

Shredding the Bill of Rights

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Most Americans of a certain age can recall exactly where they were and what they were doing on October 20, 1964, when word came that Herbert Hoover was dead. The heart and mind of a nation stopped. But how many recall when and how they first became aware that one or another of the Bill of Rights had expired? For me, it was sometime in 1960 at a party in Beverly Hills that I got the bad news from the constitutionally cheery actor Cary Grant. He had just flown in from New York. He had, he said, picked up his ticket at an airline counter in that magical old-world airport, Idlewild, whose very name reflected our condition. "There were these lovely girls behind the counter, and they were delighted to help me, or so they said. I signed some autographs. Then I asked one of them for my tickets. Suddenly she was very solemn. 'Do you have any identification?' she asked." (Worldly friends tell me that the "premise" of this story is now the basis of a series of TV commercials for Visa unseen by me.) I would be exaggerating if I felt the chill in the air that long-ago Beverly Hills evening. Actually, we simply laughed. But I did, for just an instant, wonder if the future had tapped a dainty foot on our mass grave.

Curiously enough, it was Grant again who bore, as lightly as ever, the news that privacy itself hangs by a gossamer thread. "A friend in London rang me this morning," he said. This was June 4, 1963. "Usually we have code names, but this time he forgot. So after he asked for me I said into the receiver, 'All right. St. Louis, off the line. You, too, Milwaukee,' and so on. The operators love listening in. Anyway, after we talked business, he said, 'So what's the latest Hollywood gossip?' And I said, 'Well, Lana Turner is still having an affair with that black baseball pitcher.' One of the operators on the line gave a terrible cry, 'Oh, no!'"

Innocent days. Today, as media and Congress thunder their anthem, "Twinkle, twinkle, little Starr, how we wonder what you are," the current president is assumed to have no right at all to privacy because, you see, it's really about sex, not truth, a permanent nonstarter in political life. Where Grant's name assured him an admiring audience of telephone operators, the rest of us were usually ignored. That was then. Today, in the all-out, never-to-be-won twin wars on Drugs and Terrorism, two million telephone conversations a year are intercepted by law-enforcement officials. As for that famous "workplace" to which so many Americans are assigned by necessity, "the daily abuse of civil liberties . . . is a national

disgrace," according to the American Civil Liberties Union in a 1996 report.

Among the report's findings, between 1990 and 1996, the number of workers under electronic surveillance increased from 8 million per year to more than 30 million. Simultaneously, employers eavesdrop on an estimated 400 million telephone conversations a year -- something like 750 a minute. In 1990, major companies subjected 38 percent of their employees to urine tests for drugs. By 1996, more than 70 percent were thus interfered with. Recourse to law has not been encouraging. In fact, the California Supreme Court has upheld the right of public employers to drug-test not only those employees who have been entrusted with flying jet aircraft or protecting our borders from Panamanian imperialism but also those who simply mop the floors. The court also ruled that governments can screen applicants for drugs and alcohol. This was inspired by the actions of the city-state of Glendale, California, which wanted to test all employees due for promotion. Suit was brought against Glendale on the ground that it was violating the Fourth Amendment's protection against "unreasonable searches and seizures." Glendale's policy was upheld by the California Supreme Court, but Justice Stanley Mosk wrote a dissent: "Drug testing represents a significant additional invasion of those applicants' basic rights to privacy and dignity . . . and the city has not carried its considerable burden of showing that such an invasion is justified in the case of all applicants offered employment."

In the last year or so I have had two Cary Grant-like revelations, considerably grimmer than what went on in the good old days of relative freedom from the state. A well-known acting couple and their two small children came to see me one summer. Photos were taken of their four-year-old and six-year-old cavorting bare in the sea. When the couple got home to Manhattan, the father dropped the negatives off at a drugstore to be printed. Later, a frantic call from his fortunately friendly druggist: "If I print these I've got to report you and you could get five years in the slammer for kiddie porn." The war on kiddie porn is now getting into high gear, though I was once assured by Wardell Pomeroy, Alfred Kinsey's colleague in sex research, that pedophilia was barely a blip on the statistical screen, somewhere down there with farm lads and their animal friends.

It has always been a mark of American freedom that unlike countries under constant Napoleonic surveillance, we are not obliged to carry identification to show to curious officials and pushy police. But now, due to Terrorism, every one of us is stopped at airports and obliged to show an ID which must include a mug shot (something, as Allah knows, no terrorist would ever dare fake). In Chicago after an interview with Studs Terkel, I complained that since I don't have a driver's license, I must carry a passport in my own country as if I were a citizen of the old Soviet Union. Terkel has had the same trouble. "I was asked for my ID -- with photo -- at this southern airport, and I said I didn't have anything except the local newspaper with a big picture of me on the front page, which I showed them, but they said that that was not an ID. Finally, they got tired of me and let me on the plane."

