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The Patriot Act & Trust

by

G. Curtis Gibby

The battle has moved to inside America.... I tell you, freedom and human rights in America are doomed. The U.S. Government will lead the American people —— and the West in general —— into an unbearable hell and a choking life.—Osama bin Laden

BBC taped video interview after 9-11

"To those who pit Americans against immigrants, citizens against non-citizens, to those who scare peace-loving people with phantoms of lost liberty, my message is this: Your tactics only aid terrorists for they erode our national unity and diminish our resolve. They give ammunition to America's enemies and pause to America's friends. They encourage people of good will to remain silent in the face of evil." (John Ashcroft before the Senate Judiciary Committee Dec 6, 2001, CNN Dec 7) Sounds good, but what is he really saying? That he sees my liberty as "phantoms" worries me a lot. My liberty is very real and important to me and to all Americans. I see people of good will remaining silent in the face of evil long before we face a foreign terrorist on our ground..

I know that there is nothing better for men than to be happy and do good while they live.
That everyone may eat and drink, and find satisfaction in all his toil--this is the gift of God.
Ecclesiastes 3:12,13, NIV

"....government exists to protect the rights and property of its citizens; every person accused of a crime is entitled to trial by a jury of peers; the state cannot search the homes of its citizens without a warrant;"
(USIA, "Basic Readings in American Democracy")

The Patriot act and it's proposed changes give various agencies of the US government authority which exceeds that granted by the constitution, and for which they have not shown themselves worthy. The Patriot act gives not even credible promise of enhanced security for the USA, let alone any guarantee.

In a recent presentation, representatives of the Justice Department and the FBI gave the strongest reason for the Patriot Act was that it mandated cooperation and sharing of information between different departments of the FBI itself, specifically the criminal and intelligence branches. Then they tried to minimize the perceived impact of the new law by pointing out that many of the provisions had been proposed to Congress in various forms over the last 20 years .

The discussion eventually went to the fact that in previous wars conflicts, rights of citizens were overridden by the executive branch, and even by the Congress and even with favorable opinions by the Supreme Court. And in every case, the actions taken under these have resulted in a great deal of embarrassment for a country that calls itself a freedom loving constitutional democracy. (And, stole the freedom of some citizens). And, it has

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never been established that these actions ever materially contributed to the security of the United States or it's other citizens in those times of conflict.

If I was their teacher I would have marked their answers, "Wrong." The FBI didn't need a new law from Congress for the FBI to correct it's own departmental policies, an excess created by overreaction to chastisement by Congress and the Courts for their non-professionalism and excesses endangering citizens rights guaranteed by the Constitution . Further, under the adrenalin rush of 9/11 and the duress of peers who threatened political suicide for those that wanted give the law the consideration it deserved, the Congress passed a law with provisions that in the past they had had the wisdom to reject when allowed the time to review and debate the issues.

The Justice Department says, "Trust Us".

Since the Bible is a popular reference to many Americans, and especially it might seem so to many in government. Consider from Matthew 7: 15-20: "Beware of false prophets, who come to you in sheep's clothing, but underneath are ravenous wolves. By their fruits you will know them. Do people pick grapes from thornbushes, or figs from thistles? Just so, every good tree bears good fruit, and a rotten tree bears bad fruit. Every tree that does not bear good fruit will be cut down and thrown into the fire. So by their fruits you will know them."

Lets review a few recent news items about the FBI and other agencies of our government. Let's see if those who would be our protectors are worthy of unquestioning trust.

Even Attorneys General can see themselves above the law (Maybe Watergate did us a favor.).

John Newton Mitchell was the first United States Attorney General to ever be convicted of illegal activities and imprisoned. As the President's national campaign manager and confidant, he played a central role in the Watergate scandal.

During his successful 1968 campaign, Nixon turned over the details of the day-to-day operations to the superbly organized Mitchell. After he became president in January 1969, Nixon appointed Mitchell attorney general. Mitchell remained in office from 1969 until he resigned in 1972 to manage President Nixon's successful reelection campaign. As attorney general, Mitchell believed that the government's need for "law and order" justified restrictions on civil liberties. He advocated the use of wiretaps in national security cases without obtaining a court order and the right of police to employ the preventive detention of criminal suspects. He brought conspiracy charges against critics of the Vietnam War, and demonstrated a reluctance to involve the Justice Department in civil rights issues. "The Department of Justice is a law enforcement agency," he told reporters. "It is not the place to carry on a program aimed at curing the ills of society."

