

CANTO



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CANTO XL

The pendulum of political power had swung once again:
once again in the minority
the Democrats became converts
to the cause of free speech,
 while
the formerly free-speech Republicans
now had Abraham Lincoln in place
to become the dictator of the United States

September 24, 1862,
a decidedly non-emancipation proclamation:

“Now,
 therefore,
 be it ordered,
 first,
that during the existing insurrection
and as a necessary measure for suppressing the same, . . .
all persons discouragin volunteer enlistments,
resisting militia drafts,
 or
guilty of any disloyal practice,
affording aid and comfort to Rebels . . .
shall be subject to martial law
and liable to trial and punishment
by Courts Martial or Military Commission:
Second.
That the Writ of Habeas Corpus is suspended
in respect to all persons arrested
or who are now,
 or
hereafter during the rebellion shall be,
imprisoned in any fort, camp . . .
or other place of confinement

by any military authority
or by sentence of any Court Martial or Military Commission”

Clement Vallandigham,
anti-war activist,

Southern sympathizer,
obvious opponent of Honest Abe
(also an opponent of “King Lincoln”)
spoke at a political rally on May 1
in his native state of Ohio,

and
was a few days later arrested by military authorities

At the military tribunal:

“It is words spoken to the people of Ohio
in an open and public political meeting,
lawfully and peaceably assembled,
under the Constitution and upon full notice
It is words of criticism of the public policy
of the public servants of the people,
by which policy it was alleged
that the welfare of the country was not promoted
It was an appeal to the people
to change that policy,

not by force,
but by free elections and the ballot box
It is not pretended that I counseled
disobedience to the Constitution,
or resistance to laws and lawful authority
I never have

Beyond this protest,
I have nothing further to submit”
Vallandigham was convicted by the tribunal,
and
much eloquent protest was lodged:

“without free discussion there can be no free government”
“Without freedom of speech, the ballot box is a farce”
“no such offense as implied treason”
Vallandigham’s criticism
“is not and cannot be held
to be ‘adhering’ to our enemies,
‘giving them aid and comfort’”
“so-called misuse of the freedom of speech
must be neutralized by the counteracting better use of the same”

And the outcry did some good:
closed newspapers were allowed to re-open,
the tendency to suppression
was somewhat reined in

But
war power had trumped free speech,
not for the last time

AMERICAN CANTO XIII

And the Anglos appeared on the shores of American

And they decreed:

There shall be no intoxicants other than God
(their god)

And

all other intoxicants would be strictly prohibited

And the adverb was absolutely appropriate,

for

from this day forward

the strictness

of the prohibition

would differ only in degree,

not in kind

And

the uniquely American disease,

that of making a moral issue out of a matter of style,

had its longest-lasting manifestation

And thus was born the War on Drugs:

“the flood of excessive drinking will drown Christianity”

the scarlet letter D

or the word

Drunkard

that habitual offenders were forced to wear

And

the first prohibition was tried in the colony of Georgia

from 1735 to 1743;
all the vices
later displayed nationwide were here:
bootlegging
bribery
and other varieties of organized crime,
which would be forgotten as they receded
into the myth-mists of history
(American amnesia?)

In the theocracies
of New England,
and elsewhere,
excessive drinking was deemed responsible for
“swearing, poverty,
and the distaste for religion”

And yet
the Founding Fathers fairly floated on a sea of whiskey
(as did the Founding Mothers and all other relatives)
A rebellion was even fought when a tax was imposed on distilled spirits
(Distillers had long been paying higher prices than millers for grain;
the trumping of economics over morals is also firmly
in the American grain)

And in the nineteenth century,
when actual consumption decreased,
the perception of a problem increased inversely,
and
prohibition again became possible

Maine in 1851
And the road to today was paved with the first good intention

And,
as Maine goes,
so goes the nation
(so the cliché goes):
a dozen or more states soon followed suit;
the state-by-state step
toward nationwide prohibition
slowly sauntered ahead
Demon Rum was put on the run

But the law of unintended consequences was still in effect:
as alcohol was increasingly banned,
patent medicines
(marvelously monickered,
because
they had little medicinal purpose
and
they were unpatented,
because then
the manufacturers would have to disclose
what was actually in them)
containing cocaine or opiates
rushed to fill the void
(But of course
it wasn't real Americans using those nostrums:
it was the Chinese with their opium
and the Negroes with their cocaine)