Lately, I have been going through statistics about terrorism (usually direct responses to crimes our government has committed against foreigners -- although, recently, federal crimes against our own people are increasing). Only twice in 12 years has an American commercial plane been destroyed in flight by terrorists; neither originated in the United States. To

prevent, however, a repetition of these two crimes, hundreds of millions of travelers must now be subjected to searches, seizures, delays.

The state of the art of citizen-harassment is still in its infancy. Nevertheless, new devices, at ever greater expense, are coming onto the market -- and, soon, to an airport near you -- including the dream machine of every horny schoolboy. The "Body Search" Contraband Detection System, created by American Science and Engineering, can "X-ray" through clothing to reveal the naked body, whose enlarged image can then be cast onto a screen for prurient analysis. The proud manufacturer boasts that the picture is so clear that even navels, unless packed with cocaine and taped over, can be seen winking at the voyeurs. The system also has what is called, according to an A.C.L.U. report, "a joystick-driven Zoom Option" that allows the operator to enlarge interesting portions of the image. During all this, the victim remains, as AS&E proudly notes, fully clothed. Orders for this machine should be addressed to the Reverend Pat Robertson and will be filled on a first-come, first-served basis, while the proud new owner of "Body Search" will be automatically included in the F.B.I.'s database of Sexual Degenerates -- Class B. Meanwhile, in February 1997, the "AI" Gore Commission called for the acquisition of 54 high-tech bomb-detection machines known as the CTX 5000, a baggage scanner that is a bargain at a million dollars and will cost only \$100,000 a year to service. Unfortunately, the CTX 5000 scans baggage at the rate of 250 per hour, which would mean perhaps a thousand are needed to "protect" passengers at major airports from those two putative terrorists who might -- or might not -- strike again in the next 12 years, as they twice did in the last 12 years. Since the present scanning system seems fairly effective, why subject passengers to hours of delay, not to mention more than \$54 million worth of equipment?

Presently, somewhat confused guidelines exist so that airline personnel can recognize at a glance someone who fits the "profile" of a potential terrorist. Obviously, anyone of mildly dusky hue who is wearing a fez gets busted on the spot. For those terrorists who do not seem to fit the "profile," relevant government agencies have come up with the following behavioral tips that should quickly reveal the evildoer. A devious drug smuggler is apt to be the very first person off the plane unless, of course, he is truly devious and chooses to be the last one off. Debonair master criminals often opt for a middle position. Single blonde young women are often used, unwittingly, to carry bombs or drugs given them by Omar Sharif look-alikes in sinister Casbahs. Upon arrival in freedom's land, great drug-sniffing dogs will be turned loose on them; unfortunately, these canine detectives often mistakenly target as drug carriers women that are undergoing their menstrual period: the sort of icebreaker that often leads to merry laughter all around the customs area. Apparently one absolutely sure behavioral giveaway is undue nervousness on the part of a passenger though, again, the master criminal will sometimes appear to be too much at ease. In any case, whatever mad rule of thumb is applied, a customs official has every right to treat anyone as a criminal on no evidence at all; to seize and to search without, of course, due process of law.

Drugs. If they did not exist our governors would have invented them in order to prohibit them and so make much of the population vulnerable to arrest, imprisonment, seizure of property, and so on. In 1970, I wrote in *The New York Times*, of all uncongenial places,

It is possible to stop most drug addiction in the United States within a very short time. Simply make all drugs available and sell them at cost. Label each drug with a precise description of what

effect -- good or bad -- the drug will have on the taker. This will require heroic honesty. Don't say that marijuana is addictive or dangerous when it is neither, as millions of people know -- unlike "speed," which kills most unpleasantly, or heroin, which can be addictive and difficult to kick. Along with exhortation and warning, it might be good for our citizens to recall (or learn for the first time) that the United States was the creation of men who believed that each person has the right to do what he wants with his own life as long as he does not interfere with his neighbors' pursuit of happiness (that his neighbor's idea of happiness is persecuting others does confuse matters a bit).

I suspect that what I wrote 28 years ago is every bit as unacceptable now as it was then, with the added problem of irritable ladies who object to my sexism in putting the case solely in masculine terms, as did the sexist founders.

I also noted the failure of the prohibition of alcohol from 1919 to 1933. And the crime wave that Prohibition set in motion so like the one today since "both the Bureau of Narcotics and the Mafia want strong laws against the sale and use of drugs because if drugs are sold at cost there would be no money in them for anyone." Will anything sensible be done I wondered? "The American people are as devoted to the idea of sin and its punishment as they are to making money -- and fighting drugs is nearly as big a business as pushing them. Since the combination of sin and money is irresistible (particularly to the professional politician), the situation will only grow worse." I suppose, if nothing else, I was a pretty good prophet.

