

The People And Their Government After 9/11

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September 11, 2001. A day that most Americans will never forget. They will remember where they were when they heard the news. They may have even seen the twin towers of the World Trade Center building collapse in a heap of dust and rubble. Perhaps it was a blur: loud noises, screaming, chaos. A plane flying into a tower, and then a collapse. The attacks in New York will be remembered as the day the world stood still, the day that changed the future of America.

I can remember being at school when I heard the news. Just in passing at first, but in one class, we actually watched it. Not live since it had happened early in the day and I was on the west coast, but it was playing on the news all day. It was a day that even teachers told us we would remember, similar to the day that John Kennedy was assassinated. Many still remember where they were when they heard the news. There is also a large amount that see a similarity between what happened with John F. Kennedy and the attacks on September 11.

It is important to start out by saying that with the attacks on 9/11, we entered a new era of American domestic and foreign policy. A period of civil liberties had gone away in an instant with cries of peace and safety coming from all sides. The attitude of the people toward the government changed that day, perhaps permanently. What happened on 9/11 was different from other historical events that shaped government-public interaction. Some would even argue that this was the final change.

The united states of America was the “Great Experiment” of a republic. Before America, a king ruled authoritatively and could not be questioned. A time of debate,

protest and questioning authority grew out of the rise of this country. One of the earliest debates in this new country was that of how much control the government should have. The Federalists led by John Adams favored a big central government while the Anti-Federalists led by Thomas Jefferson and James Madison liked the principles of freedom and small government. For the most part, the southern states were Anti-federalists and those in the north were the Federalists. The Federalists wanted to ratify the Constitution however they had to put in the Bill Of Rights to guarantee civil liberties to all, otherwise the anti-federalists would not vote for it. Initially this country had a leaning toward the Anti-Federalist position of Jefferson since it had much room to expand. People had to be independent to live on the frontier because of the danger and many did not want the government, who was far removed from their problems, to try and legislate them.

By the time Abraham Lincoln became president the country had expanded to the Mississippi and settled even further west. Slavery was a big issue at the time and was hotly debated. The issue came up of whether the new states such as Missouri should be a slave or a free state. As much as it was a question of the moral implications of slavery, it was also about state's rights and the question of big vs. small government. The northern states argued the immorality of slavery while many southerners felt that the northerners wanted to take away their personal freedom and expand big government. Eventually the War Between The States, or the Civil War, occurred. Lincoln suspended the right to habeas corpus in which a prisoner can challenge the legality of his confinement. He also censored newspapers and confiscated private property¹. The

¹ Review of the book "The Real Lincoln" (by Thomas DiLorenzo) by Kerry Walters on Amazon.com <http://www.amazon.com/gp/product/0761526463ref=s9_simh_gw_p14_i1pf_rd_m=ATVPDKIKX0DER&pf_rd_s=center-5&pf_rd_r=0MK5C7R2W2JJ7FT3SGE2&pf_rd_t=101&pf_rd_p=470939291&pf_rd_i=507846> Accessed 4/19/10

civil war effectively destroyed the notion of the united states as a country made up of sovereign individual states. It cemented the role of the federal government as the one with ultimate authority. Understandably certain civil rights are suspended during war time, however the worst violations of civil liberties have occurred during times of war². Again, the South believed that they were fighting for their civil liberties to do what they wanted to do, and they felt that this war was due to the north's, and especially Lincoln's, desire for greater central control. But this was not the end of the struggle for civil liberties.

The Bill of Rights we are guaranteed certain things in this country. One of those is the freedom to assemble and freedom of speech. However in World War I, those who opposed the war were silenced, not in a secret police way (though that has been used throughout history), but in a uniquely American way. Because of our American emphasis on freedom of speech, the way that other's freedom is suppressed in this country is a strictly social phenomena. Looking back at history and violations of civil rights (which the United Nations "guarantees" in their own special way), we can see how most violations of civil rights have a majority backing. Hitler's persecution of the Jews and other groups in Germany was supported by most people. It is true that the gulags and other punishments given to anyone who may have even said the wrong thing in Soviet Russia were only approved because of fear, but that is one exception out of a lot of violations. So knowing this, let's return to America.

During the Great Depression president Roosevelt established his New Deal program, which though it put many people to work, further cemented the grip of the

² Darmer, Katherine B. & et al. *Civil Liberties vs National Security in a Post 9/11 World*. Amherst, NY. Prometheus Books. 2004. 12

federal government. During World War II Japanese-Americans were placed in concentration camps in various places in California and desert places on the west side of the country. Not only that but their farmlands were actually sold to whites. This is perhaps the most obvious violation of civil rights in American history, and we should note that many people supported this at the time. There was a crisis and so Americans went along with this violation of rights. Also, and less well known is the fact that President Roosevelt gathered intelligence on private citizens during this time period³.

