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Constitutionalism As a Threat

Logan Marie Glitterbomb

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When the average american thinks of libertarianism, they often think of right-wing minarchists and self-proclaimed constitution-
alists. These types don't believe in full anarchism, but in limiting
the state's powers to only the bare minimum needed to enforce the
united states constitution. These types often champion rights they
see the constitution as protecting: freedom of speech, freedom of
assembly, freedom of religion, freedom of the press, the right to pe-
tition the government, the right to bear arms, protections against
unwarranted searches and seizures, the right to due process, protec-
tions against self-incrimination, the right to a speedy trial and legal
representation, the right to a trial by jury, protections against ex-
cessive fines and cruel or unusual punishment, protection of unenu-
merated rights, states' rights, sovereign immunity, the abolition of
chattel slavery, voting rights, and the repeal of alcohol prohibition.
Of course, like any statist propaganda, this view only considers half
the content of this founding document.

Yes, there was alcohol prohibition itself, which was thankfully
defeated, but that is far from the only error in the constitution.
Many of those same types may even point out a few of their fa-
vorite gripes. Income tax and citizenship rights are often the issues

of choice for many right-wing constitutionalists. Their complaints against the income tax are usually well-founded and similar in vein to most libertarian anti-tax arguments except that they are more focused on the working class. Complaints about citizenship rights defined in the 14th amendment, however, mostly seem to be based in faulty “sovereign citizen” logic which, while sounding good, has sadly never held up in court.

Recently I was attending court for charges I was facing for my involvement in the Occupy Prisons Gainesville campaign. In solidarity with the prison strike last September, a number of us camped outside of the local prison work camp for about a week and a half and disrupted their daily activities. We held noise demos, dropped banners, played movies and live music for inmates to watch and listen to through their cell windows, blocked inmate work vans, and followed unpaid inmate work crews around town to bring attention to their use. Needless to say, the campaign was more successful than we could have expected and we convinced the local government to end the use of unpaid prison slave labor for city and county projects, making us the first area in Florida to do so.

But it did not come without cost. As I stood there in court facing a civil citation for blocking a police van, a misdemeanor trespassing charge, and a misdemeanor for obstructing police and interfering with prisoners, I couldn't help but laugh to myself when the judge declared himself a constitutionalist. I laughed because he did it in a way that completely revealed the nature of constitutionalism and exposed it as a sort of threat. While he said he fully believed in and supported my right to freedom of speech, he was disappointed in the city council for voting to end the use of prison slavery, a practice he pointed out is protected by the 13th amendment of the constitution he so greatly adores. He then reminded me that if I do not follow the rules of my probation then I could wind up a slave of the system myself. Let's hope if that happens that I serve in Alachua County where they can no longer exploit my labor for government projects.

I'll leave you, dear reader, with a quote from the late great anarchist theorist, Samuel Edward Konkin on the dangers of trying to achieve libertarian goals via the state:

And of course, the ultimate nightmare, which I've described in a few pamphlets for those of you who don't remember it, the idea of a libertarian working his way through the system. Who arrests one of us counter economists, one of us people who go and break laws and things because we don't believe in the government. And he takes us in front of a libertarian who works his way through the system as a judge and he takes us in front of a libertarian, you know he sentences us, and a libertarian working his way through the system as a bailiff, takes us to the jail where a libertarian working his way through the system as a turnkey. Holds us prisoner until eventually a libertarian working his way through the system as a court, or the prison priest, brings us up to the electric chair where a libertarian working his way through the system as a state technician is making sure it's in good working order and a libertarian working his way through the system as a burly guard slaps us down on the chair and another libertarian working his way through the system as an executioner throws a switch and wipes out the one person who was, in fact, a libertarian not working his way through the system.