

## **“America and the Religion of Fear”**

Unlike yesterday or tomorrow, the United States Constitution is on display this Sunday. Just once a year, the whole thing is made public, and if you were in Washington, D.C. you could see it this afternoon. The document was housed in a number of different cities until 1952, when it found a permanent home in the National Archives, along with the Bill of Rights and Declaration of Independence. Now pages one and four are shielded behind a thick pane of bullet proof glass inside a special preservation case filled with helium and water vapor to preserve the 220 year old parchment. At night, when visitors leave, the pages are lowered down into a vault behind five-ton doors that are designed to withstand a nuclear explosion. But on the anniversary of the day the framers signed the document and sent it on to the states for ratification, September 17, the complete 4,440 word text is retrieved from its ultra-high security hiding spot and brought forth to commemorate the nation’s founding. For even more than Jefferson’s work, which proclaimed the ideal of independence, our Constitution represents work of many hands, written over the course of a hundred days by fifty-five delegates that included men like George Washington and James Madison and Benjamin Franklin, resulting in the actual achievement of self-government by the American people. It’s a day that deserves celebration, for our nation’s charter has been a remarkably sturdy instrument that has survived world wars, a great depression, McCarthyism and more. Certainly the pages of the U.S. Constitution deserve the extraordinary precautions they’re afforded.

But nuclear blasts and terrorist threats, unfortunately, are not the chief dangers that the Constitution faces today. External dangers, that can be fended off with metal detectors or extra layers of bullet-proof glass, are relatively easy to guard against. The real foes of popular government are more insidious than that. The greatest menace to our nation’s liberty comes from within—from the very officials sworn to protect and uphold our freedoms. Consider:

President Bush has quietly claimed the authority to disobey more than 750 laws enacted since he took office, asserting that he has the power as Commander-in-Chief to set aside any statute passed by Congress. Prior to this past summer, when he vetoed a bill intended to expand the range of stem cell research, Mr. Bush had signed every law that reached his desk, often with great fanfare. Many of these bills were passed by both houses of Congress after extensive consultation with the executive branch to find compromises that all parties could agree on. Then, after affixing his signature to the legislation, the president issued so-called “signing orders” stating his intention to ignore provisions of the law he disliked. For example:

At least four times since Bush assumed office, Congress has passed laws

forbidding U.S. troops from engaging in combat in Columbia, where several hundred military “advisors” are now stationed. According to the Constitution, Congress has the power to declare war as well as “to make rules for the government and regulation of the land and naval forces” of our nation. But after signing the bill into law, Bush said he would disregard the restrictions against combat missions.

In October of 2004, five months after the scandals at Abu Ghraib prison came to light, the House and Senate passed a series of new laws regulating military prisons. One provision would have required prison guards to be trained in the standards of humane treatment for P.O.W.’s stipulated by the Geneva Conventions. Another would have created the office of an inspector general for Iraq, to provide Congress with information and research independent of the Pentagon. Bush signed the reforms into law, then claimed that as supreme military commander, he was free to ignore the legislation.

That same year, Congress passed an intelligence bill requiring the Justice Department tell legislators when how often and under what circumstances the FBI was spying on American citizens. After signing the bill, Bush indicated he could withhold that information from Congress if he deemed it necessary for national security. And of course because so many issues of national security are classified, it is impossible to tell whether the Executive Branch is following the law or not, while rare revelations like the New York Times’ story on the NSA’s illegal domestic wiretapping program are treated as acts of treason rather than as honest reporting ferreting out government wrongdoing.

In the past five years, the Oval Office has arrogated to itself more and more authority to detain suspects without trial, engage in torture, violate international treaties, snoop on private citizens, and commandeer control of state militias, all in the name of defending America from the threat of terror. The Bill of Rights, we’re told, has to take a back seat to the tough task of tracking down our enemies in a post-9/11 world.

While it might sound like I’m picking on Mr. Bush this morning, this is not a partisan issue. I well remember the words of our Democratic governor Howard Dean immediately following the attacks of five years ago. His first public statement after the towers fell asserted that civil liberties might need to be restricted. So this is not a Republican tendency, or a Democratic tendency. It’s a human tendency. For throughout history, men and women have turned to strongmen and autocrats in times of anxiety and uncertainty. They have sought safety in the protection of princes and overlords who promised them security in return for obedience. Our nation’s founders understood this impulse and wrestled with it themselves as they tried to find the proper balance between liberty and

order.

