

# Conceived in the New Liberty

by Savannah Schroll Guz

Trials by jury ceased several months after the Reinhold case. So outraged was the community over the acquittal that many people began to believe the trial had been rigged. "It's so clear she did it! How could they not *see*?" cried one woman, standing outside the courthouse. Her nose was red. Tears were streaming down her cheeks. The camera pulled in for a close-up, as she swayed in and out of the frame. "That baby," she said, wiping her damp cheek with the back of one hand. "Where's the justice for that baby?"

Another woman leaned into the microphone and added, "Somethin's wrong, is all I got to say. Our system's broken. I mean, it's got to be broken."

The reporter, Rachel Gonzales-Hughes, pulled the microphone back and the camera followed, lingering on her, while people shook protest signs behind her. "You can see the frustration here, Dennis. No one can believe what happened."

Over the next twenty-four hours, the prosecution came under fire. Had they argued for too high a penalty? Had the chief prosecutor bullied the witnesses, losing him points with the jury? Surely, Reinhold's acquittal was not due to the efforts of her defense team, which made mistakes so egregious that it was eventually revealed Reinhold's had been their first criminal case. And precisely because of their incompetence, attention turned to those who had been audience to all the blunders, those who had rendered the verdict. The media, denied access to these jurors for over two weeks, dug up tiny nuggets of unredacted information from court records to satisfy the public's interest.

"Oh," said journalist Suzanne Pichette, before the camera cut away to two-year old images of Reinhold partying with friends, "look! Juror number eight has admitted to having difficulty with

substance abuse. How do we know he wasn't *on something* while he was weighing the facts in the case? Wait, did he even weigh the facts?"

The analysis and speculation on primetime news programs was unremitting. "How," cried Gonzales-Hughes, bringing her fist down onto her broadcast desk during her hour-long program, "can we be certain of this verdict, when we know so little about the people who rendered it? What were they *thinking*?"

Finally, a juror came forward. She spoke to the national media, on the condition that she be compensated. With new blonde highlights and a trendy angled bob, she was barely recognizable to her family. "We were sick to our stomachs to deliver that verdict," she said, dabbing the corner of her left eye with a wadded Kleenex. "We cried. We really did."

When she delivered this statement the first time, she was looking into the wrong camera. The host, who was also in frame, leaned towards her and whispered something. Then, with a momentary expression of mortification, a nervous giggle, and a breathy sorry, she turned in the direction the host indicated and repeated herself, with the remnants of the apologetic smile on her face. This second statement, delivered with an apparent lack of sincerity, is what ran on the evening news. In Seminole County, three of her relatives began debating whether or not she'd had Botox. The rest of the nation expressed disgust.

"I think," grimaced one middle-age woman, as a cameraman focused on her nearly opaque sunglass lenses, "these people are after money. That's all it is. They're on this jury, they sell their story. Now they're set for life."

"Who's to say," crowed Rachel Gonzalez-Hughes during *Rachel's Rundown* on the News Now Network, "that they didn't choose a more controversial verdict just so their stories would be more eagerly sought? Really now, who's to say they didn't do this on purpose?"

It began as a quiet rumbling at first, a question posted on Twitter by a fifteen year-old user named Boyz2DaHo, "So what good are

trials by jury if criminals go free?" It was retweeted by five hundred of his followers, and by the end of the week, the question--which had percolated up Twitter feeds and across the Smartphone Screens of a million teens and twenty-somethings-- became something people discussed over their cube walls, across tables in the nail salon, in lines at the post office. It got so much attention that, within a week and a half, the question was actually posed on the evening news. But instead of a history lesson on the founding fathers' intentions, the news presented various viewer opinions, which had either been posted on Youtube or submitted via email.

A series of prominent bloggers discussed the subject, offering superficial analyses of the Sixth Amendment that the news broadcasts had failed to present. In the process, several of them suggested that the founding fathers could not foresee the course our nation would take. Their plans were "out of touch" with contemporary society. "How could they know," asked one liberal blogger, "that verdicts were up for sale? We need a new system, once conceived in a new idea of liberty."

Young people lit on this idea of 'new' and championed it. The *Today* Show featured a teen, whose YouTube video, in which he sung about people's patriotic role in remaking the country, had over two million hits. "I'm really passionate about this," he said to Matt Lauer. "I want this country to be great again. We need to make it again, make it *new*, fix what's broken. I don't think anyone would disagree that the way we are now is not good. We need something *new*, a *new* way of thinking."

