Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

MORNING BUSINESS

Mr. DOLE. I want to ask that there be a period for the transaction of routine morning business for about the next 10 minutes or so. There are a couple of people who want to speak. Then we will turn to the terrorism bill.

Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business with Members permitted to speak for not more than 5 minutes each, and that at 6:45 the Senate then turn to the consideration of Calendar No. 192, S. 735, the antiterrorism bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER (Mr. Grams). The Senator from Vermont is recognized.

Mr. JEFFORDS. I thank the Chair.

The remarks of Mr. JEFFORDS pertaining to the introduction of S. 856 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions."

HEARINGS ON TERRORISM

Mr. SPECTER. Mr. President, the Subcommittee on Terrorism of the Judiciary Committee was scheduled to have a hearing on terrorism today.

Those hearings could not be held because the Senate was in session continuously from 9 a.m. with rollcall votes of 9 minutes. So those hearings had to be postponed. They are going to be held on Thursday, June 8.

A good many people came from substantial distances. I expressed our regrets that we could not hold the hearing. But it was not possible to do so. But I did tell them that the statements which they submitted would be put in the RECORD at this time so that their prepared statements could at least be read by Members of the Senate or those interested in reading them.

At this time, I ask unanimous consent that the statement of attorney John W. DeCamp, the statement of Mr. Norman Olson, the statement of Mr. Leroy Crenshaw, and the statement of the Militia of Montana be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

Memorandum from: Senator John W. DeCamp, Atty.
To: Subcommittee on Terrorism, U.S. Senate Judiciary Committee.
Re: Testimony to Committee.

To paraphrase an old saying: "Five months ago I couldn't spell "Militia" and now I represent the Militia of Montana.

It was five months ago I agreed to PROVIDE LEGAL ASSISTANCE TO the leaders of the Montana Militia on a dozen felonies. Why? Charges involved open and shut first amendment issues of freedom of speech, assembly and right to petition Government issues, and have learned a wealth of information since that time—particularly in light of the Oklahoma bombing and the anti-militia movement.

Before I go on much longer, let me give brief background on myself and let me answer the first questions that press and your staff asked of me.

Question: Are you a white supremacist?
My wife is Vietnamese—one of the Boatpeople. Our four home made AMERICAN children are the four most beautiful and love white children on the planet. My business partner is African-American. My Comptroller is Indian. A Beard in Montana for 40 years. Are there no reported incidents of any significance of militias being involved in any of the following: 1. Drive by shootings. 2. Gun trade. 3. Use of children for pornography, pedophilia & drug couriers. 4. Gang wars. 5. Auto theft. 6. Murder, rape, robbery, trafficking in illegal arms.

If militias are involved in these somebody is not reporting them. And I do that. For benefit of those who might differ with me, I would tell you just one of the incidents you might be familiar with, and it was, Gordon Kahl, Radney Weaver, Waco, the events were initiated by the Government in an attempt to serve warrants on contested tax matters using overwhelming force and what in hindsight seems rather poor judgement.

As an example to prove my point, I challenge this committee to examine the most notorious & deadly event in American history involving U.S. marshals. I mean, the Gordon Kahl shoot-out 12 years ago in which about a half-dozen marshals were shot, and Kahl escaped resulting in the largest manhunt in that can be considered. Have the courage to OBJECTIVELY examine this event—same with Waco—and you will begin to understand the origins of the militia movement, their disenchantment and fear of law enforcement and Government.

Whether you believe Kahl was the most notorious and crazy tax protest in American History or whether you believe he was a martyr responsible for triggering the militia movement, it is only by understanding this can you understand the origins of the Militia movement.

Question: Are you a white supremacist?

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Mr. SPECTER. Are you a white supremacist?

Mr. JEFFORDS. Are you a white supremacist?

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That is the about the same thing those war protesters were saying twenty-five years ago. But twenty-five years ago Mr. McNamara and Lyndon said the war protesters were wrong. They were no Naaman and Lyndon and they tried to suspend their right to criticize or question government. Lyndon tried to beat their heads in, lock them up and shut them up using their agencies. Now I got a little gun-shy when I see the Government taking the same approach to the Militias today. Instead of raiding them, threatening them, inventing lies in what they say and believe, let’s keep open minds and listen to their arguments the same as any other political debate.

