

# Downside UP

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*This is the third and final article in Downside Up's extended series on politics and religion, "It Is About Religion," as well as the third of three recent multi-part series on major issues covered as a result of reader requests for in-depth analysis. (The others: "Israel and the Palestinians" and "The 2004 Elections: What's Fake; What's at Stake; What To Do.") I plan to return to my original format starting in October.*

## It Really Is About Religion, Part III

### **The Environment, Civil Liberties, and Foreign Policy: Evangelical Fervor Shakes Historic & Constitutional Foundations**

In April, 2002, Greenpeace activists, in line with their long tradition of publicizing environmental atrocities through acts of non-violent civil disobedience, boarded a ship smuggling illegal mahogany into the United States from the Brazilian Amazon. They raised a banner that read: "President Bush: Stop Illegal Logging." The protesters were arrested, jailed for a weekend, and released. In the past, that would have been the end of it, but 15 months later, Attorney General John Ashcroft's Justice Department decided to indict Greenpeace as an organization using an 1872 law intended to prevent pimps from boarding ships to recruit sailors as clients.

This spring, after Greenpeace diverted resources from its programs to prepare a defense and the US government surely spent at least as much (of our tax dollars), the case was thrown out of federal court without Greenpeace ever having to present its defense.

I tell this story because to some degree it reflects the Bush Government's politics in all three areas which are the subject of this month's Downside Up: (1) The prosecution was a way-out-of-proportion attack on the environmental movement. (2) Since the Justice Department pursued prosecution to intimidate and drain the organization, likely even knowing there was no case, it was an attack on free speech. And (3), bizarrely, at the same time the Bush Government was zealously prosecuting Greenpeace for exposing a failure to prosecute environmental law-breakers (shall we say, terrorists?!), it was ignoring the international agreements and US laws which made the importation of Amazon mahogany illegal.

It is a story which makes all too clear the nature of American political leadership under the sway of the Evangelical wing of Protestantism.

### **Background**

In the first two articles of this series on politics and religion, I have made what I think is a fair argument for the legitimacy of Republican/Evangelical domestic policy, even their values agenda. I strongly disagree with what they are trying to do, from shifting and

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reducing taxes to privatizing Social Security, from banning abortion to opposing gay rights. I was apparently so fair that a few of my readers have seen what I did as a defense of the Republican/Evangelical program! (1)

I argued for legitimacy, however, not because I agreed with their program but because I saw it as falling within the historic and constitutional framework of the first American republic. The domestic policy goals of the Republican leadership today represent a radical departure from – indeed, a reversal of – policies pursued over the last 100 or so years of Mainstream Protestant political dominance. They do not, however, undermine or belie the basic principles and institutions of the Constitution, international relations, or the faith statements of the Evangelicals themselves. I drew the line only with the Evangelical/Republican attempt to impose their prayers – and in that, their religion – on the rest of society. There they crossed not only historic and constitutional limits on state intervention in religion, but also their own historic principles supporting separation of church and state and a diversity of Protestant paths to the Kingdom of God.

Fortunately, in domestic policy, the new Republicans are not (yet) in charge. While their tax cuts have laid the groundwork for a destruction of 100 years of social programs, they have been thwarted again and again by the votes of most Democrats and a small group of moderate and constitutionalist old-style Republicans. Only where the Executive (presidential) part of our national government holds sway, subject to few curbs from Congress or the Judiciary, have they been able to make major strides in reversing historic policies and thereby given us a foretaste of what they have in store for us if they succeed in taking charge of the whole government. These areas include deregulation, especially with regard to the environment but also with regard to protection of labor, food supplies, and drug safety. They include major transgressions of civil liberties, where Congress has been complicit. And they include foreign policy, where the Constitution grants priority to the Executive.

On the environment, civil liberties, and foreign policy, the Executive has pursued its goals with – there is only one word for it -- evangelical -- fervor. In saying this, I am not claiming that most of the top leadership of the Bush Government, or even a majority of its heavyweight supporters, are Evangelicals or even care much about religious questions. Donald Rumsfeld, Paul Wolfowitz, Dick Cheney and their cohorts have an agenda for unilateral military intervention and world hegemony but I don't think their zeal has anything to do with Evangelicalism. Corporate America and its so-called “free market” allies are opportunists. They care about the environment only when besmirched by their abuse of it. Civil liberties count only to the extent that Evangelical hostility towards minorities and women could lead to policies interfering with market globalization. Otherwise, Corporate America sees tax cuts and reduced government regulation as good for business.

But the attitudes – the mindset -- of all these people both reflect and exacerbate the Evangelical fervor and extremism which characterize the likes of John Ashcroft and George Bush. For a while, my working title for this article was, “I'm Right; You're Wrong: To Hell with You.”

