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**FROM THE PAST TO THE FUTURE:  
IDEAS AND ACTIONS FOR A FREE SOCIETY**

CHAPTER ELEVEN

**ASSAULTS ON FREEDOM AND  
CITIZENSHIP**

**VICTOR DAVIS HANSON**



## **“Lessons Learned from History for the Future of Freedom.”**

### **Assaults on Freedom and Citizenship**

**By Victor Davis Hanson**

We often assume that most commonly democratic and republican governments erode by falling victim to right-wing authoritarians. Certainly, dictators, caudillos and renegade generals lust for power more than reflect ideological purity. The history of the 20th-century Mideast, Africa, and South America has often been one of military coups and juntas. But such take-overs are usually transparently over power and ensuring family dynasties that so often rarely last beyond a generation or two of strongmen.

In contrast, a more permanent and holistic destruction of freedom is the work of totalitarians promising utopian visions of equality and social justice, ambitious aims that require far more social, cultural, economic, and political coercion. Examine history’s most successful tyrants of the ancient world, from the early 7th- and 6th-century BC Greek city-state, Alexander the Great, or Julius Caesar. Their opposition to and destruction of consensual government—and the justification for violence—was usually promulgated by claims of desiring universal brotherhood, or rectifying inequality, or the need to restructure the economy to ensure fairness for the downtrodden.

What frightened Europe about Napoleon was not just his lust for power and ideas of creating a French-dominated proto-European Union. In fact, his appeal was rarely couched in an admission of instituting an imperial Bonaparte dynasty run by his siblings, but rather was sold as a continuance of the French Revolution under its banner of liberty, equality and fraternity.

Benito Mussolini and Adolf Hitler sought power as opponents of market capitalism and big business and industry, promising a nationalist workers party and state sponsored socialism. The birth and record of Soviet communism and its spin-off and satellite expressions in Mao’s China, the Kim dynasty of North Korea, Cuba of the Castro brothers, or the Peronists and Chavistas of South America reflect the same tired themes of leaders “of the people”, dressed as common men, who supposedly sought power not to enhance their own wealth or family clans but as sacrifices on behalf of the underprivileged. Often, they posed as Caesarians who were bold enough to use military power to break up the oligarchies and aristocracies and thereby redistribute property to the masses.

If such dramatic authoritarian attempts at destroying freedom are easily recognizable, more common are more subtle and insidious efforts to erode personal freedoms, often by nominally democratic leaders who feel prior constitutional norms became simply too fossilized, insensitive, or obstructive to agendas of social justice.

Certainly, few observers foresaw that the six-nation European Common Market of 1957 would warp into a 28-member European Union of over 500 million people, with a vast permanent

bureaucracy that sought to override national sovereignty and institute a pancontinental socialist agenda that often has proved anti-democratic and sharply curtailed personal freedoms.

Here in the United States, citizenship is steadily eroding at both the popular and elite levels—with the common theme of social justice as the catalyst. Residency is increasingly confused with citizenship. Social services make little distinction between legal citizens and illegal residents. And as the number of those residing illegally in the US rises, we are beginning to see calls for voting rights for non-citizens.

Three-centuries of American jurisprudence, custom, and tradition gradually had previously delineated important legal differences between citizenship and residence both legal and illegal. Among them were the rights to live inside the borders of the US indefinitely. And as a practical matter, since the 1920s only citizens were allowed to vote in local and national elections. During the 1950s the federal government required possession of a US passport to leave and enter the country at will.

Already two of those three pillars of citizenship have eroded. There are currently somewhere between 11 and 20 million illegal aliens residing in the US without legal sanction. Some have been given amnesties, and others de facto exemptions from deportation. The numbers are increasing, along with the custom and practice that legal citizenship or residence is not particularly necessary to live indefinitely inside the US, to obtain legal identification, to qualify for state and federal social services, or to crisscross US borders.

Aside from the fact that state motor-voter laws often are deliberately blurred or lax enough to allow ballot registration forms to be sent to illegal aliens who hold driver's licenses, non-citizens have also been given the rights in some jurisdictions to vote in municipal elections, a trend that is likewise accelerating. Illegal aliens legally can vote in local San Francisco school board elections, and a number of other cities have voted to follow suit. And the trend is growing. For purposes of the census, which governs the all-important redistricting of congressional seats, illegal aliens are counted and thus given as much electoral clout as citizens.

In other words, we are returning to 19<sup>th</sup>-century practices when the westward expansion of the United States, coupled with commensurately small state populations, often meant that there were often no enforceable borders. On the relatively empty frontiers few cared to ascertain the legal status of residents. But whereas in the distant past demography explained legal laxity, today politics do, or rather the doctrine of radical equality of result that seeks to erode any discriminating criteria concerning those residing in the US.

Tribalism is likewise an enemy of freedom and meritocracy. Much of American life seems to be retribalizing, as identity politics puts ever greater emphases on our superficial appearance and our self-identification with ethnical and racial solidarities rather than with common tradition and shared values. Salad-bowl multiculturalism has replaced melting-pot multiracialism. The reason why a Harvard Law School Professor Elizabeth Warren and University of Colorado professor Ward Churchill both invented Native American identities was to find the easiest and quickest way to enhance their respective career advancements. They



correctly assumed that employers would favor, or be forced to favor, those who identified as a hyphenated American in general, and, in particular, someone of minority ancestry.

