

THIRD SATURDAY SEMINAR

2003-2004

WE DIG DEEPER YET

ON BEING HUMAN

FIRST SESSION

20 SEPTEMBER 2003

HUMAN RIGHTS & THE PATRIOT ACT

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HUMAN RIGHTS

WHAT ARE THEY

ARE THEY GUARRANTEED?

ARE THEY REALISTIC?

US BILL OF RIGHTS - 1789 - 10 AMMENDMENTS

**UN UNIVERSAL DECLARATATION OF HUMAN
RIGHTS -1948 - 30 ARTICLES**

**CHARTER OF FUNDAMENTAL RIGHTS OF THE
EUROPEAN UNION - 2000 - 54 ARTICLES**

First Period - Human Rights and Documents

US BILL OF RIGHTS

I. FREEDOM OF RELIGION, PRESS, SPEECH

II. MILITIA - RIGHT TO BEAR ARMS

III. NO SOLDIER QUARTERED WITHOUT CONSENT

**IV. SECURE IN PERSONS AND HOMES, PROBABLE
CAUSE.**

V. NOT DEPRIVED WITHOUT DUE PROCESS OF LAW

VI. CRIMINAL PROSECUTIONS - FACE WITNESSES

VII. JURY FOR SUITS AT COMMON LAW

VIII. NO EXCESSIVE BAIL

IX. OTHER RIGHTS RETAINED BY PEOPLE

X. POWERS NOT DELEGATED TO US, RESERVED FOR
STATES AND PEOPLE

If life was good -

From the Declaration of Independence ...

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.

“The Golden Rule”

So in everything, do to others what you would have them do to you, for this sums up the Law and the Prophets.

Matt 7:12

Excerpted from Compton's Interactive Bible NIV

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"Where, after all, do universal human rights begin? In small places, close to home - so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world."

Eleanor Roosevelt

Eleanor Roosevelt regarded the Universal Declaration as her greatest accomplishment.



Eleanor Roosevelt



Rosa Parks

human rights

Human rights are fundamental entitlements that all persons enjoy as protection against state conduct prohibited by international law or custom. Among the forms of mistreatment that are most widely condemned are extrajudicial or summary execution; disappearance (in which people are taken in custody and never heard of again); kidnapping; torture; arbitrary detention or exile; slavery or involuntary servitude; discrimination on racial, ethnic, religious, or sexual grounds; and violation of the rights to due process, free expression, free association, free movement, and peaceable assembly.

From The Grolier Software Toolworks Encyclopedia:

Background

Human rights as a distinct component of international law is a modern phenomenon; however, it has deep historical roots. Ancient Greek and Roman thought recognized the existence of immutable, NATURAL LAWS to which individuals might appeal in defiance of unjust state laws. Later, the secular and humanist strains of thought that appeared during the Renaissance and blossomed fully during the 18th century Enlightenment gave rise to theories of morality grounded in the rights of the individual.

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From The Grolier Software Toolworks Encyclopedia:

The crowning achievements of the latter period - - the English Bill of Rights of 1688, the American DECLARATION OF INDEPENDENCE of 1776, the Bill of Rights (see BILL OF RIGHTS) to the American Constitution in 1789, and the French Declaration of the Rights of Man and of the Citizen of 1791 built upon philosophical foundations to codify in law restraints on governmental power.

From The Grolier Software Toolworks Encyclopedia:

Human Rights and International Law

International law, recognizing the right of national sovereignty, traditionally focused on relations between states, not on the ways in which states treated their own citizens. Nevertheless, international law did impose on states an obligation to provide protection for aliens within their borders. Moreover, by the 19th century, a doctrine of "humanitarian intervention" developed, applying to cases in which a state committed atrocities against its own subjects that "shocked the conscience of mankind."

From The Grolier Software Toolworks Encyclopedia:

The Human Rights Movement

However, it has been left largely to nongovernmental organizations such as AMNESTY INTERNATIONAL, Human Rights Watch, and the International Commission of Jurists to publicize gross violations through on-site investigations, the dissemination of detailed reports and advocacy in international and domestic forums. Such organizations, which bring the pressure of world public opinion to bear on offending governments, focus their attention on a wide range of countries spanning much of the globe. The credibility of their reports and findings has stemmed, in large part, from their impartial application of universal human rights norms to all governments.