But now, we might discover that “truth lies somewhere in the middle” as it frequently does in all things in life. There is no proof at this point, nor any indication of proof, that the militias themselves—unlike Vietnam war protesters—have blown up any buildings, media and political influence to the contrary notwithstanding.

Question: How should government treat the militias?

The same as any other political movement or group that has a full benefit of the First Amendment. Let the war be fought in the press and with words. The legitimate ones will survive and maybe evolve. In open debate and self-destruct.

The only real danger from the militias is if you try to suspend pieces of the Constitution to shut them up or destroy them.

For America’s sake . . . don’t rip off a corner of our Constitution to address a crisis or threat that has yet to be proven to even exist.

Three times in my short life, I have watched panic set in with Government Leaders. Those three times are: McCarthyism, Vietnam war protest movement, Watergate. Each time government reacted by trying to suspend our Fundamental First Amendment Rights.

McCarthyism: I remember . . . teachers taking loyalty oaths . . . neighbors questioning and accusing their neighbor or competitor of being a Communist. J. Edgar being given free reign to suspend the Constitution. And everybody was paranoid about their neighbor.

Vietnam war protesters, be sure remember that. They almost wanted to try to shut them up. That simply resulted in violence.

Watergate: My hero Dick Nixon panicked and for his own security also tried to rip off a corner of government and expose all his critics. That resulted in a brutal First Amendment “canning.”

But, in each case, it was not the Government which saved the Constitution for the people; rather it was the free and unfettered press using their First Amendment which saved the Constitution from the Government abuse.

That First Amendment—and the free and robust and wild and wooly free speech it promotes—is our ultimate check and balance to preserve Constitution.

Whether it is Edward R. Murrow exposing McCarthy as a charlatan; or the New York Times daring to print the Pentagon Papers; or, God Forbid, the Washington Post taking on Nixon and the entire government in Watergate, it has been the press operating under the First Amendment that has saved our Constitution and Americans from Government abuse rather than the Government saving our Constitution from press or American citizen.

So what ever you do, don’t overreact and trade pieces of our Constitution for an instant solution to some perceived but unproven problem.

Let me conclude by simply saying this: the best way to understand the militias, their motives, their agenda, their danger or their benefit to America is to understand their origins.

And, you can only understand their origins if you review the body publicly, openly and thoroughly examine Waco and Gordon Kahl and Randy Weaver.

This is what we ask of you. An open, public, accountable nation of those nation of those events that help re-establish, no matter the outcome of that objective examination, trust and credibility in our Government agencies when they speak.

(From The Alanson Armory: Wolverines, May 24, 1985)

TESTIMONY OF MR. NORMAN OLSON

Thank you for the opportunity to testify today. The following statement will attempt to answer the question of the legitimacy and the need of the citizen militia.

Not only does the Constitution specifically allow the formation of a Federal army, it also recognizes the inherent right of the people to form militia. Further, it recognizes that the citizen and his personal armaments are the foundation of the militia. The arming of the militia is not left to the state but to the citizen. However, the state should choose to arm or not to arm. Arm or not to arm is a free to do (bearing in mind that the Constitution is not a document limiting the citizen, but rather limiting the power of government). But should government choose to arm the citizen militia, the right of the people to keep and bear arms becomes the source of the guarantee that the state will not be found disarmed in the presence of a threat to its security. It makes no sense whatsoever to look at the Constitution of the United States or that of any state for permission to form a citizen militia. The power to permit is also the power to deny. If brought to its logical conclusion in this case, government may deny the citizen the right to form a militia. If this were to happen, the state would assert itself as the principle of the contract making the people the agents. Liberty then would depend on the state’s grant of liberty. Such a concept is foreign to American thought.

