

# Police State America - A Look Back and Ahead

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Year end is a good time to look back and reflect on what's ahead. If past is prologue, however, the outlook isn't good, and nothing on the horizon suggests otherwise. Voters last November wanted change but got betrayal from the bipartisan criminal class in Washington. Their attitude shows in an October Reuters/Zogby (RZ) opinion poll with George Bush at 24% that tops Richard Nixon's worst showing of 25% at his lowest 1974 Watergate point. And if that looks bad, consider Congress with "The Hill" reporting from the same RZ Index that our legislators scored a "staggering 11%, the lowest (congressional) rating in history," but there's room yet to hit bottom and a year left to do it. Why not with lawmakers' consistent voter sellout and failure record that keeps getting worse.

It's been that way ever since 9/11 with both sides of the aisle complicit with the administration. This article looks back at the record, and year end is a good time to review it. It's hard imagining another as bad with a President defiling the law and once telling Republican colleagues the Constitution is "just a goddamned piece of paper."

He didn't just say it. He governs by it, gets away with it, and former Defense Department analyst Daniel Ellsberg, of Pentagon Papers fame, says "a coup has occurred (with another to come from) the next 9/11....that completes the first (that's) seen a steady assault on every fundamental (aspect) of our Constitution (to create) an executive government (to rule by decree" no different from a police state.

Author Naomi Wolf spells it out in her April, 2007 Guardian article - "Fascist America, In 10 Easy Steps." In it, she argues the Bush administration is following the same script any "would-be dictator must take to destroy constitutional freedoms," and she lists them. They range from "invoking a terrifying internal and external enemy" to "creat(ing) a gulag" to spying on everyone to harassing opposition to controlling the media to calling dissent treason to "suspend(ing) the rule of law." She also notes how much "simpler" it is to shut down democracy than "to create and sustain" it, and that's today's threat.

It's not with jackboots in the streets but by a steady "process of erosion" with the public largely unaware and distracted by media mind manipulators. It's happening today, and Wolf sounds the alarm with the words of James Madison saying "The accumulation of all powers, legislative, executive, and judiciary, in the same hands....is the definition of tyranny," and that's the condition now in America. This article reviews the record for the past seven years. It's not pretty.

Even the Archbishop of Canterbury, Rowan Williams, (unlike every Pope in memory) condemned it in a wide-ranging UK Muslim magazine interview. It was quoted in a November 25 Sunday Times column headlined "US is 'worst' imperialist" and wields its power more reprehensibly than Britain ever did in its heyday. He explained that American

overseas adventurism led to “the worst of all worlds” and expressed pessimism about the current state of western civilization and Washington’s own misguided sense of mission.

He critiqued the “war on terror” and stated America lost the moral high ground post-9/11 and needs to launch a “generous and intelligent programme of aid to the (nations it) ravaged;....check (its) economic exploitation of defeated territories” and demilitarize them. He called the West fundamentally adrift and our “definition of humanity (isn’t) working.” He denounced America’s violence and belief it can solve problems left for “other people (to clean up and) put....back together – Iraq, for example.” Another is the condition at home.

Since taking office in January, 2001, George Bush signed a blizzard of Executive Orders and attached dozens of “signing statements” to hundreds of law provisions even though nothing in the Constitution allows this practice, and the Supreme Court banned line-item vetos. He continues to do it while Congress and the courts condone his claiming unconstitutional “unitary executive” authority to ignore the law and do as he pleases in the name of “national security” on his say alone.

It began on 9/11 when George Bush addressed the nation and declared a “war on terrorism,” asked for world support to win it, and began what became “our government’s emergency (preventive war strategy) response plans.” The scheme was to ignore the law, go to war, and destroy our civil liberties to keep us safe from “rogue states, ‘bad guys,’ and evil-doers” throughout an “arc of instability” from the South American Andean region (mainly Colombia) to North Africa through the Middle East to the Philippines, Indonesia and elsewhere in Asia. Congress as well acted right out of the box with two audacious resolutions that surrendered its authority to the executive, allowed him to proceed, and signaled what would come.

The first one came September 18, 2001 in a joint “House-Senate Authorization for Use of Military Force (AUMF)” that authorized “the use of United States Armed Forces against those responsible for the recent attacks launched against the United States.” A second followed in the October, 2002 “Joint Resolution to Authorize the Use of the United States Armed Forces Against Iraq,” and the rest is history. This article reviews other key congressional legislation to the present along with George Bush’s blatant abuse of presidential power.

His first action came November 13, 2001 when he issued Military Order Number 1 that one analyst called a “coup d’etat,” and “watershed moment in (the) country,” that was a hint of what would follow. This order violated the spirit and letter of a civil society under constitutional law with a firewall separating it from the military. No longer, and it got worse later on when its provisions resurfaced by act of Congress. That’s discussed below. First, Military Order Number 1 and what’s in it:

- it let the President usurp authority to capture, kidnap or otherwise arrest any non-citizens (and later citizens as well) anywhere in the world if he claims they’re involved in international terrorism and to hold them indefinitely without charge, evidence or allowing them due process in a court of law.