On February 21, 1975 Mitchell was found guilty of conspiracy, obstruction of justice, and perjury and sentenced to two and a half to eight years in prison for his role in the Watergate break-in and cover-up. Tape recordings made by President Nixon and the testimony of others involved confirmed that Mitchell had participated in meetings to plan the break-in of the Democratic party's national headquarters in the Watergate

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complex. In addition, he had met, on at least three occasions, with the president in an effort to cover up White House involvement after the burglars were discovered and arrested. He died after collapsing in front of his Washington, DC home in 1988. His wife Martha passed away in 1976. (From Wikipedia, the free encyclopedia. Retrieved from "[http://www.wikipedia.org/w/wiki.phtml?title=John N. Mitchell](http://www.wikipedia.org/w/wiki.phtml?title=John+N.+Mitchell)")

Robert Hanssen, An FBI insider and admitted spy

Since 1985, FBI agent Robert Philip Hanssen was a mole inside the FBI, accused of spying for the former Soviet Union and then for Russia in exchange for cash and diamonds. Hanssen pled guilty on July 6, 2001, to 15 counts of espionage and conspiracy charges in exchange for federal prosecutors agreeing not to seek the death penalty. The 58-year-old Hanssen was sentenced to life in prison without parole on May 10, 2002. The case has led to new security procedures at the FBI, which was harshly criticized after Hanssen's actions were discovered. (CNN.COM)

20 Jun 03

(CBS) An FBI security expert who had access to informant identities and witness lists is accused of selling classified files to the mafia and others involved in criminal investigations, according to a complaint filed against him by the FBI. James J. Hill, 51, an Air Force veteran and security analyst in the Las Vegas FBI office, is charged with obstruction of justice, conspiracy and stealing and selling the top-secret FBI information. The six-page complaint, filed in U.S. District Court in New York, says Hill was paid \$25,000 for files from November 1999 until last week. He was arrested Friday in Las Vegas after allegedly faxing classified information drawn from computer files to an FBI informant in New York.

August 23, 2002 Secret Court Says F.B.I. Aides Misled Judges in 75 Case

By PHILIP SHENON (NYTIMES)WASHINGTON, Aug. 22 — The nation's secret intelligence court has identified more than 75 cases in which it says it was misled by the Federal Bureau of Investigation in documents in which the bureau attempted to justify its need for wiretaps and other electronic surveillance, according to the first of the court's rulings to be released publicly.

The opinion by the Foreign Intelligence Surveillance Court, which was issued in May but made public today by Congress, is stinging in its criticism of the F.B.I. and the Justice Department, which the court suggested had tried to defy the will of Congress by allowing intelligence material to be shared freely with criminal investigators.

FBI Lab Flaws Traced To 3,000 Cases

WASHINGTON, March 17, 2003 (CBS.COM)

More than six years after the FBI crime laboratory was rocked by controversy, the Justice Department has identified about 3,000 criminal cases that could have been affected by flawed science and skewed testimony. It is letting prosecutors decide whether to tell defendants about the problems. Government officials told The Associated Press they are aware of between 100 and 150 cases in which prosecutors have alerted defendants of problems they concluded were material to verdicts. None has resulted in overturned convictions, they said.

The identification of cases and prosecutorial reviews are the final stages of a scandal that shook the FBI during the mid-1990s when a senior chemist at the famed crime lab went public with allegations of shoddy work,

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tainted evidence and skewed testimony. A Justice Department internal investigation concluded in 1997 that 13 lab technicians made scientific errors in cases or slanted testimony to help prosecutors. Several were reprimanded, but none was fired or prosecuted.

John Connolly, sentenced to 10 years for aiding Bulger and another mobster. (AP), ...

By the mid-1970s, Connolly was an up-and-coming FBI agent eager to make his mark in the agency's Boston office. Bulger, meanwhile, was climbing the ranks of the city's underworld and looking to expand his power. In 1975, the old Southie acquaintances formed a partnership from which both would benefit.