While the Second Amendment to the United States Constitution speaks of the existence of state militias and recognizes their necessity for the security of a free state; and, while it also recognizes that the right of the people to keep and bear arms be preserved, the Second Amendment is not the source of the right to form a militia nor to keep and bear arms. Those rights existed in the states prior to the establishment of the United States.

In fact, the right to form militia and to keep and bear arms existed from antiquity. The right of the people to form militia and to keep and bear arms existed from antiquity. The right to form militia and to keep and bear arms existed from antiquity. The right to form militia and to keep and bear arms existed from antiquity. Such a concept is foreign to American thought.

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According to the Tenth Amendment, ultimate power over the militia is not delegated to the Federal government by the Constitution nor to the states, but resides with the people. Consequently, the power of the militia remains in the hands of the people. Again, the Second Amendment recognizes that the militia is the responsibility of the state and not the responsibility of the federal union. In fact, the right to form militia and to keep and bear arms existed from antiquity. The enumeration of those rights in the Constitution only underscores their natural occurrence and importance.

Ultimately, the question of the legitimacy and the need of the citizen militia for to do so would rob inherent power from the people. If that were to happen, our entire form of government would cease.

Historically, we have found that the Governor’s militia, that is the National Guard, is intended to reduce the need for the citizen militia. Simply, if the Governor did it’s job in securing the state, the citizen militia would not be needed. That it has emerged so dramatically seems to indicate that people do not feel secure. Simply stated, the growing threat of centralized Federal government is frightening America, hence the emergence of the citizen militia. When government is given back to the people at the lowest level, the citizen militia will return to its natural place, resident within the body of the people. Civil war and revolution can be avoided by re-investing governing power to the people.

To summarize: Citizen militia are historic lawful entities predating constitutions. Such militias are “grandfathered into” the very system of government they created. The Constitution grants no right to form militia, but merely recognize the existing natural right of all people to defend themselves and protect themselves. The governments created out of well armed and free people are to be constantly obedient to the people. Any attempt to take the means of defense from the people is an act of rebellion against the people.

In order to resist a rebellious and disobeient government, the citizen militia must

CONGRESSIONAL RECORD — SENATE S7475
We have witnessed our community controlled school systems invaded by “better idea” federally funded concepts that offer no rational solutions, except mind conditioning of our young people, a concept that scorng the virtue of self reliance and fundamental education.

We have witnessed repeated instances when officials of our federal government, acting under color of federal law, have committed multiple crimes against us, in the form of tax evasion, false pretenses, ‘white collar’ extortion, theft, embezzlement, and provable fraud.

We have witnessed the consistent official forgiving of criminals and any authority under our Constitution to grant these officers any reprieve for their offenses against our laws and our Constitution.

We have studied our Law, and we have found there our fundamental rights still stated to be “protected”.

We find in the First Amendment to the Constitution that the Congress shall pass no law abridging our right “peaceably to assemble, and to petition the government for a redress of grievances.” But Congress has passed such laws.

We find in the Second Amendment constitutions that our individual duty to take arms if need be in defense of our Constitution, to be attacked by our own Congressmen.

We find in the Ninth Amendment, our protection of our right to be secure in our homes from official threats against our persons and our effects, against searches and seizures upon non-existent or warrantless incursions into our private domains, but we know of repeated incidents of just such incursions into the homes of persons who are later found to be completely innocent of any wrongdoing, and some of such persons have died as a result.

We find in the Fifth Amendment that none of us is to be deprived of our life, without due process of law, but we know of many unarguably innocent people who have been killed by our federal officials who know of the innocence of their victims before their killing acts.

We find in the Fifth Amendment that none of us is to be deprived of our property without due process of law, but we know that many of us have been imprisoned upon trumped up charges that are ultimately shown to have been knowingly brought upon fraudulent grounds.

We find in the Fifth Amendment that none of us is to be deprived of our property without due process of law, but we know that many of us have had our cash, possessions, and future means of earning a living, seized without any opportunity to oppose such seizure before the fact.

We find in the Fifth Amendment that each of us is entitled to obtain “just compensation” as payment from our government for our property of any sort taken for public purposes, but our government is depriving us of that which is ours upon a daily basis without any protest or redress.