- however, IF trials are allowed, they would be by special ad hoc “military commissions,” not civil courts and in secret, with evidence obtained by torture allowed, those found guilty given no right of appeal, and they can be secretly executed.

- no civil court has authority in these cases even if victims are identified and

legal counsel wishes to represent them.

Few knew then that on November 13, 2001 US citizens lost their civil liberties, but that would come out later on. It's still ongoing with Congress and the courts complicit in the willful destruction of our democracy that was already on life support. Today, it's gone.

### **Use of National Security ((NSPDs) and Homeland Security Presidential Directives (HSPDs)**

In the Bush administration, NSPDs replaced the Presidential Decision and Review Directives under Bill Clinton and others under different names since the Kennedy administration began the practice. Earlier ones remain in force unless superseded. They're much like Executive Orders (EOs) with the "full force and effect of law," relate to national security, and for that reason remain classified unless or until made public. In seven years, George Bush issued dozens of NSPD's that are too many to review as well as over 20 Homeland Security Presidential Directives (HSPDs). A few key ones are discussed below.

The October 25, 2001 NSPD-9 deserves special note and was titled "Defeating the Terrorist Threat to the United States." On March 23, 2004, Donald Rumsfeld gave this explanation of its classified contents to the 9/11 Commission:

- "To eliminate the Al Queda network;
- To use all elements of national power to do so — diplomatic, military, economic, intelligence, information and law enforcement;
- To eliminate sanctuaries for Al Queda and related terrorist networks — and if diplomatic efforts to do so failed, to consider additional measures."

On April 1, 2004, the White House released this statement on the directive:

The NSPD called on the Secretary of Defense to plan for military options "against Taliban targets in Afghanistan, including leadership, command-control, air and air defense, ground forces, and logistics (along with similar efforts) against Al Queda and associated terrorist facilities in Afghanistan."

Here's the problem. The administration adopted these measures on September 4, 2001, seven days before 9/11. George Bush then signed them into binding law in NSPD-9 on October 25, 2001 to conceal when they originated.

Other important NSPDs relate to:

- combatting WMDs;
- developing and deploying an anti-ballistic missile defense that's for offense, not defense;
- biodefense;
- deploying nuclear weapons and domestic nuclear detection;
- the Iraq war;

— a national space policy as part of the goal for “full spectrum dominance” over all land, surface and sub-surface sea, air, space, electromagnetic spectrum and information systems to deter any domestic or foreign threat or challenge to our global hegemony; and,

There’s one other crucially important combined NSPD-HSPD:

NSPD-51/HSPD-20 on April 4, 2007 – National Security and Homeland Security Presidential Directive

This is a combined directive from the White House and Department of Homeland Security (DHS) to establish “Continuity of Government (COG)” procedures under a “Catastrophic Emergency” defined as follows:

“any incident (such as a terrorist attack), regardless of location, that results in extraordinary levels of mass casualties, damage, or disruption severely affecting the US population, infrastructure, environment, economy, or government functions.”

COG is then defined as:

“a coordinated effort within the Federal Government’s executive branch to ensure that National Essential Functions continue to be performed during a Catastrophic Emergency.”

Crucial to understand is that this combined directive gives the President and DHS unprecedented powers free from constitutional constraints. Under NSPD-51, the President can declare a “national emergency” and declare martial law without congressional approval. It allows him to create a de facto militarized police state with him as dictator and DHS as a national Gestapo to an even greater degree than it is already. It also empowers the Vice-President to implement the directives’ provisions as part of the “Continuity of Government” plan that in the case of Dick Cheney gives him even more power than George Bush the way this administration operates. This combined directive alone is the face of “police state America” in real time if it’s implemented, and it wasn’t likely enacted as window dressing. But there’s lots more besides.

Other HSPDs relate to:

- combatting “immigrant terrorism;”
- a national response plan to domestic incidents;
- critical infrastructure identification, prioritization, and protection;
- national preparedness;
- comprehensive terrorist-related screening procedures;
- domestic nuclear detection; and others.

## **Congressional Legislation After 9/11**

Post-9/11, Congress acted in lockstep with the President and continues to pass laws any despot would love. Written, on the shelf, and ready to go long before 9/11, the USA Patriot

Act was passed and signed by the president 45 days later on October 26, 2001. The legislative process capitalized on a window of hysteria to grant unchecked powers to the executive but created three grave civil liberties threats in the process:

- the erosion of Fifth and Fourteen Amendment due process rights by permitting indefinite detentions of undocumented immigrants that can now apply to anyone anywhere in the world; more on that below;
- the First Amendment loss of freedom of association that the Supreme Court considers an essential part of free expression; now anyone may be charged and prosecuted because of his or her claimed association with an “undesirable group;” and
- loss of the Fourth Amendment right to be free from unreasonable searches and seizures, and as a consequence, the loss of privacy; the Act grants the administration unchecked surveillance powers to access personal records; monitor financial transactions; student records; conduct “sneak and peak” searches through “delayed notice” warrants; authorize roving wiretaps; track emails, internet and cell phone use; use secret evidence in prosecutions; deny immigrants the right to counsel if they’re unable to get their own; and ends built-in safeguards to let domestic criminal and foreign intelligence operations share information so CIA can now spy domestically.