### **The Evangelical Mindset: From Martin Luther to George Bush**

What Martin Luther began, Mainline Protestantism fulfilled. Capitalism and Protestantism developed in tandem over the centuries since the so-called “Middle Ages.” Starting, let us say, roughly, in the 13<sup>th</sup> century, capitalism began to emphasize

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the individual's freedom to seek personal gain in a free market unconstrained by guilds and government monopolies. Protestantism (in the 16<sup>th</sup> century) emphasized the individual's freedom to talk directly to God without the intercession of priests, saints, or the Virgin Mother.

Reinforcing, and being reinforced by, capitalism and Protestantism, were new ways of understanding both the natural and social world in what came to be called “the Enlightenment.” Science reflected the change for the natural world: each individual could now find truth through observation, experimentation, and reason -- as opposed to sacred texts like Aristotle, St. Augustine, and the Bible understood as eternal and immutable standards of truth. As freedom of thought was essential to scientific inquiry, it was equally essential to discovering social laws required for a good society. Authoritarianism was out. Political freedom was as important as economic and scientific freedom.

In many ways, the new republic which appeared in America at the end of the 18<sup>th</sup> century epitomized all these trends: Protestant in religion, enthusiastic about scientific discoveries, strongly entrepreneurial, it was (for all its contradictions – racism, slavery) far and away the Western world's leading democracy. Yet there were from the beginning, cracks in its façade, cracks which, over the next 200 years, even as slavery was abolished, would become ugly wounds. At first supportive of the Revolution, some Protestants – what I have called “Evangelical Protestants” -- never accepted the world of reason and science propounded by Founders like Thomas Jefferson and Benjamin Franklin. Over time, they came to suspect, and many to despise, all that science represented as a challenge to pre-Enlightenment understanding of Truth and God. Free inquiry was a threat to religious dogma.

While (generally) democratic at home, the new American republic was, moreover, far from democratic abroad. It was from its beginnings, expansionist. What land early settlers could not get as a result of the diseases which killed off vast numbers of Indians, settlers took in open warfare, often, as in Connecticut in the 1630's, genocidal war intended to wipe the Indians out. George Washington spoke of a “rising American Empire” most Founders modeled on the English Empire. The same racism which marred democracy at home, manifested itself as xenophobia, arrogance, and imperialism abroad. The Puritans' “City on a Hill,” self-conceived as superior in both moral purpose and actual product, became a nation with a “Manifest Destiny” to conquer the Indians, “Christianize” the Far East, and “instruct” not only Latin Americans but even white Europeans in proper democratic ways.

As for political freedom, the link between scientific and economic freedom on the one hand, and political freedom on the other, may always have been tenuous. The development of capitalism – the system of privately owned means of production operating in a market economy – did, on the whole, in the 18<sup>th</sup> and 19<sup>th</sup> centuries, go hand in hand with the development of individual freedom and democracy. But that connection has not proved unbreakable in the 20<sup>th</sup> or 21<sup>st</sup> centuries. As they do today for China, apologists for authoritarianism, especially in the business press but also in academia, have argued that democracy and political freedom inevitably flow from scientific and especially economic freedom. Soviet science was weak because it was not open to free inquiry. China will inevitably become more free politically in the future by the United States establishing, now, free trade with its totalitarian regime. (2)

The fact is that capitalism in the United State has been corrupted by its own success. I would question whether Corporate America today is really worried about how a more

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limited American democracy with increased constraints on political freedom would impair opportunities for growth and profit. The coming together of Corporate America with Evangelical Protestants in the Republican Party suggests the contrary. While one questions free inquiry in science, the other would rather make policy behind the closed doors of World Trade Organization meetings. In fact, what long since has been government-protected, supported, and subsidized capitalism, under George Bush has become crony capitalism more characteristic of authoritarian third world societies. (3)

Thus is it an altered Evangelical Protestantism which has come down to us today and now predominates among those who hold the White House. It exhibits not just a general hostility to the Enlightenment, but a specific hostility to science. Its self-righteous moral absolutism and its sense of racial and cultural superiority have hardened even as those of Mainline Protestantism have softened. Freedom of inquiry has come to be seen more as a threat to orthodoxy than a means to individual understanding of God's will. Evangelical Protestantism has solidified politically into a kind of mean-spirited intolerance.

The consequences for the environment, civil liberties, and foreign policy are profound.

### **The Environment**

Imagine this: the United States is led today by a man who believes not only that the world was created in six of our earth days a few thousand revolutions of the earth ago, but that global warming is a fabrication of tree-hugging environmental extremists. The former he wants taught as science in our public schools; the latter he condemns as not "sound science."

