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# A New Crisis of the Republic: The Erosion of the Democratic Ideal

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A New Crisis of the Republic:  
The Erosion of the Democratic Ideal

By

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## **ABSTRACT**

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The United States has long been considered one of the most successful examples of democracy, with success measured in the quality of representation, the duration of our polity, and the ease for political regime change. However, it is necessary to question whether our democratic ideals are still prevalent in today's society. The unfortunate response is that they are not. The revolutionary notions that marked the founding of the American republic have been misplaced. Our government seems to have experienced a devaluation of its founding principles, where now, our government participates in actions that do not represent the vital tenants of democracy, but rather, undermine basic rights.

This thesis will examine the processes that have led to the deterioration of our democratic values. Through analyses of distinct military interactions, institutional creations, and individual contributions, which endorsed ethically questionable practices and policies, we will determine how these specific milestones contributed to the propagation of the political decay.

For the purpose of this analysis, this thesis examines three periods of American history, The Cold War Era, The Globalization of Low-Intensity Conflict, The War on Terror, and the ways that rising tolerance for questionable policies appear to have contributed to the progression of the deterioration. Hannah Arendt's concept of the "backlash phenomenon" will be used to examine how these deteriorative processes have occurred, and why they've continued. It will become evident that these policies have

disempowered the American people by preying on their most vulnerable weakness: the fear of a threat to their security.

## **Contents**

Chapter I- Introduction.....	1
Chapter II- The Cold War Era.....	17
Chapter III- The Globalization of Low-Intensity Conflict.....	47
Chapter IV- The War on Terror.....	73
Chapter V- The Misplaced Republic.....	98
Chapter VI- Conclusion.....	123
Endnotes.....	132
Works Cited.....	133

## Chapter I: Introduction

Since its very beginnings, the United States has remained the dominant example of modern democracy. The founders promised to, “in Order to form a more perfect Union, establish Justice, ensure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty.”<sup>1</sup> The republican framework, which underlies our nation, has since then provided an outline for emerging democracies. For this reason, the American democracy has long been considered an authoritative, inspirational model. The very founding of our American polity influenced the ideals of the French revolution, as well as various republics, who modeled their respective constitutions from that of the United States, and derived inspiration from the American system of government. On this point, the political theorist Hannah Arendt describes how “the colonization of North America and the republican government of the United States constitute perhaps the greatest, certainly the boldest, enterprises of European mankind.” She continues by describing how

It was the French, and not the American Revolution that set the world on fire, and it was consequently from the course of the French Revolution and not from the course of events in America or from the acts of the Founding Fathers, that our present use of the word ‘revolution’ received its connotations and overtones everywhere.<sup>2</sup>

The United States’ role as an ideological trailblazer can be further recognized through an analysis of the very declaration which marked its founding on July 4<sup>th</sup>, 1776. In what has arguably become one of the most referenced works in history, the Declaration of

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<sup>1</sup> "The Constitution of the United States." Preamble. The United States Constitution Online. Accessed February 21, 2012. Last modified March 6, 2011. <http://www.usconstitution.net/const.html#Preamble>. 1.

<sup>2</sup> Arendt, Hannah. *On Revolution*. New York: The Viking Press, 1963. 49.

Independence characterized the establishment of a new form of government. A distinct state governed by the people, for the people, which would check the powers of bureaucracy and institutions and balance all authority equally. The document pledged to create a state, which held certain truths to the highest and most sacred plane. Of these truths, the ideals of natural equality and the assurance of life, liberty, and the pursuit of happiness secured this modernist, democratic definition of the state. More importantly, however, the United States pledged, “whenever any Form of Government becomes destructive of these ends, it is the Right of the People, ... it is their duty, to throw off such Government, and to provide new Guards for their future security.”<sup>3</sup> Thus, from the beginning, the United States justified that these unalienable rights must always be sought and protected above all else, because it was the people themselves who are sovereign. Over the course of the next two centuries, this nation has grown to incorporate its once revolutionary ideals into its international mission. Our nation has constantly sought to aid other countries in their quests for democracy. While the United States is to this day, one of the most successful examples of democracy, with success measured in quality of representation, duration, and the ease for political regime change, it is necessary to question whether our own fundamental, democratic ideals are still prevalent in today’s society. It seems, however, that this is not the case. The revolutionary notions that marked the founding of the American republic have been misplaced, realigned to better suit the needs of our current government; a government that sacrifices the rights of certain individuals in the name of protection, a government with elements reminiscent of

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<sup>3</sup> “Declaration of Independence,” *The History Channel website*. Accessed Sep 29, 2011. <http://www.history.com/topics/declaration-of-independence>.

a Police State. To understand this, we must consider a concept originally posited by Hannah Arendt. The concept of the “Backlash Phenomenon” allows us to better comprehend how our nation has devolved into its current state. We will see that through the increasingly prevalent use of military might and infringement of individual rights, our nation has now brought these practices back to the homeland.

In her famed essay *On Violence*, Arendt discusses the relationship between violence and power. Of it she states that, should a government perpetuate violence to gain power, they will only lose their power, and de-legitimize their polity. This will occur through a circumstance known as the “backlash phenomena.” Arendt claims that the backlash ensures that when a government uses violence abroad, eventually this violence will become commonplace within its own political system. This backlash, Arendt warns is capable of destroying any power the governmental body holds. To understand this phenomenon is to better understand how our American republic has misplaced its most fundamental democratic beliefs, and pursued legislation that sacrifices the rights of its own people.

It is clear that many Americans idolize our status as the most successful democracy. A poll from the Chicago Council shows that Americans, without a doubt, view their government as the world’s most dominant nation.<sup>4</sup> According to another poll, between 70 to 80 percent of Americans consistently believe that “helping to bring the

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<sup>4</sup> "Americans and Russians Agree U.S. is No. 1, But Disagree on the Up and Comers." World Public Opinion. Accessed February 21, 2012. Last modified July 10, 2006. [http://www.worldpublicopinion.org/pipa/articles/views\\_on\\_countriesregions\\_bt/25.php?lb=brusc&pnt=225&nid=&id=](http://www.worldpublicopinion.org/pipa/articles/views_on_countriesregions_bt/25.php?lb=brusc&pnt=225&nid=&id=). 1.



democratic form of government to other nations” is important.<sup>5</sup> While American’s support the pursuit to promote democracy around the world and believe in the success of their own government, the majority of American citizens overlook some disturbing changes taking place within the ideological framework of the United States of America itself. Our government seems to have experienced a devaluation of the ideals upon which it was founded; where now, our government participates in actions that do not represent the fundamental ideals of democracy, but rather focus on policing the individual via institutions that undermine basic rights. This devolution of our republic has been gradual and progressive, and while it is impossible to pinpoint the start of this process, there are certain events or moments that offer definite instances of democratic erosion. More visibly, in the past half century, our government has participated, on numerous occasions, in actions both internationally and domestically, which seem to violate the fundamental principles of our democratic system of government. We have seen covert acts, unauthorized military operations, wrongful invasions of foreign nations, but most specifically, we have lost the notion of what constitutes war and the differences between war and peace. Since World War II, we have seen the CIA work to sponsor countless coups and there have been many mobilizations of our military forces yet hardly any declarations of war.

With the end of World War II and the subsequent efforts to rebuild Europe, the United States of America has developed a less established policy in the quest to develop and pursue foreign relations. This latest policy differs most noticeably in the pursuit of

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<sup>5</sup> "U.S. Role in the World: Promoting Democracy and Human Rights." World Public Opinion. Accessed February 21, 2012. Last modified July 6, 2006.  
[http://www.americans-world.org/digest/overview/us\\_role/democracy.cfm](http://www.americans-world.org/digest/overview/us_role/democracy.cfm). 1.

vaguely defined military operations classified as “conflicts.” Examples of this have included both the Korean and Vietnam Wars, as well as countless military operations such as Grenada in 1983, Libya in 1986, Panama in 1989 and Somalia in 1992. No longer do we regularly see the definite war, but instead we see hazy and obscure examples of war waged in the name of humanitarian values and democracy. These operations have the intentions of “protecting the weak,” and promoting “humanitarian ideals.” However, experience shows that this collection of euphemisms has proven to disguise the true actions taken, operations with the intention of preventing public knowledge of certain truths.

Additionally, the American people have also been subjected to deterioration of their democratic ideals via the implementation of certain institutional creations. These creations have included special agencies, doctrines, extrajudicial facilities, and legislation that have all invoked harsher regulatory powers in the name of protecting the American homeland. Most recently, the rights of Americans themselves have been sacrificed so that the unbounded threat of terrorism can be better mitigated. These institutional creations seem to realign the power from the people to the federal government, resulting in measures that are characteristically abusive. Lastly, it seems that the actions of certain individuals have been decisive in embracing the policies that, I argue, undermine the principles and institutions on which this republic was founded. Because these individuals have dramatically abused their allotted political power, our nation has further strayed from our democratic framework. While they claimed to act “in the interest of the American people,” in reality, they committed atrocities under the American name. Each

has paved the way for the next, and has further enabled a gross abuse of power. Thus, the ideals that our nation has prided itself on for centuries have been undermined by a progressive deterioration, which very recently, was accelerated.

On January 1<sup>st</sup>, 2012, while the entire nation celebrated the New Year, very few citizens were aware of the transformation their country had just undertaken. On this day, President Obama signed into law House Resolution 1540, or the “National Defense Authorization Act for Fiscal Year 2012.” With the passage of this resolution our American Republic is being drastically reshaped. The act voices that the threat of Al Qaeda to the Security of our homeland constitutes a justification for strict counter-terrorism measures within the U.S. and abroad, and the modernization of our military. Receiving strong opposition from groups such as the American Civil Liberties Union, Amnesty International, Human Rights First, and Human Rights Watch, the legislation grants the executive the power of indefinite detention. Under this authority, the president of the United States may authorize the military to detain individuals suspected of participating in or aiding terrorist activities without a trial, indefinitely. Our executive now has the ability to detain U.S. citizens without trial, and hold them indefinitely. Going further than previous legislation, this act specifically provides that all persons arrested and detained, including those detained on U.S. soil are required to be held by the United States Armed Forces. According to the definitions provided by Homeland Security in 2004, several categories of potential terrorists or conspirators include “foreign terrorists,” “domestic radical groups,” “disgruntled employees,” and “state sponsored adversaries.” Domestic radical groups could potentially refer to antiwar or civil rights groups, and

disgruntled employees could include labor and union activists.<sup>6</sup> Thus, it is clear that this law provides the military to detain American individuals who exercise forms of domestic protest and dissent, significantly curtailing fundamental rights and freedoms. In substance, any American opposed to the policies of our government can potentially be labeled a suspected terrorist and be detained by our military. With the signing of the National Defense Authorization Act, Obama provided a statement to highlight certain concerns he had with the bill.

The fact that I support this bill as a whole does not mean I agree with everything in it. In particular, I have signed this bill despite having serious reservations with certain provisions that regulate the detention, interrogation, and prosecution of suspected terrorists.<sup>7</sup>

The mere fact that President Obama uttered these words to justify his signing of this legislation marks how far it strays from our traditional values. How can the Chief Executive Officer of the United States and the leader of our nation, pass legislation despite objecting to it in a signing statement? Americans must then ask, have we diverted so far from the processes formulated in our Constitution, that there no longer exist a system of checks and balances which would have prevented legislation that infringed upon the rights of American citizens to be passed in the first place? How did our unalienable rights to due process devolve into this? With the stroke of a pen, President Barack Obama succeeded in culminating what has been a transformative progression spanning approximately half a century. This devolution is characteristic of degenerative

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<sup>6</sup> Michel Chossudovsky, "The Inauguration of Police State USA 2012. Obama Signs the 'National Defense Authorization Act,'" *Center for Research on Globalization*, January 1, 2012, accessed January 23, 2012, <http://globalresearch.ca/index.php?context=va&aid=28441>. 1.

<sup>7</sup> Michel Chossudovsky, 4.

processes, a political decay, which slowly but surely threatens the very existence of our republic.<sup>81</sup> Most serious of all is that this progression has led us away from the ideals and policies originally espoused during our founding. Instead, it leads us towards a government that polices its citizens without regard to their natural rights. An analysis of the events that have characterized this shift offers proof of what some have referred to as the “emerging American Police State.”

Increasingly, since the resolution of the last World War, the United States of America has, because of various military interactions, institutional creations, and individual contributions, evolved into a polity most reminiscent of a Police State. American history has been marked by these events that have exponentially deteriorated our most basic republican framework. While there is no way to definitively pinpoint the beginning of this reworking of our country’s most fundamental ideals, I propose to recognize certain milestones which have markedly perpetuated it. This thesis highlights specific instances, more clearly over the course of the last half-century, that single-handedly, by endorsing ethically questionable practices and policies on behalf of “U.S. interest,” worked to undermine our democratic processes and beliefs. Arendt’s backlash phenomenon is applied to these instances to show how they contribute directly to this deteriorative process. Of these events, those most noticeably relevant to our discussion include Operation Condor, Plan Colombia, The PATRIOT Act, Guantanamo Bay, and H.R. 1540. To achieve this, this thesis is organized into six chapters that examine a different period of American history, and the ways in which, rising tolerance for

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<sup>8</sup> Huntington, Samuel P. "Political Development and Political Decay." *World Politics*. Vol. 17, no. 3 (April 1965): 386-430. Accessed February 21, 2012. <http://www.jstor.org/stable/2009286>. 392.

questionable policies appear to have contributed to the progression of the deterioration of republican values and institutions. These policies have disempowered the American people by preying upon their most vulnerable weakness: the fear of a threat to their security. The deterioration of our democratic ideals is marked by the use of the politics of fear. Fear has proven to be the most influential ingredient in the propagation of these instances of divergence from our true democratic form. Our government has employed various programs that systematically violate our most basic democratic principles, all in the name of promoting security, and protecting the citizens. These policies are tolerated because they take advantage of the fear, which utterly disempowers the people. Specifically, I highlight the expansion of problematic standards in the governance of military interactions, institutional creations, and individual contributions that collectively worked to undermine the framework of our republic during three distinct time periods. These periods are the Cold War Era, the Globalization of Low-Intensity Conflict, and the War on Terror. The criteria I use to classify these intervals stem from the prevailing reasons behind certain actions by our government. After compiling the instances of deterioration that I sought to address, I organized them by the means that they were justified by our government. Specifically, the policy and executive acts mentioned in the chapter entitled the Cold War Era, all were fundamentally related to the necessity to protect our citizens from the threat of communism. The landmark events in the chapter entitled the Globalization of Low-Intensity Conflict, all occur after the fall of communism and during the emergence of a national doctrine stressing the importance of humanitarian aid, drug prevention, and military interventions. Lastly, the chapter entitled

the War on Terror shows how policy, like that focusing directly on communism, is implemented to protect the U.S. citizens from the imminent threat of terrorism. More succinctly, these periods are organized in accordance to the prevailing threats to the American people during their corresponding periods: communism, humanitarian and drug prevention issues, and lastly terrorism. A discussion of the theoretical implications of these exceptional measures follows, interrogating their long lasting consequences for the future prospects for the American Republic.

The second chapter focuses on where, in the past half century, this accelerated ideological devolution of the American republic most clearly began. I argue that some of the most notable milestones of this process are seen in the years following World War II. The chapter discusses the years immediately following the Second World War, and the subsequent Cold War period or the years from 1947 to 1991. For this span, the chapter outlines the military interactions, institutional creations and individual contributions that presented, were justified in the name of combating communism and enforcing national security, but in reality, acted contrary to our republican ideals. More specifically, however, this chapter focuses on those milestones deemed to be more representative of a divergence from democratic ideals. Initially, I analyze examples of military interactions openly diverging from our traditional operations following World War II. Both their goals and the tactics used for their enforcement come visibly apart from standards that had been traditionally honored before them. Namely, I discuss how our government no longer engages in the clear-cut idea of war, but starts instead to continuously take part in numerous military “conflicts.” The use of the title “conflict,” rather than war, I suggest,

provides a format that allows one to disregard international laws of war. The differences between these interactions are documented, specifically in that the military “conflicts,” provide hazy and obscure goals and objectives. The hazy goals and objectives provide a broad scope for the administrators of these military operations to better formulate policy that can appease U.S. interest. The engagements in Korea and Vietnam serve to show evidence of this change and its progression. Following that, the chapter focuses on the United States involvement in the Southern Cone, specifically the United States’ role in Operation Condor, and how these operations worked to compromise the integrity of the United States’ State Department. A detailed analysis as to how unlawful ways of involvement abroad result in a backlash with unlawful consequences for the domestic life within the republic follows. Further, different sections in this thesis evaluate the varying presidential doctrines of this span, so that we can better understand the changing trends in the perception and organization of executive authority. These doctrines expose a shift from a focus on the economic improvement of Latin America, to one focusing on the ideological persecution of communism. To understand this shift an analysis of President Eisenhower’s farewell address to the nation provides unique, cautionary warnings of the “military industrial complex.” In this regard, the industrial military complex, as he rightly suggested, explains how an institution can envelop society and rupture the delineation between the military and government. The military industrial complex allows us to better understand how the military became progressively stronger and more influential in United States domestic and foreign policy. Lastly, this chapter will touch upon the actions of individuals who, while in positions of power within our government, engaged



in conduct that stretched the limits of their authority. Of particular interest will be the actions of Kissinger in the Southern Cone. The chapter concludes with an analysis of how each of these individual milestones can be incorporated into Arendt's description of the backlash phenomenon.

The third chapter examines the next time period identified in this thesis, or the years from 1988 to 2001, spanning from the end of the Cold War to the beginning of our modern involvement in the Middle East where we see the growing dominance of low-intensity conflict. This period is referred to as the era of Globalization of Low-Intensity Conflict. Here, yet again, I judge best to divide our analysis into military interactions, institutional creations and individual contributions. The chapter begins by addressing the military interactions and their significance to the degradation of our republic, as illustrated by the Persian Gulf War, Somalia, Bosnia, and Kosovo. Mainly, these examples offer valuable insight towards the differing prerequisites for the justification of military interventions abroad, which will be echoed by the current justification for military intervention domestically. Additionally, it is important to note how the goals and character of these operations differ noticeably from the objectives of the past. On the domestic arena, evidence shows the consolidation of a strengthening policing body. The goal of eliminating drugs, I suggest, justified an allocation of powers by the federal government to the military resulting in another hazy example of war, this however, occurring on a domestic level. Paramount to this period is the discussion of institutional creations, and the presidential doctrines of Presidents Bush and Clinton. Specifically, the traits of globalization and low-intensity conflict provide a common background to the

war on drugs and the humanitarian missions of these presidencies. Of significant importance is the Anti-terrorism and Effective Death Penalty Act of 1996, as this legislation sets the foundation for what will evolve into our modern day policies on terrorism. The Violent Crime and Law Enforcement Act of 1994, is another institutional creation that is examined. It is one of the most influential crime bills in the history of the United States, whose implementation greatly expanded the power of the federal government. After its passage, the federal government gained significant authority through the control of weapons, the policing of specific types of crimes, and modifications to the death penalty. Another milestone that is examined is the operation entitled Plan Columbia. This discussion focuses on how funding for drug prevention was used to train Latin American militants, who then supported right-wing paramilitary forces. The chapter will conclude with a discussion of how the backlash phenomenon can be applied to these cases.

The fourth chapter focuses on the last decade, starting in 2001, or the era of the (Global) War on Terror. This section discusses the military interactions, institutional creations, and individual contributions during our War on Terror, and demonstrates how they have significantly compromised the foundations underlying our modern government. Of specific importance are the conceptual implications of the switch from the period of Globalization of Low-Intensity Conflict to that of the War on Terror. Here it is discussed how, in more than one way terrorism has proven to be a mechanism pivotal towards the deterioration of our democratic values. However, not only for those who engage in terrorist methods, but also for the consequences of the methods that the state

has chosen to respond to them. In discussing military interactions, the September 11<sup>th</sup> attacks and the subsequent war in Afghanistan are analyzed. Following this is a discussion of the Iraq War and how the invasion, premised upon fictitious evidence, contributed to a critical degradation of our democracy. Continuing to a discussion of institutional creations, there is a focus on The PATRIOT Act, the prisoner camp at Guantanamo Bay, and the differing presidential doctrines of Presidents Bush and Obama. Here it is noted how this period reacted to the threat of terrorism with increasingly harsh legislation, which consistently infringed upon certain freedoms, international laws, and the basis of republican values and doctrines. This legislation established policies designed to allot more discretion to the military, based on the premise that it was needed to better our fight against terrorism. These policies created precedents where eventually the rights of our own citizens would be harmed, or again, as Arendt warned, these measures contributed to a backlash. Following this is an analysis of the targeted killing of Anwar Al-Awlaki and a discussion on how his death significantly altered our democratic institution. Finally, the individual contributions of President Obama are examined. Mainly, his failure to exercise the majority of the promises from his presidential campaign, as well as his recent role in the implementation of H.R. 1540 and its ensuing implications for our government body.