The Act also creates the federal crime of “domestic terrorism” that broadens the definition and applies to US citizens as well as aliens. It states criminal law violations are considered domestic terrorist acts if they aim to “influence (government policy) by intimidation or coercion (or) intimidate or coerce a civilian population.” By this definition, anti-war or global justice demonstrations, environmental activism, civil disobedience and dissent of any kind may be called “domestic terrorism.” The Patriot Act was just for starters. Much more was ahead with a bipartisan Congress acting like a gift that keeps on giving and the President loving it.

The Homeland Security Act (HSA) of November 25, 2002 followed as a sweeping new anti-terrorism bill, and like the Patriot Act, was planned long before 9/11. It created the Department of Homeland Security (DHS) by combining previously separate government agencies under this new authority to prepare for, prevent and respond to domestic emergencies and give the federal government broad new powers to protect the nation within and outside our borders. In March, 2003, its largest investigative and enforcement arm was then established – the US Immigration and Customs Enforcement agency (ICE). It was charged with protecting public safety by identifying and targeting “criminal” and “terrorist” threats to the country who in most cases are NAFTA and globalized trade victims here out of need, not choice, and who aren’t terrorists.

DHS is part of the administration’s plan to centralize unprecedented military and law enforcement power in the executive branch that aims for greater global dominance – to rule the world unchallenged including repressively at home by suppressing civil liberties in the name of “national security.” DHS and USA Patriot Act are two frightening measures to do it.

DHS is insidious. It encroaches on local authority by “mandat(ing) federal supervision, funding, and coordination of ‘local first responders.’ ” This refers to police and “emergency personnel” comprising local law enforcement. The Homeland Security Act (HSA) doesn’t mandate local control. Instead, it provides coordination and guidance as a first step

measure with more to come. That's why US Northern Command (USNORTHCOM) was established in October, 2002 as an unprecedented move to militarize the mainland plus Alaska, Canada, Mexico, Gulf of Mexico and Straits of Florida and, for the first time ever, allow troops to be deployed on US streets to counter drugs, an "insurrection" loosely defined, and combat crimes with nuclear, chemical or biological weapons. In other words, the President may now deploy military forces on US streets in the interest of "national security." This power is unprecedented and dangerous.

So is another affecting everyone. It's largely below the radar since it was scheduled to be fully operational in late September, 2006. It's the Pentagon's New Offensive Strike Plan called the Joint Functional Component Command for Global Strike and Integration - or simply Global Strike Command. It grew out of the 2002 Nuclear Posture Review (NPR) that was updated more belligerently in early 2006. NPR is a declaration of preventive war on any nation, group or force anywhere on earth the administration calls a "national security" threat and could be used by NORTHCOM against US-based targets along with a HSA crackdown if martial law is declared.

HSA goes further still by creating a sweeping domestic intelligence agency called the Directorate of Information Analysis and Infrastructure Protection. It's to create and maintain an all-inclusive intrusive public and private information data base on everyone. It can include virtually everything - financial transactions and records, medical ones, emails, phone calls, purchases, books and publications read, organization memberships, and any other personal habit or pattern.

USA Patriot Act and HSA end the distinction between foreign and domestic intelligence gathering and, up to now, the sacrosanct firewall between them. They also no longer allow "critical infrastructure information" from a federal agency to be disclosed through a FOIA request as part of an official policy of secrecy characteristic of police states. There's much more in both Acts as well that's frightening, dangerous and unknown to the public. In sum, they end constitutional protections whenever the executive suspends the law in the name of "national security." That's how "police state America" works that's hidden from public view.

### **The Detainee Treatment Act of 2005**

Torture is official state policy for the Bush administration as its preferred means of intimidation, retribution and social control. The McCain Detainee (anti-torture) Amendment in October, 2005 was a futile effort to deter it. It was passed and weakened by the Graham-Levin Amendment, became the Detainee Treatment Act of 2005, and was attached to the 2006 Defense Department's Appropriations Act. George Bush signed the legislation after which he gutted its provisions relating to detainees in one of his notorious "signing statements." Its language gave himself the right (irrespective of the law) to "protect the American people from further terrorist attacks" using all his self-given powers as a "unitary executive" that places him above the law, Congress, the courts, the people, and world public opinion.