The dark details of the FBI's secret pact with the Mob emerged in 1998, during a year-long series of federal court hearings into Flemmi's request to dismiss racketeering charges against him. The following year, a federal indictment charged Connolly with alerting Bulger and Flemmi to investigations, falsifying reports to hide their crimes, accepting bribes, and funneling payoffs to his former supervisor, John Morris. A second indictment handed down in 2000 charged the former FBI star with leaking information to Bulger and Flemmi that led to three slayings.

<http://www.boston.com/news/packages/whitey/characters/connolly.htm>

Katrina Leung and James Smith (FBI)(2003)A Chinese-American woman and a retired FBI agent. Federal prosecutors allege that Leung, 49, an investor and contributor to the Republican Party, acted as a "double agent" during a 20-year affair with Smith, 59, a senior FBI counter-intelligence agent who was acting as her "handler." Investigators also allege that Leung simultaneously had a long-running affair with another FBI counter-intelligence official in San Francisco. The second agent, who is not named, allegedly warned Smith of Leung's duplicity in 1991, but Smith did not end his alleged relationship with Leung or report her to his superiors, officials said in court documents. (Source unknown)

Waco compound burns -- April 19, 1993 (n.b. different stories give slightly differing body counts, which by now seems somewhat macabre).

A compound occupied by a religious cult burns to the ground in what is described as a mass suicide. The heavily armed Branch Davidians have been in a standoff with law enforcement officials near Waco, Texas, for 51 days. The compound catches fire hours after federal agents in armored vehicles begin battering the compound's walls and pumping tear gas into it. Eighty-six cult members, including Branch Davidian leader David Koresh, die in the flames. (CNN.com)

The Aftermath - By the end of that shocking day, 80 people were found dead, 23 of them children under 17. There was not even one fact in the probable cause affidavit . . . stating that a violation had or was taking place at Mt. Carmel. The rationale by the ATF was that if two or more legitimate objects exist in a location, then at some unknown time they might be used to produce an illegal object, and that would be reason to obtain a search warrant. For example, probably half the homes in America contain a long-barreled gun and hacksaw. The hacksaw, at some time or other, might be used to saw off enough of the barrel to make it illegal. Based on this rationale, the ATF could search half the homes in the United States. (Source unknown)

Ruby Ridge - a sting gone really really bad. - Ruby Ridge: The Justice Report - *By James Bovard*

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The 1992 confrontation between federal agents and the Randy Weaver family in Ruby Ridge, Idaho, has become one of the most controversial and widely discussed examples of the abuse of federal power. The Justice Department completed a 542-page investigation on the case last year but has not yet made the report public. However, the report was acquired by Legal Times newspaper, which this week placed the text on the Internet. The report reveals that federal officials may have acted worse than even some of their harshest critics imagined.

This case began after Randy Weaver was entrapped, as an Idaho jury concluded, by an undercover Bureau of Alcohol Tobacco and Firearms agent to sell him sawed-off shotguns. (*The Wall Street Journal*, June 30, 1995, p. A14).

July 21, 2003, 8:37PM

Possible violations of Patriot Act probed

Investigations deems 34 complaints out of over 1,000 credible, Associated Press

(Apparently some in the Justice Department can't read the law, because (curiously) the Patriot Act (unnecessarily, in my opinion) states, that ethnic middle easterners should not be "profiled" or harassed on the basis of their race or religion. On the other hand, maybe it just demonstrates that members of the Justice Department feel that in the interest of "justice" they can ignore even the laws they wrote.

WASHINGTON -- A Justice Department investigation into more than 1,000 recent claims of civil rights and civil liberties violations under the anti-terrorism USA Patriot Act concluded that 34 were credible, according to a report released today.

Glenn A. Fine, the Justice Department inspector general, looked into allegations made between Dec. 16, 2002, and June 15. Many of the complaints were from Muslims or people of Arab descent who claimed they were beaten or verbally abused while being detained.

These include a claim by a Muslim inmate that he was ordered to "remove his shirt so that the officer could use it to shine his shoes" and a complaint from an Egyptian national that he was improperly arrested by the FBI after the Sept. 11 terrorist attacks.

