

The Greatest Sedition is Silence

Four Years in America

William Rivers Pitt

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The current flows fast and furious. It issues in a spate of words from the loudspeakers and the politicians. Every day they tell us that we are a free people fighting to defend freedom. That is the current that has whirled the young airman up into the sky and keeps him circulating there among the clouds. Down here, with a roof to cover us and a gasmask handy, it is our business to puncture gasbags and discover the seeds of truth.

Virginia Woolf

Necessity never made a good bargain.

Benjamin Franklin

This book is for my mother – a single working parent forging
a good life for her son and herself – who taught me
absolutely everything.

This book is for my father, always in the fight for the rule of law,
who taught me everything else.

This book is for my grandparents, who taught me
the definition of honor.

This book is for Cara, who loves me foolishly for reasons I could
never explain, who embodies my reason for being.

Finally, this book is for Minister Gordon Glenn,
because nobody likes him.

Introduction: A Book of Memory

I am sitting on my porch in Boston on a perfect summer day. My CD player has a guy named Robert Randolph spinning in it, recorded at a singularly wonderful show I saw last winter at the 'Paradise'. My cat is curled up in the sunshine, there is a good pot of coffee warming in the kitchen, and I am engaged to be married come next May to a truly extraordinary woman whom I have loved since first setting eyes on her in San Francisco back in 1995. In a month I will return once again to the joyful space that is my classroom, where I will teach English Literature, Journalism, and Writing to roomfuls of bright-eyed teenagers.

Life is calm and good on the surface, but there is a shadow across my space here on the porch. It comes from the building on the other side of the fence that borders my lawn, from the American flag that flutters in the wind on the roof there. I sit out here often and gaze at that flag. I feel a great swell of pride when I consider the ideals represented in it – freedom, equality, opportunity, the just rule of law. In those moments, I also feel an oceanic sadness at the gulf between those ideals and the reality of the nation over which that flag flies.

It is entirely possible that this great democratic experiment has come to a close. There is no question that it absorbed a terrible blow from a September sky as blue as that which shelters me today. The tragic fact of September 11, and the grievous wound we received that day, do not in any way tell the whole story. The real tragedy lies in the wounds we have inflicted upon ourselves in the aftermath. No terrorist, armed with all the weapons of nightmare, could do the damage to this country that has been done in the name of freedom by those most warmed by its light.

Perhaps the experiment is finished. It will be years before we fully appreciate the damage we have done to the rule of law under our Constitution and Bill of Rights. As it stands today, a man named Jose Padilla is being held at the pleasure of the Bush administration under suspicion of terrorist activity. He has been charged with nothing, has seen neither judge nor jury, and will not be provided that opportunity in the near or distant future. He sits in prison, stripped of all the rights and

privileges afforded an American citizen, because the Bush administration has decreed it must be so.

This is but one of many malodorous legal precedents being set these days. Padilla may well be a dangerous man, worthy of prison, but he is an American citizen. The simple fact of that requires that he be given the chance to defend himself against the charges that have been leveled against him. Any American would expect and demand the same quarter, and would be appalled if it were denied them. Yet that is the status of the rule of law in America today.

There is a passage in Robert Bolt's play, *A Man For All Seasons*, which aptly describes what is at stake in the matter of Jose Padilla's treatment under the new system of laws we currently endure:

Roper So now you'd give the Devil benefit of law!

More Yes. What would you do? Cut a great road through the law to get after the Devil?

Roper I'd cut down every law in England to do that!

More Oh? And when the last law was down, and the Devil turned round on you – where would you hide, Roper, the laws all being flat? This country's planted thick with laws from coast to coast – man's laws, not God's – and if you cut them down – and you're just the man to do it – d'you really think you could stand upright in the winds that would blow then? Yes, I'd give the Devil benefit of law, for my own safety's sake.

In America, you can be held indefinitely and without ever facing, or being allowed to defend yourself against, the charges that have put you in stocks. Your citizenship does not matter: if the Bush administration says you are a terrorist, then you are a terrorist and shall not see the light of day. The same new provisions that allow this – the PATRIOT Anti-Terror Act, the Homeland Security Act and Bush's own Executive Order signed November 2, 2002 – also provide for the invasion of any American home, without warrant or notification to the citizen, for a full search by Federal authorities. Again, you need only come under suspicion of terrorist activities, an accusation of dangerous elasticity in these days of super-patriotism and paranoia, for your rights as an American to be brushed aside.