Not all of the framers trusted that ordinary folk had wits to govern themselves. Most of the delegates who met in Philadelphia came from privileged backgrounds, and the word “democracy” appears nowhere in the Constitution. There were earnest debates over the extent to which the newly formed nation should model its government upon its parent country, Great Britain. Some felt that the United States, like England, should have a king. And in August of 1787, the matter came to a head. A newspaper reported “a movement, persistent and disturbing, to invite the ‘Bishop of Osnaburgh,’ second son of George III, to America” to reign as monarch. Alexander Hamilton actually led a group of politicians who wrote to Prussia’s Prince Henry to ask if he wanted the job, though the offer was withdrawn before the Prince could respond. But most of those at the Convention were far more concerned with tyranny than with the threat of anarchy or mob rule. They had experienced enough of King George and were tired of royalism. So they crafted a system of checks and balances to distribute power among three countervailing branches of government. The states soon added a Bill of Rights to their work, guaranteeing due process for the accused, outlawing cruel and unusual punishments, establishing an independent press, and codifying a zone of personal autonomy free from official oversight or interference: liberty to speak and worship and peacefully assemble. And to make clear the legitimate source of power, the framers added to their Constitution a preamble, stating that authority derived not from the top down, but from the bottom up, not from kings or princes or commanders-in-chief, but rather from “We the people.”

That summer in Philadelphia, the spirit of yearning triumphed over the spirit of fear. For from the very beginning, these two have grappled, the angels and demons of our inner natures. In the spirit of fear, religion over the centuries has worked to crush dissent, to compel compliance, to divide people into saints and sinners, to exalt the pomp and power of the mighty. Religion has been the willing handmaid of cruelty and oppression. And yet along with fear, faith also has had the power to tap into another, more ennobling impulse in the human breast: to expand our sympathies, to bridge our differences, to recognize the co-humanity of others and extend the range of dignity across the lines of creed and color and nation. And this yearning for an unrestricted fellowship of heart and unlimited freedom of the mind is, as A. Powell Davies said, the spiritual basis of democracy: the vision on which our nation was founded.

That foundation is always at risk, but the dangers now seem especially acute. A tone of fundamentalism emanates from the halls of power that brooks no questioning, that regards open debate as disloyalty, that appears to regard its political mandate as arising from heaven rather than from the electorate. Protest

is increasingly restricted to “free speech zones” far from the public eye. When not directly on the payroll of the government, the media have become timid and muzzled. The reliability of voting itself has become uncertain at best. An administration which claims to be committed to spreading democracy in the Middle East seems to have abandoned democratic norms at home. It’s even been suggested that the people of Iraq, who have had such difficulty in writing a new Constitution for their own country, could simply borrow ours, since the United States isn’t using it at present.

Americans need to understand that we cannot protect the homeland by trashing the First Amendment, by emasculating Congress, by defying the Supreme Court, or by spying on our neighbors. Civil liberties are not a threat to our defense but the very bulwark of our freedom as a people. And if we have a patriotic duty now, it is not to uncritically support George the Second, but to resist actively and vocally every attempt to turn his inauguration into a coronation. America does not need a king.

Nor does it need to fear. Fear is a powerful instinct. Fear tells us to be quiet and unobtrusive lest unseen dangers befall. Fear instructs us to camouflage ourselves, to blend in with the herd, to make ourselves invisible and find safety in numbers. Fear encourages us to retreat from social engagement, to withdraw into the comfort and familiarity of our personal affairs and private lives, maybe just hide under the covers or zone out and watch TV. Fear is a strongman’s best friend.

What America needs now is not fear but the kind of courageous faith that guided the founders and framers of our nation, Madison and Jefferson, Washington and Adams, political and religious liberals all. The story is told that Benjamin Franklin, emerging from the final session of the Constitutional Convention whose deliberations had been kept in strictest confidence, was asked by a woman on the street what form of government the delegates intended to bestow upon the country. “A republic, Madame,” he replied, “if you can keep it.” Keeping our republic will mean making every day Constitution Day—to oppose the illicit usurpation of power, to insure that ours remains a government of laws and (in the words of the Preamble) “to secure the blessings of liberty to ourselves and our posterity.”