The report also substantiated a claim by a federal prison inmate who said he was told by a prison doctor, "If I was in charge, I would execute every one of you ... because of the crimes you all did." Most of the credible complaints remain under investigation, the report said. The prison doctor received a verbal reprimand after a Bureau of Prisons probe. (Associated Press, July 21, 2003, 8:37PM)

Other Agencies

Aldrich Ames - CIA

The Ames Disclosures

September 28, 1994 - The Jerusalem Post

The investigation into the activities of confessed Soviet spy Aldrich Ames has uncovered what can only be described as the most astounding dereliction of duty in the CIA's history. Indeed, to call it "dereliction" is to be charitable in the extreme. The agency's failure to trace and apprehend Ames despite the knowledge - shared by

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every experienced reporter and columnist in Washington for well over a decade - that a highly-placed mole was selling the country's most sensitive secrets to the Soviets was nothing short of criminal.

A draft of a 400-page classified report, prepared under the direction of CIA's inspector-general Frederick Hitz, reveals that Ames exposed - and caused the death of - 34 secret US and allied agents, and identified 55 clandestine US and allied operations to the Soviet Union, thus causing the death of many others.

For what it's worth - The CIA, in addition to occasionally not being able to recognize enemy spies in its own midst failed to call: The lack of a popular Cuban revolt in support of the Bay of Pigs, the breakup of the Soviet Union, the overthrow of the Shah of Iran, The bombing of the Cole, and we all know about 9/11.

Jonathan Pollard - 1987 Naval Intelligence.

THE arrest and conviction of Jonathan Pollard for "conspiracy to commit espionage" for Israel against the United States was an event freighted with emotion and bitterness in both countries. Nor did the hard feelings cease when, in March of 1987, Mr. Pollard was sentenced to, life imprisonment. After years of denials, Israel finally admitted Pollard, a U.S. Navy civilian analyst, was not a "rogue agent," as it originally claimed, but a spy for Israeli intelligence.

Pollard caused enormous damage to U.S. national security. He gave Israel top-secret U.S. military intelligence and diplomatic codes; names of nearly 100 U.S. agents in the Mideast, who were then "turned" by Israel; NSA code-breaking techniques and targets; intercepts of foreign communications; and U.S. war-fighting plans for the Mideast.

Two Forty foot Holes - 33 years apart (Israel 1, Al-Qaida 1, USA 0):

1967 USS Liberty (AGTR-5), an electronics intelligence ship in international waters of the Eastern Mediterranean was attacked by Israeli Air Force Aircraft and Naval Torpedoe Boats. Intercepted radio transmissions indicate that the Israeli pilots and seamen knew full well that it was a US Naval Vessel. U.S. Navy Aircraft from the carriers in the Sixth Fleet that might have defended the USS Liberty were recalled at the direct orders of McNamara and President Johnson. Israel pretended they made a mistake. A total of 34 died in the attack, 172 were injured. The Liberty suffered a 40 foot hole in her side. (Various sources)

USS Cole (DD-67). U.S. officials blame Osama bin Laden's al-Qaida network for both the Sept. 11 attacks and the Cole blast, carried out by terrorists who pulled an explosives-laden skiff alongside the destroyer as it refueled on Oct . 12 , 2000 in Yemen. A terrorist's bomb in an inflatable boat ripped it open and killed 17 of its sailors, leaving a 40 foot hole in the side of the ship. The destroyer underwent \$250 million of repairs over 14 months at Northrop Grumman's Ingalls shipyard in Pascagoula, Miss. (Houston Chronicle, various)

SAN`A, Yemen - Ten key suspects in the bombing of the *USS Cole* escaped from a Yemeni prison Friday, dealing a major blow to the investigation into the bombing blamed on the al-Qaida terror network. (Houston Chronicle, **Date:** SAT 04/12/03, **Section:** A **Page:** 21)

March 16, 1984, Bill Buckley The Iran-Contra Affair - US Security Council, John Poindexter, then National Security Advisor & Oliver North set up a complicated and illegal set of three way trades to save Bill Buckley who turned out to be already dead. The Reagan administration violated its own policy of not negotiating with kidnappers. North's activities inspired a rash of kidnappings by giving value to the act. John Poindexter, later