From The Grolier Software Toolworks Encyclopedia:

Human Rights Today

Despite its gains, however, the human rights movement has been forced to recognize that much work remains. Thus, as gross forms of torture -- including beating, burning, and electric shock -- have declined in some countries in recent years, they have been replaced by more sophisticated methods of mistreatment -- including sleep, water, and food deprivation; simulated asphyxiation; simulated drowning; freezing through excessive air-conditioning; and denial of medical care for the injured or ill -- which leave no obvious signs and thus enable governments to deny that such practices take place, but which are equally effective in obtaining information and terrorizing populations.

From The Grolier Software Toolworks Encyclopedia:

A matter of perspective ?

... in "The Dark Art of Interrogation" (October *Atlantic*), Mark Bowden argues that the public's understanding of torture is too simplistic. While the "civilized world" has condemned all forms of torture, Bowden explains that there are different kinds of torture—and different kinds of people who are subjected to it. There is a vast difference, Bowden writes, between using cattle prods to wring false confessions out of Chinese prisoners and using sleep deprivation and rough handling to get life-saving information from captured terrorists. In fact, the word "torture" does not even apply when interrogators employ only moderate physical and psychological pressure, Bowden argues; he and others prefer the term "coercion."

In other countries, despite a decline in the numbers of extrajudicial executions and disappearances, the state of political and civil freedoms is often not improved, because the chilling effects of an earlier stage of systematic violence endure.

Rights or Entitlements?

Freedoms? Or, Guarantees of
Health, Education, Work, Vacation,
Etc. ?

Session Two - The Patriot Act

Why

You can't handle the truth!

Colonel Nathan Jessep (Jack Nicholson) on the Stand

written by Aaron Sorkin in *A Few Good Men*

Jessep: You want answers?

Kaffee (Tom Cruise): I think I'm entitled to them.

Jessep: You want answers?

Kaffee: I want the truth!

Jessep: You can't handle the truth! Son, we live in a world that has walls. And those walls have to be guarded by men with guns. Who's gonna do it? You? You, Lt. Weinberg? I have a greater responsibility than you can possibly fathom. You weep for Santiago and you curse the Marines. You have that luxury. You have the luxury of not knowing what I know: that Santiago's death, while tragic, probably saved lives. And my existence, while grotesque and incomprehensible to you, saves lives...You don't want the truth. Because deep down, in places you don't talk about at parties, you want me on that wall. You need me on that wall.

...

Truth is also a matter of perspective or context:

Perhaps there is a reason for denying another human being rights ... at least in the minds of some ... perhaps they pose a credible threat ... in the minds of some.

On the other, why have the American People been manipulated with less than complete facts in order to get them to agree to war.

Why won't those in power trust the people to make a decision based on true facts?

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.

Before we proceed, perhaps it will help to get an idea of what life as a human being should be ...

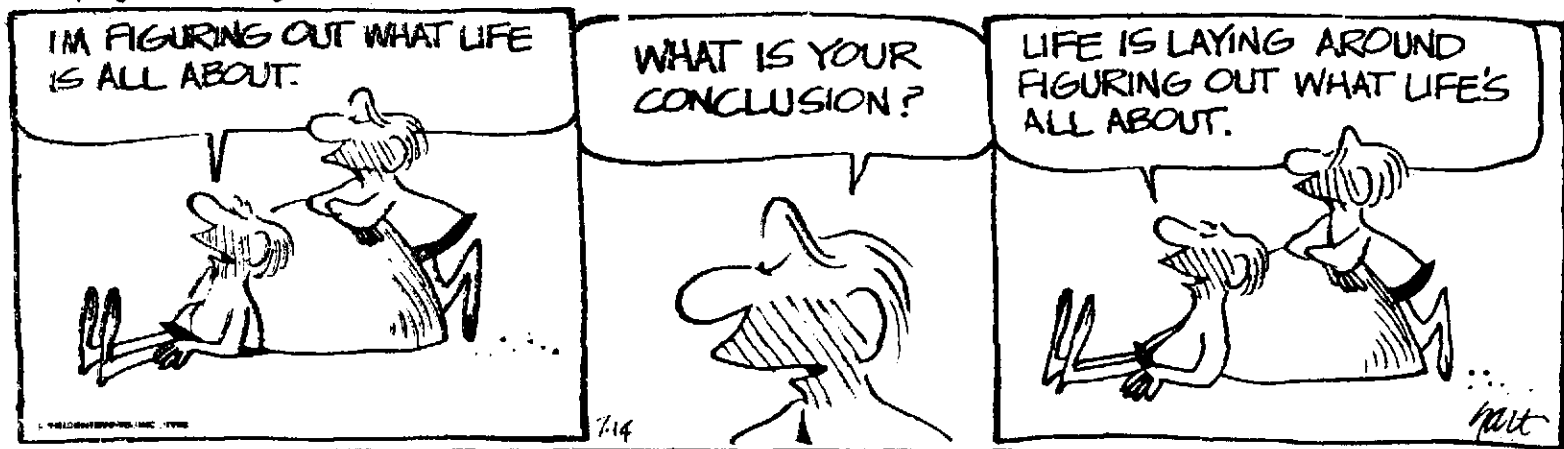
Here is a verse from the Old Testament book of Wisdom that might help.....

