Talk about secession makes Americans nervous. For many it evokes images of the Civil War, and is emotionally (if not logically) tied to slavery, war, and anarchy. That the word “secession” is laden with these negative connotations should be surprising since America was born in an act of secession. The Declaration of Independence is a secession document justifying an act whereby “one people...dissolve the Political Bands which have connected them with another.” George Washington, John Adams, and Thomas Jefferson were secessionists. Americans should be the last people in the world embarrassed by the thought of secession. To understand both why secession is at the heart of the American political tradition and why Americans are nervous about it, we need to review the strange history of the idea. The first thing to appreciate is that the meaning of the term “secession,” as it is understood today, is no older than the late 19th century, and was forged in America. If I should stop someone on the street and ask whether he thinks secession is ever justified, the person might not have a ready answer, but he would know what I was asking. He would have an image of a people withdrawing from one political jurisdiction in order to form one of their own. For us the term “secession” has uniquely political connotations. But it was not always so.

The term derives from the Latin sequi, meaning merely an act of withdrawal, which is what “secession” meant until the 19th century. One could speak of the soul seceding from the body, or of seceding from the drawing room, or of seceding from the town to the country. To ask someone in 1760 whether he thinks secession is ever justified would be to draw a blank look. It would be like asking whether withdrawal is ever justified. When did “secession” cease to be a neutral term of withdrawal and become the name of a substantial political act?

Intimations of a change occurred in 1733 when the Scottish Church split. Those who left called themselves “seceders,” and their church the “Secession Church.” This church lasted nearly a century before splitting, but was soon reunited in 1829 under the paradoxical name of the “United Secession Church.” Here the term “secession” means not simply withdrawal but a religious-political act whereby a people dismember a religious jurisdiction to form one of their own. It also means the celebration and remembrance of that act by naming the new way of life the “Secession Church.” For the first time the term acquires substantial moral connotations. To be a seceder is a good thing. Though not strictly political, this religious-political connotation was familiar to an American Protestant culture for over a century, before it began to take on political connotations. The Oxford English Dictionary locates the first political use of the term in a statement by Thomas Jefferson in 1825 that colonies had seceded from the British Union.

But there were earlier uses. Indeed, throughout the entire antebellum period, and in every section of the federation, prominent American leaders considered withdrawal of their state or states from the federation as a policy option. The section that most often considered withdrawing was New England: in 1803 over the Louisiana Purchase, in 1808 over the embargo of British trade, in 1814 over the war with Britain, in 1843 over the annexation of Texas, and in 1847 over the Mexican War. No sooner was the Constitution ratified by the states than debate began about the viability of the federation and the legal and moral conditions a state would have to satisfy to withdraw from the federation. For seventy years this discourse was hammered out and given considerable theoretical refinement. The result was the transformation of the term “secession” to refer to a substantial political act about which one could be for or against.

This discourse about secession was uniquely American. From the mid-17th century on, European political speech had been mainly the language of centralization and unification; of building larger and larger centralized states, and even empires. This disposition to centralize did not diminish with the overthrow of monarchy, but increased dramatically with the emergence of mass democracy. The French Revolution sought to establish individual liberty through a massive centralization of power which ruled out competing jurisdictions. The American Revolution, by contrast, sought to promote individual liberty through a polycentric order of competing jurisdic-
What’s Changed, What’s the Same?

If nothing else, you should come away from reading this month’s Commons with a clearer sense of our history and potential for enacting democracy, especially in our own communities. These pages are filled with ideas and values, twisting through time into the cord of history, and they fill you with the sense that in the long term of generations there is much of fundamental import that changes. And yet, there is much that stays the same.

There is just enough deep change over time to give us the hope for achieving more: more freedom and equality under law for all. Were it not for this hope, what do you suppose could be the glue that has held us together and animated us as a single polity for well over 200 years? Is it not this hope that is now compromised by a nation become an empire?

On the one hand stand the Declaration of Independence and the Bill of Rights, setting forth our values and rights—human, children, Native Americans. On the other hand stand the Constitution, the judiciary, and the protection of the rights of property and property-holders—and eventually and pre-eminently, the rights of private corporations.

In the end, the sway of the few over the many—as opposed to the rule of the many over themselves—is what has not altered. This fundamental situation is what several writers in these pages argue the new Democracy School movement is launched to change. As one of these writers, Adam Sacks, observes and asks, “We, the People, still don’t make the decisions that count. Why?” And as Rick Foley and Ellen Hayes show, even in little Vermont the corporation, be it a Vermont or an out-of-state or even out-of-country corporation, is the power that whistles the tune to which our own elected representatives dance. Even here!

How did corporations, which are manifestly not biological entities with life spans measured in mere decades, get designated as “persons,” persons who are effectively immortal, yet strangely bestowed with all the inalienable rights of ordinary, permissible persons? Originally the Constitution provided a sufficient basis to hold the majority of Americans in a state of non-freedom (slavery, bondage, rightlessness). But rights movements, starting with the Abolitionist movement, began to change the nation’s social climate, and with it the norms that govern how laws are adjudicated and implemented.

In this altered climate of social expectations, with the nation’s dramatic westward expansion made possible by the growth of the railroads, and the railroad magnates’ purges fattening in their banks, with its destiny as a great “power” on the world stage beckoning it on, the corporation was a rabbit that popped surreptitiously out of a hat called the Supreme Court, in due course free to exist as “a person.” But unlike us ordinary persons, subject to neither the whims of individual states nor the punishments for law-breaking meted out to mortal citizens. No ordinary citizen this, but a new player, shielded and backed by elites who believed in America as a mighty economic power.

As Dave Ratcliffe tells us, citing Richard Grossman, the corporation was “going to become the source of all jobs, the source of all goodness, the source of all progress…the institution…replicated throughout society.” In other words, in addition to being an unfettered engine of growth, the corporation was the essential benefactor of the people—a new kind of hero in American mythology. The young hero’s enabling partner was (and still is) the federal government. A collusive duo that could move mountains.

To this day Republicans rail at Big Government; Democrats at Big Business. As if the two were independent entities!

Adam Sacks quotes the founder of the public relations industry, Edward Bernays, writing in 1928: ‘Those who manipulate this unseen mechanism of society (the media) constitute an invisible government…. We are governed, our minds molded, our tastes formed, our ideas suggested, largely by men we have never heard of…’

Vast numbers of human beings must cooperate in this manner if they are to live together as a smoothly functioning society.”

Vast numbers and smooth functioning are indeed a part of the problem every American faces on the brink of the Age of Devolution. The unchecked centralization of the coercive machinery of the American state that has been proceeding apace since 1865, 1947, and most ominously since 9/11 (and now Katrina), spells disaster for us all. The rights movement, as necessary and empowering as it is for communities undergoing humiliation at the hands of big corporations, their lawyers, and elected officials, will not solve America’s problem of massive scale.

Donald Livingston tells us that secession, in its modern political sense, was a term created by the American political experiment, and that it was a bedrock right or condition that inhere d to every state in the Union. Until 1865, Livingston reminds us, “The United States were regularly referred to in the plural.” Some states still have their right to secede written into their constitutions. Some states were once republics.

The momentous debate between the Federalists and their more agrarian brethren, the Antifederalists, which was “won”—at least until now—by the more mercantilist Federalists, needs to be re-engaged. As Leopold Kohr exhorts, “Instead of creating fewer and larger states, let us create more and smaller ones.” History’s pendulum, as Kirkpatrick Sale, Thomas Naylor, and others have insisted more than once in these pages, is now swinging back toward a more decentralized world.

Climate change and Peak Oil will hasten this fundamental movement toward smaller and smaller sovereign communities, be they towns, cities, or states. For instance, speaking recently about London’s and 25 other “global cities”’ determination to become energy self-sufficient, MP Alan Simpson quipped, “We’re giving up on national governments because they’ve lost the plot. We’re going to do it ourselves.”

Good advice.

—ION BALDWIN
Letter

9/11: The Deeper Conspiracy

To devote an entire issue of Vermont Commons to exposing the 9/11 conspiracy was a bold and necessary act. The gatekeepers of information are trying desperately to keep us in the dark, and democracy flourishes only in the light of day. But describing the omissions and distortions of the “official” conspiracy theory regarding this one assault on America’s security and freedoms does not delve deeply enough into the roots of the current crises.