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indicted for lying to Congress was given a “bye” because he had been granted immunity by the Congress to get his testimony. More recently Poindexter, put in charge of DARPA (Defence Advanced Research Projects Agency) where he began the development of TIA (Total Information Awareness or Terrorist Information Awareness depending on when you read about it). Recently, Congress woke up and realized the potential threat to Americans and defunded it and Poindexter’s scheme to create a futures market on terrorism. (We hope anyway.) Why would DARPA, a part of the Department of Defense be involved in surveillance of American citizens. Is this not a violation of Posse Comitatas?

Closer to Houston - March 7, 2003 Bradford cites HPD lab flap, urges hold for 7 on death row
By ARMANDO VILLAFRANCA, Houston Chronicle Austin Bureau Staff

AUSTIN - Houston Police Chief Clarence Bradford told a (Texas) House committee Thursday that execution dates should not be set for seven Harris County men currently on death row until DNA evidence in cases can be reviewed a second time.

"There should be a cease-and-desist until their case is reviewed, but that's just my opinion," Bradford told the House Committee on General Investigating. The House committee wants to know why the Houston crime lab - which is responsible for testing physical evidence from crime scenes and issuing scientific opinions that could mean the difference between guilt or innocence - has been cited for so many problems. A state audit last year accused the lab of a number of shortcomings, from failing to file standard scientific protocols to tolerating a leaky roof that potentially could have contaminated evidence with rain water. (Houston Chronicle, Date: FRI 03/07/03, Section: A, Page: 1)

The Great K-mart Raid

Trial date scheduled for two ex-officers in raid

Two former Houston police officers who led a controversial raid at a westside parking lot will go to trial June 2 on five charges each of official oppression. Former Capt. Mark Aguirre and former Sgt. Ken Wenzel, who appeared in court Friday for the trial setting, are accused of ordering the arrests of more than 300 people, including many teenagers, at a Kmart parking lot in the 8400 block of Westheimer on Aug. 18. An in-house investigation ended with Aguirre being fired, Wenzel, also a lawyer, retiring and 30 other officers being disciplined.

Defense lawyers Terry Yates and Joe Bailey said they expect the trial could last two to four weeks. The defendants are expected to be tried together. (All the police were acquitted, those arrested were released, Chief Bradford found reasons to resign a little while later)

Houston Chronicle, Date: SAT 02/22/03, Section: A, Page: 30

Justice Gone Bad In Tulia, Texas

Andrew Cohen

Instead, as the Washington Post reported, “in eight lightning-quick trials, juries with virtually no black members

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handed down blisteringly tough sentences -- even though the sweeps turned up no drugs, weapons, paraphernalia or other signs of drug dealing." When the rest of the defendants saw that -- Jim Crow justice 50 years after it was supposed to have been outlawed -- they quickly pleaded guilty themselves in order to give themselves at least a shot at a lighter sentence. And then they languished in jail, knowing they were innocent of those charges, until sufficient legal momentum and good old-fashioned outrage did something about it. ((CBS) *Attorney Andrew Cohen analyzes legal issues for CBSNews.com.*)

Perry pardons 35 in Tulia sting

By POLLY ROSS HUGHES, Houston Chronicle Austin Bureau

AUSTIN - Gov. Rick Perry granted full pardons Friday to 35 people caught in a 1999 Tulia drug sting and convicted on apparently false testimony by an undercover officer.

Almost immediately, an attorney representing the Tulia residents said the case for justice will continue in federal courts.

"As great as this pardon is, this does not signal the end of this struggle," said attorney Jeff Blackburn, who filed a federal lawsuit in Amarillo Friday against a regional drug task force and several local government officials.

"The parties responsible for what happened to the people of Tulia have yet to be brought to the bar of justice," Blackburn said.

Of the original 46 Tulia residents arrested in the undercover sting, 39 were black, prompting accusations of a racially motivated roundup.

Perry announced the pardons in the notorious Tulia case along with 25 others. In June he had signed into law a bill releasing those incarcerated in the Tulia busts, pending an appeal.