The legislation's final form went further as well. It denied detainees habeas rights, let US forces use any cruel, abusive, inhumane or degrading treatment in the interests of "national security," prohibited detainees from bringing suits as a result, and allowed statements gotten coercively to be used as evidence against them. It also followed previous policies as far back as September 17, 2001 when George Bush signed a secret "finding" authorizing CIA



to kill, capture and detain “Al Qaeda” members anywhere in the world, rendition them to black site torture-prisons for interrogation, and obtain it by any means. From then to now, torture and abuse of anyone have been standard operating procedures for the Bush administration with complicity from Congress and the courts.

### **Other Repressive Legislation and More**

The 107th, 108th, 109th and 110th Congresses will be remembered for likely having done more than all others before them to defile the rule of law and our constitutional protections. They conspired with a rogue administration, wrecked the republic, and for the 109th Congress, October 17, 2006 stands out shamelessly as a day that will live in infamy.

### **The Military Commissions Act**

In a White House ceremony, George Bush signed the Military Commissions Act (MCA) now known as “the torture authorization act,” but it’s more far-reaching than that. It grants the administration extraordinary unconstitutional powers to detain, interrogate and prosecute alleged terror suspects and anyone claimed to be their supporters. It also lets the President call anyone anywhere in the world an “unlawful enemy combatant” and empowers him to arrest and incarcerate those accused indefinitely in military prisons without needing corroborating evidence proving guilt. The law states for persons detained that “no court, justice, or judge shall have jurisdiction to hear or consider any claim or cause for action whatsoever.... relating to the prosecution, trial, or judgment of a military commission....including challenges to the lawfulness of procedures of military commissions.”

MCA further scraps habeas protection (dating back to 1215 in the Magna Carta) for domestic and foreign enemies of the state, citizens and non-citizens alike, and says “Any person is punishable... who....aids, abets, counsels, commands, or procures” and in so doing helps a foreign enemy, provides “material support” to alleged terrorist groups, engages in spying, or commits other offenses previously handled in civil courts.

Other key elements of the act include:

- legalizing torture against anyone and lets the President decide what procedures can be used on his own authority;
- denying detainees international law protection and lets the executive interpret it;
- empowering the President to convene “military commissions” to try anyone he designates an “unlawful enemy combatant,” and hold them in secret detention indefinitely;
- denying speedy trials or any at all;
- allowing evidence obtained by torture or coerced testimony to be used against detainees in trial proceedings;
- permitting hearsay and secret evidence to be used; and
- denying due process, destroying human dignity, mocking the rule of law, and establishing the principle of kangaroo court justice for anyone the executive targets.

## **Revising the 1807 Insurrection Act and Ending 1878 Posse Comitatus Protection**

Also on October 17, 2006, the president privately signed into law a hidden provision in Sections 1076 and 333 of the John Warner National Defense Authorization Act for Fiscal Year 2007. It amended the Insurrection Act of 1807 and Posse Comitatus Act of 1878 that prohibit using federal and National Guard troops for law enforcement inside the country except as constitutionally allowed or expressly authorized by Congress in times of a national emergency like an insurrection. The executive can now claim a public emergency, effectively declare martial law, suspend the Constitution for “national security,” and deploy federal and National Guard troops on the nation’s streets to suppress whatever he calls disorder. That means First Amendment-guaranteed peaceful public demonstrations and all organized acts of dissent are no longer constitutionally protected. Neither is the republic in “police state America.”

The new law also authorizes the Pentagon to transfer state-of-the-art crowd control weapons and technology to state and local responders. It’s to militarize them and blur the distinction between federal and local law enforcement agencies as an operational police state tactic.

### **The Real ID Act of 2005**

Congress passed the Act that threatens personal privacy, it’s scheduled to become effective in May, 2008, and it will require states to meet federal ID standards if it takes effect next spring. That’s now in question as two dozen or more states passed laws prohibiting its use and refused to fund it.

The federal law mandates that every US citizen and legal resident have a national identity card that in most cases will be a driver’s license. It requires that it contain an individual’s personal information and means this ID will be needed to open a bank account, board an airplane, be able to vote, or conduct virtually any other essential type business.

In the future, the law may also require that the card contain a radio frequency identification (RFID) technology computer chip that will be able to track all movements, activities and transactions of everyone, everywhere, at all times. In other words, with this technology embedded, the card will become an empowered police state dream (and an Orwellian nightmare) to be able to monitor everyone having one all the time wherever they are.

However, growing state opposition to the law puts its status in doubt. It’s because it’s costly to establish and administer and will create a bureaucratic nightmare besides. It thus looks likely it won’t be adopted in its current form, but it may be revised and reintroduced, so don’t yet count this one out as some are ready to do. As of now, measures have been introduced in the House and Senate to repeal it by adopting national ID standards in other legislation and increase federal funding for it. So going forward, the issue of mandating national ID measures is very much alive. It looks like something on it will emerge as federal law going forward, but the cure may be worse than the disease if states adopt it to give “police state America” another repressive tool.