The Evangelical-based leadership of this country hates the environmental movement in a way which seems to outsiders beyond all reason. Indeed. In part they hate it because Mainline Protestants have adopted environmental protection as a pillar of their faithful regard for God's working in the world and thereby embarrassed Evangelicals for their alliance with the new Republican Party, its corporate allies, and a macho-style, profit-is-everything, exploitation of God's Creation. Evangelicals hate the movement even more because it is overwhelmingly the most public manifestation of the science they see as working against religious faith based on an absolute and immutable Truth derived from a single "literal" interpretation of the Bible. At last, they hate it because it symbolizes all those devoted little evidence-finders with their test tubes and green eye shades who permeate an Enlightenment world in search of secular truth: not just in environmental impact statements or at the American Academic of Sciences, but in United Nations commissions, the Bureau of Labor Statistics, colleges and universities, and the Congressional Budget Office.

There is no other way to explain a presidency which has engineered the most concerted assault ever undertaken on the environment by the government of the United States. Fully aware of the fact the American people overwhelmingly support stronger environmental protection, the Bush White House has undercut, demolished, and degraded the environment with policies announced, almost without exception, late on Friday afternoons: too late for Friday's evening news and the day before Saturday when there is no anchor network evening news and newspapers are less read than on any other day of the week.

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The main exceptions to Friday afternoon (when announcements occur at all) are intended to deceive: A "Clear Skies" initiative which reduces air quality standards. A "Healthy Forests Initiative" which will vastly increase taxpayer-subsidized tree-harvesting in our national forests. A proposal to increase salmon runs not by taking down antiquated and inefficient dams but by adding yet another inadequate "ladder" or two. A new mercury regulation which pretends to increase protection but which actually reduces it. A proposal to reverse wetlands losses that, if anything is done at all, one can be sure will consist mostly of inadequate, artificially-created, wetlands supposed to make up for losses of more market-valuable wetlands. (Euphemistically called "minimization," these "trades" are the bane of wetland preservation around us here in Florida).

When not for the sole purpose of deceit, these announcements are made when the Bush White House realizes they have lost track of their so-called "compassionate conservatism agenda." The wetlands announcement was made last April at the Florida Everglades in the middle of a \$4.4 million Florida campaign fund-raising effort on George Bush's 21<sup>st</sup> visit to this swing state. It came at the same time his Interior Department approved a vast increase in open-pit mining in the Everglades and his brother, Governor Jeb Bush, pushed through the Florida legislature a decade delay in the clean-up of Everglades waters polluted by phosphorous from the sugar industry.

Clearly, much of the Bush White House's assault on the environment can be explained by the close ties of George Bush and Dick Cheney, the Bush family, and the Republican Party, to anti-environment corporations, especially in the energy industry. Yet actions like those to reverse the Clinton ban on snowmobiles in Yellowstone National Park are far too petty and vindictive to be explained only by politics. (The vastly larger national forest area around Yellowstone is already open to snowmobiles.) The constituency is just too small. The fervor and enthusiasm is Evangelical.

The following list is intended to allow a little light through the veil of secrecy and deception the Bush Government has created to obscure the true nature of its environmental policies. I have taken most of the topics from the Sierra Club's The Planet (June, 2004, pp. 4-5), and then reworked, checked, and added to them from the enormous pile of articles I have on the subject.

1. **Mercury Pollution:** New Bush Environmental Protection Agency (EPA) standards will push back limits on mercury in our air and water. They will allow three times as much mercury for ten more years than we would have just by enforcing existing standards in the current Clean Air Act with existing technologies. The EPA itself reports that pushing back standards will result in 630,000 more babies born every year with unsafe levels of mercury. Most of the mercury comes from the effluent of coal-fired electric power plants.
2. **Superfund Cleanup:** The Bush Government has shifted the cost of Superfund toxic waste cleanups from the polluters who created the toxic dumps to taxpayers, and then used the budget deficit (caused by Bush tax cuts) as an excuse for reducing the program. In 1995, taxpayers paid 18% of the cost; in 2004, they will pay 100%.
3. **Air Pollution:** The Clean Air Act exempts the nation's oldest and dirtiest factories and power plants from new regulations. It then allows them to expand, but only if they install modern anti-pollution technologies. The Bush Government has virtually removed this requirement for 17,000 plants by defining up to a 20% expansion as "routine maintenance."
4. **Old-Growth Forests:** Allegedly passed to protect communities endangered by forest fires, the "Healthy Forests Initiative" will spend millions of taxpayer dollars to

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open up 190 million acres to “thinning” when only 1.9 million (1%) are actually at high risk of fire and close enough to communities to affect homes.

