Secession: Not an Option for These United States
by Phyllis Raybin Emert

The first time you heard the word “secession” was probably while studying the Civil War. As you know from your history books, the Southern states wanted to secede from the Union. What you may not know is that secession by individual states is as old as the U.S. Constitution itself and is still being debated and considered today.

Perhaps the largest secessionist movement today is one in Vermont. According to an April 2007 Washington Post op-ed piece, Vermont was actually its own republic for 14 years before joining the Union in 1791. Written by Ian Baldwin, publisher of Vermont Commons, a newspaper that advocates Vermont’s secession from the U.S., and Frank Bryan, a political science professor at the University of Vermont, the piece claims that since those 14 years Vermont “issued its own currency, ran its own postal service, developed its own foreign relations, grew its own food, made its own roads and paid for its own militia.” Baldwin and Bryan write that the United States has become a large, corrupt, and aggressive military empire, which can’t properly provide for its own people and they believe it is destroy the 10th Amendment to the U.S. Constitution, which states, “the powers, not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

According to a University of Vermont poll taken in February 2007, 13 percent of Vermonters are in favor of seceding from the United States. The Second Vermont Republic (SVR), a non-violent citizens’ network and think tank, is the organization driving Vermont’s secessionist movement. According to SVR’s website, its members subscribe to a number of principles including political independence, economic solidarity, equal opportunity and power sharing. Its goal is to have Vermont’s 230 town meetings vote on the question of the state’s independence by 2010. Town meeting is a form of local government that is primarily practiced in the New England states. Generally, residents

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Can Playing Violent Video Games Lead to Violent Teens?

by Cheryl Baisden

When your parents were your age, the most popular video game around involved a little yellow character named Pac Man, who raced through a maze with his mouth open, chomping tiny white dots, and trying to avoid brightly colored blobs named Blinky, Pinky, Inky and Clyde. When theblobs turned blue, Pac Man could score extra points by eating them up too, but if he didn’t hightail it out of their way when they reverted back to their original colors, poor Pac Man would melt into a puddle and lose a life. Once three lives were lost, the game was over. Real Pac Man had a lot of fun to play, nothing about it was realistic. Today’s popular video games, like the Grand Theft Auto series, are a different story. Computer technology has made it possible for developers to look and feel almost real, and critics say the combination of realism and violence can bring out violent behavior in front-line players.

In a study published in the April 2000 issue of the American Psychological Association’s Journal of Personality and Social Psychology, researchers concluded that repeatedly playing violent video games can increase aggressive thoughts, feelings and behavior. Further, the study reported that playing games like Grand Theft Auto may be more harmful than watching violence on TV and in movies, because the games are interactive with the players pretending to be the aggressors. “We found that students who reported playing more violent video games in junior and senior high school engaged in more aggressive behavior,” psychologist and lead study author Craig A. Anderson said in the report.

According to the report, violent video games teach kids to handle conflicts aggressively, and the longer they play the more they respond that way. Dr. Eliot Garton, a Princeton Junction psychologist experienced in treating children believes things are more complicated than the report indicates. “I have found that the results really depend on the individual child,” Dr. Garton said. “There really is no hard and fast rule with this. Parents should evaluate how their particular child behaves and decide whether a game is affecting them negatively. For some children who are angry, violent or agitated, playing these games can be a great release for all of the anger; while for others it can cause them to be more violent.”

A case of murder

Lawyers for an Alabama teenager who killed two police officers and a dispatcher in 2003, had hoped to use the teen’s interest in Grand Theft Auto as a defense in his murder trial. According to a People magazine article, when he was arrested for the murders, Devin Moore told police, “Life is like a video game; everybody’s got to die sometime. The judge in the trial, however, refused to allow testimony on the topic. Moore was found guilty of murder and sentenced to death for his actions. His attorneys plan to appeal the decision, and hope to use his fascination with the video game as a defense this time.

In the meantime, families of Moore’s victims are suing Sony Entertainment. Take-Two Interactive, Wal-Mart and Gamestop for $500 million, claiming his murder spree was prompted by repeatedly playing the game, which was developed and sold by the companies. “Everything he did is right from Grand Theft Auto,” Willie Crump, whose son was one of Moore’s victims, told People magazine. “Why would you make a game like that to show kids how to kill cops?”

In another more recent incident, a seven-year-old Colorado girl was beaten to death when her babysitters acted out scenes from the video game Mortal Combat. According to the Denver Post, the girl and her sister were playing Mortal Combat, and the sister’s 17-year-old boyfriend is charged with child abuse resulting in death and could face up to 48 years in prison if convicted.