For all the above findings, the officers of our government are acting in clear repugnance of the Constitution. Those in government who control the course of redress within our institutions know that we have suffered these crimes under our Constitution. Yet, our government is acting as if it is not a party to the collapse of our government, all to no avail after aconcerted pattern of restatement of our issues and assertions to date.

We have witnessed the compromise of the sovereignty of our state governments by federal funding schemes that always contain a myriad of control strings.

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Another case is that of Thomas M. Read v. The United States of America, et al. This case went to the U.S. Supreme Court upon dismissals all along the way (Supreme Court Docket No. 92-2059). Read and his wife, Nettie Sandy, had been hounded for six and one-half years by corrupted federal court appointees in the Northern California bankruptcy system. Neither Read, nor his wife, had any connection to any bankruptcy—except by the fraudulent and false claims lodged under Connecticut law. In November of 1986, Read underwent a two year jury trial, and he and his wife were found to have been completely innocent of the allegations lodged against them. There was a jury trial, and the jury determined that the plaintiff, a bankruptcy trustee, was guilty of knowingly inducing the Reads into a fraud, a tort offense under Connecticut law. But the trustees ran to his bankruptcy judge in California, and sought and received a “Permanent Injunction” against the Reads from ever acting upon their judgment upon the issues he (the trustee) had brought to trial in Connecticut Superior Court. The case had not been retracted, nor had there been a prior federal action brought against the Reads in a bankruptcy case. Federal judges of the Ninth Circuit held that the private trustees, including embezzler Charles Duck, who committed the nation’s worst Chapter 11 corruption, were off limits to being追究 liability. Federal judges, therefore, held that a citizen has no claim against an officer of the court (i.e., trustee, attorney, judge, or one of their employees) arising from the criminal acts of that federal official, even though the acts are criminal and inflict enormous harm upon an innocent person. They held in effect that officers of the court could inflict any type of outrage upon the public, and the public has no remedy.

One of the many people victimized by the judicial corruption was Thomas Read of Connecticut. Read has been hardest hit by a member of the corrupt Ninth Circuit Bankruptcy Appellate Panel, Judge Alan Jaroslovsky of Santa Rosa, who had protected Duck’s criminal activities. Read was a victim of the very corruption that the Ninth Circuit was supposed to eliminate. Read’s case was sent to the Ninth Circuit Bankruptcy Appellate Panel, and he appealed to the Supreme Court.

Now, today, in this country, land of the free home of the brave, white Americans are beginning to be subjected to the same types of discrimination and random acts of violence that our black brothers and sisters have been subjected to for one group, but at all Americans who love their country and are trying to get rid of the corruption and graft that lines our courtrooms and feeds our pockets. The few bad apples do spoil it for the “good” guys every time.

Sincerely,
LERoy Crenshaw.

EXCEPT FROM HEARING BEFORE THE SUBCOMMITTEE ON ECONOMIC AND COMMERCIAL LAW OF THE COMMITTEE ON THE JUDICIARY, NOVEMBER 8, 1991

Hamilton described another bankruptcy-related killing, in which attorney John Scott was murdered while he was doing his job. The murder case started with the establishment of racketeering enterprise and the involvement of federal judges, trustees and law firms.

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bankruptcy judge, is entitled to derived judicial immunity because he is performing an integral part of the judicial process.

Sound policy also mandates immunizing the judiciary because it would hold trustees personally liable for judgments rendered against them in their representative capacity. It would, in effect, lessen the vigor with which trustees pursue their obligations and decisions. Immunity is essential because, as Judge Learned Hand noted, “to submit all officials, the Innocent as well as the guilty, to the vicissitudes of party and to the whims of caprice, is to make a mockery of the rule of law.” Accordingly, we hold that the trustee [Charles Duck], acting under the authority of the court, is entitled to derived judicial immunity.