And I say “crises,” in the plural, because we are swiftly and inexorably racing toward a multitude of interconnected crises, none of which is at this point entirely preventable and from which a new epoch of human civilization will emerge. These include the rise and fall of the New American Empire, the coming collapse of the dollar, the cresting of Hubbard’s peak (peak oil), global climate change, a global freshwater shortage, a global food crisis, and accelerating political and social instability secondary to all the above.

As more and more people are aware, the 9/11 attacks were the excuse and the trigger for a post-Cold-War plan long since determined by the architects of modern American foreign policy, men as determined as they are ruthless. And this “trigger” event opened the door for the invasions of Central Asia and the Persian Gulf as the initial volleys of modern American foreign policy, men asCold-War planners long since determined by the architects of corporate globalism, military objectives, and corporate wealth-generation.

What’s “new” about the present war-based economy is certainly more than merely the “enemy du jour.” The current administration has taken government secrecy, media manipulation, control of intelligence, executive power, corporate malfeasance, and a blatant disregard of our founding documents to a higher level. But what has remained consistent, under both Republican and Democratic administrations since 1950, is the essential alliance between government priorities, military objectives, and corporate wealth-generation. This alliance is spelled out in NAFTA, GATT, and the other acronyms of corporate globalism, which grants supranational sovereignty to the WTO, and it is the root of our military adventurism today. This is the Grand Conspiracy of the last half century, of which 9/11 and the war on terror is but the latest episode.

It is this level of knowledge of American history that is necessary for Vermonters (and others) to understand the unbridgeable distance between the America of Jefferson and Madison and the America of Bush and Cheney. As we must not fear to speak of the obvious governmental complicity in the attacks of 9/11, we must not be afraid to name our current form of government as fascism: an unholy alliance between the state and wealthy corporations using war as both a means of control and a wealth-generation engine.

Consider this: Bush deliberately withheld federal assistance for three days following hurricane Katrina until the governor of Louisiana and the Mayor of New Orleans would relent and allow the Pentagon to take command of the relief and recovery operation. Blackwater mercenary killers, part of the “privatization” of the war in Afghanistan and Iraq, were employed in New Orleans to force the evacuation of residents and confiscate their personal weapons in direct violation of the Second Amendment. Bush issued an executive order establishing a branch of the FBI under his personal control, called the National Security Service (the SS), America’s first secret police. The 4th Circuit Court ruled last month that the president has the power to declare any American citizen an “enemy combatant” and thus deprive him/her of any constitutional rights. The Senate Intelligence Committee approved legislation that allows Pentagon intelligence agents to spy on U.S. citizens. The revised Patriot Act, quickly moving through Congress, eviscerates the vestiges of the Fourth Amendment by allowing “administrative subpoenas” without judicial oversight. And, finally, Bush would like Congress to repeal the Posse Comitatus Act, which prevents the military from performing domestic police functions, so that the Pentagon can not only respond to terrorist attacks and natural disasters but also declare martial law in the event of an epidemic of bird flu!

The current administration, by its perpetual war against the Islamic Empire of Terror (which it invented in its October 6 address) is quickly moving our nation from a fascistic orientation to an actual military dictatorship. We must both resist this stealth corruption of our democracy and lay the groundwork for an independent Vermont which can stand, as the founders expected of America, as a beacon of light and hope for a captive nation.

Just as we can prepare for but not prevent the various impending global crises, we must acknowledge that we have moved too far as a nation from the seeds of liberal democracy to the festering fruit of fascism to reverse that process. It is for this reason that Vermont must consider secession as the only viable avenue for the maintenance of our culture, our freedoms, and our possibilities for a positive future. We owe it not only to ourselves but to our fellow Americans.

Robert Riversong
Warren, Vermont

Contributors

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Reflecting on Vermont’s 2005 Legislative Session: Choose Your Metaphor

By Rick Foley and Ellen Hayes

Vermonters are dealing with all sorts of issues: skyrocketing energy and healthcare costs, debatable risk-benefits of GMOs, farmer-liability protections, safety of dry-cask nuclear waste storage, big-box stores, quarrying and deploying windmills on mountain tops, and the deployment of the Vermont National Guard overseas. The list goes on. As the 18 Windham County groups outlined in their tough questioning of the Democratic leadership on July 11th, the 2005 session of the Vermont State Legislature failed to pass legislation protecting the public’s health, safety, and welfare relative to four of these issues, despite an elected Democratic majority whom many Vermonters thought would come to the rescue. Here are three possible ways we could frame this heated exchange between creative, well-informed citizens and their State-level elected representatives.

Elephants in the Room
At that July 11th meeting, Senate leader Peter Welch, House leader Gaye Symington, and Windham County’s elected State representatives repeatedly assigned blame to the most obvious “elephant in the room”—Republican Governor James Douglas and his administration. But they also referred obliquely to a second “elephant,” another set of influential players, namely the cadre of corporate influence peddlers, whom Rep. Steve Darrow refers to as the “big-dog lobbyists in Montpelier.” And when discussion turned to universal healthcare and safety concerns with Vermont Yankee, both the politicians and audience wrestled with the pre-emptive stance of yet a larger pachyderm, the “Feds” and their Medicare/Medicaid and Nuclear Regulatory Commission agencies.

But the most powerful elephant-in-the-room remained unnamed, although the July 11 statement closed with a reference to “powerful economic forces.” The Corporation. This multi-headed beast roams the corridors of Washington and the state capitals, leveraging its economic clout to control the media, undermine elections, and ultimately dictate the “rule of law” through its overwhelming influence on the nation’s legislative, executive, and judicial processes. The Corporation’s accumulations of capital, protective armor of personhood rights, and Teflon-like coating, labeled regulation, had set the July 11 confrontation in motion years ago. The players were following a century-old script of corporate power trumping the public will at every turn.

Just the Tip of the “Corporate Rights” Iceberg
In fact, if you look below the surface of the Windham County Roasting-the-Democrats, it does not matter which party—Donkey or Elephant—is in power when it comes to undue corporate influence. Vermont’s 2005 legislative session was not the first to fail the public interest. There have been previous denials of Vermonters’ wishes for environmental and public welfare protection—from State authorities with the Federal powers looking over their shoulders. For example, Vermont’s Supreme Court overruled laws addressing safety concerns around bovine growth hormone in milk and mercury contained in light bulbs when challenged by the International Dairy Foods nonprofit trade corporation in 1996 and by National Electrical Manufacturers nonprofit trade corporation in 1999. In 2003 Vermont’s Environmental Conservation Commissioner exempted OMYA, a Swiss mining company, from Vermont’s solid-waste disposal laws. Residents Opposing Quarry in Neighborhood, located in Barre and Williamstown, won their three-year battle against Pike Industries, a Quarry and Asphalt company looking to quarry the side of a mountain, at the District 5 Environmental Court level. The Environmental Board overruled that victory.

At the local level, there is a similar pattern overriding the expressed vision of tax-paying citizens. For example, the Randolph Neighborhoods Association has been opposing the expansion of Clear Source’s (formerly Vermont Pure) withdrawal of groundwater for commercial export. In spite of clear local zoning regulations and citizens’ objections, the town of Randolph has permitted the increased water withdrawal and export. The Development Review Board charged with overseeing development according to the town plan abdicated its decision-making authority to the State Environmental Court. A year later the Environmental Court approved Clear Source’s expansion of their groundwater extraction operation.

In this legislative and political climate, government for and by the people at the state and local levels, even in Vermont, repeatedly fails to navigate past the ice fields. Vermont is not alone. Local towns and municipalities nationwide are experiencing the denial of “their communities’ vision, either by their own elected officials or by lawsuits or threat of lawsuits brought by corporations. For decades American communities have been experiencing the full force of corporate power.

Corporate supremacy barely reveals its hidden powers with the innocent appearance of their briefcase-toting lawyers. They proceed with confidence, knowing full well that their paperwork can unlease the full arsenal of “rule by law”—a cleverly crafted, deeply embedded iceberg of “Corporate Constitutional Rights” that grants the freedoms and rights originally reserved for American citizens. Due process, personhood, equal protection, unreasonable searches, takings compensation, and speech protections.

In terms of “corporate rights” it is significant to note that neither the U.S. Constitution nor its Bill of Rights (Amendments I–X) make any mention of the corporate form. This significance arises from the fact that the language of rights, used in the Declaration of Independence, the Preamble to the Constitution and the Bill of Rights applied to “people” and “persons”—meaning natural, living, breathing human beings. There was no question in the 1700s that “people” and “persons” meant human beings. Listen to the cry to revolution in the Declaration of Independence:

“We hold these truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, Gov-
ernments are instituted among Men, deriving their just powers from the Consent of the Governed.”

