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Authoritarianism Has Quietly Enveloped Every Part of American Life -- We Must Fight Back

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Observing the media frenzy that surrounded last week's Boston marathon bombing and the eventual capture of Dzhokhar Tsarnaev, one thing became immediately clear: the attack gave media elites an opportunity to fully embrace their generally latent authoritarianism. Finally, they could openly and unapologetically align themselves with law enforcement officials, sham "counter-terrorism experts," and whoever else bravely suggested that total surveillance is good and inevitable. (See Tom Brokaw telling [3] viewers that they must now submit to increasingly invasive searches, or Andrea Mitchell uncritically amplifying Tom Ridge's policies when he was head of the Department of Homeland Security as but two of the countless examples.) They could once again act as spokespeople for the government, uniting the country under the banner of American Exceptionalism.

The country's foremost jingoist, Thomas Friedman – the NYT columnist who once indelicately suggested [4] that the Muslim world suck the United States' collective phallus – wrote in his column [5] on April 17th that "cave dwelling is for terrorists." Americans, he countered, live in freedom. The "cave" line's Islamophobia is as obvious as it is repugnant, and should be a reminder that not-so-subtle bigotry towards Muslims is acceptable and rewarded in polite society in this country. His larger point, that the United States will respond to this apparent terrorist attack by remaining a fully open society is either willfully delusional or a product of his privilege; he won't be profiled because of his name or religion.

Privacy, not surveillance, is what must be justified [6] now, though that was true before Boston. The elites either don't see it or simply pretend not to, but the authoritarianism unleashed by 9/11 has become institutionalized, normalized, and ubiquitous. The surveillance state didn't need Boston to implement its policies, though the bombing will certainly be used to accelerate [7] them and further marginalize dissent.

That domestic surveillance will continue to increase – especially with the arrival of drones – was true before [8] Boston. Miranda rights had already been significantly weakened [9] by the Obama DOJ in 2010. US officials already had the ability to wiretap [10] certain Americans without a warrant. Prior to the Boston bombing, US attorneys were fully capable of over-charging [11] activists in computer-based cases as full-on enemies of the state. The FBI and DHS didn't need the Boston bombing to treat Occupy like a terrorist organization [12].

Police departments throughout the country had already been hyper-militarized, thanks to DHS funding in the name of counter-terrorism. And of course Mayors throughout the country didn't need Boston to criminalize peaceably assembling in parks to protest the unconscionable wealth gap in this country, or to deploy their hyper-militarized forces to dislodge those encampments. Anyone who wanted to see what police look like now needed only to watch as tanks rolled through Boston.

The list could go on.

No, the bombing in Boston didn't change the powers the state claims regarding so-called national security measures, because it could already claim virtually any power it wanted. But there's another thing the bombing didn't change: the critiques of those very powers.

Trevor Aaronson's in-depth investigation [13] into the FBI's “manufactured war on terrorism” remains as valuable as ever. The actions of the alleged Boston bombers don't change the fact that nearly every “terrorist” the FBI has captured in a sting operation is an economically precarious, mentally vulnerable outcast with no ability to enact a terrorist plot on his own. Nor does the attack in Boston justify the NYPD's investigation of Ahmed Ferhani [13], a manufactured terrorism case so flimsy even the FBI wanted nothing to do with it.

And the bombing doesn't negate or excuse the disastrous effects that surveilling [14] Muslim communities has on innocent members of those communities. Surveilling innocent Muslims remains as odious and morally repugnant – not to mention counter-productive to the stated aims of identifying dangerous people – as it was on April 14th. That scores of pundits last week implored people not to engage in profiling – without acknowledging that Muslims are constantly profiled by the FBI, NYPD, and others – only underscores how invisible the criminalization of Muslims is.

Republican Rep. Peter King's recent call [15] for law enforcement to “realize that the threat is coming from the Muslim community and increase surveillance there” was the most explicit endorsement of a largely-in-place policy that many Americans would prefer to ignore.

Guantanamo Bay should still be closed down, and the UN High Commissioner on Human Rights' claim that the prison is “in clear breach of international law” still should matter. The hunger strike there, now officially [16] at 84 detainees, remains a problem that the Obama administration must examine and determine how to solve. And though the suggestion [17] by Senators Lindsey Graham and John McCain that Tsarnaev be held in military custody was widely and correctly mocked, the Obama administration has overseen the institutionalization of military commissions at Guantanamo. That alternate legal universe that could very easily be employed by a president in the future, especially in the event of a terrorist attack that more closely resembles 9/11.

The secret law that determines how the executive branch kills US citizens, suspected al Qaeda operatives, and individuals whose identities aren't even known in signature strikes should still be made public to the greatest extent possible. The inappropriately-named targeted killing program should be made more transparent, and should have clear checks and balances put in place. The secrecy under which the Obama administration operates is still contra to democracy, and their war on whistleblowers is as grave a threat as ever.

Those arrested on US soil still should be read Miranda rights immediately [18], and if the “public safety exception” must be invoked it should be for minutes, not hours or days.

People in the United States should still be guaranteed 4th amendment protection against illegal searches, including from the domestic drone expansion that is very likely on the near horizon. As Glenn Greenwald has previously articulated [19], surveillance changes the kind of thoughts you can have. It limits not only what you're willing to say or do, but actually how you think. People under surveillance – or even the presumption of surveillance – self-censor, and are much more likely to conform to accepted orthodoxies.

In a world of assumed total surveillance – a panopticon – dissent is impossible, and therefore renders elected officials even less responsive to those they claim to represent. When – not if – the next Occupy-style social unrest happens, tools that have been sharpened and tested on so-called national security matters will be used against activists, and the crackdown will be spectacular. That phenomenon is already occurring, but will only grow unless there is a massive and concerted push-back.

Most importantly, terrorism is – and should be treated as – a crime, not an act of war. The horrific bombing in Boston ended the lives of three people, physically harmed more than 170 others, and permanently altered the lives of everyone who witnessed the event or knows someone who was hurt. We should do everything to make their recovery as full and immediate as possible. What we should not do is continue to pursue policies that make us all less free, and disproportionately impact Muslims and Arabs.