We have cut that great road through the law to get at the Devil, and the winds have only just begun to blow.

Benjamin Franklin once said that those who would sacrifice freedom for security deserve neither. He never lived in days when airplanes could be used as fuel-air explosives against civilians, never knew a world filled with

the tools of nuclear holocaust, never conceived of a world where an entire city block could be destroyed of all life by the biological contents of a glass vial. Yet he knew a few things, did old Ben. He knew that freedom destroyed is not easily recovered. He knew that the ideal that is America was a prize to be defended at all costs, for in the annihilation of that ideal lives the loss of the greatest hope of humanity. He knew that destroying freedom in order to save it is folly.

Were he alive today, Franklin might be forced to concede that, with all we Americans have done to damage that which is best and purest in this country, the terrorists have won a greater victory than all the bombs and fire and fear could ever bring to our shores.

The damage we have inflicted upon ourselves goes beyond that sacred graveyard in midtown Manhattan, beyond the new and ever-expanding holes that have been punched through our most fundamental rights. My television has shown the stock market trapped in a death spiral of losses. The fact of that spiral is less important than the reasons behind it. Capitalism, that great engine of innovation, has discovered a fatal cancer in its guts. Men of low morals, empowered to steal by the cowboy deregulations enacted by Republican Congresses of the late 1990s, have ripped the markets to tatters and shreds.

This cancer has metastasized itself into the highest offices of government in this land. George W. Bush and Dick Cheney stand accused, amid rafts of evidence to support those accusations, of engaging in the same foul practices while in the petroleum business. They partook in the tactics listed above as a matter of course and as a pure expression of their concept of capitalism. They are cast from the same mold as those who ran Enron, WorldCom, IMClone, and the rest, right into the ground, taking untold billions of dollars' worth of investor trust with them. The pirates have seized this ship of state, and have two of their own at the helm.

Yet Bob Dylan once sang, 'Even the President of the United States sometimes must have to stand naked.'

I am nobody of importance. At the time of this printing, I am a high school teacher. I pay my taxes every year and signed up for the Selective Service on my eighteenth birthday, on the eve of the Gulf War, like a good American. I have led a fairly unremarkable life. Yet I pay attention. On the Christmas Eve of my fifteenth year I heard my president, Ronald Wilson Reagan, tell me that my generation would likely be the one to face the Apocalypse. I have been watching like a hawk ever since. I have come to understand that the level of attention I pay to the news, and to politics in general, distinguishes me from the ranks of everyday Americans.

Most people, I think, read maybe one newspaper a day. They cruise the front page, perhaps lingering over the editorial page, before moving on to the Arts or Sports sections. They watch the local news every night, maybe the nightly national broadcast on one of the networks, and know where to find CNN or Fox News if they have cable. Some will get international news via the BBC broadcast on NPR, but the vast majority of Americans get all of their information from American media sources. This is a generalization, to be sure, but an accurate one for the most part. The narrowness of perspective engendered by this cannot be overstated and will be elaborated upon in the coming chapters.

In the last several years, thanks to the Internet, I have made it a solid habit to read through the meat of perhaps a dozen newspapers across the country and the world. The *Boston Globe*, the *New York Times*, the *Washington Post*, the *Los Angeles Times*, the *Chicago Tribune* and *Sun-Times*, the *Miami Herald* and the *Dallas Morning News* are daily stops. Augmenting these perspectives are the London *Guardian* and the BBC, along with a host of international wires and news services. Every perspective and every angle – Left, Right, and Center – are represented.

Does it sound like this takes up my entire day? It doesn't. I have carved out special times to do the work. And it is work. But I made it a priority a long time ago, and it has in many ways made me a very dangerous sort of American. I am one of We The People, regular in every way, who has made the decision to be an informed disciple of democracy. For the people who run this country and the world, I am the simplest sort of nightmare. If too many other people start doing what I do, the men behind the curtain will suddenly have an awful lot to worry about. There could be no more dangerous threat to the new status quo than a citizen army of Americans, armed to the teeth with information and the right to vote, paying active attention to the ways and means of our government and economy.

What follows is a book of memory. History happens so fast these days – stories and events that would have captivated the news media for weeks now rise and are forgotten in a matter of hours. So very much has happened in the last two years, and most people simply do not have the time and energy to keep up with it all. I have tried with this book, with my years of observation, research, and writing, to capture some of the history that has overtaken us.