Substitute Enron, Comcast, and Halliburton for “Men.” How does that make you feel?

Modern day corporations gradually acquired their Constitutional rights that now protect their expanded forms of property over the past 150 years through the Courts. Scholars refer to this body of “settled law” as “judicially granted corporate rights.” How have people’s “unalienable rights” been bastardized to include aggregates of capital? From the launching of the Constitution, corporate lawyers have primarily used three clauses in the original Constitution to leverage court decisions validating their own revolution of ever expanding corporate rights—the Commerce Clause, Contracts Clause, and the Supremacy Clause.

After gaining these footholds, corporate interests turned to the Amendments. The Fourth Amendment is used to prevent searches of industry by its respective regulatory agencies without a warrant. The First Amendment is used by corporations to protect advertising or “commercial speech” and the ability to influence legislative economic decisions and to thwart novel forms of regulation or “political speech.” The Fifth Amendment has been “found” by the courts to protect companies from retrieval for the same crime and lost profit due to local, state, or federal regulation.

This morphing legal hybrid—part human with all the rights and protections of an American citizen and part paperwork with none of the responsibilities for its actions like the rest of us—lurks beneath the surface of our political reality. And it tears into our communities and natural surroundings when our interests collide with its profit motive.

Surface, Structure, Spirit

The third perspective promises to be straightforward. The July 11th meeting exemplifies the “surface” level of the conflict. Someone must have screwed up. Throw the bastards out. Surface— the same old Blame Game. On the next level, the “structure” of the current relationship among governing bodies, economic interests (in particular, corporations) and the public predetermines the range of possible outcomes. Structure—The Rigged Game.

But beneath the overt dramas simmer the collisions of “spirit.” The level of human consciousness that emerges as the values that are given expression in our social contracts. Values clarification is not for the faint-hearted. For example, our Western European ancestors barely acknowledged the humanity of the indigenous peoples. The early colonists labeled the Native Americans heathens, and our Founding Fathers never even
entertained the possibility that Native Americans might acquire the right to vote. Would you volunteer to be transported back to Colonial America in 1750 with the mission of convincing our ancestors otherwise?

What competing “spirits” or values fuel the competing positions in the July 11 Statement? Yes, there’s the spirit of democracy on one side, but what deeper values feed the corporations? Our intention to be a nation of self-governing people is constantly challenged by competing values, like acquiring personal power and wealth. Could it be that “cold hearts” chilled the waters of “democracy” and “capitalism” to the freezing point, crystallizing huge corporate monuments to selfishness? Could it be that the twin drumbeats of fear and greed pulse in our hearts, encouraging us to “sell out” to the Corporate Beast in return for promises of employment and unparalleled material wealth? Could it be that we citizens value the products of the corporations—the cheap energy and consumer goods that underpin our “quality of life”—more than we weigh the by-products of that same corporate activity—the efficient exploitation of other human beings and the natural world? Hard conversation.

Because the elite classes that created corporations focused on developing a legal shield for their enterprises, the wealthy have continued to accumulate wealth under the protection of the law, but at the expense of both middle and lower class Americans and the natural environment. In the absence of effective citizen intervention, American corporate capitalism has successfully generated an unprecedented maldistribution of wealth and exploitation of the planet’s resources—both at home and abroad. On the whole then, do “we-the-people” tolerate and therefore share the values of the wealthy elite?

**What’s an Activist To Do?**

Because of their brutal experience at the hands of the King’s corporations, the common people of the American Revolution created State Law that was intended to contain the corporation’s behavior within its business and commerce legal framework. We can revisit the original State Law and “reframe campaigns” around the issue of “who has-the-authority-to-decide?” Individual citizens. The voters. The closer the decision to the voters, the more democratic the decision-making. The reframing of a campaign into the language of people’s rights, home rule, local control, or town meeting referendum vote is a strategy that educates and unifies us. It is at the local level that citizens have the greatest leverage. It is also more difficult for outsiders to influence and argue against local control and discredit local citizens who demand local control. No politician or corporation wants to be seen as being against democracy. The tools are at hand to redesign citizen’s campaigns.

No matter what metaphor you chose—Elephant or Iceberg or Surface/Structure/Spirit—you can educate yourself and find good community in lots of places. Join a local group like Brattleboro’s Restoring Democracy. Visit the concept of Vermont Independence at the Second Vermont Republic and Vermont Commons websites. Check out POCLAD, GELDF, and the Center for Democracy and the Constitution. Or sign up for Democracy School. We did.

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**July 11 Statement**

Last January, when the Legislature convened, many citizens and groups in southern Vermont were optimistic that Democratic majorities in the House and Senate, along with new House leadership, would enable the public’s voice to be heard on a number of important issues. After years of work we were hopeful that real progress would be made. We expected leadership from the Democratic Party to ensure that the voice of the people, as presented in testimony and evidence, would be represented in legislative outcomes.

What we hoped for did not happen. The result is that thousands of Vermont voters were ignored and betrayed by the Democratic Party leadership. Consider the following:

**On Universal Health Care**

House Bill H.524 laid out a road map pointing Vermont toward a real solution to our health care crisis: single payer, universal health care.

Senate leadership turned its back on this and set a goal of writing legislation that “the Governor would sign.”

In the end the Conference Committee wrote a tentative, piecemeal bill that doesn’t address Vermont’s real health care problems.

**On GMOs and the Farmer Protection Act**

The Senate passed the FPA 26-to-1 in early April, placing strict liability for harm on the manufacturers of genetically modified seed.

This corporate responsibility bill then languished in the House for nearly two months while Committee testimony was taken.

In the final days of the session the FPA was renamed, gutted, and rewritten without reference to GMOs.

**On Nuclear Waste Dry Cask Storage**

After months of testimony and research, the House Natural Resources & Energy Committee passed a balanced bill on nuclear waste storage which included strong environmental protections such as active, real-time radiation monitoring by the Vermont Department of Health, protective earthen berms, and at least $4 million in new fees for Renewable Energy Fund.

Ignoring the work of this committee, and refusing to allow a vote on the bill as originally passed, the Democratic Leadership caved in to pressure from Entergy Nuclear and the Douglas administration.

The substitute bill stripped these essential environmental safeguards and eliminated the new fees for nuclear waste storage. It removed the requirement for legislative approval of license extension. And it made it any payments conditional on Vermont Yankee’s power increase being approved.

**On the VT National Guard**

52 Town Meetings adopted resolutions asking the legislature to establish a commission to collect data and testimony on how National Guard deployments to Iraq affect communities, families, and readiness.

A Joint Resolution was submitted in March, only to be stalled for two months in committee.

Days before the end of the session, as a much-compromised resolution was about to be debated on the floor, the Pentagon threatened a base closing contingent on the vote. Repeatedly giving in to pressure and parliamentary manipulation, the House leadership allowed this resolution to be shelved without an “up or down” vote.

We are deeply dissatisfied that the House and Senate leadership have not been accountable to the citizens of Vermont on these four critical issues. We expect an open process where the will of ordinary people is heard and acted on, not ignored or traded away behind closed doors. It is not your rhetoric, but your actions that matter. The people of Vermont want leadership that is willing to stand up to the Governor and powerful economic forces that do not represent our best interests. Nothing less will earn our support.

**Groups Supporting This Statement**

Windham County Genetic Engineering Action Group • Nuclear Free Vermont by 2012 • Nuclear Education Group • Peak Oil/Global Warming Group • Brattleboro Area Peace & Justice Group • Brat Power • Springfield Peace & Justice Group • iBrattleboro • Shut VY Now • Residents For a Safe Future • Patriotic Response to Renegade Government • Vermonters Restoring Democracy • Great Falls Peace & Justice Group • VT Citizens Awareness Network (VT CAN) • Vermont Peace Train (Bennington) • Ad Hoc Committee for Citizen’s Participation (Brattleboro) • Southern VT Tikkun Community • Upper Valley Peace & Justice Group •

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Democracy School and the New Revolution of the American Spirit

by Adam Sacks

Creation myths are at the heart of human cultures; we are forever curious about how we came to be. Like the mysteriously dividing Hopi Sun God and Spider Woman, the eternal Australian Aboriginal ancestors awakening from a dream, the seven-day labors of the Judeo-Christian Word, our United States of America has our story of creation.