The fifth chapter discusses the theoretical implications of all that has previously been covered. The chapter begins by analyzing the early American republic and the definition of this polity. This section looks at the most fundamental truths held by the founding fathers. From here, there is a discussion of the effects that the historical

milestones outlined in this thesis have had on our understanding of the republic. The changes that have occurred to our democratic prerogatives in the centuries spanning our countries initial founding and present day are considered. The chapter continues by elaborating on Hannah Arendt's theory of the "backlash phenomenon." This theory serves as the explanation for the deteriorative processes undergone by the republic in a way that seems to mirror its rising engagement with unlawful practices abroad. Here, it is realized that our actions taken abroad in our various pursuits justified as protecting our homeland from communism, drugs, and terrorism, have, because of our methods chosen to do so, deteriorated our original values. The legislation we passed so that we could fight these evils is now being implemented domestically, limiting the freedoms of our own citizens, and is still justified as in the name of protecting our citizens. We have experienced a backlash, where our actions abroad now are being repeated in our homeland. Therefore, it is clear that the transformation, the gradual progression towards lesser democratic beliefs, has now culminated into a situation that violates the very freedoms we claim unalienable in our Declaration of Independence. The chapter discusses how our republic is now a hybrid, bridging the gap between a democracy, and the ever-approaching police state. It concludes with a discussion of the ancient Roman republic and the factors leading to its eventual demise. The chapter outlines how, like with the anecdote of ancient Rome, the merging of the military and the police that we see occurring within our current government will bring us perilously close to a police state. We must ensure that the distinction between these two factions remains so that we do not fall into the same predicament as the Romans, and avoid repeating history.

The sixth and final chapter of this thesis summarizes and concludes the topics discussed over the course of this work. Specifically, this chapter theorizes as to what the future holds for the American democratic republic. To do this, the chapter looks at where our nation currently stands, and determines what immediate and long term dangers threaten our survival. It decides whether our country has the ability to break free from the progressive deterioration of its democratic ideals, and instead pass legislation to reverse the cycle. We must determine how to once again separate the federal government from the policing sphere. Whether or not this is possible in our current global context is a key question. How is this possible when terrorism coerces countries to develop legislation, which inadvertently represses basic human rights? This chapter proposes that while the future is unclear, it is necessary that our country changes its current course, less it be transformed from a democracy, to some variant resembling a totalitarian police state.

## Chapter II: The Cold War Era

In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist. We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals so that security and liberty may prosper together.<sup>9</sup>

Almost ironically, we begin our discussion concerning the degradation of our republican values with a warning from the only general to be elected president in the 20<sup>th</sup> century. On January 17, 1961, President Dwight D. Eisenhower solemnly resigned as President of the United States. In what would become known as his “Farewell Address to the Nation,” Eisenhower stressed that our country must be weary of our newly acquired position of power in world affairs. He feared that the potential for the “rise of misplaced power” would increase and subsequently threaten our “liberties or democratic processes.” Specifically, he posited that we must recognize the potentially overwhelming power of a newly formed “iron triangle.” He claimed that “iron triangle,” or a mutually beneficial relationship between interest groups, congressional committees, and the bureaucracy, now existed within our armed forces. After the development of our supreme military abilities and infrastructure during the Second World War, this relationship had been born, and threatened to become even stronger. Eisenhower christened this evolving political interaction or relationship between the military, the government, and interest groups as the military-industrial complex. His words highlight the dangers associated with such a

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<sup>9</sup> Veronique de Rugy. "The Invincible Military-Industrial Complex." *Reason*, February 18, 2012. Accessed March 2, 2012. <http://reason.com/archives/2012/02/14/the-invincible-military-industrial-compl>. 1.

relationship, specifically the possible detrimental effects towards a democratic society. With these words Eisenhower wisely predicted that a society, which was credited as a military superpower would inevitably, because of this immense power, face threats to its most basic democratic values. He predicted that the power of the military would slowly but surely encroach upon the democratic tenants of society, as it would become involved with all aspects of life. The term military-industrial complex characterizes the increasing strength of our armed forces, and that this increase would inspire a desire to become an enforcer of world affairs. Eisenhower warned that through our various military endeavors, we would lose sight of our true democratic understanding because of the integration between the military and the state. Unfortunately, today it seems that rather than heeding the advice of our late president, we have slowly acquiesced, and granted our government and our military the power that Eisenhower so wisely forewarned against.

With the end of WWII and the subsequent efforts to rebuild Europe, the United States of America has developed a less established policy in the quest to develop and pursue foreign relations. This latest policy differs most noticeably in the pursuit of vaguely defined military operations classified as “conflicts.” Following World War II, the United States has developed a different classification for war. We see this in the establishment of “military engagements,” where the United States participates in extended military combat that is authorized by Congress. Examples of this include the Vietnam War, Lebanon, the Gulf War, and even today’s Afghanistan and Iraq wars. These quasi-wars have also been defined as military engagements authorized by the United Nations Security Council that are funded by Congress. These have included the

Korean War, Bosnian War, and the 2011 military intervention in Libya. Thus, following World War II, the United States has no longer formally declared war against foreign nations, but has developed a tradition of engagements. Even further, there have been countless instances where the President has acted without prior express military authorization from Congress, in an “undeclared war.” Examples of this include Reagan in Grenada in 1983 and in Libya in 1986, and Bush in Panama in 1989 and Somalia in 1992. Unfortunately it seems that we have succumbed to some sort of military industrial complex, where we have sacrificed our democratic processes for the appropriation of military might. The President has the power to go to war without the approval of Congress. This hazy war, a quasi war, is a method of circumventing the checks and balances of our constitution. It enables the incorporation of the military industrial complex. We no longer engaged in a war with defined goals, but one conflicts or engagements that fall under the broad title of humanitarian or peacekeeping missions. In our discussion of the deteriorative processes that slowly infringed upon our most basic democratic ideals, it seems appropriate to review the turn of events in our nation following Eisenhower’s somber address. Less than a year after this address, engaging in actions that directly contradicted his cautionary speech and that paved the way for actions that directly undermined our democratic beliefs, the United States had enacted the Alliance for Progress.

With the end of World War II, the United States had succeeded in leading the Allied forces to victory over the Nazis and their Axis partners. However, the Second World War proved to be one of the most destructive and large-scale wars the world had



ever seen. By the end of the war, the majority of Europe was devastated. Realizing the political, strategic and economic interests in helping the European countries affected by the war, the United States created a program designed to stimulate these economies.

The European Recovery Program was the large-scale, four-year aid program implemented by the United States beginning in April 1948. The State Department, led by Secretary of State George Marshall, understood that by providing economic aid and encouraging close cooperation with West European nations, the United States could indirectly help stabilizing democratic institutions throughout Europe and prevent the Soviet Union from expanding its influence in the area. The aid program, which became widely referred to as the Marshall Plan, sought to rebuild a war-devastated region, removing trade barriers, modernizing industry, and returning Europe to the prestige it held before the war. However, more importantly, it allowed for the U.S. to win the favor and alliances of these countries during the beginnings of the Cold War with the Soviet Union.<sup>10</sup> Over the course of its four-year implementation, the Marshall Plan provided \$13 billion in both technical and economic assistance to the European Countries that had joined the Organization for European Economic Cooperation. By 1952 every state participating in the program had surpassed their pre-war economic levels, where the Gross Domestic Products were at least 35% higher in 1951 than in 1938.<sup>11</sup> Over the next twenty years, the European nations experienced unprecedented growth and prosperity. More importantly, the Marshall Plan is credited with boosting European integration, as it helped to eliminate trade barriers and created institutions to manage the economy on a

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<sup>10</sup> Allen W. Dulles, *The Marshall Plan* (Providence: Berg Publishers, Inc., 1993), ix.

<sup>11</sup> Barry Eichengreen, *The European Economy Since 1945: Coordinated Capitalism and Beyond* (Princeton: Princeton University Press, 2007), 57.

continental level, resulting in the betterment of the region as a whole.<sup>12</sup> The Marshall plan is widely held as one of the most successful and influential aid programs ever implemented.

The success of the Marshall Plan would set a precedent for subsequent programs. The appeal of the Marshall Plan stemmed from its achievements in restructuring Europe, but more so from the plan's effectiveness in deterring the spread of communism. The Marshall Plan made apparent that by aiding the economic growth of countries, it would be more difficult for these countries to fall vulnerable to leftist ideals. With the intention of preventing revolutionary politics from entering the American Continent, thirteen years later President John F. Kennedy created his own program, the Alliance for Progress.

By the early 1960s, the United States government was growing fearful of the communist influence spreading to South American countries. Just three years earlier, in 1959 Fidel Castro had led a successful coup in neighboring Cuba, overthrowing the U.S.-backed dictator and creating a socialist republic. With Cuba situated a mere 90 miles off the American mainland, it was widely accepted that preventing the further spread of communism was a priority. With this imperative goal, on March 13, 1961 at a White House reception for American diplomats and Members of Congress, President Kennedy presented a new comprehensive aid program for the Americas. This ten-year plan aspired to

... Complete the revolution of the Americas, to build a hemisphere where all men can hope for a suitable standard of living and all can live out their lives in dignity and in freedom. To achieve this goal political freedom must accompany material

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<sup>12</sup> Nicolaus Mills, *Winning the Peace: the Marshall Plan and America's Coming of Age as a Superpower* (Hoboken: John Wiley & Sons, Inc., 2008), 195.

progress...Let us once again transform the American Continent into a vast crucible of revolutionary ideas and efforts, a tribute to the power of the creative energies of free men and women, an example to all the world that liberty and progress walk hand in hand. Let us once again awaken our American revolution until it guides the struggles of people everywhere-not with an imperialism of force or fear but the rule of courage and freedom and hope for the future of man.<sup>13</sup>

In August of the same year, the Alliance for Progress was signed at an inter-American conference at Punta del Este, Uruguay. Described as the “Marshall Plan for Latin America,” this project boasted support from many within the U.S. government. The program strived to establish a 2.5 percent gross domestic product growth per year, a 50 percent rise in the standard of living, and the elimination of adult illiteracy, all within a decade. Additional goals included price stability, increased equitable income distribution, land reform, and economic and social planning. The program was an ambitious response to the Cuban revolution, as it worked to prevent similar revolutions through moderate top-down reforms. One of Kennedy’s aides, Arthur Schlesinger, characterized the need for a

Middle-class revolution where the processes of economic modernization carry the new urban middle class into power and produce, along with it, such necessities of modern technical society as constitutional government, honest public administration, mass education, and social mobility.<sup>14</sup>

Kennedy himself believed that the “social and economic development generated by the Alliance might have a favorable effect against the political agitation that has followed the Cuban Revolution.”<sup>15</sup> To promote economic and social development in Latin America,

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<sup>13</sup> McPherson, Alan. *Intimate Ties, Bitter Struggles: The United States and Latin America Since 1945*. Washington, D.C.: Potomac Books, Inc., 2006. 151.

<sup>14</sup> McPherson, 51.

<sup>15</sup> Sheinin, David M.K. *Argentina and the United States: An Alliance Contained*. Athens:

the United States pledged \$1 billion for the first year, and \$20 billion over the next ten years. However, the reality was that the U.S. government would only provide \$10 billion, with half of the funds coming from private investments. Further, Latin American countries were expected to invest \$80 billion themselves, and wealthy citizens within these countries were expected to relinquish certain privileges: redistribution of land to the poor, increased tax rates, diversification of trade, increased employment, democratic installments, and improved housing, education and welfare.

According to the program, the Latin American governments would create national development plans, with the help of United States advisers, specifically designed to stimulate economic growth and allow redistribution. As credit was pumped into the southern hemisphere the IMF and the World Bank also took an influential role in shaping the governments' policies. The most noticeably radical aspect of the Alliance for Progress was its strategy concerning land reform. Land reform was one of the program's central objectives, where certain authorities declared that "unjust structures and systems of land tenure" needed to be replaced by "an equitable system of property."<sup>16</sup> With this position, it was thought that by restructuring the distribution of land, the United States could provide a source of economic stability to those who received it, ensuring a foundation by guaranteeing welfare. However, many believed that the poor farmers who received these new plots of land would simply sell them to wealthier neighbors, and propagate a new system of land concentration as the root cause of inequality in Latin America.

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The University of Georgia Press, 2006. 137.

<sup>16</sup> Livingstone, Grace. *America's Back Yard: The United States & Latin America from the Monroe Doctrine to the War on Terror*. New York: Zed Books, 2009. 39.

By the early 1970s, the Alliance for Progress was widely viewed as a failure. It officially ended in 1973 when the permanent committee created to implement the alliance was disbanded by the Organization of American States. In the end, actual accounts of what occurred vary, but it is generally believed that the United States came up with about 75 percent of what it promised Latin America. This aid was massive as, under Kennedy and Johnson, Latin America received twice the U.S. foreign aid that it had received under Eisenhower, and six times what it received under Truman. The program succeeded in improving conditions in intended areas and provided one million families with land. However, while there were limited successes, the failures were more evident.

While land was provided for a million families, 10 to 14 million families received nothing. The amount of families without land actually increased when taking into count population growth. It seems that the Latin American oligarchs were not prepared to give up their land, regardless of the fact that Americans drafted the land reforms. Additionally, United States agribusiness also resisted the division of large estates, as there existed a growing fear that communists could infiltrate the peasant unions. Instead of agrarian reform, emphasis was placed on modernization, technical advances, and cheaper credit for farmers. This resulted in some rural workers actually losing their jobs after being replaced by machines. The flow of capital, however, was largely reduced due to the fact that Latin Americans spent the decade paying off loans.<sup>17</sup> The United Nations' investigation into the alliance found that in the 1960s, of every \$100 increase in wealth, only \$2 went to the poor, with the remaining amount going to developers, administrators,

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<sup>17</sup> Livingstone, 39.

and politicians. Additionally, it was found that only seven countries out of the twenty-one participating in the program succeeded in achieving the growth target of a 2.5 percent increase in GDP. However, when the 3 percent population growth is factored in, only the smallest countries of Panama and Nicaragua did. On average, the alliance created an economic growth of only 1.5 percent, while the number of jobless Latin Americans increased from 18 to 25 million.<sup>18</sup>

All in all, the Alliance did promote moderate growth within Latin American countries during the 1960s, but failed in redistributing the wealth. The elite class of Latin American landowners, the 5 to 10 percent who owned 70 to 90 percent of the land, refused to comply with the alliance. The program failed to realize that this elite group would not accept money from Washington, effectively resisting the U.S. aid and participation in legislative projects, to merely stymie the unlikely chance of a communist revolution. The elite class ignored Kennedy's dictum that "those who make peaceful revolution impossible will make violent revolution inevitable." This resulted in only \$2 billion materializing from the Latin American side of the alliance.<sup>19</sup>

The Alliance for Progress also failed because of the waning support from the American end. After the assassination of Kennedy in 1963, subsequent presidents were less supportive of the program. Washington's interest in the alliance also seemed to lessen as Congress considered it "mushy socialism."<sup>20</sup> This coupled with the fact that little of the promised financing from private investors actually materialized, ensured the

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<sup>18</sup> McPherson, 52.

<sup>19</sup> McPherson, 152.

<sup>20</sup> McPherson, 52.

slow disintegration of the Alliance for Progress. By the time President Nixon took office, in 1969, the perception of the alliance as a failure prompted Nixon to commission a study to assess the state of Latin America. Nixon appointed the powerful New York Governor Nelson Rockefeller to carry out the study. After four trips, Rockefeller published his report where he recommended that the U.S. reduce economic aid to Latin America. Rockefeller justified his conclusion stating, “We, in the United States, cannot determine the internal political structure of any other nation.” Thus, because the U.S. could do little to change the political atmosphere in other countries, then there was no reason to continue using economic aid as a political tool.<sup>21</sup>

While discussions of the Alliance for Progress focus on the economic based aspects of the program, many fail to realize the other less apparent component. From its very inception, the alliance was a two-tiered strategy for fighting leftist movements and preventing their presence in Latin America. The first tier was economic aid and development, but the second, as if materializing Eisenhower’s concerns, was the use of military tactics to suppress these leftist, subversive groups. While it is clear that the economic reforms may have failed, the military component of the program persisted and was expanded as a series of practices increasingly outside international law, human rights, and the principals of freedom, law, and respect for popular sovereignty as consecrated in the U.S. Constitution.

In the 1960s, military aid programs rose drastically, where the annual U.S. military assistance for the first five years of the decade was twice what it had been in the

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<sup>21</sup> McPherson, 161.

1950s. Of this military aid, the most regular type was the creation of special military training schools operated by our own elite special forces. In four years alone, from 1964 to 1968, 22,059 Latin American military officials were trained at these U.S. military trainings schools. However, in addition to these schools, thousands more Latin American military personnel were instructed in the field by U.S. Special Forces units. Specifically, the elite Green Berets were the US Army units designated to educate Latin American military personnel. These units were specifically trained in jungle warfare, covert actions, and psychological warfare. They were also equipped with the most state of the art weaponry, including lightweight field radios, helicopters, and high-powered sniper rifles. In addition to training Latin American military units, the US Army also trained and equipped various Latin American police forces. The training in unconventional warfare techniques that was provided to Latin American militants had been perfected through operations in Greece, Korea and Laos. Specifically, the training revolved around the counter-insurgency doctrine adopted and developed by U.S. troops in Vietnam.<sup>22</sup> These tactics were developed to confront the ever-present threat of guerilla warfare, and used many of the same techniques as the guerrillas themselves.

Through recently declassified documents, it is now possible to realize the extent of these programs of military education. Kennedy's counter-insurgency doctrine urged that in order to combat irregular forces, unconventional tactics were paramount.

Subversive insurgency is another type of war, new in its intensity, ancient in its origins- war by guerrillas, subversives, insurgents, assassins, war by ambush

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<sup>22</sup> Livingstone, 39-40.



instead of by combat, by infiltration instead of aggression. It requires...a whole new kind of strategy a wholly different kind of force and therefore a new and wholly different kind of training.<sup>23</sup>

One of the most influential centers for Latin American military education was the School of the Americas. Originally established in the Panama Canal Zone in 1949 as the Army Caribbean School, it was renamed the School of the Americas in 1963. This new name carried with it a shift in the intentions of the program. Project X was one of these previously classified operations. The program was a Pentagon campaign, which aimed to train Latin American militaries in the lessons that U.S. troops had learned from their time in Vietnam. Specifically this program focused on the psychological warfare, clandestine operations, defoliation, developing informants, interrogation techniques, how to handle mass demonstrations, intelligence photography and polygraph training. Characteristic of this training was an “ominous shift of focus onto civilians, based on the premise that guerrillas needed the support of the local population in order to survive.” This shift was based on the ultimate goal of dissuading the Latin American population from supporting these guerilla groups. This was done through civic programs, “hearts-and-minds,” or through coercion. Interestingly enough, however, in the U.S. training manuals did not differentiate between guerrilla militants and the civilians who supported them, rather they were both classified under the term “subversives.” In 1996, the Pentagon declassified several training manuals that were used at this school. In them are seen the horrific procedures advanced by the U.S. Army to help Latin American militaries in their fight against the leftist groups. The manuals advocate use of “fear, payment of bounties for

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<sup>23</sup> Livingstone, 40.

enemy dead, beatings, false imprisonment, executions and use of truth serum.” Additionally, they advocate the use of “neutralization,” which the Department of Defense itself described as a euphemism for illegal execution. One of the most horrifying manuals is the 1963 *KUBARK: Counterintelligence Interrogation*. In this the CIA details the psychological aspects of interrogation, with sections giving in-depth instructions on how to disorientate a subject, weaken his will, and use physical coercive techniques.<sup>24</sup> While the training of military officials has a long history, it is important to realize that the School of Americas extended this training. In addition to military officials, training was offered to civilians, or Latin American police agencies. This is evident in the 1962 creation of the Inter-American Police Academy, which later became the International Police Academy. Additionally, in August of 1962, President Kennedy created the Office of Public Safety, which provided a special police assistance program. By 1966, 38% of this office’s budget was being spent improving the domestic security of every Latin American country except Cuba.<sup>25</sup> This funding allowed for Latin American police forces to purchase tools necessary to repress subversive forces, including fire hoses, batons, and surveillance equipment. So while the U.S. government justified its military aid to Latin America as a form of protection against a foreign communist threat, it is clear that the aid was directed towards domestic policing agencies, thus constituting a form of direct, internal intervention.

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<sup>24</sup> Fox, Carlton T., Jr. "The U.S. Army School of the Americas and U.S. National Interests in the 20<sup>th</sup> Century." Master's thesis, Virginia Polytechnic Institute and State University, 2001. Accessed February 20, 2012.  
<http://resource.mccneb.edu/pos/OldSite/FoxThesis.pdf>. 71.

<sup>25</sup> McPherson, 59.

Through the Alliance for Progress, Presidents Kennedy and Johnson supported a number of programs that, through direct force, helped Latin Americans resist any movements that sought to bring about revolutionary change. To accomplish this, the United States transferred its policing powers to the south, without the appropriate legal or diplomatic rationales for doing so. Under the inter-American system, interfering in another countries' affairs was forbidden unless there was outside aggression that would justify collective action from other countries. So, to fulfill this requirement, Washington declared that its provisions of military and police aid were to help combat counterinsurgency. Additionally, the government claimed that the main threat was communists, and "since communists *had* to be foreign," they were characterized as outside aggression.<sup>26</sup> Thus, we can see how the government went to great lengths to try and justify its use. However, because aid was provided to the civilian police organizations as well as the military, this U.S. assistance did not defend the region against attacks from abroad, but rather domestic attacks. The International Police Academy marks the United States direct interference within specific Latin American countries without the justification of outside aggression mentioned earlier. It is also important to realize that the School of Americas did not halt its operations in the Southern Hemisphere, rather, they continued for decades. In 1984 the school was moved to Fort Benning, Georgia, in the United States, and changed its name once more to the Western Hemisphere Institute for Security Cooperation. Regardless of the changes in name and location, upwards of 60,000 Latin American soldiers have been trained at this

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<sup>26</sup> McPherson, 58.

military school. They have included some of Latin America's most infamous dictators and human rights violators.<sup>27</sup> While the Alliance for Progress failed to deliver its economic reforms, it also failed in its promise to promote democracy. The fallacy of this pillar of the alliance was seen almost immediately. Within two years of its implementation there had occurred six military coups.<sup>28</sup> More would occur in the subsequent years, where by the end of the decade, most countries in Latin America would be ruled by dictators.