The period of the Cold War was a unique time in history, a time when people were scared and prepared for a nuclear attack by the Russians. It is well known that in education studying Karl Marx was taboo because he was against Christianity and that Communism was the philosophy of the enemies, the Russians. Anyone with communist sympathies or ideas was quickly marginalized by the larger American society. Freedom of speech did not exist for anyone who had communist ideas as far as most citizens were concerned. The rights that Jefferson had fought for didn't seem to exist for some.

Throughout this time period and especially in the last 60 years or so the two dominant political parties continued the struggle between big vs. small government. Putting it simply, Republicans favor small government while the Democrats favor a strong central government. We can even see the continuation of the North-South divide in election years as certain states very predictably vote one way. The South usually voting Republican and the North going for Democrats. It is interesting to note that

³ Wells, John W. and Cohen, David B. *American National Security and Civil Liberties in an Era of Terrorism* New York, NY, Palgrave Macmillan. 2004. 32

Democrats vote the way they do because they feel the economy is important, while Republicans lately vote based on their social values.⁴

We can also see a general division between Americans over the issue of trust in the United States Government. Republicans usually distrust it and desire little to do with it. Many do not believe the phrase, “we’re with the government and we’re here to help.” Democrats on the other hand feel that the government should be serving the people and helping to make everyone’s, including immigrants and minorities, lives the best they can be and giving them every opportunity to succeed.

War may unite a country and suppress freedom of speech, but times of peace can increase the call to greater civil liberties. The Privacy Act of 1974, Federal Education Rights and Privacy Act, and the 1974 amendments to the Freedom of Information Act all were the start of a period in which civil liberties were of vast importance. People were not afraid to protest the Vietnam War, and Watergate convinced many of the importance of individual rights, even to insisting legal protection of these rights⁵. From 1974 until September 2001, the main question on everyone’s mind was how to improve civil liberties for the American people. However as soon as 9/11 came about, this trend made a 180 degree turn.

September 11, 2001 was a time that changed how Americans viewed the world and each other. It was a time of contradictions, just as in Dickens, it was the best of times, it was the worst of times. In the days after the attacks, many returned to church,

⁴ See “What’s the Matter With Kansas?” by Thomas Frank for more information on this.

⁵ Darmer, Katherine B. & et al. *Civil Liberties vs National Security in a Post 9/11 World*. Amherst, NY. Prometheus Books. 2004. 36

donated to charitable organizations such as the red cross and other NGOs⁶. Trust between Americans went up. Putnam found in 2002 a 19% increase in trust of local government and 10% increase in people's trust of their neighbors⁷. However those who happened to be of Middle Eastern descent or Muslim had a rough time, both with the citizens and government. Early on there were numerous reports of attacks on Muslims, everything from threats to shootings and bombings.⁸ Others such as Shahir Ali Baloch, were detained for months without charges (seven in his case). However people were okay with that. A Newsweek survey was taken in late November, and some 72% said that the Bush administration handled the situation just about right to balance the civil liberties and the security issues⁹. In the months after the attacks, Americans were just screaming for the government to protect them from the terrorists by any means necessary. Noted Author Graham Allison made the statement that, "George W. Bush (had) license to do whatever he deemed necessary to prevent future terrorist attacks¹⁰."

So on that note, the PATRIOT ACT was put into effect on October 26, 2001. Just as the bailout bill and the healthcare reform, it was scheduled for a vote in such a short time that it's 342 pages could not be read in its entirety, or even at all due to the anthrax

⁶ Kirlin, John J & Kirlin, Mary K. *Strengthening Effective Government-Citizen Connections Through Greater Civic Engagement*. *Public Administration Review*. (Sept. 2002.) JSTOR. Accessed 3/28/10 <<http://www.jstor.org/stable/3110175>>

⁷ Ibid

⁸ See at < <http://www.religioustolerance.org/reacter1.htm>> Accessed 4/19/10

⁹ Wells, John W. and Cohen, David B. *American National Security and Civil Liberties in an Era of Terrorism* New York, NY, Palgrave Macmillan. 2004. 195

¹⁰ Allison, Graham *Nuclear Terrorism, The Ultimate Preventable Catastrophe*. New York, NY, Henry Holt and Company. 2004. 124

scare which had just hit congress¹¹. However it wasn't that important, security was the primary concern. This act has many provisions parts to it but one thing that came out with regard to civil liberties is that with this, the government was given power to access whatever they want. Also, the famous section 412 said that the attorney general has the power to take away the liberty of anyone he reasonably deems a terrorist. This struck a blow to countless ideas about the constitution and very basic civil liberties.