Legal limits

Lawmakers in several states, including New Jersey, have considered regulating or restricting the distribution of violent video games by making it illegal for store owners to sell or rent them to anyone under the age of 18.

The First Amendment to the U.S. Constitution guarantees freedom of speech and expression. So, according to Steven Schechter, a Fairlawnt entertainment lawyer, video game manufacturers and distributors have a right to develop and sell these games to anyone, regardless of their age, unless the content is considered obscene. “It’s my understanding that the courts have unanimously stricken as unconstitutional all of the laws pertaining to that particular country, said Schechter. “Video games are entitled to protection as speech under the First Amendment.” Government intervention in this area would be “dangerous,” he added, because it would give government officials to prohibit or restrict speech they do not like or find offensive although the speech may be constitutionally protected.

Although no action has been taken on the New Jersey bill proposed by Assembly members Linda Stender and Jon Bramnick, members of the gaming industry said they are prepared to fight the legislation if it comes up for a vote.

Keeping it Legal

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Legislating lobbying

The first step to monitoring lobbying activities is to be able to identify who the lobbyists are, so in 1995 the U.S. Congress passed the Lobbying Disclosure Act, which put up rules requiring or company to register the people they employ as lobbyists. Under the law, anyone who spends at least 20 percent of his or her time lobbying and holds at least two government officials over six months must register as a lobbyist. In the summer of 2007, the U.S. Congress passed another law, the Honest Leadership and Open Government Act, which forces lobbyists to report certain campaign contributions they collect and how much money they spend on candidates or company.

The law also prohibits lawmakers and their staff from accepting gifts, meals or trips from lobbyists, and sets fines and prison penalties for lobbyists who offer them.

New Jersey lawmakers and the federal government have also passed campaign finance laws that limit the amount of money individuals can donate to political campaigns, hoping to keep lobbyists or others with special interests from possibly getting spots to talk to lawmakers about passage of laws. New Jersey has also approved legislation often called “pay-to-play” reforms, which prohibit businesses that have work contracts, or hope to get contracts, from using their lobbying powers to buy anyone under the age of 18. Owners to sell or rent them to anyone under the age of 18. Owners are entitled to protection as speech under the First Amendment.” Government intervention in this area would be “dangerous,” he added, because it would give government officials to prohibit or restrict speech they do not like or find offensive although the speech may be constitutionally protected.

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of a town will get together once a year and act as a legislative body. Vermont isn’t the only state with groups of citizens who want to secede. According to the Middletown Institute, an organization that promotes the study of separation, secession and self-determination on a national and international level, there are secessionist movements in more than half of the 50 states, including Alaska, Hawaii, California, Georgia, New Hampshire, and Texas. Closer to home, in 1980, New Jersey had its own secessionist turmoil within the state itself.

Constitutional or illegal: A look back

After the U.S. Constitution was approved in 1789, many states threatened to leave the union. Professor Michael C. Dorf, a law professor at Columbia University and author of Constitutional Law Stories, wrote about some secession movements in his article, Does the Constitution Permit the Blue States to Secede?

In 1790, Dorf wrote, Ben Franklin and other Pennsylvania abolitionists sent a petition to Congress to end the slave trade. According to Dorf, “members of the Georgia and South Carolina Congressional Delegations intimated that if Congress attempted to manumit [free] slaves, their states would leave the Union.” Franklin’s petition was denied and passed a resolution declaring it did not have the power to end slavery. To further make secession threats whenever the question of limiting slavery was considered.

Southern states, however, were not the only states in the Union to threaten secession. Professor Dorf wrote, “In 1804, members of the declining Federalist Party in New England and New York, plotted secession from a country ruled by the Republican Thomas Jefferson.” In 1815, Federalists threatened secession to oppose President James Madison’s handling of the War of 1812.

Philosophy professor Donald W. Livingston in a Society for American Historians presentation titled The Idea of Secession, wrote that New England states considered secession “over the Louisiana Purchase in 1803, the embargo in 1808, the war with England in 1814, and over annexation of Texas in 1843.” According to Professor Livingston, Governor Morris, one of the signers of the U.S. Constitution, suggested in an 1812 New York Tribune essay that New York and New England should secede and form a separate union. The professor explained that the term secession was used “during the first 70 years of the union to describe an action akin to a treaty of separation.” Thereafter, the theory of the modern unitary state became dominant. Instead of a “federation of sovereign states,” a doctrine took hold that “the union created the states, not the states the union.” And therein lies the disagreement between secessionists and non-secessionists.