5. **Energy:** The energy bill Bush and Cheney are trying to force through Congress (and which the Senate has rejected twice) includes billions of dollars in subsidies to the coal, oil, and nuclear industries, opens coastal areas to oil drilling, and exempts makers of the wildly dangerous cancer-causing gasoline additive MTBE from prosecution. It does virtually nothing to raise motor vehicle fuel economy standards, encourage conservation, or promote renewable energy (solar, wind, etc.).

6. **Factory Farms:** In a series of secret meetings with animal factory farm polluters (meetings which EPA officials at first denied), the Bush White House is, de facto, rewriting the Clean Air Act with rule-making and amnesties so factory farms can continue to discharge 2.7 trillion pounds per year of animal waste into rivers, streams, lakes and air.

7. **Global Warming:** During his 2000 presidential campaign, George Bush supported reductions in carbon dioxide emissions as called for in the Kyoto Protocol signed by 155 other countries. Once elected, he reneged, denouncing the Protocol as not based on “sound science.” He then appointed his own commission which embarrassingly (it would seem to me, anyway!) confirmed the conclusion also reached by the National Academy of Sciences and energy corporations such as BP, Dupont, and Shell (but not Exxon-Mobil). Now, the US Climate Change Science Program has reported in a supplement to the White House’s 2004-05 budget that global warming is likely to have been human-caused. While two cabinet heads officially signed off on it, they apparently forgot to tell their boss, leaving him, when interviewed by two New York Times reporters, in befuddled denial that his Government had changed its policy. (Elisabeth Bumiller & David E. Sanger, “Excerpts of an Interview With President Bush,” NYTimes.com, August 27, 2004)

8. **Ground Zero Asbestos:** On September 14, 2001, the EPA sent a proposed press release to the White House about dangerous levels of asbestos at the site of the World Trade Center collapse on September 11. The Bush White House altered it to read, “Our tests show that it is safe for New Yorkers to go back to work.”

9. **Wilderness Lands Lost/Drilling Comes First:** If George Bush has proposed protection of a single acre of our landed heritage since coming to office, I do not know of it. He is certainly the first going back at least to Teddy Roosevelt 100 years ago to reduce the net amount of land protected. Since Congress initiates protection under the Wilderness Act and many Republicans as well as Democrats concede to the enormous popularity of the program, he has signed off on a half million new wilderness acres, but this is the least of any president since the Wilderness Act was passed in 1964. Instead, by reversing the Clinton Government’s Roadless Area Conservation Rule, he has taken out of protection 234 million acres. He has authorized oil and gas drilling on five million acres proposed but not yet designated by Congress for wilderness protection, including coastal Alaska, the Powder River Basin of Montana and Wyoming, and the Rocky Mountain Front. These include 82,000 oil and gas leases already approved for Montana’s Powder River Basin where the Bureau of Land Management itself admits there is only enough natural gas and oil for two days of US gas consumption and 15 minutes of our oil consumption. On July 12 (a Monday), the Agricultural Department (which runs the National Forest system) headlined the Roadless reversal as “[Secretary] Veneman Acts to Conserve Roadless Areas in National Forests.” (See also John Heilprin, “Venerable Wilderness Act stands test of time,” The St. Augustine Record, September 3, 2004, p. 7A.)

### **Civil Liberties**

Under current policies and practices of Attorney General John Ashcroft, it is illegal for intelligence agencies to track suspected terrorists based on their legal purchase of a gun, but it is legal to track them based on their (equally legal) taking a book out of a public library.

The gun situation derives from the "gun control" legislation molded before George W. Bush became president. The so-called "Patriot Act" left the gun rule unchanged but allowed government agents to review library records in search of suspected terrorists. This situation is symbolic of how badly the Bush Government has dealt with the terrorist threat, failing adequately to address big problems (guns, Afghanistan, biological threats, the nuclear and chemical industries, Israel and the Palestinians, bureaucratic in-fighting, international cooperation) while pretending to courageous leadership against unrelated, minimal, and non-existent problems (books, Iraq, ballistic missiles, civil liberties).

I am not going to go into the history of the Patriot Act and the Bush proposals to make it even worse. Nor the abuses of Abu Ghraib. This information is fairly much in the public domain for those who choose to read it. What I want to emphasize is not the details but the mindset of a leadership which has undertaken these actions, where they contravene the Constitution, and how the general lack of interest in civil liberties has been exacerbated by the influence of Evangelicals in the Bush White House.

If the environmental threat is hidden behind government lies, deception, and secrecy -- these practices themselves an underlying threat to democracy -- the threat to civil liberties, an explicit foundation of democracy, stands out for its brazenness. The Bush White House and the Ashcroft Justice(?) Department boast of their actions, claiming as a defense of freedom what are in fact grave threats to our freedom.

