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THE AMERICAN

REAISSANCE

THE AMERICAN CREED

We believe that our freedoms are gifts that might be stolen but never sold,
That these rights were not given to us by any ruler, clique or government,
Because they were the legacy of every individual by the Will of Creation,
That our freedoms are far too numerous to list, but they include these:

The right to life, to liberty, and to pursue happiness as we choose,
The right to create, to produce, to dream and strive as we will,
The right to defend ourselves and our liberties as we must,
The right to a government that is held accountable,
And remains subordinate to the governed;

We believe that the United States of America was called to secure these rights,
To form and remain a government true to its calling, as a sacred trust,
A government by, for and of the people,
That will always be a beacon of liberty
...And the hope of the world.



The American Creed has been lying dormant in the Declaration of Independence and the speeches of Lincoln, its implied existence brilliantly prefigured in the intellectual milieu from which the Declaration emerged. I am proposing to make our Creed explicit because I am personally persuaded that it is the key to greater unity – because our unity on the overriding questions of the present day is a matter of life and death.

The American Creed¹

By
Jay B Gaskill

Yes, there is an American Creed². You've probably never seen it set out in writing because it was so well embedded in the spirit of the founding of the republic that patriotic Americans took it for granted, and because today's toxic levels of political correctness forbid its current promulgation without a disclaimer or appended ridicule.

So I am proposing a written version.

“**Why now?**” you ask. Because our nation is at a critical turning point, one in which the friends of liberty are unnecessarily divided over boutique issues and petty concerns. But the enemies of liberty and of the Great American Experiment are more concentrated, stealthy and virulent than ever before.

When the jihad can rely on support from members of the post-communist Marxist left (thinking, for example, of Noam Chomsky³), pathology is at work. This is not the venerable patriotic liberal wing of the Democratic Party (thinking of the likes of Daniel Patrick Moynihan (1927-2003 – “The liberal left can be as rigid and destructive as any force in American life.”) and Henry “Scoop” Jackson (1912-1983 - I'm not a hawk or a dove, I just don't want my country to be a pigeon). In the current politically correct climate, patriotic liberal democrats have been buried so deep underground that they could survive a direct nuclear strike.

Here is a thumbnail sketch the growing threat profile:

² I'm by no means the first to make the assertion that we have a creed, just among the first to claim that political correctness has driven it underground. The Unitarian theologian, Forrest Church, wrote a short, thoughtful book of the same title, *The American Creed, A Spiritual and Patriotic Primer* (Macmillan2003). Dr. Church is a theological and political liberal; he is a patriot who understands America's unique calling. As it happens, he spent part of his childhood with my cousins V and J, a time when Forrest had the nickname, Twig. Sadly, his brand of liberal patriotism is out of fashion among the postmodern left.

³ **Noam Chomsky**, 1928- is the leftist / linguist who said, “Everybody's worried about stopping terrorism. Well, there's a really easy way: stop participating in it.” And as part of his response to the 911 attacks, Chomsky also said, “Bin Laden is also bitterly opposed to the corrupt and repressive regimes of the region. (...) Bin Laden despises the US for its support of these regimes. Like others in the region, he is also outraged by long-standing US support for Israel's brutal military occupation, now in its 35th year.”

- **Free speech at risk**: Four out of five Supreme Court Justices no longer agree that the government cannot censor speech based on its ideological contents, abrogating the clear language of the First Amendment and the bright line, stalwart defense of this key liberty by old fashioned liberal justices like William O Douglas. Ironically, the four justices are modern liberals.⁴
- **Consent of the governed ignored**: A growing body of federal *regulatory* Administrative Agencies & Commissions, staffed and run by non-elected officials and bureaucrats, enjoy functionally unsupervised power to issue rules and regulations that affect and control the activities of American citizens. These are rules and regulations that have the full authority of law, including enforcement structures and processes that uphold impose fines and other punishments all administered by a “streamlined” legal structure outside the regular court system. Among these, we can single out Bureau of Alcohol, Tobacco and Firearms (ATF), Economic, Employment Opportunity Commission (EEOC), Environmental Protection Agency (EPA), Federal Communications Commission (FCC), Federal Election Commission (FEC), Federal Energy Regulatory Commission (FERC), Energy Efficiency and Renewable Energy (EREN), Federal Trade Commission (FTC), and the Food and Drug Administration (FDA), all of which have gradually acquired zones of control that directly affect significant aspects of every business and consumer transaction in the USA, frequently *in ways that could never achieve enough support to pass through congress and be enacted into law*. Congressional oversight is hindered by a fog of “special expertise”, a mountain of paper and the normal limitation of time and attention among the political class. This pattern was dramatically accelerated by the passage of “Obama Care”, an omnibus restructuring of the American health care system via a vast web of rules and regulations that are yet to be written by agencies and committees yet to be staffed in a bill yet to be fully digested by the politicians who voted for it without ever reading its contents.⁵
- **Erosion of informed patriotism**: The pattern of immigration leading to assimilation, leading to a new wave of patriots, steeped in the American tradition and every bit as motivated to defend the constitution as those who were born her, has catastrophically broken down on our southern border. Ballots are routinely being printed in several languages for people whose level of cultural assimilation is marginal at best. Leaving aside the not-insignificant humanitarian issues, an ethos of uncritical multiculturalism and a condition of “constitutional amnesia” will, if unchecked, undo the entire American experiment in protected liberty.
- **Toxicity of the self-hating Americans**: A reverse American exceptionalism has taken hold among parts of academia and the cultural elites in which the world’s

⁴ I discussed this problem in a piece directed at the views of then SCOTUS nominee E. Kagan. Go to <http://jaygaskill.com/KaganFreeSpeechLitmusTest.htm> .