"Questions surrounding testimony from the key witnesses in these cases, coupled with recommendations from the Board of Pardons and Paroles, weighed heavily in my final decision," Perry said.

"Texans demand a system that is tough but fair. I believe my decision to grant pardons in these cases is both appropriate and just," he added.

Perry spokesman Kathy Walt, however, said the pardons granted were not based on a determination of innocence.

A full pardon does not have the legal effect of expunging a criminal record or of exoneration except in rare cases based upon innocence, according to the Texas Board of Pardons and Paroles. This means the Tulia residents will still have records that say they were convicted on the charges.

Walt said the governor's office reviewed each case individually and noted that there were three Tulia cases not eligible for pardons. (Houston Chronicle, SAT 08/23/03, Section: A , Page: 1)

How we expanded the war in Vietnam.

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At 0354 on 2 August 1964, the destroyer was just south of Hon Me Island. Captain John J. Herrick, Commander Destroyer Division 192, embarked in the *Maddox*, concluded that there would be "possible hostile action." He headed seaward hoping to avoid a confrontation until daybreak, then returned to the coast at 1045, this time north of Hon Me.

The *Maddox* was attacked at 1600. Ship's radar detected five patrol boats, which turned out to be P-4 torpedo boats and Swatows. When the enemy boats closed to less than 10,000 yards, the destroyer fired three shots across the bow of the lead vessel. In response, the North Vietnamese boat launched a torpedo. The *Maddox* fired again—this time to kill—hitting the second North Vietnamese boat just as it launched two torpedoes. Badly damaged, the boat limped home. Changing course in time to evade the torpedoes, the *Maddox* again was attacked, this time by a boat that fired another torpedo and 14.5-mm machine guns. The bullets struck the destroyer; the torpedo missed. As the enemy boat passed astern, it was raked by gunfire from the *Maddox* that killed the boat's commander.

About this time, a covert operation now known as MACVSOG had just begun to send fast patrol boats (PTF) with South Vietnamese crews north of the DMZ to conduct bombardment and other operations. The North Vietnamese apparently assumed that the US Destroyers, which at the time were doing electronics listening operations, and the PTFs were associated with each other.

The battle was over in 22 minutes. The North Vietnamese turned for shore with the *Maddox* in pursuit. Aircraft from the *Ticonderoga* (CVA-14) appeared on the scene, strafing three torpedo boats and sinking the one that had been damaged in the battle with the *Maddox*.

The Desoto patrol continued with another destroyer, the *Turner Joy* (DD-951), coming along to ward off further trouble. On the night of 4 August, both ships reported renewed attacks by North Vietnamese patrol boats. Today, it is believed that this second attack did not occur and was merely reports from jittery radar and sonar operators, but at the time it was taken as evidence that Hanoi was raising the stakes against the United States. (The Secret Side of the Tonkin Gulf Incident By Dale Andradé and Kenneth Conboy, *Naval History*, August 1999)

And this second "attack" that never happened was then interpreted to Congress by McNamara that the attacks on American Destroyers were not isolated events but rather "part and parcel of a continuing communist drive to conquer South Vietnam". This led to the Gulf of Tonkin Resolution on 7 August and the rapid expansion of the U.S. war in Vietnam.

From: The Enemy Within
Gore Vidal

"Constitutionally, Bush is not only chief of state, he is commander-in-chief of the armed forces. Normally, a commander in such a crisis would go straight to headquarters and direct operations while receiving the latest intelligence.

This is what Bush actually did - or did not do - according to Stan Goff, a retired US Army veteran who has

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taught military science and doctrine at West Point. Goff writes, in 'The So-called Evidence is a Farce': 'I have no idea why people aren't asking some very specific questions about the actions of Bush and company on the day of the attacks. Four planes get hijacked and deviate from their flight plan, all the while on FAA radar.

Goff, incidentally, like the other astonished military experts, cannot fathom why the government's automatic 'standard order of procedure in the event of a hijacking' was not followed. Once a plane has deviated from its flight-plan, fighter planes are sent up to find out why. That is law and does not require presidential approval, which only needs to be given if there is a decision to shoot down a plane. Goff spells it out: 'The planes were hijacked between 7:45 and 8:10am. Who is notified? This is an event already that is unprecedented. But the President is not notified and going to a Florida elementary school to hear children read.