To understand the issues, we must first look at the actual words of the relevant first ten amendments to the Constitutions, known as the Bill of Rights. For all the tens of articles I have read on the Patriot Act, Justice Department policies, and Abu Ghraib, I have yet to see the Constitution fully quoted, even in the Washington Post. I have seen references, paraphrases, and excerpts, but I think it is important for all Americans to see the real words in their full context. It is fair and appropriate to quote the Bill of Rights because it is the first writing down of the principles of political freedom which emerged out of the Enlightenment and the standard of civil liberties for the whole world.

### **The Bill of Rights**

I begin with the First Amendment because the judicial amendments I am focusing on play an important role in preventing the government from intimidating dissenters whom the First Amendment is designed to protect. (4) The First Amendment (including the religion clause discussed in the last issue of Downside Up) reads:

#### **Amendment I**

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.

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The Bush leadership has tried to intimidate dissenters verbally by suggesting that they are unpatriotic, segregated protesters into “protest zones” often far from the president or vice-president whom they are protesting, and worked especially to limit press access to information. It has prevented the press from taking pictures of coffins returning from Iraq and tried to co-opt reporters by “embedding” them in military units. Although all this is serious, it is far from unprecedented among past presidents.

What is important to realize here is that the First Amendment is underpinned by, and intimately connected to, the judicial amendments because, **in authoritarian societies, governments routinely resort to surveillance, false arrests, criminal prosecutions, and imprisonment without trial in order to intimidate dissenters.** I do not cite the Greenpeace case to suggest that our society is now authoritarian, but it is a worrisome example of judicial action in restraint of free speech. The trial of the Chicago Seven in the Vietnam era was similarly intended to drain the resources of the radical anti-war movement. It didn’t matter whether the accused were actually convicted. The lengthy and costly trial tied up the leadership and their organizations.

### **Amendment IV**

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.

The Fourth Amendment responds to the propensity of the King of England’s officials to show up any time, anywhere, as they pleased, to hunt around your house or property looking for evidence of a crime, even one of which they had no knowledge. No independent judge (no such thing existed) had to approve. We would call it a “fishing expedition.” This fundamental protection of the Constitution was already undermined by the Foreign Intelligence Surveillance Act (FISA) passed before George Bush took office. It was significantly expanded under the Patriot Act.

Today, the primary means of “search” is electronic surveillance. While the fact that the search is electronic means you may not be intimidated – because you do not know it is happening – the fact that it could be happening creates an atmosphere of intimidation. Moreover, since FISA claims to be about foreign intelligence and not criminal acts, it allows searches without “probable cause” and warrants approved by secret courts – not specifically barred by the Fourth Amendment but certainly contrary to the spirit of the Sixth guaranteeing public judicial procedures. Critically, the Patriot Act, as upheld by the 2002 decision of a secret appeals court, allowed the FBI to seek electronic surveillance warrants not just for intelligence gathering but “when criminal prosecution is the primary goal.” (Dan Eggen and Susan Schmidt, “It’s a Whole New Spy Game,” The Washington Post National Weekly Edition, May 10-16, 2004, p. 29).

**Since the whole idea behind probable cause is to protect potential defendants in criminal cases, to bypass probable cause for criminal prosecution goes way over the line in violating the spirit, intent, and meaning of the Fourth Amendment.**

As many Congresspeople and Senators warned at the time the Patriot Act was passed, this has led to a vast increase in the number of secret wiretaps (from 934 to 1,700) to the point that the number of those authorized in secret under FISA now exceeds the number

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approved in regular criminal cases by federal and state courts (1,442). The number of those which are actually criminal cases related to foreign intelligence remains unknown for the very reason that the warrants are secret.

### **Amendment V**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when 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 a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

### **Amendment VI**

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.

As threatening as Bush Justice Department’s actions are to the Fourth Amendment, they pale in relation to the threat represented by its violations of the Fifth and Sixth Amendments. Under these, a “person” has a right to be indicted, to take advantage of due process of law, to have a speedy and public trial by an impartial jury in the state or district wherein the crime was committed, to be informed of the nature and cause of the accusation, to confront witnesses against him [or her!], to be able to obtain witnesses, and to have the assistance of council.

George Bush claims that the Muslim world hates us because they are “jealous of our freedoms.” I think it is much more because we keep supporting governments which deny Muslims our freedoms in their own countries – and now in our own country. It is perverse of us to pretend to be bearers of freedom’s message to the Muslim world when we so blatantly display our lack of commitment to freedom in our own country. I am not (yet) talking about torture at Abu Ghraib. I am talking about thousands of other prisoners in Afghanistan, Iraq, unnamed Muslim countries which will carry out torture on our behalf, Guantanamo Bay Naval Base, and, most of all, our own country. The vast majority of them are still held after more than two years without knowing the accusations against them, without any trial, much less a speedy one, without the chance to confront witnesses against them (many were likely “exposed” for personal vendetta), without access to legal council, and, indeed, without even the chance to inform their families that they have been arrested!

