

Aspen Daily News

Needed and possible: Second Declaration of Independence

By: Nat Hentoff - November 21, 2012

My spirits were temporarily lifted when, last week, the Washington, D.C.-based Daily Caller website reported “more than 675,000 digital signatures appeared on 69 separate secession petitions covering all 50 states, according to ... requests lodged with the White House’s ‘We the People’ online petition system” (“White House ‘secede’ petitions reach 675,000 signatures, 50-state participation,” David Martosko, dailycaller.com, Nov. 14).

Moreover, in various parts of the country, citizens infuriated for various reasons by the re-election of Barack Obama took their American flags from their porches or roofs and turned them upside down -- a traditionally emphatic sign of “distress” (“Upside Down Flag Protests Over Election Sparking Controversy,” John Shumway, pittsburgh.cbslocal.com, Nov. 8).

As I expected, these stories quickly disappeared because, however inflamed such sweeping protests are, they have only fading rhetorical impact if they’re empty of specific, substantive programs for actual change.

For example, the highly publicized “Occupy Wall Street” movement added a couple of phrases to our political language, but it did not come close to thwarting Obama’s re-election or, as far as I can see, any local or federal laws in the land.

However, not all citizens have given up their identities as free, self-governing Americans. This is encouraging, despite the greatly expanding unilateral powers of the only president in our history who alone is judge, jury and executioner in deciding, for national security, what is permissible under the Constitution.

Now that Obama can do whatever he wants without any concern about maneuvering to compete in future elections, his decisions will not only deeply affect us for four more years, but may endure for generations.

Consider decisions he’s made in his first term, such as his Supreme Court nominee,

Elena Kagan.

As I shall demonstrate in this and future columns, while some unyielding members of Congress — most notably Democratic Sen. Ron Wyden of Oregon (if only he, not Hillary Clinton, would run for president in 2016) — will keep the Constitution alive, there aren't nearly enough of them. Our strongest hope for an authentic America is what's increasingly going on in certain American classrooms. This has been only barely covered in our media — digital and traditional.

Supreme Court Justice William Brennan once urgently told me, "We must find how to make the Constitution's Bill of Rights part of the very lives of students!"

It's happening. I'll describe in later columns how more students are becoming active citizens in their own schools, neighborhoods, cities and states. They're learning what it is to be a continually debating, self-discovering American — and eventually, they'll vote accordingly.

First, to underscore why this new generation and those that follow must push the Constitution back into our lives, we must recognize why a large percentage of American adults had so little interest in challenging the president's constitutional lawlessness during his first term. This lack of interest carried over to the presidential campaign.

Last year, the ABA Journal published an article that questioned our future as a self-governing democracy, citing Stephen Zack, then president of the American Bar Association, who documented that "two-thirds of all Americans can't correctly identify the three branches of government, and that three out of four people don't know that the Bill of Rights protects religious freedom."

That's for openers.

"It would be amusing," Zack gloomily told the journal, "if it weren't so tragic. But the sad fact is this is a pervasive problem that starts in the schools and permeates our entire society" ("Flunking Civics: Why America's Kids Know So Little," Mark Hansen, abajournal.com, May 1, 2011).

Since leaving the Supreme Court, former Justice Sandra Day O'Connor has devoted much of her time and energy to creating and supervising ways in which the Constitution does become a lively, fulfilling part of the lives of our nation's students. This is to ensure that they will not be as forgetful of their American identities and responsibilities as too many of their parents are.

The organization she co-chairs with former Congressman Lee Hamilton, Campaign for the Civic Mission of Schools, co-authored a 2011 study with the University of

Pennsylvania's Annenberg Public Policy Center, which found that "only one-third of Americans could name all three branches of government; one-third couldn't name any" ("Guardian of Democracy: The Civic Mission of Schools," civicmissionofschools.org).

In an article on the Student Press Law Center's website, Frank LoMonte followed up on the report, writing: "Asking people who have never learned foundational civics lessons to intelligently participate in elections (and in post-election governing) is like expecting a person who knows only one-third of the alphabet to write a novel" ("O'Connor civics commission draws a road map toward freedom of expression. Will schools follow it?" Frank LoMonte, splc.org, Oct. 14, 2011).

And so the widely circulated Daily Mail (U.K.) chortles at our stunning ignorance in this March 21, 2011, headline:

"What's the Constitution? Don't bother asking 70 percent of Americans: Alarming number of U.S. citizens don't know basic facts about their own country" (Rachel Quigley, dailymail.co.uk, March 21, 2011).

Next week: Despite the Daily Mail's assertions, more American students are learning these facts as they eagerly become active citizens in and out of class. Their understanding of real-life, real-time civics will protect all of us from any future Obama-style presidents who don't give a damn about our individual liberties, which are the very basis of our Constitution.

Patrick Henry used to shout: "Give me liberty or give me death!" But a lot of our newer generations — and even some of us in the older ones — ain't dead yet, despite Obama having won re-election!