

LAW OFFICE OF | MARK COHEN, P.C.



## THE ELEPHANT IN THE ROOM: WHAT THE ELECTION SAYS ABOUT AMERICANS

Several issues ago I began discussing the various civil liberties our constitution bestows upon us as Americans. I began this discussion because I thought that given the present political climate, it was necessary to re-acquaint ourselves with our constitutional freedoms. I argued (and continue to do so), that re-sensitizing ourselves to the freedoms we are guaranteed is the best method to prevent their erosion.

I first discussed our freedom of religion, press, and assembly provided by the 1st Amendment. In the last issue I argued that the right to bear arms contained in the 2nd Amendment should be honored no less than any of our other freedoms contained in the Bill of Rights. It was my intention in succeeding issues to run through the remaining eight amendments. While I will do so in future issues, given the recent presidential election results, I feel it's necessary to now make one of the central points to this entire discussion.

The presidential election results in my view, speak to an overwhelming degree of frustration with political leaders in both parties and with our political system. The results also frighteningly reveal a willingness on the part of a near majority of the American electorate (the presidential winner lost the popular vote) to accept an extremely unconventional candidate who articulates this frustration in both generalized and dictatorial terms. In short, what won the day were claims of *'I alone can fix it. I will restore law and order'*, *'I would*

*bring back waterboarding and I'd bring back a hell of a lot worse than waterboarding' along with promises to build a wall because 'When Mexico sends its people, they're not sending their best. They're not sending you. They're not sending you. They're sending people that have lots of problems, and they're bringing those problems with us. They're bringing drugs. They're bringing crime. They're rapists. And some, I assume, are good people.'*

During the primaries, I read *The Anatomy of Fascism*, a well-respected work published in 2004 by Columbia University political science and history professor Robert Paxton. I wanted to see if there were parallels between the rhetoric emanating from and around the various presidential candidates and what took place in pre-World War II Italy and Germany. If you think that I'm thinking hysterically then I suggest you read *The Anatomy of Fascism*. The sad truth is that the parallels are there. But don't believe me. Read the book for yourself. After spending his entire book reviewing the history of Fascism in Italy and Nazism in Germany along with other authoritarian dictatorships, Professor Paxton articulates what he calls "mobilizing passions" that have given rise to fascism. Among those mobilizing passions are [1]:

- "A sense of overwhelming crisis beyond the reach of traditional solutions;"
- "The belief that one group is the victim, a sentiment that justifies any action, without legal or moral limits, against its enemies, both internal and external;"
- "Dread of the group's decline under the corrosive effects of individualistic liberalism, class conflict, and alien influences;"
- "The need for authority by natural chiefs (always male) culminating in a national chiefton who alone is capable of incarnating the group's historical destiny;"
- "The superiority of the leader's instincts over abstract and universal reason;"

See any similarities to what just took place? The fact of the matter is, the candidate who emulated these "mobilizing passions" the most won the election. What does that say about the American electorate and their willingness to tolerate an assault on our freedoms?

You don't think America can turn into Nazi Germany or Fascist Italy so you're not worried? Well, turning into Nazi Germany or Fascist Italy is not the only path that leads to the erosion of our freedoms. All a country needs to do is elect a leader who displays fascist tendencies and acts on them. Just take a look at the extremists the president-elect has already begun to surround himself with. Strong words? Perhaps. But shouldn't we always react strongly in the defense of our freedoms?

I became a lawyer because I believed in the defense of our constitutional freedoms. That is my bias. And that bias guides me

in judging our politicians, judges, and private sector leaders, regardless of their party affiliation. Now more than ever, it is necessary to be vigilant in defense of our freedoms. Are you prepared to do so?

[1] Robert Paxton, *Anatomy of Fascism* (Vintage Books, 2004) p.219.

PERSONAL  
INJURY



AREAS OF PRACTICE

ADMINISTRATIVE  
LAW



AREAS OF PRACTICE

LAND USE  
& ZONING



AREAS OF PRACTICE

CRIMINAL  
DEFENSE



AREAS OF PRACTICE

In the next issue: I'm not sure what I'm going to write about. I want to see what happens to our country in the next few weeks. Perhaps I should just dispense practical advice instead of delving into politics.

*You got questions? Got an idea for a topic? Let me know. I will see if I can write an article about it. "*



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#### Quote of the Month:

*Politics is the art of looking for trouble, finding it everywhere, diagnosing it incorrectly and applying the wrong remedies.* — Groucho Marx

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