The media constantly deplore the drug culture and, variously, blame foreign countries like Colombia for obeying that iron law of supply and demand to which we have, as a nation and as a nation, sworn eternal allegiance. We also revel in military metaphors. Czars lead our armies into wars against drug dealers and drug takers. So great is this permanent emergency that we can no longer afford such frills as habeas corpus and due process of law. In 1989 the former drug czar and TV talk-show fool, William Bennett, suggested de jure as well as de facto abolition of habeas corpus in "drug" cases as well as (I am not inventing this) public beheadings of drug dealers. A year later, Ayatollah Bennett declared, "I find no merit in the [drug] legalizers' case. The simple fact is that drug use is wrong. And the moral argument, in the end, is the most compelling argument." Of course, what this dangerous comedian thinks is moral James Madison and the Virginia statesman and Rights-man George Mason would have thought dangerous nonsense, particularly when his "morality" abolishes their gift to all of us, the Bill of Rights. But Bennett is not alone in his madness. A special assistant to the president on drug abuse declared, in 1984, "You cannot let one drug come in and say, 'Well, this drug is all right.' We've drawn the line. There's no such thing as a soft drug." There goes Tylenol-3, containing codeine. Who would have thought that age-old palliatives could, so easily, replace the only national religion that the United States has ever truly had, anti-Communism?

On June 10, 1998, a few brave heretical voices were raised in *The New York Times*, on an inner page. Under the heading **BIG NAMES SIGN LETTER CRITICIZING WAR ON DRUGS**. A billionaire named "George Soros has amassed signatures of hundreds of prominent people around the world on a letter asserting that the global war on drugs is causing more harm than drug abuse itself." Apparently, the Lindesmith Center in New York, funded by Soros, had taken out an ad in the *Times*, thereby, expensively, catching an editor's eye. The signatories included a former secretary of state and a couple of ex-senators, but though the ad was intended to coincide with a United Nations special session on Satanic

Substances, it carried no weight with one General Barry McCaffrey, President Clinton's war director, who called the letter "a 1950s perception," whatever that may mean. After all, drug use in the 50s was less than it is now after four decades of relentless warfare. Curiously, the *New York Times* story made the signatories seem to be few and eccentric while the *Manchester Guardian* in England reported that among the "international signatories are the former prime minister of the Netherlands . . . the former presidents of Bolivia and Colombia . . . three [U.S.] federal judges . . . senior clerics, former drugs squad officers . . ." But the *Times* always knows what's fit to print.

It is ironic -- to use the limpest adjective -- that a government as spontaneously tyrannous and callous as ours should, over the years, have come to care so much about our health as it endlessly tests and retests commercial drugs available in other lands while arresting those who take "hard" drugs on the parental ground that they are bad for the user's health. One is touched by their concern -- touched and dubious. After all, these same compassionate guardians of our well-being have sternly, year in and year out, refused to allow us to have what every other First World country simply takes for granted, a national health service.

When Mr. and Mrs. Clinton came up to Washington, green as grass from the Arkansas hills and all pink and aglow from swift-running whitewater creeks, they tried to give the American people such a health system, a small token in exchange for all that tax money which had gone for "defense" against an enemy that had wickedly folded when our back was turned. At the first suggestion that it was time for us to join the civilized world, there began a vast conspiracy to stop any form of national health care. It was hardly just the "right wing," as Mrs. Clinton suggested. Rather, the insurance and pharmaceutical companies combined with elements of the American Medical Association to destroy forever any notion that we be a country that provides anything for its citizens in the way of health care.

One of the problems of a society as tightly controlled as ours is that we get so little information about what those of our fellow citizens whom we will never know or see are actually thinking and feeling. This seems a paradox when most politics today involves minute-by-minute polltaking on what looks to be every conceivable subject, but, as politicians and pollsters know, it's how the question is asked that determines the response. Also, there are vast areas, like rural America, that are an unmapped ultima Thule to those who own the corporations that own the media that spend billions of dollars to take polls in order to elect their lawyers to high office.

Ruby Ridge. Waco. Oklahoma City. Three warning bells from a heartland that most of us who are urban dwellers know little or nothing about. Cause of rural dwellers' rage? In 1996 there were 1,471 mergers of American corporations in the interest of "consolidation." This was the largest number of mergers in American history, and the peak of a trend that had been growing in the world of agriculture since the late 1970s. One thing shared by the victims at Ruby Ridge and Waco, and Timothy McVeigh, who may have committed mass murder in their name at Oklahoma City, was the conviction that the government of the United States is their implacable enemy and that they can only save themselves by hiding out in the wilderness, or by joining a commune centered on a messianic figure, or, as revenge for the cold-blooded federal murder of two members of the Weaver family at Ruby Ridge, blow up the building that contained the bureau responsible for the murders.