### **Pervasive Spying on Americans**

Under George Bush, spying is a national pastime, but it’s no joke. The New York Times reported on December 16, 2005 that his administration had been secretly spying on Americans without warrants since late 2001. He authorized the National Security Agency



(NSA) to intercept international communications of US citizens with known links to Al Qaeda, related “terrorist” organizations, or for any other reasons at its discretion. The operation was called the “Terrorism Surveillance Program.”

It made no difference to the administration that wiretapping without probable cause or judicial oversight violates Fourth Amendment protections and the 1978 Foreign Intelligence Surveillance Act (FISA). In the current atmosphere, the rule of law is out the window, Congress and the courts condone it, and that’s the problem.

It surfaced again when Congress passed the Protect America Act of 2007 that amends FISA with doublespeak language Orwell would love. It supposedly aims to close “communication gaps” but will allow virtual unrestricted mass data-mining monitoring and intercept of domestic and foreign internet, cell phones and other new technology as well as transit international phone call traffic and emails. The Act claims to restrict surveillance to foreign nationals “reasonably believed to be outside the United States” and must be renewed. In fact, the law targets everyone including US citizens inside the country if the Attorney General or Director of National Intelligence claim they pose a potential terrorist or “national security” threat, but no evidence is needed to prove it.

This law allows virtual unrestricted warrantless spying of anyone for any claimed “national security” reason. It thus renders the notion of illegal searches and privacy rights null and void. But that already went on earlier post-9/11 through other unconstitutional speech-related monitoring activities. One was the short-lived Operation TIPS that was dropped when civilian informers refused to be spies. Then, there was the Pentagon’s Total Information Awareness (TIA), later renamed Terrorism Information Awareness, that was also ended under pressure but resurfaced in new form so illegal military spying continues. The Threat and Local Observation Notice (TALON) program was part of it to collect domestic intelligence through a huge database focused on “terrorism” that means everyone legally opposing Bush administration practices is targeted.

MATRIX is another new data mining tool that stands for the Multistate Anti-Terrorism Exchange Program. It violates our privacy by mass monitoring the lives and activities of ordinary people on the pretext of learning whether they may be engaging in any type terrorist or criminal activity.

Privacy isn’t mentioned in the Constitution, but Supreme Court decisions affirmed it as a fundamental human right. In addition, it’s protected under the Ninth Amendment, the Third prohibiting quartering troops in homes, the Fourth prohibiting unreasonable searches and seizures, and the Fifth safeguarding against self-incrimination. MATRIX and other intrusive laws violate the letter and spirit of the law and permits Patriot and HSA justice in “police state America.”

### **Executive Orders Issued by George Bush**

George Bush loves big numbers. They show up in budgets and spending, in his number of signing statements to congressional legislation, and in over 250 Executive Orders (EOs) in almost seven years. A key one is reviewed below.

July 17, 2007 Executive Order (EO): Blocking Property of Certain Persons Who Threaten Stabilization Efforts in Iraq

The US Constitution has no provision that gives a President power to make new law through one-man executive order decrees. That never deterred others in the past from issuing them, but none ever abused this practice more than George Bush who's issued over 250 of them thus far with more sure to come.

This one on July 17 is especially egregious but right in character for a President who disdains the law and shows it. It starts off: The President's power stems from "the authority vested in me as President by the Constitution and the laws of the United States of America" as well as the International Economic Powers Act he also invokes.

The order continues: "....due to the unusual and extraordinary threat to the national security and foreign policy of the United States posed by acts of violence threatening the peace and stability of Iraq and undermining efforts to promote economic reconstruction and political reform in Iraq and to provide humanitarian assistance to the Iraqi people," George Bush, in fact, unconstitutionally usurped authority to criminalize the anti-war movement, make the First Amendment right to protest it illegal, and empower himself to seize the assets of persons violating this decree.

By this action, the President again, on his own authority, violated the Constitution, criminalized dissent, and moved the nation another step closer to tyranny in "police state America."

### **Secrecy As Policy under George Bush**

In November 1, 2001, George Bush signed Executive Order 13233: Further Implementation of the Presidential Records Act. In so doing, he established an official administration policy of secrecy in violation of the 1978 Presidential Records Act, the 1974 Freedom of Information Act, and James Madison's 1822 warning that "A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or perhaps both." He also violated the Supreme Court's 1977 decision in *Nixon v. Administrator of General Services* that ruled "executive privilege" is subject to "erosion over time" after a president leaves office, and Congress decided that little or none of an executive's communications with his advisors should remain secret after 12 years.

Secrecy threatens democracy because it avoids accountability and empowers an imperial president way beyond issues of national security that are justifiable. On his own authority, George Bush placed limits on presidential records, the Freedom of Information Act, and a free and open society by giving himself the power to classify information for national security and create a whole new array of categories called "sensitive" information that includes anything he so designates. The result is that classified information doubled since 2001 and efforts to declassify material was stopped by invoking the "State Secrets" privilege to avoid court challenge. These actions characterize police states and represent another threat to a free and open society under an administration that disdains the law and operates freely without constraint.

