
The American Taliban: The Closing Down of American Society

By Jak King

Introduction

There is a chill in the air, and it has nothing to do with the season. There is the chill of fear, a feeling still sub-conscious for most; the fear of the knock on the door, the fear that something you are doing – or something someone *thinks* you are doing -- will cause offence to the authorities and cause you to disappear into the Gulag that certain parts of the American incarceration system have become. And this fear is not misplaced; there is a growing list of activities that are no longer acceptable to the government, and they are determined to know exactly when you stray.

The Bush Administration – with John Ashcroft on point -- is at the heart of a plan to make the population of the United States the most closely monitored people in the world, with technologies and legislation that make the old KGB and East Germany's Stasi look like amateurs. As a new report from the ACLU vividly recounts, the government's efforts "run the gamut from old-fashioned efforts to recruit individuals as eyes and ears for the authorities, to the construction of vast computerized networks that automatically feed the government a steady stream of information about our activities."¹

Close monitoring and control of its citizens' activities is, of course, a defining characteristic of authoritarian regimes throughout history and across the globe. The harshly exclusionist tenor and self-righteous morality that informs the religious background of the present regime is sometimes reminiscent of the Inquisition and sometimes it recalls more modern examples of intolerance. Either way, it deserves the title of an American Taliban.

The Surveillance-Industrial Complex

What makes the current policies stand out are the ways in which the administration has teamed up with private sector corporations in what the ACLU dubs "The Surveillance-Industrial Complex." This intimate linkage between corporations and the government allows "the government to carry out privacy-invading practices at 'arm's length' by piggy-backing on or actually cultivating data collection in the private sector that it could not carry out itself without serious legal or political repercussions."

¹ American Civil Liberties Union, "*The Surveillance-Industrial Complex*", August 2004.

In many cases, corporations have voluntarily passed over information to the government. Famously, several airlines turned over lists of millions of passengers unprompted, allowing the government to examine every traveler's records. Perhaps less well known is that the Professional Association of Diving Instructors voluntarily turned over personal information on more than 2 million Americans who had learned to scuba in the previous three years; that 195 colleges and universities had transferred personal information to the FBI in 2001; that 64% of travel companies had provided data to the government; that a single Internet Service Provider (BellSouth) received more than 16,000 subpoenas from law enforcement for information in 2002 alone.² The examples could go on and on.

More formally, the FBI and private corporations have joined together in something called InfraGard. This operation was called by the Cleveland Plain Dealer a "vast informal network of powerful friends designed to funnel security alerts away from the public eye and receive tips." InfraGard apparently has a membership of 10,000 companies, the names of whom are kept secret.

For those corporations that need a little persuasion to cooperate, the government has the Patriot Act and the FBI have National Security Letters through both of which they can demand records held by companies. It used to be that National Security Letters could only be used against "agents of a foreign power." However the Patriot Act changed all that, allowing their use by the FBI against anyone "**including persons not suspected of a crime.**" In November 2003, Ashcroft announced new procedures under the Patriot Act that included giving the FBI the power to gather information on Internet users even when this was not part of an official investigation and to initiate online surveillance on the basis of a priori suspicion.

In a move stunningly reminiscent of the old Soviet-style neighbourhood spying regimes, Bush announced in his 2002 State of the Union address the formation of the "Terrorism Information and Prevention System", or TIPS. This massive intrusion into the private lives of Americans sought to recruit literally millions of civilian spies to snoop on their neighbours. Even the GOP's Congress found it too hard to swallow and shut the program down. However, even though TIPS-like activity was banned, the ACLU report lists a dozen or more TIPS-style programs operating around the country. For example: "In a direct local imitation of the original TIPS concept, police in Orange County, Florida are planning to train emergency personnel, cable workers and other public and private workers to look for and report evidence of terrorism, drug trafficking, or child pornography in private homes." Some of these programs – "Eagle Eyes", "Talon" are two examples -- are operated by the military within the US.

Profiling

² All these examples are from ACLU, "*The Surveillance-Industrial Complex*"

Many of these programs are specifically directed at getting civilians to report anyone who looks out of place. For example, many counties are using materials prepared by the Department of Homeland Security which describe “out of place” as “persons not fitting into the surrounding environment [such as] ... beggar, demonstrator, shoe shiner, fruit or food vendor, street sweeper, or a newspaper or flower vendor.” These kind of broad-stroke suggestions leave a wide scope for racial profiling and paranoia directed at anyone who is different or stands out.

In fact, as Chisun Lee wrote in a recent *Village Voice* article, racial profiling “is all the more insidious today, because the war on terrorism has lent profiling the veneer of legitimacy.”³ When Bush announced in 2003 that “racial profiling is wrong and will not be tolerated” and that “stereotyping certain races as having a greater propensity to commit crimes is absolutely prohibited,” he specifically excluded “current federal policy with respect to law enforcement activities and other efforts to defend and safeguard against threats to national security.” In other words, “national security” could be used as the excuse for any kind of profiling by any government agency. As an example, it was recently revealed that the US Census Bureau release detailed demographic information on Arab Americans – US citizens – to the Department of Homeland Security.

Regardless of race or national origin, in the end, of course, it is individuals who are the targets of all this data mining. And it is individuals who are now more closely monitored than ever before, and who have to live with the consequences. For instance, through the new powers granted by the Patriot Act, the government now has a system of near-total surveillance of the US financial system. Financial institutions are now obliged to check all their customers against government supplied “watch lists”. According to the ACLU, “[i]ndividuals must now be checked against terrorism watch lists whenever they buy or sell property – including [at] jewellers, pawnbrokers, and even average families buying or selling a home.”

In addition, there is a broad system for the reporting of “suspicious” financial transactions, and the government has built itself the ability to conduct what the ACLU describes as “broad-ranging, nationwide ‘Google searches’ through financial records”. Section 314 of the Patriot Act forces financial institutions to check their records to see if they engaged in any transactions with any “individual, entity or organization” on lists provided by virtually any arm of government.

And they are not now just looking for the type of transactions that drug dealers and gun runners might make to launder their cash. Under the guise of monitoring funds that might at some later date fall into terrorists’ hands, the government is tracking “money derived from legitimate purposes” handled by people – you, me -- who have not committed any crime. According to figures obtained by *Newsweek* magazine, more than two-thirds of Section 314 searches in 2003 were unrelated to terrorism.