Do states have the right to secede?

Secessionist movements, including those in Vermont and elsewhere, make several points about secession. Among those points is that the U.S. Constitution does not prohibit a state from leaving the union. In fact, according to Thomas Naylor, founder of SVR, the Tenth Amendment gives all states the constitutional right to secede. Professor Dorf explained in his article, “Because the Constitution derived its initial force from the voluntary act of consent by the sovereign states, secessionists argued, a state could voluntarily and unilaterally withdraw its consent from the Union.”

American secessionists today say that the United States was founded upon secession and point to the words of the Declaration of Independence, which states, “Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government.”

President Lincoln weighs in

It was President Abraham Lincoln who took the case against unilateral secession in his First Inaugural Address delivered in Washington, D.C., on March 4, 1861. His foremost aim was to preserve the Union, not free the slaves. “I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists,” he declared. “One section of our country believes slavery is right and ought to be extended, while the other believes it is wrong, and ought not to be extended. This is the only substantial dispute.”

Lincoln was very specific about the Union. “I hold, that in contemplation of universal law, and of the Constitution, the Union of these States is perpetual. Perpetuity is implied, if not expressed, in the fundamental law of all national governments… Continue to execute those powers of the Constitution and the Union will endure forever…” Lincoln went on to say, “In 1864, the Constitution, whose object was to “form a more perfect Union” and states that neither one or more states could lawfully attempt to destroy the Union, the “element of perpetuity” would be lost. “With these views,” declared Lincoln, “that no State, upon its own mere motion, can lawfully get out of the Union, — that resolves and ordinances to that effect are legally void, and that acts of violence, without authority of law, are against the authority of the United States are insurrectionary or revolutionary, according to circumstances.”

The newly elected president continued, “The central idea of secession is the essence of anarchy. The rule of a minority, as a permanent arrangement, is wholly inadmissible.”

Senior Assistant Prosecutor Steven Brizek of the Passaic County Prosecutor’s Office said in an email, “Lincoln’s view that the Union was perpetual and indissoluble was, I believe, the clearest way to view the question of secession.” The Civil War settled the matter by force of arms and resolved the debate that had since the Constitution went into effect.

Texas v. White (1868)

The U.S. Supreme Court ruled on the secession issue in the 1868 case of Texas v. White. In 1851, the United States issued bonds to the state of Texas that were redeemable after December 860. The bonds needed the endorsement of the governor to be exchanged for money. In 1861, Texas threatened to leave the Union and became part of the Confederacy. A military board was organized by the rebel government to redeem the bonds in the state treasury for defense.

In January 1865, the board sold 135 bonds to George W. White and John Chiles in payment for cotton cards and money, but none were endorsed by the governor. After the war, a lawsuit was brought by the state of Texas and its elected governor, to request an injunction [order] to force White and Chiles “from receiving payment from the national government, and to compel the surrender of the bonds to the State.”

Defendant Chiles questioned the authority of the State of Texas to prosecute the case because of its secession and questionable allegiance to the U.S. government and its Constitution. Chief Justice Salmon P. Chase wrote in the opinion of the Court and focused on whether Texas “ceased to be a State or…did the State cease to be a member of the Union.” Chief Justice Chase wrote… “From the Articles of Confederation… the Union was…solemnly declared to be perpetual.” And when these Articles were found to be inadequate, the Constitution was ordained “to form a more perfect Union.” It is difficult to convey the idea of indissoluble unity more clearly than by these words. What can be indissoluble if a perpetual Union, made more perfect, is not? Therefore, the chief justice wrote, “The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States.”

When… Texas became one of the United States,” the chief justice explained, “she entered into an indissoluble relation… And it was final… There was no place for reconsideration, or revocation, except through revolution, or through consent of the States.” Therefore, according to Chief Justice Chase, any elections or...
by the FDA on food imports are even less than the totals according to the article, with less than one percent of food at our ports being inspected. This seems to be a problem that is getting worse, not better.

While imports have gone up "expendite over the past five years, the number of port inspections has dropped." The New York Times reported. In 2006, according to The New York Times, the U.S. received 8.9 million shipments at its ports. Of those shipments, FDA inspectors sampled only 50,000, of which, according to International Trade Commission figures, has recently become the U.S.'s third-largest exporter of food — behind Canada and Mexico — sent 199,000 shipments in 2006. According to The New York Times article, the FDA sampled only two percent of those shipments.