Understand this: Everyone has to be either a soldier and prisoner of war subject to the Geneva Conventions or a civilian subject to the laws of one country or another. “Terrorist” is not a legal category. The Bush Government calls what it is doing “war,” but then denies its prisoners the rights of either warriors or citizens. It is obvious that many were placed at Guantanamo Bay so we could hold them on “our” territory while denying them the rights they would have if they were in the United States. It calls some prisoners “enemy combatants” under a World War II era Supreme Court decision, but still doesn’t give them a trial. It puts them in civilian jail and when a judge rules that

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they have a right to a civilian trial, moves them to a military jail. Some claim that citizenship distinguishes the rights of foreigners from those of Americans, but the Bill of Rights makes no such distinction – never even using the word “citizen.”

As George Bush interprets the Constitution and the law, he – and his officers, including John Ashcroft and Donald Rumsfeld – can declare anyone, on their say-so alone, a terrorist. Whether an American citizen or not, whether apprehended in the United States or not, this person can be held indefinitely in a military jail without charges or trial until the president decides to let him or her out. Let there be no doubt: if these actions were not specifically intended to have what constitutional scholars call a “chilling effect” on free speech, the disregard for free speech demonstrated by these actions surely does. Some of those held are not even thought by the Bush Government to have committed any overt act against the United States. For some it is enough that they have supposedly “conspired” against the United States. If so, it is but a small step to an ever-looser definition of “conspiracy”? Could it include people like me openly proclaiming that it is the president’s misguided policies which have caused the terrorism? George Bush and John Ashcroft have openly questioned the patriotism of dissenters, including United States Senators. For people of Bush’s and Ashcroft’s moral self-righteousness, how much further is it to claim dissenters are in fact traitors? **This is the First Amendment issue behind the Fourth, Fifth, and Sixth Amendments.** (5)

Since King John of England (that’s the Prince John of Robin Hood legend!) signed the Magna Carta almost 800 years ago, our tradition has rejected the notion that one person, no matter how highly ranked, could exercise absolute control over any individual’s freedom. Now we hold Yaser Hamdi and Jose Padilla, both American citizens, and thousands, if not tens of thousands (how can we know when names are kept secret?) of others in denial of the fundamental principles of the Magna Carta and the Bill of Rights which derives from it.

The Hamdi case suggests all too clearly how empty the Government’s cases against many of its so-called “terrorists” likely is. On June 28, the Supreme Court at last (if they had only acted as quickly as they intervened in the 2000 presidential election) decided, with only the extreme right-wing Clarence Thomas dissenting, that, “Due process demands that a citizen held in the United States as an enemy combatant be given a meaningful opportunity to contest the factual basis for that detention before a neutral decisionmaker [*sic*].” “Justice O’Connor wrote that the campaign against terrorism notwithstanding, ‘a state of war is not a blank check for the president when it comes to the rights of the nation’s citizens.’” (David Stout, “Supreme Court Affirms Detainees’ Right to Use Courts,” [NYTimes.com](http://NYTimes.com), June 28, 2004.) Now, suddenly, faced with actually proving its allegations, the Bush Government has decided that Hamdi is not, after all, the nefarious terrorist they have long been telling us he was and are negotiating his release in exchange for renouncing his US citizenship and moving to Saudi Arabia.

All this is not to say that Evangelical influence is the sole explanation for the Bush Government’s radical assault on civil liberties any more than the environment. But the Evangelical mindset, certain of its rightness, intolerant of dissent, and hostile to difference, reinforces a regime already prone to narrow-minded extremes. How bad it all is becomes even more apparent from their response to a related Guantanamo ruling that “federal courts have the jurisdiction to consider challenges to the custody of foreigners”: They have created their own set of proceedings apart from both US courts and the Geneva Conventions.

What the Bush Government is doing is certainly a personal tragedy for Hamdi and so many others imprisoned for years without trial. But it is far more broadly a tragedy for our country and its claim to freedom. We cannot claim the higher ground of world leadership when it comes to freedom when we deny freedom to our own citizens and the very foreigners we are trying to convince of our moral superiority. Perhaps nowhere else than here at the nexus of freedom and foreign relations are the policies of the Bush Government so bankrupt, its rhetoric and its reality so at odds.