The American Experiment may well be finished, gone beyond our reach forever, but I will not allow it to pass without a fight. The heart of this country still beats, and the soul of this country still glows with the optimism and strength that first birthed it. I am just one man in the

watchtower, reading and scribbling and remembering. I pray you will join me on the battlements, armed with memory and with hope, so that together we may defeat all enemies – foreign and domestic – and begin to bring this great nation once more into the light.

William Rivers Pitt
Boston, Massachusetts

The Dream That Was America

There once was a dream called America.

In the beginning, it did not reside on a particular patch of earth. It had no borders, no mountains, no rivers, no forests. It had no seas, crops, roads, or cities. It claimed no army, navy, or air force. No nuclear weapons were coiled in the soil, waiting for the order to spring.

The dream that was America was born in turbulent days surrounding the final collapse of the Stuart monarchy in England. King James II believed it within his purview to dismiss, ignore, and override Parliament, who were the representatives of the people. He held citizens in prison without charging them or bringing them before a magistrate. He deigned to have them tried before secret courts. Troops loyal to him entered private homes as they pleased. Citizens who did not practice the religion of the king knew fear.

When William of Orange marched on London in 1688, trailed by an army once loyal to James and backed by the will of Parliament, the last Stuart monarch was sent across the English Channel to live in exile in France. It is believed that he threw the Great Seal of the Stuarts into the frigid waters, a final symbolic drowning for a disgraceful era.

From that day, Britain was to be ruled by the people, through their representatives in Parliament. Parliament was to rule the king, and not the reverse. A Bill of Rights was drafted, in which was enshrined the first true habeas corpus laws protecting the basic rights of citizens against the infringements of government. Troops could no longer enter private homes, citizens could not be held without charge or trial, and qualified religious freedom, with some exceptions, was at long last established.

This was the first germination of the dream that was America. The idea, realized in the wake of a tyrant, demanded that the citizens of a nation have the right to self-determination and self-rule. They were tasked to decide for themselves who would represent them in government and had the power to rescind the invitation if a particular representative did not perform as required. The days of an absolute monarchy, a single ruler whose word was law, were at an end.

There was a responsibility inherent in this: if government spun out of control, it was the people who had to set it right. In payment for this

responsibility, the people knew security in home and church, in person and belief.

Over the next 300 years, the idea that was America carved out a space on the planet that became a powerful nation. It found borders and mountains, seas and rivers, crops and sky. It created an army, a navy, and an air force. It buried nuclear dragons in the soil, and rolled out great roads across it. Magnificent cities rose into the clouds, housing people rich and poor.

Underneath it all lay two sheets of paper, upon which were scrawled words straight from the heart of John Locke, who was there when the Stuarts were sent on their way. The Constitution and the Bill of Rights defined the dream that was America and codified the rights that each citizen could expect. Amendments were attached over time, a remarkable thing, that extended these rights and freedoms to places never before known in the history of humanity.

This was the dream: Americans had the right – the right! – to life, liberty, and the pursuit of happiness. They had the right to be secure from governmental searches of their homes. They were free to practice whatever religion they chose, or to practice no religion at all. They could say or write anything they wished, so long as those words did not overtly threaten or unduly frighten any other citizen.

They could not be imprisoned without charge or trial, could not be punished cruelly, and had the right to zealous representation by a lawyer in whom could be placed absolute trust, thanks to the protection endowed by privilege. With elastic restrictions, Americans even had the right to arm themselves with incredibly powerful and deadly weapons.

To be sure, the dream had never been truly realized. The birth of the dream came only after the death of another, when the people who occupied the land first were driven out and butchered. Citizens were denied many of the basic rights outlined in those tattered documents due to foul souls and wretched bigotry. Other barbarous crimes were committed within and without the borders of the nation that housed the idea. Chattel slavery was one. There were failures, and failures again.

This was the magic of the dream, the poetry and beauty of the idea: that such wrongs could and would be righted, that the idea would march ever onward to a greater perfection, that those illegitimately excluded would be brought inside the fold, because, according to the idea, that was the only right thing to do. For 300 years it was happening, and would continue to happen, unto the end of the world.

On September 11, 2001, the dream that was America died in a ball of fire, flesh, and dust.

It was not murdered by the killers who brought such hideous carnage to the land. A dream so powerful, an idea so pure and good, was too strong to be shattered by outsiders. No, such a thing can be destroyed only by those who live within it, by those who had for so long pulled the warm blanket of liberty to their chins that they came to take it for granted. The dream that was America died at the hand of those who were most warmed by it.