The bottom line is that the United States is being overwhelmed with food imports, and they are not being screened by the FDA. William Hubbard, a former FDA associate commissioner for policy and planning, told The Los Angeles Times, "If the nation's food supply is anywhere near as vulnerable as the world's is, the FDA is woefully unable to do its job."

According to a July 2007 issue of Newsweek, the "FDA is blocking imports of Chinese farm-raised catfish, bass, shrimp and eel while it waits for cleaner fish farms and better inspectors." According to Newsweek, $288 billion worth of Chinese goods come into this country every year. That number includes everything from toys to produce to food imported by restaurants and grocery stores.

Better inspections needed

Thomas Slater, acting director of communications for the New Jersey Department of Health and Senior Services (DHSS), agreed that an increase of inspections at the ports and better-targeted inspections are needed.

In an email, Slater said, "The area of greatest concern is illegal imports, particularly those catering to ethnic populations. Substantial quantities of these products including fish, nutritional supplements, herbal remedies and cosmetics have been found to contain heavy metals, lead, mercury and arsenic."

Another concern, Slater said, is an increase in outbreaks arising from fresh produce. Most of these problems, he said, are traced back to the farm fields. To better safeguard consumers, Slater says more research is needed to understand "how pathogens enter our food supply as food travels from the farm to the fork."

"Too many cooks...

In addition to inspections, another important ingredient in our nation's food safety protocol is legislation, which exists at both the state and federal levels. Federal law indicates that the Food and Drug Administration (FDA) will conduct inspections of all food coming into the U.S. The bill has won support from both U.S. Senator and U.S. presidential candidate Hillary Rodham Clinton. In addition, in 2007, Senator Clinton issued a press release and sent a letter to Senate leaders urging them to implement mandatory country of origin labeling (COOL) on all food coming into the United States.

As for other initiatives, Slater said the U.S. Congress is considering proposals that would enhance the traceability of food products and their ingredients, and require inspections at foreign food facilities. Currently, the FDA is not authorized to inspect overseas plants without a country's permission, even if the U.S. has proof of contamination.

Counterterrorism

Initiative challenged

No doubt food regulators have their plates full monitoring the regular day-to-day aspects of food safety. But what about protecting against terror attacks?

On its website, the FDA reports that "since the September 11 attack, the FDA has increased its emergency response capability by realigning resources for FDA to use to combat terrorism, and by reassessing and strengthening its emergency response plans."

"Still, some question the viability of the FDA's plan. Illustrating the point, a New York Times article reported that 1993 saw 3,700 illnesses connected to food regulated by the USDA, while during the same year food regulated by the FDA garnered 6,700 illnesses. In 2004, the New York Times reports that the USDA cases dropped to 2,300 while the FDA's rose to 10,300."

In addition, a Los Angeles Times article reported that while the FDA developed a comprehensive safety protections after September 11, the sense of urgency to follow through with that initiative has "dwindled away" as time has passed with no new attacks.

Handle with care

The FDA is not the only agency that is responsible for food safety. Other agencies like the FDA to keep them safe, Slater points out that we, too, can play a role.

"The most important thing people can do to ensure their food is safe is to properly handle food at home after they purchase it," Slater said. "That means proper heating and cooling, preventing cross-contamination and hand washing."

abolitionist — someone who opposes slavery
anarchy — the absence of government, which creates lawless confusion and disorder.
indissoluble — not able to be broken apart or destroyed.
injunction — an order of the court that commands someone to do something or stops them from doing something.
insurrectionary — pertaining to resisting an established government.
legislation — the dissemination and enactment of law by a legislative body.
on-binding referendum — a public vote on a measure that is only advisory and not required to be put into effect.
pathogen — an organism that produces disease such as a fungus or virus.
perpetual — continuing forever.
sovereign — indisputable power or authority.

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Senior Prosecutor Brizek said, "the only way one might argue...[a state could secede],...is if the Union of states, by the same percentage as was required to adopt the U.S. Constitution, with that would-be seceding state's consent, agreed to allow that state to withdraw from the Union." He added, "If such a separation were permitted, [the seceding state] would have the same relationship to the United States as does any other state..." and..."would likely mirror that in effect between Canada, Mexico and our other close neighbors."

It seems very unlikely that Vermont's or any other state's secession movement would prevail after the decision in Texas v. White. But, according to Professor Dorf, "We must struggle to interpret the sounds of the Constitution's silence."