

# Reflections From The Twilight Zone of Liberty: Iraq, Terrorism and Free Speech

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(This Article appeared in AVN Online Magazine in a shortened version, May,2003)

Been away so long I hardly knew the place  
Gee it's good to be back home  
Leave it till tomorrow to unpack my case  
Honey disconnect the phone  
I'm back in the U.S.S.R.  
You don't know how lucky you are boy  
Back in the U.S.S.R.

“Back in the U.S.S.R.”, John Lennon/Paul McCartney, Copyright 1968 Northern Songs Ltd.

Call it a Sign of the Times.

Twenty-eight miles north of the Loop in Chicago's North Shore suburbs, not far from my home, the City of Highland Park has launched a program called “Character Counts”. Implimenting this program, the City uses the backside of folding, temporary Stop signs near school crossings to display various “moral” platitudes to passing drivers when the stop signs are not in use. I almost stopped in my tracks in astonishment during the height of the Iraq War news coverage when I passed one that proclaimed, “Character Counts: Respect Authority.” I recently called a lady from the committee that passes on such things and approves the text of these messages; She related to me that this and the other less controversial messages were designed to bolster traditional American values in the community.

The legal and political traditions of our country have largely been built, however, on the opposite principle: The genius of the American Constitution - separating state power into three competing branches of government, granting to a remote, central, federal government a finite set of enumerated powers, reserving all remaining powers and rights to the states and to the people, and in guaranteeing certain inviolate core freedoms to the people – arises from the deep cynicism and suspicion of our Founders about the nature of government and of the people who hold power. The Framers knew that the inexorable drive of government is to expand its power by every pretext and in every exigency, and that liberties taken by the government from its citizens are rarely given back. The moral principle that underlies and protects two centuries of freedom on these shores is rather the obligation of a free people to distrust and to question authority.

An essential component of preserving freedom is a free and unhindered press because, without it and the information it provides, the information necessary for a spirited public debate of controversial issues of public importance fails and democracy fails with it. In the present, wired age, the Internet has quickly achieved significance in disseminating

news and information effectively and economically to large numbers of citizens, it has empowered those who are not rich or connected to reach a wide audience. It thereby enables the easy expression of heterodox and unpopular news and opinions. In that respect, its power challenges and frightens the established powers that be and their sacred cows.

The Founders were no fools: They knew that no law or document alone can preserve Liberty. Two hundred and twenty-seven years ago, on a battlefield at Lexington-Concord a revolution began whose values have endured only because they have continued to live in the hearts, minds and dreams of a free people. And so long as our people valued their freedom, with the information necessary to enlightened choice, those revolutionary values have endured among us to limit government power. Since September 11, 2001, our central government and the dominant elements of the American news media have worked in concert to whip up such frenzied fear of imminent harm in the citizenry so as to justify any and all destruction of freedom that might enhance the security of our nation. The very existence of Liberty as a core value among the American people is now in more serious peril than at any time in our national existence and there is little or no objective justification to flush away precious rights purchased for us by the blood of heroes and patriots. When the Statue of Liberty may freely be caricatured as holding an M16 rather than a torch of Freedom, without objection or outcry, we are all in trouble. When the flag is plastered everywhere without regard to the principles of the nation that created it, one begins to wonder what, beyond raw nationalism, that flag represents to those who wear it as a badge.

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Not so long ago, America lived under the very real threat of sudden nuclear incineration by a set of very real enemies that fought the United States on every level and which collectively held a commitment to putting our nation out of business for good. Communist regimes sent spies and agents here by the hundreds and recruited many others here as well; The Communists regularly sailed electronic spy trawlers and spy submarines and spy planes to the limits of our territorial waters and air to listen and to test our reactions and defenses; They fomented revolution and insurrection in countless places around the world of strategic interest to the United States and fought numerous proxy wars and battles against us and our friends. Tens of thousands were killed in the field of battle. In places like Hungary and Czechoslovakia they mercilessly cut down brave freedom fighters by force of arms. The Communists shot down passenger airliners and seized American vessels on the high seas and took our sailors prisoner. Their Iron boot came down with fury on idealistic young students in Tianamen Square and crushed them and the replica of the Statue of Liberty that inspired the Chinese freedom fighters. Their ruthless tactics regularly and dependably included torture, repression, suppression of religious expression, secret trials, interminable secret imprisonments without judicial oversight, and they staged scripted show trials in every place they governed. Their use of secret informants for the secret police became pervasive throughout every echelon of society, in the case of East Germany's Stasi, reportedly enlisting one in five adult citizens as instruments in the apparatus of social control. Printing presses and even mimeograph

machines were licensed and registered and all of the media of mass communication, print and broadcast, disseminated only state-censored propaganda. Pornography and Bibles alike were contraband of the most serious kind.

We and they played continual cat-and-mouse games on land, sea, and in the sky that kept the world on a hairspring trigger for decades, perpetually just a moment away from atomic holocaust. When the Soviet Union placed the first satellite into Earth orbit in 1956, Sputnik also eloquently announced the suborbital, ballistic ability of that nation to deliver thermonuclear infernos to these shores at will - on but fifteen to twenty minutes notice. The regular and public failure of American missiles to achieve orbit in the same era suggested that this ability was not mutual, and that was a very scary thing.

