

H1N1 Swine Flu Pandemic: Obama Revives Bush-Era Militarized Quarantine Regulations

By [Tom Burghardt](#)

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While the American far-right rants against alleged “Obama death panels” and other Freddy Krueger-like scarecrows to frighten-and divert-the kiddies, our capitalist masters, as they are wont to do, gaze at the spectacle, laugh, and then tighten the screws.

Health care for all derailed? *Mission accomplished!*

Meanwhile, despite alarm amongst civil liberties groups, public health researchers and other “reality-based” evil-doers who haven’t slaked their thirst with “birther” kool-aid, the Obama administration “is quietly dusting off an effort to impose new federal quarantine regulations” to “contain” the H1N1 flu virus, *Politico* [revealed](#).

“While any discussion of quarantine may stoke public fears of barbed wire camps filled with infected Americans or closures of international borders” *Politico* reports, “public health experts said that sort of approach to H1N1 flu would not be effective.”

While White House officials aren’t talking, Wendy Mariner, a professor of law and public health at Boston University told the publication, “it’s not really going to help.”

And if the H1N1 pandemic behaves in a manner similar to the 1957 outbreak of H2N2 influenza then “closing schools, stopping large gatherings and other such measures are unlikely to do much,” a team of public health experts told [Reuters](#).

“Efforts to mitigate it were futile,” Brooke Courtney, a researcher with the Center for Biosecurity at the University of Pittsburgh Medical Center told the wire service. “In 1957 it was decided pretty early on that efforts to quarantine or isolate people would not be effective,” Courtney said.

Why? Because by the time the H2N2 strain was diagnosed it was already “too widespread” for a quarantine of affected individuals to serve a useful purpose.

Despite warnings from public health researchers, the Obama administration is moving full-speed ahead. And with a September target date for new federal regulations, CDC spokeswoman Christine Pearson told *Politico*, “It’s important to public health to move forward with the regulations. We need to update our quarantine regulations, and this final rule is an important step.”

Not everyone is convinced, however.

“It doesn’t surprise me that when swine flu or any other epidemic is featured prominently in the news, we see a return to quarantine and other public health regulations,” said Christopher Calabrese of the American Civil Liberties Union, which sharply criticized the Bush-era proposal as too heavy-handed. “The enemy here isn’t the American people or sick people. It’s an illness. ... Police officers with guns cannot make people obey a quarantine. In order for this to work, it has to be collaborative. They have to trust the government.” (Josh Gerstein, “Obama Team Mulls New Quarantine Regs,” Politico, August 5, 2009)

While Calabrese is certainly correct in a *technical* sense that “the enemy here isn’t the American people or sick people,” from the standpoint of a predatory national security state that views all disorder—including illness—as a dire threat to the *heimat*, what better means to keep the rabble in line than a state-imposed quarantine enforced by “police officers with guns”?

As *Global Research* analyst Michel Chossudovsky [wrote](#) in July, “it is in the interest of the political power brokers and the dominant financial actors to divert public attention from an understanding of the global crisis.”

Despite clear signs that the economic crisis continues to deepen on a planetary scale and that state efforts to mitigate the greatest financial collapse since the Great Depression have failed, as [World Socialist Web Site](#) analyst Barry Grey points out, the Federal Reserve Board’s “upbeat assessment” fails to take into account that “new data on unemployment, home foreclosures, home prices and retail sales painted a picture of growing economic distress for tens of millions of Americans.”

But “growing economic distress” for the majority of Americans have translated into rising corporate profits “on the basis of a deep and protracted decline in the wages, working conditions and wealth of the working class.”

Under such dire conditions, combustible social fuel could lead to an unprecedented political explosion. Therefore, as Chossudovsky observes “an atmosphere of fear and intimidation which serves to weaken and disarm organized dissent” must be manufactured, one whose “objective is to undermine all forms of opposition and social resistance.”

How will these goals be accomplished by the capitalist state? Chossudovsky avers: “In this framework, the occurrence of ‘natural disasters,’ ‘pandemics,’ ‘environmental catastrophes’ also plays a useful political role. It distorts the real causes of the crisis. It justifies a global public health emergency on humanitarian grounds.”

And as with other “extraordinary circumstances” such as those which followed the September 11, 2001 terrorist attacks and the declaration of a global war against terrorism, a militarized and repressive state will step in to fill the breach, this time as public health “savior.”

