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Obama's First-Term Track Record on Civil Liberties

By John W. Whitehead

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“I was a constitutional law professor, which means, unlike the current president, I actually respect the Constitution.”

– Barack Obama, March 2007

Four years after Barack Obama was elected on a platform of “change you can believe in,” he’s now promising America that the “best is yet to come.” However, on almost every front — fiscally, militarily, politically, socially — the country is in a state of disarray.

Most troubling, however, is the state of our freedoms. Indeed, during Obama’s first term, our civil liberties were utterly and completely disemboweled. The great irony, of course, is that this happened with a self-proclaimed constitutional law professor at the helm — a man who was supposed to understand and respect the rule of law as laid out in the U.S. Constitution.

Not only did Obama continue many of the most outrageous abuses of the George W. Bush administration (which were bad enough), including indefinite detention and warrantless surveillance of American citizens, but he also succeeded in expanding the power of the “imperial president,” including the ability to assassinate American citizens abroad and unilaterally authorize drone strikes resulting in the deaths of countless innocent civilians, including women and children.

Obama has a lot to account for over the course of his first four years in office, particularly in terms of the erosion of our civil liberties. Just consider some of the assaults on our freedoms that took place under Obama's watch, either as a result of his continuing Bush's policies, enacting his own misguided policies, or simply because he did nothing to counter them.

In March 2009, only two months after being elected, Obama defended Bush's unconstitutional National Security Agency spying program in court. Obama went so far as to insist that actions authorized by the president, including illegally spying on American citizens, should be free from any judicial scrutiny whatsoever.

In April 2009, the Department of Homeland Security launched a program, Operation Vigilant Eagle, which calls for surveillance of military veterans returning from Iraq and Afghanistan, characterizing them as extremists and potential domestic terrorist threats because they may be "disgruntled, disillusioned or suffering from the psychological effects of war." Coupled with the DHS report on "right-wing extremism," which broadly defines right-wing extremists as individuals and groups "that are mainly antigovernment, rejecting federal authority in favor of state or local authority, or rejecting government authority entirely," these tactics bode ill for anyone seen as opposing the government — whether it be an Occupier, Tea Party supporter, or a free-speech protester.

In July 2009, Obama threatened to veto an oversight bill that would have required the president to inform lawmakers about covert CIA activities.

In December 2009, Obama, recipient of the Nobel Peace Prize, announced his intention to ramp up the military-industrial complex's war in Afghanistan and subsequently followed through on his plan.

In February 2010, the Department of Defense issued a U.S. Army field manual detailing the prospective internment and resettlement of American citizens in the event of another terrorist attack or natural disaster on U.S. soil. The leaked document confirmed the fears of many government critics, "from the Patriot movement on the right to Occupy on the left to Anonymous, anarchists, organized racists, survivalists, and plain old conspiracy theorists in between."

In March 2010, the Department of Homeland Security began rolling out controversial full-body scanners to American airports. Despite an initial outcry about the invasive nature of the scanners and the enhanced patdowns of American citizens, government officials continued to tout the machines as safe and effective. A year later, an investigative report by ProPublica/PBS *NewsHour*, revealed that six to 100 U.S. airline passengers each year could get cancer from the machines, which were purchased with Obama's stimulus funds.

In July 2010, the Obama administration arrested 23-year-old Army soldier Bradley Manning on charges that he leaked classified military and diplomatic documents to the anti-secrecy website WikiLeaks. Held in maximum solitary confinement for close to a year, treatment normally reserved for the most violent or dangerous of criminals, Manning has yet to be put on trial. His

treatment was intended to send a clear warning to all those who would challenge the military empire — “DON’T EVEN CONSIDER IT.”

In May 2011, Obama expanded the war effort, with bombings in Libya, Somalia, and Yemen. Later that month, Obama signed a four-year extension of three controversial provisions in the USA PATRIOT Act that authorize the government to use aggressive surveillance tactics — even against American citizens — in the so-called war against terror. That same month, the U.S. Supreme Court in an 8-1 ruling in *Kentucky v. King* effectively decimated the Fourth Amendment by giving SWAT teams more leeway to break into homes or apartments in search of illegal drugs when they suspect the evidence might be destroyed. The court, at the urging of the Obama administration, sanctioned warrantless raids, saying that police had acted lawfully and that was all that mattered.

In June 2011, a Department of Education “SWAT team” forced their way into the home of a California man, handcuffed him, and placed his three children in a squad car while they conducted a search of his home, allegedly over falsified student loans. Raids of this type are becoming increasingly common — more than 50,000 such raids occur every year in America — with federal agencies such as the State Dept., Dept. of Energy, U.S. Fish and Wildlife Service, and the National Park Service laying claim to their own SWAT teams. Also in June 2011, the FBI granted its 14,000 agents expansive *additional* powers, allowing them to investigate individuals using highly intrusive monitoring techniques, including infiltrating suspect organizations with confidential informants and photographing and tailing suspect American citizens, without having any factual basis for suspecting them of wrongdoing.

In September 2011, two American citizens were killed during a drone attack in Yemen as part of a government “kill list” operation in which Obama personally directs who should be targeted for death by military drones. Drone strikes, a signature policy of the Obama administration, have tripled since Obama took office.

In December 2011, the Senate passed the National Defense Authorization Act of 2012, which mandates that anyone suspected of terrorism against the United States be held in military custody indefinitely. This provision extends to American citizens on American territory. It was quietly signed into law by Obama on New Year’s Eve.

In February 2012, Obama signed the FAA Reauthorization Act, which opens up American skies for the domestic use of armed surveillance drones, a \$30 billion per year industry. Incredibly, no civil liberties protections for Americans were included in the legislation. By 2020, it is estimated that at least 30,000 drones will be crisscrossing the nation’s skies equipped with anti-personnel weapons and surveillance devices.

In March 2012, Congress overwhelmingly passed and Obama signed the anti-protest “Trespass Bill” — legislation that makes it a federal crime to protest or assemble in the vicinity of protected government officials. The bill’s language is so overly broad as to put an end to free speech, political protest and the right to peaceably assemble in all areas where government officials happen to be present. That same month, Obama issued an executive order stating that in

the case of a war or national emergency, the federal government has the authority to take over almost every aspect of American society.

In April 2012, the U.S. Supreme Court — again at the urging of the Obama administration — declared that any person who is arrested and processed at a jail house, regardless of the severity of his or her offense (i.e., they can be guilty of nothing more than a minor traffic offense), can be subjected to a strip search by police or jail officials without reasonable suspicion that the arrestee is carrying a weapon or contraband.

In July 2012, the Obama administration began allowing the National Counterterrorism Center (NCTC) to store and “critically assess” information on innocent Americans for up to five years. Data recorded by the NCTC includes “records from law enforcement investigations, health information, employment history, travel and student records,” among other things.

In September 2012 and in the months preceding it, in major cities across the country, including Boston, Miami, Little Rock, and Los Angeles, the U.S. military carried out training exercises involving Black Hawk helicopters and uniformed soldiers. The exercises occurred in the middle of the night, with the full cooperation of the local police forces and generally without forewarning the public.

In October 2012, it was revealed that the Obama administration has been “secretly developing a new blueprint for pursuing terrorists, a next-generation targeting list called the ‘disposition matrix.’” The matrix goes beyond the president’s kill list to detail suspects beyond the reach of American drones. This disposition matrix is also overseen by the NCTC.

So what does the future hold? Unless President Obama changes course — and drastically so — freedom as we have known it will become extinct.