### **The Animal Enterprise Terrorism Act (AETA)**

On November 27, 2006, George Bush signed AETA into law to amend the Animal Enterprise Protection Act of 1992. The new Act has broad and vague language to criminalize First Amendment activities advocating for animal rights like peaceful protests, leafleting, undercover investigations, whistleblowing and boycotts. It shows how out of hand things

have gotten with animal protection advocacy now a crime.

Under the old law, anyone convicted of a physical disruption causing \$10,000 in damages to an animal enterprise was subject to a \$10,000 fine or 10 years to life imprisonment. The new AETA is even harsher with penalties far exceeding comparable offenses under other laws. It expands the original Act by changing activity “for the purpose of causing physical disruption” to actions “for the purpose of damaging or disrupting” an animal enterprise. In this case, “disruptive” means any activity that results in “losses and increased losses” over \$10,000 by peaceful protests for consumers boycotts, advocating harmful practice reforms, or a whistleblower doing the same things.

The Act also goes further. It allows for expanded surveillance of animal rights organizations to include criminal wiretapping and makes it easier for a court to find probable cause for the vague crime of economic damage or disruption than for one requiring hard evidence a person or group plans to commit these acts.

The bill exempts “lawful public, governmental or business reaction to the disclosure of information about an animal enterprise,” but that provision only applies to economic disruption claims, not damage and makes it hard to distinguish between the two. In addition, AETA:

- expands the kinds of facilities covered by adding ones that use or sell animals or animal products;
- it covers any person, entity or organization with a connection to an animal enterprise;
- it applies to any form of advocacy;
- it criminalizes threatening conduct and protected speech as well as communication with individuals who engage in these practices; and
- it potentially includes any form of communication such as emailing across state lines to boycott abusive animal activities;
- it protects corporate animal abusers with a vested interest in silencing dissent; and
- it effectively singles out any form of civil disobedience or protest activity and brands animal advocates as terrorists even when nothing they do causes physical harm; even worse, the bill’s language is so broad and vague it’s hard to know the difference between legal and illegal behavior; this Act is another nail in the coffin of free expression, the rule of law in a free society, and the right of everyone to be protected by law, not targeted by it.

### **The Violent Radicalization and Homegrown Terrorism Prevention Act of 2007 (HR 1955)**

The House overwhelmingly passed this measure on October 23 that some observers call “the thought crime prevention bill.” It’s now in the Senate (S 1959) where if passed and signed by George Bush will establish a commission and Center for Excellence to study and take action against “thought criminals.” The commission will be empowered to subpoena and investigate anyone that will automatically create a perception of guilt that may be

highlighted in the media for added emphasis.

This Act is a direct assault on democratic freedoms in the current atmosphere with both parties and a President determined to end them. The bill's language hides its possible intent as "violent radicalization" and "homegrown terrorism" may be whatever the administration says they are. "Violent radicalization" is defined as "adopting or promoting an extremist belief system (to facilitate) ideologically based violence to advance political, religious or social change." "Homegrown terrorism" is used to mean "the use, planned use, or threatened use, of force or violence by a group or individual born, raised, or based and operating primarily within the United States or any (US) possession to intimidate or coerce the (US) government, the civilian population....or any segment thereof (to further) political or social objectives."

This and other repressive laws may be used against any individual or group with unpopular views – those that differ from established state policy, even illegal ones, and historian Howard Zinn is concerned. He says: "This is the most recent of a long series of laws passed in times of foreign policy tensions, starting with the Alien and Sedition Acts of 1798, which sent people to jail for criticizing the Adams administration." Under Woodrow Wilson in WW I, "the Espionage (and) Sedition Act(s) (jailed) close to a thousand people (who spoke) out against the war." From HR 1955 and other post-9/11 laws, authorities now have the same power to target anti-war protesters or anyone expressing views this Act alone calls "terrorist-related propaganda." Persons charged and convicted face stiff penalties in an effort to deter others. This measure is still another step toward full-blown tyranny in "police state America."

### **Sections 1615 and 1622 of the 2008 Defense Authorization Act**

These provisions authorize DOD to militarize the country under martial law by merging the military with state and local law enforcement during a national emergency described as "an incident of national significance or a catastrophic incident." It also gives the Defense Secretary extraordinary power to determine what military capabilities are needed, to provide them to "active (and) reserve components of the armed forces for homeland defense missions, domestic emergency responses, and (to provide) military support to civil authorities (for) at least five years."

The Act designates the Joint Chiefs of Staff Chairman to review NORTHCOM civilian, reservist and military positions and increase their number in preparation for a potential catastrophic event requiring "homeland defense missions, domestic emergency response, (and the need for) military support to civil authorities."

