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Obama's Grave Threat to Democratic Governance

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In the mid-70s, when de-Nixonification was a national priority, a not yet spineless Congress made it possible for Americans to access the files that their government kept on their activities. Over the years, Administrations intent on keeping their foul deeds secret did their best to water down that right. But it has never been rescinded, and is therefore still in effect.

All you have to do, if you think you might have been spied on or otherwise investigated, is request your file — and wait. Then, if you are lucky, in the fullness of time, you will be sent some heavily redacted version of what the authorities have on you.

I am sure that I was not the only one who didn't want to take advantage of this major victory for transparency – not so much because I didn't want to feel violated, but because I was worried that I might not have been under investigation. If I had not done enough good to warrant the government's interest, I didn't want to know about it.

And I didn't want to find myself in the situation of the writer in Bertolt Brecht's heart-rending poem, "The Burning of the Books":

When the Regime commanded that books with harmful knowledge

Should be publicly burned, and on all sides

Oxen were forced to drag cartloads of books

To the bonfires, a banished

Writer, one of the best, scanning the list of the Burned, was shocked to find that his

Books had been passed over.

He rushed to his desk

On wings of wrath, and wrote a letter to those in power,

Burn me! he wrote with flying pen, burn me! Haven't my books

Always reported the truth? And here you are

Treating me like a liar! I command you!

Burn me!

This would not be a concern for anyone today.

Thanks to the Obama-Holder Justice Department — and to the national security wallahs, corporate moguls and techno nerds they work with — everyone nowadays is under surveillance 24/7.

It is therefore no longer an honor to be spied upon, and no one's self-esteem can be put in jeopardy by finding out that the honor has been denied. President Obama *et. al.* accomplished this by cheapening the good to such an extent that it no longer even exists.

On the down side, though, they've shot everybody's privacy to hell.

In Brechtian terms, everybody's books are now being burned.

Well, not burned exactly because that the government is “only” collecting meta-data; not whole libraries, but the information you'd find in card catalogues and in the records librarians keep behind their desks.

The government isn't burning the books yet – just getting them ready.

That is the least bad spin the authorities can put on their spying, now that the news is out; and Obama *et. al.*, along with Congressional Democrats like Dianne Feinstein, are spinning it for all it's worth.

Collecting meta-data doesn't seem quite as onerous as outright eavesdropping. But if the point is to rid the regime of “harmful knowledge” – harmful, that is, to itself — it may be even more

effective, at least in a first run through vast quantities of date. And, when it is not, the bonfire stands ready; it can be lit at any moment.

Book burning, or its functional equivalents, were supposed to be a concern in fascist countries; not in the Land of the Free. Evidently, times have changed – and not for the better.

Without the benefit of hindsight, it would be premature to assign culpability. But enough is sufficiently clear already to make a start.

* * *

Everybody understands that this is no longer the country it was before the attacks on the World Trade Center and the Pentagon twelve years ago, or rather before the reaction to those criminal acts set in.

What is much less clear is what the pivotal changes have been.

To add to the mystery: many of the most egregious concessions to the Dark Side happened early on, during George W. Bush's first term. These would include the establishment through rendition and direct participation of a torture regime, the creation of an extensive gulag of secret prisons, the assault on due process rights and habeas corpus, and (by the standards of the time) the massive extension of foreign and domestic surveillance.

Then there are the countless lesser and greater annoyances initiated by the Department of Homeland Security, a bureaucratic concoction that would have been unthinkable before Bush's first term, but that quickly became the new normal.

However Bush moderated his depredations in the declining years of his presidency, even before Barack Obama was elected to usher in an age of "hope" and "change."

Nevertheless there is a sense that things are getting worse, and that they are worse under Obama even than they were before, and worse still this far into his second term than they were, say, a year ago. How can this be?

To his credit, Obama did repackage the larger of the two lost wars Bush started, the one against Iraq. That was not exactly what those who voted for him expected him to do. But it was a step in the right (or less wrong) direction.

Like other "peace" Democrats – Howard Dean, for example – Obama never had any problem with the other lost war, the one in Afghanistan. So he was happy enough to superintend a "surge" there, and then to give the OK to the hapless General Petraeus, that paragon of military genius, to try some of the "counter-insurgency" nostrums he resurrected from the Vietnam War.

So long as there was still a shred of hope, Obama was determined not to look like a loser. That didn't quite work out, though the Spin Doctors are still trying.

If instead of a Nobel Prize for Peace, they gave one for Saving Face, and if effort counted more than results, Obama might actually deserve one.

But at least he isn't initiating too many new wars; not like Bush did. The worst does seem behind us. And yet, things seem only to have become more hopeless.

Part of the problem is that, once Obama became President, a good part of what might otherwise have turned into a (pale) Left opposition took up cheerleading for the Democratic Party and its Commander-in-Chief instead. When that proved too much to bear, even for them, they devoted themselves to finding excuses for why there is nothing to cheer.

They didn't have far to look – not with a Republican Party hell bent on making Democrats seem the Lesser Evil. There is even an entire cable network, MSNBC, with a nighttime lineup devoted to making fun of Republicans. It is not a hard sell; Republicans are easy prey.

But the excuses ring hollow, and mocking characters drawn from central casting at Morons Are Us gets old quickly, especially when there is no election in the offing.

It doesn't help either that the MSNBC pundits are themselves nauseatingly servile not just to the Democratic Party but to the regime both parties serve: witness, for example, how even the most "liberal" of them struggle to join the Obama-led, bipartisan bad-mouthing of Edward Snowden.

In any case, the problem with Obama is not just that because liberals cut him so much slack, he neuters them without even trying.

The bigger problem has to do with how he has helped make things worse.

The change from Bush to Obama and from the inner-circle of the former to the inner circle of the latter – from chicken hawks and neocons to unreconstructed Clintonites and "humanitarian interveners" — clearly marked a change in style.

But it also masked a profound continuity in substance that is bound to become more apparent in the future, when it becomes possible to place the period we are living through in perspective.

In any case, mere weariness with Bush-Obama governance does not explain the sense of doom, of everything becoming worse, which has come to infuse our politics. To account for that, we need a clearer purchase on what has changed since 9/11.

On the face of it, it looks like we have just been living through more of the same. Unjust and counter-productive wars are hardly unknown in our history, and neither are gross violations of the rule of law. To the extent that things now do seem worse, could it just be because qualitative changes sometimes emerge out of a piling on of instances?

No doubt, this is part of the story. But there is also something genuinely new afoot.

* * *

Since the dawn of the new century, American governments have been building up a democracy deficit unprecedented in recent history.

In democracies, the people rule – if not directly, then through elected representatives who, in theory, implement the peoples’ will. But instead of the American people controlling their state, even to the extent that was the norm just a few years ago, the state increasingly controls the people.

It may not exercise control overtly very often. But it can whenever it wants, to a degree that it could not before — and everyone knows it.

The problem is not just that technologies now exist that enable 24/7 snooping. It is that the government is delighted to avail itself of them.

There is some truth, after all, in the National Rifle Association’s otherwise disingenuous claim that “guns don’t kill people; people kill people.” The problem is not so much that the NSA is awash in the means of surveillance, a situation successive Administrations created. It is that the Bush-Obama administration has been deploying those means against “we, the people.”

In other words, they have been undermining a core condition for democratic governance – that protection from “unreasonable searches,” as the Fourth Amendment calls them, that makes democratic citizenship possible.

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The Obama presidency has played an important role in bringing this sorry situation about. It is not the only factor now working to quash democracy; not by any means. But it has worsened the problem considerably.

The contrast with the past is staggering. Even with George Bush in the running, Richard Nixon was still the most lawless American President ever. But in his day, democracy was robust enough to correct for some of his major depredations – not in time to stop them, but eventually.

Correcting for what Bush and Obama have done is going to be a lot harder because democracy, what little of it we had, was, from Day One, Casualty Number One in what Bush called the Global War on Terror – that perpetual war regime that Bush and Obama have settled upon us.

Even before there were neocons, it was the Right’s dream to use terrorism as a pretext for ratcheting up state and corporate control of an anxiety-ridden and depoliticized population.

But even Ronald Reagan, the “Great Communicator,” couldn’t quite sell the idea – not enough to fool (nearly) all of the people all of the time. For that, the Right needed help. For their own warped reasons, Al-Qaeda militants were happy to provide it.

And so, terrorism now haunts our politics – not the reality, but the specter. And, with that specter working its effects, it has become all but impossible, unlike in Nixon’s time, for the political system to correct itself.

There is not enough democracy left for that.

The Bush-Cheney Administration set the process in motion, and they were not subtle about it. There is nothing remarkable in that: no one can accuse George Bush of subtlety.

After Democrats swept the 2006 Congressional elections, Bush and Cheney could surely have been impeached; had that happened, they would very likely have been removed from office, saving the world enormous grief. But the Pelosiite leadership of the House of Representatives would have none of it.

They didn’t want to impede Hillary Clinton’s bid to lead a Restoration of her husband’s awful Presidency. By the time it became clear that she wouldn’t be their candidate, the Democratic leadership was already too caught up in “hope” and “change” to act as if they had a backbone.

