



The American Way

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All across the nation, the municipal resistance movement has been spreading.

Known as the Bill of Rights Defense Movement, after the original Bill of Rights Defense Committee in Northampton, Massachusetts, and, obviously, in defense of our most sacred Bill of Rights, this movement is growing rapidly, its roots planted firmly and deeply in the American soil.

This is in the best American tradition.

Americans everywhere -- concerned about how the USA PATRIOT Act, various executive and administrative measures, and the Homeland Security Act, among other laws, have shredded the Bill of Rights -- are speaking up, telling their local authorities to protest, demanding they pass resolutions against these measures.

Twenty-seven cities have now passed resolutions (San Francisco being the latest), and there are nearly eighty-five more currently considering such motions, according to Nancy Talanian of the Bill of Rights Defense Committee.

While these efforts are "largely symbolic," according to the New York Times, "many of them provide some legal justification for local authorities to resist cooperating in the federal war on terrorism when they deem civil liberties and Constitutional rights are being compromised."

Wired News writes: "Fearing that the Patriot Act will curtail Americans' civil rights, municipalities across the country are passing resolutions to repudiate the legislation and protect their residents from a perceived abuse of authority by the federal government."

This municipal resistance movement heralds a new growing consciousness in the minds of many Americans. However, the road for defenders of the Bill of Rights is not always smooth. In Broward County, Florida, the battle is an uphill one. The on-going Broward battle is illustrative of the issues arising in this movement.

The Uphill Battle Against the Bush Mantra

The Broward Bill of Rights Defense Coalition (BBORDC), comprised of sixteen member organizations ranging from the Women's League of Voters to the People for the American Way, met individually in early January with commissioners and sponsored a resolution drafted by the Broward Human Rights Board (BHRB) that came before the Broward County Commission first on January 14 and again on January 21.

Both times, the BHRB submitted the resolution as a "motion to adopt." Someone - we do not know who -- changed the motion both times after it was submitted so that it became only a "motion to file." On January 21, the Commissioners, after hearing about thirty minutes of testimony from concerned community members, voted to file the motion instead of voting on the substance itself. Essentially, this means the Commission shelved it.

Before the public meeting, I was sitting in the office of one Commissioner when I heard her tell a group from the BBORDC that she was willing to throw out the Bill of Rights in exchange for greater security. The Commissioner has since denied saying this.

Remember Benjamin Franklin: "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

The Commissioner clarified her position in a letter to one BBORDC member: "We are protecting essential civil rights. However, the events of 9/11 have forever changed how we live. There is a need to make sure that all United States residents are safe and secure, and that there are no future terrorism events. Certain circumstances may require unusual needs."

The BBORDC was asking that the Commission affirm and uphold the Bill of Rights. Had the Commission found any of the language problematic or offensive, it was free to amend the Resolution. However, instead, the Commission voted to take no stand and no responsibility for taking no stand. It is difficult to see how the Commission is protecting essential civil rights by NOT voting to uphold the Bill of Rights. Indeed, some BBORDC members were told that this effort was not the responsibility of the Commission. If upholding the Bill of Rights is not their responsibility, what is?

The confusion over what the Commissioner said illustrates the potentially terrible consequences of the Bush mantra. It is because of the constant repetition of that mantra -- that in order to be safe we need to give up some liberties -- that such confusions abound.

How CAN we best protect ourselves? How DO we fight terrorism? What civil liberties ARE essential?

ALL civil liberties are essential. Civil liberties are the foundation of a democratic republic. We are talking about the foundation of one of the longest-standing democratic republics in the history of civilization. When the mantra "sacrifice some civil liberties" can be shifted so easily into "throw away the Bill of Rights" - which, of course, is exactly the problem with the mantra in the first place -- I would have to say that Bin Laden has already won. He has overthrown the minds of principled people.

Reminds me of Ophelia: "O what a noble mind is here o'erthrown! *** And I ... now see that noble and most sovereign reason like sweet bells jangled, out of time and harsh. O, woe is me t' have seen what I have seen, see what I see!"

Reason Overthrown

The mantra that it is desirable to sacrifice "some" liberties in exchange for security of course began after 9/11. Repeatedly fed this line in the wake of the worst terrorist attack in our history, frightened Americans have become mindless mouthpieces for government tyranny. I have even heard a top defense attorney repeat this abhorrent idea.

Yet, the "sacrifice some liberties in exchange for greater security" formula is not only odious and insidious; it is also simply illogical. Liberties are actually constitutional protections. They protect citizens from government. How can you get more secure by sacrificing what keeps you secure?

Another Commissioner expostulated to BBORDC members: "If YOU knew what I know...!" (Fill in the blank.)

This is, of course, the same argument governments use when they do not want us to

find out what they are doing. It is what they say when they do not want us to decide for ourselves. The same one Bush uses to go to war against Iraq. The same one the Department of Justice lawyers use when they have no real basis for holding or prosecuting someone.