The outcome of the Alliance for Progress is markedly relevant to our discussion, because through the creation and implementation of this plan, our government began a program, which strengthened our influence in South America. An influence that resulted in a series of American backed interventions and coups that worked, on multiple occasions, to help ensure the defeat of certain democracies. However, more so, this economic program proved to be a failure, one that did not meet its goals in advancing Latin American countries. Instead of forwarding democratic ideals to ensure the establishment of democracy, the United States created American-run schools for military training, whose motives were inherently divergent from those of democratic processes. This is policy on a national scale, not a coup, or something that is supposed to be kept quite. This is our nation's foreign policy, and here we see a fundamental difference in its goals. While the Alliance for Progress was labeled, "the Marshall Plan of Latin America," it did not succeed in establishing economic progress, but instead enabled the establishment of military training facilities, to stymie the communist threat. The Alliance

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<sup>27</sup> Livingstone, 45.

<sup>28</sup> Livingstone, 44.

for Progress is critical to our discussions of our ideological devolution, as it is a prime example of a foreign policy, which resulted in an outcome directly contradicting its stated objectives. The alliance may have begun as an economic program but in the end, the only lasting effects were its installments of military training facilities. Project X and the School of the Americas represent important milestones, as they provided the training and justification for some of the worst atrocities that occurred in Latin America. One such atrocity that we will look at was the American involvement in the campaign of political oppression known as Operación Cóndor.

While it is clear, that the Alliance for Progress, and the subsequent creation of military educational facilities did little for the promotion of democratic ideals, a further analysis of the alliance's failure in this context is necessary. To do this, we must focus on the state of Latin America after the inception of the alliance. As discussed earlier, in the decade that followed the initiation of the Alliance for Progress, there were almost a dozen military sponsored coups. This created an atmosphere where, by the beginning of the 1970s, almost all of Latin America was ruled by dictators. Of these coups, it seems that the United States played a direct role in providing dictators and military based governments preference over those of democratic leaders or processes. This thesis cannot reasonably analyze all of the CIA backed coups, government sponsored interventions, or instances of systematic oppression that plagued Latin America during this time period. To do so would allot this thesis an immeasurable girth. Instead, it is critical that we do focus on one example where we can directly understand the extent of United States involvement. Further, in this specific case study we can understand how the curriculum

taught in the U.S. funded military schools played a direct role in the atrocities that took place.

“If there are things that have to be done, you should do them quickly.”<sup>29</sup> When Secretary of State Henry Kissinger said this in 1976 to the Argentine Foreign Minister, he epitomized the shift in American foreign relations policy. With these few words, Kissinger guaranteed the Argentine dictatorship that the United States would avert their gaze as thousands of Argentine citizens were systematically kidnapped and murdered. With this brief statement, Kissinger, while acting on behalf of our democratic republic, actively ignored a threat of political genocide, and promised that the United States would not intervene. What followed was a government-sponsored massacre in which thousands of Argentine citizens were executed simply for having alternate political views than their government. How can a nation so strongly governed by our founding ideals of equality and freedom, be represented in an international context by an official who blatantly disregards human rights? Further, how does indifference by one of our primary figures in the State Department mean towards our understanding and our definition of the republic? Recently declassified documents coupled with leaked government accounts have produced disheartening evidence as to the United States’ knowledge of extensive crimes against humanity. More specifically, as is the case with Kissinger, this is evidenced in the crimes committed by the governments of Argentina, Chile and Uruguay against their citizens in the years between 1975 and 1983. The assassinations, torturous acts, and

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<sup>29</sup> Osorio, Carlos, Marcos Novaro, and John Dinges. "On 30th Anniversary of Argentine Coup New Declassified Details on Repression and U.S. Support for Military Dictatorship." The National Security Archive. Accessed September 27, 2011. Last modified March 23, 2006.  
<http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB185/index.htm>. 1.

kidnappings levied against civilians during this period were components of the campaign of political repression known as Operación Cóndor. Certain declassified documents offer clear examples of how prominent agents within the United States government were complicit in specific operations, involving atrocities that did anything but promote humanitarian ideals. By analyzing documented interactions between the governments of the Southern Cone and the United States government, proof of this cooperation is clear and prevalent. The United States' participation and the complicit actions of key officials offer a clear violation of the fundamental American constitutional ideals and the very definition of the republic. Operación Cóndor is relevant to our discussion, because our involvement seems to violate the very principles that the United States has tried to promulgate for the past two centuries. Ideals of supreme justice, which were defined and set forth during the country's most inaugural moments, in the declaration of its independence.

While there undoubtedly exist many instances, in which, the United States government helped plot coup d'états and arm rebel insurgents, the participation in Operación Cóndor is unique in two important ways. The American influence in the Southern Cone did not affect third world countries that could be easily and quickly manipulated by economic and political incentives. Instead, the nations affected by this operation were some of the most powerful and well developed in South America. Each of the three maintained a first-world status, large populations, and relative economic strength. These countries were and still are globally recognized bodies as member nations by the United Nations. Secondly, the American involvement in this intervention is

characteristically different than others, in that the U.S. helped to establish and maintain a regional, international, terror network. Further, while many U.S. officials have been linked to U.S. activities in the Southern Cone during this time period, it is imperative to discuss specifically the role of Secretary of State Kissinger, as he represents the most powerful and influential official of the United States Government, who was directly involved in Operación Cóndor.

On November 25<sup>th</sup>, 1975, leaders of the military intelligence services of Argentina, Bolivia, Chile, Paraguay, and Uruguay attended a secret convention. The meeting was held in Santiago, Chile, and marked the official creation of *Operación Cóndor*.<sup>30</sup> The military intelligence agencies of these countries each represented their respective authoritarian or military regimes, and united under their ideological convictions. The operation's objective was to establish an international network that would focus on the persecution of leftist groups, which were believed by these countries to directly threaten the existence of their military regimes. Specifically, the plan allowed for the international cooperation of the militaries of these countries, so that they could coordinate assassinations and compile intelligence. The intention was the establishment of an anticommunist front, which would combat any subversive groups or "internal enemies."<sup>31</sup> To better coordinate the efforts, an office was created to head the clandestine operation within the Chilean Directorate of National Intelligence, or DINA. Here the Chilean secret police would collect and broadcast the intelligence on subversive

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<sup>30</sup> Osorio, Carlos, Marcos Novaro, and John Dinges, 1.

<sup>31</sup> McSherry, J. Patrice. "Operation Condor: Deciphering the U.S. Role." 1933 Key. Accessed October 9, 2011. Last modified 2011. <http://1933key.com/US-Terror/Operation-Condor-Deciphering-the-US-Role>. 1.



movements within each of the member countries. The operation exercised extensive cohesion, capable of tracking down and killing “subversives” anywhere in the world. Once “Marxist terrorist activities” were located, and targeted, assassination units labeled “death squads,” were sent abroad to eliminate the perceived threat. The operation developed into a highly sophisticated system of command, control, intelligence, exchange of prisoners, and combined operations. The operation

Made use of parallel prisons, secret transport operations routine assassination and torture, extensive psychological warfare (PSYWAR, or use of black propaganda, deception, and disinformation to conquer the “hearts and minds” of the population, often by making crimes seem as though they were committed by the other side), and sophisticated technology (such as computerized lists of suspects).<sup>32</sup>

The secret military agencies would illegally arrest individuals, and then imprison them within the covert Condor complex. This would ensure that all information about the person was erased, and that the person simply “disappeared,” with the state denying any responsibility or knowledge of the individual’s whereabouts. The coordination of various countries allowed “militaries to act with impunity in associated countries, and to utilize clandestine structures parallel to the state apparatus to avoid accountability and maintain maximum secrecy.”<sup>33</sup> The operation developed a complex infrastructure of illegal detention centers hidden throughout the countries, where disappeared individuals would be sent to be tortured and eventually killed. The system was successful in that it enabled

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<sup>32</sup> McSherry, J. Patrice. "Operation Condor: Clandestine Inter-American System." *Social Justice* 26, no. 4 (Winter 1999): 144-171. Accessed October 9, 2011. <http://larc.sdsu.edu/humanrights/r/PLAarticles/mcsherry.html>. 1.

<sup>33</sup> McSherry, J. Patrice. "Operation Condor: Clandestine Inter-American System." 5.

the Latin American military states to persecute subversives across borders in transnational operations, effectively defying international law and traditions of political sanctuary. Additionally, the operation developed covert elimination mechanisms to conceal the massive numbers that were systematically disappeared, and subsequently assassinated. These included mass cremations, mass graves, and “death flights” where bodies would be loaded onto aircraft and then thrown into the Río de la Plata or the Atlantic Ocean. All were designed to make the corpses, and therefore the evidence, disappear.<sup>34</sup> The military regimes used the apparatuses of Operation Condor to bypass their official state judicial penal structures and participate in a form of ideological genocide. For the years spanning 1975 to 1983, the operation proceeded unchecked. While it is impossible to be certain, it is believed that the countries participating in the operation succeeded in the murders and disappearances of tens of thousands of individuals, with Argentina alone estimated at more than 30,000 victims.<sup>35</sup> Though largely enshrouded in mystery, the operation was a holocaust, which carried out a systematic elimination of anyone seen to act in ways that threatened the military regime.

Ever since the very inception of Operation Condor, there were questions as to what role the United States, the foremost leader of the anticommunist alliance, played in the operation’s implementation. Many believed that the operation went unnoticed until its later years by the United States government, and before that only received tacit approval by U.S. intelligence agencies. However, in recent years because of declassified documents, and testimony from individuals directly involved, it is clear that this was not

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<sup>34</sup> McSherry, J. Patrice. "Operation Condor: Clandestine Inter-American System." 5.

<sup>35</sup> Meade, Teresa A. *A History of Modern Latin America: 1800 to the Present*. Malden: Wiley-Blackwell, 2010. 264.

the case. It seems that Operation Condor was linked to the U.S. national security apparatus. Specifically, it appears that Condor took place within the broad inter-American counterinsurgency operations directed by the Pentagon and the CIA. These operations included the military training at U.S. schools, technology transfers, weapons sales, and specific ideological attitudes. This strategy is better understood by means of a 1968 statement by U.S. General Robert W. Porter, where he explained “In order to facilitate the coordinated employment of internal security forces within and among Latin American countries, we are...endeavoring to foster inter-service and regional cooperation by assisting in the organization of integrated command and control centers; the establishment of common operating procedures; and the conduct of joint and combined training exercises.”<sup>36</sup> This statement marks how the U.S. interacted with Latin America to form an allegiance bent solely on the persecution of communism. Further, declassified materials show that U.S. forces considered the Latin American military governments to be allies in the Cold War, and thus had extensive knowledge of and sometimes provided aid to these regimes.<sup>37</sup> From one declassified 1976 FBI report, knowledge of Operation Condor at its early stages is evident. The report details that the operation is broken down into three levels, or “phases.” Phase I being the mutual coordination of intelligence services, and they exchange of surveillance and information on subjects. Phase II was the international operations to detain and subsequently disappear individuals to secret facilities. Phase III was the most covert aspect, and included special assassination units,

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<sup>36</sup> Herman, Edward S. *The Real Terror Network: Terrorism in Fact and Propaganda*. Boston: South End Press, 1982. 70.

<sup>37</sup> McSherry, J. Patrice. "Operation Condor: Deciphering the U.S. Role." 1.

that would travel anywhere in the world to kill political leaders feared for their potential to threaten security of the military states.<sup>38</sup> As far as the question of what U.S. knowledge of Operation Condor was, it seems obvious that there was extensive knowledge of the program since its very beginnings. We now know that top U.S. officials and agencies were fully aware of Operation Condor from at least the time it was organized in 1975. In June of 1999, the State Department began a declassification project where thousands of documents were released containing evidence that the U.S. government collaborated with the secret intelligence agencies of the countries involved in Operation Condor, and even sponsored some of their activities. From these archives it was realized that the CIA provided extensive intelligence, including lists of suspected subversives to the military regimes. Additionally, the FBI conducted searches in the United States for individuals wanted by the Chilean secret intelligence agency, DINA, in 1975. In the documents, the CIA refers to Condor as “counter-terrorism organization,” and approvingly described its efforts to prevent Marxist terrorist activities via “joint counterinsurgency operations.” It is also believed that the CIA played a direct role in the establishment of the “CONDORTEL,” or the telecommunications system that allowed the Condor states to better coordinate their intelligence and operations.<sup>39</sup> There is also documentation addressing discussions between the DINA and the CIA over the establishment of a Condor command station in Miami. The Army School of the Americas functioned as a center for the continental anticommunist alliance. As such, there are indications that this school provided a location for the planning of certain covert operations that occurred at

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<sup>38</sup> McSherry, J. Patrice. "Operation Condor: Deciphering the U.S. Role." 2.

<sup>39</sup> McSherry, J. Patrice. "Operation Condor: Clandestine Inter-American System." 6.

the time. While this, however, remains unclear, it is certain that many of the graduates of this school of counterinsurgency training were those that conducted the implementation of the state-terrorism seen in Operation Condor.<sup>40</sup> Additionally, in September 2000, the CIA admitted that the chief of DINA, Manuel Contreras, was a CIA asset from 1974 to 1977. This further advances the role of the CIA in Operation Condor, as Contreras, was the leading organizer and creator of the operation. Known as “Condor One,” Contreras was the figurehead of the Condor operation, and his connection to the CIA represents one of the most direct links between the CIA and Condor.<sup>41</sup> The most incriminating evidence, however, comes from more recently released cables where we see prominent figures within the U.S. system of governance knowingly endorsing of the atrocities of Operation Condor. The mere fact that Kissinger, the Secretary of State to the United States government, guaranteed the Argentine dictatorship that the United States would avert their gaze as thousands of Argentine citizens were systematically kidnapped and murdered during their Condor operations, is simply unbelievable. Through this authorization, Kissinger compromised our democratic ideals by ignoring mass murder by a dictatorial government. Within the past couple months, we have seen even more information as to the extent to which, high-ranking U.S. officials were informed of the inner workings of Operation Condor. Specifically, one of the most egregious admissions so far, came on January 27, 2012, when Elliot Abrams testified before a federal court in Buenos Aires. Abrams, former U.S. Assistant Secretary of State, was the Under Secretary for Human Rights issues from 1982 to 1985. In his testimony, Abrams admitted that the

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<sup>40</sup> McSherry, J. Patrice. "Operation Condor: Clandestine Inter-American System." 6.

<sup>41</sup> McSherry, J. Patrice. "Operation Condor: Deciphering the U.S. Role." 3.

administration of U.S. President Ronald Reagan was aware of the “planned” thefts of babies during the Argentine military dictatorship. Abrams described how the babies, generally born to jailed political prisoners, were systematically stolen and relocated to families loyal to the dictatorship.<sup>42</sup> Abrams marked that “It wasn’t one or two cases, or one or two officers involved, but many, thus there was a pattern, a plan” to take away babies from biological families that were considered “non trustworthy or communists.”<sup>43</sup> Yet again, we must ask how, in a government so concerned with the issues of human rights and natural freedoms, this was possible? The fact that the Reagan administration sat back as these atrocities were knowingly committed represents a direct and blatant divergence from our democratic ideals.

One of the most important circumstances concerning U.S. involvement in Operation Condor, pertain to the assassinations of Orlando Letelier and his assistant, Ronni Moffitt. Letelier served as the Chilean ambassador to the U.S and foreign minister of the Chilean government under Allende, and Moffitt was a U.S. citizen who served as his aide and colleague. On September 21, 1976, the two were killed in Washington’s Embassy row in a car bombing that was later linked to the Chilean secret police. This brazen act was a directive of the Phase III of Operation Condor, or the special assassination squad. The bombing occurred in the capital of the United States, and

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<sup>42</sup> Aranguren, Gerardo. "Ex funcionario de Reagan admitió que EE UU conocía el plan de robo de bebés." *Tiempo Argentino*, January 27, 2012. Accessed February 20, 2012. <http://tiempo.infonews.com/notas/ex-funcionario-de-reagan-admitio-que-ee-uu-conocia-plan-de-robo-de-bebes>. 1.

<sup>43</sup> *Merco Press: South Atlantic News Agency*. "US was aware of Argentine military 'systematic plan to steal babies born in captivity.'" January 27, 2012. Accessed February 20, 2012. <http://en.mercopress.com/2012/01/27/us-was-aware-of-argentine-military-systematic-plan-to-steal-babies-born-in-captivity>. 1.

resulted in the death of an American citizen.<sup>44</sup> Until the attacks occurring on September 11, 2001, this was considered the most blatant terrorist act to ever take place on U.S. soil. The assassination received renewed attention in April of 2010, when a newly declassified document surfaced instigating new questions as to the U.S. role. The document is a set of instructions cabled from Secretary of State Kissinger to his Latin American deputy. In it, Kissinger rejects delivering a proposed warning to Uruguay concerning Condor operations. Kissinger continues by instructing the State Department that “no further action be taken on this matter.” An analyst with the National Security Archive, Peter Kornbluh, argues that this cable proves that U.S. diplomats ended efforts to warn the governments of Chile, Uruguay and Argentina against their involvement in Condor activities. The cable becomes even more scandalous as five days after it was sent, Moffitt and Letelier were assassinated. Kornbluh argues that this cable proves that Kissinger halted the plan to stop the secret program of international assassinations by Latin American dictators. Former State Department officials who worked under Kissinger during this period strengthen this position. These officials claim that this specific cable disrupted the U.S. effort to control Operation Condor in both Uruguay and other countries as well. Thus, it is believed by many that because Kissinger did not give the high-level U.S. warning about Condor, the Chilean organizers went ahead with their assassination plot.<sup>45</sup>

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<sup>44</sup> McSherry, J. Patrice. "Kissinger lo hizo." *Página 12*, May 8, 2010. Accessed September 27, 2011. <http://www.pagina12.com.ar/diario/elmundo/4-145317-2010-05-08.html>. 1.

<sup>45</sup> Zajac, Andrew, and David S. Cloud. "Kissinger Cable Heightens Suspicions about 1976 Operation Condor Killings." *Los Angeles Times*, April 11, 2010. Accessed

It is important to understand Operation Condor as a manifestation of the 1960s ideological thought that we have already touched upon. During this period, populist, nationalist and socialist movements invaded Latin America, threatening the status of the elite within these class-stratified nations. Thus, U.S. national security strategists, fearing another communist revolution, coupled with the Latin American oligarchs, considered large sectors of these societies to be subversive. Latin American leaders incorporated the “Cold War National Security Doctrine,” that was defined by U.S. counterinsurgency methods, and anticommunist ideology.<sup>46</sup> This doctrine is described by J. Patrice McSherry, where

U.S. officials worked to centralize military and police command structures and intelligence systems, modernize communications, and foster strategic and operational coordination in the struggle against Communism...financing, organizing, and training the police, military, and intelligence forces of Latin America, modernizing and professionalizing them, and increasing their technological capabilities.<sup>47</sup>

Pentagon and CIA training manuals advocated the use of population control, coercive interrogations, censorship, infiltration, surveillance, torture, assassinations, the use of drugs, and other methods to combat the leftist groups. The military governments choose to recreate their countries through the elimination of this “subversion.” This led to a type of countersubversive war, in which the regimes believed that communism was an enemy that had successfully infiltrated their nations. This belief led to various countries undergoing coups where civilian governments were ousted by militaries. Long-standing democracies were overthrown, and repressive regimes replaced them. This

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September 27, 2011. <http://articles.latimes.com/2010/apr/11/nation/la-na-kissinger11-2010apr11>. 1-2.

<sup>46</sup> McSherry, J. Patrice. "Operation Condor: Deciphering the U.S. Role." 1.

<sup>47</sup> McSherry, J. Patrice. "Operation Condor: Clandestine Inter-American System." 6.



“anticommunist crusade” inadvertently became an offensive against democratic principles and institutions. It ensured that any liberal or progressive ideals were persecuted. Most importantly, it caused the Latin American military dictatorships, to become national security states that employed state terrorism to eliminate any perceived threat. In this sense “Operation Condor allowed the Latin American militaries to put into practice a key strategic concept of national security doctrine: hemispheric defense defined by ideological frontiers.”<sup>48</sup> The traditional concept of territorial defense was superseded by ideological defense, where the Latin American regimes turned to the tactics and procedures put forth by the United States’ security doctrine.<sup>49</sup> This doctrine was promoted by the U.S. national security apparatus through the various schools for military education created in the years following the Alliance for Progress. Thus, the doctrine promoting methods of counterinsurgency in places like the Army School of the Americas was adopted by these military regimes and was used in the creation of Operation Condor. The military regimes used the concept of the subversive put forth in the U.S. military educational facilities and the U.S. Cold War Doctrine, to justify the atrocities committed against their own people. The regimes expanded this definition to include dissidents, leftists, union leaders, priests or nuns, intellectuals, and students or teachers, as well as guerrilla operatives. They hunted down individuals on the basis of their political beliefs rather than whether or not they had committed crimes.<sup>50</sup> This, in its self, shows how there was a systematic devaluation of democratic ideals and processes,

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<sup>48</sup> McSherry, J. Patrice. "Operation Condor: Deciphering the U.S. Role." 1.