AMERICAN CANTO XLII

Prior to the proliferation of prisons
many, many crimes were punished by death:

adultery and arson

blasphemy and burglary

rape and robbery

rebellion of slave against master,
to name just some of a long list,

though

some weren't punished by death until the third offense
(the original three-strikes-and-you're-out,
permanently)

In fact

there was an orgy of self-congratulation
when the list of crimes considered capital
was considerably shortened,
a perverse pride in punishing by death
only six crimes instead of sixty,
a badge of honor for enlightened America
when compared with barbaric Europe,

though

enlightenment wasn't the true motivation;
many 'reformers' felt the greater punishment,
by far,

was a long incarceration

And

the death penalty then meant death by hanging
Hanging was the pre-eminent spectator sport,
eclipsing even the evolving ball games,

and

was even a popular family activity,
in the seventeenth, eighteenth, and early nineteenth centuries;

the condemned a celebrity of sorts,
“surrounded with a Vast Circle of people”
“more Numerous,
 perhaps,
than Ever was gathered together before,
on any Occasion,
 in this colony”

Parades and patriotic speeches
preceded the public executions,
with picnics afterward

And

salvation was hawked like peanuts and Cracker Jack
Such sermonizing was not subtle,
to say the least:

“You are now to Dy”
“the Land where you now Live,
would be polluted,
if you should be spared from <I>Death</I>”
“the Gospel has been offered to you . . .
How shal you escape the forest Damnation,
if you regard not this offer of mercy”
roared one or more of the Mathers

The substance of the theocracy would soon subside,

and

the public spectacle would soon shift
to behind closed doors,
 but
the ritual remains to this day

CANTO XLVIII

Americans!

Look deeply
into your background,
into your town's history:
You probably have a Socialist in the closet,
for
there is a rich history of Socialism in this country,
(Surprise!)

largely untaught,
largely unscknowledged
(and therefore largely unknown)
Come out
into the open:

more than a thousand officials elected all over the country
in more than a hundred cities;
state legislators
from Massachusetts to Minnesota to Montana
all the way to California on the west coast,
and many states in between;

municipal officials
from Berkeley to Butte to Buffalo to Brimingham,
from Coeur d'Alene to Cleveland to Cedar City (Utah),
from Martins Ferry to Milwaukee to Missoula,
from Schenectady to Sheboygan to Star City (West Virginia)

And,
all of you diehards who actually argue about
the dime's worth of difference between the two 'major' parties,
take note:

when faced with an actual alternative
the 'two parties' managed to put aside their 'differences'
and formed fusion parties to defeat the Socialists
And they came up with other alleged 'reforms'
to keep control of the status quo:
'non-partisan' elections,

election of officials in an at-large manner
rather than by districts,
commision and other moves
to purportedly professionalize government,
“trap for the workingman,
hid under the guise of virtue”

And

when even all that didn't work
and Socialists were elected anyway,
there was no compunction about
denying legitimately-elected officials their seats,

or

expelling them without cause once they were seated

And

from City Council in Cleveland
to the state legislature in New York
to the U.S. Congress in Washington,
such mission (not impossible) was acomplished
And the lesson to be learned

was that it was
“useless to elect a working class minority
if the chamber of commerce majority
can at any time oust them from office”

And

maybe that's why
all of this remains untaught

CANTO XXII

And there once was a man who was
a musician

an inventor

a writer

and a political philosopher,

and we never learned anything about him in school,
because his name wasn't Thomas Jefferson,
but Josiah Warren

He taught music and worked as an orchestra leader,
inventing a system of musical notation

He patented a lard-burning lamp,

and

established a profitable lamp factory

He invented a speed-printing press
and a self-inking cylinder press

And for good measure he threw in a process
for manufacturing bricks out of limestone and gravel
and then sun-drying them

But

it is as the first American anarchist
that he deserves most to be known

He developed the principle of social boycott:
 “When we wish to rid ourselves of unpleasant persons,
 we simply let them alone.
 We buy nothing of them,
 sell them nothing,
 exchange no words with them”

in short,
 by establishing a complete system of non-interference with them
 we show them unmistakably that they are not wanted here,
 and they usually go away on their own accord.”