As a child of the Cold War, I was born into and grew up under the spectre of imminent vaporization under a Russian mushroom cloud. My very earliest preschool memories include air raid drills that continued until high school, fallout shelters in every place of public assembly, and Conelrad alerts that continued until I became a radio announcer myself in college, holding in my hands the sealed government envelope containing what I was to tell our listeners if the next alert was not merely a test. From second grade, I remember a cold October night watching President Kennedy's news conference about the missiles which the Russians had deployed to Cuba, theater-range missiles that threatened to take out American cities without any substantial notice at all. I can still remember seeing the U2 surveillance photos of the missile bases on our Zenith black and white TV as Kennedy explained the threat. Years later we learned that more than sixty percent of all of the Soviet nuclear arsenal had been moved to Cuba just before that press conference. It was a frightening and chilling time during which the security and indeed the existence of our nation were in true jeopardy.

In that world – and in that time – John F. Kennedy had proclaimed the moral agenda of our nation, defining the issue precisely for his generation and for mine:

[T]he same revolutionary beliefs for which our forebears fought are still at issue around the globe—the belief that the rights of man come not from the generosity of the state, but from the hand of God. We dare not forget today that we are the heirs of that first revolution. Let the word go forth from this time and place, to friend and foe alike, that the torch has been passed to a new generation of Americans—born in this century, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage—and unwilling to witness or permit the slow undoing of those human rights to which this Nation has always been committed, and to which we are committed today at home and around the world. Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty.

In time, my generation came of age and some of us took up the torch of the enduring principles of the American Revolution. I raised my right hand one day and began an association with the United States Army that endured for eleven years including service

as a commissioned officer, a Captain; That commitment eventually took me to Germany as a member of a military force vastly outnumbered by more than one hundred Warsaw Pact divisions, living with a life expectancy of less than a half hour in the event of total war in this outpost of freedom. The resolute devotion of two generations of Americans – and some shrewd leadership at the helm – ultimately consigned Communism to the trashheap of world history and expanded the opportunity for the growth of Liberty.

Throughout this long and difficult struggle, in that dangerous age, Americans rarely sacrificed their precious liberties for additional security. Our courts remained open when prisoners demanded to challenge the basis of their arrest and confinement. Federal agents were held to the constitutional limits imposed on them in dealing with a free and open society. Judges reviewed warrant applications and suppressed illegal arrests and searches – and expanded these protections to state prosecutions and police officers at the height of the Cold War. The execution of warrants was open and announced. American citizens were not held without bail and without access to a lawyer because the President determined them to be unlawful combatants. Nor did we hold hundreds of military prisoners in violation of the Geneva Conventions in Cuba, a place near enough to our shores for convenience, but ninety miles outside the jurisdiction of our constitution and our judges. We did not plan for summary military tribunals with life and death powers over those combatants we captured and we did not plan the construction of execution chambers for those combatants. Librarians were not required to give up lists of what their patrons read and prohibited on pain of imprisonment from telling the patrons that agents had been asking about their reading habits. A free and uninhibited press asked the President and the Secretary of Defense tough questions about our policies and actions and spirited public debate then shaped our course as in a democracy it should.

We did none of those things in our hour of maximum danger because, notwithstanding whatever increase they might have achieved in our security, their employment would have lost us our soul as a people, and we would have become our own enemy: We would have become like the Communists, and in so doing, we would betray the only moral high ground that justified our struggle against them.

Whatever real risks to its security that the United States may now face, they are by all objective criteria far less serious to our national survival than the Cold War and all of its episodes. I am left with the conviction that those who manage news and public opinion do so now to anesthetize the American people into a permanent but comparatively painless amputation of the liberties that have defined us as a society for two centuries. Because the intrusive powers of surveillance are available, because the government can. Government has grabbed substantial amounts of privacy and freedom - for which its agents have long lusted - from our people, and it has used terrible events as pretext to obtain what it has always wanted.

I grew up in an age when it was the Communists who stormed out of the UN Security Council debates in anger and I have lived long enough to find my country doing the same, to find my Secretary of State presenting false and misleading documents to the UN in support of a position regarded as immoral by that large part of the civilized world that

we could not bully or bribe. An age when few in the press asked tough questions about it or the shocking a change in the course of American foreign policy that such dishonesty announced. Most disheartening perhaps of all, our government has fallen into taking positions without much concern for the truth, the press has failed to challenge government, and the American people seem not much to care in the main.

