

## "In Defense of Rights"

In 1791 the First Amendment was added to the Constitution of the United States. That Amendment says: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people ~~to~~ peaceably assemble, and to petition the Government for a redress of grievances." The authors of that amendment were sensitive to governmental acts of control and oppression. They incorporated basic freedoms in this country's fundamental law. The message was that Government interference with the basic rights of man would not be tolerated. The Supreme Court of the United States ~~has~~ <sup>continues to</sup> recently wrestled with the Free Press guarantee of the Constitution - pitting that guarantee against a vaguely defined - "National Interest." It is part of history <sup>now</sup> that the majority of the

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Court ruled on the side of the Right to a free Press.

The Bill of Rights sets out ~~the~~ substantive and procedural personal rights which every citizen of this country is promised and legally guaranteed. The first eight amendments to the Constitution are law as the whole of the Constitution is law, the Supreme Law of the Land. <sup>Even though they appear to be 24</sup> <sup>amendments</sup> this delineation of Rights must not be viewed as empty rhetoric to be made the subject of courses in American History. <sup>These rights</sup> ~~they~~ are more than recitals for declamation contests and high school debates. The Bill of Rights is law and as such must be evenly applied and upheld. They provide us with a series of prohibitions of the enactment by Congress of laws infringing certain rights. These first 10 Amendments, specifically the first eight provide (or are supposed to provide) a buffer between the citizens of the United States and capricious, ~~and~~ intemperate and penalizing acts by the Government of the United States and its various regulating arms.

Aside from the three perhaps most commonly discussed - freedom of Religion, Speech, and press - the rights include: (WRIGHT PATMAN PARAPHRASE)

Right to assemble, and to petition Congress (1)

Right to BEAR ARMS (amendment 2)

Right NOT to have soldiers quartered in ones home IN peacetime, except as prescribed by law. (3)

Right to be secure AGAINST "unreasonable searches and seizures" (4)

Right IN general NOT to be held to answer CRIMINAL charges except upon indictment, (5)

Right NOT to be put twice in jeopardy for the same offense (5)

Right NOT to be compelled to be a witness AGAINST oneself (5)

Right NOT to be deprived of life, liberty, or property without due process of law (5)

Right to just compensation for private property taken for public use (5)

Right, IN CRIMINAL prosecution, TO TRIAL by a jury - to be notified of the charges, to be confronted with witnesses, to have compulsory process for calling witnesses, and to have legal counsel (6)

Right to a jury TRIAL in suits AT LAW involving over twenty dollars (7)

Right NOT to have excessive bail required, NOT excessive fines imposed, NOR cruel and UNUSUAL punishments inflicted (8)

The 14th Amendment says... shall not deny person the equal protection of the law. THAT GOVT. RESTRICTED

It is in defense of these rights, constitutionally guaranteed rights, that every American is summoned to action. The problem lies in a apparent lethargy in the American people. It is more than lethargy. There appears to be an all pervasive paralysis of our citizenry. [The unevenness of the "rights guarantee" is most clearly seen in the encounters of Black Americans. A role could be called of those who have experienced ~~the~~ intricate entrapments and personal and human devastation in their confrontation with constitutionally guaranteed rights. A confrontation in which they sought to secure the blessings of liberty to themselves and their posterity. The role would include <sup>Lee Orlin Johnson</sup> Angela Davis, Eldridge Cleaver, the Chicago, Boston and New Orleans Panthers, <sup>Huey Newton</sup> the Rap Brown, Bobby Seale, and others.] You have your private experiences which ~~body~~ eat your insides as you feel a thousand indignities per day on days which have no beginning and no ending. We know that if these rights are

To be made secure for every man, woman and child in America, "Eternal vigilance" is the price we must pay.

The question occurs whether such security is at all possible or whether we dream idle dreams and think useless thoughts when we say these rights can and will be made secure. Is it useless in 1973 to think that the individual and his right to freedom ~~is~~ <sup>are</sup> important? We are surrounded by technology and the knowledge explosion. There are those who predict a continuing erosion of individuality and human personality. It was Justice Louis D. Brandeis who said in 1928, "the right to be let alone is the right most valued by civilized men." Is that statement still valid in light of computer data banks and electronic and military surveillance? NOTE: most recent includes + logging

The Justice Department firmly defends its right to engage in widespread surveillance - usually coordinated with the Federal Bureau of Investigation and the Secret Service, ~~NOT~~ to mention state and local law enforcement agencies whose intelligence

Capabilities have been enormously fostered through <sup>6</sup> grants from the Justice Department's Law Enforcement Assistance Administration. One of the primary aims of such grants was to ~~be~~ increase the efficiency of local law enforcement agencies. It largely appears that these grants are offered as a carrot to state government to encourage the passage of ~~legis~~ measures legitimizing wire-tapping and other electronic surveillance activity. Senator Sam Ervin of North Carolina, Chairman of the Senate Subcommittee on Constitutional Rights, <sup>in the MARCH/APRIL 1971 issue of TRIAL MAGAZINE</sup> speaking in a recent article entitled, "The Final Answer: The People in Control," ~~also~~ stated, "These new devices have accorded those who control government increased power to discover and record immutably the activities, thoughts and philosophy of an individual at any given moment of his life."

The government can now take note of anything, whether it be right or wrong, relevant or not and retain it forever. Every person's past becomes an inescapable part of his present and future. The computer never forgets.