People believe their myths, often literally, with religious fervor and conviction. It is inconceivable that our creation myth be untrue, for if it is then who are we? And yet, to learn deeper truths—perhaps, in our case, truths that are essential to our survival—we have to pose the question.

We all know our American story, although we rarely refer to it as myth, preferring the more dignified category of history. Our courageous forebears left persecution across the sea in search of freedom. They found a sparsely inhabited continent populated by illiterate, irreligious and primitive tribes and somehow came to “terms” with them in the name of progress. Eventually the King of England oppressed the colonists beyond endurance, taxed them without their consent, and in the name of freedom and democracy they rebelled and fought the American Revolution. Six years after the Americans won the war, their wealthiest representatives convened in Philadelphia and wrote a Constitution that became the beacon of democracy shining its light, to this very day, upon the entire world.

A wonderful, inspiring story, with its Thanksgivings, Rockets-Red-Glare, Founding Fathers, and Rags-to-Riches Successes. Unfortunately, except for random historical details, it’s not true. If we want democracy where we the people decide what happens in our communities and in our world, we must understand our creation myth. Otherwise we are paralyzed, as the strength of our myth blinds us to how decisions are actually made—out of our hands, yet ruling our lives. We vote, we lobby our representatives, we organize to prevent corporate destruction, we fight to save our families from toxic pollution, we appeal to the courts for protection. We have fought and bled for hundreds of years, yet exercising our unalienable rights to life, liberty, and the pursuit of happiness remains elusive. We, the People, still don’t make the decisions that count. Why?

Addressing that question is a primary purpose of Democracy School. Its central tenet is that we live in a world where a miniscule minority rules over the vast majority. The majority is potentially far more powerful than the small number who rule, so they must find a variety of means to keep us in check. For instance, during the 17th century there were numerous rebellions against colonial overlords, who were vastly outnumbered, knew it, and were terrified. As a result they invented what has come to be known as racism: give one group privileges over another, seed hatred between them, and let them fight each other instead of the oligarchy.

This divide-and-conquer strategy has worked well since the 17th century. And it’s everywhere—we are splintered into thousands of groups, bickering, competing, or just frenetically trying to make ends meet. We don’t understand what drives us, and rulers are chucking all the way to the throne and glumly banked. We make decisions that feel important, and about which we have an abundance of information. And we are kept out of those decisions that deeply affect our lives, our very existence, and about which we are poorly informed, including: going to war, depleted uranium, life-eliminating nuclear arsenals, catastrophic global warming, thousands of disappearing species with unknown and potentially disastrous consequences, deforesting the planet, creating and dispersing tens of thousands of toxic pollutants, and genetic modification of organisms.

All of these decisions are made in the interests of profit and control for a small collection of people at the expense of the other several billion of us. How does it happen? Edward Bernays (1892–1995), nephew of Sigmund Freud and grand master of the public relations industry, unashamedly wrote the truth on page 1 of his 1928 book, Propaganda:

The conscious and intelligent manipulation of the organized habits and opinions of the masses is an important element in democratic society. Those who manipulate this unseen mechanism of society constitute an invisible government which is the true ruling power of our country.

We are governed, our minds molded, our tastes formed, our ideas suggested, largely by men we have never heard of. This is a logical result of the way in which our democratic society is organized. Vast numbers of human beings must cooperate in this manner if they are to live together as a smoothly functioning society.

Bernays believed that products were best sold by changing the culture. For his large bacon-company client he invented the doctor testimonial to convince us of the need for a “healthy” breakfast of bacon and eggs. For the American Tobacco Company he marched cigarette-smoking women in the Easter Day Parade (public smoking was unacceptable for women at the time). And on behalf of the United Fruit Company he engineered a successful campaign to overthrow the democratically elected Josef Arbenz of Guatemala, who was incompetently nationalizing the land United Fruit had expropriated decades earlier and returning it to poor peasants.

Democracy School addresses our cultural myths so that we may come into our own as a democracy of the people, all the people. The Constitutional Convention was attended by wealthy men, deeply distrustful of the democratic process. The rules written into the Constitution were only for privileged white males; the other 80 percent of human beings in America had few if any rights at all.

Through much bloodshed and sacrifice, most people have acquired rights since then, at least in theory, but those rights are trumped by corporate and government collusion. Corporations, as legal “persons,” have co-opted people’s rights by wielding unlimited lifespan, limited liability, and massive aggregations of wealth. Through advertising, control of the media, lobbying and political campaign contributions, our voices pale to a whisper compared to the great voices of profit.

The regulatory system is an example of the failure of government to represent us. Thousands of communities across the country have tried to defend themselves against corporate assaults—toxic sludge, quarries, endless diesel trucks, factory hog farms, incinerators, dangerous waste sites, big box stores, and many others—only to be entrapped for years in a losing process that works to permit these harms.

The difficult and painful truth is that the regulatory system, courts, and legislatures are not on our side. They were designed by men who were intent on maintaining control of power and wealth, and they serve that purpose to this day—no matter whom we vote for or what legislation we pressure into passage or how many courts we appeal to.

So what do we do about it? Crucial to Democracy School is our positive approach to change called rights-based organizing. The most accessible level of government—perhaps the only one—is local: our town meetings, select boards, planning boards, zoning boards, managers and mayors. Here we have the possibility of making law directly. We still run head-on into “preemptive” law at the state, federal, and even international levels. But this is our opportunity to create fundamental change.

In rights-based organizing we finally claim our unalienable rights—rights which precede the formation of government according to the founding documents. Government is created with our consent to ensure those rights, and if government gives our rights away it is doing so without legitimacy. We challenge the authority of higher levels of government to deprive us of these rights, and as a group of citizens we declare our democracy based on more fundamental principles. We perform real and practical acts of conscience, and in effect engage in municipal civil disobedience against unjust law.

Over the past seven years dozens of communities in Pennsylvania have passed local laws on these principles, keeping out factory farms and toxic sewage sludge in defiance of corporate threat, judicial precedent, and state and federal law. Democracy School emerged from these experiences.

We are now at the beginning of the road to democracy, promised though not intended, over 200 years ago. If we are able to see our way clear through the cobwebs of myth, we may collectively be able to decide on a livable earth for generations to come. •
What To Do In Our Crazy Life? Attend Democracy School

By Dave Ratcliffe

Last year I attended a three-day course of the Daniel Pennock Democracy School, known as “Democracy School” and presented by Thomas Linzey and Richard Grossman, founder and cofounder, respectively, of the Community Environmental Legal Defense Fund (CELDF) and the Program on Corporations, Law, and Democracy (POCLAD). Democracy School explores why democratic self-government is impossible when corporations assert their “constitutional rights” against those of individual citizens and their communities. Our group learned how processes being developed in rural Pennsylvania are empowering local communities to assert their own inborn sovereignty. We learned we can create the type of ferment that people before us created when they organized to abolish slavery and give women the rights all must have if any are to be truly free.

The origins of Democracy School grew out of the tragic deaths of two Pennsylvanian youths exposed to urban sewage sludge spread on local farmlands, actions sanctioned by state regulatory environmental law. Thomas Linzey described how the system of regulatory law, put into place in the last century, has served to strip away democratic authority from communities and their local governments:

Movements seek to drive rights into the Constitution. At this point communities, towns, rivers, streams, [animals and plants] don’t have rights.

When we regulate, we assume the role of regulator. When you regulate something you automatically allow it in. That’s what regulating is. You regulate an on-going activity or an on-going facility....

What we find when we start looking at history, when we start looking at the 200 years of organizing in this country and the rise of corporate rights, is that other people and other communities that went before us have rejected the regulatory approach. They’re rejected being faced with the prospect of causing a little less harm or doing nothing....

They’ve seized on the larger issues...on equal protection and Bunker Hill and the Declaration of Independence and the Bill of Rights... as their organizing ground rather than ending the fact that all they could do was cause a little less harm....

In our organizing... we define the problem as corporate rights... the issue here is about people, about re-learning this rich history that we have and standing in the shoes of the folks that went before us to transform what would otherwise be single issues into issues about rights.

CELDf has found that a key to successful resistance to corporate harms being perpetrated in a community is to reframe a single issue like exposure to toxics or a quarry operation or creation of factory hog farms, and focus on the rights corporations have been “found” to have by the United States Judiciary, ever since Reconstruction. This work requires both experiential knowledge of how our system of governance actually works and knowledge about how people’s rights movements have worked in the past.

