

WHOSE RIGHTS? WHO'S RIGHT?
A sermon by Rev. Elizabeth L. Greene
Boise Unitarian Universalist Fellowship
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Readings

...Freedom of religion, freedom of the press, and freedom of person.... These principles form the bright constellation which has gone before us, and guided our steps through an age of revolution and reformation. The wisdom of our sages and the blood of our heroes have been devoted to their attainment. They should be the creed of our political faith, the text of civil instruction, the touchstone by which to try the services of those we trust; and should we wander from them in moments of error or alarm, let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty, and safety.

(Thomas Jefferson, First Inaugural Address, in Church)

We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness. (Declaration of Independence)

Sermon

“All men are endowed by their Creator with certain inalienable rights, among these being life, liberty and the pursuit of happiness.”

Familiar words. So familiar that we may lose sight of how radical they are. Life—how many people throughout human history have been deprived of life by their rulers? Liberty—how many more have had freedom curtailed? Never mind the individual pursuit of happiness, a concept probably inconceivable to most of humanity before the 16th or 17th century.

And these rights are *inalienable*: fundamental to human nature, so basic that they cannot be taken or given away. Furthermore, Jefferson was describing “all men,” which was a small slice of the human pie in those benighted days (white male landowners, in effect)—but the door was open as awareness grew over time, to mean every human being, all people, regardless of “race, color or previous condition of servitude.” (Using the language of the fifteenth amendment, giving Black people the constitutional right to vote—it took another fifty years for that right to be extended to women.)

Our country’s founding document declares the Unitarian Universalist first principle: that each individual person has worth and dignity. This, says Jefferson (a Unitarian), is simply “self-evident,” needing no defense or outside proof.

What a glorious and noble precept, upon which to found a country.

(Parenthetically: I know Jefferson held slaves, and I know he had slave mistresses. Those are not the issues I wish to engage this morning.)

It is philosophically radical, this idea that each person has intrinsic worth and dignity, and therefore deserves to live as unfettered as possible. It is more than philosophy, though. It is a religious statement. “Endowed by our *Creator*”: the mysterious Spirit of Life, Cosmic Harmony, elegance of evolution—that which animates our human souls—gives us the right to live safely and freely. Gives every person on earth that right.

Whatever our philosophical or religious assumptions, we believe what Jefferson wrote. As Americans we believe it. As Unitarian Universalists—we of the supremely individualistic religious tradition—we definitely believe it. (Did you hear about the copy machine repairer who came in last week, glanced at the machine and said, “Look, the flashing sign says, ‘Add paper.’ All you had to do was follow instructions.” We replied, “If we followed instructions, we wouldn’t be Unitarian Universalists.”)

All Americans, we UUs probably more strongly than most, value as a cherished right, the freedom to speak our minds and live as we choose; to do what we want to do and to be who we wish to be.

Problems arise, however, as they always do whenever a general principle is put into practice. Complete freedom is never possible, however grandly it is stated in the Declaration of Independence. Governmental bodies must always wrestle with limits—how much freedom is allowable to individuals, while still keeping the body politic whole and safe.

Few of us disagree with limits that protect us from each other’s violence: my right to swing my fist in anger ends where your nose starts. By and large, we do not mind being prohibited from stealing from other people or killing them, or tromping around on the scene of a crime, or misrepresenting our property in order to cheat someone.

There are other areas, however, that are a good deal more problematical. There are times in our history when these troubling issues are more prominent than at other periods. We are in such a time.

Our constitution contains a Bill of Rights, ten amendments to the main document, created primarily to persuade skeptical colonists that they were absolutely guaranteed certain freedoms they had found wanting in the mother country. Things like freedom of speech, press, assembly, and religion; no unreasonable searches and seizures; no taking of life, liberty or property without due process of law; right to a public and speedy jury trial, with counsel. The ninth amendment states that the people’s rights are not limited to the ones enumerated in one through eight. This became important in the second half of the twentieth century, when the Supreme Court inferred a right to privacy, most famously in *Roe vs. Wade*, legalizing abortion.

The list sounds rather more like a civics lesson than a sermon, but I remind us that the foundation of all this is a religious assumption very dear to our hearts, articulated in our country’s founding document: simply by virtue of whatever animates our souls and makes us human, every human being in the world has a right to a fulfilling life, unencumbered by unnecessary government restrictions.

The colonists who insisted on the Bill of Rights were smart, for maintaining such individual freedoms is difficult. John Haynes Holmes, Unitarian minister of New York

City's Community Church for many years, helped found in 1920 the American Civil Liberties Union (ACLU), an organization still extremely busy in its pursuit of keeping the Bill of Rights alive and well in our country.

If every one of us is owed the basic rights that flesh out our Declaration, then sometimes those in a current minority need protection. For instance: I am adamant about our right to march, safe and unmolested, in the annual Treasure Valley Freedom Parade, even though we may well be a minority view in this valley, standing up for the rights of our gay, lesbian, bisexual and transgendered sisters and brothers. If we have done what the city requires in the way of permits, we have the absolute right to march for this important cause, and no one has the right to hurt us.

Here comes the hard part, though. The Ku Klux Klan, our country's longest-established white supremacist organization, also has the right—if they have obtained the proper permits—to march wherever they choose, spewing their filthy, disgusting anti-Semitic, anti-Black, anti-everything-but-white rhetoric. Even unto Skokie, Illinois, a Chicago suburb heavily populated by Jews, including Holocaust survivors. The Klan is hateful, having practiced vigilante law throughout its history, burning crosses on lawns of uppity Black people or white collaborators in civil rights, holding public lynchings of Black men.