<sup>49</sup> McSherry, J. Patrice. "Operation Condor: Clandestine Inter-American System." 5.

<sup>50</sup> McSherry, J. Patrice. "Operation Condor: Deciphering the U.S. Role." 1.

where under the U.S. Cold War Doctrine, communist ideology prevented someone from enjoying basic human rights.

Hannah Arendt's theory of the backlash phenomena is critical to our study of the devolution of our democratic ideals, as it offers an explanation for these degenerative processes. From our analysis of certain milestones that occurred within the Cold War period, it is evident that these events significantly curtailed the spread of democratic ideals. Specifically, immediately after Eisenhower's warning of the military industrial complex, we see a trend towards exactly what he spoke of. While the Alliance for Progress was supposed to maintain the same goals as the Marshall Plan, rather than economic prosperity, it provided Latin America with military education. The Alliance for Progress created schools which would eventually, directly contribute to the oppressive and atrocious treatment of Latin American citizens. Thus, while our stated objectives were economically based, the only successful aspect of the alliance was its promotion of military training. The Cold War doctrine created an atmosphere of fear, where these military schools were justified in the name of the unseen communist threat. After the Cuban revolution, the United States created the anticommunist alliance, with the one goal of spreading communist ideology. This doctrine represents a systematic change in the way we approached foreign policy. Instead of our focus on the spread of democratic ideals, we instead prioritized the containment of the communist threat. We did this through policies that worked to prevent democratic processes within other countries. This is seen in our establishment of military schools, and our knowledge of Operation Condor. How could our country ignore the atrocities of Operation Condor, when we are so

ferverly concerned with the establishment of democracy and humanitarianism? The reason is that the communist threat allowed us to ignore our democratic concerns, and took precedent over them. Kissinger, while representing our nation as Secretary of State, actively encouraged a dictatorship to “do what it had to.” He knew what this entailed, as is evidenced by the recent declassified documents. Further, Kissinger halted the issuance of a warning to curb the activities of Operation Condor. Five days later, a bomb went off within our capital, taking the life of an American citizen. Arendt’s backlash phenomenon warns that should an authority engage in violent activities against another, there will eventually be a backlash where that authority’s people are treated in the same manner. Because of our policies and doctrines that were established in Latin America, we saw the death of an American citizen within our own capital. Our approval of the activities of Operation Condor eventually ensured that we, as a country, experienced what was the most blatant terrorist attack our country had seen to that date. Our pursuance of an anticommunist alliance, and the use of our Cold War doctrine, created Latin American military insurgents who illegal entered our country and assassinated an American citizen. It is critical for us to realize that because of our allowance of the atrocities of Operation Condor, our own republic was targeted, and as such, we experienced a backlash.

### Chapter III: The Globalization of Low-Intensity Conflict

We meet at a special moment in history, you and I. The Cold War is over. Soviet Communism has collapsed and our values—freedom, democracy, individual rights, free enterprise- they have triumphed all around the world. And yet, just as we have won the Cold War abroad, we are losing the battles for economic opportunity and social justice here at home. Now that we have changed the world, it's time to change America...I have news for the forces of greed and the defenders of the status quo: Your time has come and gone. Its time for a change in America...Now, George Bush talks a good game, but he has no game plan to rebuild America, from the cities to the suburbs to the countryside...He's talked a lot about drugs, but he hasn't helped people on the front line to wage that war on drugs and crime. But I will.<sup>51</sup>

As the communist threat to our government waned and eventually was eliminated with the fall of the Soviet Union, our republic became obsessed with a new threat, and subsequently a doctrine to regulate it. I define this period as the time spanning from the fall of communism to the beginning of our current involvement in the Middle East, or the War on Terror. While there are many ways to describe the policy of the United States government during this time, I believe that the most appropriate classification is the globalization of low-intensity conflict. This term was first used by author, Michael Klare, in describing a new type of policy that began to develop in the 1980s. He noted that,

Twenty-five years after the doctrine of 'counterinsurgency' transformed American military thinking and swept the nation into the Vietnam War, a new strategy of intervention is ascending in Washington: the...aggressive doctrine of 'low-intensity conflict'...has come to mean far more than a specialized category of armed struggle; it represents a strategic reorientation of the U.S. military establishment, and a renewed commitment to employ force in a global crusade against Third World revolutionary movements and governments.<sup>52</sup>

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<sup>51</sup> Clinton, William J. "Address Accepting the Presidential Nomination at the Democratic National Convention in New York." The American Presidency Project. Accessed March 10, 2012. Last modified July 16, 1992.  
<http://www.presidency.ucsb.edu/ws/index.php?pid=25958#axzz1okRq0QW4>. 1-2.

<sup>52</sup> Klare, Michael T, and Peter Kornbluh. "The New Interventionism: Low-Intensity Warfare in the 1980s and Beyond." Third World Traveler. Accessed March 10,

This new policy was different, as it considered “Third World insurgencies,” rather than “Soviet troop concentrations in Europe” as the most pressing threat to the security of the United States. Additionally the new policy was dissimilar as it “calls on the United States to ‘take the offensive’-in contrast to the passive stance of ‘deterrence’- to overcome the revolutionary peril.”<sup>53</sup> From these comments, we can see how the doctrine used to combat communism during the Cold War differed markedly from this new extroverted policy defined by foreign intervention. Klare continues by noting that low-intensity conflict was a “continuous succession of hostage crises, peacekeeping operations, rescue missions, and counterinsurgency efforts, or what some have called ‘low frontier warfare.’”<sup>54</sup> In this sense, this new policy did not maintain the same vast characteristics of “war,” but instead was comprised of small, less extensive operations. Specifically, however, these low-intensity conflicts placed the United States as the regulating body, and the administrating agent.

As we continue our discussion of the devolution of our republic, we will once again focus on certain military interactions, institutional creations and individual contributions that continued the degenerative processes and political decay. These milestones will once again allow us to see how our government has continued with the devaluation of our most democratic ideals. In this period, the U.S. government does not establish as definite a doctrine as was done during the Cold War period. Instead we see a doctrine that incorporates many objectives. This doctrine includes the promotion of

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2012. Last modified 1988.

[http://www.thirdworldtraveler.com/US\\_ThirdWorld/Low\\_Intensity\\_Warfare.html](http://www.thirdworldtraveler.com/US_ThirdWorld/Low_Intensity_Warfare.html)

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<sup>53</sup> Klare and Kornbluh, 2.

<sup>54</sup> Klare and Kornbluh, 2.

humanitarian ideals, the persecution of drugs, and the promotion of global stability. As stated by Bill Clinton during his acceptance of Democratic nomination, the future President vowed to begin a war on crime. Additionally however, this “war at home” addressed drugs, and implemented a much stronger policing body. During this time the U.S. apparatus seems to accept a policing or regulatory role. Characteristic of this role is the use of the U.S. military in various military engagements or quasi-wars, which work to promote peace and stability and ensure humanitarian aid. We see examples of this in Panama in 1989, the first Gulf War, Somalia in 1992, Bosnia in 1993, as well as Macedonia in 1993. All of these missions are classified by the objectives of providing humanitarian aid, as well as promoting peace.

With the fall of communism, the United States moved from an ideological war to a regulatory war. As communism was wiped from the agenda, the U.S. government acquired a new one with a specific focus. This focus was one of a regulatory or policing nature. The U.S. assumed the role as protectorate, using its military to eliminate the evils of drugs, and promote and ensure humanitarian values. This ensured a change from the prerequisites for the justification of military interventions abroad, as now the focus was not on ensuring the protection of the American people but rather the promotion of peace around the world. Like we saw with Vietnam and Korea during the Cold War era, the concept of military engagements and interventions completely replace our prior notions of war. Our use of military force in the Persian Gulf War, Somalia, Bosnia, and Kosovo, all provide evidence of this trend. The goals and character of these operations differ noticeably from the past as they are based on less defined goals, and ensure the use of

military force. These interactions used the guise of humanitarian aid to circumvent the systems of checks and balances that lies at the foundation of our democracy. It enabled the military to become more powerful, as the criteria justifying the use of military force was expanded to the broad categories of policing lesser and developing countries and humanitarian aid. In this period we see various instances where presidents receive congressional authorization for military interventions. This not only is a direct violation of the powers outlined by our constitution, but also is a violation of the War Powers Act of 1973, which was created with the sole purpose of preventing this kind of occurrence. According to the War Powers Act of 1973, the President is required to secure congressional approval for military operations within 60 days of the conflict, or withdraw forces within the next 30 days.<sup>55</sup> Thus, during this period, even the safeguards installed to protect our government from the expanding use of military force are being broken.

In addition to the low-intensity conflict of humanitarian and peacekeeping missions, during this period, we see the United States government declare war against the drug trade. This war on drugs becomes one of the main pillars of this low-intensity conflict, and on a domestic level it contributes to strengthening the policing body. During this period, new laws and regulations are created that dramatically increase the ability of the U.S. government to regulate their citizens. Of the institutional creations of this period, the Violent Crime and Law Enforcement Act of 1994 is important to discuss in this regard. This act of Congress dealt with a variety of topics concerning crime and law

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<sup>55</sup> *The New York Times*. "How War Powers Act Works." March 29, 1984. Accessed February 23, 2012. <http://www.nytimes.com/1984/03/29/world/how-war-powers-act-works.html>. 1.

enforcement. It is one of the most influential crime bills in the history of the United States, whose implementation greatly expanded the power of the federal government. After its passage, the federal government gained significant authority through the control of weapons, the policing of specific types of crimes, and modifications to the death penalty. The 1,100-page act is the most comprehensive, expensive, and far-reaching federal crime bill ever passed. The bill cost \$32.5 billion, allocated over six years to regulate crime and create social programs. The bill allotted \$10.8 billion to state and local law enforcement agencies, \$9.9 billion for prison reform, and \$6.9 billion for crime prevention measures. Most noticeably however, the bill used \$8.8 billion to fund a new initiative for community policing. The new program would add 100,000 police officers for police patrols across the nation. The bill also allotted \$2.6 billion for the federal “ABC” agencies, the FBI, DEA, INS, and Border Patrol. Social programs were also a large portion of the bill, as \$1 billion was provided for the creation of youth programs that provided alternatives to crime and drug abuse and gang activity. The bill also severely stymied the availability for the public to possess assault weapons. The assault-weapons ban called for a 10-year prohibition on the manufacture, transfer, or possession of 19 semi-automatic assault weapons, some semi-automatic shotguns, semi-automatic rifles, semi-automatic pistols and certain ammunition magazines. Additionally, the bill created a three-strike system where a third serious violent-felony conviction would result in a mandated term of life in prison. It added 60 new federal crimes that would qualify as punishable by the death penalty. This included the murder of federal judges, murder of federal law enforcement officers, murder of high-level members of the Executive Branch,



murder of a member of congress, kidnapping resulting in death, and fatal violence that is committed at international airports. Lastly, the bill set aside \$9.9 billion for the creation and improvement of prisons. This included \$7.9 billion for the construction of state prisons to house violent offenders and \$1.8 billion for states that jailed illegal immigrants.<sup>56</sup> The bill injected an enormous sum of money into the United States; effectively ensuring a massive increase in the power allotted the federal government in policing certain crimes. Additionally, the bill funded a switch to a community style policing, by injecting a large number of new officers to be stationed on the streets. Thus, the bill extensively increased the size, the power, and the depth of the policing body. The war on drugs resulted in a huge increase in police power on the domestic front. However, this goal of eliminating drugs also resulted in an allocation of powers by the federal government to the military. The ensuing operations in foreign countries to curb the drug supply resulted in another hazy example of war. This is best seen in the United States' involvement during Plan Colombia.

By the beginning of the 1990s, the growing influence of the Colombian drug cartels was evidenced by their assassinations of top-level political figures. One such violent murder, that of Liberal Party Candidate Luis Carlos Galán by the Medellín cartel, particularly horrified U.S. government officials. The American government saw Galán as a modernizing politician, who was reliable and committed to maintaining good relations with the U.S. The act prompted the American Government to become involved in

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<sup>56</sup> *West's Encyclopedia of American Law, edition 2*. S.v. "Violent Crime Control and Law Enforcement Act." Retrieved February 23 2012 from <http://legal-dictionary.thefreedictionary.com/Violent+Crime+Control+and+Law+Enforcement+Act>. 1-3.

Colombian affairs like never before. In 1989, President Bush announced the \$2.2 billion Andean Initiative. The program immediately made the Andean region, including Bolivia Peru and Colombia, the top recipient of U.S. military aid in the hemisphere. For the five years spanning 1989-1994, Colombia received a total of \$290.9 million in military aid, \$203.6 million in economic aid, \$110 million in aid to law enforcement, and \$26.2 million in DEA support. The Andean Initiative proved to be ineffective, and by 1992 it was agreed within the U.S. government that the plan had failed to reduce the amount of cocaine entering the country.<sup>57</sup> This plan did, however, set the stage for similar aid packages from future presidencies.

President Clinton's first term in office marked a steady decrease in military aid to the Andean region. The fiscal year budget for anti drug aid to the Andes was cut by more than 50%, and the staff at the Office for National Drug Control Policy was cut to 25 persons. However, after the 1994 midterm elections produced a Republican Congress, the "drug hawks" returned. These Republican congressmen stopped any attempts by Washington for drug legalization, and revived the war on drugs. The U.S. relations with Colombia continued to worsen, after the Colombian Presidential election of 1994. Two days after the election of Ernesto Samper, evidence was leaked to the press indicating that Samper had taken money from the Cali drug cartel. Although Samper was eventually acquitted, when members of his cabinet were imprisoned, the Congress became

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<sup>57</sup> Colvin, Lindsay A. "Trojan Horse Policy: The Intermediary Goals of Contemporary U.S. Aid Packages Combating Colombian Narcoterrorism." Master's thesis, Union College, June, 2010. DSpace/Manakin Repository . Accessed February 23, 2012.  
[http://dspace.nitle.org/bitstream/handle/10090/17029/2010\\_ColvinL.pdf?sequence=1](http://dspace.nitle.org/bitstream/handle/10090/17029/2010_ColvinL.pdf?sequence=1). 37.

extremely distrustful of the new president. This resulted in a decline in U.S.-Colombian relations, where Colombia lost its certification in 1996 and 1997 that marked it as an administration cooperating with the war on drugs. This coupled with Samper losing his visa to enter the U.S. persuaded Samper to be more supportive of U.S. interests and demands. Frustrated by his two-year lack of U.S. aid, and low credit ratings in multinational banks, Samper began what he defined as a “new climate” for the Colombian drug war. In 1997 Samper launched Operation Splendor, fumigation campaign targeting illicit crops. He highlighted that the lack of counter-drug aid was permitting guerilla and paramilitary groups to gain strength. In 1998 Samper and Colombia gained partial certification, and reestablished relations with the United States in the war on drugs. However, because of his alleged drug ties, Samper lost the next presidential election to Conservative Party candidate Andres Pastrana.

To deal with the flourishing trade of illegal narcotics throughout his country, Pastrana immediately created a platform designed to instill peace and reform. Central to this strategy was a major improvement in relations with the United States government. By 1999, Pastrana had succeeded in reestablishing full U.S. certification for Colombia. Additionally, Pastrana’s close relations with the Clinton administration led to the drafting of the "Plan for Peace, Prosperity, and the Strengthening of the State," in 1999. This plan proved to be one of the largest aid programs ever between the United States and Colombia. Pastrana claimed that it was “policy of investment for social development, reduction of violence and the construction of police.” It is critical to note that the bill was not drafted by Pastrana alone, but with the help extensive American input, as evidenced

by the fact that it was written in English. In the bill Pastrana focused his efforts on the goals of improving stability and reducing the power of drug traffickers, including economic, fiscal, judicial, alternative development, and peace strategies. All these working together would help to reduce the abundance of narcotics and the growing guerilla and paramilitary violence. The National Mission of Colombia became

To ensure order, stability and the rule of law; guarantee sovereignty over national territory; protect the State and the civilian population from threats posed by illegal armed groups and criminal organizations, break the links between the illegal armed groups and the criminal drug industry that supports them.<sup>58</sup>

While Pastrana's plan included a variety of missions to improve Colombia as a whole, much of what Pastrana hoped to achieve with the help of foreign aid, was a systematic offensive against the narcotic organizations and illegal armed groups. Pastrana maintained a heavy focus on social approaches to the drug program, which he considered equitable to the military components of the plan. He sought to reduce Colombia's serious drug issue by focusing on improving safety, basic security, and improving infrastructure.

The Clinton administration was very optimistic about Pastrana's proposal, as it offered a chance to contain drug production, and its subsequent trafficking and violence, which consistently endangered American interests in the hemisphere. The Clinton administration was very supportive of the plan and offered the aid that Pastrana needed. However, the aid provided wasn't completely related to those goals and objectives that were highlighted by Pastrana. The Clinton aid proposal of 1999, the "Proposal for U.S. Assistance to Plan Colombia," or more commonly know as "Plan Colombia," turned Pastrana's objective from "a peace plan into a battle plan." Released in February 2000,

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<sup>58</sup> Colvin, 40.

the Clinton aid proposal seems to be discussing something different than what Pastrana had created. While Pastrana drafted his bill with extensive help from Washington, it seemed that Clinton's aid proposal had an ulterior motive. Clinton's plan did not account for much of what had been written in Pastrana's plan, but did offer an initial U.S. investment of \$1.3 billion for the years 2001-2001. However, this massive sum was heavily concentrated for specific objectives. \$687.3 or 80% of the money was designated for the Colombian military and their police, "to undertake new and heightened operations." Additionally, 8% (\$68.5 million) was devoted to alternative development, 6% (51 million) to human rights initiatives, 4% (37.5 million) to helping displaced Colombians, 2% (13 million) to judicial reform, and merely 1% or \$3million dollars to operations to ensure peace between the guerillas, paramilitaries and the Colombian government. This military aid packaged proved to be the largest one given to Colombia, and the worlds third largest ever. The United States became the principle contributor to Plan Colombia, by far. Other nations who had previously been asked for foreign aid by Pastrana felt irritated that they had not had a say in the drafting of the plan's mission. Others were worried about the "militaristic nature" of the plan. Pastrana's version of Plan Colombia emphasized that "sustainable peace will only be achieved if poverty and underdevelopment in the countryside are addressed, and if democracy is strengthened."<sup>59</sup> While Pastrana held this view and promoted peace and relatively environmentally sustainable eradication techniques, the Clinton proposal vetoed these measures in favor of a much more military based approach.

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<sup>59</sup> Colvin, 48.

As the war on drugs and the war on crime were in full swing during this period of our countries history, the Clinton administration deemed Plan Colombia as a crucial tool in these battles. Specifically, the administration “deemed Plan Colombia’s implementation as vital to deter Colombia’s guerilla warfare, organized crime, narcotics trafficking, and undemocratic lawlessness from becoming a serious threat to the United States... this package is intended to advance U.S. national security interests while responding in a balanced manner to Colombia’s societal, economic, governmental, and narcotics problem.”<sup>60</sup> However, rather than responding in a balanced manner, it becomes pretty clear that the package responded with an emphasis on military presence. In describing the aid package to the American people, Clinton classified the unobstructed narcotic trafficking in Colombia as a direct threat to our nations’ safety and security. He marks this strategy as one that is focused to “protect our nation from becoming the target of dramatically increased amounts of cocaine...and avert possible increases in drug addiction, violence and crime.” After sufficiently classifying the threat to the homeland and justifying the bill, Clinton proceeds to detail what will be provided to the Colombian government. He proposes the creation and equipping of two special counter-narcotics battalions (CNBNs) with \$600 million in funding over two years, which will be trained for seven months in March 2000 by American troops in Colombia, and will receive \$2 million in weapons and ammunition. These battalions were provided 30 UH-60 Blackhawk helicopters and 15 UH-1N Huey Helicopters to allow rapid access to coca-growing regions. In addition, the passage appropriates military engagement by supplying two AC-47 air interdiction aircraft to the Colombian Air Force. Further, \$68 million was

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<sup>60</sup> Colvin, 49-50.

granted to the Colombian Air Force to upgrade their radar systems. However, more important to our discussion, was the section discussing the construction of a base in Manta, Ecuador. This Forward Operating Location, FOL, would ensure a “long-term presence” and “the capability to enter the source zone rapidly and remain on station longer without aerial refueling.”<sup>61</sup> While our efforts to limit the narcotic traffic within Colombia, and to ensure that this business had limited interaction with the United States, our allocation of military aid provided a situation similar to that in Latin America following World War II. The funding for drug prevention was used to train Latin American militants, who then supported right-wing paramilitary forces, and ultimately did little to support the purported goals of the U.S. Government.

Upon its formulation of Plan Colombia the American government took an initiative to improve life within a country by President Pastrana, and reworked it to focus on military operations. The goals of the U.S. Plan Colombia were to fight the war on drugs, but also to ensure that the leftist guerilla groups were controlled as well. In June 2000, Amnesty International issued a press release criticizing the Plan Colombia initiative.

Plan Colombia is based on a drug-focused analysis of the roots of the conflict and the human rights crisis which completely ignores the Colombian state's own historical and current responsibility. It also ignores deep-rooted causes of the conflict and the human rights crisis. The Plan proposes a principally military strategy (in the US component of Plan Colombia) to tackle illicit drug cultivation and trafficking through substantial military assistance to the Colombian armed forces and police. Social development and humanitarian assistance programs included in the Plan cannot disguise its essentially military character. Furthermore, it is apparent that Plan Colombia is not the result of a genuine process of consultation either with the national and international non-governmental organizations which are expected to implement the projects nor

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<sup>61</sup> Colvin, 53-54.

with the beneficiaries of the humanitarian, human rights or social development projects. As a consequence, the human rights component of Plan Colombia is seriously flawed.<sup>62</sup>

Since the beginning of Plan Colombia in 2000, the U.S. government has given Colombia over \$5 billion, the majority of which is allocated to the Colombian military and police. Yet, 10 years after its initiation and after \$8 billion in total funding, the U.S. has failed in its policy to reduce the availability or use of cocaine in America. Additionally, Colombia's human rights record continues to worsen amid torture, massacres, "disappearances," and killings of non-combatants that continue today. The U.S. government continues to support the military training and weapons to support the drug war, when in actuality, they are contributing to the fight between the Colombian government and leftist guerrillas.<sup>63</sup> One United Nations report found that elements within the Colombian security forces, which are continually strengthened due to U.S. aid from Plan Colombia, continue to maintain intimate relationships with right-wing death squads, as well as organize paramilitary forces, and participate directly in massacres and human rights violations or indirectly participate by failing to prevent them. Additionally, according to Grace Livingstone, more of the Colombian School of the Americas graduates have been implicated in human rights abuses than SOA from any other country. She argues that Colombian paramilitaries employ counter insurgency methods that U.S. military schools and manuals have taught in the region since the 1960s. These materials teach militants to target the civilian supporters of the guerrillas, because

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<sup>62</sup> "Amnesty International's Position on Plan Colombia." Amnesty International USA. June 21, 2000. Retrieved March 1, 2012. <http://www.amnestyusa.org/our-work/countries/americas/colombia/us-policy-in-colombia>. 1.

<sup>63</sup> "Amnesty International's Position on Plan Colombia," 1-2.



without this support, guerillas cannot survive. Thus, it seems that in a period where our country has claimed devolution to the principles of humanitarian truths, and public order, we have only worsened a human rights situation in Colombia.<sup>64</sup>

From our analysis of Plan Colombia, we can see how it marks an important milestone in our discussion. When provided with a comprehensive plan to audit and rebuild U.S.-Colombia relations, President Clinton imposed a plan focusing on military aid. In the years that have followed since its implementation, the Colombian drug war is something most reminiscent of our ties to Operation Condor. Here we see a variety of human rights abuses being perpetuated, yet we refuse to withdraw our support, both monetary and physical. We have transformed our war on drugs to an all out war within Colombia, where our weapons and training are more associated with eradicating leftist guerillas than their original purpose of eradicating drugs. Thus, our efforts to contain the amount of cocaine entering our country have in fact evolved into a campaign that has instigated a war between military and guerilla groups. What is worse, is that these groups are using our training and our weapons to fight their own battle, when the one thing that was in the U.S. interest, the interdiction of drugs, continues to make no headway.

One of the most important milestones that we can address in our discussion of the devaluation of democratic ideals is the Oklahoma City bombing and its aftermath. The infamous Oklahoma City bombing was a terrorist attack targeting the Alfred P. Murrah Federal Building in downtown Oklahoma City. Prior to the September 11, 2001 attacks, it was the most egregious and destructive act of terrorism that had ever occurred on

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<sup>64</sup> Livingstone, Grace. *Inside Colombia: Drugs, Democracy and War*. New Brunswick: Rutgers University Press, 2004. 169-171.

American soil. At 9 am CST, on April 19, 1995, terrorists detonated a Ryder truck containing in excess of 4,800 pounds of ammonium nitrate fertilizer and diesel fuel. The truck was parked in front of the nine-story federal building when it was detonated, and created a 30-foot wide, 8-foot deep crater. The blast destroyed or damaged 324 buildings within a sixteen-block radius, collapsing 10 structures and condemning 13.<sup>65</sup> The nine-story federal building was also completely demolished. There were 86 cars that burned or were destroyed, and an estimated 50,000 people were evacuated from the downtown area. In the end, the explosion claimed 168 lives, including 19 children under the age of 6, and injured more than 680 people. The bombing is estimated to have caused at least \$652 million worth in damage to Oklahoma City.<sup>66</sup> Within 90 minutes of the explosion, Timothy McVeigh was stopped by an Oklahoma State Trooper for driving without a license plate, and was arrested for unlawful possession of a weapon. McVeigh would prove to be the terrorist responsible for the attack. The official investigation into the bombing, entitled "OKBOMB," was the largest criminal investigation in American history. The FBI would collect 3.5 tons of evidence, nearly one billion pieces of information, and conduct 28,000 interviews in their investigations. In the end, it was determined that Timothy McVeigh, along with the help of coconspirator Terry Nichols, were those responsible for the gruesome act. The two were tried and convicted in 1997. McVeigh received the death sentence and was subsequently executed by lethal injection

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<sup>65</sup> *Fox News*. "The Oklahoma City Bombing: Fast Facts." September 5, 2001. Accessed February 23, 2012. <http://www.foxnews.com/story/0,2933,26810,00.html>. 1.

<sup>66</sup> "Terror Hits Home: The Oklahoma City Bombing." The Federal Bureau of Investigation. Accessed February 23, 2012. <http://www.fbi.gov/about-us/history/famous-cases/oklahoma-city-bombing>. 1-2.

on June 11, 2001. Nichols was sentenced to life in prison. Two other less involved accomplices, Michael and Lori Fortier, received reduced sentences after testifying against Nichols and McVeigh during the trial.<sup>67</sup> The Oklahoma City Bombing is critical to our discussion for three main reasons. At the time, the attack was the most devastating terrorist attack ever experienced in the United States of America; it was perpetuated by an American Citizen; and it ensued harsh legislation designed to eliminate the possibility of a similar attack ever again occurring on U.S. soil.

Following the Oklahoma City Bombing, Americans remained in a state of rear and confusion. They could not understand how such a horrific act of terror was able to be committed within their nation. As time passed, it became clear that something needed to be done to ensure that this type of disaster never happened again. To meet this demand of the American citizens and in response to the bombing, the U.S. government passed the Antiterrorism and Effective Death Penalty Act of 1996. The full title of the bill is “an act to deter terrorism provide justice for victims, provide for an effective death penalty, and for other purposes.” The legislation increased the security around federal buildings to deter future attacks, but more importantly, it significantly tightened the standards for habeas corpus in the United States. Habeas corpus, “you should have the body,” is a protection against illegal imprisonment. Specifically, it is a writ requiring a person under arrest to be brought before a judge or into court in order to secure the individuals release, unless lawful grounds are shown for their imprisonment. So, a person that is detained by

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<sup>67</sup> Associated Press. "Lessons Learned, and Not Learned, 11 Years Later: Survivors Fear Impact of 1995 Oklahoma City Bombing Being Forgotten." *Security on MSNBC*, April 16, 2006. Accessed February 23, 2012.  
<http://www.msnbc.msn.com/id/12343917/#.T0a9nRyK2L8>. 1-2.

some executive official, whether it is military officers, jailers, or prison wardens, can file a petition for the writ of habeas corpus. Through this action the detainee requests that a court determine whether his or her detention is authorized or valid under the law. According to the Constitution, “the privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.”<sup>68</sup> However, through the Antiterrorism and Effective Death Penalty Act of 1996 Congress tightened the procedures dictating Habeas Corpus. Specifically, the act imposed a new one-year statute of limitations for filing habeas corpus proceedings, measured from the end of a state court’s hearing of the case. Additionally, the bill replaced the abuse-of-the-writ doctrine that was implemented to restrict the presentation of multiple new claims, with an absolute bar on second and successive petitions. This requires that prisoners receive permission from a three-judge panel of the Court of Appeals before they can submit a second or successive petition. However, this Court of Appeals is also bound to specific exceptions to the general rule established by Congress to grant petitions. The act also made it more difficult for individuals to present new claims that had not been presented in state courts due to things like their attorney’s error. One of the most important stipulations of the act was that it provided a limited standard for the federal courts to use during their assessment of claims that had been presented in state courts. The act limits the ability of federal judges to grant relief under habeas corpus unless the state court’s judgment of the claim resulted in a decision that was contrary to or involved an unreasonable application of clearly established law as determined by the

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<sup>68</sup> Article I, section 9, clause 2.

Supreme Court, or the ruling was based on an unreasonable determination of the facts in light of the evidence presented.<sup>69</sup>

At the signing of the Anti-Terrorism and Effective Death Penalty Act of 1996 President Clinton asserted,

From now on, we can quickly expel foreigners who dare to come to America and support terrorist activities. From now on, American prosecutors can wield new tools and expanded penalties against those who terrorize Americans at home and abroad. From now on, we can stop terrorists from raising money in the United States to pay for their horrible crimes. From now on, criminals sentenced to death for their vicious crimes will no longer be able to use endless appeals to delay their sentences, and families of victims will no longer have to endure years of anguish and suffering.<sup>70</sup>

From his remarks, it is clear that Clinton played upon the “terrornoia” that was sweeping across the United States at the time.<sup>71</sup> After both the Oklahoma City and World Trade bombings, Americans across the nation realized that the possibility, the threat of large-scale terrorist attacks had finally made it’s way to the American doorstep. These tragic attacks instilled a sense of fear and an atmosphere of terror that the U.S. had never experienced before. It was here that legislators used these feelings to create laws that would fundamentally erode the democratic freedoms allotted under the U.S. Constitution. The Antiterrorism and Effective Death Penalty Act of 1996 is a crucial milestone in our analysis of the deterioration of our democracy, as this legislation sets the foundation for

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<sup>69</sup> Brown, C. Stone. "Legislating Repression: The Federal Crime Bill and the Anti-Terrorism and Effective Death Penalty Act." In *Criminal Injustice*, edited by Elihu Rosenblatt, 100-108. Cambridge: South End Press, 1996. Accessed February 23, 2012.  
[http://www.thirdworldtraveler.com/Prison\\_System/LegislatingRepression.html](http://www.thirdworldtraveler.com/Prison_System/LegislatingRepression.html). 100-104.

<sup>70</sup> C. Stone Brown, 105.

<sup>71</sup> C. Stone Brown, 105.

what will evolve into our modern day policies on terrorism. The limitations to habeas corpus mark a significant divergence from our constitutional rights. Here we see legislation that limits an individuals' ability to challenge their imprisonment. This removal of constitutional due process is particularly disheartening when placed in the context of capital punishment crimes. Here these restrictions can expedite the executions of individuals by limiting their habeas corpus appeals in federal court. For innocent convicts who await execution, habeas corpus is the last option before execution, but the law limits Death Row inmates to a single federal appeal with very detailed instructions and criteria. In his work C. Stone Brown argues that

We are taught that U.S. laws have been written to match the penalty to the crime, and to protect the innocent from prosecution. The appeals process in death penalty cases are in place for this reason; the public and the courts want to be absolutely certain that the state is executing the right person. By reducing the number of appeals and all but destroying habeas corpus, the federal Crime Bill virtually eliminates our basic constitutional right to due process.<sup>72</sup>

Brown also emphasizes how this bill essentially eliminated the fundamental Sixth Amendment right of the accused to confront both their accusers and the evidence presented against them as now, non-citizens could be accused, tried and deported without ever seeing the inside of a courtroom. Ten weeks after the Oklahoma City bombing, President Clinton issued Executive Order 12947, which was attached to the Anti-Terrorism Act. While it was known that Islamic groups had nothing to do with the Oklahoma City bombing, this order banned all financial transactions with 12 Middle East groups that were designated to be terrorist organizations. The order also prevented any

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<sup>72</sup> C. Stone Brown, 108.

citizens from even providing these groups humanitarian aid. The order also reduced the restrictions placed on electronic surveillance laws, allowing the government to investigate whoever they suspected of terrorism. It allowed the Justice Department to request physical searches without the need to obtain a search warrant in open court. Instead, the Federal Intelligence Surveillance Act Court would authorize the action. This allowed for a “secret court,” to authorize actions in the name of national security. Additionally, the president was awarded a new power to target any domestic groups, and criminalize activities that he deemed to be a threat to national security, essentially enabling him to eliminate any domestic opposition to the administrations foreign or national policy. Brown concludes by claiming that the Anti-terrorism Act finished the job that the Violent Crime Control and Law Enforcement Act started. The two bills accomplished a dramatic change in crime enforcement in our country. They ensured that “evidence obtained illegally can now be used in court, prison construction is touted as the best approach to reducing crime, and immigrants can be accused of a crime and deported without even knowing a trial took place.”<sup>73</sup>

While the legislation that was enacted in response to the Oklahoma City bombing is critical to our discussion, it is also important to understand the motives behind the bombing. To do this, we must look at the second most deadly terrorist attack ever to occur on United States soil, from the view of the terrorist himself. Timothy McVeigh was unique in that he was an American terrorist. But more so, McVeigh was a decorated soldier, who had served his country. After being raised in New York, McVeigh joined the

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<sup>73</sup> C. Stone Brown, 108.

United States Army in May 1988, at the age of 20. McVeigh was awarded a Bronze Star for his meritorious service in the first Gulf War. He later also served in Operation Desert Storm before his honorable discharge in December of 1991. It is important to note that the chief conspirators of the Oklahoma City bombing, McVeigh and Nichols, met in 1988 during Army basic training at Fort Benning. Additionally, Michael Fortier, McVeigh's accomplice, was his Army roommate. The three connected because of their mutual interests in survivalism, the militia movement, and the opposition of gun control, and would prove to form a strong friendship. After their incarceration, the three would cite the federal government's handling of Ruby Ridge and the Waco Siege, as the motivation for their bombing. Both instances stemmed from federal operations to curb militant group activities that resulted in death. In the case of the Waco Siege, a 51-day standoff between the FBI and Branch Davidian members, over 75 deaths would occur. The FBI, the ATF, and the DEA conducted the operations, and McVeigh claimed that his bombing targeted these agencies, all which were housed in the Alfred P. Murrah Federal Building, in retaliation. Specifically McVeigh stated that "the bombing was a retaliatory strike; a counter attack, for the cumulative raids (and subsequent violence and damage) that federal agents had participated in over the preceding years (including, but not limited to, Waco)."<sup>74</sup> However, later on in his life, in interviews before his incarceration, McVeigh marked that he was ordered to execute surrendering prisoners during the Gulf War, and that he saw immense carnage leaving Kuwait City after the U.S. Army had routed the Iraqis. He claimed that these instances caused him to begin harboring anti-government

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<sup>74</sup> *Fox News*. "McVeigh's April 26 Letter to Fox News." April 26, 2001. Accessed February 25, 2012. <http://www.foxnews.com/story/0,2933,17500,00.html>. 1.



feelings and rage. McVeigh further outlined his beliefs in an essay entitled “An Essay on Hypocrisy,” that was written in March 1998, while he was a prisoner on death row. In his essay McVeigh claimed that the Oklahoma City terrorist bombing was the “moral equivalent” of U.S. military actions taken against foreign nations. Specifically he mentioned the use of weapons of mass destruction in Hiroshima and Nagasaki, and asked why it was justified for the U.S. to kill innocents when use of force to do the same by others is considered a war crime.

If Saddam is such a demon, and people are calling for war crimes charges and trials against him and his nation, why do we not hear the same cry for blood directed at those responsible for even greater amounts of “mass destruction”- like those responsible and involved in the dropping bombs on the cities mentioned above?<sup>75</sup> McVeigh goes further by claiming that the U.S. engages in hypocrisy concerning the death of women and children. He marks that it is considered reasonable against others, but in Oklahoma City it was the most atrocious act.

When a U.S. plane or cruise missile is used to bring destruction to a foreign people, this nation rewards the bombers with applause and praise. What a convenient way to absolve these killers of any responsibility for the destruction they leave in their wake...Unfortunately, the morality of killing is not so superficial. The truth is, the use of a truck, a plane or a missile for the delivery of a weapon of mass destruction does not alter the nature of the act itself...the method of delivery matters little to those on the receiving end of such weapons. Whether you wish to admit it or not, when you approve, morally, of the bombing of foreign targets by the U.S. military, you are approving acts morally equivalent to the bombing in Oklahoma City.<sup>76</sup>

McVeigh’s thoughts and statements are critical to our discussion because of their relation to the backlash phenomenon. The case of McVeigh, the American terrorist, is one of the

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<sup>75</sup> McVeigh, Timothy J. "An Essay on Hypocrisy." Outpost of Freedom. Accessed February 25, 2012. Last modified June 1998. <http://www.outpost-of-freedom.com/mcveigh/okcaug98.htm>. 2.

<sup>76</sup> Timothy J. McVeigh, 2.

clearest examples of this phenomenon yet recorded. McVeigh was a normal American citizen who, upon serving our country in war was morphed into an agent that was determined to inflict damage upon the U.S. government. McVeigh is so critical to our discussion, because he is a personification of Arendt's backlash. Because of what McVeigh saw in the Gulf War, or the way that the U.S. used violence against foreign nations, feelings of resentment and rage were triggered. These feelings proved to grow inside McVeigh with the subsequent raids at Ruby Ridge and Waco. McVeigh believed that our country had taken a turn for the worse.

From the formation of such units as the FBI's "Hostage Rescue" and other assault teams amongst federal agencies during the '80's; culminating in the Waco incident, federal actions grew increasingly militaristic and violent, to the point where at Waco, our government- like the Chinese – was deploying tanks against its own citizens.<sup>77</sup>

McVeigh saw these instances, where the government harmed its own citizens, as the most undemocratic action possible. Towards the end of his life, McVeigh stated his belief that the United States government was the "ultimate bully."<sup>78</sup> McVeigh classified that the more aggressive actions by the federal government against its own people "constituted an identifiable pattern of conduct." This pattern of conduct is critical, as it describes the devolution of democratic ideals that we seek to establish in this thesis. McVeigh's assessment highlights this devolution and marks that he decided to "send a message to a government that was becoming increasingly hostile."<sup>79</sup> It is interesting to note that McVeigh himself considered the Founding Fathers in discussions after his incarceration.

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<sup>77</sup> "McVeigh's April 26 Letter to Fox News," 1.

<sup>78</sup> Aitken, Robin. "Inside McVeigh's Mind." *BBC News*, June 11, 2001. Accessed February 25, 2001. <http://news.bbc.co.uk/2/hi/americas/1382540.stm>. 1.

<sup>79</sup> "McVeigh's April 26 Letter to Fox News," 1.

He had spent years reading of the individuals responsible for the American Revolution, and the democratic ideals they espoused. He was convinced that were George Washington and Thomas Jefferson to experience life in America, they would be appalled. He predicted that they would be “physically ill” after what they saw and that they would immediately cry for a “full revolution” against the U.S. government.<sup>80</sup> McVeigh claimed that the basic fundamental democratic institutions of our polity were deteriorating. He noted that he

Waited two years from "Waco" for non-violent "checks and balances" built into our system to correct the abuse of power we were seeing in federal actions against citizens. The Executive; Legislative; and Judicial branches not only concluded that the government did nothing wrong (leaving the door open for "Waco" to happen again), they actually gave awards and bonus pay to those agents involved, and conversely, jailed the survivors of the Waco inferno after the jury wanted them set free.<sup>81</sup>

Thus, in a sense, McVeigh saw the deteriorating democratic values of the U.S. government himself. He marked that “for all intents and purposes, federal agents had become “soldiers” (using military training, tactics, techniques, equipment, language, dress, organization, and mindset) and they were escalating their behavior.”<sup>82</sup> Thus, McVeigh saw that the U.S. government had used the same military tactics that he had witnessed in the Gulf War, against their own people. In this instance of backlash, when the U.S. government used its more militaristic and violent tactics against its own American citizens, McVeigh lashed out. What this American terrorist failed to realize, however, is that his actions only further perpetuated the devolution of democracy as

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<sup>80</sup> Michel, Lou, and Dan Herbeck. *American Terrorist: Timothy McVeigh & The Oklahoma City Bombing*. New York: Regan Books, 2001. 110.

<sup>81</sup> "McVeigh's April 26 Letter to Fox News," 3.

<sup>82</sup> "McVeigh's April 26 Letter to Fox News," 2.

because of the Oklahoma City bombing, the Clinton administration passed the Anti-terrorism and Effective Death Penalty Act. Thus, McVeigh became part of the symbiotic relationship between backlash and deteriorating democratic ideals, a cyclical existence where one simply ensures the other.