He tried to reside at New Harmony for a while,
 but:

“It seemed that the difference of opinion, tastes, and purposes
 increased just in proportion to the demand for conformity”
 and so the logical next step was to start his own community,
 based on his own principles,

especially
 his principle of EQUITABLE COMMERCE:
 “The necessity of everyone paying in
 his own labor

for what he consumes,
 affords the only legitimate and effectual check to excessive luxury”
 “Equitable commerce furnishes no offices
 to be filled by the ambitious and aspiring,
 no possible chance for the elevation of some
 over the person or property of others”

His first intentional community was the village of Equity,
 in Tuscarawas County in Ohio,

and
 he developed the “Time Store”,
 where instead of cash the currency was “labor notes”,
 promising your labor, at whatever you did,
 and the storekeeper would not be making a profit on you,
 he would be selling the goods at cost

Warren also printed *The Peaceful Revolutionist*,
a journal laying out these and other principles:
“SOCIETY MUST BE SO CONSTRUCTED
AS TO PRESERVE THE SOVREIGNTY
OF EVERY INDIVIDUAL INVIOULATE”
“no officers, no priests, no prophets”
“But LIBERTY is the vital principle of human happiness;
and human nature seeks its liberty
as the magnet seeks the north,
or as water seeks its level”

There were two more communities,
Utopia and Modern Times,
which
he left because of worries that his strong personality
was overpowering the groups’ principle
of voluntary association,
but
he left behind a legacy that should be studied to this day,
all of the above, plus:

first,
on the appeal of Equitable Commerce:
“it appeals, first, to the most oppressed,
the humble, the down-trodden
& will be first adopted by them
and by those who have no wish to live upon others,
and
by those whether among the rich or poor
whose superior moral or intellectual qualities
enable them to appreciate some of the unspeakable blessings
that would result from such a state of human existence”;

second,
on principles for sound development:
“to begin in a small way,
yet complete in itself,
so that growth will only be a repetition
of what has already been done”;

and last,
on a proper structure for government:
“No organization,
no indefinite delegated power,
no ‘Constitutions’,
no ‘Laws’ or ‘By-laws’,
‘Rules’ or ‘Regulation’
but
such as each individual makes
for himself and his own business”

Amen

CANTO XXXV

And the nation underwent willingly
the mockery of Comstockery
(The official title of the 1873 law was
“An Act for the Suppression of Trade in,
and Circulation of,
obscene Literature and
Articles of immoral Use”,
but
the law was popularly and properly
called the Comstock Act),
named
after Anthony Comstock,
head of the New York Society for the Suppression of Vice,
who tirelessly lobbied Congress for passage of the law
(even in the more ‘innocent’ past
the government was far from free from
the pernicious influence of lobbyists)
Comstock was rewarded with the position
of official censor of the United States,
though
that wasn’t its actual name,
and
he held the position until his death in 1915
(And under the heading of
Is This a Great Country, or What?
the pursuit of his prejudices proved lucrative:
the Society’s charter from the state of New York
allowed it to keep half the fines levied
on convicted individuals)
Because
the act failed to define obscenity,
those prejudices became public policy:
“blaspheming the name of God”,
using “scoffs and sneers to wound the feelings”

of people who differed with them,
“free lusters . . . so outraging public decency and good morals”
And the legal scorekeeping used to measure success
tallied up thus:

 three-quarters
of the people prosecuted were convicted,
a hundred plus tons of ‘obscene’ literature destroyed
There will be no catalogue of ships here
to undestroy the destroyed,
 but
a few examples of what was lost



In celebration of the centennial
 of the signing of the Declaration of Independence
 a man by the name of Ezra Heywood
 published a pamphlet entitled Cupid's Yokes
 And right there on the cover
 was the red flag to Comstock's bull:
 "the Natural Right and Necessity of Sexual Self-Government"
 The book called for "Personal Liberty and the Rights of Conscience"
 "If government cannot justly determine
 what ticket we shall vote,
 what church we shall attend,
 or what books we shall read,
 by what authority
 does it watch at key-holes
 and burst open bed-chamber doors
 to drag lovers from sacred seclusion?"
 And as if these and similar sentences weren't enough,
 he let Comstock have it with both barrels:
 the act was "the National Gag-Law";
 the President and Congress were absolved of blame, being
 "ignorant of the cause of the evils they proposed to correct"
 "probably unaware
 of the unwarrantable stretch of despotism
 embodied in their measure,
 and
 of the use which would be made of it"
 "the real author" Comstock,
 a religious monomaniac,
 whom the mistaken will of Congress
 and the lascivious fanaticism
 of the Young Men's Christian Association
 have empowered to use the Federal Courts
 to suppress free inquiry"
 Comstock possessed (or was possessed by?)
 "the spirit that lighted the fires of the inquisition"
 The censor was all-powerful:
 the only issue allowed in evidence
 was whether or not Heywood had sent the pamphlet through the mail

