

National Security and Individual Freedom – Part Two

The most serious aspect of the present-day trends threatening our democratic traditions is that our people have been confused as to the real issues involved: nor have they any way to determine the real extent of internal dangers. Sadder than all else, there is a dearth of leaders capable of emphasizing the moral issues which are involved.

—John Lord O’Brian in a speech at Harvard, April 28, 1955

In last week’s column, I recorded some of the remarks of John Lord O’Brian, a former United States Attorney General for Western New York, who spoke alarmingly about the willingness of Americans to forfeit freedom for the promise of protection, peace, and security.

Last week’s column dealt only with the first half of O’Brian’s speech, which was delivered April 27, 1955.

This column will focus on the second half of his speech, entitled “Security, Sanity and Fair Play,” which was delivered the next day, April 28.

To open with, O’Brian states an age-old axiom that seems to have been forgotten since the Great Depression:

It is an old and inexorable law known to all students of government administration that, in practice, once a bureau is established it is all but impossible to get rid of it. The same law applies to regulations and procedures. Once established they inevitably show a tendency both to expansion and to permanence.

The Great Depression—which was rigged by the global bankers and financiers to bring about, among other things, the widening of the acceptance of socialism in the United States—allowed Franklin Delano Roosevelt to create exponential Federal agencies, all of which gained further control over our lives and stomped on the individual states’ rights so that The State would be preeminent.

A monolithic central government was not what the founding fathers had in mind while drafting the Constitution. In fact, an expansive central government was seen by the founders as being every bit as oppressive as Europe’s monarchical governments.

Ironically, however, through the Constitution’s allowance of the executive order—which has been used to an incredible extent since Herbert Hoover’s administration—the office of the President is morphing into that of a king or dictator.

O’Brian follows with a very damning excerpt, especially considering what is happening today in the U.S:

I should like once more to point out the more conspicuous governmental developments which seem to provide unmistakable evidence of an expanding trend of policies at variance with the American conception of fair play:

The establishment in our jurisprudence of the doctrine imputing guilt because of association . . .

Adjudging men to be untrustworthy, not because of wrongful acts, but because of their ideas, because of motives attributed to them or because of suspicion as to their future conduct;

What about the travesty in the treatment of former University of South Florida Sami Al-Arian, who was arrested in February, 2003, on 51 counts, then found guilty on none, but only after spending nearly three years in jail.

What about the right to a speedy trial?

Al-Arian is still not free, however, while Federal prosecutors decide whether to retry him on the deadlocked charges.

Be sure to take your time, guys.

The use of secret information contributed by anonymous accusers;

This practice was sanctioned under the Terrorism Information and Prevention System (TIPS) program. It drew so much flak from the public and civil liberty groups that the government's Citizen Corps website took down the link and, supposedly, the program too.

The lack of any constitutional protection which might be given through judicial review . . .

The most egregious example of this can be found in the ongoing case of Jose Padilla, an American citizen who was recently indicted in November 2005. Padilla was arrested in May, 2002, on a material witness warrant, then detained in a Federal jail in New York before being declared a "military combatant."

(Where did these classifications—"military combatant, enemy combatant, retained person, other detainee"—come from? And how do they affect the status of U.S. citizens?)

Padilla then was sent to a military brig in Charleston, S.C., a month later and, until this November, was arguably deprived of the following: his right to due process, his right to be free from unreasonable seizure, his right to counsel, and his right to a grand jury.

This is not to question whether or not there were grounds for indicting Padilla, but how could the government take over three years to bring an indictment against him? Padilla is a U.S. citizen and should have been afforded the rights granted to him as such.

And it didn't happen.

Al-Arian's and Padilla's cases are setting dangerous precedents in American society as well as displaying a blatant disregard for the Constitution. And in the government's righteous pursuit of terrorists, it is also breaking with established rules of conduct as established by the global community through the Geneva Convention.

Consider, today, how much more valid is the question that O'Brian posed to his Harvard audience a half-century ago:

Assuming, as we do, that some system is necessary to protect the security of the nation, is it necessary for the most powerful and the most civilized nation known to history to disregard, and perhaps discard, the principles of individual freedom which have been successfully maintained for nearly three hundred years and which were given special sanctity in the Bill of Rights?

Then ask yourselves if the direction the government is heading in this supposed war on terrorism is not tilting toward the creation of a fascist state?