The dream began to die long before September 11, 2001. Cracks began to appear every election day, as more and more Americans decided they wanted no part of the responsibility that guaranteed the safety of the rights and privileges. On the night of the 2000 election, 100 million citizens – fully one half of the voting populace – did not participate in that most fundamental of obligations. The result, after a contested election and the intervention of a politically biased court, was a government that represented only the narrowest slice of the nation.

This court had been installed years before by representatives who won office through elections in which great swaths of the populace did not participate. By abdicating responsibility, the citizens guaranteed this outcome.

It is all finished now. Today, in America, it is dangerous to speak freely. Officers of the government may enter private homes without notice and perform invasive searches of personal property. Officers of the government may listen to private conversations between client and attorney, thus tearing away the veil of privilege and the guarantee of zealous representation. Individuals are being held without charge or trial, their fates to be determined by secret courts.

It was said once that the Constitution is not a suicide pact, and there is wisdom in this. The physical nation that is America endured a catastrophic attack, and there must be a response. Today in America, that response has been to murder the idea that is America. The idea is more important, far more important, than the land or the borders or the treasure, or even the people. Without the idea, the nation is worthless. In the death of the idea lies complete and total victory for those who attacked the country. They need never come here again, for their job is well and truly done.

The war to combat the evils of September 11 is not a suicide pact, either. The only hope, the last hope, for a nation based upon an idea is the simple truth that no good thing ever truly dies. Like the phoenix, it can rise in glory from the ashes of its own conflagration. Today, the dream that was America has ceased to exist. Tomorrow, it may come again. If it does, it will happen only because the citizens of the country who are the keepers of the flame decide once more to place upon their shoulders the yoke of responsibility that was for so long scorned and ignored.

The citizens of that idea must take back the government that has robbed them of their freedoms. They must snatch victory from the jaws of defeat. They must send these newly incarnated Stuarts into disgrace. They must cast the Great Seal of a corrupted, failed ruler into frigid waters, drowning it once and for all.

In the paralyzing aftermath of September 11, it stands to reason that good people stand unsure of what to do and how to act. The idea that dissent equals treason has been well promulgated. The sense that any criticism may be construed as an insult to those who died and those who grieve is ever present. The time has come, however, to shoulder these burdens and cast aside fear. So much damage has already been done. If we do not act, and soon, there will be nothing of this country worth fighting for, beyond worthless stock options and tattered flags strapped to car antennae.

If you need guidance, cast your eyes around this country. There are bright examples everywhere of what to do, and also what not to do. Too often, those who should be guiding us to righteousness and freedom instead point the way towards hate and fear. This adds to the confusion.

The Reverend Jerry Vines, senior pastor of the Jacksonville, FL, First Baptist Church, spoke to the faithful at the 2002 Southern Baptist pastors conference in St Louis. In his remarks, Vines stated that, 'Islam is not just as good as Christianity.' Vines went on to decry Mohammed, the founder of Islam, as 'a demon-possessed pedophile.'

The Reverend Jack Graham, newly elected president of the Southern Baptist Convention, seemed to speak for the congregation as a whole when questioned about Vines' remarks: 'His statement is actually a statement that can be confirmed,' said Graham. 'I believe the statement is an accurate statement.'

Vines was by no means the main event of this conference. Two days later, George W. Bush graced the pastors with his presence via satellite link. His image smiled down upon them from a huge screen. 'I want to thank all of you for your good works,' Bush told them. 'You're believers, and you're patriots, faithful followers of God and good citizens of America. And one day, I believe that it will be said of you, "Well done, good and faithful servants."'

The pastors, to make a bad pun, went into raptures as Bush spoke. The message was clear: The president stands with them. Vines' patriotic work spreading xenophobia and religious intolerance across the nation earned him the title of patriot. The Southern Baptists are already politically powerful – House Majority Leader Tom DeLay is a member of the Texas

congregation – and Bush’s words only reinforced the belief they hold in their own rectitude.

The simple bigotry within Vines’ statements would be laughable if it were not so appalling. Imagine the outrage that would pour forth if someone were to claim that all Christians on earth are on the same moral level of belief as Jerry Falwell and Pat Robertson, who blamed the September 11 attacks on gays, feminists, and the American Civil Liberties Union. Imagine if someone called Jesus Christ a ‘demon-possessed’ individual who consorted with known whores.