Solutions or options to a typically hopeless regulatory situation in a jeopardized community open up when the situation is reframed by learning how corporations have come to enjoy a more favorable interpretation of their constitutional rights and privileges than people, for whom those inalienable rights were originally written, and, by challenging this state of political and economic reality to protect human beings and other life forms against the legal fiction of the corporation.

I learned how the rights of property were given a superior status over the rights of people by our nation’s founders—beginning with slavery being written into the Constitution and sanctioned in law. According to Richard Grossman:

Slavery was written into the Constitution. The return of bonded workers, whether they were white servants or black slaves was written into the Constitution. It was legal. The force of law would enforce slavery. From the very beginning the tradition was that property rights trump human rights....

The corporation as a governing instrument of the ruling men of property was not that important because they had written the Constitution. They governed through the Constitution. Eighty percent of the people, of the human beings who were in the thirteen states, had no rights. Twenty percent were able to write a Constitution that denied the rights of eighty percent. So the rule of law, the coercive force of law was done through the state and they did not need the corporation... (though) they did after the Civil War.

Twenty percent of the people here were African-Americans, mostly slaves, brought by force. One-third to one-half of all the whites, except for the people who came with the Puritans, were indentured servants. A majority of the people basically were slaves. Whether white or black slaves, they were treated as slaves. They could not control their work. They could not quit. They could not travel. They had no rights. Plus women, plus native people, plus white men without property.

I learned why, despite the Constitution and the rule of law, the ruling minority decided it needed an additional coercive basis for governing the many. To quote Grossman again:

Increasingly... they needed the corporation—because more and more people started to struggle and gain their rights and force their way into the law and begin to change the dynamics...[so] men of property decided... they’re going to make the corporation their principle governing instrument, along with the state. The corporation is going to be the means to control the state.

The corporation then is going to become the source of all jobs, the source of all goodness, the source of all progress, and the institution that’s replicated throughout our society.

The “Model Legal Brief to Eliminate Corporate Rights,” written by Richard Grossman, Thomas Linzey, and Daniel E. Brannen, contains the history of the U.S. Government’s gift of constitutional powers to property organized as corporations. The introductory Summary of Argument frames the focus of the Brief:

The people of these United States created local, state, and federal governments to protect, secure, and preserve the people’s inalienable rights, including their rights to life, liberty, and the pursuit of happiness. It is axiomatic that the people of these United States—the source of all governing authority in this nation—created governments also to secure the people’s inalienable right that the many should govern, not the few. That guarantee—of a republican form of government—provides the foundation for securing people’s other inalienable rights and vindicates the actions of people and communities seeking to secure those rights....

Over the past 150 years, the Judiciary has “found” corporations within the people’s documents that establish a frame of governance for this nation, including the United States Constitution. In doing so, Courts have illegitimately bestowed upon corporations immense constitutional powers....

Wielding those constitutional rights and freedoms, corporations regularly and illegitimately deny the people their inalienable rights, including their most fundamental right to a republican form of government. Such denials are beyond the authority of the corporation to exercise.

Such denials are also beyond the authority of the Courts, or any other branches of government, to confer.

When Linzey and Grossman refer to corporate rights, they mean the whole gamut of rights asserted by the few over the many. Corporate personhood (1st, 4th, 5th, 7th, 14th Amendment rights primarily), plus seeking the protection (shield) of the Contracts and Commerce Clauses to strike down legislative enactments, plus preemption. As Linzey explained to me regarding preemption, “the few use a higher level of government against a lower level of government.”

A prior contender to the current U.S. Constitution...
Livingston, continued from page 1

the war, it would acquire exclusively negative connotations. How are we to understand this change?

Although it is morally flattering to think the war was fought to emancipate slaves, the reason actually given by Lincoln and political and military leaders was that secession had to be defeated in order to preserve the central government’s authority, which increasingly became identified with a new thing called the “nation.” Previously the central government had been viewed as a service agency of the federation, whose main tasks were to treat with foreign countries, establish free trade among the states, and provide for their defense. The United States were regularly referred to in the plural. After the war the United States would be referred to in the singular.

Lincoln explained his reasons for invasion in a letter to Horace Greeley on August 22, 1862: “My paramount object in this struggle is to save the Union, and is not either to save or to destroy slavery.” General Grant (a slave holder who refused to free his slaves after the war until forced to do so by the 13th Amendment) had said that if the war was about emancipation, he would take his sword to the other side. But why was it so important to establish a territorial monopoly on coercion in Washington? Was not the continent large enough for two federations, or even more? Lincoln’s answer was given in his First Inaugural: “Plainly, the central idea of secession, is the essence of anarchy.” Why? Because, he said, if a part of the Union is allowed to secede, that part itself can be divided, and a part of that part, and so on which would mean the unraveling of government as such.

In his speeches, Lincoln presented the war as a global historic struggle between the forces of republican government and the forces of anarchy. Most northern leaders who supported the war concurred. But many Northerners opposed the war. The Founding Jeffersonian tradition was still alive, and at least a third of the North was against the war, and another third was indifferent. To give just one example: Horace Greeley, editor of the New York Tribune, declared on February 23, 1861, after a Confederacy of seven states had been formed: “We have repeatedly said...that the great principle embodied by Jefferson in the Declaration of Independence, that governments derive their powers from the consent of the governed, is sound and just; and that if...the cotton States, or the gulf States only, choose to form an artificial corporation having a monopoly on coercion in Washington? Was not the continent large enough for two federations, or even more? Lincoln’s answer was given in his First Inaugural: “Plainly, the central idea of secession, is the essence of anarchy.” Why? Because, he said, if a part of the Union is allowed to secede, that part itself can be divided, and a part of that part, and so on which would mean the unraveling of government as such.

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The war to suppress secession was largely the work of Lincoln and the Republican Party (the founding party of state capitalism), which is why unconstitutional measures were necessary, such as destroying and arresting the editors of some 300 opposition newspapers and suspending the writ of habeas corpus for the duration of the war in the North, which netted around 20,000 political prisoners. Lincoln even wrote an order for the arrest of the Chief Justice of the Supreme Court, who had ruled against suspending the writ of habeas corpus. Mussolini, in his most vigorous years, in a larger country, and with a more efficient police system, rounded up only 12,000 political prisoners.

Although Lincoln’s argument that secession means anarchy is incompatible with the American Founding, it fitted nicely with European thinking and practice, which for over two centuries had been building centralized states with territorial monopolies on coercion. The American polycentric order which allowed competing jurisdictions among sovereignties was viewed as antiquated and even as medieval. Nothing short of a violent revolution would be needed. With the triumph of the “indivisible union,” it appeared to many Europeans that America had finally become a modern state. The editor of London’s Spectator wrote triumphantly on December 22, 1866, that “The American Revolution marches fast towards its goal—the change of a Federal Commonwealth into a Democratic Republic, one and indivisible.”

The Civil War was the bloodiest war of the 19th century. Europeans were shocked, and the lesson many drew from it was that secession necessarily leads to sovereignty. In this way they hoped to secure the American vision—how ever peacefully pursued—had things occurred in the seceding units.

“Secession is the essence of anarchy.”

When the American colonies seceded from Britain they did not disintegrate into the endless secessions Lincoln feared. Kentucky would later secede from Virginia, Tennessee from North Carolina, Maine from Massachusetts, without further fragmentation. Norway seceded from Sweden (1865); Belgium from Holland (1830); Singapore from the Malaysian Federation (1965); and the vast Soviet Union peacefully dissolved in 1990. In none of these cases did Lincolnian or Hobbesian anarchy occur in the seceding units.

The Hobbesian picture is also static. Once a regime is established it remains indivisible. But on the Aristotelian view, political societies naturally emerge in the world. Consequently, over time, a new political society might emerge within a larger one, demanding recognition, and even the right to secede. What are the criteria for recognizing when these conditions have been satisfied? I am afraid there is little philosophers can say about this; anything more than they can provide criteria to know when two people should marry or when two people should divorce. All such judgments require what Aristotle called practical wisdom and a connoisseur’s understanding of the people involved and the circumstances. But at least we can rule out the Hobbesian doctrine that secession should never occur, in favor of the Aristotelian doctrine that it is dented destruction and intensity; along with totalitarism revolutions in which modern states killed more of their own people than were killed in both world wars, the mystique of centralization no longer has the authority it had in the early 19th century. After the peaceful secession of fifteen Soviet republics and other successful secessions, the term “secession” is beginning to acquire the morally neutral meanings it had in American prior to the Civil War. But this means that the modern unitary state, which has dominated political thought and existence for three and a half centuries, is beginning to lose its legitimacy.

