

Freedom in the Time of COVID-19

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Global Research, August 19, 2021

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Region: [USA](#)

Theme: [Police State & Civil Rights](#)

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“When the people fear the government, there is tyranny. When the government fears the people, there is liberty.” — Thomas Jefferson (1743-1826)

As the world watches the disastrous ending of America’s nearly 20-year occupation of Afghanistan, we cannot lose sight of what is happening here, just below the media radar.

I hope I am wrong, yet I see a time of great suffering coming soon for those of us who cherish, articulate and defend personal liberty in a free society.

I hear it coming in the media drumbeat over the spread of the delta variant of COVID-19 and the demonization of those who exercise their inalienable right to dominion over their own bodies by declining to receive a novel and largely experimental vaccine.

I feel it in the subtle and not-so-subtle hints of politicians attempting to discern which way the winds of change are blowing and beginning to conclude privately that the direction of those winds is toward another sheepish American acceptance of repressive governmental measures in the name of public health.

And I sense it in the outcomes and judicial rationales of the early stages of litigations in which numerous state judges and state supreme court justices in the past week have purported to find constitutional, and thus recognized, the decisions of officials in the executive branch of government — the branch that exists to enforce the laws that the legislative branch has written — to write their own laws, call them “mandates,” and use force to compel businesses to close and healthy folks to wear masks on public and private property.

The coming violations of basic freedoms — the freedom of total dominion over one’s own body including the face, the freedom to exercise personal liberty and to own and use private property without a government permission slip, and the right to a government that complies with its own laws, particularly the restraints imposed upon it by the Constitution — will sorely challenge and, if unchecked, will severely weaken the values underlying our American republic.

Add to this the near certainty that the federal government will borrow trillions of dollars in the next three years, thus raising the price of everything and thrusting the obligation to repay those loans onto generations of taxpayers as yet unborn; and add to that the political pressures now being imposed on President Joseph R. Biden Jr. to reestablish U.S. military dominance near Afghanistan, a dominance that under Presidents George W. Bush and Barack Obama was lethal, fruitless, catastrophic, and cost 1 trillion borrowed American dollars and tens of thousands of innocent lives, and which President Donald J. Trump wisely argued should never have happened and ought to be terminated, and you can see my fears.

We have seen all this before.

The principal values underlying our republic are that our rights are natural gifts from God and can only be taken away after due process, which requires that the government proves fault at a fair jury trial; that the government's existence is moral only when it derives from the consent of the governed; that the Constitution is the supreme law of the land; and that when governments abandon these principles and assault our liberties, it is the right and the duty of the governed to alter or abolish or secede from the government.

These are not the musings of a frustrated libertarian.

Rather, they are bedrock American law embedded in and integral to the Declaration of Independence — in which Thomas Jefferson and all other signatories characterized our rights as natural and inalienable and insisted that no government is lawful without the consent of the governed — and the Ninth Amendment to the Constitution — in which James Madison and the Congress and the ratifiers recognized that our freedoms are too numerous to enumerate and thus the amendment commands that government shall not disparage any rights, even unenumerated rights, without due process.

Today, all persons in government take a solemn oath to uphold these documents, which include the Jeffersonian and Madisonian values underlying them. But you would never know that by observing their official behavior.

It seems that no matter which major political party controls the government, the government claims it can right any wrongs, tax any objects, regulate any events, suppress any liberties, kill any foreign foes (real or imagined) and help any of its patrons — the Declaration and the Constitution and their values be damned.

Do you know anyone who has consented to a government that can by executive decree take away the very freedoms that the founding documents guarantee and the authors of the decrees have sworn to uphold? Do you know anyone who has consented to a government that can take away personal freedoms by legislation? Do you know anyone who has consented to the government, period?

Our only recourse is massive, peaceful, loud public resistance that meaningfully threatens peaceful secession from the government — the same secession Jefferson and his fellow revolutionaries and signatories argued for in the Declaration of Independence.

Resistance even by a persistent and passionate minority can topple the mandates. But it must be resistance so ubiquitous and so loud and so serious that the government fears the people.

If you want to wear a mask, wear it. If you want the vaccines, get them. But keep the

government off the backs of those don't.

Then our freedoms will be secure.

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