Bush’s appearance in a place where intolerance and hatred are preached by spiritual leaders of this comparatively extreme sect of Christianity underscores the central crisis facing America today. America is a great nation. The attacks of September 11 did not only take life and destroy property, however. The attacks have brought us to a place where we are unsure of the validity and sustainability of our most basic freedoms.

Due to a catastrophic failure of leadership at the highest levels, Americans are no longer sure which way is up. We have lost our sense of moral clarity. Our freedom to ask questions without fear of reprisal has been cast into a well of doubt that is made all the darker by homespun threats and intimidation.

John Ashcroft’s announcement that an American named Jose Padilla had been arrested for plotting to explode a low-yield ‘dirty’ radioactive device in a major American city set the nation on tense edge. The White House reprimanded Ashcroft, stating that the threat was minimal and that his predictions of ‘mass death and injury’ were off the mark. Padilla had been arrested a month earlier. It quickly became clear that he was little more than a petty criminal who talked a good game, but lacked the resources to blow up much of anything. He is currently imprisoned without having been charged, and there are no plans to bring him before a court, as is his right as an American citizen. No dirty nuke could do the damage to the country that the precedent set by this action has done.

Bush, Rumsfeld, and Cheney were telling everyone who would listen of impending doom, inevitable biological attacks, suicide bombers on American streets, and the looming destruction of the Statue of Liberty and the Brooklyn Bridge. This spate of warnings came hot on the heels of revelations about security breakdowns before September 11, FBI agents who were starting to talk, and a Congressional inquiry into it all. Even within a badly compromised media, a sense that the administration was purposefully jarring Americans with these warnings to deflect heat and to cow

the Democratic opposition began to fester openly. Ashcroft's gaffe only exacerbated this.

Americans are now subject to a government that will terrorize them in order to further whatever agenda happens to present itself at the moment. More often than not, that agenda is about protecting the Bush administration from criticism about the catastrophe that was their preparedness for September 11. The administration and its security apparatus was warned, repeatedly and in detail, by foreign intelligence services about an impending stateside attack. They failed to act, and now scare Americans into forgetting to ask the hard questions about this. There is no moral clarity here, but only a base instinct for political self-preservation.

The loss of our moral clarity has left us in such dire straits that we do not even need a fearmongering government to slap us into line. On far too many occasions of late, we do this to ourselves in the name of 'patriotism.'

When Ohio State University held its graduation ceremony for the class of 2002, George W. Bush was the commencement speaker. Students there had organized a Turn Your Back On Bush protest to signal their disregard for his war and the shredding of civil liberties at home, and had marked their mortarboards with taped-on peace symbols so each could know the other. At the moment Bush was to appear on the podium, these protesters would, simply and eloquently, turn their backs to him. Eyewitnesses at the scene state that they were unable to number the peace symbols, because there were too many to be counted.

Before the students were led into Ohio Stadium for the ceremony, however, an announcement from the school administration was made. Students who turned their backs on Bush faced expulsion from the ceremony, denial of diploma, and arrest. They were informed that school staff members, police officers, and Secret Service agents would be watching. As they entered the stadium, the students were told to 'cheer loudly for President Bush.' Despite all this, the protesters planned to go ahead with their action.

One protester whom I know personally never got the opportunity to see how it came off. When the moment arrived, he stood and turned his back on Bush. Before he could assess how many others around him were doing the same, he was hustled out of the stadium by a Columbus police officer and a Secret Service agent. He was told that if he left peacefully, he would not be arrested for 'disturbing the peace.' Because he had his daughter with him, he wisely avoided detainment.

And so it goes. Who needs a PATRIOT Act when ordinary Americans – educators, no less – will happily suppress, with threats of arrest and the

denial of a hard-earned diploma, any views contrary to those espoused by the government? The Bush administration was likely more than pleased with OSU's actions on that Friday, for they govern by the same principles. This government does not lead with hope and promise, but with fear. They are the purveyors of night sweats and bad dreams. They are profiteers in the boneyard.

The boneyard they use for their gain, however, is haunted. It is haunted by Katy Soulas, who lost her husband in the World Trade Center. It is haunted by Kristen Breitweiser, who also lost her husband. It is haunted by Mary Fetchet, who lost her son. It is haunted by nearly 100 parents, brothers, sisters, and children of the September 11 victims who rallied outside Congress in June 2002 to urge an independent investigation into the attacks. They came as the congressional inquiries, which Bush believes 'understand the obligation of upholding our secrets,' met behind closed doors.

