

USA Police State Celebrated as “Defense of Freedom”

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One needs a wicked sense of humor these days to fully appreciate the present moment in American history, as a supposedly free country debates which police state practices to adopt, while ignoring any thought that maybe the United States should not be a police state at all.

For a brief shining moment early on June 1, parts of the USA Patriot Act expired and, miraculously, the republic remained standing. Now the lapsed portions of the USA Patriot Act have been replaced by the [USA Freedom Act](#), and officials from President Obama on down are saying things like “[this will strengthen civil liberty safeguards](#),” when the real accomplishment has been an effective defense of the USA Police State. Orwell would be proud.

Quickly signing the USA Freedom Act into law on June 2, the President’s first reaction was to complain euphemistically about the brief interruption of some police state powers: “After a needless delay and inexcusable lapse in important national security authorities, my administration will work expeditiously to ensure our national security professionals again have the full set of vital tools they need to continue protecting the country.” [emphasis added]

Having the full set of vital police state tools revitalized, the President then felt free to lie about the achievement and give the people propaganda guidance as to how they should react: “Just as important, enactment of this legislation will strengthen civil liberty safeguards and provide greater public confidence in these programs.”

The danger is exactly that. The danger is that the American people, fear-mongered into accepting the USA Patriot Act in 2001, will now accept the USA Freedom Act as some sort of reform even though it comes nowhere close to defending civil liberties as the Constitution requires. More honored in the breach than in the observance in recent decades, the Constitution remains “the law of the land,” however unenforced it may be:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

– [Amendment IV](#), U.S. Constitution, effective 1791

Do we no longer have the courage of our constitutional convictions?

The recent argument between proponents of the USA Patriot Act and self-styled “reformers” calling for the USA Freedom Act had nothing to do with patriotism or freedom. It had nothing to do with the Constitution as written. It was an extra-constitutional argument about raw power, about which set of police state methods the government should be able to use to spy on and, when necessary, to control the American people. Adoption of the USA Freedom Act largely perpetuates the powers of the USA Patriot Act, but with a kinder, gentler image. The argument over them was as meaningless as debating whether prisoners would be happier exchanging their orange jumpsuits for lavender ones.

The mindless rush to reinstate government police powers undreamed of in the Constitution was a bitterly comic charade of American democracy. Some now celebrate the USA Freedom Act as “a cultural turning point for the nation.” Others condemn the USA Freedom Act as “a significant weakening of the tools” to protect the country. People on all sides claim to “welcome the debate” on national security.

What are these people talking about? Pontificating and posturing, the American leadership class pretends it’s meaningful to debate the merits of competing legislation efforts to corral personal liberty. Covering their totalitarian impulse in the rhetoric of liberty and security, what they are really talking about is how to decide which authoritarian governmental powers to adopt or expand next.

The USA Freedom Act makes no one any safer from the US government than they were under the USA Patriot Act. That law partially lapsed mainly because of the efforts of a lone US senator, Republican Rand Paul of Kentucky. [His filibuster in May](#) and [stalling tactics on May 31](#) briefly prevented the Senate from voting overwhelmingly to maintain the “security” authorities later re-dressed in the empire’s new clothes of the USA Freedom Act. In effect, Rand Paul was pointing out that the empire has no clothes, that it’s a naked police state. But unlike the citizenry in the Hans Christian Andersen fairy tale, most Americans continue to see only what they are expected to see.

Security agencies need more competence, not more power

The drift toward an American police state long pre-dated the 9/11 attacks that could easily have been prevented by competent national security agencies using the powers they had at the time. They had more than enough information to figure out the threat and prevent the attacks, but they were incompetent to do so. President Bush was even briefed by the CIA on the growing likelihood of an attack, but our arrogant putz of a president dismissed the CIA briefer, telling him he’d covered his ass.