⁵ There is no threat to the “consent of the governed” greater than an elite cadre of bureaucrats empowered by design or default to decide what’s best for us. A major critique of the growing hegemony of administrative agencies over our lives is contained in a book by the conservative lawyer, Mark Levin (*Liberty and Tyranny*, Simon and Schuster 2009). This should be of equal concern to all liberals, but the stony silence about this bureaucratic incursion from the left-of-center is eerily like something out of a cemetery scene from a horror novel. Are they really all dead?

most generous, most freedom-friendly democratic republic is uniquely held up for ridicule, using a standard that, if fairly applied, would classify the UN as a criminal enterprise, the arrest of every non-elected ruler on the planet, the removal of the governments of every third world country and the condemnation of all the rest. Reverse American exceptionalism is the tantrum of a spoiled jealous teenager at a generous parent for the crime of golfing.

- **Moral and cultural ambivalence in face of jihad**: In 2003, Dennis Prager, a thoughtful moral conservative, wrote a trenchant and troubling piece, “*Only Believers Can Defeat Unbelievers*”, making the point that a hedonistic culture with a belief-deficit may not be able to summon the will to defend itself against the jihad. I followed with my “Yes, and...” piece, Secular Steel (<http://jaygaskill.com/secular.htm>). The ambivalence problem continues to surface more and more frequently, noting the recent politically correct responses by the New York authorities to the Ground Zero mosque project. My critique is at <http://www.jaygaskill.com/DetectingModerateIslam.htm> and

I could go on, but if you are reading this with any degree of sympathy, you will be able to add to my list.

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The American Creed grew out of the spiritual and intellectual tradition that was shared by the authors and signatories of the founding documents, especially the Declaration of Independence. Most of the founders, with notable exceptions like Thomas Jefferson and Ben Franklin, were active, practicing Christians. But the Declaration was what we moderns would call an interfaith statement. It was something unique for the time: A call for freedom based on Ultimate Authority, avoiding the exclusion of the non-religious, while grounding liberty in the Source of justice to which any worldly sovereign is subordinate.

During all the ensuing years, the American Creed has been lying dormant in the Declaration of Independence and the speeches of Lincoln, its implied existence brilliantly prefigured in the intellectual milieu from which the Declaration emerged. I am proposing to make our Creed explicit because I am personally persuaded that it is the key to greater unity – because our unity on the overriding questions of the present day is a matter of life and death.

The fiercely sectarian religious among us and the hardened atheists should each give a little ground lest the entire ground on which liberty rests fails under attack. The Creed’s purpose is to unite *by consent*. No public recitation or involuntary affirmation is or can be required without violating the very liberties that it affirms.

I am advancing the case that patriotic atheists can sign on with Buddhists, Christians and Jews, joined by the wide spectrum of other spiritual and intellectual convictions among those of us who understand that we need to protect freedom as if it were the air supply.

Thomas Jefferson, who was the main author of the Declaration of Independence (reproduced in full below), charted an independent theological course.⁶ If we were to locate his theology in the present day, the privacy of which he jealously guarded in 1776, it would be something like that of a modern Unitarian. Jefferson accepted the general ethic preached by Jesus, but he was not a traditional Christian. He privately published a text, now referred to as the Jefferson Bible, consisting of the extracted moral teachings of Jesus, but skirting all the attendant Christian theology. In a letter dated April 21, 1803 to a friend, Jefferson described his approach -

“To the corruptions of Christianity I am indeed opposed, but not to the genuine precepts of Jesus himself. I am a Christian, in the only sense in which he wished anyone to be: sincerely attached to his doctrines in preference to all others, ascribing to himself every human excellence, and believing he never claimed any other.”

This explains why the thrust of the Declaration of Independence (almost all Jefferson’s language) is distinctly and intentionally non-sectarian, even non-religious in the institutional sense. When you reread it, you can’t help but notice that the term “God” is omitted, but the references to divinity are cloaked in the most general, non-sectarian terms possible, given the era.

The Declaration’s key statement, “We were endowed by our Creator with certain inalienable rights” is fully consistent with the *deism* of Einstein, Spinoza⁷ and others⁸. The God of *deism* is a Creator that, having made the universe and designed its contents (including ourselves) allows events in space-time to run their course without further intervention.

When Albert Einstein was quoted as saying that we must give up the notion of a personal God, he was saying that he could not support the notion of an *involved* deity, particularly one who interfered with physics. This was a position to which many post-holocaust Jews were driven on the basis that any just God would have acted to restrain human evil.