In October of 2001 Executive order 13228 created the Office of Homeland Security¹². It is interesting that there was no clear definition of "homeland security" and that no definition of the military role in it had been established¹³. This office took what was a fragmented set of government bureaucracy and combined it into one agency. This agency has wide ranging duties but has the goal of keeping America safe¹⁴.

John Poindexter of Defense Advanced Research Projects Agency developed a system for collecting data on private citizens called Total Information Awareness or TIA. This would allow the government to look into any other database, private, commercial or otherwise to look and collect information about possible terrorists. It sought to bring all aspects of private life into one big surveillance scheme¹⁵. One author says that American citizens hated the idea of TIA but might have accepted it if it had been

¹¹ ACLU report "Insatiable Appetite: The Government's Demand for New and Unnecessary Powers After September 11" October 15, 2002. Accessed 4/9/2010

¹² Wells, John W. and Cohen, David B. *American National Security and Civil Liberties in an Era of Terrorism* New York, NY, Palgrave Macmillan. 2004. 151

¹³ Wise, Charles R. & Nader, Rania "Organizing the Federal System for Homeland Security: Problems, Issues, and Dilemmas" *Public Administration Review* Vol. 62 (Sep., 2002) 47

¹⁴ About. Homeland Security. U.S. Department of Homeland Security. <<http://www.dhs.gov/xabout/index.shtm>> accessed 4/20/10

¹⁵ Darmer, Katherine B. & et al. *Civil Liberties vs National Security in a Post 9/11 World*. Amherst, NY. Prometheus Books. 2004. 54

implemented right after September 11¹⁶. It was probably only because of how long after 9/11 it was to be implemented that the project was killed. After the initial shock wore off, people became concerned with civil liberties again. But not before a few noticeable changes were made.

Airport security changed after 9/11 and is one of the more visible aspects of the post 9/11 world. Americans were paranoid about flying after the attacks since the planes were the main instruments. On November 19, 2001 the Aviation and Transportation Security act was signed which created the Transportation Security Administration (TSA). This effectively did two things. First it put airport security under the federal government when before it was hired out to private police by individual airline companies. Second it allowed for various government departments to become more centralized. What use to be independent organizations working together is now another government bureaucracy. A master “no-fly” list was created and currently has 79,776 names on it¹⁷. Early on, no one really knew who was on it or how to clear their name. This list has led to the detaining of various different people who are usually not considered a threat to national security¹⁸. It is interesting to see how certain airline security procedures are put in place with every new attempted terrorist attack. The shoe bomber attempt in December 2001 convinced the TSA to implement the policy of taking off your shoes

¹⁶ Hulnick, Arthur S. *Keeping us Safe: Secret Intelligence And Homeland Security*. Westport, Connecticut London. Praeger Publishers. 2004. 136

¹⁷ See <<http://www.no-fly-list.com/>> Accessed 4/19/10 2:43pm Central Time

¹⁸ Such as Ted Kennedy <<http://www.washingtonpost.com/wp-dyn/articles/A17073-2004Aug19.html>> and a 6 year old girl <http://www.bostonherald.com/news/regional/view/20100417no_fly_foul_as_girl_6_put_on_list_bay_state_dad_fights_tsa_ban_on_1st-grader/srv=home&position=0>

before going through security. The recent Christmas day attempt convinced many that they needed to put in place the new naked body scanning machines. When the government was deciding whether or not to be in charge of security in airports, a study that was done showed that security screeners were not as reliable as they would like simply because the job is repetitive and there is little incentive to do well. Well I'm sure these new scanning machines will keep them awake.

Though the PATRIOT ACT, and TSA were implemented in the months after 9/11, by summer of 2002, many were no longer scared of terrorists. The drastic change is startling. In April 2002, a CBS poll showed that 72% of Americans believed that they would have to give up stuff to fight terror, but by June, only 46% said that¹⁹. In November 2001 a Zogby poll found that the general public was okay with public searches of belongings and slightly okay with authorities checking their mail, but by July 2002, they were not okay with authorities searching their mail and were less approving of public searches²⁰.