For these families, the secretive nature of the hearings was insufficient. A picture appearing alongside the *Washington Post's* report of the rally showed one family member holding aloft a sign which read, 'Bush & Cheney Left D.C. For Over A Month, Bush in Florida 9/11, Ashcroft Stops Flying Commercial Airplanes.' Only an independent investigation, free of political influence, will suit them. They know too much.*

The moral clarity of these families is beyond question. They do not launch bigoted attacks against Islam and they do not wish to turn the deaths of their loved ones into some sort of boon. They seek to make sure that nothing like September 11 ever happens again and believe an all-inclusive, unrestrained investigation is the only way to achieve this. Beside them at the rally were Democratic Senators Charles Schumer, Hillary Clinton, and Joe Lieberman, along with former House Minority Leader Richard Gephardt. Each affirmed the demands of the families by stating that the ongoing inquiry is not enough.

Heroes are hard to come by these days. These families, however, are a beacon of light in the darkness. The Democratic Congressmen and women who stood with them deserve highest praise, as do Democratic House members Barbara Lee, Cynthia McKinney, and Dennis Kucinich, who stepped forward to question the ways and means of this terror war long ago. Those who faced down the threat of arrest at OSU on Friday are an inspiration to us all.

* In November 2002, Henry Kissinger was tapped by Bush to chair an investigation into September 11. Kissinger is the ultimate manifestation of covert activity and cover-ups in America. This was a telling choice by Bush.

It is a beginning. Many within the opposition still fear to speak openly of their doubts about Bush and his administration. Those who do get short shrift from the national media – CSPAN, which covers virtually every event in Washington, failed to afford coverage to the September 11 families' protest and the Democratic leaders who attended.

Bush and his people would have us believe in a black-and-white world of clear good and clear evil. Though such premises are hopelessly simplified, their actions are actually bringing about the setting of such straightforward divisions. Bush stands on one side, praising bigoted religious xenophobia, speaking of secrets while whispering of disaster. The families of September 11 victims, along with a few bold politicians and the students at OSU, stand across from them seeking the truth and demanding a country of principles. In between them lies the moral clarity that will save us all, if its imperatives are heeded.

Heeding this call to stand and be counted has traditionally been an unsure venture in America. Our history is rife with stories of FBI agents infiltrating and harassing citizen groups that would change or derail dangerous actions by our government. The CIA and COINTELPRO (the FBI's domestic counter intelligence program) are an ever-present reminder that you, yes you, can and will be watched if you step out of line.

With the arrival of the Bush administration, and after the attacks of September 11, the level of intimidation has reached unprecedented levels. Attorney-General John Ashcroft, the most powerful police official in the land, was called before Congress on December 6, 2001, to give testimony regarding the restrictions being placed upon the commonest of American liberties. With the passage of the PATRIOT Anti-Terror Bill, and through an Executive Order signed by Bush authorizing secret military tribunals for suspected terrorists (the latter of which was enacted with virtually no congressional oversight, despite the fact that it seems to violate the spirit, if not the letter, of the Posse Comitatus Act), Ashcroft had some things to answer for.

From the beginning of his testimony, Ashcroft was defiant in the face of some skeptical Democratic senators. He waved a copy of an Al Qaeda terrorism handbook in their faces as proof positive that no restriction of freedom was too severe when considering the enemy we face. In his opening remarks, Ashcroft made the following statement:

To those who scare peace-loving people with phantoms of lost liberty, my message is this: Your tactics only aid terrorists – for they erode our national unity and diminish our resolve.

There is no plainer way to say it – this is rank demagoguery of a strain so pure that it has not been heard in the political dialogue of this nation since the dark days when Richard Nixon and Joseph McCarthy made careers out of shattering innocent lives during highly publicized anti-communist congressional hearings in the 1950s.

In essence, John Ashcroft claimed that if you question the unprecedented steps he and his Justice Department are taking, if you voice doubts about the concept of destroying freedom in order to save it, if you step out of the narrow line being drawn by him and Mr Bush, you are a terrorist. If you dare to participate in that most fundamental American activity – dissent – you are aiding and abetting the murderous butchers who sent thousands of our citizens to death.