GUILTY

Appeal rejected
 A fine and two years in jail
 (Pardoned by President Hayes,
 after public pressure and petitioning,
 after serving six months of his sentence)

Another casualty of Comstockery
 was Doctor Edward Foote,
 the author of a book entitled
Medical Common Sense
 The book's 'sin' was to discuss,
 explicitly,
 contraceptive methods and devices,
 and
 even worse from Comstock's point of view,
 offered information about
 how to get the devices from Dr. Foote
 And

this, to Comstock, made Foote's conviction
 "not for sending a medical work,
 but advertisements of an infamous article-
 an incentive to crime to young girls and women"
 The courts continued the connivance with Comstockery:
 it could be labeled obscene to mail
 "medical advice given by a physician
 in reply to the inquiry of a patient"
 Foote made concessions to the censor,
 deleting the 'offending' passages
 from subsequent editions of the book,
 and
 even seemed to concede the legitimacy
 of anti-'obscenity' legislation,
 though
 he devoted the rest of his life to fighting Comstockery

A prime recipient of Foote's largesse
was a man named Moses Harman,
the latest in a long line of libertarian radicals
Harman founded a journal for his views in 1880,
entitled first the Valley Falls Liberal
and shortly thereafter called the Kansas Liberal,

and then,

to twit his political opponents,

Lucifer: The Light Bearer

The very name of the journal,

as well as such statements as

“according to theology, Lucifer was the first teacher of science”

seemed calculated to call out Comstock,

and Comstock responded to the provocation,

for Harman wa repeatedly arrested and imprisoned,

the last time at the age of *seventy-five*,

sentenced to a year of hard labor,

for the ‘obscenity’ of advising women

to refrain from sex during pregnancy

Harman's ringing defense during the many arrests:

“words are not deeds,

and

it is not the province of civil law

to take preventive measures against

remote or possible consequences of words,

no matter how violent or ‘incendiary’

And though the coming of the anti-Comstock had not been prophesied,
it would soon take place

CANTO XXXVIII

And yet,
 freedom fighters falter,
 though
 it should have been scant surprise
 that an organization founded by former Progressives
 who had favored the First World War
 and supported some sort of repression of those opposed
 (before experiencing a late-life conversion
 to a version of free speech,
 way belatedly
 coming to the realization that
 a little repression was like being a little bit pregnant)
 And thus
 even the originator of the orthodoxy,
 the American Civil Liberties Union,
 would one day hold a heresy trial

The Thirties had wound down,
 and
 another World War had worked its way up,
 a war that America had not yet entered

 (officially)
 (yet),
 but
 that did not stop a sort of ideological holy war
 Apostates of certain faiths
 would clash with apostles of those same faiths,
 and
 the advocates would abdicate their advocacy for all
 in the futile attempt to remain 'acceptable',
 in order
 to continue their access to those in power,
 laboring
 under the delusion that they exercised
 some degree of influence



“the personnel of its governing committees and staff
is properly subject to the test of consistency
in defense of civil liberties
in all aspects and all places”

(italics added)

Since there were no known Nazis
on the ACLU Board of Directors
it was crystal clear which country
was being called out:

Elizabeth Gurley Flynn

The Rebel Girl

woman Wobbly from way back

committed to civil liberties

when the putative Progressives were putting her friends in jail for their
opinions

one of the founders of the ACLU in 1920

a board member since 1936,

the same year she joined the Communist Party

And

because she did not disavow the Communist Party

she was subjected to trial as a heretic

“This charge violates every principle we fought for in the past”

but

such arguments did not carry the day

And

thus it was

that the American Civil Liberties Union

purged her from its board

for exercising her rights

(Board membership restored to her,

posthumously,

nearly

forty years later

Emeritus in Eternity)

CANTO

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