To combat the trend, conservative pundits read the Bill of Rights aloud during their broadcasts. They followed the readings with discussions of how the document set down foundation stones on which new understandings could be built. Their progressive counterparts dismissed their arguments as backward thinking.

"Listen," said another pundit, "no one can agree on what the Second Amendment means. We've been arguing about it for decades. So I really think we need new language, a new delineation of rights that takes into consideration these dramatic changes in our

culture. We can't hold on to this old guard stuff. Times were different then."

Even before anyone rallied for his response, the president held a press conference. "I feel that the American people have spoken," he said, shifting his eyes from one flat screen teleprompter to the other. "I think it's necessary that we review whether or not the Constitution actually serves our current needs." Again, he shifted his eyes to the opposite telescreen, as if he were actually addressing the audience. "We all seem to understand and agree—*although*," he ad libbed, chuckling, "there are some who *still* don't seem to appreciate the wisdom of the American people when they call for change—that the Constitution, although a fine set of guiding principles for a fledgling nation, doesn't suit the needs of our current circumstances. We have advanced," he said, shifting his eyes again. "The document has not."

In Washington, D.C., along Constitution Avenue, people began lining up. They walked along the sidewalks during rush hour and began rhythmic chanting, "Rights NOW! Give us REAL liberty NOW!" Several put lighters to facsimiles of the Constitution. The police, cautioned by The White House against cracking down on such protests, stayed back. No arrests were made. The crowd grew.

When the major news outlets appeared in helicopters fifteen hours later, when they set up large tents near the Justice Building, fights began to break out among the protesters. In an attempt to get the attention of journalists trailed by cameras, one woman seriously injured her hand because she held a burning copy of the Constitution for too long. And near broadcasting tents, another woman's hair was set on fire, although the police could not determine whether it had been purposeful or accidental.

Within thirty-six hours, a white panel truck full of men and women wearing torn clam diggers and dreadlocks, was allowed to set up outside the National Museum of American History, which, like all the museums on the Mall, made an unprecedented decision to lock their doors to prevent vandalism by protesters. The visiting "dread-heads," as they were soon referred to, sold vegetarian meals to more

adventurous protesters. And under each compostable plate, was an anarchist flyer, enumerating the reasons why no document should replace the Constitution, why individual freedom should triumph over imposed laws. When a pile of these bright green and pink fliers built up around their truck and continued, like a bread trail, down Independence Avenue, they were asked to close up and move on.

As pro-Constitution activists grew in numbers and began sparring with members of The New Liberty Movement, riots broke out. When 18 people were sent to the hospital, police were dispatched in their riot gear to restore order. On K Street--less than a mile away from the National Mall, where police formed a charcoal-colored wall with their raised shields and FlexForce Crowd Control suits--the wide windows of lobbyists' offices were smashed with crowbars. The Molotov cocktails that sailed from the street onto desks, leather sofas, and upholstered cube walls caused an inferno that occupied fire companies from both the District and Northern Virginia for several hours. And while fire hoses doused the blackened buildings, from which searing flames continually shot, a popular coffee shop on Connecticut Avenue was being held up. Around the same time, a bar was also broken into on 18th street. A light-colored SUV drove onto the sidewalk and figures in plastic George W. Bush masks rapidly loaded into the back five full liquor boxes, a small floor safe, and—to their great surprise—a Thompson M1A1 from the manager's office closet. No one stopped them.

Eventually, the National Guard was dispatched. The crowds were effectively dispersed, and a new quiet resided over downtown. Privately contracted clean-up crews began to pick up the garbage in protest areas and scrub graffiti from the granite of public monuments. The museums along the Mall and further up in Chinatown, re-opened to the public, although the magnetometers and bags checks instituted following 9/11 were again reinstated.

On the news, approximately six hours after disbanding what became known as the “New Liberty Protests” and people began returning home, it was reported that someone had broken into the National Archives and destroyed the original copies of the

Constitution and Bill of Rights. At first, no one believed the reports, until photographs of the documents were provided by the Archives. The weathered parchment appeared to have been sprayed with something that conservators conjectured was an acid. The paper was lighter, eaten through in places, the already lightened sepia ink entirely gone. From the Archive's Restoration Department came reports that it was extremely brittle to the touch and likely could not be saved. "If these were paintings," said one conservator to CNN, which had been granted exclusive department access, "we might be able to fill in with beeswax where the acid ate away substance and then match the paint. But we're *paper* conservators. When paper is exposed to acid," she shrugged. "There's not much we can really do to bring it back."