Section 1622 then establishes a Council of Governors to advise the Secretaries of Defense and Homeland Security and the White House "on matters related to the National Guard and civil support missions."

The Act is more proof of "police state America." It establishes a martial law apparatus to be used in case of a "catastrophic event" of any kind and empowers the President or Vice-President under NSPD-51 to implement it in a "national emergency" without congressional approval.

### **Operation FALCON - Police State America in Real Time**

Mike Whitney won a 2008 Project Censored Award for his February, 2007 article titled "Operation FALCON and the Looming Police State." In it, he reported that the Bush administration "carried out three massive sweeps in the last two years, rolling up more than 30,000 minor crooks and criminals" that he calls a "blueprint for removing dissidents and political rivals" reminiscent of Nazi Germany or any other repressive police state. Those chickens now reside at home, but the public is largely unaware and unconcerned. We all should be as Whitney raises a "red flag for anyone who cares at all about human rights, civil liberties, or simply saving his own skin."

Operation FALCON stands for "Federal and Local Cops Organized Nationally" and came out of the Bush Justice Department and right-wing think tanks "where fantasies of autocratic government have a long history" and are now playing out in real time. The scheme centralizes power in Washington and uses resources of local authorities for its own purposes.

Whitney traces its short history starting in the week of April 4 - 10, 2005 when over 10,000 criminal suspects were arrested in "the largest criminal sweep in the nation's history" in a "single initiative." Its aim was "quantity," not "quality," but Whitney asked why did the Feds get involved in local police work and suggested something more sinister was involved "than just ensuring public safety." His answer - "to enhance the powers of the 'unitary' executive" by giving Washington power over local law enforcement, and that makes perfect sense under an administration obsessed with wanting unchallengeable control.

Operation FALCON II followed a week later from April 17 - 23 and swept up another 9037 "alleged fugitives." The final FALCON III came from October 22 - 28, 2006 with 10,773 more arrests. Each sweep was the same and concentrated on alleged criminal types out of character for a federal operation, so clearly another motive was involved. Further, no one arrested was charged with a terrorist-related crime, and that alone looks fishy. Whitney thought so and called FALCON "new drills for a new world order" that's waging permanent war, defiles the law, ignores checks and balances, condones torture, repealed habeas, and illegally spies on everyone.

### **Muslim and US Immigration and Customs Enforcement agency (ICE) Sweeps**

As FALCON targeted petty crooks and criminals, Muslims are the administration's main "war on terrorism" victims. Post-9/11, thousands were mercilessly harassed and persecuted through mass witch-hunt roundups, detentions, prosecutions and deportations. Their assets were frozen, and legal immigrants among them were subjected to secret federal immigration court status hearings where those found guilty of minor past infractions were illegally held or returned to their countries of origin where they faced possible arrest and torture.

Others fared even worse and became political prisoners. Professor Sami Al-Arian was one of them because of his faith, beliefs and activism. Palestinian refugee, scholar, academic, community leader, civic activist, and freedom and justice advocate for his people made him a Bush administration target. His ordeal began when he was arrested in February, 2003 and unjustly charged with supporting terrorism, conspiracy to commit murder, racketeering, giving material support to an outlawed group, extortion, perjury and other offenses proved spurious in his subsequent trial in which he was exonerated. Yet he remains imprisoned under harsh conditions as the Bush Justice Department finds ways to hold him.

Another victim was Dr. Rafil Dhafir, a Muslim American of Iraqi descent and practicing oncologist until his license was suspended. He was convicted in a shameless kangaroo court trial of 59 of 60 trumped up charges of violating the Iraqi Sanctions Regulations (IEEPA) for using his own funds and what he could raise through his Help the Needy charity to bring desperately needed essential to life humanitarian aid to Iraqis under sanctions. He's now serving a 22 year sentence in a special Terre Haute, IN "Communications Management Unit" (CMU) for Muslims and Arabs for his "crime of compassion" (see dhafirtrial.net, Katherine Hughes) where he, like Sami Al-Arian, is a Bush administration "trophy" prisoner in the "war on terrorism."

Undocumented Latino immigrants have also been targeted with ICE shock troops mandated to do it. The agency was established in March, 2003 as the largest DHS investigative and enforcement arm and charged with protecting the public safety by identifying and targeting "criminal" and "terrorist" threats to the country. In most cases, they're innocent victims of NAFTA and globalized trade coming north to survive. ICE heads them off at the border, hunts them down ruthlessly once they're here, and boasts how well their multi-billion dollar budget lets them conduct a reign of terror against vulnerable people.

Workplace assaults continue, and on October 3, ICE said it swept up and deported (or will deport) more than 1300 "criminal aliens, immigrations fugitives, and immigration violators" in the "largest-ever" operation of its kind in the Los Angeles area. Most were Mexican nationals, but some were from 30 other countries, and ICE called them "immigration violators." They're Bush administration targets in its "war on terrorism" that soon may come for us.