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

On the other hand ...

B.C./ by Johnny Hart



This is only possible in free and open society as well ...

Lest we Forget

“....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”)

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.

While the Justice Department minimizes the impact of the Patriot Act. If it was so minimal, then why did they bother and why did it take 350 pages?

And why is it important to be able to deny the civil rights of non-citizens and invade the privacy of everyone.

What do they have against the guarantee of probable cause and due process?

In effect they want the people of the US to trust them while we allow them to remove protections guaranteed by the Constitution.

Perhaps we should look at some recent incidents involving those trusted with our protection to see if the pattern of their behavior justifies trust they seem to expect

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)

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.

20 Jun 03 (CBS)

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

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.

By PHILIP SHENON (NYTIMES) WASHINGTON, Aug. 22 —

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.

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

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-GCG*). - Ruby Ridge: The Justice Report - *By James Bovard*

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)

See the previous slide ...

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 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 are learning 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:

The First:

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 Torpedo 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). (40 Foot Hole #2)

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 it's own policy of not negotiating with kidnappers. North's activities inspired a rash of kidnappings by giving value to the act.

John Poindexter, later 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).

It should be noted that in addition to embarrassing the administration and the country; because of Iran-Contra, the business of kidnapping took on a new life and there was a rash of new kidnappings.

The leadership of the US had caved on their on harsh but effective principle of never bargaining for the lives of hostages and showed that they would give in with the right incentive

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.

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

(All the police were acquitted, those people arrested were released, Chief Bradford found reasons to resign a little while later)

Justice Gone Bad In Tulia, Texas

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

How we expanded the war in Vietnam

On the night of 4 August (1964), both ships (*Maddox and Joy*) 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.

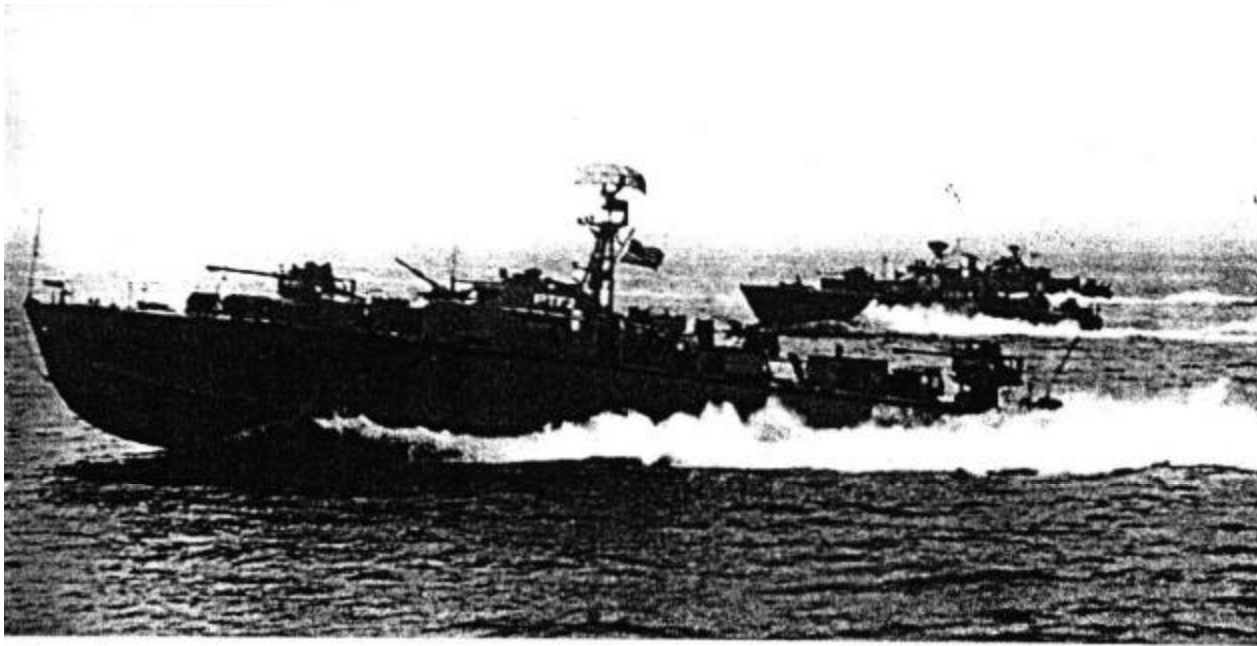
Please read the accompanying article to get more of the details.