The classical theory of the modern state is to be found in Thomas Hobbes’s Leviathan (1651). Hobbes argued that the innate tendency of mankind is centrifugal and violent. Without an artificial corporation having a monopoly on coercion in a territory, there can be no long-term peace and stability. Secession, in this theory, is logically ruled out, and it is easy to see why. The secession of a group within the state could be justified only as the aggregate right of the individuals making up the group. But if the state could secede, so could any other, down to one individual, and that would contradict the very idea of the state.

Most modern theorists follow Hobbes in thinking of political society as artificial and held together by coercion. The classical statement of the counter tradition is that of Aristotle, who taught that political society is natural and occurs spontaneously, as does the family, society, and natural languages. Neither of these requires an all-powerful artificial corporation to maintain its existence. The enforcement mechanisms are internal to the practices themselves. Just what the bonds are that hold a political society together must be a topic for another day, but that such bonds exist should be obvious from the following examples, which refute Lincoln’s claim—itself a Hobbesian theorem—that “secession is the essence of anarchy.”
a contingent good to be determined by an act of practical wisdom. And perhaps we can go further and say that if a new political society has emerged that wishes to govern itself and is capable of doing so, and if secession imposes no serious injustice on the remaining polity, then the presumption must be on behalf of secession.

The case for secession is even more compelling in a federal system such as the United States, Canada, or the European Union, where the federal units are already recognized as political societies, with a functioning legislature, executive, judiciary, and other institutions needed to be an independent state.

The Hobbesian modern state is ubiquitous, and in its three-century-long career has transformed the meanings of political words, hiding from view or delegitimizing other political possibilities. Nowhere is this clearer than in its perverse understanding of secession. The Hobbesian state demands a territorial monopoly on coercion in order to eliminate revolution and civil war within the border of the state. It defines secession as revolution or civil war. The paradigm of civil war is the English Civil War. The long suppressed Canadian province has a right to secede. Quebec came close to voting for secession in 1995, and the Supreme Court of Canada recently ruled that a Canadian province has a right to secede. Since the end of the Cold War, the paradigm of civil war is the English Civil War in the 17th century, which was a battle between two factions seeking control of the central government. But secession is not revolution nor civil war.

Secession is not Lockean revolution. It does not seek to overthrow or alter the government of a modern state, but seeks merely to limit its jurisdiction over the seceding territory. Nor is secession Jacobin revolution. It is not an attempt to fundamentally transform the social and political order of a modern state. Seceders typically have no interest in changing the social and political order of the region from which they wish to withdraw. Nor is secession civil war. The seceding part of a polity is not engaged in a battle with the remaining part to control the central government of a modern state; it seeks merely to free itself from the jurisdiction of that government.

From these considerations it follows that there was no American Revolution, but a war of secession. And there was no American Civil War, but a war to suppress secession. Failure to make these distinctions means that “secession” is governed by the logic of the Hobbesian modern state and always appears as either revolution or civil war and, consequently, as a form of violence to be legitimately suppressed. By calling secession revolution and the battle against it a civil war, the public (already conditioned to think in Hobbesian categories) will fail to see that the arguments that could justify suppressing revolution, in either Lockean or Jacobin form, do not and cannot apply to the quite different act of secession. Lincoln’s justification for invading the Southern States was based on just this confusion of secession with revolution, which has ever since been an essential part of American historiography and even of American identity. Merely to recognize 1776 and 1861 as acts of secession rather than revolution or civil war would effect a revolution in the writing of American history and in American political self-understanding. Both of these landmark events are hostages of Hobbesian categories.

The Hobbesian state no longer has the legitimacy once had. The claim that the state is indivisible is not a truth about the nature of political order as such, but an artifact of the 17th century, like farthingales, stockings, and the indestructible atom. The American Union never was and is not now indivisible. I mentioned the great constitutional efforts in the 19th century to prohibit secession by the Australian and Canadian Founders. Yet in 1931 Western Australia voted to secede. Quebec came close to voting for secession in 1995, and the Supreme Court of Canada recently ruled that a Canadian province has a right to secede.

The Canadian provinces illustrate the impotence of the Hobbesian doctrine of indivisibility as well as the hubris of constitution-making. Canada began as a Hobbesian state which ruled out secession, but has evolved into a polity where the secession of a province is an acknowledged policy option. The United States began as a federation of sovereign states with the central government being little more than a service agency for the states, and where secession was entertained in every section as a policy option. Astonishingly, it has since evolved into a Hobbesian state said to be one and indivisible.

Secession is a dialectical concept that cannot be understood without its opposite—the modern unitary state. The modern state cannot tolerate competing jurisdictions and demands a territorial monopoly on coercion; consequently, it absolutely rules out secession. As long as allegiance to the modern state was strong and people were confident of its worth (not only as an instrument but as an ideal) secession was a thoroughly negative concept. As the Hobbesian state and its ideology flourishes, so secession recedes in legitimacy. But as the state recedes in legitimacy, so secession flourishes. Since the end of the Cold War, we have entered a new period in which secession has again acquired the morally neutral connotations it had in its primal ordinance in antebellum America.

That public corporation known as the United States has simply grown too large for the purposes of self-government, in the same way that a committee of 300 people would be too large for the purposes of a committee. There needs to be a public debate on the out-of-scale character of the regime and what can be done about it. This is the historic and noble task of the Second Vermont Republic. The long suppressed American idea of secession, as a public policy option, is returning to the United States as it came to the Soviet Union, Canada, Yugoslavia, Czechoslovakia, and other monsters created by a more than three-century-old policy of crushing hundreds of smaller polities into larger and larger monopoles of coercion.

The colonists both (1) feared that their ‘limited self-rule’ would be stripped, and (2) evolved to a point where they understood that the ‘gift’ of their ‘limited self-rule was not something that could be ‘gifted,’ but was something innate and inalienable, thus provoking them to codify that understanding via the Revolution).

So the concept of the American Revolution ... was that people had certain rights and powers and that when they came together to form governments they didn’t give up those rights. But they formed governments purely to secure those rights. That’s the framework that the American Revolution stands in that we’ve used for the Model Brief in saying that if governments are established only to secure rights then by what authority do they confer rights onto corporations that then deny our rights. It’s about doing indirectly what states and governments can’t do directly. That’s what the constitutional rights of corporations project is all about.

The Anti-Federalists sought a decentralized form of governance, not the centralized federal system spawned by the U.S. Constitution. We have as resources innumerable examples of inspirations, movements created solely for the purpose of establishing rights. The Abolition and Civil Rights movements, the Women’s movement, the Labor movement seized the larger issues including the Declaration of Independence and the Bill of Rights as their organizing ground. And then there is the larger vision expressed by people like Thomas Berry that expands the language and framework of rights to encompass everything in the universe.

Koyaanisqatsi, from the Hopi, is defined as “crazy life, life in turmoil, life out of balance, life disintegrating, and, a state of life that calls for another way of living.” Our time is a crescendo of accelerating koyaanisqatsi. It is left to each of us to choose how to creatively respond to what life is offering us. •
Here’s an easy question to invite you into my meanderings: How many times did the First Vermont Republic begin a war? None! Bingo.

Okay, there are huge differences between the world of the late 18th century and the post-9/11 21st-century world. But there are similarities as well, and it is time to reexamine the role of U.S. states and their National Guard units in questions of war and peace, with special emphasis on wars of choice—wars that have no credible relationship to national defense.

In the nation we joined as the 14th state in 1791 the focus of the military was the state militias, rather than a national army. Indeed, fear of a standing army was one of the issues that the Colonies had with their British rulers. The decline in the independence of state militias and the simultaneous rise of the United States as the dominant world military power during the 20th century are not coincidental. During the 19th century the states retained significant powers over their militias (renamed the National Guard in 1903), though they exercised no power under the War Clause and could not act independently where the president undertook military action without a declaration. However, Article 1, Section 8 gave the states significant authority with respect to appointing officers and training the militia. No, these were not war-making powers, and no state could maintain its own army. But even limited powers gave the states a sense of ownership of and a unique bond with their Guards. Federal call-up for a foreign war was solemn business. If the nation was threatened, the Guard was there, in a flash. But Guard members were never considered as the core of a U.S. military force in a war that was not defensive. In sum, state militias retained their dual status—if they were available primarily to support their home states during emergencies and to defend the nation if a foreign attacker dared to come near.