### **Police State America Preparations**

Today, dissent is an endangered species, and preparations are underway for mass detentions in the "war on terrorism" targeting anyone seen as a threat. Halliburton is the beneficiary with a DHS contingency contract worth nearly \$400 million to build US-based camps for "detention and processing" in case of an "emergency influx of immigrants....or to support the rapid development of new programs (for planned) expansion facilities (for anyone with capacity for 5000 or more persons)."

This language is cover for planned US-based concentration camps for anyone labeled an enemy of the state or threat to "national security." The plan is clear - to have facilities in place if martial law is declared with plenty of reasons to fear it's coming. Why else these camps and why all the repressive laws, EOs, NSPDs, and HSPDs put in place if they weren't for a purpose.

The Pentagon is also ready with a DOD action plan called "Strategy for Homeland Defense and Civil Support." It envisions an "active, layered defense" both within and outside the country that pledges to "transform US military forces to execute homeland defense missions in the....US homeland." It lays out a strategy for increased reconnaissance and surveillance to "defeat potential challengers before they threaten the United States." It also "maximizes threat awareness and seizes the initiative from those who would harm us."

These are ominous developments that suggest a likely real or contrived homeland terror attack severe enough to warrant suspending the Constitution and declaring martial law with the public acquiescing out of fear. If it comes, anyone may be targeted as a "national security" threat, indefinitely detained in a camp, and no evidence is needed for proof. The



state and military will be empowered by law to act preventively through mass roundups and detentions that appears the reason for three test-run FALCON operations.

Full-scale militarization of the country is already lawful under the 1988 Reagan administration's "national security emergency" EO 12656. It was meant for "Any occurrence, including natural disaster, military attack, technological or other emergency, that seriously degrades or seriously threatens the national security of the United States." "Police state America" has been in the works a long time, and it now may be near the boiling point.

## **The Role of Blackwater USA in Police State America**

Most people know about Blackwater but not how it operates. We better learn because it's coming to a neighborhood near you, and that means trouble. Author Jeremy Scahill wrote the book on the company he calls "the world's most powerful mercenary army" and describes it as a "shadowy mercenary company (employing) some of the most feared professional killers in the world accustomed to operating without worry of legal consequences (and) largely off the congressional radar." It has friends in high places who give it "remarkable power and protection within the US war apparatus" with unaccountable license to practice street violence with impunity to include cold-blooded murder wherever their paramilitaries are deployed.

For now, that's mostly abroad, and controversy surfaced about the company after its mercenaries killed two dozen or more Iraqis and wounded dozens more in al-Nisour on September 16. It was the latest incident involving a company with a disturbing history of unprovoked violence and then claiming self-defense. Blackwater is contracted to provide security services for US diplomats, officials and others that once was assigned to the military at one-sixth or less what the company charges under an administration that believes anything government can do private business does better, so let it whatever the cost.

Using Blackwater and other paramilitaries is part of the scheme to militarize America, and New Orleans is its first test case. Scahill wrote that "about 150 heavily armed Blackwater troops dressed in full battle gear" arrived in the Crescent City right after Katrina hit and spread out into the city's chaos. Others came later. Their cover was to provide hurricane relief, but that was a ruse as local residents still around in the wrong places soon discovered. They patrolled like Gestapo in SUVs with tinted windows and their logo on the back. Others used unmarked cars with no license plates, and relief wasn't their mandate. They came to secure neighborhoods from their legal residents and treat those wanting to return like criminals. They wore flak jackets, carried automatic weapons and had extra guns strapped to their legs. They weren't for show.

Instead of helping hurricane victims, they came as vigilantes to terrorize them and be empowered by federal, state and local authorities to do it. Blackwater USA is the face of paramilitarism on US streets as the "war on terrorism" comes to a neighborhood near you with New Orleans the first test case to see if the company can operate here the way it does in Iraq and get away with it. It's doing it.

More than two years after Katrina, New Orleans is still a disaster zone, and many thousands of its residents are still without homes. Instead of helping them rebuild and restore their lives, federal funds instead go to private mercenaries to protect the privileged from

desperate people needing help. Blackwater is another element in place in “police state America” where the streets of Boston, Boise or Buffalo may one day resemble Baghdad and bring the “war on terror” to the homeland with chilling implications of what that means.

### **A Look Ahead in Police State America**

This article began and will end with the same chilling thought. Its past is prologue, the outlook isn't good in “police state America” under neocon rule that won't appreciably change when the White House has a new occupant in 2009. The nation is at war and laws are in place that end constitutional protections, militarize the country, repress dissent, and our government is empowered to crush freedom and defend privilege from beneficial social change it won't tolerate. It's the price of imperial arrogance we the people are paying, and that won't end until the spirit of resistance gets aroused enough to stop it in our own self-defense. We better hope that happens in time with potentially little of it left.

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