### **Foreign Policy: The Evangelical Mindset**

If intolerance of different ideas contributes to a low regard for civil liberties in a government whose mindset is strongly influenced by the fervor of Evangelicals, respect for religious and cultural differences is of even lower regard. The fact is that the Evangelical mindset reeks of arrogance, intolerance, racism, xenophobia, and moral superiority. It is the talk of everyday life among so many of the people I encounter around me every day. Not my close friends, and often not Evangelicals, but people with whom I must nonetheless associate to live my life. Out of this muck, no sound or sensitive foreign policy could possibly come. (6)

Certainly, at least some degree of xenophobia – dislike or hatred of foreigners -- is common enough throughout the world. Just listen to ordinary French, English, and Germans talk about each other. Nor is cultural arrogance and assumed superiority a monopoly of Americans. Listen to the Chinese, Japanese, and Koreans. But most people in most countries no longer subject to the residue of imperialism which so affects Africa and the Middle East seem to be getting better. The United States had been getting better ever since the 1920's when Republican presidents like Calvin Coolidge and Herbert Hoover initiated a new relationship with Latin America.

But with the Bush people, it seems like we are taking (yet another) journey back to the 19<sup>th</sup> century, starting with George Bush himself. Others describe him – and he describes himself – as a person who, once he makes up his mind, puts all doubts aside. This is paraded before the public as a sign of his courage and conviction but it's really a sign of ignorance, arrogance, and inability to consider complex issues – or, infamously, admit mistakes. (7)

He and so many of the people around him just don't like foreign cultures. They don't travel abroad. They don't speak foreign languages (even less than most Americans). They don't like Europeans. They call the Germans and French names and hate them even more now that it turns out they were right about Iraq. They act as if cooperation with other countries were akin to compacting with the Devil. They get great cheers at the Republican convention for baiting the United Nations.

The affair of Lt. General William "Jerry" Boykin is exemplary. He declared that "they're after us because we are a Christian nation." And later, in reference to a Muslim warlord in Somalia, that "I knew my God was bigger than his...I knew that my God was a real God and his was an idol." Such statements were contrary to policy. That he was not fired is startling. It reflects the fact that most Evangelicals, including the Evangelical in chief, agree with him. It is not good enough to point to Colin Powell as a decent guy when all he does is keep his mouth shut. As E. J. Dionne, Jr., has written, "If you believe that you are in possession of something like the absolute truth – and have an obligation

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to proclaim it and a duty to convert others – religious toleration ultimately involves tolerating “error” and allowing error to propagate itself.” (“Taking Satan Seriously,” The Washington Post, October 28, 2003, p. A23)

All this comes out in our absurdly failed foreign policy. The Republican Right has long disparaged international organizations and multilateral treaties from the League of Nations on. It has led the country in blocking the payment of dues to the United Nations – which the Right also hates even more now since Hans Blix was also proved right in what he said about weapons of mass destruction. The list of international treaties which the United States refuses to sign, or has withdrawn from, just grows and grows: women’s rights, personal land mines, ballistic missiles, global warming, and, most notably for recent events, the International War Crimes Tribunal which we refused to sign because we claimed that our soldiers might be subject to “political prosecution.” Ha!

We are so poorly regarded in the world after three and a half years of George Bush not because other peoples are “jealous of our freedom,” but because we put our (supposed) interests ahead of their freedom, look down upon them, and show no interest in learning about or working with them. The idea that the Iraqi people would be dancing in the streets as our troops swept through the country was the absurd product of our leadership’s ignorance. Like most people with a sense of history and culture, I knew, and said, it would not happen. (8) In Iraq, the only people we listened to were wealthy, Westernized exiles who spoke English and saw us as their best bet for the main chance. Now they – and we -- rule as our people ruled in South Vietnam: nowhere beyond the specific territory occupied by “coalition” troops. Meanwhile, Afghanistan, which, if we had focused our resources there and forgot about Iraq, could have been a model of “nation building,” is a disaster in progress, run by its warlords and again the world center of heroin production.

Given the Bush campaign’s diligent efforts to portray John Kerry as wishy-washy Mr. Flip-Flop, it is worth noting the clear and consistent difference. He has a record of support for working with other countries. I can see how his careful and contemplative turn of mind is a nuisance to campaign organizers; it doesn’t sell easily to a public eager for, and used to, simple answers to complex problems. It does mean that he is likely to have changed his mind about a thing or two over a 20 year career in public life. I wouldn’t have it any other way. For it is also a sign of a person who believes in thinking before acting, who would be prepared for what actually happened in Iraq. Heck, John Kerry probably even likes foreigners: the guy is actually married to a woman who was born and raised abroad and speaks five languages!

