

A Bush Legacy: Normalizing the Outrageous

In early 2008 I attended a hearing for the free speech lawsuit in which I am involved, and was struck by the defendants' arguments – being made on behalf of local and federal government officials - as eerily un-American.

Those public officials were responsible for the wrongful removal of me and two friends from a 2005 Presidential visit to Denver. Their lawyers, who are being paid with your tax dollars, asserted that we deserved to be physically removed from the public event, despite having tickets in hand, for no other reason than that we arrived in a car with an anti-war bumper sticker on it.

In defense of President Bush's right to prohibit us from attending this "Town Hall" meeting to discuss his plan to privatize the Social Security system, the lawyers argued that the President is allowed to restrict his audience so to only people with viewpoints completely in agreement with his. It apparently didn't matter that all U.S. taxpayers were paying for the event, and that the topic of Social Security reform was one that would affect nearly all Americans.

At that time I naively thought, particularly because of the high level of bipartisan support for the First Amendment right of free speech, that no judge would find this argument credible or legitimate. How could the audacious promotion of such blatant viewpoint discrimination be tolerated?

Yet in November, federal district court Judge Daniels accepted those arguments quite simply and decisively. He dismissed our lawsuit, saying that "President Bush had the right, at his own speech, to ensure that only his message was conveyed." While I agree that it would be inappropriate to interfere while a president was speaking at such an event, the court ruling seems to miss the point – that he is the president for all Americans, not just those who agree with him.

Furthermore, we weren't there to tell the President what to say. We were dressed appropriately, and had not taken any overt action to warrant being removed (other than previously applying that fateful bumper sticker to my car). We were there to participate in the public, taxpayer-funded event, open to anyone with a ticket.

To extend the policy of controlling the president's message to allow any person working or volunteering at the event to exclude any citizen who may hold a different opinion on any one of a range of topics, essentially establishes the "Thought Police." Under this doctrine of prior restraint, any person of apparent authority may legitimately restrain peaceful individuals for what they MIGHT be thinking.

By definition, a dictatorship is a regime where "a person exercises absolute power, esp. a ruler who has absolute, unrestricted control in a government without hereditary succession; A person who authoritatively prescribes conduct, usage, etc." By contrast, a democracy is a "government by the people; a form of government in which the supreme power is vested in the people and exercised directly by them; A state of society characterized by formal equality of rights and privileges."

Sadly I found this court ruling to fall squarely within the former definition. I'm unsure which is more upsetting to me: being excluded from a public event that I had every right as an American to attend, or

learning that a federal judge has rubber-stamped the repressive policies of this president and his administration. Does the President really hold dictatorial power over the public in America today? Are We-the-People willing to accept that as the norm?

The lead ACLU attorney representing us in the lawsuit, Chris Hansen, perhaps summarized this best by stating “people who disagree with the president have as much right to listen to him speak as his supporters. Handpicking which Americans are allowed entry to public events is unconstitutional and goes against everything this country is supposed to stand for.”

My co-plaintiff Alex Young and I intend to appeal this ruling with the goal of attaining the rightful decision that falls within the bounds of the U.S. Constitution and our democracy. It is our responsibility as citizens to stand up against bad policies from our elected leaders. I also hold hope that President Elect Obama will stay true to his promise to restore the Bill of Rights. He must roll back these shameless abuses of power and ensure that such policies are relegated to nothing more than historical footnotes- appalling vestiges of the success the Bush Administration achieved in normalizing the outrageous.