Former Broward Green Party co-chair Barry Sacharow spoke in response to the "if you knew what I know" argument. He told me that at first he thought "Oh, she is a commissioner. She just have intelligence information that we do not have." But then, Sacharow explains, he realized that the idea of giving up our freedom in exchange for a perceived security is the same argument conservatives have used since before World War II, through the Communist Scare, the Cold War, Vietnam, and Nixon - who, Sacharow notes, "protected himself by taking away these freedoms."

Associations & Acts

After I told the Commissioners that the USA PATRIOT Act violates the First Amendment of the U.S. Constitution because it defines people by their associations, rather than by their acts, one man rose to claim that "[t]his resolution was created to - city by city - give a small propaganda victory to the "Hate America" crowd."

This man stated that there were ties between the BORDC movement and "the typical appeasers and apologists for terrorism, and prominent individuals in the "Hate America" crowd," among whom he counted those with "damned-near-communistic ideas" (quoting Jim Hightower about the Green Party USA), the American-Arab Anti-Defamation League, and the Communist Workers Party.

He asked the Commissioners: "Are these the groups you wish to associate this Commission with?"

Several subsequent speakers affiliated with the Bill of Rights Defense movement assured the Commission that they were not communists, but were in fact former and current military officers.

However, the words of this man, who happens to be a son of one of the Commissioners, perfectly illustrate one of the things that is most wrong with the PATRIOT Act: guilt by association is not only unconstitutional (as if that weren't enough) but morally unacceptable.

One would have thought the "communist" moniker went out with McCarthy. This illustrates another point: The PATRIOT Act, and the various executive measures and subsequent legislation that followed it, set a bad example.

Not only does the PATRIOT Act violate Constitutional protections - which ought to be bad enough - but it sets a very ominous and dangerous standard for citizens of this and other nations.

If someone can be incarcerated merely because of his associations, it will not stop at those affiliated with Al Qaeda. In fact, as I noted to the Commissioners, this is no different than what happened in Nazi Germany. We should know better.

If I were to use this method of guilt-by-association, as this Administration does, I would have to say that Bush must be a bad guy because his grandfather did business with the Nazis. This is a fairly well-known factoid in alternative news media. I say "factoid" because I have never bothered to dig up primary source material on it, but even if it is true, it does not ipso facto prove that Bush is a bad guy.

The point is that if the guilt-by-association method, so popular with this Administration, were applied to Bush, he might himself be in jail.

Let people be judged by their acts.

The BORDC's

The Commissioner's son grouped the "National Coalition to Repeal the USA PATRIOT Act" in New York together with the Bill of Rights Defense Committee that originated in Northampton, Massachusetts. However, the two are not in any way connected.

The (Northampton) Bill of Rights Defense Committee (BORDC) is a non-partisan group. It does not advocate communism or any other political agenda. Its sole purpose is to protest the PATRIOT Act and affirm the Bill of Rights. It provides tools, materials, and general advice to others. This group is fiscally sponsored by the Greensboro Justice Fund.

The Greensboro Justice Fund grew out of an incident in 1979 in Greensboro, North Carolina, at which Ku Klux Klan and American Nazi Party members gunned down five peaceful marchers. The Fund is non-partisan and supports organizations that are committed to civil rights and are working for social change in the South. In fact, the founder and executive director of the Fund is Dr. Martha Nathan, whose husband, a pediatrician who was at the march only to give medical assistance, was killed in the Greensboro Massacre.

In October 2002, Martha Nathan was awarded the Frances Crowe Award, honoring her for "lifetime pursuit of economic and social justice and peace." The award was given by the National Priorities Project, a group that "offers citizen and community groups tools and resources to shape federal budget and policy priorities which promote social and economic justice."

BORDC is working with Congressman Bernie Sanders of Vermont to sponsor a bill to amend section 215 of the PATRIOT Act, which allows the FBI to obtain records from bookstores and libraries about their clients, and forbids these providers from telling anyone. The Sanders bill will propose eliminating these provisions.

The National Coalition to Repeal the USA PATRIOT Act is not affiliated with the BORDC or the BBORDC. It is spearheaded by Kellie Gasink, who was at one time, according to one investigative report, an FBI informant against a radical organization called the International Workers Party.

If anything, you would think the presence of former a FBI informant in the movement would find favor with people who like to call others communists. In any case, Ms. Gasink is certainly as free as anyone to protest the PATRIOT Act and act to defend the Bill of Rights.

The Broward Bill of Rights Defense Coalition is also a non-partisan group. The BBORDC list currently includes the Broward ACLU, the League of Women Voters, Hispanic Unity, Citizens for Democracy, South Florida Human Rights Council, People for the American Way, The Broward Antiwar Coalition, and others, including the Broward Green Party and March for Justice.

As Sakarow from the Broward Greens said: "I am proud to stand in coalition with people who differ from me."

The Bill of Rights Defense Movement is not going away and it is not selling out ... to anyone. The movement is a pure one. It has only two simple goals: to protest the PATRIOT Act and defend the Bill of Rights. This is the American way.

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