Over the last thirty years, but especially during the Obama years, the concept of affirmative action gradually gave way to the notion of “diversity”. The former doctrine had originated as a means to “level the playfield” and give African-Americans an edge in college admissions and hiring on the theory that the toxic legacy of slavery and Jim Crow required such reparatory remedies.

More practically, diversity redefined the American body politic. Those who were now “diverse” encompassed almost anyone who claimed to be not “white”, however that amorphous term was defined. Diverse now included wealthy Asians or Cubans, and a host of other groups heretofore not considered oppressed minorities. And the new diversity comprised nearly 30 percent of the population, with assumed historical complaints against the white majority—a new binary that sometimes requires resurrection of the “one-drop” rule of the Old South to maintain such a huge constituency. Those with one-quarter, one-eighth, or one-sixteenth non-white ancestry often apply as minorities for jobs, university admissions, and lucrative tribal council memberships.

Previous cultural differences in language, food, fashion, art, and music had enriched American life, but as subsidiaries to, rather than replacements of, the core of American citizenship and tradition and history. Instead, diversity now offered entire parallel and separate anti-Constitutional paradigms. Some students were housed on campus in racial theme houses. Others could select their potential roommates on the basis of race. “Safe spaces” were reserved for students on the basis of race. Proportional representation was applied to hiring and admissions, and disparate impact theories found insidious racism even without the supporting evidence of actual victims. An Asian-American citizen certainly had fewer constitutional rights of due process and non-discrimination when he applied to an Ivy League school than did a Latino-American or African-American.

If the foundations of citizenship are being recalibrated, so are its superstructures. Globalism may have started out with the spread of quasi-capitalism that introduced Western modes of production to the non-West and harmonized the globe through technological breakthroughs in transportation and communications, but is now to the point that almost anyone of the over 7-billion residents of the planet can call instantaneously any other at reasonable costs, communicate electronically, or within 24 hours travel between any two major cities.

But economic homogeneity and global connectiveness soon led to the utopian idea of commensurate political uniformity. And here was the problem: if America spearheaded the spread of global wealth creation, its unique constitutional system certainly did not become the model for political emulation. In Europe, the French Revolution, and the non-democratic autocracies and state bureaucracies that followed it, became more a blueprint for the European Union than the US Bill of Rights and Declaration of Independence. Poorer nations look to richer

Western systems that emphasize redistribution rather than equality of opportunity. Predictably, transnational institutions like the European Union, United Nations and its affiliated commissions, the Paris and Kyoto Climate Accords, and a host of others devoted to human rights, environmental protection, international commerce and trade, and health and welfare, became politicized, in the sense of insisting on share-the-wealth policies and redistributive justice contrary to the US Constitution.

But postmodern citizenship is also more than a matter of adopting global norms in preference to US customs and traditions, or using pressure groups to deny citizens their full protection of constitutional rights. There is currently a multitude of academic, legal, and political efforts to change either the US Constitution or the custom and practice of the federal government of the last century. The common denominator in all these progressive and media efforts, both informal and legal, is to curb individual liberty and freedom as the necessary price to ensure an equality of result among all residents.

When progressives become furious that the Trump Supreme Court errs on the side of the individual rather than the collective interest, they now seek to resurrect something akin to Franklin Delano Roosevelt's 1937 shameful effort to pack the court by increasing the membership beyond the current nine justices—or at least to intimidate sitting justices by threats of mandatory retirement. Many of the current Democratic presidential candidates have endorsed a new Supreme Court packing scheme. Similarly, we see the return of pre-Civil War state nullification of any federal laws deemed oppressive or obstructive. Currently over 500 “sanctuary city” local and state jurisdictions have announced that they will not fully comply with federal immigration law, in ironic fashion adopting the failed strategies of southern obstructionists of Civil Rights legislation of the 1960s.

Given that George W. Bush and Donald Trump both won elections without a majority of the popular vote, current reformers also seek either to disband the Electoral College or pass state laws requiring a state to pledge its electors to the winner of the popular vote rather than to reflect the will of the majority of voters within a state.

There have even been calls to recalibrate the US Senate to address supposedly unfairness such as the distribution of senators by state. For example, two conservative senators in Wyoming each roughly represent a quarter-million voters, while their two liberal counter parts in California each speak for 20 million. In answer, many progressives have advocated turning the US Senate into something analogous to the House of Representatives where congressional offices reflect national demography.

The list of proposed changes to both the Constitution and long legislative custom and practice that have been ratified and upheld by the courts is nearly endless. Again, the effort is fundamentally to transform and recalibrate an American constitutional republic to resemble a Jacobin sort of democracy, in which what a majority of residents on any given day prefers becomes law.

The result is that the United States is becoming a country of pre- and post-citizens—of residents on the one hand who are not citizens by either legal definition or outlook, and of elites who feel national boundaries are bothersome, that the Constitution is ossified and that there are government remedies to inequality that should trump constitutionally protected liberties.

Our constitutional freedoms will likely not fall abruptly to identifiable right-wing plotters in *Seven Days in May* fashion, but more likely in insidious fashion to professed egalitarians, who claim they need far more power and latitude to save the planet, end inequality, and make us a more fair and just people.



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