of recovery. It all comes down to who gets to select the justices.

8th Amendment “Excessive bail shall not be required, nor excessive fines imposed; nor cruel and unusual punishment inflicted”

At the federal level, the Republicans have made a total hash of this with their pro-torture policies and indefinite imprisonments. At the state and local level, Republicans are famous for the cruelty of prisons. Either way, staff-on-prisoner and prisoner-on-prisoner violence is a deliberate and systemic part of the punishment mechanism.

Excessive fines are used particularly to “encourage” prior restraint in public media: With a high enough fine for

“obscurity” and no rules about what that entails, the news becomes corporate-dominated pablum.

9th Amendment “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.”

Except that the Supreme Court is responsible for determining what is or isn't covered in the Constitution, and can be counted on to do the bidding of its masters. The interstate commerce clause (Art 1 Sec 8) has been used to regulate pretty much anything the current regime wants to regulate.

10th Amendment “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

Except that, as noted, various clauses can be interpreted to put **anything** under the jurisdiction of the Supreme Court.

Project for a New American Tyranny

It is generally understood that the Republican/Bush/Neocon fiasco grew out of the "Project for a New American Century". Its thesis was that at that moment in time, the US had the power to crush all other contenders for world power, that it should do so, and that it should use that power to further American (i.e., corporate) interests.

Backed by vast wealth, the proponents of this vision took control of the nation. Opponents might say it was a bad vision, unworthy of the US. Proponents might say it was a grand vision, worthy of a "Second Chance" despite the fiasco of its implementation.

What should concern us is that the whole debate may be a smokescreen. As the saying goes, "Your actions speak so loudly, I can't hear your words". In other words *What is actually happening?*

How are we doing on the prerequisites of liberty?

Thanks to overpopulation, environmental devastation, multinational-driven "globalization", multinational-owned Press, compliant Congress, and complacent or befuddled citizenry, we now have lost nearly all the prerequisites of liberty:

- The vast majority of citizens are crowded into cities or suburbs, dependent on imported oil for food, shelter, clothing, and medicine. They do not own their land outright, being a few weeks or months away from mortgage foreclosure if they lose their jobs.
- Those jobs are being siphoned off in a "race to the bottom" pitting US citizens against the poorest people on Earth.
- Unlike every other troubled period in US history, there is no "new land" to be homesteaded by willing but poor families. Even Depression-era browsing in vacant lots is dangerous due to contamination.
- The electorate is "informed" via a few multinational media corporations and religious bodies closely aligned with those corporations. The alternative mechanisms of low-power FM and the Internet are under attack.
- Voting is subject to HAVA-induced fraud by the owners of the voting machines, rendering the process of democracy suspect.
- A citizen traveling and speaking against the current regime would be monitored by RFIDs, REAL ID, traffic cameras, track-able cash, and corporate-owned databanks.
- If a citizen sufficiently worried the current regime, the response (backed by the Patriot Act and its cousins) would include agent provocateurs, black ops, psyops, torture, extraordinary rendition. There would be no habeas-corpus-based trial by jury.
- A militia of citizens armed with their own rifles cannot realistically defeat the "professional army".
- The official military is now a career-based mercenary force with instincts of its own, embedded in the

Congressional-Military-Industrial complex.

- The old Rubicon-inspired and Civil War-inspired Posse Comitatus rule (the official military cannot be used domestically) has been erased by the Civil Disturbance Statutes: 10 U.S.C., sections 331–334 and related measures.
- "Unofficial" Blackwater-style mercenary armies are off-the-books private armies composed of people we trained at enormous expense, who operate at the direction of corporations and wealthy individuals worldwide. They have been allowed to operate on US soil as if they were official military under the direction of the Insurrection Act.
- If too many citizens rise up, Halliburton already has contracts to convert military facilities to prisons for tens of thousands of people.
- The hope that an evil law might be struck down by an unbiased Supreme Court has been forever tarnished by the Court's 2000 decision to appoint Bush president.
- The hope that the Impeachment clause will bring an evil administration to justice is tarnished by the current Congress's actions.

Look at it this way: Try planning an armed rebellion to secede from the Union. Let me know how that goes.

Who actually benefits from “globalization”, “war on drugs”, “war on terrorism”, and “war on moral decay”?

While recent history under both Democrats and Republicans has been a disaster for Liberty, it has worked quite well for wealthy families and their “corporate veil” multi-national corporations. They get to

- Control the US political machinery via mass media and vastly expensive TV ad campaigns for their chosen spokesmodels.
- Write the tax laws via lobbyists so they are exempt (and middle class wage-earners and small businesses pick up the tab).
- Then write laws to hand national treasures over to themselves.
- Use the US military to enforce their commercial adventures abroad.
- Use the CIA, FBI, NSA, DIA, NRO surveillance technologies and agents, local law enforcement SWAT teams, mercenaries, and their own corporate data banks and mercenaries to control citizens at home.

Is it possible this is not an accident? Is it possible a few wealthy people deliberately set out 30 years ago to transfer power from the US Government to themselves? Perhaps with slogans like “waste, fraud and abuse”, “smaller government”, “weaken it so I can drag it to the bathtub and drown it”.

It is certainly possible. Whether or not it happened history will tell. What we can say with certainty is that it is unacceptable that this transfer be *possible*. It is treason for any governmental official to have aided and abetted conditions which *allow* such a transfer.

What next?

Just like the first American Revolution, "Taking Back America" will be iterative: Become informed, become active, inform more people, win a few elections, change laws to make more education possible (including reclaiming the media). Repeat as needed.

This is already underway in small measure, but most folks are too anxious over basic survival to pay attention to civic affairs. That anxiety is no accident – it is exactly how slave owners and CEOs ensure a docile work force. Realistically, it cannot be solved (at least at first), by a government controlled by the "owners". Instead, a grassroots effort is needed to gain breathing room.

I am convinced that a good intermediate target is to prepare at least 10% of the population in a given state to be able to survive a 6 month general strike. That will include preparations for food, water, sanitation, shelter, clothing, information gathering, detection of and protection against armed goon squads, detection of and protection against psyops, etc.

One doesn't need to actually do a 6 month general strike. The mere capability will shift the balance of power. A useful byproduct of the preparation will be a growing understanding of the role of wealthy families and their corporations in controlling the essentials of civic life.

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