### **The Final Question: Is Democracy at Stake?**

The Eighth Amendment to the Constitution is written to refer to punishment taking place after conviction of a crime. It says:

#### **Amendment VIII**

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

What Abu Ghraib exposed was a pattern of “cruel and unusual punishment” prior to any criminal conviction and on top of imprisonment outside of all requirements of both international law and the American Constitution. And it was no accident. The fact we

all know is that the atrocities of Abu Ghraib and other holding places for prisoners of the so-called war on terror were not just the product of a "few bad apples" as George Bush would have us believe. We know that Rumsfeld sought out a legal opinion that would justify what the whole world – including us when applied to our military personnel in Vietnam and elsewhere – would call torture. We know that some prisoners were sent to other Arab countries which would not shrink from the most severe forms of torture. We know that Rumsfeld approved "exceptional techniques" which military legal personnel concluded were illegal and contrary to the Geneva Conventions. We know that George Bush's February, 2002, directive ordering US forces to treat al-Qaida and Taliban detainees humanely and consistent with the Geneva Conventions contained an unprecedented loophole military interrogators could drive a truck through: "to the extent appropriate and consistent with military necessity." The recent Pentagon report exonerating all high-ranking Pentagon officials and senior US military commanders is a cruel joke. (See Dana Priest and Bradley Graham, "A Struggle Over Interrogation Tactics," The Washington Post National Weekly Edition, June 28 – July 11, 2004, p. 15, and Dave Moniz and Tom Squitieri, "Report on Iraq abuse cites interrogators, clears leaders," USA Today, August 19, 2004, p. 8A), among many articles widely reported from May through July.)

We have made a civil liberties as well as a foreign policy disaster of Iraq and the so-called "war on terrorism."

So, the final, terrifying, question is this: Is the Evangelical mindset compatible with democracy? Indeed, is democracy at stake? Can democracy survive in a society where its leadership, backed by a very large percentage of the population, believes fundamentally that they have a monopoly on truth, that God sanctions their ideas and their actions while condemning alternative ideas, that those who oppose them are evil not just wrong, that compromise itself is akin to making a deal with the Devil?

We have a government leadership obsessed with secrecy (e.g. the energy plan, animal farm regulations), saying one thing while doing another (e.g. the environment across the board), repeating a lie long after the lie is exposed (e.g. Cheney and Bush on Iraqi ties to al-Qaida and weapons of mass destruction), cavalier with the Constitution (e.g. terrorists and the Bill of Rights), and intolerant of dissent (everywhere). How far will such a government go? If Satan is the alternative, does not any means justify the ends? Richard Nixon did not express the idea in religious terms, but he certainly came to believe that his continuation in office had become indispensable to the nation and using the agencies of the government itself – the FBI, the CIA, the IRS – to assure his reelection was therefore justified.

We have already seen a hint of what could happen from Brother Jeb's actions in Florida to prevent African Americans from voting in the 2000 election, the Supreme Court's usurpation of a state's right to count its own votes and Congress's right to decide the winner in the same election, and the advent of electronic voting, much of it without any paper backup or opportunity for recount. (9)

The possibilities send chills down my spine.

- (1) Much of what I cover in this section and the next summarizes materials in the last two, and other, issues of Downside Up.
- (2) An argument not applied, however, to the case of Cuba by most people on the political right.

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(3) The US government has long spent far more money subsidizing and protecting large corporations than helping “welfare mothers” and the like, but under George Bush, the link between campaign contributions and government handouts has compounded. The energy industry and Halliburton Corporation are only the most extreme examples.

(4) The judicial amendments are commonly assumed to be only about assuring fair trials for criminals and surely that is important. But the revolutionary context in which they were passed makes clearer their importance in protecting against political prosecutions.

(5) During the Civil War, Abraham Lincoln jailed a newspaper editor without trial. It was definitely intended to intimidate him and other dissenters.

(6) I will not deal here with Israel and the Palestinians as I dealt extensively with this powerful connection between Evangelicals and Bush foreign policy in the November and December issues of Downside Up. Nor is the Iraq war specifically the issue – although it is a good example.

(7) In the same Times interview cited above where Bush seemed ignorant of his Government’s global warming report, he did come close to admitting a mistake in planning for post-war Iraq but then backed off to call it a “miscalculation.”

(8) The Bush White House actually appears to believe the absurdly false analogy to the liberation of France. I do not know a single instance in which a people welcomed occupation as liberation from its own rulers, no matter how bad. In 1944, the Allies were liberating France from an occupying power not its own leaders. In the early 19<sup>th</sup> century, Spain fought tooth and nail against Napoleonic France’s “liberation.” In the face of German invasion, the people of the Soviet Union rallied behind Joseph Stalin. At the Bay of Pigs, the Cuban people didn’t rise up in support of an invading army, even of exile Cubans -- or maybe because they were exile Cubans! Another major example of US ignorance.

(9) More coming in the next issue: Jeb sent state troopers to “protect” African American voting precincts and used wildly inaccurate lists of felons to arbitrarily purge the voter rolls – mostly of African Americans.