But it appears the what Maddox saw prior to the first attack were a couple of Vietnamese manned PT boats headed back south after a raid on the North Vietnamese Coast.

The following night, when the destroyer came close to the coast they were attacked by North Vietnamese Swatow PT boats and there was a battle doing great damage to the north North Vietnamese.

When the Maddox and Joy came in two nights later, there was a heavy fog...

In March of '65, I was assigned as an advisor to the unit that was sending PT boats to conduct operations off the coast of North Vietnam. A Picture Follows



SOG Nasty boats used for operations against the North Vietnamese coast. These boats still have markings and are flying the U.S. flag. When used against North Vietnam, all markings and the flag were removed. (Photo provided by John Plaster)

GEORGE C GRABY

NADDWADG
MAR 65 - APR 66

Commandos. Three South Vietnamese Nasty boat commanders and the intelligence officer and assistant operations officer of SOG's Naval Advisory Detachment who trained them. (Photo provided by Bernard Trainor)



In protecting the people, their rights must not be infringed in the process. The people should not be punished for the acts and intentions of the few. Law enforcement actions must be conducted within the law and professionally to minimize mistakes.

Even though the courts will sometimes grant restitution to those harmed, 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.)

Respect for “Due process” will prevent the damage from being done in the first place.

Of course this is a tremendous challenge to those who have accepted responsibility as peace officers and federal agents.

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 improve 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.

And so will it be if we allow even well-meaning officials to take short cuts with the due process of justice.

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

Due process is the only defense

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 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 being compounded.

The question is about the Patriot Law. Was it necessary? Has it really improved our security? Or, is this just a disguised power grab by certain individuals in the government, perhaps well-intentioned or well-rationalized.

On 9/11/01 laws were broken. Not the Patriot law, but existing laws. If those laws had not been broken or had been 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 cost more and take away more of our freedoms. The whole purpose of terrorism or as we used to 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 the target country off the terrorist's turf. (Review the bin Laden quote at the start.)

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))

... 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

My nightmare is that one day Iraq may have a free democratic society and ... we won't.

This worked for Communist Russia and the USSR ... for a while ...

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

- Feliks Dzerzhinsky

But, would this be the country we want in our future ... ?

... It took the Soviet Union over 50 years to self-destruct.

Back to truth ... One truth that should be apparent to all of us ...

The argument rests on the assumption of perfect knowledge: if a solution is wrong, its opposite must be right. In the absence of perfect knowledge, however, both free markets and regulations are flawed. Stability can be preserved only if a deliberate effort is made to preserve it. Even then breakdowns will occur, because public policy is often faulty. If they are severe enough, breakdowns may give rise to totalitarian regimes.

George Soros - The Capitalist Threat, Atlantic Monthly

To derive a political and social agenda from a philosophical, epistemological argument seems like a hopeless undertaking. Yet it can be done. There is historical precedent. **The Enlightenment was a celebration of the power of reason**, and it provided the inspiration for the Declaration of Independence and the Bill of Rights. The **belief in reason was carried to excess in the French Revolution**, with unpleasant side effects; nevertheless, it was the beginning of modernity. We have now had 200 years of experience with the Age of Reason, and as reasonable people we ought to recognize that **reason has its limitations**. **The time is ripe for developing a conceptual framework based on our fallibility. Where reason has failed, fallibility may yet succeed.**

George Soros, The Capitalist Threat, Atlantic Monthly 97.02

And we should have faith in ourselves and our country that we are grown up enough to hear, see, and understand the truth.

