

Are We All Enemies of the State?

Written by John W. Whitehead
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Two years ago, I alerted people to the fact that the groundwork was being laid for a new kind of government in which virtually everyone is a suspect and it will no longer matter if you're innocent or guilty, whether you're a threat to the nation or even if you're a citizen. What will matter is what the president -- or whoever happens to be occupying the Oval Office at the time -- thinks.

At the time, I was voicing concerns about the liberties the Bush administration was taking in its application of the term "enemy combatant." Today, under the Obama administration, the perceived threat is coming from an altogether different direction: "right-wing extremists."

In a recent report issued by the Department of Homeland Security (DHS), "Right-Wing Extremism: Current Economic & Political Climate Fueling Resurgence in Radicalization and Recruitment," an extremist is defined as anyone who subscribes to a particular political viewpoint. Right-wing extremists are broadly defined in the report as individuals and groups "that are mainly anti-government, rejecting federal authority in favor of state or local authority, or rejecting government authority entirely."

The report is problematic on many levels, but several things in particular stand out.

First, the report is short on facts and long on generalizations. The DHS states that it has "no specific information that domestic right-wing terrorists are currently planning acts of violence." Nevertheless, it goes on to list a number of scenarios that *could* arise as a result of so-called right-wing extremists playing on the public's fears and discontent over various issues, including the economic downturn, real-estate foreclosures, and unemployment -- all problems created by the government.

Second, it uses the words "terrorist" and "extremist" interchangeably. In other words, voicing what the government would consider to be extremist viewpoints is tantamount to being a terrorist. However, if you buy into the government's definition, I could very well be considered a terrorist. So too could John Lennon, Martin Luther King Jr., Roger Baldwin (founder of the

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ACLU), Patrick Henry, Thomas Jefferson, and Samuel Adams; all of these men protested and passionately spoke out against government practices with which they disagreed and would be prime targets under this document. The message to the American people is clear: Be careful what you say, because if you say something the government doesn't like, you'll become a political enemy.

Third, the 10-page document takes pains to describe the political views of those who would qualify as being a right-wing extremist. For example, you are labeled a right-wing extremist if you voice concerns about myriad issues including: policy changes under President Obama; the economic downturn and home foreclosures; the loss of U.S. jobs in manufacturing and construction sectors; and social issues such as abortion, interracial crimes, immigration, and same-sex marriage.

DHS also issues a red-flag warning against anyone who promotes "conspiracy theories involving declarations of martial law, impending civil strife or racial conflict, suspension of the U.S. Constitution, and the creation of citizen detention camps."

As a constitutional attorney, I've written on all of these topics at one time or another, and there is nothing conspiratorial about the threats they pose to our rights. Yet according to this document, I am an enemy of the state.

If anyone seems to have a conspiratorial bent, it's the DHS under the Obama administration. Lacking any concrete facts, this document reeks of paranoia on the part of government officials about a possible populist uprising. The danger, however, is that the government has incredible resources to follow through on its fears -- which means surveillance and intimidation of citizens who disagree with the government.

For example, the National Security Agency, which has been authorized to listen in on your phones and track your electronic communications, is putting the finishing touches on an artificial-intelligence system that uses information collected from a variety of sources (phone bills, credit-card statements, Internet activity, etc.) to anticipate your every move. And with the help of the Obama White House, legislation was recently introduced into Congress that will give the federal government the authority to shut down the Internet in a time of declared emergency.

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When coupled with the DHS missive on right-wing extremism, these encroachments on our rights appear even more ominous, especially in light of a U.S. Army War College report issued last fall that called on the military to be prepared for a "violent, strategic dislocation inside the United States." According to the report, such an uprising could be provoked by "unforeseen economic collapse," "purposeful domestic resistance," "pervasive public-health emergencies," or "loss of functioning political and legal order" -- all related to dissent and protests over America's economic disarray.

This is nothing less than the shot across the bow, a warning that the government will be targeting for surveillance those who disagree with the administration politically. They're going to monitor Internet activity and phone calls, as well as what commentators and bloggers have to say. DHS will also be working with state and local agents to conduct surveillance. As the report states: "DHS will be working with its state and local partners over the next several months to ascertain with greater regional specificity the rise in right-wing extremist activity in the United States, with a particular emphasis on the political, economic, and social factors that drive right-wing extremist radicalization." In other words, they're going to nationalize their paranoia.

In taking such an overt stance against political rivals, the government is taking aim at a protected First Amendment right: the right to political speech and thought. Targeting people because of their political views is Nixonesque, a repeat of past tactics to preempt political opposition.

Americans have a right to be disgruntled. They shouldn't be censored, subjected to surveillance, or intimidated into silence simply because they take to the streets, protest, or choose to carry a picket sign that attacks government policies.

Why should any American be treated like an enemy of the state just because we choose to exercise our constitutional rights?

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