After the Cold War Era, where deterring the threat of communism marked the most imperative objective of our government, there emerged a new threat. Following the fall of the Soviet Union, there emerged a period where certain threats replaced the void where communism had stood for so long. During this time, there seems to be an emphasis, a globalization of low-intensity conflicts. These conflicts were the war on drugs, the war on crime, the promotion of humanitarian values, and the promotion of global stability. The United States became more reminiscent of a policing or regulatory agent within World Affairs. The political doctrine of this period has an agenda bent on the promotion of humanitarian ideals, the persecution of drugs, and the promotion of global stability. An analysis of this period has allowed us to see that the obsession over elimination of these threats resulted in a U.S. government that gained significant power. The military interactions, institutional creations and individual contributions that continued the degenerative processes and political decay during this period can all be applied to Arendt's backlash. The obsession with the elimination of drugs and the promotion of global as well as domestic stability resulted in the most expansive crime bill ever passed within the United States. The bill greatly expanded the power of the federal government, and created certain legislative amendments, which seemed to interfere with basic democratic rights. The Oklahoma City Bombing in a sense culminated what had

been a war against crime. Prior to the attack, our government was drastically increasing its police force and its ability to fight crime. However, the attack took cries to improve policing, which were already present, and amplified them to never before seen levels. This culmination of the cries for better policing and control of crime in America resulted in one of the most fundamental milestones in our discussion. The introduction of the Antiterrorism Act of 1996 was one of the most blatant acts, which directly sacrificed democratic ideals in the name of security. The case of the Oklahoma City bombing and Timothy McVeigh is a perfect example of the backlash phenomenon. McVeigh responded to what he saw as an emerging police state with violence. This act was so atrocious that it instilled fear across the country. To combat this fear, the U.S. government significantly curtailed the rights established by the Constitution to ensure such an act would not occur again. Thus, while McVeigh tried to retaliate for the backlash of the U.S. government, he just created a scenario where a greater instance of backlash occurred. In this period, the U.S. government began using tactics, as well as implementing legislation to treat American citizens in the same fashion as subjects around the world. In these instances the United States, which had become so accustomed to its use of power against foreign bodies, used the same power against its own citizens. This backlash ensured devolution of the U.S. democracy, and set the standard for what would prove to be even more deteriorative processes.

## Chapter IV: The War on Terror

These terrorists kill not merely to end lives but to disrupt and end a way of life. With every atrocity, they hope that America grows fearful, retreating from the world and forsaking our friends...We have seen their kind before. They are the heirs of all the murderous ideologies of the 20th century. By sacrificing human life to serve their radical visions, by abandoning every value except the will to power, they follow in the path of fascism and Nazism and totalitarianism. And they will follow that path all the way, to where it ends, in history's unmarked grave of discarded lies...Americans should not expect one battle but a lengthy campaign, unlike any other we have ever seen...Every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists. From this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime.<sup>83</sup>

If one were to ask for a policy that was enacted which directly diverges from our country's constitutional beliefs, they would probably point to the era that this chapter will analyze. For it is in this period, that the United States declares a war on terror and as such, inadvertently enables a war against constitutional democratic values as well. The military interactions, institutional creations, and individual contributions of this period combine to create some of the most noteworthy milestones in the deteriorative processes that have attacked our democracy. Of those that are the most noteworthy are the Iraq War, the PATRIOT Act, and House Resolution 1540. An analysis of these milestones provides us with an illustration of how the United States government, once again, used a threat to the security of American citizens as a tool to drastically change legislation. These changes, while in the "interest" and "wellbeing" of American citizens proved to simply infringe upon the state's fundamental democratic rights. By discussing these most

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<sup>83</sup> "Document: George W. Bush: Declaration of War on Terrorism." Encyclopedia Britannica. Accessed March 10, 2012. Last modified September 20, 2001. <http://www.britannica.com/bps/additionalcontent/8/398253/Document-George-W-Bush-Declaration-of-War-on-Terrorism>. 1-3.

recent milestones, we can better see how we have arrived at the current state, so divergent from our fundamental democratic ideas.

On September 11, 2001 the militant Islamist organization, al-Qaeda, succeeded in carrying out four coordinated suicide attacks in New York City and Washington, D.C. At the hands of 19 foreign terrorists, nearly 3,000 Americans died in the attacks. September 11<sup>th</sup>, 2001 marked a change in our country. Most basically, it marked the worst and most deadly acts of terrorism ever to be carried out on U.S. soil. However, it also had fundamental ideological and political implications as well. The attacks brought with them a serious realization about the very real threat of terrorism in today's world. Following September 11<sup>th</sup>, many countries strengthened their anti-terrorism legislation and expanded their law enforcement powers accordingly. None so much, as the United States itself. In the immediate wake of these horrific events, the United States became a well-oiled military machine. The country was in lockdown; with the threat of additional attacks all security measures were mobilized to prevent any further casualties. However, in the weeks following the attacks, this aggressive motion on behalf of the United States government did not slow down. Legislation was immediately drafted and passed to ensure retaliation and prevention of future similar occurrences. On September 14, 2001 the United States Congress passed the joint resolution, the Authorization for Use of Military Force Against Terrorists. This resolution granted the President the authority to use all "necessary and appropriate force" against those whom he determined "planned, authorized, committed, or aided" in the September 11<sup>th</sup> attacks, and anyone who harbored these persons or groups. President Bush signed the joint resolution on September 18<sup>th</sup>.

The resolution essentially provided that the president had the unanimous approval of the Congress to pursue any action he saw fit to find and persecute whoever was responsible for this attack, and ensure this didn't happen again. This resolution was the beginning to a decade of extreme measures that, in the name of protecting Americans, did just that.

On September 20<sup>th</sup>, days after the deadly attacks, President George W. Bush in an address to a joint session of congress, spoke the words highlighted above. This speech marked the beginning to the United States' Global War on Terror. Here, the president emphasized the threat that terrorists played to the country, classifying it as equal in significance to that of communism or fascism. In this declaration of the war on terror, President Bush marked that it would be a long arduous campaign, and that it would, in its entirety, work to protect the values most sacred to the American people. He noted that "we are in a fight for our principles," and that we must uphold our traditional American values through the entire process, to ensure that the terrorists did not succeed in undermining our democratic roots. More importantly, however, Bush noted that certain measures would have to be employed to protect our country from this imminent threat.

I ask for your patience with the delays and inconveniences that may accompany tighter security and for your patience in what will be a long struggle... We will come together to give law enforcement the additional tools it needs to track down terror here at home. We will come together to strengthen our intelligence capabilities, to know the plans of terrorists before they act and find them before they strike.<sup>84</sup>

While every American in that chamber stood, applauding the words that Bush spoke, little did they know the extent of the "additional tools" that would be employed. These methods proved to violate the standards of our democracy, yet justified through their

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<sup>84</sup> "Document: George W. Bush: Declaration of War on Terrorism," 1-3.



ability to better “protect” the citizens. These words marked the beginning to the most extensive period of political decay that our country has seen.

On October 7<sup>th</sup>, 2001, the War in Afghanistan began when U.S. and British forces initiated an aerial bombing campaign targeting the Taliban and Al-Qaeda training camps. In Operation Enduring Freedom, American, British, Australian, and the Afghan United Front (Northern Alliance) in retaliation to the September 11, terrorist attacks. The goal of the invasion was to dismantle the Al-Qaeda terrorist network, and disable it from using Afghanistan as its central command. The operation also called for the removal of the Taliban regime, and to replace it with a democratically viable alternative. More importantly, however, this invasion was classified as the initiation of a “war on terror,” or the war on terrorism. The term was first used by President Bush, in the weeks after the September attacks, and was subsequently used by high-ranking U.S officials. The term is used to denote a global military, political, legal and ideological struggle against all organizations that are designated to be terrorist and regimes that are accused of having connections to terrorist regimes, provide support to these regimes, or present a threat to the U.S. or its Allies. The war on terror became associated with the focus on eliminating militant Islamist organizations including Al-Qaeda. The war on terror has for the past decade been fought by an international military campaign led by the United States, the United Kingdom and by other NATO or non-NATO countries. More than a decade into the war, the conflict remains ongoing. In 2010, the War in Afghanistan became the United States’ second longest continuous military conflict after the Vietnam War.

What is of critical importance here is that once again, like we saw during the Cold War era, the ultimate evil that we are fighting against is not a person or the country as a whole, but a belief. As the Cold War was a war of ideologies, so is the current war on terror. Once again, the United States government has located something that directly threatens the lives and safety of its citizens. It has taken this fear, or this most recent example of “terrornoia,” and used it to implement drastic reforms and engage in widespread operations, which compromise our core democratic beliefs. This is most clearly seen in our passage of the PATRIOT Act.

President George W. Bush signed the United States PATRIOT Act, into law on October 26, 2001. The act itself stands for Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism. The document is a sweeping series of provisions placing intelligence, surveillance, investigation, law enforcement, and terrorist attack preparedness on a new level in American social and political life. “It represents nothing less than a fundamental shift of national attention, funds, and priorities.” Its scope is extreme, including ten parts, or titles, each with several sections, adding up to nearly 150 different sections. In merely 342 pages, this act succeeded in reworking our government’s offices, agencies, bureaus, and legislation. The Act expands the political atmosphere of Washington, D.C., as it secures a new status for federal, state, and local law enforcement personnel as investigators of terrorist threats, and protectors of the civilian population. The details and complexity of this act ensure that it was not originated, drafted, submitted, reviewed, and enacted all within 40 days after the September attacks. Instead, the Act reaches into

numerous existing federal laws and incorporates them into its body. The bill altered at least fifteen federal statutes, some dramatically. The Act also encompasses several federal Cabinet Departments and agencies, most importantly the Justice Department (including the FBI and the Immigration and Naturalization Service), the Treasury Department and the Secret Service, the State Department, the Central Intelligence Agency, and the Department of Defense. The Act gives many of these Departments new offices, budgets, new or expanded enforcement powers, or new regulatory authorities. Terrorism is the main theme of the PATRIOT Act. However, the reach of the new investigative authorities and powers provided under the Act go far beyond terrorism in many areas. The Act has been described as a “wish list” of powers that were long sought by federal law enforcement and investigative agencies. The Act drastically reduces the daily freedoms of American citizens by allotting certain law enforcement agencies greater liberties in the collection of intelligence within the United States. It also expands the Secretary of Treasury’s authority to regulate financial transactions, especially those involving foreign individuals and entities. The Act expanded the discretion of immigration and law enforcement authorities in detaining and deporting any immigrants suspected of terrorism or any related activities. It granted immeasurable power to federal agencies, but also increased the authority of law enforcement organizations as well. This was because the Act defined terrorism to include domestic acts. Terrorism is defined in detail in Part III of the PATRIOT Act, including a section on what constitutes “domestic terrorism.” This is defined as,

Acts dangerous to human life that also are a crime under any State or federal law and appear to be intended to intimidate or coerce a civilian population, influence

government policy by intimidation or coercion, or affect government conduct by mass destruction, assassination or kidnapping.<sup>85</sup>

Therefore, having passed this immense, extensive legislation granting the U.S. government the power to do anything it could to prevent terrorism, the United States began targeting its own citizens as well. The authority granted to federal agencies under the PATRIOT Act has consistently been cited as directly violating American citizens' rights as outlined under the Fourth, Fifth, and Sixth Amendments to the Constitution. The Act allowed law enforcement significant leeway in the invasion of privacy of American citizens. It also eliminated judicial oversight of law enforcement and domestic intelligence. The National Security Agency, in particular, was given broad discretionary powers. In order to "effectively combat future attacks," the NSA was allowed to carry out warrant less surveillance of telecommunications.

In November 2002, The Homeland Security Act was introduced, and signed into law by President Bush. This Act further restructured the policing power of the American government, by creating the largest federal reorganization since 1947. The Act created the United States Department of Homeland Security, which assumed a large number of services, offices and other organizations. It incorporated the Customs Service, Coast Guard, and U.S. Secret Service. This policing body was created so that the security of our borders could be reorganized through a centralization of Federal security functions. The new department's primary responsibility is the prevention of terrorist attacks within the United States, but is also tasked with responding to such incidents. Where the

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<sup>85</sup> Michaels, C. Williams. *No Greater Threat: America After September 11 and the Rise of a National Security State*. New York: Algora, 2005. 47.

Department of Defense is charged with military actions abroad, the Department of Homeland Security works within our country to prepare, prevent and respond to these emergencies.

The establishment of the PATRIOT Act and the Department of Homeland Security are two examples of how our government has responded to the threat of terrorism, which was dramatically realized on September 11<sup>th</sup>, 2001. These assaults crippled our country, as they marked the most deadly strike ever on United States soil, but more importantly they proved that our nation is not outside the reach of terrorists and their destructive plans. Immediately following the attacks, our country was so driven by a sense of supreme fear, confusion, “terrornoia,” that we implemented some radical legislation to help combat the terrorist threat. However this legislation, while providing law enforcement with many new legal powers to help them locate potential threats, significantly undermined the rights granted to American citizens. Without realizing it, the majority of Americans called for legislation that has, ultimately, directly compromised their democratic freedoms. As was the case in the globalization of the low-intensity conflict period, in order to protect the citizens from rising crime rates, drugs, and domestic terrorism, the U.S. government implemented similar legislation. During this period, the largest crime bill in U.S. history, as well as legislation limiting habeas corpus were passed. The federal government grew extensively, increasing their policing power in the interest of eliminating certain threats to the American people. Here, we see yet another rapid, massive growth in response to a direct threat to the American heartland. Terrorism has proven to be what communism was during the Cold War Era. It was the

threat, the one thing the U.S. was constantly fighting. So, in an attempt to better protect the American people from terrorism, the U.S. government passed sweeping legislation that infringed upon certain freedoms, all in the name of security. Terrorism has proven to be the mechanism by which the executive has achieved an awesome amount of power not originally allotted them under the constitution.

During his presidential election campaign President Obama frequently and emphatically marked that “As President, I will close Guantanamo, reject the Military Commissions Act and adhere to the Geneva Conventions. Our Constitution and our Uniform Code of Military Justice provide a framework for dealing with the terrorists.”<sup>86</sup> Once elected, on January 22, 2009, as one of his very first acts in the Oval Office, Obama signed an executive order to close the Guantanamo Bay Detention Facility within one year.

This is me following through on not just a commitment I made during the campaign, but I think an understanding that dates back to our founding fathers, that we are willing to observe core standards of conduct, not just when it's easy, but also when it's hard.<sup>87</sup>

As of today, more than three years later, the detention camp has yet to be closed. Today, the U.S. military prison at Guantanamo bay holds 171 prisoners, including 89 who have been cleared but not released. The creation of the prisoner camp at Guantanamo Bay officially began on September 17<sup>th</sup>, 2001, when President Bush issued a secret directive authorizing the CIA to set up detention sites outside of the U.S. Known as “black sites,”

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<sup>86</sup> Malcolm, Andrew. "Obama and Guantanamo: A Chronology of His Broken Promise." *Los Angeles Times*, July 2, 2010. Accessed March 6, 2012.

<http://latimesblogs.latimes.com/washington/2010/07/obama-guantanamo.html>. 1.

<sup>87</sup> Malcolm, 1.

these detention facilities would use an “alternative set of interrogation procedures” on suspected terrorists.<sup>88</sup> The administration needed a secure location to keep enemy prisoners captured in Afghanistan, where they could be held and interrogated for indefinite periods of time. On January 11, 2002, the first detainees arrived at Guantanamo. Over the course of the past decade, Guantanamo Bay has been the site used to hold detainees from the war in Afghanistan and Iraq. It was deemed the perfect locality after the U.S. Department of Justice advised that the Guantanamo Bay detention camp could be considered outside U.S. legal jurisdiction. Because of this, the detainees were not considered subject to the laws of the United States. Additionally, because the Al-Qaeda and Taliban operatives being detained did not operate by the rules of war, and were not uniformed soldiers or guerillas, they were not considered to be Prisoners of War under the Geneva Convention. Thus, because they are outside both national and international law, the Bush administration created a legal grey zone in which to classify these detainees. Instead, until July 7<sup>th</sup>, 2006, the detainees that were taken to Guantanamo were categorized as “enemy combatants.” Under this title, the U.S government created a distinction between Prisoners of War, and “illegal combatants,” or “unlawful combatants.” The status of these detainees as outside of the law brought with it detention and investigative techniques that, in turn, also seemed to operate outside of certain boundaries. For one, the combatants brought to Guantanamo were held for indefinite periods of time. Their extrajudicial treatment also included the use of “enhanced”

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<sup>88</sup> Fletcher, Laurel E, and Eric Stover. *The Guantánamo Effect: Exposing the Consequences Of U.S. Detention and Interrogation Practices*. Los Angeles: University of California Press, 2009. 3.

interrogation techniques. Specifically, the U.S. changed their understanding of what constituted torture. They noted that interrogation methods did not constitute torture unless the action inflicted pain “equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death.” Mental torture was classified as “suffering not just at the moment of infliction but...lasting psychological harm, such as seen in mental disorders like posttraumatic stress disorder.” Additionally, actions by interrogators were not classified as torture unless the infliction of pain was the “‘precise objective’ of the abuse rather than a by-product.” These definitions emphasized the U.S. government’s blatant disregard of their obligations under international law. Additionally, the government marked that domestic laws prohibiting torture could not

Constitutionally be applied to interrogations ordered by the president in his capacity as commander-in-chief of the armed forces and that the torture of suspected terrorists for interrogation purposes would be lawful if justifiable on grounds of ‘necessity’ and ‘self-defense.’<sup>89</sup>

In addition to the administration’s alterations of the definitions of torture, certain abuses of the detainee’s religious beliefs were also frequent. One such abuse was the forced nudity of the detainees upon arriving at Guantanamo. Detainees were subject to humiliating circumstances such as “strip searches, collective showers, defecation in public, and other forced exposures” that disrespected their “personal dignity and their identity as Muslims.” Desecration of the Quran was also cited frequently by former inmates, as was interruption during prayer time.<sup>90</sup> Interrogations used a variety of techniques that classify as abusive treatment. The use of short shackling and stressful

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<sup>89</sup> Fletcher and Stover, 9.

<sup>90</sup> Fletcher and Stover, 54-56.



positions consisted of being fitted with heavy painful shackles in certain positions that were designed to create stress, and being left there for long periods of time. Environmental manipulation was a procedure that allowed interrogators to adjust the room temperature during interrogations to polar extremes. Sexual humiliation was frequently cited, where female interrogators would mock the male detainees and their Islamic teachings prohibiting contact between the sexes.<sup>91</sup> Worse of all, however, was that very early in the operations of Guantanamo Bay, there were concerns within military and intelligence circles about “whether and how many detainees were actually dangerous Al-Qaeda fighters.” One senior CIA analyst assessed detainees at the prison camp in the summer of 2002 and concluded in a classified report that a third of the prison population had no connection to terrorism.<sup>92</sup> Additionally, many former detainees reported that the U.S. authorities that held them at Guantanamo for extended periods of time never actually explained why they were being imprisoned.<sup>93</sup>

The prison camp at Guantanamo Bay has acted for over a decade, as an extrajudicial detainment facility for the United States government. In a sense, the prison camp itself acts as vision of the deteriorative processes of our government. We created a locality that for half of its existence was able to hold prisoners in a state of quasi existence, where they were not considered to exist under international or domestic law. The camp used “enhanced” methods of interrogation that did not constitute torture because the United States government changed what defined torture in order to suit their needs. The camp acts as an example of the increasingly malignant nature of the executive

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<sup>91</sup> Fletcher and Stover, 64-66.

<sup>92</sup> Fletcher and Stover, 85.

<sup>93</sup> Fletcher and Stover, 86.

authority. The use of the camp to work outside of the law and its creation of the title “enemy combatants” to classify the unlawful state of the detainees, marks the result of the hyper security that our government employed following the September 11<sup>th</sup> attacks. The prison camp at Guantanamo Bay is one of our most obvious milestones, as it literally is an abuse of legal power granted to the executive branch. More importantly, however, it provided the basis for one today’s most recent backlash. Because of the extrajudicial treatment used by the U.S. government against these detainees, our government has now applied similar treatment in the ability to indefinitely detain American citizens.

One of the most important milestones that has ever occurred in the history of this deteriorative process, was carried out last year by remote control. On September 30, 2011, the United States government authorized a drone attack in Yemen that succeeded in killing Anwar al-Awlaki. Awlaki was an imam, engineer and educator by training. He was a senior talent recruiter and motivator who was directly involved with the planning of operations for the Islamist militant group al-Qaeda. He was referred to as the “bin Laden of the Internet,” because of his use of social media to preach and lecture. According to U.S. officials, Awlaki was the spiritual leader to a number of al-Qaeda members, including three of the September 11<sup>th</sup> hijackers. He also was allegedly affiliated with the Fort Hood Shooter and the “Underwear Bomber.” In 2009 al-Awlaki was promoted to the rank of “regional commander” within al-Qaeda, and from his hideout in Southeast Yemen, he continually called for a jihad against the U.S. However,

most important in our discussion of Anwar al-Awlaki was his status as an American citizen. Awlaki was born in the United States, and attended Colorado State University.<sup>94</sup>

In April 2010, President Obama approved the targeted killing of Al-Awlaki. This action proved to be unprecedented as it established the first time a United States citizen had been approved for targeted killing by the CIA. After a failed legal challenge by al-Awlaki's father and civil rights groups, the killing order was carried out. On September 30, 2011, in northern Yemen, two unmanned, remote controlled Predator drones fired Hellfire missiles at a vehicle containing al-Awlaki and three al-Qaeda members, successfully killing them. Samir Khan was one of the other men killed, and was another American, who was the editor of al-Qaeda's English-language magazine. The covert operation was carried out by the Joint Special Operations Command, under the direction of the CIA. In response to the death, President Obama said:

The death of Awlaki is a major blow to Al-Qaeda's most active operational affiliate. He took the lead in planning and directing efforts to murder innocent Americans...and he repeatedly called on individuals in the United States and around the globe to kill innocent men, women, and children to advance a murderous agenda. [The strike] is further proof that Al-Qaeda and its affiliates will find no safe haven anywhere in the world.<sup>95</sup>

Two weeks later, the U.S. also killed Al-Awlaki's son, reportedly "collateral damage," in another drone attack. We have discovered that these cases represent a select few; targeted killings authorized by drone strikes. The targets are apparently selected by a secret panel of senior government officials, which then informs the president of their decisions. No

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<sup>94</sup> Griffin, Jennifer, and Justin Fishel. "Two U.S.- Born Terrorists Killed in CIA-Led Drone Strike." *Fox News*, September 30, 2011. Accessed March 3, 2012. <http://www.foxnews.com/politics/2011/09/30/us-born-terror-boss-anwar-al-awlaki-killed/>. 1.