As was mentioned earlier, security procedures change and people's perceptions and desires change with each discovered terror plot. A prolonged period of calm will erode interest in homeland security and people won't be willing to permit the invasion of privacy for security²¹, that is, until the next attempted attack. And then the cycle begins again. An attack is found, people get scared and want more security which tends to be more invasive or privacy and civil liberties, people get use to the "excess" invasions as

¹⁹ Wells, John W. and Cohen, David B. *American National Security and Civil Liberties in an Era of Terrorism* New York, NY, Palgrave Macmillan. 2004. 189

²⁰ Ibid. 196

²¹ Hulnick, Arthur S. *Keeping us Safe: Secret Intelligence And Homeland Security*. Westport, Connecticut London. Praeger Publishers. 2004. 208

necessary to security and then relax. They then demand more privacy and want no more government involvement, until the next attack. The public continues to believe that their civil liberties are restored when the government decides not to do something drastic but makes a small change. It seems to be the “two steps forward and one step back” routine. It is why Americans can feel that they really have civil liberties when their privacy is invaded all the time. When I refer to civil liberties, I refer to what a person or group can do. When I speak of privacy, I speak of what a person has. Both of these are interconnected and yet distinct. My idea behind the previous sentence is that Americans are free to do whatever they want in general unless it is considered a violation of norms, values and beliefs of the country as a whole. However with each increasing security measure the privacy to do what we want to do is being lost.

Let's consider the people who go to the Tea Parties. In general these are conservative Christian, Republicans with a strong sense of patriotism and pride in Capitalism and our military. What they are protesting against is government corruption and “communism” in our country. They believe that the government is becoming a welfare state with everyone but the patriotic, middle class American citizen winning. I interviewed a couple of these citizens in the April 15, 2010 Tea Party in Washington D.C. and stayed for some of the speaker's addresses. One thing that was obvious was the Jeffersonian and anti-federalist view that they support unanimously, that of less government. I asked two people about their views about the 9/11 attacks and the airport security, and they felt that it was the right thing to do and that President Bush did not do enough (either in security or in pursuing terrorists). One proceeded to ask me “which

would you rather have: invasion of privacy or death²²?” The response was quite alarming to me, that they were there protesting government control and intervention in health care and in various other places and yet had no problem with government being in control of airport security. Another man I interviewed felt that Bush’s response to 9/11 was appropriate at the time but I could see that he had some hesitancy about the PATRIOT ACT, saying that it had necessary things but that there were things that were not the best with regard to civil liberties and privacy. In response to another question, he said in essence that people need to look at what they are doing and get their priorities in order because otherwise what they have will be taken away from them quickly²³.

The tea party consists of many people from many different view points who have a central idea in common, that the government is going beyond their bounds and they should stop. A majority are Republican and have the same general views, although the Libertarian Republican Ron Paul is growing in popularity among them²⁴. But there is a fringe group within the general “tea party” movement which is not talked about too much. They believe many ideas that neither Republicans nor Democrats hold, thus leading their labeling as Libertarian. But often, these are people who have seen, in their view, the truth. They feel that the feud between Republican or Democrat is fake. Most question at least one official government report about a subject. They are people who

²² I really was unprepared for their answer to the question that the first choice in the answer may not have been what he said. But that was the general idea.

²³ This was in response to a question about when people tell him they are too busy to get involved locally.

²⁴ This is inferred by the various “Ron Paul 2012” buttons at the Tea Party in Washington D.C. as well as this report about the presidential election in 2012, with Barack Obama coming at with 42% of the vote and Ron Paul with 41% <http://www.rasmussenreports.com/public_content/politics/elections2/election_2012/election_2012_barack_obama_42_ron_paul_41> Accessed 4/19/10

believe as our founding fathers that the government is the (or a) source of evil because the essence of government is coercion²⁵.” They could be labeled as free-thinking, perhaps even as radicals. But in general, these are people who love the truth and want to see something come out of it. Some support the Tea Parties, others don't. Many believe in conspiracies, who question the events of 9/11 as a terrorist attack by Al Qaeda and who really believe the US government is in some way behind them.

As I said before many believe in conspiracies. They may not be agreed in which ones or “who dunnit?” or how, but they all find themselves in a position just as the Communist supporters and the Japanese in concentration camps, with their views suppressed. They are hardly ever given time on the “controlled media.” Many will tell you that if you piece together what they media shows each and every day, you can see that what they are saying is true. 9/11 conspiracy, though interesting is not the subject of this paper²⁶. This is about the people and their relationship to the government.