In this context, Boston University’s Wendy Mariner’s statement that “proposals to limit liberty” through quarantine regulations by the federal government “represent a dangerous precedent to constitutional theory” must be viewed through the lens of capital’s deepening economic, political and social crisis.

Despite the fact that “there’s almost no evidence it will matter” in terms of mitigating an H1N1 pandemic outbreak, as Mariner averred “it wouldn’t surprise me if they try to sneak this past in August, when people are away.”

And with a *bipartisan consensus* in Washington to fork over billions of dollars to enterprising drug manufacturers, it’s a sure bet that “liberal” Democrats and “conservative” Republicans will do what they do best: toe the corporatist line.

Project BioShield

While objections to new federal quarantine regulations may be widespread, the Department of Health and Human Services (HHS), particularly that agency’s Biomedical Advanced Research and Development Authority (BARDA) is pulling out all the stops.

Similar to the Pentagon’s Defense Advanced Research Projects Agency (DARPA), a satrapy for arms manufacturers and other death merchants, HHS’s Biomedical Advanced Research and Development Authority freely doles out billions of dollars in taxpayer boodle to Big Pharma.

According to a [blurb](#) on their web site BARDA, a distinct entity within the Office of the Assistant Secretary for Preparedness and Response (ASPR) at HHS “provides an integrated, systematic approach to the development and purchase of the necessary vaccines, drugs, therapies, and diagnostic tools for public health medical emergencies.”

Well and good as far as it goes (which isn’t very far), BARDA does more, much more. Under the Bush regime, Congress passed the [Project BioShield Act of 2004](#), a particularly grotesque piece of Bushist legislative flotsam “as part of a broader strategy to defend America against the threat of weapons of mass destruction.”

You can bet however, they don’t mean WMDs like the weaponized anthrax that came from Pentagon stockpiles and was used in the 2001 anthrax attacks. While “only” five people may have died, panic gripped the country as the capitol was shut-down and the national security state sunk its claws ever-deeper into civil institutions.

Never mind that a far-greater threat to the health and safety of the American people comes from the Bioweapons-Industrial-Complex than from the H1N1 strain of the influenza virus. Or that this nexus of academic, corporate and militarist gifters operate with little in the way of effective oversight as a growing spate of accidents and unauthorized experiments at BSL-3 and BSL-4 facilities readily attest. (For a round-up of incidents through 2007, see The Sunshine Project’s essential [web archive](#).)

Despite poor safety records and lax controls by federal authorities, America’s bioweaponeers are devising ever-more devilish weapons in the form of genetically-modified pathogens such as antibiotic-resistant smallpox or a reassembled strain of the 1918 influenza virus that killed upwards of 40 million people. (For details see: Edward Hammond, *Emerging Technologies: Genetic Engineering and Biological Weapons*, The Sunshine Project, Background Paper No. 12, November 2003)

Indeed as written, the BioShield legislation provides HHS and the National Institutes of Health “contracting flexibility, infrastructure improvements, and expediting the scientific peer review process, and streamlining the Food and Drug Administration approval process of

countermeasures.”

In other words, Project BioShield is little more than a generous *public* handout to unaccountable *private* corporations. Hence the law’s emphasis on “contracting flexibility,” the old public funding/private profit dodge that empowers FDA to “streamline” (cut-corners) the scientific peer review process in order to “expedite” (fast-track) “countermeasures” (new drugs) with little concern for public health and safety whilst immunizing corporate partners from liability.

In practice, this means that “in place of the peer review and advisory council review procedures” HHS will employ such “expedited peer review procedures (including consultation with appropriate scientific experts) as the Secretary, in consultation with the Director of NIH, deems appropriate to obtain assessment of scientific and technical merit and likely contribution to the field of qualified countermeasure research.”

In plain English, these *political appointees* beholden to the whims of Executive Branch and congressional grifters in thrall to multinational drug corporations will empower “scientific experts” (e.g. scientists in the employ of Big Pharma) to rule on the efficacy of “countermeasures” for which said corporations reap a handsome profit. And should things go wrong and people begin dying from inadequately tested vaccines, well then, Congress has a neat solution: foot the American people with the bill!