³ Chisun Lee, “Civil Rights Rollback”, <http://www.villagevoice.com/issues/0431/lee.php>

Smile, Please, You're On Camera

Don't think any of this concerns you? Under the Congress-approved PROTECT Act, the FBI estimates that they will be allowed to fingerprint more than 26 million Americans who donate their time to volunteer organizations. In addition, they are preparing to conduct criminal background checks on 3.5 million truck drivers under Patriot Act regulations concerning hazardous materials. The State-level MATRIX operation includes 20 billion plus records derived from several hundred public and private databases.

From a posting at the *Max Speaks* website, I learn that the US Internal Revenue Service have hired a private corporation -- ChoicePoint -- to collect on its behalf demographic and financial information on US taxpayers.⁴ If that doesn't scare you, it should. You now have a private corporation collecting information that even the FBI is not allowed to collect on you, and it has the government's seal of approval.

The situation is not made any better by the fact that ChoicePoint was also the company that helped draw up the terrible Florida voters' registers for the 2000 Federal election. As Greg Palast reported at the time: "A close examination suggests thousands of voters may have lost their right to vote based on a flaw-ridden list that included purported "felons" provided by a private firm with tight Republican ties. Early in the year, the company, ChoicePoint, gave Florida officials a list with the names of 8,000 ex-felons to "scrub" from their list of voters. But it turns out none on the list were guilty of felonies, only misdemeanors." The company's methods seem to have been both secretive and less than adequate: "Last year, DBT Online, with which ChoicePoint would soon merge, received the unprecedented contract from the state of Florida to 'cleansing' registration lists of ineligible voters -- using information gathering and matching criteria it has refused to disclose, even to local election officials in Florida ... [The ChoicePoint] computer program automatically transformed various forms of a single name. In one case, a voter named "Christine" was identified as a felon based on the conviction of a "Christopher" with the same last name ... ChoicePoint would not respond to queries about its proprietary methods. Nor would the company provide additional verification data to back its fingering certain individuals in the registry purge. One supposed felon on the ChoicePoint list is a local judge."⁵

This certainly wasn't the first time ChoicePoint had caused problems. As Palast goes on to report: "In January [2000], the state of Pennsylvania terminated a contract with ChoicePoint after discovering the firm had sold citizens' personal profiles to unauthorized

⁴ <http://maxspeak.org/mt/archives/000533.html>

⁵ Greg Palast: "Florida's flawed "voter-cleansing" program - Salon.com's politics story of the year", <http://gregpalast.com/printerfriendly.cfm?artid=55>

individuals." And this is the company that the IRS is allowing to poke around in *your* bank accounts and loans!

Of course, all of the information that ChoicePoint collects is automatically available to any government agency that requests it under the Patriot Act. Private data aggregators claim that they have data "defined for over 90 million households (90 percent of US)" with records of more than 3.5 billion transactions. One of the largest of such aggregators has contracts with the FBI, DEA, IRS, US Marshals Service, Citizenship and Immigration Services, and ATF to share their data. Information and services supplied include "financial reports, education, professional credential and reference verification, felony checks, motor vehicle records, asset location services, and information on an individual's neighbours and family members."

And as if that wasn't enough, there are the super-secret surveillance programs carried out by the CIA, the NSA, the Defence Intelligence Agency and others. The CIA, for example, has a personal information surveillance program called Quantum Leap that is described by the Agency's deputy chief information officer as "so powerful it's scary ... could be Big Brother." Even the Army is in on the act. As *Newsweek* recently revealed, the Pentagon has sought to expand its spying role within the United States: "Ever since the 1970s, when Army intel agents were caught snooping on antiwar protesters, military intel agencies have operated under tight restrictions inside the United States. But the new provision, approved in closed session last month by the Senate Intelligence Committee, would eliminate one big restriction: that they comply with the Privacy Act, a Watergate-era law that requires government officials seeking information from a resident to disclose who they are and what they want the information for. The CIA always has been exempt ... The new provision would now extend the same exemption to Pentagon agencies such as the Defense Intelligence Agency."⁶ Note, this was slipped into a bill "in closed session". In other words, there has been no public debate or input for a change that could be devastating to civil liberties.

The same article gives an example of what this might mean: "Last February, two Army counterintelligence agents showed up at the University of Texas law school and demanded to see the roster from a conference on Islamic law held a few days earlier. Their reason: they were trying to track down students who the agents claimed had been asking "suspicious" questions." The Pentagon's justification? According to spokesman Bryan Whitman: "It's a new world we live in. We have to do what is necessary for force protection." So, all you civilians out there, force protection is now more important than civil rights protection.

Travel Controls

⁶ Newsweek: "Intelligence: The Pentagon – Spying in America?", <http://www.msnbc.msn.com/id/5197014/site/newsweek>

One of the most obvious changes resulting from all this scrutiny has been the increased waiting times at airports. Always re-fighting the previous war, the Bush Administration has concentrated enormous resources on beefing up security at airports and on airlines in general. This "security" includes the infamous no-fly watch lists. According to papers released by the Transportation Security Administration, the government's official "no fly" list has grown by leaps and bounds each year since 2001. There are now more than 20,000 names on the list, and no-one really knows whether the names should be on the list or not.⁷ The whole system is a mess, but it is growing like Topsy.

An equally worrying development is reported by *Time* magazine. They say that the Transportation Security Agency "will announce the launch of a three-month trial of its Registered Traveler program, which will start at five airports, beginning in Minneapolis—St. Paul and then in other cities, including Los Angeles and Houston. A sort of fast track for frequent flyers, the program aims to let approved passengers use less crowded lanes to the security checkpoints and possibly avoid such routine security measures as removing their shoes and coats. To gain that privilege, passengers must submit to an extensive background check, including searches of commercial and government databases. After being approved and paying a small annual fee (yet to be determined), they would be issued a card—containing a biometric identifier (a fingerprint, for example) and personal data—that shows they're entitled to the special security treatment."⁸

Not surprisingly, *Time* plays this up as a major benefit ("finally taking a significant step", "the initiative comes not a moment too soon") and the only critics they cite are those who suggest this won't really improve security. The real danger that they choose not to mention is that such "privilege" cards soon become the norm and anyone who doesn't have one -- anyone that is, not willing to give yet another government agency access to "an extensive background check, including searches of commercial and government databases" -- will quickly be seen as suspicious and therefore worthy of even more monitoring.

But, of course, an airline card isn't all you'll need if some in Congress have their way. The House and Senate have separately been debating changes to drivers' licenses to make them uniform across the country and more amenable to law enforcement tracking. Under the Senate version, the Director of Homeland Security would be able to decide what supporting documents a State would be required to accept as proof of identity for a license application. Moreover, "[t]he secretary could require the license to include fingerprints or eye prints. The provision would allow the Homeland Security Department to require use of the license, or an equivalent card issued by motor vehicle bureaus to nondrivers for identification purposes, for access to planes, trains and other modes of

⁷ Washington Post: "Faulty No-Fly System Detailed", <http://www.washingtonpost.com/wp-dyn/articles/A18735-2004Oct8.html>

⁸ Time: "Fast Tracking Flyers", <http://www.time.com/time/archive/preview/0,10987,1101040621-650695,00.html>

transportation. The House's version of the intelligence bill ... would require the states to keep all driver's license information in a linked database, for quick access. It also calls for "an integrated network of screening points that includes the nation's border security system, transportation system and critical infrastructure facilities that the secretary determines need to be protected against terrorist attack."⁹

As the Marv Johnson of the ACLU has pointed out, if this system is then expanded to cover all forms of transportation – buses, subways, highways – the end result is "to require you to have some national ID card, essentially, in order to go from point A to point B." James C. Plummer Jr., a policy analyst at Consumer Alert, quoted in the *Times* article, said, "You're looking at a system of internal passports, basically." Anyone familiar with the history of totalitarian regimes in Nazi Germany, the Soviet Empire, apartheid South Africa, and modern dictatorships will readily understand the importance of travel controls of this type.

Mobile Tracking

In an excellent article at *Dissent Magazine*, David J. Phillips describes how "[t]oday the United States has at least 130 million cell phone users. All are subject to increasingly precise tracking. The infrastructure that supports such tracking has evolved rapidly through a series of technical, legal, and political mutations, all stemming from the choices of highly interested actors. The resulting configuration of laws, networks, and corporate interests determines who is able to use the phone system to gather information about the mobility, not only of individuals, but of the population as a whole."¹⁰ Phillips goes on to explain exactly how our obsession with gadgets -- especially communications gadgets and electronic payment cards -- has led to a situation where governments and corporations monitor virtually everything you do.

Phillips interestingly traces a technical history linking the original 911 emergency phone system with the current ability to track the exact position in real time of a cell phone in use, concluding that "[t]aken together, changes invisible to ordinary citizens have moved us into a world where all mobile phone users are potentially subject to precise monitoring. Specialized location systems pinpoint calls. Specialized database systems collect and distribute that data ... For the most part these systems are operated by private companies. Yet they have been developed with public money ... In effect, then, what has developed in the United States in the past decade is a publicly funded, privately operated, generic, adaptable, and pervasive surveillance infrastructure."

⁹ New York Times: "Congress Close to Establishing Rules for Drivers Licenses", <http://www.nytimes.com/2004/10/11/politics/11identity.html?oref=login&oref=login>

¹⁰ David J. Phillips: "Cell Phones, Surveillance and the State Monitoring Daily Life," <http://www.dissentmagazine.org/mentest/articles/sp04/phillips.htm>

So, OK, perhaps you can rationalize away this lack of privacy safe in the knowledge that, should you need it, an ambulance will be speeding toward you in the most efficient fashion. But is that all it is used for? You wish! "[W]ireless carriers are exploring the possibilities of linking data generated by the systems described above on phone users' location and movements to commercially developed marketing data on users' social characteristics and purchasing patterns," Phillips reports. "Think of the possibilities: when certain trigger conditions are met-when the right sort of person appears in the right sort of region at the right sort of time-the carrier could deliver an advertiser's message to the user. Nearing a Pizza Hut, one could find one's cell phone ringing with a recorded ad suggesting that a snack is waiting at the next fork in the road."

That sounds really annoying to me, but not life-threatening. However, how about this? "Police and national security agencies increasingly seek to use the vast amounts of locational data generated by emergency calls, not simply to respond to particular callers, but to trace patterns of normal and aberrant behaviour. For example, some regional call centers share the locational data from medical emergency calls with third parties. Those third parties then analyze that locational data to look for patterns suggesting an epidemic or bioterrorism ... [I]nitiatives such as Total Information Awareness (TIA) (now strategically renamed Terrorism Information Awareness) and the Computer Aided Passenger Profiling System (CAPPS) are intended to churn huge amounts of personal data in order to find patterns of normalcy and deviance. After those patterns are established, they are used to profile individuals and assign them a certain risk level."

And how about this little nugget from page 14 of the ACLU "*Surveillance-Industrial Complex*" Report. The "Communications Assistance for Law Enforcement Act (CALEA) ... forced telecommunications providers to design their equipment according to the FBI's specifications in order to make eavesdropping easier and more convenient" Law enforcement agencies have recently been trying to expand the applicability of CALEA. They claim an interpretation that would allow them to collect tracking data on cell phone users, "turning cell phones into what, for all practical purposes, are location tracking bugs." Moreover, the FBI is trying to insist that Internet phone providers – a growing new industry – build their equipment so that the FBI can listen in at any time. The ACLU correctly concludes that this "is the constitutional equivalent of the government requiring that all new homes be built with a peephole for law enforcement to look through."

And talking of loopholes, if you were under any illusions that the emails you are sending and receiving were private, the First Court of Appeals of Massachusetts has recently set the record straight by taking a hair-splittingly narrow interpretation of the Wiretap Act, that email sitting on a server (and therefore "in storage" rather than "in transit") is fair game for anyone to read. In the case in question, a bookseller created email accounts for his customers, and then set up software to read any communication those clients had with Amazon.com in order that he could gain a commercial advantage. When this came to light, the authorities charged the bookseller with violating the Wiretap Act, which governs unauthorized interception of communication. However, as *Wired* reported, "the court found that because the e-mails were already in the random access memory of the

defendant's computer system when he copied them, he did not intercept them while they were in transit over wires and therefore did not violate the Wiretap Act, even though he copied the messages before the intended recipients read them. The court ruled that the messages were in storage rather than transit."¹¹

Of course, I am not the only one to think this is bizarre and dangerous: "[T]his court has effectively given Internet communications providers free rein to invade the privacy of their users for any reason and at any time," says Kevin Bankston, an attorney with the Electronic Frontier Foundation. I hope my ISP has fun reading all those Viagra and Nigerian fortune emails that seem to dominate my inbox!

The government is also studying ways to monitor the endless noise on the Internet's thousands of chat rooms. Researchers are looking for a mathematical model that will allow them to predict messages of interest amid the gigabytes of traffic. Looking for what they call "hidden communities", they will check messages for certain keywords that could reveal something about what's being discussed in groups.¹²

Hear No Evil, Speak No Evil, See No Evil ...

The fundamentalist current in this charge toward authoritarianism is expressed in ways both large -- in the push for discriminatory anti-gay legislation, for example, and the attempt to eliminate inclusive literature in school libraries -- and small.

Wal-Mart has pulled *'The Today Show'* book from its shelves because it contains a humorous picture of naked Supreme Court Justices because "our customers would not be comfortable with it."¹³ And they know best of course. In the heartland, Kansas Attorney General Phill Klein and Indiana Attorney General Steve Carter have decided they know best what you should be allowed to hear. When Kansas and Indiana received 108,000 music CDs as part of a nationwide price-fixing settlement with the music industry, the discs were destined for public libraries. But between them, the two Attorneys General have censored about 7,000 of the records, with the Kansas spokesman declaring the banned music "did not mesh with the values of a majority of Kansans."¹⁴ Again, the majority of the citizens did not get a say in this; their minds were made up for them by the two politicians. So much for freedom of expression.

¹¹ Wired Online: "E-Mail Snooping Rules Permissible", http://www.wired.com/news/politics/0,1283,64043,00.html?tw=newsletter_topstories_html

¹² Yahoo News: "US Funds Chat Room Surveillance Study", http://news.yahoo.com/news?tmpl=story&cid=562&u=/ap/20041012/ap_on_hi_te/chat_room_surveillance_3&printer=1

¹³ Washington Post: "Wal-Mart Finds 'Daily Show' Book Racy," <http://www.washingtonpost.com/wp-dyn/articles/A50108-2004Oct20.html>

¹⁴ AP News: "Kansas Attorney General Removes CDs Headed For Public Libraries", <http://ap.tbo.com/ap/breaking/MGB383FWKXD.html>

Michael Powell's authoritarian hardline on "decency" in the media, launched on the springboard of Janet Jackson's nipple, brought to the public's attention a rightwing movement of repression that does not yet seem to have crested. And the media's craven kowtowing to these fascistic diktats should equally have raised the public alarm.

The *New York Daily News*'s Lloyd Grove discovered one sublimely stupid example of damage that such an atmosphere can create. "The Federal Communications Commission apparently has broadcasters so scared that radio stations that air "*Broadway's Biggest Hits*," a nationally syndicated weekly show, refused to air a satirical song from the 1975 Pulitzer Prize- and Tony Award-winning musical "*A Chorus Line*".¹⁵ Some stations refused to play "*Dance: Ten, Looks: Three*", which, Grove says, "contains a comical reference to surgical enhancements and the showbiz-hiring advantages of "T & A"." The show's producer, Bud Wilkinson, told Grove "he won't include such racy material in the future. "As a producer, I would love to, but as a businessperson, I'm caving, because my customers are concerned about being fined," he said. "And it just makes me want to vomit"."

The FCC's crackdown on TV is better known. After the Super Bowl fiasco, *ER* reshot scenes so as to avoid showing an accident victim's naked breast; a parental warning was thought necessary for an episode of *That 70s Show* in which a male character is caught masturbating off-camera; and *The O.C.* decided not to show a female character having an orgasm. And that was just in the first blush of the repression. Now, we have the bizarre situation where a good ol' boy NASCAR driver talking in a garage can't say "Shit" without getting a \$10,000 fine and having NASCAR institute a 7-second delay on its TV broadcasts in an effort to avoid a repeat incident.¹⁶

When TV shows with an open attitude to sexual mores *do* get on the screen, they are likely to come under pressure from any number of fundamentalist organizations. For example, ABC's new hit "*Desperate Housewives*" has found itself facing advertiser boycotts launched by the American Family Association which CNN Money calls "a self-described 'traditional family values' group that has over the years been a relentless critic of the entertainment industry ... Through two of its member Web sites, the American Family Association has rallied thousands of followers, who last week began inundating the e-mail servers and phone lines at Tyson, Lowe's and ConAgra ... Conagra got about 36,000 e-mails last week from American Family Association members."¹⁷ Conagra seems to have stopped advertising on the show, and other targets – Tyson Foods, Kellogg and Lowes – confirmed that they, too, had decided against spending ad dollars on "*Desperate Housewives*". Other shows targeted by American Family association include NBC's "*Father of the Pride*," CBS's "*Big Brother*," and ABC's "*Life As We Know It*."

¹⁵ New York Daily News: Lloyd Grove's Daily Dish,
<http://www.nydailynews.com/news/gossip/story/218367p-187836c.html>

¹⁶ NASCAR.com: "Helton: Don't Curse, regardless of delay",
http://www.nascar.com/2004/news/headlines/cup/10/10/helton_meeting/index.html

¹⁷ CNN Money: "Housewives Loses Some Sponsors",
<http://money.cnn.com/2004/10/19/news/fortune500/desperate/index.htm>

And then there's the case of the T-shirt, as reported by the *Palm Beach Post*: "A couple returning home from a Costa Rican vacation was ejected from an American Airlines flight because the man was wearing a T-shirt depicting a bare breast. Oscar Arela and his girlfriend, Tala Tow, were removed from Flight 952 on Saturday after he refused to change the shirt or turn it inside out at Miami International Airport."¹⁸ This *is* the Land of the Free, isn't it?

...Even In Your Own Bed

OK, so the media and airlines are public space, maybe that makes a difference. But what about stuff you do at home? That's private, yes? Not in Alabama it isn't. Not if you want to use a vibrator or any other sexual aid or toy. The majority of the justices ruled that it was a slippery slope; if they were to allow sex toys, they would soon have to allow "adult incest, prostitution, obscenity, and the like".¹⁹ So, it doesn't matter that you are a consenting adult with or without other consenting adults, in Alabama the local Taliban tell you what you can and cannot do in bed.

By now you should have noticed a trend: that the American Taliban mimic their Islamic brothers in how they try to use public policy to solve their own sexual hangups. Neither have any problems with violence. By the time an American kid finishes school he will have seen scores of thousands of violent acts on TV and in the movies, along with 10,000 or so murders. But if the American Taliban have their way, he will never have seen a woman's breast and would have no idea what to do if he did see one. This reversal of the concept of "family values" can perhaps be laughed at when we hear the anguished screams over "wardrobe malfunctions"; but it can be deadly when such ill-informed "values" take over the education and health of our children.

For example, in Texas, the state Board of Education is deciding on books for its sex-education curriculum. CNN reported that there are four books being considered, "all of which extol the virtues of abstinence. Three make no mention of contraceptives at all while one makes passing reference to condoms ... [O]ne textbook under review advises that a good way a teen-ager can prevent a sexually transmitted disease is to get plenty of rest so he or she can have a clear head about sex."²⁰ This kind of ideologically-driven arrogant stupidity will cost lives, for sure. Dan Quinn, a spokesman for the Texas Freedom Network agrees: "The key thing here is that the textbooks do not contain a trace of information about family planning and prevention of sexually transmitted diseases other than through abstinence ... There are other contraceptive methods in addition to abstinence and you are just not going to find it in these textbooks." CNN further reported

¹⁸ Palm Beach Post: "Couple kicked off flight over risque shirt",
<http://www.palmbeachpost.com/search/content/shared/news/stories/strange/08/02attire.html>

¹⁹ AP: "US Court Upholds Alabama Sex Toy Ban",
<http://info.interactivist.net/article.pl?sid=04/07/29/1717258>

²⁰ CNN: "Battle over Texas sex-ed books",
<http://us.cnn.com/2004/EDUCATION/08/05/texas.textbooks.reut/index.html>

that Quinn “charged the textbook publishers have engaged in self-censorship to appease social conservatives in the state.”

Texas is not alone in these moves. To Margaret Young, vice chairman of the Charles County Board of Education, the required reading lists in her Southern Maryland school system are teeming with “profanity and pornography, fornication and adultery”.²¹ So, Young supported a recent recommendation that calls for “removing anything [from reading lists] that provides a neutral or positive view of immorality or foul language.” Other recommendations included handing out Bibles, removing science books “biased towards evolution” and, just like Texas, teaching sexual education classes focused exclusively on abstinence. Mark Crawford, a Charles County school board member, said “he believes Bibles could be beneficial for instilling morals and character,” while Board Chairman Kathy Levanduski added, “I believe that if we are teaching evolution, we should have a section on creationism as well, and any other theory.” Scientology’s “Thetans seeding the earth theory”, perhaps?

Ashcroft v. Threshold Rights

In America, many important freedoms have disappeared over the last three years. Sure, you have the freedom to spend as much as you want on any one of fifty-three similar tubes of toothpaste, but don't you dare say anything out of line, or potentially odd. Especially in a public place, like an airplane. Sure you have the freedom to shoot anyone who comes near your private property, but don't even think of singing a racy show tune, or trying to make consensual sex more exciting with your spouse. Sure you have the right to write anything you want to anyone, but they have the right to read it too, and to lock you up without trial if they don't like what you wrote. And we haven't even touched upon the repression of homosexuals, the noose tightening around womens' rights to choose their own medical care, and the elimination of auditable election results.

It is safe to say, that ad-hoc groupings of powerful rightwing bigots, many of them professing to be evangelical Christians, with enormous clout among Bush-appointed regulators and sleazy Congressmen, have truly become an American Taliban, deciding what *you* can see, what *you* can hear, even what *you* can do in your own home, based entirely on *their* own beliefs and motives, and without regard to *your* wants and needs. You don't get to have much say, if they get their way.

These social changes are accompanied and supported by attacks on what Harvey Silverglate and Carl Takei have called “threshold rights” – “fair elections, open and publicly accountable government, judicial review of executive action, the right of the accused to a public jury trial, separation of powers among the three branches of

²¹ Washington Post: “School Board Considers Censoring Books, Handing Out Bible, Teaching Creationism”, <http://www.washingtonpost.com/wp-dyn/articles/A20713-2004Oct9.html>

government.”²² They note that the “degree to which a society protects threshold rights speaks to whether it is free and open, and whether self-correction can occur without violence.” Silverglate and Takei concentrate on perhaps the most important right available to the Anglo-Saxon -- that of habeas corpus which is supposed to protect individuals from unwarranted seizure and incarceration by the government. They note that just six days after 9/11, Ashcroft tried to put the right to suspend habeas into the earliest drafts of the Patriot Act, but he was beaten back at that time by Congressional disapproval. However, habeas corpus *has* been suspended by Presidential fiat for all those terrorist suspects in Gitmo and certain others, including American citizens, held in military prisons on the mainland.

The writers stress the importance of the Supreme Court’s decisions on habeas corpus: “Once threshold rights are stripped away, the only thing that stands between any of us and arbitrary imprisonment is the good will of the president, the attorney general, and the secretary of defense ... What’s at stake in all three [habeas corpus cases] is essentially whether we are governed by a president or a king. All other post-9/11 legal issues pale in comparison.” Should Ashcroft and his cronies win this fight, they warn, “[t]he evisceration of habeas corpus, creating a shadowy network of military brigades and prison camps, would also have a profound impact on the part of the justice system the public does see. It would turn those trials into show trials rather than true adversarial legal proceedings in which defendants and their lawyers can actually question the government’s evidence and present evidence of their own ... [I]t is dangerous to adopt a device that totalitarian governments have found so useful.”

Beyond habeas corpus, Ashcroft's troops are snooping more aggressively than ever before, using the super-secret Foreign Intelligence Surveillance Court. According to Christopher Smith in his article at *The Salt Lake Tribune*: “Last year, the FISA court issued 1,724 surveillance warrants -- the most since the law was passed 25 years ago. Meanwhile, state and federal judges issued 1,442 authorizations to conduct wiretaps for criminal investigations, the first time the number of terrorist wiretaps exceeded the number of eavesdropping authorizations in traditional crime cases, such as drug trafficking ... [However] details on how the FISA law is being used are cloaked in secrecy.” Not that some Senators haven't been trying to find out. Democratic Senator Patrick Leahy along with two Republican Senators, Arlen Specter and Charles Grassley, have complained that Senate Judiciary Chairman Orrin Hatch “kept bottled up for more than a year bipartisan legislation that would shine additional light onto the court's proceedings, arguing the secrecy is vital to protect the country.”

And if all this cumbersome and frightening machinery of State power works properly, are they really protecting the citizens of the United States from horrific acts? Not likely. Social controls, including the suppression of anti-corporate behaviour, seem more likely targets as Will Potter reports: “FBI agents rounded up seven American political activists

²² Harvey A. Silverglate and Carl Takei: “Crossing The Threshold”, http://www.bostonphoenix.com/boston/news_features/top/features/documents/03650087.asp

from across the country Wednesday morning, and the U.S. Attorney's Office in New Jersey held a press conference trumpeting that "terrorists" have been indicted ... The activists have been charged with violating the Animal Enterprise Terrorism Act of 1992, which at the time garnered little public attention except from the corporations who lobbied for it. Their crime, according to the indictment, is "conspiring" to shut down Huntingdon Life Sciences, a company that tests products on animals and has been exposed multiple times for violating animal welfare laws." And that, of course, is the real danger when people like Bush, Cheney and Ashcroft have control over the levers of coercive authority. In a trusting democracy like America, it is easy to get these laws passed with rhetoric aimed at Osama bin Laden and his ilk. But then untrustworthy goons use them to prey on citizens who are simply following political and cultural paths with which the goons disagree.

And they will go to any lengths. Bill McKibben has written in the *Los Angeles Times* that Ashcroft is trying to use an 1872 law against prostitution to shut down Greenpeace. The Justice Department has indicted Greenpeace for "the speech-related activities of its supporters." How far did the government have to stretch to make its case? "The law it cited against boarding ships about to enter ports was passed in 1872 and aimed at the proprietors of boardinghouses who used liquor and prostitutes to lure crews to their establishments. The last prosecution under the "sailor-mongering" act took place in 1890."²³ McKibben goes on to make sure we understand the import of this case: "[I]f Greenpeace loses, the organization could be fined \$20,000 and placed on probation. The money's no big deal; outraged supporters would probably turn such a verdict into a fundraising bonanza. But the probation would be. The group might well be prevented from engaging in any acts of civil disobedience for years to come. If it crossed the line, the group's officers might be jailed and its assets seized. Since civil disobedience is what Greenpeace does best, the Justice Department might in effect be shutting the group down. That would be too bad, and not just for Greenpeace. The potential precedent here — that the government can choke off protest by shutting down those who organize it — undermines one of the most important safety valves of our political life. During the civil rights era, Southern sheriffs used every law they could think of to jail protesters — loitering was a favorite charge. Imagine some group being put on probation because it had helped organize sit-ins. But even J. Edgar Hoover didn't try to criminalize the NAACP. As the veteran civil rights campaigner Julian Bond said recently, "If John Ashcroft had done this in the 1960s, black Americans would not be voting today, eating at formerly all-white lunch counters, or sitting on bus front seats."

The courts eventually struck out Ashcroft in this particular case, but the totalitarian momentum has certainly not been derailed. Ben Stone, executive director of the Iowa Civil Liberties Union says that, "[a]s a result of this obsession with control, there's been this increased use of screening and eliminating people" at political events, for example. The *Des Moines Register* has reported that "John Sachs, 18, a Johnston High School

²³ Bill McKibben: "Ashcroft Fishes Out 1872 Law in a Bid to Scuttle Protester Rights," <http://www.commondreams.org/views04/0514-03.htm>

senior and Democrat, went to see Bush in Clive last week ... But when he got there, a campaign staffer pulled him aside and made him remove his button that said, "Bush-Cheney '04: Leave No Billionaire Behind." The staffer quizzed him about whether he was a Bush supporter, asked him why he was there and what questions he would be asking the president. "Then he came back and said, 'If you protest, it won't be me taking you out. It will be a sniper,'" Sachs said. "He said it in such a serious tone it scared the crap out of me." The *Register* noted that this was not an isolated incident: "Other incidents include five protesters arrested outside an event in Cedar Rapids; black and Hispanic students frisked in Davenport; and two people denied admission in Dubuque because they either didn't support Bush or were affiliated with someone who didn't. Iowa's stories are similar to those being told around the country. According to media reports, Missouri students were in tears after they were removed from a Bush rally because they were wearing Kerry buttons. Others in Minnesota and Wisconsin were asked to leave Bush rallies because they had Kerry T-shirts or stickers."²⁴

In Oregon, the *Bend Bugle* reports that "President Bush taught three Oregon school teachers a new lesson in irony – or tragedy – Thursday night when his campaign removed them from a Bush speech and threatened them with arrest simply for wearing t-shirts that said 'Protect Our Civil Liberties' ... Thursday's actions in Oregon set a new standard even for Bush/Cheney – removing and threatening with arrest citizens who in no way disrupt an event and wear clothing that expresses non-disruptive party-neutral viewpoints."²⁵ The paper went on to note that when "Vice President Dick Cheney visited Eugene, Oregon on Sept. 17, a 54-year old woman named Perry Patterson was charged with criminal trespass for blurting the word "No" when Cheney said that George W. Bush has made the world safer. One day before, Sue Niederer, 55, the mother of a slain American soldier in Iraq was cuffed and arrested for criminal trespass when she interrupted a Laura Bush speech in New Jersey." Meanwhile, in West Virginia, a man who heckled Bush at a political rally has been fired from his job. "I was told that my actions reflected badly on the company and that a client was upset," Glen Hiller of Berkeley Springs said.²⁶

In Bush's home state of Texas, indeed in his own home town of Crawford, the local newspaper, *The Lone Star Iconoclast*, lived up to its name by endorsing John Kerry for President. It was surprised at the vehemence of the response. "We expected that perhaps a few readers might cancel subscriptions, and maybe even ads, but have been amazed at a few of the more intense communications, some of which bordered on outright personal attacks and uncalled-for harassment ... Unfortunately, for the Iconoclast and its publishers there have been threats — big ones including physical harm. Too, some individuals are threatening innocent commercial concerns, claiming that if they advertise

²⁴ Des Moines Register: "Campaign event security spurs arrests, removals,"

<http://desmoinesregister.com/apps/pbcs.dll/article?AID=/20041016/NEWS09/410160329/1001>

²⁵ Bend Bugle, "Teachers' T-Shirts bring Bush speech ouster",
http://www.bend.com/news/ar_view%5E3Far_id%5E3D18712.htm

²⁶ MyWay News: "Graphic Designer Fired After Heckling Bush",
<http://apnews.myway.com/article/20040821/D84JR9SO0.html>

in The Iconoclast, they will be run out of business ... Several young members of our staff covering Tonkawa Traditions this past weekend were angrily harassed and threatened that they must leave, which cut short their ability to fully do their jobs and instilled in them considerable fear for their safety.”²⁷

So much for free elections, and the idea that differences are good and vital. But what else should we expect from a regime in which one of its junior minions, Adolf Dean of the Attorney General’s office in Alabama, is happy to tell a public meeting that searching people’s houses without a warrant, and snooping into personal Internet accounts is not “a vast intrusion.”²⁸ He is after all just mouthing the desires of his bosses all the way up to John Ashcroft and George W. Bush

The Road Here

How on earth did we get to here? The answer, of course, is September 11th, 2001. But it is not what happened on that day that is the important component here; it is the way those events have been used by the fundamentalist wing of the conservative movement that is important. Joining hands with their erstwhile opponents the neoconservatives, the fundamentalists claimed ownership of the myth of 9/11. As a new BBC series, *The Power of Nightmares* claims, in their hands, the tragedy of 9/11 has become “a fantasy that has been exaggerated and distorted by politicians. It is a dark illusion that has spread unquestioned through governments around the world, the security services, and the international media ... In an age when all the grand ideas have lost credibility, fear of a phantom enemy is all the politicians have left to maintain their power.”²⁹ Using the powerful fear generated by the myth, the neos grabbed control of the defence and foreign affairs infrastructure and implemented a policy of pre-emptive military strikes, while the fundamentalists used the same arguments to roll back civil rights *and* societal values inside America. Cornel West has it right when he notes that it is “ironic that 9/11—a vicious attack on innocent civilians by gangsters—becomes the historic occasion for the full-scale gangsterization of America.”³⁰

While American imperialism overseas -- and the abuses inherent in such a project -- grabs all the headlines, the Bush-Cheney-Ashcroft regime's attacks on Americans' rights at home continue to increase in ferocity. This is Ashcroft's bailliwick and he presides over his people-crushing tasks with the vigour and joy of a J. Edgar Hoover. During Ashcroft's toxic watch, school *re*-segregation has grown apace, access to abortion has been attenuated across the country, the War on Some Drugs has continued to brutalize

²⁷ The Lone Star Iconoclast: “Aftermath of Last Week’s editorial Endorsement,” <http://www.iconoclast-texas.com/Columns/Editorial/editorial40.htm>

²⁸ WHNT.com: “Patriot Act Sparks Controversy in Huntsville,” <http://www.whnt19.com/Global/story.asp?S=2441695&nav=1VPtS5cw>

²⁹ Guardian: “The making of the terror myth”, <http://www.guardian.co.uk/terrorism/story/0,12780,1327904,00.html>

³⁰ Cornel West: “Democracy Matters In Our Time”, <http://www.logosjournal.com/west.htm>

entire neighbourhoods, and the Patriot Act has consolidated all the "police state" legislation into a single, more easily wielded weapon against basic human rights.

That the neoconservatives and the fundamentalists – what Cornel West has called an “unholy alliance of the plutocratic elites and the Christian Right,” -- could work together so closely for such a long period came as a surprise to many. However, as Tod Lindberg noted in a review of neoconservatism’s history and future, there is a deep religious background to much of the neo critique of society: “Capitalism, in [their] view, required something neither contained within nor perpetuated by its system of market economics. This “something” was, in effect, Weber’s Protestant ethic: a set of virtues or habits of character – including thrift, industry, temperance, patience, persistence, and so forth – whose origin and sustenance came from religious faith and the expectation of salvation as a reward for right earthly conduct.”³¹

The Bush Factor

Bush himself has led the way in lending a religious tinge to the right-wing crusade. As Bruce Bartlett, a domestic policy adviser to Ronald Reagan and a treasury official for the first President Bush, recently explained to Ron Suskind of the New York Times: “Just in the past few months, I think a light has gone off for people who've spent time up close to Bush: that this instinct he's always talking about is this sort of weird, Messianic idea of what he thinks God has told him to do. This is why George W. Bush is so clear-eyed about Al Qaeda and the Islamic fundamentalist enemy. He believes you have to kill them all. They can't be persuaded, that they're extremists, driven by a dark vision. He understands them, because he's just like them ... This is why he dispenses with people who confront him with inconvenient facts. He truly believes he's on a mission from God.”³²

As Bush said in an interview with *Christianity Today*, “[T]he job of a president is to help cultures change. The culture needs to be changed. ... from one that says, "If it feels good, do it, and if you've got a problem, blame somebody else" ... to a culture in which each of us understands we're responsible for the decisions we make in life. I call it the responsibility era ... Governments cannot change culture alone. But I can be a voice of cultural change.”³³ Suskind continues: “That a deep Christian faith illuminated the personal journey of George W. Bush is common knowledge. But faith has also shaped his presidency in profound, nonreligious ways. The president has demanded unquestioning faith from his followers, his staff, his senior aides and his kindred in the Republican Party. Once he makes a decision -- often swiftly, based on a creed or moral position -- he

³¹ Tod Lindberg: “Neoconservatism’s Liberal Legacy”, www.policyreview.org/oct04/lindberg_print.html

³² Ron Suskind: “Without A Doubt”, <http://www.nytimes.com/2004/10/17/magazine/17BUSH.html?oref=login>

³³ Christianity Today: “Bush Calls For Culture Change”, <http://www.christianitytoday.com/ct/2004/121/51.0.html>

expects complete faith in its rightness ... This evangelical group -- the core of the energetic "base" that may well usher Bush to victory -- believes that their leader is a messenger from God."