One disbelieving pedestrian, a man in his mid-twenties, to whom a reporter apparently broke the news for the first time, expressed what everyone was thinking, "But they were in these protected cases when I saw them. They were behind, like, plexiglass or something. How could...or who would...No," he said, "I don't believe it. They can't be the originals."

The National Archives insisted the destroyed documents were indeed the originals and indicated that they had launched an investigation into what security breakdown had left them vulnerable to attack. Small-time bloggers expressed disbelief. "How," wrote one blog contributor on *Reggie's Conservative Challenge*, "could this happen? Isn't the National Archives supposed to be a guardian of these documents? Sure, people were burning gift shop copies in the streets last week, but that's different. To lose the sole original of our Nation's founding doctrine is beyond being a tragedy. It's a historical disaster."

Pro-Constitutionalists demanded answers. "We've lost the documents that define who we are as a nation," said a spokesman for the group, We The People, on *Meet the Press*, "How do we come back from that? And, more to the point, *who's* responsible for this? The president has to be answerable! This unspeakable act happened on *his* watch."

“We are investigating how this happened,” answered the president, during a hastily called White House press conference, “And when we find out who committed this heinous act, I assure you they will be forcefully prosecuted.”

Yet no one *could* explain how it happened. It was especially difficult to believe it was a random vandal, since the Archives had closed and ultimately gone into lock-down when the protests became violent. Neither of the guards on duty during the period when the documents were allegedly sprayed could be located for comment. And eventually, although they would have been key witnesses, these guards appeared to be forgotten by reporters. On Twitter and Facebook, people rallied to find out who the guards were and what they knew. But the media did not seem to take up the cause. It languished, and because it was not widely publicized, it lost considerable momentum. A new array of concerns eclipsed looking for parties to blame.

Conservative pundits began to cry conspiracy, believing that if the original founding documents were gone, it would be easier to rewrite the past. “A new chapter in the history books is coming, kids,” cried radio talk show host Jerry Brumfield. “It’ll be a chapter to rewrite all the others before it. And mark my words, it *ain’t* gonna be pretty.”

Eventually, images of a twenty-four year old, James “Tuig” Richardson, began to appear on the news. Those who had frequented the vegetarian food truck would have recognized him as one of the seven “dread-heads.” Reporters cited his anarchist agitation in Pittsburgh during the 2009 G-20 Summit and hung on his nickname “Tuig,” which the news said could be translated from Dutch to mean ‘scum’. Grainy video stock from the G-20 riots showed someone, who appeared to be Richardson, stepping away from the protesting crowds to move closer to the line of riot police. The figure, whose dreads were considerably shorter, was shaking something indistinguishable in the air. “You can see Richardson is challenging the police with what looks like a stick,” interpreted one reporter. Another newscaster called it a club. No one could

determine, because the video had been taken by a cell phone that produced a highly pixilated image, what Richardson actually held. But his movement towards the police was enough. The public understood him to be a troublemaker. They found his “New Anarchist's Manifesto” online, and its contents were widely, if superficially discussed. Parts of the text were compared to *Mein Kampf*, although no rationale for the comparison was actually made.

When a single time-stamped image from security cameras, showing Richardson on the steps of the National Archives, was found, a timeline of the crime was put together by a variety of news organizations. Based on police theories, these animated dramatizations, using faceless figures, demonstrated how Richardson managed to destroy the document. The previously forgotten guards, two faceless light blue figures in the animation, stood like statues several steps in front of the display. They remained motionless as a generic red figure, representing Richardson, took a lidded jar from somewhere on his person and launched the liquid contents with a quick motion of his arm. This was replayed again and again on television stations for nearly three days. Yet, not one public figure asked how Richardson was able to gain access to a building in lock-down, let alone how it would be possible to douse the document through its protective case. Even the conservators were skeptical of this theory, since the damage pattern represented a spray rather than a drench. Yet, when they attempted to contact the media to indicate their disbelief that, given the physical evidence, this could ever be the true course of events, their calls were not returned by reporters.

Instead, the public was polled. “I think we ought to do like the old days,” said one aging man, caught filling up his car at a gas pump. “He's a traitor. We should string him up. Or put him on the firing line. Whatever they used to do with traitors.” His comment, picked up by the Associated Press, did not run on every national network, but did find its way onto primarily regional newscasts, as evidence of national sentiment.