In my research I was surprised to find that privacy advocates either have their affiliation with the American Civil Liberties Union (and other decidedly liberal organizations) and these fringe members of the conservative movement. One thing that is frequently pointed out by those who distrust the government and desire that their privacy and rights be respected is that of Social Security. Just like every other government program, it expands to beyond what it was sold to the public and Congress as. It was said that it would never be used for tracking citizens but now you can hardly

²⁵ As quoted on p13 of a sample copy of the book “Underdogma”

²⁶ But if you are interested see Radioliberty.com and Cuttingedge.org and Ae911truth.org

do anything major without one. This is what will happen if the government fails to protect privacy. Remember that the PATRIOT ACT allows for anyone who is seen to be reasonably suspect to be jailed as a terrorist without basic due process or trial. Dr. Katherine Albrecht is a privacy expert and believes that all of this is happening for a reason. She mentions many things that may seem straight out of a conspiracy book to some, but in reality, it all can be found in ACLU publications. Most of this people are not aware of and interestingly, both groups such as the ACLU and the “other” Tea Partiers seek to inform citizens of it, albeit for different reasons.

Cameras that have been systematically set up ever since 9/11 are argued to be the stepping stone to a surveillance society in which big brother can watch any dissident and suppress the freedom people have to say what they want. Data mining occurs daily. Everything that is placed on the internet is public information, unfortunately not many people really understand that and so they put sensitive information online. Also, dossiers are collected for each individual by companies (such as phone numbers and political views on Amazon.com).

It may not seem like a big problem that one company asks for your address, and another may ask for a phone number. However these privacy experts and civil libertarians try and show people that it is about the big picture. Every piece of data about you is stored somewhere and a portrait can be made of any individual by the government. The government can evade the Privacy Act of 1974 (which states that the government can't keep or maintain information on citizens who are not the target of an investigation), by purchasing the information from a private company. The government

doesn't need a program such as the TIA because it can buy it from companies that have already collected this information from other places (often from ads). True your information is scattered in various databases throughout the web but it is easy enough to pull it all together and get a portrait of who you are by all the things you have subscribed to and have said online.

The thing that many use to try and discredit these people is the fact that they draw conclusions. They bring ideas to their logically conclusion, and cause critics to point out that the "bill doesn't say that." But that is not the question, they know it doesn't say that, but they are simply pointing out what could be if the letter of the law is not followed. Every little word and letter is important to lawyers, but if they want to follow the law exactly, if critics believe that the government will stay within the confines of the law, then they need to take a closer look at the Constitution and the Bill of Rights.

Dr. Albrecht and others make a point of saying how the Bible, in the Book of Revelation speaks about a one world government and a one world ruler. She sees all of what is happening in the light of this big picture. Sure it is only taking off your shoes, it is only going through embarrassing pat downs, it is only exposing yourself to strangers who think you may have explosives in private areas.

The only true way to be safe and secure, is for every government to surrender sovereign power to one global power so that the world can be protected from those that would destroy it. It is well known that globalization is occurring and that the importance of INGOs are increasing²⁷, but what about those who do not want a world government or who distrust the United Nations? What about those who believe in their country, or

²⁷ O'Toole, Laurence J. & Hanf, Kenneth I. "American Public Administration and Impacts of International Governance" *Public Administration Review*, Vol. 62 (Sep., 2002) 165

those who believe that a world government is prophesied in the Bible as the kingdom of the Anti-Christ? What are the implications for those who peacefully oppose the government? Will their civil liberties be respected? Will they have privacy in their homes or will they be monitored by the world government in a similar way that Ghandi and Martin Luther King Jr. were monitored? Will technology be used to subvert political rivals or dissidents²⁸? China uses the “terrorist card” to defend it’s crackdown on an ethnic separatist movement²⁹, so could the United States government do that to the Tea Party or any other group that threatens national security and solidarity? If history is any precedent, then we can answer that with an emphatic “yes!”

For the most part, Americans feel that their civil liberties and their rights are not being violated by current government administrations. Even those who normally oppose government intervention will accept some invasion of privacy to be safe. But how much is too much? One author writes “some attacks can be thwarted and some effects can be lessened, but there are too many potential targets to protect, and our open society affords opportunities for enemies to attack³⁰.” I don’t believe that we will ever have too much security and too little privacy, simply because the people will accept it as normal as soon as they get over the shock. They will be glad about their increased security and feel they have the same civil liberties and privacy, only because they have forgotten what they have already lost.

²⁸ Young, Mark G. “What Big Eyes and Ears You Have” *Fordham Law Review* Vol 70. 1023

²⁹ Haque M. Shamsul. “Government Responses to Terrorism: Critical Views of Their Impacts on People and Public Administration” *Public Administration Review* Vol. 62 (Sep., 2002) 174-175

³⁰ Waugh Jr, William L. & Sylves, Richard T. “Organizing the War on Terrorism” *Public Administration Review* Vol. 62 (Sep., 2002) 146

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