No graver an accusation can be leveled in this time. It is one thing to sit and hold your tongue for fear of being called unpatriotic, as many patriotic Americans have done in the aftermath of September 11. It is another again to be called a terrorist for defending the sanctity of the US Constitution from men who come for it with erasers and redacting tape.

Ashcroft claimed that there are people who are scaring Americans with ‘phantoms of lost liberty.’ Let us examine some of these phantoms, and see if there is any flesh on the bones.

The First Amendment of the Constitution reads as follows:

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.

The idea that it was unpatriotic to question Bush in the aftermath of September 11 received wide play and acclamation in the media, and still does in many circles. This skirted the edges of free speech restrictions forbidden by the First Amendment. Ashcroft’s proclamation that anyone who speaks out against his and Mr Bush’s plans fairly defines the reason this Amendment was created in the first place.

Patriotic Americans now fear to speak out against the government, the first fundamental responsibility of any citizen, for fear of an accusation that will taint them forever. It is intimidation in the raw of the first principle – the right to speak your mind and to defy authority when it has gone awry.

The Fourth Amendment to the Constitution reads as follows:

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 Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Section 213 of the PATRIOT Anti-Terrorism Bill is entitled 'Authority for Delaying Notice of the Execution of a Warrant.' Legal analysts have given this provision a snappier title: the 'sneak and peek' provision. Under Section 213, Federal officers can enter your home, search your belongings, and attach devices to your personal computer that record and broadcast back to them any and all keystrokes you make while online. They can do all of this without ever letting you know they were there.

Ostensibly, this provision is aimed at true-blue terrorists. We don't want them to know we're watching. After Ashcroft's performance of December 6, however, any belief we may have that he or his department will refrain from using this provision to police ordinary Americans must be shaken to the core. If you speak out, you are a terrorist. The next logical step is that you will therefore be treated as one.

The Sixth Amendment to the Constitution reads as follows:

In all criminal prosecutions, the accused shall enjoy the right to a speedy 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 confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

One of the main reasons Ashcroft was ordered to appear before Congress was because of Bush's Executive Order authorizing the use of secret military tribunals to try – and potentially order the execution of – anyone suspected of being a terrorist. This is troubling on its face: secret trials with secret evidence followed by secret judgments. It was this sort of behavior that sent the Stuart king into exile.

Read the Executive Order closely, however. The section entitled 'Definition and Policy' describes what manner of suspect would come before the tribunal:

(a) The term 'individual subject to this order' shall mean any individual who is not a United States citizen with respect to whom I determine from time to time in writing that:

- (1) there is reason to believe that such individual, at the relevant times,
 - (i) is or was a member of the organization known as al Qaida; (ii) has engaged in, aided or abetted, or conspired to commit, acts of international terrorism, or acts in preparation therefor, that have caused, threaten to cause, or have as their aim to cause, injury to or adverse effects on the United States, its citizens, national security, foreign policy, or economy; or (iii) has knowingly harbored one or more individuals described in subparagraphs (i) or (ii) of subsection 2(a)(1) of this order; and
- (2) it is in the interest of the United States that such individual be subject to this order.

It is (2) that gives pause. There are some 20 million non-citizens occupying and working in the US right now. They could be arrested, detained, tried and convicted in secret if someone decides 'it is in the interest of the United States.' If John Ashcroft, whose idea of treason extends to questioning his highly questionable actions, is representative of the attitude being brought to this anti-terrorism endeavor, the precepts laid out in the Sixth Amendment have suddenly turned appallingly fragile.

Considering the lengths Ashcroft seems willing to go in order to stifle dissent, one wonders how difficult it would be to strip someone like you or me of our citizenship if we yell a bit too loudly. We would then be subject to (2) as well. Once again, the circumstances surrounding the limitless imprisonment of Padilla without charge come to the fore.

The phantoms Mr Ashcroft so arrogantly disparaged seem to have some significant substance, after all.

America is an idea, one represented and defended by the Constitution, the Bill of Rights, and the Amendments listed above. Destroy the idea and you have destroyed the nation. If we are to believe the hyperbole of the administration, those who attacked us on September 11 did so because they despise our freedoms. To destroy those freedoms in response to the attack is tantamount to surrender.

Fascism is defined as 'A system of government marked by centralization of authority under a dictator, stringent socioeconomic controls, suppression of the opposition through terror and censorship, and typically a policy of belligerent nationalism.' This definition cuts too close to the bone. The time has come to stand up and say no to this slow evisceration of the idea