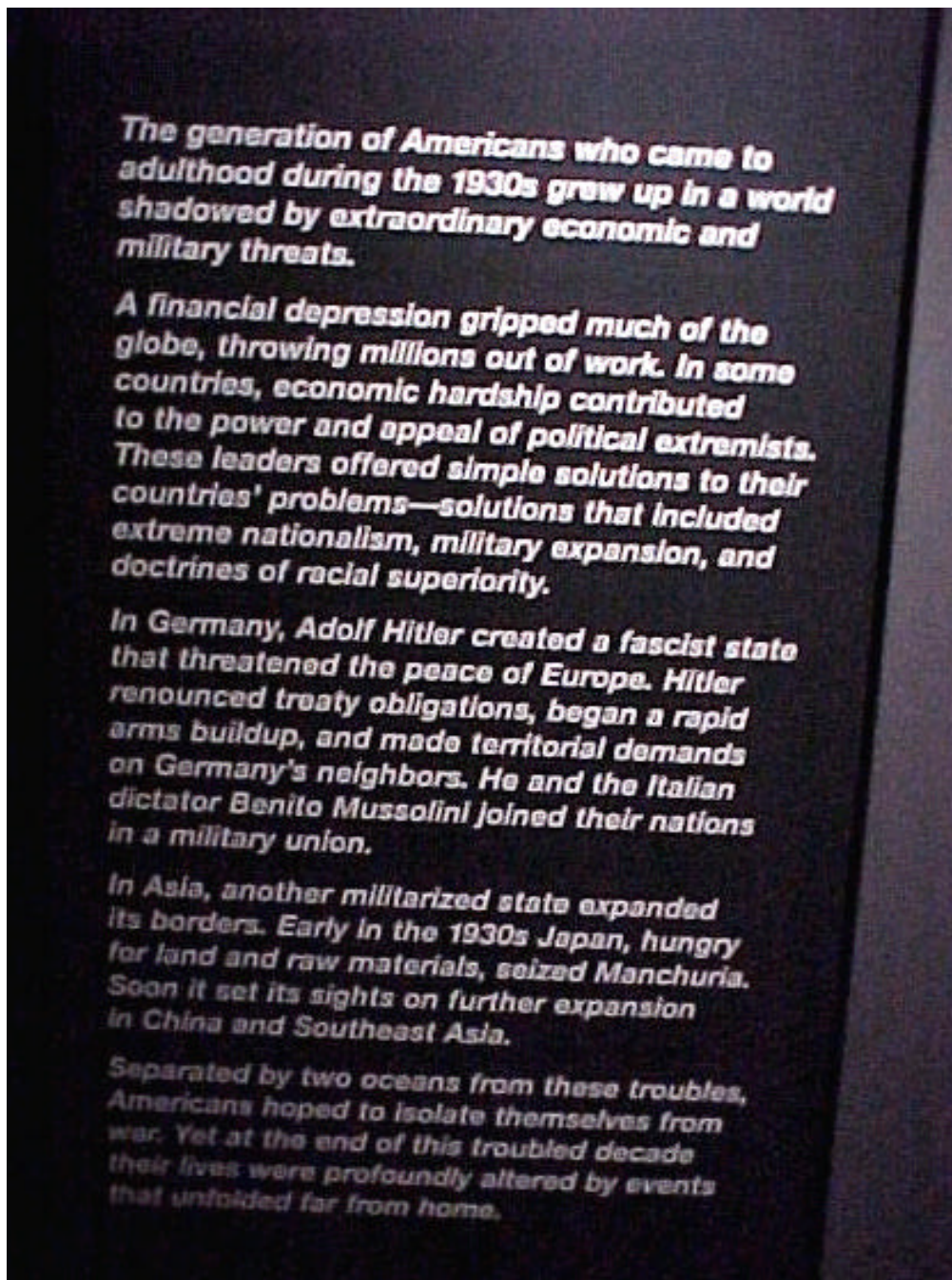
Our leaders, and representatives, if they want our continued trust and support must not only trust us with the truth but also act in our interests within the Constitution that has served us well for over 200 years and be candid, and competent.

By the way there are far more threats to our well-being than just the foreign terrorists. In fact it serves the interest of the terrorists when they can distract our government from competently minding important domestic and global issues as well.

And in our relationships with people of other nations, wouldn't it be good if we treated them, truly as we wish to be treated in return. That is as fellow human beings ...

War Clouds

Those who do
not learn from
history ...



From the
Entrance to
the exhibits
at the
D-Day
Museum
New
Orleans