To give the media their due, they have been uncommonly generous with us on the subject of the religious and political beliefs of rural dissidents. There is a neo-Nazi "Aryan Nations." There are Christian fundamentalists called "Christian Identity," also known as "British Israelism." All of this biblically inspired nonsense has taken deepest root in those dispossessed of their farmland in the last generation. Needless to say, Christian demagogues fan the flames of race and sectarian hatred on television and, illegally, pour church money into political campaigns.

Conspiracy theories now blossom in the wilderness like nightblooming dementia praecox, and those in thrall to them are mocked invariably by the . . . by the actual conspirators. Joel Dyer, in *Harvest of Rage: Why Oklahoma City Is Only the Beginning*, has discovered some very real conspiracies out there, but the conspirators are old hands at deflecting attention from themselves. Into drugs? Well, didn't you know Queen Elizabeth II is overall director of the world drug trade (if only poor Lillibet had had the foresight in these republican times!). They tell us that the Trilateral Commission is a world-Communist conspiracy headed by the Rockefellers. Actually, the commission is excellent shorthand to show how the Rockefellers draw together politicians and academics-on-the-make to serve their business interests in government and out. Whoever it was who got somebody like Lyndon LaRouche to say that this Rockefeller Cosa Nostra is really a Communist front was truly inspired.

But Dyer has unearthed a genuine ongoing conspiracy that affects everyone in the United States. Currently, a handful of agro-conglomerates are working to drive America's remaining small farmers off their land by systematically paying them less for their produce than it costs to grow, thus forcing them to get loans from the conglomerates' banks, assume mortgages, undergo foreclosures and the sale of land to corporate-controlled agribusiness. But is this really a conspiracy or just the Darwinian workings of an efficient marketplace? There is, for once, a smoking gun in the form of a blueprint describing how best to rid the nation of small farmers. Dyer writes: "In 1962, the Committee for Economic Development comprised approximately seventy-five of the nation's most powerful corporate executives. They represented not only the food industry but also oil and gas, insurance, investment and retail industries. Almost all groups that stood to gain from consolidation were represented on that committee. Their report [An Adaptive Program for Agriculture] outlined a plan to eliminate farmers and farms. It was detailed and well thought out." Simultaneously, "as early as 1964, Congressmen were being told by industry giants like Pillsbury, Swift, General Foods, and Campbell Soup that the biggest problem in agriculture was too many farmers." Good psychologists, the C.E.O.'s had noted that farm children, if sent to college, seldom return to the family farm. Or as one famous economist said to a famous senator who was complaining about jet lag on a night flight from New York to London, "Well, it sure beats farming." The committee got the government to send farm children to college. Predictably, most did not come back. Government then offered to help farmers relocate in other lines of work, allowing their land to be consolidated in ever vaster combines owned by fewer and fewer corporations.

So a conspiracy had been set in motion to replace the Jeffersonian ideal of a nation whose backbone was the independent farm family with a series of agribusiness monopolies where, Dyer writes, "only five to eight multinational companies have, for all intents and purposes, been the sole purchasers and transporters not only of the American grain supply but that of the entire world." By 1982 "these companies controlled 96% of US wheat exports, 95% of

US corn exports," and so on through the busy aisles of chic Gristedes, homely Ralph's, sympathetic Piggly Wigglys.

Has consolidation been good for the customers? By and large, no. Monopolies allow for no bargains, nor do they have to fuss too much about quality because we have no alternative to what they offer. Needless to say, they are hostile to labor unions and indifferent to working conditions for the once independent farmers, now illpaid employees. For those of us who grew up in pre-war United States there was the genuine ham sandwich. Since consolidation, ham has been so rubberized that it tastes of nothing at all while its texture is like rosy plastic. Why? In the great hogariums a hog remains in one place, on its feet, for life. Since it does not root about -- or even move -- it builds up no natural resistance to disease. This means a great deal of drugs are pumped into the prisoner's body until its death and transfiguration as inedible ham.

By and large, the Sherman anti-trust laws are long since gone. Today three companies control 80 percent of the total beef-packing market. How does this happen? Why do dispossessed farmers have no congressional representatives to turn to? Why do consumers get stuck with mysterious pricings of products that in themselves are inferior to those of an earlier time? Dyer's answer is simple but compelling. Through their lobbyists, the corporate executives who drew up the "adaptive program" for agriculture now own or rent or simply intimidate Congresses and presidents while the courts are presided over by their former lobbyists, an endless supply of whitecollar servants since two-thirds of all the lawyers on our small planet are Americans. Finally, the people at large are not represented in government while corporations are, lavishly.

What is to be done? Only one thing will work, in Dyer's view: electoral finance reform. But those who benefit from the present system will never legislate themselves out of power. So towns and villages continue to decay between the Canadian and the Mexican borders, and the dispossessed rural population despairs or rages. Hence, the apocalyptic tone of a number of recent nonreligious works of journalism and analysis that currently record, with fascinated horror, the alienation of group after group within the United States.