Instead of calm resolve in the wake of 9/11, the Bush administration peddled panic and fear to achieve unrelated political goals, like the Iraq war, based on another, deliberate intelligence failure (A CIA-authored book, “The Great War of Our Time,” quotes Bush saying in a briefing: “[F—k diplomacy](#). We are going to war.”). Another post-9/11 failure was the [USA Patriot Act](#), “USA Patriot” being a ten-letter [backronym](#) that stands with unintended irony for the “Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism” Act of 2001. There is no credible evidence that the law has deterred any terrorism.

Elements of police state legislation had already been written before 9/11, after which they were cobbled together and pushed through a fearful Congress by large majorities in both

houses. There were 66 NO votes in the House (including Independent Bernie Sanders of Vermont), but the only senator in opposition was Democrat Russ Feingold of Wisconsin. There was enough constitutional concern in 2001, that sunset clauses were included for constitutionally dubious sections of the USA Patriot Act, but none had any difficulty being renewed until 2015.

A co-sponsor of the “reformist” USA Freedom Act was Vermont Democratic senator Patrick Leahy, the Senate’s longest-serving member and former chair of the Senate Judiciary Committee. He voted for the USA Patriot Act in 2001 and has since [supported its extensions](#), while [attempting to tinker at the periphery](#). With all too unfortunate precision, Leahy calls the USA Freedom Act “the most significant surveillance reform in decades.” That’s a far cry from rolling back police state powers that the lawless NSA continues to exercise without restraint on internet users, [as revealed June 4](#) in documents from Edward Snowden.

Fear still governs reason in considering the USA Police State

Opponents of extreme anti-terrorism laws still don’t talk in terms of a police state. They speak quietly of reform, like Leahy. More forcefully, referring to “this sort of Orwellian surveillance,” Bernie [Sanders wrote in Time](#) recently:

I voted against the Patriot Act every time, and it still needs major reform....

Let me be clear: We must do everything we can to protect our country from the serious potential of another terrorist attack. We can and must do so, however, in a way that also protects the constitutional rights of the American people and maintains our free society.

By contrast, former Florida governor Jeb [Bush said May 31](#), “There is no evidence, not a shred of evidence, that the metadata program has violated anybody’s civil liberties.” That seems to demonstrate that Bush has no understanding at all of what civil liberties are.

Polls reportedly show that the American people are less afraid of terrorism than at any time since 9/11, although what that really means is imprecise. Apparently it means that the American people are appropriately less fearful of angry Islamists, but remain inappropriately unconcerned about [assassin police officers](#), abortion clinic bombers, campus killers, or armed and angry militias. The fearmongers continue to dominate the lack of conversation in the country, as [Glenn Greenwald documents](#) in The Intercept, and it’s bi-partisan:

[Sen. Lindsey Graham](#), R-SC – “We have never seen more threats against our nation and its citizens than we do today.”

[Sen. Diane Feinstein](#), D-CA – “I have never seen a time of greater potential danger than right now and I’ve never said that before.” [[Except she sort of has](#), in 2013]: “I think terror is up worldwide, the statistics indicate that. The fatalities are way up. The numbers are way up. There are new bombs, very big bombs. Trucks being reinforced for those bombs. There are bombs that go through magnetometers. The bomb maker is still alive. There are more groups than ever. And there is huge malevolence out there....”

There was a time when the US was a country that took its cues from a president who told us that “We have nothing to fear but fear itself.” What happened to that country?

Now we have a CIA chief who lies to Congress and the American people, but keeps his job. That's John Brennan, who was [peddling fear on CBS](#) recently:

I think terrorist elements have watched very carefully what has happened here in the United States. Whether or not it's disclosures of classified information or whether it's changes in the law and policies, they're looking for the seams to operate within. And this is something that we can't afford to do right now, because if you look at the horrific terrorist attacks and violence that's being perpetrated around the globe, we need to keep our country safe.

An [FBI official warns](#) ominously of "dark space" where terrorists lurk on the internet. In Boston, a cop-killed suspect has his character assassinated by police reports that he had some connection to ISIS. Fox News promotes the idea that ISIS has recruits in all 50 states. Does anyone mention the sad reality that the best way to reduce terrorist threats in the US is to make the FBI stop organizing plots to entrap people?

Breaking News: Fear is a big winner for the permanent USA Police State.

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