By around 8:15am it should be very apparent that something is terribly wrong. The President is glad-handling teachers. By 8:45am, when American Airlines Flight 11 crashes into the North Tower, Bush is settling in with children for his photo op. Four planes have obviously been hijacked simultaneously and one has just dived into the twin towers, and still no one notifies the nominal Commander-in-Chief.

No one has apparently scrambled [sent aloft] Air Force interceptors either. At 9:03, Flight 175 crashes into the South Tower. At 9:05 Andrew Card, the Chief of Staff whispers to Bush [who] "briefly turns somber" according to reporters. Does he cancel the school visit and convene an emergency meeting? No. He resumes listening to second-graders ... and continues the banality even as American Airlines Flight 77 conducts an unscheduled point turn over Ohio and heads in the direction of Washington DC.

Has he instructed Card to scramble the Air Force? No. An excruciating 25 minutes later, he finally deigns to give a public statement telling the United States what they have already figured out - that there's been an attack on the World Trade Centre. There's a hijacked plane bee-lining to Washington, but has the Air Force been scrambled to defend anything yet? No.

At 9:35, this plane conducts another turn, 360 [degrees] over the Pentagon, all the while being tracked by radar, and the Pentagon is not evacuated, and there are still no fast-movers from the Air Force in the sky over Alexandria and DC. Now the real kicker: a pilot they want us to believe was trained at a Florida puddle-jumper school for Piper Cubs and Cessnas, conducts a well-controlled downward spiral descending the last 7,000 feet in two-and-a-half minutes, brings the plane in so low and flat that it clips the electrical wires across the street from the Pentagon, and flies it with pinpoint accuracy into the side of the building at 460 knots." (The Observer, Sunday 27th October 2002, Review Section, Pages 1-4)

Gore Vidal will never be mistaken for a Bush cheerleader. But when he assembles these facts commonly known to us all and presents them as a story. One has to wonder. Why did the FAA and the Air Force sit on their hands, frozen like a deer caught in the head lights; unable to carry out their duty? Are we that incompetent?

Regarding the invasion of Iraq: Remember the speeches of George W. Bush, Tony Blair, Colin Powell, Donald Rumsfelt, Condoleeza Rice (and, even for a while, Dick Cheney) that promised us and the United Nations and the world that we and the British had proof that Iraq had weapons of mass destruction (WMD) and Saddam Hussein had the capability and the intention to use them against the US, then the West, then against Israel, and

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finally that they threatened their neighbors. We understand the search for WMD goes on as this is written. Saddam's intent to attack the West, however unlikely is now moot. And, we now have added Iraq to our liabilities.

Referring to the State of the Union Speech...

"I gave a speech that was cleared by the intelligence services," the president said. "It was a speech that detailed to the American people the dangers posed by the Saddam Hussein regime. And my government took the appropriate response to those dangers."

Mr. Bush made his comments not long after his national security adviser, Condoleezza Rice, said that the Central Intelligence Agency had "cleared the speech in his entirety." NYTimes 11 July 03

Although the jury is still out, regarding WMD and Saddam's intent, do any of the other accounts given above give us any reason to give anyone authority without strong checks and balances in place and in effect.

And while our so much of our military and security assets are devoted to the "War on Terrorism," what about the war on crime?

Have our police and military been able to eradicate the illegal drug trade? Have the various mafias and triads that prey on the population been eliminated? Have our agencies been able to even begin to thwart computer crime? Identity theft is becoming rampant. The government stands flatfooted and powerless while our email and faxes and telephones are invaded. Did you realize, that much of the software you buy or the web sites you visit will open a back door into the private information stored on your computer?

Have you heard of Echelon, Carnivore, Magic Lantern? These are ways that US government and some of its allies monitor the airwaves and the internet to see if anyone is using interesting words in their conversations or correspondence. Magic Lantern is virus the FBI can download to your computer so that it will report to them all your activity. They are all advanced versions of "wire taps". Do you suppose that prior to using them, they will always get a warrant?

Echelon produced lots of tidbits from Osama bin Laden and his Al Qaida henchmen, but it didn't stop 9/11. Now, that we know his simple substitution codes, bin Laden knows they are listening so he doesn't do that any more. He uses couriers instead.