<sup>95</sup> Griffin, 2.

public record of the operations, decisions, or existence of this panel exist. All information known about the panel has been acquired from several current and former government officials. There is no law establishing this panel or setting out rules by which it must operate. Instead, the secret panel, a subset of the White House's National Security Council, governs itself.<sup>96</sup>

Targeted killing is the intentional killing by a government or agents of a government of someone targeted by the government, who is not in the government's custody. The target has lost his immunity from becoming a target as protected under the Third Geneva Convention, as he has allegedly taken part in armed conflict or terrorism. It has been widely accepted that targeted killing is different from an assassination, in that assassinations constitute illegal killing whereas targeted killing is a form of self-defense. Here, it is not viewed as a crime in the same way that murders by our police force against domestic killers are not viewed as criminal. Those targeted constitute a threat to the security of our nation and thus constitute a justifiable, preventative measure. However, as the American Civil Liberties Union has advanced,

A program of targeted killing far from any battlefield, without charge or trial, violates the constitutional guarantee of due process. It also violates international law, under which lethal force may be used outside armed conflict zones only as a last resort to prevent imminent threats, when non-lethal means are not available. Targeting people who are suspected of terrorism for execution, far from any war zone, turns the whole world into a battlefield.<sup>97</sup>

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<sup>96</sup> Hosenball, Mark. "Secret Panel Can Put Americans on 'Kill List.'" *Reuters*, October 5, 2011. Accessed March 3, 2012. <http://www.reuters.com/article/2011/10/05/us-cia-killlist-idUSTRE79475C20111005>. 1.

<sup>97</sup> Griffin, 3.

Awlaki was given no notice, no charge, and no trial. It appears that no one outside of the executive branch reviewed Obama's unilateral decision to execute an American citizen. However, because it was a covert operation, the President declined to acknowledge ordering the killing. So, it seems that the president can, at any time, order the execution without a trial of an American Citizen. What does this say about our democracy, when our president can kill by remote-controlled missiles, without even having to defend his actions in public? It seems that this secrecy is being used to deflect public scrutiny of tactics that "many Americans might well reject if the issues were fully aired." In a New York Times article, David Cole explained how this targeted killing parallels the CIA's torture and cruel and inhumane treatment of suspects who had been abducted and "disappeared" into secret prisons during the Bush administration. Specifically, in both instances the Office of Legal Counsel, a part of the Justice Department tasked with providing legal advice to the president, developed extensive legal memos to justify these actions, which would have been unthinkable before September 11<sup>th</sup>. Cole argues that while the killing of enemy fighters in wartime is permissible, al-Awlaki was not the battlefield, and he was not alleged to be a part of al-Qaeda or the Taliban. Cole notes that the resolution passed one week after the September 11<sup>th</sup> attacks authorized the president to use military force against those who attacked the U.S. and those who harbor them, subsequently providing the legal justification for the war on al-Qaeda and the conflict in Afghanistan. Al-Awlaki however, was not alleged to be either, but instead a leader of the AQAP, an organization that was founded in Yemen in 2009. While he was alleged to have ties to terrorist organizations, Al-Awlaki was never tried or convicted for any

terrorist crime. Cole continued by claiming that the mere allegations of encouragement or involvement in terrorist activities should not have been enough to authorize his secret execution without trial outside of the battlefield. According to the Justice Department, because Awlaki was the leader of AQAP, he was deemed a “cobelligerent,” effectively fighting with al-Qaeda, posing an imminent threat to the U.S, and justifying his death as an incident of war. In discussing the legality of the killing Cole notes that the killing does not come within the “literal terms of Congress’s authorization to use military force.” While AQAP has an ideological allegiance with al-Qaeda, that does not qualify it as a “co-belligerent.” Thus, Cole asks if the president can circumvent the criminal process to kill a target suspected of terrorism, and ties to al-Qaeda. In response he notes that

Given the difficulty, repeatedly demonstrated at Guantanamo of identifying who is and is not in al-Qaeda itself, allowing the president to kill members of nebulously linked groups far from any battlefield if the government labels them “co-belligerents” would create the potential for serious abuse.<sup>98</sup>

Cole also challenges the imminent threat al-Awlaki posed. He was not involved in planning a terrorist attack at the time of the drone strike. The Justice Department argued that the “imminence criterion” was satisfied by the fact that he was a leader of a group that sought to attack the U.S. whenever it could. John Brennan, President Obama’s senior advisor on homeland security and counter terrorism, further argued that the UN charter requiring the imminence of a threat before a nation can exercise its right to self defense doesn’t make sense when applied to clandestine terror groups whose threats are difficult

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<sup>98</sup> Cole, David. "Killing Our Citizens Without Trial." *The New York Review of Books*, November 24, 2011, 1-6. Accessed January 23, 2012. <http://www.nybooks.com/articles/archives/2011/nov/24/killing-our-citizens-without-trial/?pagination=false>. 1-5.

to spot in advance.<sup>99</sup> However, Brennan fails to realize that this is the point of the imminence requirement. It ensures that military force is a last resort.

A discussion of the legality of the drone attacks must remain incomplete, however, as the government refuses to offer a public outline of this policy. It is clear that the U.S. has the ability, the power, to execute without trial. This policy is one that works against our most sacred constitutional rules. The U.S. acted, in the case of Al-Awlaki, beyond the law, executing an American citizen without a trial, without due process. This is not an action representative of a democracy. As Cole concludes,

In a democracy the state's power to take the lives of its own citizens and indeed of any human being, must be subject to democratic deliberation and debate. War of course necessarily involves killing but it is essential that the state's power to kill be clearly defined and stated in public-particularly when the definition of the enemy and the lines demarcating war and peace are as murky as they are in the current conflict.<sup>100</sup>

Drone attacks represent a fundamental threat to our democratic ideals. We learned of the details of the killing of Al-Awlaki through leaked secret memos. These memos cannot equate to the legal or democratic processes of determining the guilt of an individual, and subsequently sentencing him to death. The fact that our drones are now being used to target American citizens proves that our executive is abusing its power. There is no democratic foundation to the unilateral decision by the president, that one constitutes an imminent threat, and needs to be executed accordingly. On March 5<sup>th</sup>, 2012, more than five months after the execution of Al-Awlaki by remote controlled drone, Attorney General Eric Holder defended the killing. Holder argued that the targeted killing of U.S.

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<sup>99</sup> Cole, 3.

<sup>100</sup> Cole, 5.

citizens abroad that are suspected of plotting to attack the U.S. cannot be considered assassinations. He said that because an assassination is by definition an unlawful killing, this term simply does not apply. Holder stated that the attack actually fell within “our laws and values.” The attorney general spoke at the Northwestern University Law School in Chicago in what constituted the first public comments on the subject. In the summer of 2010, lawyers in the Office of Legal Counsel wrote an opinion justifying the legality of such attacks, which has remained classified to this day. Holder said such attacks, as the one that killed Al-Awlaki, are legal if the U.S. government deems the individual poses an imminent threat of a violent attack against the U.S., if capture is not feasible, and if the operation would be conducted within the laws of war. He continued by noting that since al-Qaeda has the ability to spring surprise attacks and is considered to be constantly planning to attack America, the law allows a preemptive strike on the part of the U.S.<sup>101</sup> Holder indicated that more targeted killings are possible. He concluded that when Americans join Al-Qaeda to harm our country, the only “realistic and appropriate response” is to “take steps to stop them in full accordance with the Constitution. In this hour of danger, we simply cannot afford to wait until deadly plans are carried out, and we will not.”<sup>102</sup>

Attorney General Holder’s statement on the targeted killing of Al-Awlaki is disheartening, as it is an extremely current example of what this thesis is discussing.

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<sup>101</sup> Frieden, Terry. "Holder: Not 'Assassination' to Target Americans in Terror Hunt." *CNN*, March 5, 2012. Accessed March 5, 2012.

[http://security.blogs.cnn.com/2012/03/05/holder-targeting-american-terrorists-not-assasination/?hpt=hp\\_t1](http://security.blogs.cnn.com/2012/03/05/holder-targeting-american-terrorists-not-assasination/?hpt=hp_t1). 1-3.

<sup>102</sup> Frieden, 3.



After almost half a year, the government decided to discuss their actions that resulted in the death of an American citizen. Yet, they do not even do that, as they do not take credit or admit responsibility for the death. The details surrounding the attack continue to remain as secret. The announcement did however, mark the United States position that such drone attacks are legal actions and do not constitute a violation of domestic or international law. Thus, effectively, the announcement did set legal precedent to justify future attacks. What this means is that “President Obama now has the power to secretly declare an American citizen an enemy of the state and order his extrajudicial killing.”<sup>103</sup> What other powers can the United States government employ in the interest of national security? Democratic Senator Ron Wyden responded to Holder’s speech by asking whether the “Justice Department’s legal arguments would allow the President to order intelligence agencies to kill an American inside the United States.” Whatever the case may be it is clear that the government continues to keep a tight-lipped stance on the issue of targeted killings. Holder’s speech was noteworthy because, in true form, he epitomized the processes that we have discussed. Specifically, the speech played upon the fears of the American people, to once again justify a blatant abuse of power as of the utmost necessity for the sanctity of our state. Holder revived the term “imminent threat,” and stressed how Al-Qaeda is continuously, and endlessly it would seem, planning to destroy the American nation. He noted that a target that is “actively engaged” in planning to kill is direct threat the livelihood of our republic. Holder went further that we must take these steps “in full accordance with the Constitution,” to disable these threats. In doing so,

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<sup>103</sup> Frieden, 3.

Holder used a trick, a ploy to confuse the audience into believing that these actions represent the fundamental ideals and beliefs held in our Constitution. By invoking the Constitution, Holder attempted to further solidify the targeted killings as something that lies within the laws governing our polity. His concluding statement marked that America is in an “hour of danger.” Holder’s entire speech revolved around the reemphasis of the threat of terrorism to our nation. He once again tried to reignite the government’s rhetoric of the “terrornoia.” Because of this, we can only expect that our government plans to continue its use of targeted killing. This speech was one presented to justify this method of “defense” and reemphasize the threat our nation faces. In this sense, the government has once again renewed its use of extreme force in order to ensure the “security” of its people.

On January 1<sup>st</sup>, 2012, while the entire nation celebrated the New Year, President Obama signed into law House Resolution 1540, or the “National Defense Authorization Act for Fiscal Year 2012.” The signing of the NDAA by President Obama marks one of the most important milestones of this period, as well as the most recent. With the passage of this resolution our American Republic is being drastically reshaped. The act voices that the threat of Al Qaeda to the Security of our homeland constitutes a justification for strict counter-terrorism measures within the U.S. and abroad, and the modernization of our military. Receiving strong opposition from groups such as the American Civil Liberties Union, Amnesty International, Human Rights First, and Human Rights Watch, the legislation grants the executive the power of indefinite detention. Under this authority, the president of the United States may authorize the military to detain

individuals suspected of participating in or aiding terrorist activities without a trial, indefinitely. Our executive now has the ability to detain U.S. citizens without trial, and hold them indefinitely. Going further than previous legislation, this act specifically provides that all persons arrested and detained, including those detained on U.S. soil are required to be held by the United States Armed Forces. According to the definitions provided by Homeland Security in 2004, several categories of potential terrorists or conspirators include “foreign terrorists,” “domestic radical groups,” “disgruntled employees,” and “state sponsored adversaries.” Domestic radical groups could potentially refer to antiwar or civil rights groups, and disgruntled employees could include labor and union activists.<sup>104</sup> Thus, it is clear that this law provides the military to detain American individuals who exercise forms of domestic protest and dissent, significantly curtailing fundamental rights and freedoms. In substance, any American opposed to the policies of our government can potentially be labeled a suspected terrorist and be detained by our military.

The backlash evident in this period revolves around our drastic actions in the wake of September 11<sup>th</sup>. Immediately following the attacks, the United States government passed various pieces of legislation very quickly, without adequately considering the consequences. We have seen how this period reacted to the threat of terrorism with increasingly harsh legislation, which consistently infringed upon certain freedoms, international laws, and the basis of republican values and doctrines. This

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<sup>104</sup> Michel Chossudovsky, "The Inauguration of Police State USA 2012. Obama Signs the 'National Defense Authorization Act,'" *Center for Research on Globalization*, January 1, 2012, accessed January 23, 2012, <http://globalresearch.ca/index.php?context=va&aid=28441>. 1.

legislation established policies designed to allot more discretion to the military, based on the premise that it was needed to better our fight against terrorism. These policies created precedents where eventually the rights of our own citizens would be harmed, or again, as Arendt warned, these measures contributed to a backlash. The PATRIOT Act allowed the attorney general to “take into custody” any alien suspected of engaging in activities that endangered “the national security of the United States.” The individual could be held for a week but then had to be released, charged with a violation of immigration laws, or a criminal offense.<sup>105</sup> Because of our use of this policy of detainment, our nation now faces the modern legislation, enacted more than a decade later, of the NDAA. Now, because we became so accustomed to the use of the indefinite detention, our own government has passed new legislation that allows the military to indefinitely detain Americans. The intensity of this backlash and its detrimental implications for the sanctity of our republic are striking. Our government’s treatment of prisoners in the Guantanamo bay prison camp has also constituted a backlash. Our creation of the title “enemy combatant” led to the distinction of individuals who fall outside of the law. These individuals can thus be treated as such, without legal rights. This has contributed to the allowance of the government to consider blur the laws defining the treatment of American citizens. This is seen in the targeted killing of Al-Awlaki, and the establishment of a legal precedent for future targeted killings. Our own citizens are now being targeted by the United States government. The title of citizenship no longer allots an individual certain unalienable rights, but instead allows the President to unilaterally decide their execution. Holder

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<sup>105</sup> Agamben, 3.

portrays this very shockingly, when he says, “Due process and judicial process are not one and the same, particularly when it comes to national security. The Constitution guarantees due process, not judicial process.”<sup>106</sup> The backlash has come full circle, where now the same processes used in the wake of September 11<sup>th</sup> by our government to fight the evils of terrorism, are now being used against Americans. Our government has turned its intelligence capabilities away from the international front, and focused them on the domestic front. We now occupy a country whose government not only spies on its own citizens, but also executes them without trial.

How can we claim to live in a democracy when the head of our executive body, the president, can secretly exercise the power of execution, against a citizen that he was elected to represent? This is not a democracy ruled by law. Our government has created a secret panel, outside of democratic law, which has the unilateral authority to target individuals it deems as threats. We now know that this panel has the ability to authorize the execution of American citizens without trial, effectively eliminating our understanding of due process as we know it. One former official of the Reagan administration, Paul Craig Roberts, wrote that the killing of Awlaki without evidence or trial marked “the day America died.” While anticipating “change,” Americans received an administration worse than that of Bush/Cheney, where power is being abused in an unprecedented fashion.<sup>107</sup> Upon taking office President Obama insisted that Americans “look forward, not backward,” and deal with the policies of the last administration by

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<sup>106</sup> Frieden, 2.

<sup>107</sup> Roberts, Paul Craig. "The Day America Died." *Lew Rockwell*, October 3, 2011. Accessed March 3, 2012. <http://lewrockwell.com/roberts/roberts328.html>. 1-3.

turning the page.<sup>108</sup> However, what if anything has changed? Instead, Obama has successfully brought about the next backlash, where now with the signing of the NDAA, American's are worse off than ever. Some would attempt to disregard our nation's militarization or progressive deterioration by claiming it is a party issue. However this simply is not the case. Under a republican president the PATRIOT Act was implemented, but it was reauthorized under a democratic one. President Obama ran on the promise of ending the war in the Middle East and shutting down the prisoner camp at Guantanamo Bay, yet he has done neither. From this we must assume that these policies that infringe upon our rights as American citizens are not due to party issues, but are trend of the federal government. We are losing our freedoms in the name of protection and security. Now the government has established policy allowing for indefinite detention by the military or execution from the sky. Ironically, the man who has succeeded in culminating the processes that have deteriorated our basic constitutional values, prior to being elected president of the United States, was teaching constitutional law. The execution of an American citizen is not the use of power by the standards set out in our constitution. That said, in analyzing the deterioration of our democratic values, it is necessary to mention the work of John Locke. "Tyranny is the exercise of power beyond right, which no body can have a right to."<sup>109</sup> We must ask ourselves, if this is an example of power beyond right, and if so, what this implies of the structure of our executive.

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<sup>108</sup> Engelhardt, 1.

<sup>109</sup> Locke, John. *Two Treatises of Government*. Cambridge: Cambridge University Press, 1960. Accessed March 3, 2012. <http://www.lonang.com/exlibris/locke/>. 199.

## Chapter V: The Misplaced Republic

Today I have signed into law H.R. 1540, the "National Defense Authorization Act for Fiscal Year 2012."...The fact that I support this bill as a whole does not mean I agree with everything in it. In particular, I have signed this bill despite having serious reservations with certain provisions that regulate the detention, interrogation, and prosecution of suspected terrorists...Our success against al-Qa'ida and its affiliates and adherents has derived in significant measure from providing our counterterrorism professionals with the clarity and flexibility they need to adapt to changing circumstances and to utilize whichever authorities best protect the American people, and our accomplishments have respected the values that make our country an example for the world....Moving forward, my Administration will interpret and implement the provisions described below in a manner that best preserves the flexibility on which our safety depends and upholds the values on which this country was founded.<sup>110</sup>

This thesis has delineated certain milestones that have worked to significantly contribute to the deterioration of the democratic ideals of our republic. This process of political decay did not begin recently, but rather, has been cumulative process over the course of many years. While it is not clear not possible to locate the beginning of this trend, it is evident that in recent years this process has accelerated. So far we have analyzed certain historical events, which have proven to be representative samples of the path of our democratic devolution. We have seen how, increasingly, since the resolution of the last World War, the United States of America has, because of various military interactions, institutional creations, and individual contributions, evolved into a polity most reminiscent of a Police State. American history has been marked by these events that have exponentially deteriorated our most basic republican framework. Through our analysis of three distinct periods, we have established some of the milestones beginning

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<sup>110</sup> Obama, Barack. "Statement by the President on H.R. 1540." The White House. Accessed March 10, 2012. Last modified December 31, 2011. <http://www.whitehouse.gov/the-press-office/2011/12/31/statement-president-hr-1540>. 1.

after the Second World War, and leading up to present day, that have most successfully worked to undermine our most sacred democratic ideals. Our discussion of the Cold War Era enabled us to realize how, in the name of protecting the public from the inevitable communist threat, our government participated in various policies that contradicted our stated beliefs. Next we saw how following the waning and eventual fall of communism, that the U.S. government filled the void of the communist threat with multiple new ones. This doctrine called for the promotion of humanitarian ideals, a war on crime, a war on drugs, and the enforcement of world stability. During this period, the United States emerged as an enforcer of these values, and took on the presence of a policing or regulatory body. When these threats were replaced by one that more immediately and significantly presented a threat to the safety of the American people, a new doctrine, and new period of devolution began. This period gave rise to the War on Terrorism. A doctrine that used the severity of this threat against the American people as a stepping-stone to pass legislation, which exponentially devalued the democratic ideals of our republic. In this period we see some of the most obvious milestones that cripple our sense of democratic processes in the name of protecting the American citizens. It seems that these processes have reached their climax with the signing of the National Defense Authorization Act of 2012. President Obama signed legislation that allowed him to indefinitely detain an American citizen without trial. But Americans shouldn't worry, because our dear president has promised that he will not do so. Instead, he said that he signed the bill, but that he still has "serious reservations" with it, and that he will interpret the bill in a manner that upholds the values of our democracy. The president seems to



forget that he should not have the power to interpret the bill in a way that aligns itself with our constitution. Instead, the bill should not be passed if it does not represent the democratic values of our country. It seems with the passage of H.R. 1540, our executive has succeeded in circumventing the checks and balances that marked the foundation of our republic, and gained supreme authority in implementing policy to “protect” American citizens. Even if this policy directly violates habeas corpus, due process, and a handful of amendments to the Constitution, as long as we have our trusted head of the executive branch’s word, we should not fret.