This is spelled out quite clearly: “(2) FEDERAL TORT CLAIMS ACT COVERAGE.–(A) IN GENERAL.–A person carrying out a contract under paragraph (1), and an officer, employee, or governing board member of such person, shall, subject to a determination by the Secretary, be deemed to be an employee of the Department of Health and Human Services for purposes of claims under sections 1346(b) and 2672 of title 28, United States Code, for money damages for personal injury, including death, resulting from performance of functions under such contract.”

Therefore, when Congress immunizes corporate entities from civil and criminal penalties by making them federal employees, you know the gift, and the fix, is literally in.

But wait, there’s more!

The Assistant Secretary for Preparedness and Response “works in close collaboration with key partners, including the Department of Homeland Security and the Department of Defense. HHS, through ASPR/BARDA, executes acquisition programs, utilizing the Special Reserve Fund commensurate with these priorities. HHS also works to promote open communication of U.S. Government needs to industry, an essential partner in Project BioShield. The availability of a substantial, long-term funding source was designed to provide the incentive for industry to respond to U.S. Government requirements and develop critical medical countermeasures for the American public.”

And I thought saving lives would be incentive enough. What was I thinking!

This is accomplished through the Public Health Emergency Medical Countermeasures Enterprise (PHEMCE). Like ASPR/BARDA, the PHEMCE includes “key interagency partners” the Departments of Defense, Homeland Security and Agriculture.

As *Antifascist Calling* pointed out in previous [articles](#) notably “Bringing the (Bio) War Home,” under cover of protecting the nation’s food supply, USDA facilities such as the Plum

Island Animal Disease Center (PIADC) in partnership with the U.S. Army Medical Institute of Infectious Diseases (USAMRIID) carries out dangerous dual-use research that endangers the health and safety of the public.

In the intervening years since Project BioShield legislation was enacted, things have gone from bad to worse. Since after all, the “business of government is business,” giant multinational drug consortiums have been the law’s biggest winners. And if the National Biodefense Science Board (NBSB) has its way, HHS’s corporate partners stand to reap an even-greater windfall.

The intelligence and security web site [Cryptome](#) posted an August 11 [notice](#) buried deep inside the Federal Register.

The NBSB is seeking public comment on the group’s new working document, “Inventory of Issues Constraining or Enabling Industry Involvement in Medical Countermeasure Efforts.” Cutting through the bureaucratic jargon, NBSB’s “Market & Sustainability Work Group” seeks to hand over even more cash to their “industry partners.”

Apparently the FDA’s already “streamlined” review process and “contracting flexibility” under Project BioShield isn’t enough for the corporate freebooters reaping billions in hand outs.

NBSB proposes to further “incentivize” industry by “increased federal funding for advanced development, in the form of cost-reimbursement contracts and rewarding private-capital investments with milestone payments at procurement.” This would give the drug industry the following “advantage:” “Risk of distraction of large industry partners from commercial mission or dilution of effort [potential conflict with fiduciary responsibility to shareholders of publicly traded companies].”

Under NBSB’s proposal, the drug industry stands to grab “reimbursement of development costs + 15%, with return-on-working-capital at 22%, and cost-of-money-for-capital at 15%.”

If said corporate patriots swing into action during a national emergency, then “compensation if commercial product(s) during emergencies (e.g., lost sales, market share, delayed licensing” are fully paid by the federal government.

Nice work if you can get it!

While it is vital that government, particularly our civilian institutions, plan for contingencies that may arise as the result of a pandemic outbreak of disease or a terrorist attack, the secrecy and opaque procedures surrounding entities such PHEMCE only fuel suspicion.

Indeed, PHEMCE’s Enterprise Executive Committee, chaired by BARDA and charged with implementing “tactical activities,” particularly when such policies are not clearly spelled-out, bolster arguments by Boston University’s Wendy Mariner that “proposals to limit liberty represent a dangerous precedent to constitutional theory, particularly when there’s almost no evidence it will matter.”

But perhaps the revival of Bush-era quarantine proposals and the NBSB’s free gifts to corporations already plush with veritable mountains of cash “matter” in a *different* sense, one which those of us armed with socialist “conspiracy theories” fail to grasp.

Pentagon Power-Grab: Militarizing the *Heimat*

As we have witnessed on more than one occasion in recent American history, the nature of a national security state is precisely to usurp civilian power and transfer it to opaque, unaccountable militarist bureaucracies such as the Pentagon.

The Hill [reported](#) August 10 that “a bipartisan pair of governors is opposing a new Defense Department proposal to handle natural and terrorism-related disasters, contending that a murky chain of command could lead to more problems than solutions.”

Vermont Governor Jim Douglas (R), the chairman of the National Governors Association and Vice Chairman, West Virginia Governor Joe Manchin (D) wrote a letter opposing the Pentagon power-grab.

Under current law, governors and not the Department of Defense, exercise control over National Guard units in their own states as well as DoD personnel or any other Guard units from other states deployed under their jurisdiction.

Their objections arose over a Pentagon proposal for a “legislative fix” that would give the Secretary of Defense authority “to assist in response to domestic disasters and, consequently, control over units stationed in an affected state,” *The Hill* revealed.

“We are concerned that the legislative proposal you discuss in your letter would invite confusion on critical command and control issues, complicate interagency planning, establish stove-piped response efforts, and interfere with governors’ constitutional responsibilities to ensure the safety and security of their citizens,” Douglas and Manchin wrote to Paul Stockton, assistant secretary of Defense for Homeland Defense and America’s Security Affairs. (Reid Wilson, “Governors Oppose DoD Emergency Powers,” *The Hill*, August 10, 2009)

After objections by governors were raised to a similar proposal in the House version of the fiscal 2009 Defense authorization legislation, it was removed from the final version of the bill. It now seems however, that the Pentagon is back seeking to expand their writ over civilian institutions.

That this latest proposal arrives simultaneously with a mandate for new Executive Branch authority to quarantine sick people, should raise public alarm levels. The Bush regime’s proposal would have handed the state authority to order a “provisional quarantine” of three business days, up to six calendar days, for individuals suspected of being infected with H1N1 “or other illnesses listed in a presidential executive order.”

Under regulations proposed, but never implemented by the previous administration, airlines and cruise lines would have been required to store personal data on passengers “including email addresses, traveling companions and return flight information.” Indeed, the information “would be subject to review by federal officials in a health emergency, though it would be voluntary for passengers to provide the data,” according to *Politico*.

This series of disturbing reports follow close on the heels of [analysis](#) by Michel Chossudovsky, that a decision has been reached by U.S. Northern Command (NORTHCOM) to establish regional teams of military personnel to assist civilian authorities in the event of a “significant outbreak of the H1N1 virus this fall.”

Chossudovsky avers that “the decision points towards the militarization of civilian institutions, including law enforcement and public health.” This assertion is validated by the *Politico* report. Objecting to the DoD’s desire to usurp civilian authority over National Guard forces, the letter by prominent governors underscores the danger to civil liberties by an out-of-control Pentagon bureaucracy hell-bent on “assisting” civil institutions.

Citing the military’s consideration of “a plan to give transportation and laboratory help to the Federal Emergency Management Agency in the event of a major outbreak,” Chossudovsky writes:

Much of the groundwork for the intervention of the military has already been established. There are indications that these “regional teams” have already been established under USNORTHCOM, which has been involved in preparedness training and planning in the case of a flu pandemic.

Within the broader framework of “Disaster Relief,” Northern Command has, in the course of the last two years, defined a mandate in the eventuality of a public health emergency or a flu pandemic. The emphasis is on the militarization of public health whereby NORTHCOM would oversee the activities of civilian institutions involved in health related services. (Michel Chossudovsky, “H1N1 Pandemic: Pentagon Planning Deployment of Troops in Support of Nationwide Vaccination,” *Global Research*, July 31, 2009)

They wouldn’t do that, would they?

Since his inauguration in January, President Barack Obama’s administration has continued the repressive policies of the Bush regime. From warrantless wiretapping to corporate giveaways, and from presidential signing statements and the indefinite detention of “terrorism” suspects to the escalation of imperialist adventures in Afghanistan and Iraq, like Bush, the Obama administration represents the continuity of policies across a narrow bipartisan political spectrum, designed to bolster the national security state.

Moves to implement quarantine regulations and Pentagon plans to assume control during a national public health emergency are clear signs that democratic decision-making processes in the United States are growing weaker by the day.

Tom Burghardt is a researcher and activist based in the San Francisco Bay Area. In addition to publishing in *Covert Action Quarterly* and [Global Research](#), his articles can be read on [Dissident Voice](#), [The Intelligence Daily](#), [Pacific Free Press](#) and the whistleblowing website [Wikileaks](#). He is the editor of *Police State America: U.S. Military “Civil Disturbance” Planning*, distributed by [AK Press](#).

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