Deism posits a God-designed order, holding that the natural law has a divine Author, if you will. **But most deists, including Jefferson, hold that God is also the author of the moral law⁹.**

⁶ For more, see an archived article in the journal *First Things*, *The Deist Minimum*, by Avery Cardinal Dulles, August 2008.

⁷ **Baruch Spinoza**, 1632-1677.

⁸ Among them were the American revolutionaries, **Ethan Allen**, **Thomas Paine**, and the pro-liberty British economist, **Adam Smith**.

⁹ On reflection, the gift of the moral law can best be understood as an act of divine love because, without it, civilization degrades to a nightmare (if civilizations could even be sustained without moral law). In my moral universe without a deep substrate of morality, one not dependent on a majority vote, the whims of fashion or the variations of culture, we humans are utterly lost. Of course any student of history - as the founders were - quickly realizes that that the moral law is not self-executing. Jefferson, for example,

The final appeal of the Declaration contains *theistic* language. This is the theology in which the Creator God - the divine architect and original builder - is also the God to whom prayers are directed, a deity actively involved in creation. This view, which is consistent with the three Abrahamic traditions (Judaism, Christianity and Islam), is revealed in these two famous passages from the last lines of the Declaration:

“**We**, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the **Supreme Judge of the world....**”

“...with a firm reliance on the protection of **divine Providence**, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.”¹⁰

Did Jefferson write these final lines? He certainly signed off on them. Considering the life-and-death stakes for the signers of the Declaration, what patriot would quibble about theology?

Without a doubt, Thomas Jefferson wrote the body of the Declaration, but he was one of a committee of five assigned by Congress (the other four were John Adams of Massachusetts, Roger Sherman of Connecticut, Benjamin Franklin of Pennsylvania and Robert R. Livingston of New York). Of the five, Ben Franklin was also a deist of sorts. We do know that some alterations were made by Franklin and Adams, but the discussions surrounding the Declaration’s various drafts were not recorded.

Leaving aside the line-by-line authorship question, the ultimate provenance of the Declaration is in the Anglo-American branch of the Enlightenment. Thus we can detect the influence of John Locke, the preeminent philosopher of the English branch of the Enlightenment. In his 1690 work, *Two Treatises on Government* (a work undoubtedly studied by Jefferson and others) Locke advanced the view that all individuals enjoy the natural, or inalienable, rights to “life, liberty and estate.” The right to pursue one’s happiness is an American addition – or substitution. This country was home to the branch of the Enlightenment that distinguished itself from the radically destructive French version by denying the divinity of kings without severing their heads, denying the privileges of royalty, while not severing the resulting polity from humane and valuable aspects of the extant traditions, and by affirming reliance on the moral law and asserting its overarching authority to the effect that our rights are grounded in a domain outside the claims and pretensions of kings, queens and despots: the domain of the moral law was recognized as the domain of its Author-in-Chief, the Creator of the universe.

assumed that “we the people” would be in a perpetual struggle to maintain our God-given rights against the tyrants of the world.

¹⁰ No one who signed the Declaration of Independence was misled by the gentle reassurance of divine Providence into passivity. These American colonists knew they were risking death. In this sense, freedom is a gift with a concomitant burden, not unlike the burden of the Jewish people who were “chosen” to carry the Torah.

The distinctly *American* branch of the Enlightenment also represented a radically new understanding of the relationships between governments and the governed, wherein rights are individually and equally inherited from the Creator, and the government remains subject to the natural law and the consent of the governed.

Thus, in the American version of the Enlightenment, every human person was and is directly endowed with right to life, liberty and the pursuit of happiness, while the government was and is allowed only those powers that are legitimately necessary to secure the blessings of liberty for all.

For all these reasons, no statement of the American Creed could properly be entirely secular, but instead would firmly anchor individual human rights in a divine source – or if you are a deeply skeptical humanist – at least anchor them in an eternal source of authority.

Consistent with the religious and philosophical diversity of the early patriots, the Creed would also embrace all those who respect the robust protection of our core individual liberties, whether they are religious, irreligious, deist, theist or atheist, so long as they deny the right of kings and other rules to grant or take away our fundamental rights.

The test for them was the same for the defenders of freedom in all times and places: No one asks whether you believe you will go to heaven, but what you are willing to risk in this life to defeat hell-on-earth. These insights led me to write the sixteen lines set out below - consider it the first 21st century draft of the American creed:

**We believe that our freedoms are gifts that might be stolen but never sold,
That these rights were not given to us by any ruler, clique or government,
Because they were the legacy of every individual by the Will of Creation,
That our freedoms are far too numerous to list, but they include these:
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Jay B Gaskill is a California lawyer who served as the Alameda County Public defender before he left his “life of crime” to devote full time to writing. His profile is posted at www.jaygaskill.com/Profile.pdf .

[Full Text]

The Declaration of Independence

IN CONGRESS, July 4, 1776.

The unanimous Declaration of the thirteen united States of America,

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature’s God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable 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. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.--Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For Quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the **Head** of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions **We** have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have **We** been wanting in attentions to our British brethren. **We** have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. **We** have reminded them of the circumstances of our emigration and settlement here. **We** have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. **We** must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

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