I grew up in an age when it was a Communist North Vietnam which took the villainous and barbaric position that the American pilots it had captured dropping bombs over its territory were war criminals deserving no rights under the Geneva Conventions, an age in which such a position was reviled as wholly indefensible and illegitimate by the entire civilized world. I have lived long enough to see my government embrace the same argument and apply it to Afghani boys and elderly who defended their country against our invasion, subjecting them to cruel treatment, transporting them thousands of miles, and detaining them without POW status or its privileges. And long enough to witness a news media that has little interest in so shocking a change in the course of American policy. Long enough to see our military establishment proudly brandish photos of captured Iraqi national guardsmen one day and our Secretary of Defense the next day brand the makers of videos depicting our own captive soldiers as war criminals. To see the virtual expungment of that video from every website easily accessible to Americans except the again-courageous ogrish.com. To see Vortech Hosting yank the hosting for alternative news site yellowtimes.org because it ran still photographs of the American prisoners and war dead taken from Al-Jazeera, and to hear Vortech defend its conduct when challenged by branding such photos as “adult” in nature, saying, “we do not allow adult content whether it is newsworthy or not.”

I grew up in an age when the Russian and Chinese Communists were the bad guys, in large part because they jammed Radio Free Europe and Radio Liberty. But today we live together in an age when Al-Jazeera’s website, containing hideous pictures of Iraqi war dead, sustained a continual and pervasive denial of service attack. When that news outlet and its host government in Qatr faced constant pressure from our government because of the images, voices, and news it presented. We regularly and dependably take out opposition broadcast media in places like Afghanistan and Iraq and can learn about it only from Radio Netherlands, a fairly obscure news source from the American perspective. Countless news stories of significance about the War in Iraq were available freely on the websites of Canadian newspapers involving issues that were wholly unreported in the American media. When the American government urged the media to suppress tapes emanating from Al Quaida with the explanation that the tapes may contain coded messages, the media reported that fact and largely complied; Few asked the question about whether the tapes might disclose a motive for the attacks on the USS Cole, the Pentagon, and the WTC that might go beyond vague American generalities about “jealously and envy for our way of life.” No, the political motivations and demands of the Arab nationalists hostile to the US government are a bit politically incorrect to directly express in the media.

During the War in Iraq, some alleged that it was the patriotic duty of the press and of the citizenry to uncritically accept the official line as to military progress, and as a result, for three or four days in a row we heard reporters announce that this time, Al Basr really and

truly had fallen and that resistance had been crushed. They reported this “fact” each day without so much as a note of scepticism. Similarly, each false report that our troops had uncovered weapons of mass destruction in Iraq was reported “straight” without commentary substantially challenging the record of prior unfounded reports. Similarly, the press announced the existence of a “red-line” around Baghdad and reported that Iraqi military leaders were authorized and prepared to use nonexistent weapons of mass destruction when our forces reached that line. I recall no American news anchor or commentator challenging the source of that report, but I recall many who cited it as fact in reporting the war. The false information disseminated by the media had its effect in suppressing the relative opposition of the public to the war and in reducing the general tolerance of the public to dissent about the issue. The pro-war faction, of course, appropriated the flag to support its position of “backing the troops”, and took opposition to display of the symbol they had appropriated as unpatriotic. Ergo, opposition became an unpatriotic act.

There once was a time when a government that tracked all of the dealings and affairs and communications and purchases of its citizens, that compiled these things into massive data bases used for intrusive purposes, that restricted the free flow of currency and accounts, that emplaced surveillance devices in public places ubiquitously and which searched private places without notice of governmental authority, that worked actively to suppress dissenting voices both domestically and internationally, would have been viewed as a totalitarian regime suitable to become our enemy because of its conduct.

The question now is whether we, ourselves have become or are becoming such a place as we trade Liberty for the chimeral promises of our government to deliver safety and security.

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The War on Terrorism is, of course, a metaphor for a struggle, like the War on Drugs. It is not an actual war. It has, however, been treated by the government as though victory in this “war” can justify virtually any erosion of the procedural liberties and freedoms that have, in the main, endured throughout all of our past military conflicts. Unlike the prior wars, but like the War on Drugs, this is an endeavor that will never have a clear end and that, in particular, makes this a uniquely dangerous time for diminishment of liberty justified by the national crisis. Not all is lost yet. Despite increasing pressure by the Justice Department on Congress, the significant increase in government powers involved in the Patriot Act still contain a sunset provision that will require them to be revisited by Congress.

As we as a nation walk together through the crisis of the past two years, we must ever be mindful that we have certainly entered into a twilight zone of freedom. We must constantly assure that we remember the way back. We must jealously guard our dwindling liberties and eventually, we must assess whether our elected representatives have taken too much. In an era of a comparatively docile and ineffective national press, it becomes the special obligation of those of us with access to the tools of the Internet to assure a lively and spirited debate by making the real but suppressed news available to a

wide audience. If we fail in that task, those who succeed us will no longer have the option of free use of the Internet. Those of us who depend on the tolerance of a free society to communicate our message must assure by every means that such tolerance endures.

And we must teach Americans what the schools and other public institutions have neglected to teach for a generation: It is the patriotic imperative of an American to question authority.

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AS much as I hate spam, I hate more any legislation that will act to criminalize or discourage anonymous bulk email of messages with political, social, or religious significance.

Statue of Liberty with a gun passing without objection.

Defenders of freedom viewed as geeky, narrow interests. Identity Fraud. Issue of Islamic lady who does not want her picture on a state driver;s license. Few can remember the era when drivers licenses did not have pictures. Slowly creeping erosion of liberty.