Had Obama been anything like what some of his supporters imagined, he probably could have shut the entire Bush-Cheney operation down early in 2009, when he had political capital to spare.

He could have said what many thoughtful people were thinking in the Fall of 2001, before the media fell into line with Bush, Cheney and the neocons: that the attacks in New York and Washington were criminal acts, not acts of war; and that they should have been – and could still be – addressed as law enforcement problems that could be engaged through diplomacy, not force of arms.

For a brief moment, Obama could have hit the reset button. But, of course, that was the farthest thing from his mind.

Instead, he assumed stewardship of the empire.

Once that happened, a course reversal was out of the question. A global hegemon, like a mob boss, cannot admit a mistake; that would suggest weakness and vulnerability. And so, Obama took up where his predecessor left off, adding his own special touches.

What Obama did, in short, was bring the war back home — the war on democracy or, more precisely, on the conditions for its possibility.

Others are doing that too, of course; fortunately, not in concert with the Commander-in-Chief.

The five Republican Justices on the Supreme Court have taken it upon themselves to go after democratic procedures. In 2010, to the delight of corporate “persons” everywhere, they turned political corruption into constitutionally protected free speech. Then, last week, they eviscerated the 1965 Voting Rights Act, the most important Civil Rights legislation of the twentieth century.

In so doing, they have given states run by Republican legislatures and governors license to keep all but the most determined African Americans and other persons of color from voting. More generally, they have made it easier for Republicans to suppress votes that everyone knows are unlikely to go their way.

To his credit, Obama has voiced opposition to the Supreme Court's assaults on democracy. But that is all he has done.

A stronger President would now do what Lyndon Johnson did in 1965; he would go before Congress and the American people, using all the resources at his disposal, to demand that they restore the basic rights of democratic citizenship. Don't expect anything like that to happen.

All that Obama has in common with LBJ is that he too should be asked, when he appears in public, how many kids he killed today.

Meanwhile, Republicans, with Tea Partiers in the lead, have been acting out in ways that undo another prerequisite of democratic governance, a robust commitment to furthering the public good.

Except where it comes to war making or to feathering their own nests or the nests of their paymasters, Republicans have become the Party of No. The Chamber of Commerce types for whom the GOP exists, and the Country Club barflies who think like them, have so far managed to keep the lunatics from taking over the asylum entirely. But how long can they hold the line?

Getting their man Romney nominated may have been their last gasp. How else to explain the renewed push, in states Republicans control and in the Republican led House of Representatives, to undo abortion rights – in other words, to wage a war on women?

And, with inevitable demographic changes making the need to court Latino voters obvious, how else to explain Republican resistance to immigration reform – even the nativist, corporate-friendly kind proposed by the so-called Gang of Eight?

Evidently, the grownups are losing control.

Of course, this is not Obama's doing. But, just by being there, he has played an indirect role in creating the monstrosity the Republican Party has become. Because he was perceived (correctly) as weak, and because he is black, he became a lightning rod for all the vileness that emanates from Republican ranks.

Needless to say, Obama cannot be blamed for the noxiousness of his enemies. But there are harms to democracy, graver ones, for which he can be blamed — because they are in large part his doing.

The viciousness of his assaults on whistle blowers, especially but not only Edward Snowden and Bradley Manning, is an indication.

The newly revealed “Insider Threat Program” — a recreation, in caricature, of the everybody-is-an-informant ethos associated with the worst days of High Stalinism – is an even more graphic one.

The target is not democratic governance per se; Obama is fine with that, as his opposition to recent Supreme Court and Republican Party antics suggest.

His target is civil society, the kind that is a prerequisite for people, individually and collectively, to function as citizens, not just subjects — as political actors who shape their own collective destiny.

A robust civil society can survive Nixon-style violations of privacy rights, but it can hardly survive Obama-style 24/7 surveillance and related efforts to keep the public quiescent and uninformed.

Surveillance chills deliberation and debate, inhibits political participation, and removes that expectation of privacy without which democratic citizenship cannot survive.

It was because the authors of the U.S. Constitution understood this that they put the First, Fourth and Fifth Amendments in place. By putting the protections those Amendments were intended to safeguard in jeopardy, Obama, the scholar of constitutional law, has posed perhaps as deep a threat to democratic governance as can be.

It hardly matters whether this is his considered view or whether, as seems more likely, he has drifted into it because he lacks the strength and stature to go against the post-9/11 tide.

What matters is that this descent into a public world that is qualitatively worse than anything we have known before is occurring under his guidance and with his support.