The dual role of the National Guard may have faded in the public mind in the conflagrations of the 20th century, but in a modest way, the roles of local wisdom and greater state independence are being reborn in the 21st. It is not at all odd that Vermont, a demographic speck on the world map, should be the midwife to this rebirth. Nor is it surprising that profound differences in prevailing attitudes about war and peace are central to what I call paradigm secession—departure by Vermont from the apparently dominant national sense that our greatness as a nation must be projected through military force, rather than by passing on our customs of constitutional rule, due process, equal protection, freedom of conscience, gender equity, national and ethnic diversity, generosity of spirit, and—perhaps the greatest gift—the enduring example of the peaceful transfer of power.

A modern, robust, and equitably populated military serving in defense of our homeland would be consistent with the projection of national greatness. But the definition of defense, though complex in the post-9/11 world, should never become a euphemism for military conquest. America, the hegemon, is not the America that can credibly export humanism and a history of successful constitutional struggle.

On Town Meeting Day, March 1, 2005, some 52 towns and cities adopted resolutions about the war in Iraq and the Vermont National Guard. Most towns requested that the legislature set up a committee to study the impact of Guard deployment. Less noted but of equal importance was the call by nearly every town to “request the members of Vermont’s Congressional Delegation to urge Congress to restore the balance between the federal government and the states, limiting the nearly complete federalization of our state National Guard units to cases where there is reasonable evidence that war powers are requested in order to protect against a threat to the territory of the United States, where there is an insurrection or a plausible threat of insurrection; or where there is a declaration of war under the United States Constitution.”

This was a powerful call to restore and indeed to extend some state powers—the establishment or restoration of any state power would be an amazing step—where war and peace was the issue at the threshold. War would remain a purely federal matter where the U.S. was threatened. But states would be able to withhold their National Guard units in wars of choice.

The practical impact of such a change would be less important than the symbolic impact. It is unlikely that many state chief executives would withhold Guard troops where a president had been persuasive in the call for a war, even a war of choice. And in any case, by instituting the draft, Congress would be able to populate the military ranks, with or without contributions by recalcitrant governors. But the debate over the draft would be a healthy one and would be a sensible hurdle for a chief executive to have to vault in order to begin a war of choice. In turn, the debate over greater state powers where wars of choice are at issue would be a debate worth having, whatever the political odds of succeeding in the near term.

However modest the step, reinvigorating state, and inevitably local, influence on questions of war and peace would have a profound impact in how we think about the inevitability of war. It could also inform the wider discussion of what political independence means in 21st-century Vermont. The point is that the goal of returning even modest powers to the states where wars of choice are at issue is a window looking out at a landscape of much wider change, though the timeline for that change is substantial and the dream, like the dream of a more peaceable kingdom, may lie over the far horizon.

At the nearer horizon, most of the 52 towns and cities adopting resolutions on Town Meeting Day 2005 requested more immediate and readily achievable action concerning the deployment of substantial numbers of Vermont National Guard members to Iraq, and it is this part of the resolutions that have gotten the most public attention.

Virtually all of the resolutions asked the Vermont legislature to discuss and investigate the role of Vermont in the governance of its National Guard and to set up a commission to study the impact on Vermont of the Guard deployments. Early in the legislative year a number of House members cosponsored a resolution that focused on the impact of the Guard deployments and the need for a study committee to take a hard look at that question. The resolution did not seek a declaration about the war in Iraq or ask for the repatriation of U.S. forces. By all accounts it was more moderate in tone and modest in what it requested.

The resolution traveled to three House committees—General, Housing, and Military Affairs; Appropriations; and finally Government Operations. The Vermont National Guard administration asked for changes, and significant changes were made in the House General and Appropriations committees.

But in the final days of the session high ranking members of the Vermont Air National Guard urged members of the House to reject the resolution because of fears that if it passed, Vermont might suffer in the federal realignment and the Closure process—a fear shared by Adjutant Gen. Martha Rainville. It was also bruited about that passage of the resolution would disrupt the men and women serving in Iraq—the opposite of its intent and its language. The results of these efforts were profound, and the House by a 91-40 vote sent the measure back to the Appropriations Committee, killing it for this session.

So what are the lessons of this experience in the legislature?

First, war always generates fear and misunderstanding. In this case, just a whiff of fear was enough to derail a modest resolution dealing with the fabric of life in Vermont—one that a majority of the House supported on its merits.

The second lesson is that grassroots democracy only works if it is persistent. House Joint Resolution 47 will be back up before the Legislature in January. It will still be relevant and still be right. Those who worked hard for the Town Meeting resolutions must continue to let their representatives know that their voices count and that it is never wrong to ask hard questions about the impact of war on our communities.

Meanwhile, it will be a very independent Vermont’s task to convince other states that taking back some powers where wars of choice are before us will strengthen us militarily by creating greater consensus about when military force is needed and by restraining a zealous and fallible leader who wants to drag us into a fruitless military venture. In the wake of that restraint, there will be space to remind the world of the true reasons this is a great nation.
The Scourge of Bigness: A Secessionist Primer
By Thomas Naylor

Instead of union, let us have disunion. Instead of fusing the small, let us dismember the big. Instead of creating fewer and larger states, let us create more and smaller ones.

Leopold Kohr

During the Cold War, Ronald Reagan used to rail against the Soviet Union, which he affectionately referred to as the “evil empire.” After 9/11, George W. Bush warned us repeatedly of the perils of the “axis of evil” consisting of Iran, Iraq, and North Korea. Both portrayed America as the source of goodness and light in contrast to our demonic enemies enshrouded in darkness. The line had been drawn in the sand.

Our very own empire, the U.S.A., with its foreign policy based on full-spectrum dominance and imperial overstretch, has become all too similar to its former nemesis the Soviet Union. Bush’s axis of evil is no match for the unseemly combination of the United States, England, and Israel, the three countries most responsible for the immoral, illegal, and completely unjustified annihilation of Iraq.

Is it possible that evilness is just a cover-up for the real issue? In his classic 1957 book, The Breakdown of Nations, read by virtually no one, Leopold Kohr said, “There seems only one cause behind all forms of social misery: bigness. It appears to be the one and only problem permeating all creation. Whenever something is wrong, something is too big.”

Eleven of the nearly two hundred nations of the world have populations in excess of one hundred million people. In descending order of size they include China, India, United States, Indonesia, Brazil, Pakistan, Russia, Bangladesh, Nigeria, Japan, and Mexico. Five of these countries have nuclear weapons and at least two more, Brazil and Japan, are flirting with the possibility. Again Kohr warns, “The danger of aggression arises spontaneously irrespective of nationality or disposition, the moment the power of the nation becomes so great that, in the estimate of its leaders, it has outgrown the power of its prospective adversaries.”

And how do we respond to the problem of size? We create alliances such as the United Nations, WTO, European Union, and NATO that enable us to transform small local problems into giant global problems. Our propensity to unify knows no limit.

It’s hard to imagine a more impotent organization than the 193-member UN, which claims to represent all 6.3 billion people of the world. Not only was it unable to prevent a plethora of wars, but it was powerless to bring them to an early conclusion. The Bush administration appears to be committed to bringing down the UN, even though it is primarily an instrument of American foreign policy.

But maybe all is not lost. The people of France and Holland defiantly rejected the 25-member European Union constitution, fearing a loss of sovereignty, culture, language, and economic independence. Britain’s Tony Blair followed suit by refusing to even schedule a referendum to consider the issue. Hopefully, this combination of events may have dealt a lethal blow to the ill-conceived notion of a United States of Europe.

Notwithstanding the European unification movement, Kirkpatrick Sale argues that separatist/independence movements have become much more important and widespread during the last half-century than unification schemes. He cites the UN, for example, which had only 51 nations in 1945. The implosion of the Soviet Union and the breakup of Yugoslavia are two examples of this tendency. Today there are separatist movements in over two dozen countries.

The Basque region of Spain is but one of eleven regions in Spain calling for more autonomy. Catalonia and Valencia also have full-fledged separatist movements. Popular support for Quebec independence from Canada has risen to an unprecedented 54 percent as a result of a major corruption scandal in Ottawa. Other independence movements can be found in Lapland, Scotland, Sardinia, Sicily, Sudan, Congo, Kashmir, Russia, Kurdistan, British Columbia, and Mexico.