As the judicial involvement in the Chapter 11 corruption surfaced, the Ninth Circuit Court of Appeals rendered a judgment protecting judges against responsibility for their criminal acts. The Ninth Circuit rendered the decision holding that regardless of any criminal conduct committed against the public or an individual by a judge or person acting on his behalf, such as a trustee, the public had no remedy against the judge, or anyone acting with the judges. The need for these self-protective and unconstitutional declarations is simply increasing as federal judges are heavily implicated in some of the worst criminal activities ever exposed in the history of the United States. Worse judicial corruption has yet to be described.

Justices of the U.S. Supreme Court enlarged upon the protection against their own criminal acts (and they may need this protection shortly). The Supreme Court Justices held in Stump v. Sparkman that a judge could deliberately commit unlawful, unconstitutional, and corrupt acts upon a citizen’s person and property rights, and be immune from financial liability. This decision was recently restated by U.S. District Judge Marilyn Patel, San Francisco, as I sought relief against California and federal judges. The Constitution and statutes disagree with judge-made law, federal civil rights statutes and constitutional rights to seek relief clearly do not provide immunity to federal judges when they violate clear and settled constitutional and property rights; a judge for corrupt or criminal acts, and who inflict harm upon any member of the American public.

In Stump v. Sparkman the judge entered into a conspiracy, ordering a young girl personal and property rights to seek redress, Senators and Representatives wonder why their constituents are so upset. When government corruption, fraud, deception and racketeering government theft has not been tried and adjudicated, Senators and Representatives wonder why their constituents are so upset.

When government plans and authorizes the assassination of 87 Americans in their home and church, or directs the sniper to kill a mother while holding her infant in her arms and then awards those responsible with a job promotion, Senators and Representatives wonder why their constituents are so upset.

When the President, Senate and House of Representatives infringed upon the Second Amendment, are attempting to infringe upon the Fourth Amendment (H.R. 666) and are now, through these hearings, contemplating on infringing upon the First Amendment, Senators and Representatives wonder why their constituents are so upset.

When private interest groups like “The World Government of World Citizens” can sell their own stampa and their own passports to their own members and the government allows and accepts them as valid, contrary to the law, Senators and Representatives wonder why their constituents are so upset.

When government allows our military to be ordered and controlled by foreigners, Senators and Representatives wonder why their constituents are so upset.

When government allows foreign armies (some of whom are using them to kill their own citizens) to train in our land, Senators and Representatives wonder why their constituents are so upset.

When government forces Americans to work over five months to pay their income taxes alone, Senators and Representatives wonder why their constituents are so upset.

When government refuses to hold hearings on government sanctioned abuses, Senators and Representatives wonder why their constituents are so upset.

When government tampers with and destroys evidence needed to solve a crime, Senators and Representatives wonder why their constituents are so upset.

When government now considers the very idea of infringing upon the people’s rights of freedom of speech, assembly and the right to redress, Senators and Representatives wonder why their constituents are so upset.

When the law perverted and the police powers of the state perverted from the law not only turns from its proper-purpose, but made to fail to a totally contrary purpose, the law becomes the weapon of every kind of social violence.

Instead of checking crime the law itself becomes guilty of the evils it is supposed to pursue.

Since this is now true, it is a grave and serious fact. Moral duty to my fellow man requires us to call these facts to the attention of our fellow citizens.

These were the words of a French Patriot, Frederick Bastiat, in 1884 as he watched his nation move into Socialism and an oppressive police state.

These are identical concerns echoed today by the militia/patriot groups and organizations. These groups and organizations represent lawyers, doctors, soldiers and laborers.

 Militia/patriot organizations are not terrorist, aggresive or offensive in structure or design. We have, and presently deplore and denounce the senseless act of violence that took place in Oklahoma. We have and will continue to assist in any manner to apprehend all persons involved in the planning or carried out that deed. At whatever level they may hide.

Militia/patriot groups are only aggressive in the sense by which they detest and will not tolerate any intrusion by anyone from the political or economic or military establishments.

