

LIBERTY: IT'S THE LAW! [1]

The Bill of Rights Enforcement Project

"...The Bill of Rights is a literal and absolute document. The First Amendment doesn't say you have a right to speak out unless the government has a 'compelling interest' in censoring the Internet. The Second Amendment doesn't say you have the right to keep and bear arms until some madman plants a bomb. The Fourth Amendment doesn't say you have the right to be secure from search and seizure unless some FBI agent thinks you fit the profile of a terrorist. The government has no right to interfere with any of these freedoms under any circumstances." — Harry Browne

Early last week we saw the US Senate vote 68 to 29, all Republicans voting aye, to keep the Protect America Act (PAA) from sunseting. The PAA updates the Foreign Intelligence Surveillance Act (FISA) to enable the executive branch to spy on Americans without a warrant; further the government wanted immunity for telecom corporations who had helped the president violate the former FISA law. (The original FISA required judicial approval—which was routinely given—for surveillance of communications; the Bushoviks spied without going thru the approval process) Then late last week, the House in a courageous move defied the president by recessing and allowing the bill to expire.

This attempt by the administration to continue to violate the due process provisions of the Bill of Rights is merely the latest of its many insults to the Constitution. Probably its coup de grace was the Military Commissions Act of 2006 which repealed habeas corpus and gave King George and his men the power to throw anyone in jail they please without charges and without notification, and to torture at will. Because Congress actually voted to give the president these powers, we've actually entered a new era in American politics which was proclaimed specifically by the brave souls at Rational Review a few years ago:

The Political Program of Rational Review

With a preamble "The United States has entered into a revolutionary era. We do not claim to know, with certainty, when this era began, but the events and aftermath of September 11th, 2001, have exposed fatal cracks in the foundations of American political society as we know it...." the folks at RR lay out the following principles for action:

- 1) We call for the cessation of enforcement — as well as the repudiation and repeal — of all laws which (in any way, shape manner or form) conflict with the first ten amendments to the Constitution for the United States of America.
- 2) We call for trial, by juries of their peers, of any and all persons credibly accused of violating, or attempting to violate, the first ten amendments to the Constitution for the United States of America, in their capacities as employees of any entity, division or subdivision of government, under the provisions of the United States Code, Title 18, Sections 241 and 242. Upon conviction for such offenses, we call for said persons to be punished as mandated by said statutes; and, further, that they henceforward be barred, per the 14th Amendment, from all offices of public trust under the United States of America.
- 3) In pursuit of the fulfillment of the first point of this program, we call for the American people to resist, by any means necessary, the enforcement of any law which (in any way, shape, manner or form) conflicts with the first ten amendments to the Constitution for the United States of America; and for the members of the libertarian movement to form such associations and conduct such activities as they deem necessary to aid in that resistance, operating always in accordance with the Zero Aggression Principle.[2]
- 4) In anticipation of a failure of the state to implement the first two points of this program, we call upon the libertarian movement to create, and to offer for the use of the American people, such alternative institutions as may be required to perform the legitimate services required for polity; said institutions shall operate in accordance with the Zero Aggression Principle, upon the basis of the Unanimous Consent of all who deal with them, and in direct competition with the state's distorted versions of said institutions for the patronage of the American people.

- 5) In similar anticipation of attempts by the state to suppress this implementation of voluntary polity, we call upon the libertarian movement to organize and actively lead such efforts as may be necessary to implement the first point of this program and to protect the new society to which it is thereby giving birth from the existing state, any emergent state or any other enemy which may present itself.

Our friends close with a stirring call for action. "We call upon all individuals and organizations composing the libertarian movement to adopt this program and to implement it in such ways as their capacities provide for." I just love this RR program and the way it's stated, and I'd love to see it taken up self-consciously by the "libertarian industry" as the essential agenda we're all after. Its goal is a society based on the Sacred Nonaggression Principle.

Getting with the Program

So Rational Review refers to its five-step program generically as a Bill of Rights compliance program through recognition of the BoR as the fundamental law of the land, holding all government officials to The Law, and refusing as citizens to obey any statutes that violate The Law. I have referred to the RR Program idea more explicitly as the Bill of Rights Enforcement Project (BREP or BoREP). Alas, it appears this specific BoREP has become a hopeful idea in search of a Website and other tools of mass promotion.

The problem lies in the nature of the idea of Bill of Rights "enablement" itself: virtually everyone I know in the freedom movement is acting in one way or another to effect the changes proposed under the RR Political Program. And just because, say, you don't pay your illegally constituted tax bill doesn't mean the rulers won't sic the dogs on you. In order to make the necessary radical restoration of the republic, enough of us need to stay out of jail long enough to undermine the system of coercion by moral and political means.

Then we expunge the crimes and release all political prisoners... and, oh, make room for new prisoners, those who have knowingly violated the Constitution.

It takes all kinds. In the natural course of things we'll have our Ghandis and Martin Luther Kings, our Russell Kannings and Lauren Canarios, the ones who through confrontation make a direct moral issue of the oppressors' aggression on civilized, conscious human beings. As freedom people, the rest of us have a universal responsibility to support these direct resisters with our love and with our wealth... as well as to do our own thing, consistent with that radical vision of a society without coercion.

As a self-styled "cheerful revolutionary," I've already withdrawn my allegiance from the illegal American state and its vestiges. I do not recognize its authority over me as a sovereign individual. At the same time, I do recognize these people who have illegally taken over my country are armed and dangerous, so it seems we can make a lot of hay by turning these armed men away from supporting the state and toward supporting real people like you and me.

Have You Hugged Your Bill of Rights Today?

Stay tuned for a march of millions of freedom people on Washington in April; it has been suggested by Ron Paul as a means for overcoming the media blockade of his message of Constitutional liberty.

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[1] Actually, the original formulation is "Freedom: it's the Law!", which came into being courtesy of another freedom-minded site named Reason to Freedom. Would only that the phrase reach the status of everyday vernacular.

[2] The Zero Aggression Principle is what I have described as the Sacred Nonaggression Principle.

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