But Klan members, like us, have the right to peaceful assembly and to free speech. The Declaration of Independence and the Bill of Rights do not say or imply you are guaranteed basic rights only “if you hold positions uncontroversial at the time you are holding them.” The ACLU, an organization full of Jews, supported the Klan in its efforts to be allowed to march through Skokie (although, sad to say, they did lose some members) They supported this abhorrent group because it is of utmost importance that *everyone* be free to live in the ways guaranteed by our founding document and the Bill of Rights. We predominantly white and middle-class folks are less likely to have our freedoms curtailed than are our darker-colored or poorer brothers and sisters, but we cannot allow ourselves to ignore this issue. As soon as anyone, or any entity (like the executive branch of the government) starts restricting the constitutionally-guaranteed rights of any group, we start hurtling down that notorious slippery slope, and there is no telling who will be next.

Governments and law enforcement, because of the very difficult work they must do to keep us safe, are particularly inclined to push off down that slippery slope. They see so many people who are, in fact, evil and destructive and reprehensible, that it is easy for them to perceive constitutional safeguards as simply getting in the way of efficient law enforcement. (It does.) I am reminded of a movie in which a successful lawyer in private practice said, “I came out of law school starry-eyed and idealistic, determined to be a public defender and stand up for the rights of the poor and underprivileged. I just didn't realize they would be so *guilty*.”

But we, as private citizens, must practice that eternal vigilance we know is the price of freedom, and we need to do it now. Our current government has used the awful tragedy of September 11, 2001, to greatly accelerate the tendency toward increasing governmental powers that run counter to the freedoms we take for granted.

It is not exactly a new issue. In 1798, close to going to war with France, the Alien and Sedition Acts were passed. They gave the president the power to deport any “dangerous or treasonable alien” during peacetime, and provided penalties for publishing

“slandrous” writing against the government. (Both Thomas Jefferson and James Madison protested, on constitutional grounds.) In 1917, with world war swirling around us, the Espionage and Sedition (again) Acts were passed, providing penalties for “any disloyal, profane, scurrilous, or abusive language about the form of government of the United States, or the Constitution of the United States, or the military or naval forces of the United States.” (Library, 160) In 1942, at war with Japan, 110,000 Japanese were sent to miserable detention camps. 72,000 of the detainees were American citizens. (Library, 143)

It is happening again. After the tragedy of September 11, 2001, the USA Patriot Act was passed, at the behest of our government, specifically Attorney General John Ashcroft. Without minimizing the dangers of terrorism, I find the Patriot Act and its implications very frightening. [I am indebted for the following information to Wendy Kaminer in the *World*, pp. 21-25.] It authorizes secret searches of library and bookstore records—and authorizes the criminal prosecution of librarians or store owners who have the audacity to tell us their records have been searched. It empowers the attorney general to detain noncitizens for seven days without filing charges, indefinitely without any meaningful judicial review—all this without probable cause to believe they are guilty of a crime. In practice, of course—given the nature of this “war”—this becomes ethnic and religious profiling.

We citizens can be investigated without probable cause as long as the investigators assert that it is for “intelligence purposes,” and the attorney general can now designate dissident domestic organizations (Greenpeace? ACLU? UUA?) as domestic terrorist organizations.

Going beyond the Patriot Act, the administration has taken upon itself the power to detain anyone, for any length of time, without filing charges, simply labeling the arrested person as an “enemy combatant.” Now, I do understand that extraordinary times require extraordinary measures, and that war is extraordinary. (Although, when I think back on the “wars” on drugs and crime and pornography, it begins to feel ordinary....) When combatants are gathered up off a battlefield, it is reasonable that the processes due them be quite different from the peacetime ones accorded to us residents. But it is altogether far from clear just who the “combatants” are in this particular undeclared war, with Osama bin Laden taking on the mythical stature of the deceased Elvis. It is dangerous to make the criterion for “enemy combatant” simply that the attorney general says so. Several Federal courts have expressed that very concern, and have received little cooperation from the executive branch.

The trend is clear: the rights expressed so gloriously in the Declaration of Independence, enumerated in the Bill of Rights, are being severely eroded. Again. They are being eroded with our complicity if we do not speak up, loudly and in great numbers. Few of us in this room—mostly white middle-class persons—have personally felt the chill hand of arbitrary stops, detainment without charge, or search and seizure without our knowing it was happening. Prominent exceptions being those among us who remained vocal leftists during the McCarthy era, who have been jailed for your convictions, who have dossiers with the FBI. We salute you and aspire to be like you.

There are several things we can do, to help maintain those rights we cherish with religious fervor. I seldom endorse any one organization from the pulpit, but I do this morning: I hope with all my heart that most of you belong to the ACLU, and that if you

don't, you will find it in your heart to join. I suggest that you visit the website, www.acluidaho.org to acquaint yourselves with this incredibly important issue. Furthermore, our Social Action Committee is staffing a table at the back of the room between services, with paper and envelopes for writing to government officials, and ACLU material.

Civil Liberties is one of the study-action issues authorized by our Unitarian Universalist General Assembly delegates last year. Perhaps you care enough to join in this process, which starts with our congregation holding meetings on the subject, discussing what can be done, sending recommendations and concerns to UUA headquarters. This process, which will then continue after this year's General Assembly, could result in our entire denomination taking a strong stand.

It is a really important issue.

Our Unitarian forefather Thomas Jefferson penned those immortal words: "we hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness." James Madison was a major force in crafting the Bill of Rights, specifying some of those inalienable rights. Both men were faced in their time with precisely the issues we are faced with right now—an executive branch seeking (understandably but deplorably) sweeping special powers to control and limit the liberties of individuals in this free country of ours.

May we follow in the illustrious footsteps of these noble-minded statesmen. Let it be said of us, when our children and grandchildren look back on this time, "They walked their talk. They understood the religious and political foundation of our country. They spoke up. Because of them, we are still free."

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