

Pride In America

In a recent BBC interview, when asked if she was proud of America, Jane Fonda answered, "no." She was proud of the "resistance," but not of America. Select NFL players upon hearing the National Anthem "take a knee" by which they mean to protest in the face of the very symbol of America, the American flag. The legacy of America is one of freedom, a freedom that Fonda and the NFL players very much depend upon and exploit to protest the country of liberty that has given them so much. It is one thing to express an opinion, it is quite another to condemn the country that protects your right to voice that opinion. The former may make sense, the latter is illogical and absurd. Charitably we may say that Fonda and the NFL players who take a knee are confused, woefully inarticulate, and misguided, conditions that are painfully apparent because their expressions of dissent are so obtuse and contrary to the proof extant in the lavish lives they lead in the U.S. More accurately we may say that they are examples of a spoiled generation that still does not comprehend that the spoils they enjoy are proof that far from harming them this bounteous land of freedom has enabled them to succeed in ways not possible anywhere else in the world.

Without this land of freedom, they are nothing. But ingratitude of the sort they express is not new, just repulsive, unremarkable and foolhardy. Theirs is the rant and romp of a juvenile, excusable but for the fact that they are adults if by age only. In stark contrast to their incomprehensible expression, the First Amendment rises above, far above the pedestrian level, confirming that even those like Fonda and Kaepernick who communicate ignorant or ill-conceived sentiments are free to do so in America, just as those who hear the words that offend have their right to call out their expression as folly. Were Fonda and Kaepernick the children of North Koreans, they would understand all too well

what it means to live in a country where fundamental rights have no protection from the greatest threat to individual liberty, the monopoly of the state.

Unique among all nations on earth, the United States was founded upon the principle that just governments derive their authority to govern from the consent of the governed; that just governments are instituted among men for the very purpose of protecting the rights of the governed; and that if government presumes to violate that sacred compact, the government must be altered or abolished because rights to life, liberty and property are God given, precede the existence of the state, and are superior to the state. Although rights theory and a Republic arose among men, and were initially deemed the province of white, landowning men, the two concepts were fundamental and transformative. For the first time in history, people decried the notion that rulers were divinely appointed and possessed of a monopoly of all rights, articulating instead the revolutionary concept that all men are created equal and endowed by God with unalienable rights to life, liberty, and property. Because rights theory was so fundamental, it could not be limited to landowning white males for long but instead within less than two centuries became recognized as universal, thus largely sweeping away hypocrisy in society and law.

When Fonda and the NFL players think of America, they apparently conjure up notions of discontent, albeit precisely what they despise about America eludes even them. They do not appreciate well that the kernel of liberty germinated here, first, uniquely among all nations of the world. It is that liberty which is America. The flag embodies the fight for that liberty against enemies domestic and foreign that would enslave or destroy us. The flag is hallowed by the blood of patriots. It is the banner under which the best and the bravest have sacrificed their lives, giving the full measure of devotion, to secure for their fellow Americans the rights

to life, liberty and property. We should be so very grateful for the brave men and women who police our neighborhoods, respond to all manner of crises, and take up arms to defend America.

It is, therefore, profoundly disgraceful and disrespectful to the very men and women who are willing to die for the life of fellow citizens who are complete strangers, profoundly disgraceful and disrespectful to the very people whose integrity rises above self and sustains the existence of our nation, to do anything but give them homage and give reverence to that flag which symbolizes their bravery. There are many ways to voice opinion and protest that do not denigrate the flag (and the speaker alike), acting in ways that dishonor the flag are not among them.

I do not say that Americans have no legal right to utter stupidity. They do so long as it does not violate the rights of others. They have the right to burn their own flag on their own property, no matter how dishonorable I believe or anyone else believes that to be. But they do not have the right to occupy someone else's property to burn a flag or to burn someone else's flag. They do not have a right to endanger others as they perform dishonorable acts.

Indeed, so powerful is our First Amendment that it stands in defense of minority views repulsive to every great right and foundational principle declared by the Declaration of Independence and every great right and limitation on government power enshrined in the Constitution and Bill of Rights. To be sure, we are all protected in our freedom to express even hatred for our own country against, and especially against, a majority holding contrary views. Nevertheless, that right to speech does not deprive others of their equal rights, does not compel the owners of the NFL franchises to allow by contract reprehensible dishonoring of the flag and does not compel a private citizen or corporation to make available privately owned property for speech they

oppose. Moreover, reasonable time, place, and manner restrictions are appropriate in public places to protect intended uses of property, ensure safe passage, and avoid obstruction to ingress and egress.

I find it more than a little ironic that a spoiled generation acts to dishonor the very objects that stand for the freedoms upon which they depend to protest. They behave as ignorantly as one who rises to speak to condemn freedom of speech and lights his own platform ablaze as a sign of protest. Like that person, were the entire nation to follow Fonda and Kaepernick's lead, the American people would soon lose their precious land of liberty and in its place would come a regime far more hostile to dissent. Fonda and Kaepernick would then discover what it is like not simply to speak ill of freedom while benefiting from it but to live under tyranny.

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