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"The new technology has made it literally impossible for a man to start again in our society. It has removed the quality of mercy from our institutions by making it impossible to forget, to forgive, to understand, to tolerate. When it is used to intimidate and to inhibit the ~~the~~ individual in his freedom of movement, associations, or expression of ideas within the law, the new technology provides the means for the worst sort of tyranny. Those who so misuse it to augment their own ~~power~~ power break faith with those founding fathers of our Constitution who, like Thomas Jefferson, swore upon the altar of God eternal hostility against every form of tyranny over the mind of man."

"These developments are particularly significant in their effect on the first Amendment to our Constitution.

No longer can a man march with a sign down Pennsylvania Avenue and then return ~~home~~ to his hometown, his identity forgotten, if not his cause.

No longer does the memory of the authorship of a political article fade as the pages

of his rhetoric yellow and crumble with time.

No longer are the flamboyant words exchanged in debate allowed to echo into the past and lose their relevance with the issue of the moment which prompted them.

No longer can a man be assured of his enjoyment of the harvest of wisdom and maturity which comes with age, when the indiscretions of youth, if noticed at all, are spread about in forgotten file cabinets in basement archives.

Instead, today, his activities are recorded in computers or data banks, or if not, they may well be a part of a great investigative index.

We here repeat the question, whether in view of the technology and comprehension of 1973, individual rights can be protected from intentional and inadvertent encroachments and made secure. Can the American people break their apparent paralysis and become ardent protectors and defenders of their rights? Can the Black American ever risk belief in the even hand administration of justice? Does this country have time to restore the faith of its citizenry in promises almost two hundred years old?



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OR, will the State, as we know it, in the words of Charles Reich, "Self-Destruct"? or will radical change occur and new definitions of life emerge and Rights, ancient and defensible be made secure?

If there is one word which characterizes this decade, that word is change. Consider the storing up of knowledge that has been going on for thousands of years. Before 1500, Europe produced books at the rate of about 1,000 new titles a year. By 1950, Europe alone was producing books at a rate of 120,000 new titles a year. In the middle 1960s, Europe produced 1,000 new titles a day. On a world-wide basis today, scientific literature alone is turned out at the rate of 60 million pages a year. And that rate will continue to accelerate.

The speed of change and new ideas is terrifying to many people. For a long time people have been saying, "Stop the world, I want to get off," and the world is too much with us!

Little did people know then that we would actually get people off this planet. Even as Apollo 15 heads toward the moon, Astronomers have

been making the discovery that the substances essential to life do exist on other planets and even on planets not yet known to us.

While men walk on the moon, there are others living on ocean floors to test the feasibility of cities and farms being developed under the seas. At the present population growth, the population of the world will double in the next eleven years. Man must find more space to build housing, and he must develop new sources of food supplies.

It has been said that over half of the world's knowledge has been discovered in the last 50 ~~for~~ or less years. The knowledge explosion continues at a staggering pace. Consider, too, that 90 per cent of all the scientists who ever lived are still living today.

The unknown still challenges man. What will the world be like in the year 2,000? The change and the amount of knowledge will grow faster and faster as we near the end of the century.

It is in this described milieu of moon walks and technology, new discoveries and a vast accumulation of knowledge, growth, progress and

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Apparent Technical Greatness that we seek to affirm human rights and ~~our~~ Defense of those Rights. Is such affirmation possible? Does this ~~poor~~ unprecedented "Growth and progress spell the Death of man"? Has America voided its offer of Life, Liberty and the pursuit of happiness?

It is not easy to keep pace with America. Her people are diverse and any thought of homogeneity as a goal is useless and futile. The people of America will remain diverse because people cannot be recycled and made into <sup>other</sup> different being. American people are black, brown, white, red, yellow and varied combinations of all five colors and non-colors. This diversity should be viewed as an opportunity ~~to build~~ to spread differences and arrive at a point of understanding of human values. At the core of the human spirit lies the eternal quest for freedom - comprehensive freedom; maximum freedom. Every man has the right to be free and it is this right which we must defend. The disengaged and uninvolved citizen has no place in this time. The Agenda of America and the Agenda

of black citizens ~~are~~ <sup>are</sup> too full to tolerate the indifference <sup>(2)</sup>

This is a "now" time and we who inhabit  
time are called upon to be "now" oriented  
instead of "past" oriented. What we have  
gained, historically, must not be lost. But  
it must not be allowed to stymie growth  
and progress. This "now" time requires a  
MAN with the capacity to bridge the gap  
between the past, - present - and future with-  
out total ~~disorientation~~ disorientation. The one factor  
of life we have - which once lost can never  
<sup>There is no way to recycle time</sup>  
be regained is time! When this day passes  
there is no way to ever call it back  
and re-live it. You may have other  
similar days - But never this one. Con-  
sequently, it becomes a matter of ex-  
treme importance that we do something  
with this day which is significant. If  
what we do has no reverberation beyond  
our own isolated existence we are  
guilty of abusing that precious commodity - Time.  
What should we do? I suggest that we  
Protect and Defend the Rights of Man.

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If our defense is successful, the future will hold for all of us a bright "celebration of life".

In closing, I quote a few lines from Christopher Fry's A Sleep of Prisoners

"Thank God our time is now when wrong  
comes up to face us everywhere,  
never to leave us till we take  
the longest stride of soul men ever took.  
Affairs are now soul size."