

The Fearless Spectator

Charles McCabe

The Vanishing American

THE BILL of Rights, those first ten amendments of the Constitution which set up this country as a society of free men under law, was a marvelously responsive bit of writing. The Bill described a new man, the American.

The Bill was partly topographical, setting down just what was there, among these people on a new continent who had severed the cord from Europe. Also and more importantly, the Bill was an assurance and an ideal; or perhaps best, the assurance of an ideal.

This new man, this American, was a truly extraordinary person. First of all, he knew his rights, for they were in the Bill, thanks to the persistence of Jefferson and Madison. He was free to worship, he was free to speak out without any inhibition from Congress or anyone else, he was free to bear arms in a militia to overthrow a government which violated his personal guarantees. He was free from unreasonable seizures of his home, his person or his papers. His property could not be taken without compensation.

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THESE RIGHTS had never been enjoyed by common men before. Their translation into human terms produced a type which was testy in the extreme about being told what to do or how to do it, a man who would not be pushed about, a man who viewed his government with visible distrust, and never forgot that its powers derived from his consent. He knew that, in the long run, They were Us, a knowledge which has been abraded considerably in a



world which prefers devils and demons to acceptance of full personal responsibility.

You could hear these Americans, in the words of Archibald MacLeish, "blundering about in the bush at all hours, sniffing at everything, snorting at what they didn't care for, elbowing their way through any kind of trouble, respecting themselves and intending to be respected by others, cautious maybe but hard to intimidate and impossible to stampede."

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IN THE MOST congealing of the confrontations of the Watergate hearing, we heard one of these old Americans — cranky, indignant, and full of himself — being told off by one of a new breed of Americans — righteous, amoral, a liar by instinct, a man who would use any means to trample to his end. The interchange was one of the most dramatic moments of my lifetime.

Discussing one of the White House burglaries, Senator Herman Talmadge of Georgia boomingly passed on to witness John Ehrlichman, the man accused by witnesses of authorizing these burglaries, the ancient Anglo-Saxon rule of law that "no matter how humble a man's cottage, even the King of England cannot enter without his consent."

The witness was, as he might have expressed it himself, programmed for that one. "I am afraid," the former White House aide said, "that has been considerably eroded over the years." As he said it, his peculiarly piscine smile flushed over his features. He laughed a little "Hár, Har."

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IF Ehrlichman is right, and Talmadge is wrong, Americans are no longer living under a system of law. If Ehrlichman is right, we are living under a system of men, which was the thing most dreaded by the writers and ratifiers of the Bill of Rights. If Ehrlichman, that new American, is right, then "internal security" as interpreted by the man at the top is excuse enough to annul every single right secured in that long and terrible revolution that freed our country and put it on its own.

If Talmadge and the Bill of Rights are correct, the mere existence of Ehrlichmans in high places is the deepest sort of national treason — to the ideal that made us free and responsible.

The extraordinary men who drafted the Bill of Rights would have put such an official as Ehrlichman in chains. One of those, Benjamin Franklin, had the very words we need: "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."