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Militia/patriot groups are only aggressive in the sense by which they detest and will not tolerate any intrusion by anyone from the political or economic or military establishments.
The legislative clerk read as follows:

A bill (S. 735) to prevent and punish acts of terrorism, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 119

Mr. HATCH. Mr. President, I send an amendment in the nature of a substitute to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

The Senator from Utah [Mr. Hatch], for Mr. Dole, for himself, Mr. Hatch, Mr. Nickles, Mr. Inhofe, Mr.Gramm, and Mr. Brown, proposes an amendment numbered 119.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is printed in today's RECORD under "Amendments Submitted."

Mr. HATCH. Mr. President, today the Senate begins consideration of the Dole-Hatch Comprehensive Terrorism Prevention Act of 1995. This amendment has within it one of the most important pieces of criminal law in this country's history, and that is the Dole-Hatch-Olympic Games and Ruby Ridge Act of 1995. This amendment is the Dole-Hatch-Olympic Games and Ruby Ridge Act of 1995. This amendment has within it one of the most important pieces of criminal law in this country's history, and that is the Dole-Specter-Hatch massacre bill. That is only one part of it, but that is the one part that will make a difference with regard to the Oklahoma City bombing.

This legislation represents a landmark bipartisan effort to address the issue of grave national importance; that is, the prevention and punishment of acts of domestic and international terrorism.

This legislation adds important tools to the Government's fight against terrorism and does so in a temperate manner; that is, in a way that preserves civil liberties. In short, I believe that this bill is the most comprehensive antiterrorism law ever considered in the Senate.

This legislation increases the penalties for acts of foreign and domestic terrorism, including the use of weapons of mass destruction, attacks on officials and employees of the United States, and conspiracy to commit terrorist acts.

It gives the President enhanced tools to use his foreign policy powers to combat international terrorism, and it gives those of our citizens harmed by terrorist acts of outlaw states the right to sue their attackers in our own courts of law.

Our bill provides a constitutional mechanism to the Government to deport aliens suspected of engaging in terrorist activity without divulging our national security secrets.

It also includes a provision that constitutionally limits the ability of foreign terrorist organizations to raise funds within the United States.

Our bill also provides measured enhancements to the authority of Federal law enforcement to investigate terrorist threats and acts. In addition to giving law enforcement the legal tools they need to do the job, our bill also authorizes increased resources for law enforcement to carry out its mission.

The bill provides for $9.5 billion over 5 years in an enhanced antiterrorism effort at both the Federal and the State level.

The bill also implements the convention on the marking of plastic explosives. It requires that the makers of plastic explosives make the explosives detectable.

Finally, the bill appropriately reforms habeas corpus, as I mentioned before.

The Specter-Hatch habeas corpus bill will correct some of the deficiencies in criminal law that exist today. It will stop the frivolous appeals that have been driving people nuts throughout this country and subjecting victims and families of victims to unnecessary pain for year after year after year.

Habeas corpus allows those convicted of brutal crimes, including terrorism, to delay the just imposition of punishment for years. And this will correct that while still preserving and protecting the constitutional rights of those who are accused.

Several points, however, should be addressed. I have long opposed the unchecked expansion of Federal authority and will continue to do so. Still, the Federal Government does have a legitimate role to play in our national life and in law enforcement. In particular, the Federal Government has an obligation to protect all of our citizens from serious criminal threats emanating from abroad or those that involve the national interest. Over 140 years ago, Abraham Lincoln had this to say about the role of Government.

The legitimate object of Government is— to do for the people what needs to be done which they cannot, by individual effort, do at all, or do so well, for themselves. If some men will kill, it is a common object with peaceful and just men to prevent it.

Similarly, it is the responsibility of the Federal Government to assist the States in meeting those threats that none alone can adequately meet. The terrorist threat, whether posed by foreign entities or domestic interests, meets this test.

We must, nevertheless, remember that our response to terrorism carries with it the grave risk of impinging on the rights of free speech, assembly, petition for the redress of grievances, and the right to keep and bear arms. We cannot allow this to happen. It would be cruel irony if, in response to the acts of evil and misguided men hostile to our Government, we stifled true debate on the proper role of Government.

Nor shall we exchange our precious Constitution which we cannot, by individual effort, defend, for all those false promises of "increased security." For as Ben Franklin said: