



Written by [Jack Kenny](#) on July 29, 2010

## A Police State You'd Better Believe In

Thus it is that in the “war on terrorism” our government is building, brick by brick, a new police state, called “Security.”

Consider, for example, this item from *The Washington Post*:



The Obama administration is seeking to make it easier for the FBI to compel companies to turn over records of an individual’s Internet activity without a court order if agents deem the information relevant to a terrorism or intelligence investigation.

The administration wants to add just four words — ‘electronic communication transactional records’ — to a list of items that the law says the FBI may demand without a judge’s approval. Government lawyers say this category of information includes the addresses to which an Internet user sends e-mail; the times and dates e-mail was sent and received; and possibly a user’s browser history. It does not include, the lawyers hasten to point out, the ‘content’ of e-mail or other Internet communication.

But what officials portray as a technical clarification designed to remedy a legal ambiguity strikes industry lawyers and privacy advocates as an expansion of the power the government wields through so-called national security letters. These missives, which can be issued by an FBI field office on its own authority, require the recipient to provide the requested information and to keep the request secret. They are the mechanism the government would use to obtain the electronic records.

We should not let a smooth talking political leader like our current President talk us out of the civil liberties he seemed zealous to protect.

There now. Don’t you feel safer and more secure already? Or do you have that creepy feeling that somebody is looking over your shoulder? Friends of freedom, from the Founding Fathers, who put their lives on the line for it, to President Eisenhower, who commanded great armies in its defense, have always known that the requirements of safety and security must always be balanced against those of liberty and justice. Otherwise, the government could simply put us all in prison, where we would enjoy security and three square meals a day and the products of our labors would be much less expensive. Think how it would increase our exports and improved our balance of trade.



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Writing in the *Atlanta Journal Constitution*, Jay Bookman observed: "If the federal government has a good reason to need such information, it can explain those reasons to a judge. 'National security letters' are already widely overused as a means of acquiring personal information without a judicial order. As the Post story points out, 'The Justice Department issued 192,500 national security letters from 2003 to 2006, according to a 2008 inspector general report, which did not indicate how many were demands for Internet records. A 2007 IG report found numerous possible violations of FBI regulations, including the issuance of NSLs without having an approved investigation to justify the request.'

"The type of authority sought by the Obama administration would allow it to conduct warrantless searches that are forbidden under the Fourth Amendment, and our Founding Fathers would clearly recognize it as an unacceptable encroachment of government power on the individual," Bookman wrote. "That is, once you explained to them about what a browser is, and what emails are."

Bookman has cleverly made a point. Technological innovations, unknown and probably unimagined by the Founders, have made many of the tools of the 18th Century obsolete. The principles they set forth with pen on parchment are not, however. And they will not become obsolete unless an apathetic citizenry, lulled into a false sense of security, continues to allow an overbearing government to erase our liberties, bit by bit, until one day we wonder where they have gone.

In the meantime, we should not let a smooth talking political leader like our current President talk us out of the civil liberties he seemed zealous to protect when the perpetrators of the coming police state were Republicans in the White House and the cabinet. We had a changing of the guard on January 20, 2009, but the goals of our national jailers remain the same. The bars and the barbed wire are still being put in place, but the names and the faces of the wardens have changed. That's the only real "change" we have gotten from the Obama administration. The rest is merely verbal sleight of hand and rhetorical windsong. It is "change" they can deceive with.



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