In the words of Leopold Kohr, “A small-state world would not only solve the problems of social brutality and war; it would solve the problems of oppression and tyranny that would solve all problems arising from power.” No country better illustrates the upside of Kohr’s philosophy than tiny Switzerland, which is one of the wealthiest, most democratic, least violent nations in the world, with the most decentralized social welfare system. Founded in 1291, the Swiss Confederation may be the most sustainable nation-state of all time. Switzerland has not been involved in a foreign war since 1515 and has remained neutral since 1815. Although it recently joined the United Nations, it has avoided membership in NATO and the European Union.

Interestingly enough, the U.S. has separatist movements in nearly half of its states, including Alaska, Hawaii, California, Texas, Puerto Rico, Maine, New Mexico, Vermont, New Hampshire, and the eleven states of the Confederacy.

Secession is a radical act of peaceful rebellion against government authority, grounded in fear and anger. Whether or not your state should consider seceding from the Union depends on your answers to the following eight questions:

1. Do you find it increasingly difficult to protect yourself from the debilitating effects of big government, big business, big markets, and big agriculture, who want all of us to be the same?
2. In addition to being too big, is our government too centralized, too powerful, too intrusive, too materialistic, and too irresponsible to the needs of individual citizens and small communities?
3. Has the U.S. Government lost its moral authority because it is owned, operated, and controlled by Corporate America? Are national and congressional elections bought and sold to the highest bidders?
4. Do we have a single political party in America, the Republican party, disguised as a two-party system? Is the Democratic party effectively brain dead, having had no new ideas since the 1960s?
5. Have you become disillusioned with corporate greed, the war on terrorism, homeland security, patriotic hype, the denial of civil liberties, pandering to the rich and powerful, environmental insensitivity, pseudo-religious drivel, and the culture of deceit?
6. Is American foreign policy, which is based on the doctrine of full-spectrum dominance, immoral, illegal, unconstitutional, and in violation of the UN Charter?
7. Does your state face the risk of terrorist attack and military conscription of its youth so long as it remains in the Union?
8. As a result of imperial overstretch, has the U.S. become unsustainable politically, economically, agriculturally, socially, culturally, and environmentally? Has it also become ungovernable and unfixable?

If you answered all eight of these questions affirmatively, then you have a moral obligation to lead your state out of the Union. It matters not whether you live in a Red State or a Blue State, the categorical imperative to secede is absolutely inescapable. This is a wake-up call to reclaim your soul—to decouple from a truly evil empire whose power knows no limits.

[Image of Peggy Potter Bowls]

THE CLASSIC VERMONT WEDDING GIFT

WWW.PEGGYPOTTER.COM
This fall sees the launch of The Middlebury Institute, a think-tank devoted, as it says, to "the study of secession, sedition, and self-determination," specifically in the states of America beyond Vermont but ultimately anywhere in the world. It does not exist yet as an actual place—it embodies an idea but doesn’t need a building—and does not even exist in Middlebury; it takes its name from the November 2004 "Radcon" conference in that city and the Middlebury Declaration issued there. As the opening statement from Thomas Naylor and me puts it, "The Middlebury Institute hopes to foster a national movement in the United States that will:

- Place secession on the national political agenda,
- Encourage secessionist and separatist movements here and abroad,
- Develop communication among such existing and future groups,
- Create a body of scholarship to examine and promote the ideas of secession,
- And work carefully and thoughtfully for the ultimate task, the peaceful dissolution of the American empire."

We would welcome the help and participation of any or all of you, specifically to use it as a forum for such articles and papers that we might issue as pamphlets to a mailing list of opinion makers, politicians, scholars, and activists. We would also of course welcome contributions to the cause, initially to defray printing and mailing expenses, but ultimately to go toward the renting of an office suite and hiring of a modest staff.

In conjunction with this launch, I thought it might prove interesting if I laid out some of the places where information about secession and separatism can be found.

One of the best places is the American Secessionist Project (secession.us), which is sort of mamby-pamby in its goals—secession is only third, after "restoration of a Representative Constitutional Republic" and "state autonomy" and nullification power—but it has useful links (including the Second Vermont Republic and several interesting archives, including "Secessionist Papers," a history of secession, and various articles. The slant of most of the papers is what I would call Southern libertarian, but they do confront the problems of secession straight on. It has a kind of blog, last updated in August, and not nearly comprehensive enough. (Another site, secession.blogspot.com, was very energetic for awhile, though mostly about the U.S. South, but ended in June 2004, and there is no really good source for up-to-date secession news.)

Another useful site is Secession.net, attempting to create a worldwide secessionist network and promoting the idea of "community-based secession" rather than state-based or wider. It lists as its goals "Legitimize Secession of Small Political Entities," "Influence Existing Secessionist Movements," and "Promote New Secession Movements," and among its strategies are "Work within the System," "Use a Diversity of Nonviolent Action Strategies," and "Respect Rights of Non-Secessionists." It has archives on "Nonviolence and Decentralization" and Leopold Kohr’s Breakdown of Nations [see Vermont Commons, August 2005, and Thomas Naylor’s piece in this issue], but its section on "pro-secession articles" is not working—a failing that I find on quite a number of secession sites that are not kept up to date and regularly tuned.

It’s difficult to assess how active and energetic the secessionist movements are in the U.S., but there’s no question that a great many secessionist organizations exist and some are clearly building a following for the cause.

One of the oldest websites is for the Alaskan Independence Party (akip.org), one of the oldest movements. It seems to operate only during statewide election times—the party is a legitimate political party and had a member elected governor in 1991—and hasn’t been updated since January 2004. But it has an excellent account of Alaskan history (it’s what you get when you click on a line that promises a piece by Thomas Naylor) and a page of links to other secessionist organizations that is quite extensive, although it has not been updated in ages and includes a number of defunct organizations. (Like the New England Confederation and Green Mountain Republic—who are they, now that we need them?)

One of the newest websites is for the New California Republic (newcaliforniarepublic.org), which started last fall as Move On California. It makes an excellent case for California secession, including the fact that the state has the fifth-largest economy in the world and a great deal of its wealth is now siphoned off to politicians and pork projects in the red states. (It does not point out that in 2004 California paid approximately $88 million to the Federal government beyond what it got back—and what a nice nest egg that would make for an independent California.)

The California site has a long list of links to articles about blue-state secession that have been published in the last year, including Christopher Ketcham’s excellent piece in Salon (“Long Live Secession”) and Fortune’s striking “This Land Is Red Land, Paid for by Blue Land.”

Then there’s the remarkable site of “Secession Issues” (cbel.com/secession_issues), which has no less than 409 links to secessionist activities and groups around the world—there are 13 sites for Abkhazia, for example (they want to separate from Georgia, in case you forgot), and Inner Mongolia, Sardinians in Italy, Kashmir, Faroe Islands, Mindanao, Nagorno-Karabakh, the Manx Nationalist Party, Oromiya, Ladakh, and on and on. It also includes a number of Canadian links (Ontario, Alberta, British Columbia, Quebec, and Western Canada all have secession movements), 5 for Texas, and a hefty 44 for the American South (not all of which are functional, though the page claims to have been updated in June of this year).

The question of how the South fits into all of this is interesting in itself. The three major organizations seem to be the League of the South, with its affiliated institute where a number of Southern scholars publish, reached at dixienet.org, an excellent site with many links and archives; the Southern Party (southart.com/southern_party), which attempts to act as an electoral party in all Southern states (though it foresees possible independence as well) but has an organization in only four, and seems to inspire a lot of bickering and apostasy within its ranks; and the New Confederacy (newconfederacy.org), which has its own constitution. Each of these is explicitly against racism and slavery, each has a strong Christian slant to it, and each seems to want the same sort of future for the South, making me wonder why there are three separate organizations in the first place.

Finally, I should mention Newenglandsecession.blogspot.com, which is active and up to date, though it seems to be the musings of one Gray Locke rather than the voice of any organization. And of course I don’t have to tell you about vtcommons.org and vermontrepublic.org.

It’s difficult to assess how active and energetic the secessionist movements are in the U.S., but there’s no question that a great many secessionist organizations exist and some are clearly building a following for the cause. In any case, they have produced a great deal of information, available at the sites above, and if you went to them all and read what they have to offer, you’d qualify as a PhD in Secessionism. Not such a bad idea. •