Appearing endlessly on the news were images of Richardson's mug shot, where his glasses were off and his eyes were as wide as a startled doe. Occasionally, online, simulations of a red rubber stamp appeared above his head: Public Enemy#1. "But he's a boy," Richardson's mother said, when the *Today Show* finally interviewed her. "He's *just* a boy. He's not responsible for this." She wiped away a tear dark with eyeliner. "He was in the city *feeding* people that day. He was trying to do some good. He wasn't in any of those museums. I don't understand why he's even in jail." She was husky-voiced, a smoker, who was heavily wrinkled and heavily made up for the show. Even though her tears were obviously genuine, she did not inspire empathy from viewers. No one felt her pain. Instead, they forgot her. They were again presented with the grainy video feed from the G-20 protests and the image of a confused looking Richardson coming up the steps of the National Archives.

Ultimately, instead of holding Richardson up to what he allegedly destroyed, his trial was delayed. The reasons, the president said, were fundamental. "Until we can again agree," he said, during a special broadcast that cut into daytime programming, "on what parts of the original Constitution are still valid to our evolving nation, I think it's necessary to suspend some of the articles at issue. I have not forgotten that the people have spoken. They've called for a liberty that is more relevant to the challenges that face us today. The people have called for change that repairs what's broken in our country. And we will work to fix it, so that we can move forward together as a people."

The justice system ground to a halt, as motions to dismiss were issued by the counsels of nearly every defendant on trial. Judges concurred that, unless the Constitution was reinstated, they could not continue according to standard procedure, without fear that their rulings would be overturned on quick appeal. Richardson sat in jail, awaiting even arraignment.

Congress came together to discuss the elements of the Constitution requiring revision, but neither the House nor the Senate could reach an accord on a single disputed article. Insults

were hurled at whoever held the floor or attempted to offer a rationale for specific changes. Television news programs and the major cable networks alternated coverage of these invectives, launched across the House and Senate floors, with news of the plummeting stock market. The political instability unbalanced all economic indicators.

After a rash of looting by rapidly congregating mobs, 180-degree security cameras went up in protected architectural recesses along the downtown blocks of every major city. Police uniforms were quickly altered to reflect the police department's changing role. Gone were the button-down shirts and dark trousers emblazoned with city shields and name tags. Instead, each patrol officer donned an anonymous FlexForce suit, a plexiglass face visor, and a pair of steel-toed shoes. While they were allowed to keep their handguns, they were also presented with tasers and batons. And where two policemen once patrolled a district in a marked car, three officers in riot gear now stood somewhere near an armored vehicle. Each mobile unit carried an Alsetex grenade launcher for dispersing tear gas. Any group of five or more people was deemed suspicious and immediately dispersed by roving patrols. Those who insisted, sometimes loudly, that it was their Constitutional right to assemble and protest were reminded that these rights were under temporary suspension. They were encouraged to disband or face spending an indefinite amount of time in jail to reflect on what constitutes appropriate public conduct. Before long, the streets of each metropolitan area were deserted by dusk.

On the evening news, the president began discussing Congress' inadequacy and questioned their purpose, indicating that their inability to work effectively demonstrated still another shortfall of the Constitution. "The legislative branch no longer represents the people or supports their needs," he declared, sitting on a royal blue satin divan in The White House's Blue Room. "They're simply not getting the job done," the president added, crossing his legs and clasping his fingers over his knee, "We already agreed that we need to replace what's broken. The people have called for this. The time

for idle words has ended. Now, I feel it's necessary to take action.”

And so, while the prisoner Richardson's meals were whittled down to a meager, twice-daily ration of a protein and starch, businessmen began to frequent The White House and dine lavishly. Lobster Thermidor lay beside Kobe beef on porcelain plates decorated with large, federal eagles rendered in 24-karat gold. Nearly as often, glazed sea bass was followed by Tahitian vanilla ice cream topped with whitefish caviar and Armagnac. Slowly, over weeks, over months, the gilded eagle on each plate was casually worn away by the knives and forks of the businessmen who dined beneath the extraordinary, multi-armed brass chandelier suspended over the banquet table during an earlier administration.

As demonstrators were crammed into already overcrowded prisons by the newly immobilized justice system, the stock market began again to climb. Wealthy investors had been emboldened by the new, if delicate, sense of stability. And the people did move forward, collectively, into an exceedingly anxious era. It was an era conceived in the 'new liberty' they had clamored so loudly for, the 'new liberty' they were now certain they did not want.