Since the *Encyclopedia Britannica* is Britannica and not America, it is not surprising that its entry for "Bill of Rights, United States" is a mere column in length, the same as its neighbor on the page "Bill of Sale," obviously a more poignant document to the island compilers. Even so, they do tell us that the roots of our Rights are in Magna Carta and that the genesis of the Bill of Rights that was added as 10 amendments to our Constitution in 1791 was largely the handiwork of James Madison, who, in turn, echoed Virginia's 1776 Declaration of Rights. At first, these 10 amendments were applicable to American citizens only as citizens of the entire United States and not as Virginians or as New Yorkers, where state laws could take precedence according to "states' rights," as acknowledged in the 10th and last of the original amendments. It was not until 1868 that the 14th Amendment forbade the states to make laws counter to the original bill. Thus every United States person, in his home state, was guaranteed freedom of "speech and press, and the right to assembly and to petition as well as freedom from a national religion." Apparently, it was Charlton Heston who brought the Second Amendment, along with handguns and child-friendly Uzis, down from Mount DeMille. Originally, the right for citizen militias to bear arms was meant to discourage a standing federal or state army and all the mischief that an armed state might

cause people who wanted to live not under the shadow of a gun but peaceably on their own atop some sylvan Ruby Ridge.

Currently, the Fourth Amendment is in the process of disintegration, out of "military necessity" -- the constitutional language used by Lincoln to wage civil war, suspend habeas corpus, shut down newspapers, and free southern slaves. The Fourth Amendment guarantees "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." The Fourth is the people's principal defense against totalitarian government; it is a defense that is now daily breached both by deed and law.

In James Bovard's 1994 book, *Lost Rights*, the author has assembled a great deal of material on just what our law enforcers are up to in the never-to-be-won wars against Drugs and Terrorism, as they do daily battle with the American people in their homes and cars, on buses and planes, indeed, wherever they can get at them, by hook or by crook or by sting. Military necessity is a bit too highbrow a concept for today's federal and local officials to justify their midnight smashing in of doors, usually without warning or warrant, in order to terrorize the unlucky residents. These unlawful attacks and seizures are often justified by the possible existence of a flush toilet on the fingered premises. (If the warriors against drugs don't take drug fiends absolutely by surprise, the fiends will flush away the evidence.) This is intolerable for those eager to keep us sin-free and obedient. So in the great sign of Sir Thomas Crapper's homely invention, they suspend the Fourth, and conquer.

Nineteen ninety-two. Bridgeport, Connecticut. *The Hartford Courant* reported that the local Tactical Narcotics Team routinely devastated homes and businesses they "searched." Plainclothes policemen burst in on a Jamaican grocer and restaurant owner with the cheery cry "Stick up, niggers. Don't move." Shelves were swept clear. Merchandise ruined. "They never identified themselves as police," the *Courant* noted. Although they found nothing but a registered gun, the owner was arrested and charged with "interfering with an arrest" and so booked. A judge later dismissed the case. Bovard reports, "In 1991, in Garland, Texas, police dressed in black and wearing black ski-masks burst into a trailer, waved guns in the air and kicked down the bedroom door where Kenneth Baulch had been sleeping next to his seventeen-month-old son. A policeman claimed that Baulch posed a deadly threat because he held an ashtray in his left hand, which explained why he shot Baulch in the back and killed him. (A police internal investigation found no wrongdoing by the officer.) In March 1992, a police SWAT team killed Robin Pratt, an Everett, Washington, mother, in a no-knock raid carrying out an arrest warrant for her husband. (Her husband was later released after the allegations upon which the arrest warrant were based turned out to be false.) Incidentally, this K.G.B. tactic -- hold someone for a crime, but let him off if he then names someone else for a bigger crime, also known as Starr justice -- often leads to false, even random allegations which ought not to be acted upon so murderously without a bit of homework first. The Seattle Times describes Robin Pratt's last moments. She was with her six-year-old daughter and five-year-old niece when the police broke in. As the bravest storm trooper, named Aston, approached her, gun drawn, the other police shouted, "'Get down,' and she started to crouch onto her knees. She looked up at Aston and said, 'Please don't hurt my children. . . .' Aston

had his gun pointed at her and fired, shooting her in the neck. According to [the Pratt family attorney John] Muenster, she was alive another one to two minutes but could not speak because her throat had been destroyed by the bullet. She was handcuffed, lying face down." Doubtless Aston was fearful of a divine resurrection; and vengeance. It is no secret that American police rarely observe the laws of the land when out wilding with each other, and as any candid criminal judge will tell you, perjury is often their native tongue in court.

The I.R.S. has been under some scrutiny lately for violations not only of the Fourth but of the Fifth Amendment. The Fifth requires a grand-jury indictment in prosecutions for major crimes. It also provides that no person shall be compelled to testify against himself, forbids the taking of life, liberty, or property without due process of law, or the taking of private property for public use without compensation.

Over the years, however, the ever secretive I.R.S. has been seizing property right and left without so much as a postcard to the nearest grand jury, while due process of law is not even a concept in their single-minded pursuit of loot. Bovard notes:

Since 1980, the number of levies -- I.R.S. seizures of bank accounts and pay checks -- has increased four-fold, reaching 3,253,000 in 1992. The General Accounting Office (GAO) estimated in 1990 that the I.R.S. imposes over 50,000 incorrect or unjustified levies on citizens and businesses per year. The GAO estimated that almost 6% of I.R.S. levies on business were incorrect. . . . The I.R.S. also imposes almost one and a half million liens each year, an increase of over 200% since 1980. *Money* magazine conducted a survey in 1990 of 156 taxpayers who had I.R.S. liens imposed on their property and found that 35% of the taxpayers had never received a thirty-day warning notice from the I.R.S. of an intent to impose a lien and that some first learned of the liens when the magazine contacted them.

The current Supreme Court has shown little interest in curbing so powerful and clandestine a federal agency as it routinely disobeys the 4th, 5th, and 14th Amendments. Of course, this particular court is essentially authoritarian and revels in the state's exercise of power while its livelier members show great wit when it comes to consulting Ouija boards in order to discern exactly what the founders originally had in mind, ignoring just how clearly Mason, Madison, and company spelled out such absolutes as you can't grab someone's property without first going to a grand jury and finding him guilty of a crime as law requires. In these matters, sacred original intent is so dear that the Court prefers to look elsewhere for its amusement. Lonely voices in Congress are sometimes heard on the subject. In 1993, Senator David Pryor thought it would be nice if the I.R.S. were to notify credit agencies once proof was established that the agency wrongfully attached a lien on a taxpayer's property, destroying his future credit. The I.R.S. got whiny. Such an onerous requirement would be too much work for its exhausted employees.

Since the U.S. statutes that deal with tax regulations comprise some 9,000 pages, even tax experts tend to foul up, and it is possible for any Inspector Javert at the I.R.S. to find flawed just about any conclusion as to what Family X owes. But, in the end, it is not so much a rogue bureau that is at fault as it is the system of taxation as imposed by key members of Congress in order to exempt their friends and financial donors from taxation. Certainly, the I.R.S. itself has legitimate cause for complaint against its nominal masters in Congress. The

I.R.S.'s director of taxpayer services, Robert LeBaube, spoke out in 1989: "Since 1976 there have been 138 public laws modifying the Internal Revenue Code. Since the Tax Reform Act of 1986 there have been 13 public laws changing the code, and in 1988 alone there were seven public laws affecting the code." As Bovard notes but does not explain, "Tax law is simply the latest creative interpretation by government officials of the mire of tax legislation Congress has enacted. I.R.S. officials can take five, seven, or more years to write the regulations to implement a new tax law -- yet Congress routinely changes the law before new regulations are promulgated. Almost all tax law is provisional -- either waiting to be revised according to the last tax bill passed, or already proposed for change in the next tax bill."

What is this great busyness and confusion all about? Well, corporations send their lawyers to Congress to make special laws that will exempt their corporate profits from unseemly taxation: this is done by ever more complex -- even impenetrable -- tax laws which must always be provisional as there is always bound to be a new corporation requiring a special exemption in the form of a private bill tacked on to the Arbor Day Tribute. Senators who save corporations millions in tax money will not need to spend too much time on the telephone begging for contributions when it is time for him -- or, yes, her -- to run again. Unless -- the impossible dream -- the cost of elections is reduced by 90 percent, with no election lasting longer than eight weeks. Until national TV is provided free for national candidates and local TV for local candidates (the way civilized countries do it), there will never be tax reform. Meanwhile, the moles at the I.R.S., quite aware of the great untouchable corruption of their congressional masters, pursue helpless citizens and so demoralize the state.

It is nicely apt that the word "terrorist" (according to the *O.E.D.*) should have been coined during the French Revolution to describe "an adherent or supporter of the Jacobins, who advocated and practiced methods of partisan repression and bloodshed in the propagation of the principles of democracy and equality." Although our rulers have revived the word to describe violent enemies of the United States, most of today's actual terrorists can be found within our own governments, federal, state, municipal. The Bureau of Alcohol, Tobacco, and Firearms (known as A.T.F.), the Drug Enforcement Agency, F.B.I., I.R.S., etc., are so many Jacobins at war against the lives, freedom, and property of our citizens. The F.B.I. slaughter of the innocents at Waco was a model Jacobin enterprise. A mildly crazed religious leader called David Koresh had started a commune with several hundred followers -- men, women, and children. Koresh preached world's end. Various, A.T.F. and F.B.I. found him an ideal enemy to persecute. He was accused of numerous unsubstantiated crimes, including this decade's favorite, pedophilia, and was never given the benefit of due process to determine his guilt or innocence. David Kopel and Paul H. Blackman have now written the best and most detailed account of the American government's current war on its unhappy citizenry in *No More Wacos: What's Wrong with Federal Law Enforcement and How to Fix It*.

They describe, first, the harassment of Koresh and his religious group, the Branch Davidians, minding the Lord's business in their commune; second, the demonizing of him in the media; third, the February 28, 1993, attack on the commune: 76 agents stormed the communal buildings that contained 127 men, women, and children. Four A.T.F. agents and six Branch Davidians died. Koresh had been accused of possessing illegal firearms even though he had previously invited law-enforcement agents into the commune to look at his weapons and

their registrations. Under the Freedom of Information Act, Kopel and Blackman have now discovered that, from the beginning of what would become a siege and then a "dynamic entry" (military parlance for all-out firepower and slaughter), A.T.F. had gone secretly to the U.S. Army for advanced training in terrorist attacks even though the Posse Comitatus Law of 1878 forbids the use of federal troops for civilian law enforcement. Like so many of our laws, in the interest of the war on Drugs, this law can be suspended if the army is requested by the Drug Law Enforcement Agency to fight sin. Koresh was secretly accused by A.T.F. of producing methamphetamine that he was importing from nearby Mexico, 300 miles to the south. Mayday! The army must help out. They did, though the charges against drug-hating Koresh were untrue. The destruction of the Branch Davidians had now ceased to be a civil affair where the Constitution supposedly rules. Rather, it became a matter of grave military necessity: hence a CS-gas attack (a gas which the U.S. had just signed a treaty swearing never to use in war) on April 19, 1993, followed by tanks smashing holes in the buildings where 27 children were at risk; and then a splendid fire that destroyed the commune and, in the process, the as yet uncharged, untried David Koresh. Attorney General Janet Reno took credit and "blame," comparing herself and the president to a pair of World War II generals who could not exercise constant oversight . . . the sort of statement World War II veterans recognize as covering your ass.

Anyway, Ms. Reno presided over the largest massacre of Americans by American Feds since 1890 and the fireworks at Wounded Knee. Eighty-two Branch Davidians died at Waco, including 30 women and 25 children. Will our Jacobins ever be defeated as the French ones were? Ah . . . The deliberate erasure of elements of the Bill of Rights (in law as opposed to in fact when the police choose to go on the rampage, breaking laws and heads) can be found in loony decisions by lower courts that the Supreme Court prefers not to conform with the Bill of Rights. It is well known that the Drug Enforcement Agency and the I.R.S. are inveterate thieves of private property without due process of law or redress or reimbursement later for the person who has been robbed by the state but committed no crime. Currently, according to Kopel and Blackman, U.S. and some state laws go like this: whenever a police officer is permitted, with or without judicial approval, to investigate a potential crime, the officer may seize and keep as much property associated with the alleged criminal as the police officer considers appropriate. Although forfeiture is predicated on the property's being used in a crime, there shall be no requirement that the owner be convicted of a crime. It shall be irrelevant that the person was acquitted of the crime on which the seizure was based, or was never charged with any offense. Plainly, Judge Kafka was presiding in 1987 (*United States v. Sandini*) when this deranged formula for theft by police was made law: "The innocence of the owner is irrelevant," declared the court. "It is enough that the property was involved in a violation to which forfeiture attaches." Does this mean that someone who has committed no crime, but may yet someday, will be unable to get his property back because *U.S. v. Sandini* also states firmly, "The burden of proof rests on the party alleging ownership"?

This sort of situation is particularly exciting for the woof-woof brigade of police since, according to onetime attorney general Richard Thornburgh, over 90 percent of all American paper currency contains drug residue; this means that anyone carrying, let us say, a thousand dollars in cash will be found with "drug money," which must be seized and taken away to be analyzed and, somehow, never returned to its owner if the clever policeman knows his Sandini.

All across the country high-school athletes are singled out for drug testing while random searches are carried out in the classroom. On March 8, 1991, according to Bovard, at the Sandburg High School in Chicago, two teachers (their gender is not given so mental pornographers can fill in their own details) spotted a 16-year-old boy wearing sweatpants. Their four eyes glitteringly alert, they cased his crotch, which they thought "appeared to be 'too well endowed.'" "

He was taken to a locker room and stripped bare. No drugs were found, only a nonstandard scrotal sac. He was let go as there is as yet no law penalizing a teenager for being better hung than his teachers. The lad and his family sued. The judge was unsympathetic. The teachers, he ruled, "did all they could to ensure that the plaintiff's privacy was not eroded." Judge Kafka never sleeps.

Although drugs are immoral and must be kept from the young, thousands of schools pressure parents to give the drug Ritalin to any lively child who may, sensibly, show signs of boredom in his classroom. Ritalin renders the child docile if not comatose. Side effects? "Stunted growth, facial tics, agitation and aggression, insomnia, appetite loss, headaches, stomach pains and seizures." Marijuana would be far less harmful.

The bombing of the Alfred P. Murrah Federal Building in Oklahoma City was not unlike Pearl Harbor, a great shock to an entire nation and, one hopes, a sort of wake-up call to the American people that all is not well with us. As usual, the media responded in the only way they know how. Overnight, one Timothy McVeigh became the personification of evil. Of motiveless malice. There was the usual speculation about confederates. Grassy knollsters. But only one other maniac was named. Terry Nichols; he was found guilty of "conspiring" with McVeigh, but he was not in on the slaughter itself.

A journalist, Richard A. Serrano, has just published *One of Ours: Timothy McVeigh and the Oklahoma City Bombing*. Like everyone else, I fear, I was sick of the subject. Nothing could justify the murder of those 168 men, women, and children, none of whom had, as far as we know, anything at all to do with the federal slaughter at Waco, the ostensible reason for McVeigh's fury. So why write such a book? Serrano hardly finds McVeigh sympathetic, but he does manage to make him credible in an ominously fascinating book.

Born in 1968, McVeigh came from a rural family that had been, more or less, dispossessed a generation earlier. Father Bill had been in the U.S. Army. Mother worked. They lived in a western-New York blue-collar town called Pendleton. Bill grows vegetables; works at a local G.M. plant; belongs to the Roman Catholic Church. Of the area, he says, "When I grew up, it was all farms. When Tim grew up, it was half and half."

Tim turns out to be an uncommonly intelligent and curious boy. He does well in high school. He is, as his defense attorney points out, "a political animal." He reads history, the Constitution. He also has a lifelong passion for guns: motivation for joining the army. In Bush's Gulf War he was much decorated as an infantryman, a born soldier. But the war itself was an eye-opener, as wars tend to be for those who must fight them. Later, he wrote a journalist how "we were falsely hyped up." The ritual media demonizing of Saddam, Arabs, Iraqis had been so exaggerated that when McVeigh got to Iraq he was startled to "find out

they are normal like me and you. They hype you to take these people out. They told us we were to defend Kuwait where the people had been raped and slaughtered. War woke me up."

As usual, there were stern laws against American troops fraternizing with the enemy. McVeigh writes a friend, "We've got these starving kids and sometimes adults coming up to us begging for food. . . . It's really 'trying' emotionally. It's like the puppy dog at the table; but much worse. The sooner we leave here the better. I can see how the guys in Vietnam were getting killed by children." Serrano notes, "At the close of the war, a very popular war, McVeigh had learned that he did not like the taste of killing innocent people. He spat into the sand at the thought of being forced to hurt others who did not hate him any more than he them."

The army and McVeigh parted once the war was done. He took odd jobs. He got interested in the far right's paranoid theories and in what Joel Dyer calls "The Religion of Conspiracy." An army buddy, Terry Nichols, acted as his guide. Together they obtained a book called *Privacy*, on how to vanish from the government's view, go underground, make weapons. Others had done the same, including the Weaver family, who had moved to remote Ruby Ridge in Idaho. Randy Weaver was a cranky white separatist with Christian Identity beliefs. He wanted to live with his family apart from the rest of America. This was a challenge to the F.B.I. When Weaver did not show up in court to settle a minor firearms charge, they staked him out August 21, 1992. When the Weaver dog barked, they shot him; when the Weavers' 14-year-old son fired in their direction, they shot him in the back and killed him. When Mrs. Weaver, holding a baby, came to the door F.B.I. sniper Lon Horiuchi shot her head off. The next year the Feds took out the Branch Davidians.

For Timothy McVeigh, the A.T.F. became the symbol of oppression and murder. Since he was now suffering from an exaggerated sense of justice, not a common American trait, he went to war pretty much on his own and ended up slaughtering more innocents than the Feds had at Waco. Did he know what he was doing when he blew up the Alfred P. Murrah Federal Building in Oklahoma City because it contained the hated bureau? McVeigh remained silent throughout his trial. Finally, as he was about to be sentenced, the court asked him if he would like to speak. He did. He rose and said. "I wish to use the words of Justice Brandeis dissenting in *Olmstead* to speak for me. He wrote, 'Our government is the potent, the omnipresent teacher. For good or ill, it teaches the whole people by its example.'" Then McVeigh was sentenced to death by the government.

Those present were deeply confused by McVeigh's quotation. How could the Devil quote so saintly a justice? I suspect that he did it in the same spirit that Iago answered Othello when asked why he had done what he had done: "Demand me nothing: what you know, you know: from this time forth I never will speak word." Now we know, too: or as my grandfather used to say back in Oklahoma, "Every pancake has two sides."

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Gore Vidal is the author of many books including *Perpetual War For Perpetual Peace: How We Got to Be So Hated* and *The Last Empire: Essays 1992-2000*.

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