

Fawn Hall defense now tool of the left

It appears that the left has learned the value of the "Fawn Hall Defense." Remember the derisive laughter that erupted on the left when Fawn Hall defended Oliver North's actions by declaring that "Sometimes you have to go above the written law"? It now appears that Hall has won some left-wing disciples.

Marvin Hamilton, Diana Lee Hirschi, and Matthew Haun were recently acquitted of criminal trespass charges emanating from a protest last October, in which the three walked onto the Hercules plant to protest the manufacture of the Trident II missile. The three activists demanded, and received, a jury trial in West Valley City, as it would allow them a forum in which to ventilate their anxieties about the "arms race."

Hamilton, Hirschi and Haun (from here on, HH&H) were indeed offered a jury of their peers. Press reports describe "teary-eyed jurors (who) were touched by the protestors' testimony." Jury Foreman Wayne Wetzel, who proved to be particularly lachrymose, expressed the hope that the case "will not be the end of this kind of thing." Haun predicts that similar "symbolic protests" will occur in the future.

I guess it was inevitable. The legal system has already become fodder for a game show ("The People's Court"); why not use it as a stage for left-wing political farce? The singular hypocrisy of the affair is galling (HH&H were probably among those who wanted North's head on a pike when he used the "Higher Law" defense). The affair does give a useful opportunity to examine the phenomenon of liberal fascism.

Why "fascism?" Ortega y Gasset defined a fascist as someone who "does not want to give reasons or be right, but simply shows himself resolved to impose his opinions." The fascist is a person who considers himself governed by a "Higher Law" — his individual will.

HH&H are quite unable to make the distinction between fascism and civil disobedience. Their attorney, Ron Yengich, explained that the defendants were inspired by Ghandi,



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Christ, and Thoreau. (Can you imagine how unfulfilled a liberal would be sequestered at Walden pond? There'd be nobody to tax.) However, civil disobedience as practiced by Martin Luther King posits both a responsibility to disobey an unjust law and to be committed to suffer the consequences of disobedience. MLK's most profound essay on the subject was written in a jail cell.

During the trial, Marvin Hamilton declared that his commitment to peace "demanded" that he break the law. Fine. Fidelity to civil disobedience would demand that he accept appropriate punishment for doing so. Oliver North is serving his sentence; anti-abortion activists in "Operation Rescue" are serving time for blocking abortion clinics (and suffering broken bones as a result of police brutality). The civil disobedience of North and the rescuers did not insulate them from the consequences of their choices. HH&H, and the jury that acquitted them, apparently believe that the invocation of "peace" is a warrant for lawlessness.

Edmund Burke warned that criminal means, once tolerated, are soon preferred. Judge Thorne displayed remarkable tolerance in his instructions to the jury; among them was the instruction that HH&H could be exonerated if there was "no reasonable alternative" to trespass.

There is an alternative: democracy. However, democracy requires persuasion, and HH&H, bound by the "higher law" of their will, were summarily indisposed to accept the verdict of representative government. Constitutional Democracy is the rule of law; HH&H favor the rule of their own will. A name for such rule is fascism.