The whole purpose in bringing up the preceding sampling of failures and weaknesses on the part of the persons in key leadership positions and institutions intended to protect the citizen is much more than to throw stones. It is to bring home the point that there are in fact reasons the founders of this country and the writers of the Constitution put the safeguards and limitations that they did into our foundation of law. If followed, those provisions will prevent tragedies from happening. And when we allow our agency to take "expedient short cuts" then those agencies will hurt the very people they are sworn to serve.

That, when we allow our trust of any person in authority to be blind, then we and our family and friends and fellow citizens will be hurt; not because the police are bad or evil, but if they are not held to a very high standard

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their actions will be. Occasionally, it will be because of hubris on the part of the actor, but just as often it will be because when haste is involved, it is easy to make mistakes. For that matter mistakes can be made anytime, by anyone. Intentional or by mistake, unprofessional behavior on the part of enforcement authorities will lead to harm for the citizen. Due process is the only defense against that.

The wonderful thing about our Bill of Rights is that it is firmly institutionalized in our culture. We all know about it and law enforcement knows there are limits. Not that we are anywhere close to perfect, nor in today's world have we done away with racial profiling. We do have a good foundation to build on. Without this common ingrained understanding of rights and limits there would be many more examples of official excess resulting in greater oppression. Remember the broken window theory. An unrepaired broken window invites others to break the ones next to it.

Even though the courts will sometimes grant restitution, you cannot undo history and the damage done. (When was the last time you ever heard of a law enforcement officer publicly apologizing for the misuse of deadly force or other miscarriage of justice? They will rationalize it til the cows come home, but never apologize; regardless of how they might feel privately.) Due process will prevent the damage from being done in the first place. If a person in any authority cannot act within the law, then he should quit.

“Power tends to corrupt, and absolute power corrupts absolutely. Great men are almost always bad men.”
(Lord Acton, in a letter to Bishop Mandell Creighton, 1887)

In a 1997 article in the Atlantic Monthly, George Soros wrote:

For our government to retain its legitimacy, its conduct must always be subject to challenge in a court of law. Nor can this judicial review be an empty gesture; lawyers must be allowed ample access to those the government would detain. It is the threat — and the promise — of judicial intervention that keeps executive power from veering into tyranny. (George Soros, The Capitalist Threat - 97.02, Atlantic Monthly Unbound)

“Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding.” (Louis D. Brandeis, US Supreme Court Justice, Dissenting, *Olmstead v. US*, 277 US, 438 (1928))

Never ask a barber if he thinks you need a haircut.

Never ask a fireman if he needs a new fire engine.

The question is about the Patriot Law. Was it necessary? Has it really improved our security? Or, is this just a power grab by certain individuals in the government, perhaps well-intentioned or well-rationalized. On 9/11 laws were broken, not the Patriot law, but existing laws. If those laws had not been broken or enforced, there would have been no 9/11. What is to be gained by writing new laws, will they be enforced any better in the long run, or, will they just take away more of our freedoms. The whole purpose of terrorism or as we used to

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call it, guerilla warfare, is to destabilize the enemy's government by tricking him into becoming so excessively repressive that the people will revolt from within or become so weak that the aggressor can walk in and take over, or in this case, get target country off the aggressor's turf.

Will the Patriot act and those behind it become autoimmune disease that consumes the society it is sworn to protect?

... most Iraqis are better off today than they were four months ago, let there be no doubt. The residents of Baghdad may not have power 24 hours every day, but they no longer wake up each morning in fear wondering if this will be the day that a death squad will come to cut out their tongues, chop off their ears or take their children away for 'questioning;' never to be seen again."

Donald H. Rumsfeld, Secretary of Defense

WASHINGTON, July 9, 2003 - Testifying before the Senate Armed Services Committee

The irony of Rumsfeld's statement is that we may well give Iraq real freedom, and sacrifice ours in the process.

"It is better to let 100 innocent die than one guilty go free"- Feliks Dzerzhinsky

"It does not require a majority to prevail, but rather an irate, tireless minority keen to set brush fires in people's minds."

Samuel Adams