In return, Bush has revived the religious right from the psychological depths of its post-Clinton impeachment defeat by his efforts to block abortions and gay marriage, by his substantive support for abstinence education and faith-based social services, and by his promotion of socially conservative judges. He has also drenched its coffers with tens of millions of federal dollars. In fact, Bush's "faith-based" initiatives have become what the Rev. Eugene Rivers of Boston calls "a financial watering hole for the right-wing evangelicals."³⁴ Watergate-felon Chuck Colson's Prison Fellowship Ministries is sharing in a \$22.5 million slush fund, and the Tri-County Right-to-Life Education Foundation in Ohio received \$611,000. In all, Kaplan figures Bush has funnelled more than \$7 million to pro-abstinence groups, and another \$6 million to anti-abortion counsellors. In the meantime, Pat Robertson's Operation Blessing received \$1.5 million to train other fundamentalist organizations to seek government grants for even more money. No "faith-based" money has gone to any non-Christian organization.

While dispensing largesse to its friends of the religious right, the Bush regime has done everything in its power to weaken financially the institutions of the liberal left. Kaplan details a wide range of groups – from the ACLU and AIDS-awareness groups to Head Start – that have had or been threatened with government audits and severe penalties. International Planned Parenthood (that hotbed of "rampant sexual promiscuity" engaged in "an assault on religion", as the right would have it) lost more than \$12 million in funding when Bush "reinstated the Mexico City Policy, which denies funding to any organization that even takes a pro-choice position in public policy debates." OMB Watch has called the Administration's assault on liberal nonprofits a "death by a thousand cuts."

Moreover, as Esther Kaplan describes it, in a deliberate switch from the use of experts to a preference for ideologues, the Administration has seen to it that "[t]he American Medical Association no longer advises US delegates to UN summits on children's issues; Concerned Women for America does instead. Experts from the Center for AIDS Prevention Studies at the University of California, San Francisco, no longer sit on the presidential AIDS advisory council; they have been replaced by a former beauty queen who lectures on abstinence and an antigay evangelical barnstormer from Turning Point ministries. Screening by the American Bar Association of judicial nominees has been replaced by advice from the far-right Federalist Society."

Every day in every way George Bush has carefully tended his base.

Conclusion

³⁴ Esther Kaplan: "Follow The Money", <http://www.thenation.com/doc.mhtml?i=20041101&s=kaplan>

The fundamentalists – George W. Bush and John Ashcroft among their number – believe it is the responsibility of the State to control the moral climate of the country; that it is the duty of secular government to ensure that the population is living in a God-fearing and God-respecting way, as those terms are defined by the fundamentalists. In this, they share complete commonality with the Taliban of Afghanistan. To achieve their aims, they have used the full power of the State to establish an extensive and intrusive surveillance infrastructure that can monitor activity down to the individual level and often in real time. This probing web has been made possible through its linkage to the neo-conservative anti-terrorist and pro-military feeding frenzy. 9/11, Afghanistan, Iraq. These events, and on into the future with Syria and Iran and North Korea, allow the neos to spin even the grossest government intrusion into a patriotic necessity. The capitalist right feeds (literally) the religious right, and the religious right proclaims greed a blessing, and wealth a reward from God for righteous action. Close control of the population suits both the reverend and the trader.

In a very disappointing article in *Salon* this summer, David Brin argued that all this surveillance is a good thing. Or, if it isn't good then, then we need to put up with it anyway. "In any event, none of those who denounce the new technologies have shown how it will be possible to stop this rising tide." What a sorry excuse for giving up basic freedoms. We can and must fight against this trend toward totalitarian control. We must question the need anytime anyone asks for information. We must refuse to voluntarily give ourselves up to government monitoring. No one **needs** a cell phone or a supermarket loyalty card or a system that books airline tickets in one minute rather than five minutes. None of these things even existed ten years ago and there were no horrific consequences. And yet each of these things has brought us closer to the ideal police state, where surveillance is constant and invisible. Many of the examples of government monitoring mentioned in this essay show that we must carefully analyze the potential side effects of any system or gadget or "improvement" that appears to bring certain limited "benefits". Generally, these "benefits" are really only of benefit to the health of the capitalist system, encouraging further consumption, perhaps, or to its bureaucratic arm, the government for use in furtherance of its control. Think before you buy!

A similar exhortation must be made in regard to the Presidential election. Personally, I don't support the Democrats over the Republicans. To me there is simply the no-choice between a liberal and a conservative totalitarianism. Both support the maintenance of the consumer-capitalist system as driven by the military-industrial-entertainment complex. And both support the continuance of what is really big government paid for by the taxation of lower- and middle-income taxpayers. As Cornell West phrased it: "To choose one or the other is a little like black people choosing between the left-wing and right-wing versions of the Dred Scott decision." He goes on to say that "[t]here is a difference but not much." And that difference, I believe, is represented in the person of Supreme Court Justice Antonin Scalia.

Scalia is a strict constructionist. He says quite openly that he does not believe the Constitution is a living document. Rather he says "It means today not what current society (much less the Court) thinks it ought to mean, but what it meant when it was

adopted.” I guess that means he would support a restoration of slavery and a disenfranchisement of Negroes, women and other non-people. He made these comments in a very scary piece of writing entitled “God’s Justice and Ours.”³⁵ The main point of his essay appears to be that “[t]he reaction of people of faith to this tendency of democracy to obscure *the divine authority behind government* should not be resignation to it, but the resolution to combat it as effectively as possible.” Unspoken, of course, is the fact that this “divine authority” is a fundamentalist Christian one.

On Sept. 16, 2001, in response to a question about homeland security efforts infringing on civil rights, Bush first used the telltale word “crusade” in public. “This is a new kind of evil,” he said. “And we understand. And the American people are beginning to understand. This crusade, this war on terrorism is going to take a while.” If Bush gets a second term and packs the Supreme Court with Scalia look-a-likes, the oppression of the American people in support of this “war on terrorism” may become permanent.

³⁵ Antonin Scalia: “God’s Justice and Ours”, <http://www.firstthings.com/ftissues/ft0205/articles/scalia.html>