The United States of America is the example of democracy in the modern world, and has been since very declaration which marked its founding on July 4<sup>th</sup>, 1776. Our Declaration of Independence characterized the establishment of a new form of governance. A distinct state governed by the people, for the people, which would check the powers of bureaucracy and institutions and balance all authority equally. The document pledged to create a state, which held certain truths to the highest and most sacred plane. Of these truths, the ideals of natural equality and the assurance of life, liberty, and the pursuit of happiness secured this modernist, democratic definition of the state. More importantly, however, the United States pledged, “whenever any Form of Government becomes destructive of these ends, it is the Right of the People, ... it is their duty, to throw off such Government, and to provide new Guards for their future security.”<sup>111</sup> From the beginning, the United States justified that these unalienable rights must always be sought and protected above all else, because it was the people themselves

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<sup>111</sup> “Declaration of Independence,” *The History Channel website*. Accessed Sep 29, 2011. <http://www.history.com/topics/declaration-of-independence>.

who are sovereign. However, today's society is blemished by policy that contradicts what marked our founding 254 years ago. We now live in a society, where our military, can detain us indefinitely. We have sacrificed our fundamental rights to due process and habeas corpus for protection of the ever-present threat. Our governance is marred by a state of hyper-security that sacrifices the very system of governance, that we so emphatically praise. Our democracy is waning. The system of checks and balances has been circumvented by the collective fear of terrorism. Our executive now holds all of the cards. Over the course of the past two centuries, there have been a series of deteriorative processes that have compromised our system of governance. The American Republic has experienced a political decay that has accelerated in the past half-century. During this time certain milestones clearly represent our countries divergence from our core democratic beliefs. To understand how our American republic has misplaced our most fundamental democratic beliefs in order to pursue legislation that sacrifices the rights of its own people, we have turned to the work of Hannah Arendt. Specifically, we have conceptualized and elaborated on an idea mentioned only briefly in her work. We have looked at Arendt's notion of the backlash phenomenon, and used it to understand how a government that perpetuates violence to gain power will only lose that power and delegitimize their polity. Specifically we have applied this backlash as one of the cyclical elements necessary to accelerate our cyclical cycle of ideological devolution. We have discovered that with backlash comes an ensuing devolution in symbiosis. Through instances of backlash, our polity has experienced this democratic divergence.

The process that I am discussing has been conceptualized in many different ways. One of the most obvious examples was postulated by the political philosopher Giorgio Agamben. Agamben focuses on the concept of a state of emergency within a political body, and what this declaration means as it relates to the normal functions of the polity. Specifically, Agamben revisits the concept of “state of exception,” as used by Carl Schmitt, and traces it back to the Roman Empire. In his book “State of Exception,” Agamben discusses the increase in power structures employed by governments in times of crisis. During these times Agamben refers to the increase or extension of state power as the state of the exception. In this state, questions of citizenship or individual rights are diminished or suspended by the government claiming the extension of this power. The state of exception is classified by an extension of authority or power well beyond what is allotted the political body under the guise of the law. Agamben describes this state as one that “marks a threshold at which logic and praxis blur with each other and a pure violence without logos claims to realize an enunciation without real reference.”<sup>112</sup> He offers the Third Reich and the Nazi rule of Germany under Hitler as an example of the state of exception. He claims that this example is one of a continued state of exception lasting twelve years. In Germany, this state was marked by totalitarian rule, so Agamben concludes that modern totalitarian societies can

Be defined as the establishment, by the means of the state of exception, of a legal civil war that allows for the physical elimination not only of political adversaries but of entire categories of citizens who for some reason cannot be integrated into the political system.<sup>113</sup>

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<sup>112</sup> Agamben, Giorgio. *State of Exception*. Translated by Kevin Attell. Chicago: The University of Chicago Press, 2005. 40.

<sup>113</sup> Agamben, 41.

This is to say that the state of exception is marked by the supreme power of the government and the subjection of the citizens to the abuse of certain authorities. The state of exception can place the entire government or one form or branch of the government in a position to operate outside of the law. Agamben traces the concept and basic understanding of the state of exception back to the Roman Empire. Specifically he looks at the traditions of *iustitium* and *Auctoritas*. *iustitium* is the concept of Roman law that is essentially equivalent to the state of emergency. It was declared following the death of the monarch, any gap in the operations of government or social order, and in the case of invasions. Agamben notes that *iustitium*, after the Roman Republic, came to be understood as the public mourning of the sovereign. It was a privatization of the danger threatening the citizens, so that the sovereign could better achieve the authority or *auctoritas* necessary to preserve the state. Agamben also maintains that during the periods of the exception, certain forms of knowledge will be privileged and accepted as true, and certain voices will be heard and praised while others will be ignored. Agamben builds upon this concept by describing how during times of crisis, knowledge is key. Accordingly, the suppression of knowledge and the authority on deciding what knowledge is allotted the citizens of a government body is characteristic of an oppressive regime. Because of this, the process of both acquiring knowledge and suppressing it within a state of exception will be a violent act.<sup>114</sup>

With this understanding, isn't it safe to say that the United States has employed this state of exception since the September 11<sup>th</sup> attacks? Agamben addresses this question

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<sup>114</sup> Agamben, 41.

in his work, declaring that the United States is currently in a prolonged state of exception. Agamben notes that most importantly, this state is designed to strip certain individuals of their status as citizens of a state. He notes, “What is new about President Bush’s order is that radically erases any legal status of the individual, thus producing a legally unnamable and unclassifiable being.”<sup>115</sup> Specifically, Agamben cites how members of the Taliban and Al-Qaeda that are captured are not treated as Prisoners of War as defined under the Geneva Convention, nor are they treated as criminals under American law. Instead they are categorized as “enemy combatants,” where they are taken to Guantanamo Bay and until July 7<sup>th</sup>, 2006, they were treated outside of international and national law.

Agamben concludes that there exists only a slight difference between dictatorship and democracy. He notes that since World War I, there has been an increasingly prevalent use of rule by decree. This is a style of governance where laws are created in rapid succession unilaterally and are unchallenged. While usually characteristic of monarchs and dictatorships, Agamben says that since the First World War, all modern states, even representative democracies have used this method to create legislation. This “generalization of the state of exception” is characterized by the indefinite suspension of law. As evidence of this, Agamben discusses the detention camp at Guantanamo Bay. He marks that this locality represents a “zone of the state of exception.” Here, the state of exception is a status, under which, certain groups of people are forced to live. In this zone, the U.S. government has suspended the application of law to all people who are defined as “enemy combatants.” Agamben argues that the United States’ response to the

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<sup>115</sup> Agamben, 3.

September 11<sup>th</sup> attacks, specifically the creation of the PATRIOT Act, marked a permanent installment of martial law and state of exception powers. He warns that today's society is tending toward a generalization of the state of exception procedures, where the population is placed under permanent suspicion and surveillance.<sup>116</sup>

In our considerations of the work of Giorgio Agamben, it is clear that he highlights the deteriorative processes of our country to be representative of an increased tendency towards the state of exception. We have seen how over the course of approximately half a century, there have been increasingly more drastic and prevalent actions on the behalf of our government diverging from our country's core democratic beliefs. These actions are milestones in the progressive deterioration of our democratic republic. We are now approaching a polity that some have classified as most reminiscent of a police state. It seems that we are now a hybrid, a democracy that has shifted from its initial composition of equal branches of governance, towards a powerful executive branch that treats its own citizens as suspect. We have seen how in times of crisis, the government has imposed certain legislation that threatens the freedoms of its own citizens. Agamben classifies this as a state of exception, but we have yet to understand where these deteriorative policies originate. To better understand this we must apply Arendt's backlash phenomenon.

Hannah Arendt was a 20<sup>th</sup> century, German American political theorist. She was renowned for her work dealing with the nature of power, and the topics of politics, authority, and totalitarianism. However, while Arendt wrote numerous works that

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<sup>116</sup> Agamben, 3-4.

established her reputation as a political thinker, for the purpose of this paper, we will focus on one idea, mentioned briefly in her writing. In her essay, *On Violence*, Arendt distinguishes between the concepts of violence and power, and justification and legitimacy. Arendt opposes theorists of both the left and the right, by arguing that violence is not an extreme manifestation of power. Instead, she argues that violence and power directly oppose or contrast each other. By this she contends that power derives from the collective will, and as such does not need violence to achieve its goals, since voluntary compliance takes its place. Her essay continues by describing how as governments begin to lose their legitimacy, violence is introduced as an artificial means of compliance. Thus she claims that violence is actually only found in the absence of power. In her discussions of power and violence, Arendt advances the importance of nonviolent resistance in response to oppressive regimes, since violence only leads to a loss of public legitimacy. She claims that in the long run, violence diminishes the power of those who use it. This idea is the concept of Arendt's work that we will focus on. She calls this relationship the "backlash phenomena." Arendt states that the use of violence will eventually backfire, where its use prompts negative attitudes of resentment and moral outrage. These feelings will affect both third parties and constituents of the party that perpetuated the violent activity. Specifically, Arendt describes how "politically speaking, the point is that loss of power becomes a temptation to substitute violence for power...and that violence itself results in impotence."<sup>117</sup> Arendt concludes that the backlash will ensure a "complete reversal in the relationship between power and

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<sup>117</sup> Arendt, Hannah. *On Violence*. New York: Harcourt Brace & Company, 1970. 54.

violence, foreshadowing another reversal in the future relationship between small and great powers.”<sup>118</sup> Thus, those who use violence will subsequently lose power and those who were victim to violence will become powerful.

Arendt’s backlash phenomenon is critical to our understanding as it helps to explain why these deteriorative processes occur. If we apply her analysis of power and violence, and the relationship they share, to our various milestones, we see the relation. Because our government has participated in actions that have been unrepresentative of democratic values, it has now, slowly but surely, applied this same sub-democratic understanding to our domestic policies. Our actions abroad have evolved into our actions domestically. The strategies of counterintelligence that we used to fight communism, crime, and terrorism abroad, are now commonplace within our society. When on November 13<sup>th</sup>, 2001, the president of the United States issued a “military order” authorizing the “indefinite detention” and trial by “military commissions,” of aliens suspected of terrorist activities, the government enacted policy that would lead to our most recent backlash. Through this executive order, the president created a title that erases the legal status of the individual, placing them outside the law. The alien suspected of terrorism did not possess rights under the Geneva Convention or American law. Thus, this person was a “legally unnamable and unclassifiable being.”<sup>119</sup> Now more than a decade later, the United States has extended this privilege to its own citizens. The NDAA authorizes the indefinite detainment of American citizens, epitomizing the backlash phenomenon. In our war on terror, our government and citizens, our polity in general, has

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<sup>118</sup> Arendt, Hannah, 10.

<sup>119</sup> Agamben, 3.



become so obsessed with the imminent threat of terrorism that it now has begun to treat its own individuals as terrorists. This cyclical relationship has been outlined in this thesis in over the course three different periods, since the end of the last World War. Backlash, is inherently related to the deteriorative milestones that blemish our country's history. These milestones are the initiation of the processes that undermine our most sacred democratic rights. In today's society, we are fighting to hold on to our most sacred constitutional virtues. Our concepts of due process and habeas corpus are directly threatened by the legislation being passed by our government. If we take into account the words of our founding fathers as taken from the declaration that marked our founding, they offer a clear solution. "Whenever any Form of Government becomes destructive of these ends, it is the Right of the People, ... it is their duty, to throw off such Government, and to provide new Guards for their future security."<sup>120</sup> As our status as citizens becomes more alien and less representative of the freedoms we once espoused, we need to consider our founding ideals. At the hands of certain milestones our democracy has deteriorated. The president of the United States can now unilaterally authorize the execution of an American Citizen without trial. What has our state come to?

Certain scholars believe that our nation has become, at least in the case of foreign policy or national security, a post-legal society. Tom Engelhardt marks that while Americans maintain a "nostalgia for or sentimentality about" a republican state, the U.S. no longer is one. Instead Engelhardt claims the United States has become a national security state that is "moving in Orwellian directions." He cites the state's willingness to

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<sup>120</sup> "Declaration of Independence," *The History Channel website*. Accessed Sep 29, 2011. <http://www.history.com/topics/declaration-of-independence>.

prosecute individuals that have leaked certain information about our government's operations. He claims that this is evidence of how everything having to do with the state is becoming secret. He asks why are those that release information about our activities prosecuted when those who participated in instances of torture and extraordinary rendition not? The tendency for the government to work its best to keep information from the public is reminiscent of Agamben's descriptions of the state of exception. Specifically how in this state of emergency, knowledge is the ultimate power of the sovereign. He states that in today's post-legal society "there is only one law: don't pull up the curtain on the doings of any aspect of our spreading National Security Complex or the imperial executive that goes with it."<sup>121</sup> Additionally, Engelhardt claims that our post-legal society is marked by pretzeled definitions of torture, where actions that were once illegal become permissible because the "ultimate value espoused is the safety and protection a national security state can offer you."<sup>122</sup> In our society today, there exists a U.S. Intelligence Community comprised of over 17 different agencies and organizations. Since September 11<sup>th</sup>, the "National Security Complex has engorged itself on American fears and grown at a remarkable pace." The Intelligence Community maintains an \$80 billion budget, and the National Security Complex, including the Pentagon and the Department of Homeland Security, have a budget of over \$1.2 trillion. These institutions and the executive have thrived in the past decade, expanding their "powers and prerogatives based largely on the claim that they are protecting the American people from potential harm from terrorists

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<sup>121</sup> Engelhardt, Tom. "Are We Living in Post-Legal America?" *Alter Net*, May 30, 2011. Accessed March 6, 2012.

<sup>122</sup> Engelhardt, 4.  
[http://www.alternet.org/rights/151130/are\\_we\\_living\\_in\\_post-legal\\_america](http://www.alternet.org/rights/151130/are_we_living_in_post-legal_america). 1-3.

out to destroy the world.” As Engelhardt mentions, the growing strength and size of our country’s military and intelligence arsenal is a direct threat to our security, even though they claim to be ensuring it. Our government has used the fear of terrorism to their advantage, passing legislation that strengthens their ability to police. Our government will do what it can to maintain the veil of secrecy that surrounds its operations, so that it can maintain this status of power and authority. When Senator Rand Paul moved to preserve some notions of American privacy in reference to the PATRIOT Act, he is smeared as “giving terrorists the opportunity to plot attacks against our country, undetected.” We must be weary of the government’s use of the American fear of terrorism to propagate its legislation that directly sacrifices the rights of the American citizens.

In his work, C. William Michaels also advances that within the United States of America “a new reality is taking shape.” Michaels advocates that in the aftermath of September 11<sup>th</sup>, the government of the United States is “re-forming” itself. Michaels says that while the threat to civil liberties is constantly in the aftermath of the terrorist attacks is continually mentioned, there exists a greater threat that goes overlooked. Michaels posits that the American nation is transforming into a national security state. He defines this as a state that is not a dictatorship, but rather a state of constant fear.

A national security state generally believes it is under constant siege by malevolent forces both within and without. It usually has suffered a catastrophic event perceived as a blow to national pride and honor. A national security state often is beset by internal strife and even armed conflict aimed at the ruling government....a national security state usually believes it is on a special mission

to avenge its national pride abroad or to maintain social order within. It cannot relax its guard; it must be ever vigilant.<sup>123</sup>

Michaels argues that a national security state is defined by a pattern of military action abroad that is coupled with extreme surveillance, investigation and detention domestically. He claims that after a while, the intense suspicion on the domestic level will lead to the elimination of certain freedoms where it will become dangerous to protest against the ruling authority. Most importantly, the transition from democracy to national security state is not necessarily marked by a drastic regime change or a violent coup. Instead this is possible in more “subtle ways, through accepted avenues of legislation, media, and governmental directives, by national attitudes influencing and in turn shaped by these forces, by a steadily increasing level of governmental control, surveillance, and response.”<sup>124</sup> This progressive, slow change of the governing body is characteristic of our country’s deteriorative processes. Because it uses the avenues within its legal authority over the course of time, this political decay is hard to realize. Michaels helps us understand that the political decay is characteristic of exceeding the limits of constitutional power. From Michaels work, we realize the extent of the transformation that has occurred. We have already achieved a significant deterioration of our constitutional values. Michaels explains that we have already achieved the four early motivators of a national security state: “a catastrophic event felt nationally; dread of the prospects of internal attack; fear of additional external attacks; and a national government which has vowed to respond in all corners of political and social life and has linked its

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<sup>123</sup> Michaels, 16.

<sup>124</sup> Michaels, 16.

political future to the nature of that response.”<sup>125</sup> In this sense our government’s response since September 11<sup>th</sup>, has been exactly this. The PATRIOT Act ensured that we enhanced security to the point of sacrificing our own civil liberties. However, as did terrorism, communism was also a stimulus that enabled our government to instill legislation detrimental to the health of our democratic principles.

Patrice McSherry describes how during the Cold War, there was a doctrine and philosophy of a U.S. national security apparatus, which spread across the country. While the Cold War is over, the national security culture continues to live on through the military and intelligence forces. She says that until such forces and the larger political cultures develop respect for lawful action, the dangers of actions like those seen in Operation Condor, will continue to exist. The U.S. national security apparatus led an “anticommunist crusade” which threatened the principles and institutions of democracy. It turned into a crusade against anything promoting progressive or liberal ideals, immediately labeling it as communist or subversive. During this period “intelligence units committed criminal acts across borders, violating national and international law, in the name of fighting ‘communist subversion.’” The participation of our government in the Condor operation represented a regression, where our country acted in secrecy with total impunity, “bypassing constitutional structures, and defying the corpus of rights and liberties associated with democracy.” McSherry emphasizes that the most destructive belief to the concept of democracy is the idea that the state may operate outside the law and can commit certain abuses to justify a “higher interest.” She posits that “state

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<sup>125</sup> Michaels, 30-31.

terrorism is as abhorrent as individual terrorism; ‘counterterrorism’ that employs the methods of terrorism is equally repugnant; there is no ‘good’ terrorism and ‘bad’ terrorism.” The entire democratic system is undermined when these ideas are assumed. The idea that our “counterinsurgency” doctrine sought to justify violation of the Geneva Conventions and other international human rights covenants, in the name of preserving democracy, is an example of this. By participating in these activities, we instead worked to undermine our own republic’s foundation. The belief that “states should use whatever means necessary to protect perceived national security interests,” does not promote the sanctity of the state.<sup>126</sup> Douglas Valentine exemplified this, writing:

As successive American governments sink deeper and deeper into the vortex of covert operations—ostensibly to combat terrorism and Communist insurgencies—the American people gradually lose touch with the democratic ideals that once defined their national self-concept.<sup>127</sup>

As we have seen, while our government has continued to use covert operations to fight the immeasurable threat that is communism or terrorism to the American people, these tactics begin to surface on a domestic level. This is the essence of the backlash phenomenon. In becoming so consumed with the security of the nation, our country has achieved a status of hyper security. In this state, our country is forced to employ techniques it uses abroad to combat these imminent threats. These techniques delineate a diversion from democratic policies. They are one of the most principle causes of the deterioration of our republican ideals. It is clear that a democratic nation doesn’t prosper by employing violations of human rights and democratic principles, but rather destroys itself. In 1999 McSherry questioned:

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<sup>126</sup> McSherry, J. Patrice. "Operation Condor: Clandestine Inter-American System." 16.

<sup>127</sup> McSherry, J. Patrice. "Operation Condor: Clandestine Inter-American System." 15.

If a new threat to global U.S. interests were to emerge or a powerful challenge to the hegemony over the Western political and economic model were to arise, would concerns with human rights again be swept aside in the name of national security?<sup>128</sup>

Sadly, it appears that what McSherry wondered did come true with our government's defense against terrorism. In the name of the terrorist threat, our nation has succeeded in employing measures that once again, as in the periods before it, sacrifice democracy for security. The concept of state terrorism is both a cause and product of the backlash phenomenon. Our government uses actions characteristic of terrorist activities against foreign polities, leading them to become so accustomed to these procedures that they use them at home. It is clear that as our states participation in practices not representative of our democratic ideals increases, so does the tendency for backlash. Under the guise of the imminent threats of terrorism, communism, and crime, our country has justified its creation of a hyper-secure state. But this hyper-security now threatens the very freedoms of the citizens it intends to protect.

This years National Defense Authorization Act is the culmination of what we have discussed in this thesis. The legislation provides that the president has the absolute and unquestionable authority to deploy the armed forces of the United States to apprehend and indefinitely detain anyone suspected of threatening the security of the homeland. Obama justified his signing by saying that the threat of Al Qaeda to the Security of the Homeland constitutes this blatant repulsion of fundamental rights and freedoms. So, in the name of protecting Americans, the government is once again eliminating certain freedoms protected under our Constitution. In her article Naomi Wolf

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<sup>128</sup> McSherry, J. Patrice. "Operation Condor: Clandestine Inter-American System." 1.

describes the Act as the formal end to 254 years of democracy in the United States. She claims that the act has “driven a stake through the heart of the bill of rights,” and ensured that “the US is sleepwalking into becoming a police state, where, like a pre-Magna Carta monarch, the president can lock up anyone.” She continues by stating that Guantanamo is now in our front yards, where no one in America, no American citizen will be safe from being detained indefinitely or executed by a remote control plane. Wolf marks that it is now the government versus the citizens, and that we have now adopted a policy where the government will “presume guilt rather than innocence.” In this sense, anyone accused of a “belligerent act” will be imprisoned without trial, effectively being kidnapped by the president or the United States government. According to Wolf, this is the worst threat that the United States has seen to its civil liberty since the suspension of habeas corpus during the American Civil War. She marks that the passage of the NDAA in effect represents treason when compared to our republican values.<sup>129</sup> The day of its signing, Michel Chossudovsky also described the implications of H.R. 1540. He noted that the act “repeals the US constitution,” and that while “the facade of democracy prevails, supported by media propaganda, the American republic is fractured.” He notes that Obama’s signing of this bill signified, the United States’ “tendency towards the establishment of a totalitarian State, a military government dressed in civilian clothes.”<sup>130</sup> Chossudovsky continues by going back in time to provide historic examples of what we are seeing. He compares this years signing of the NDAA to that of the “Decree of the

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<sup>129</sup> Wolf, Naomi. "The NDAA: A Clear and Present Danger to American Liberty." *The Guardian*, February 29, 2012. Accessed March 2, 2012.

<http://www.guardian.co.uk/commentisfree/cifamerica/2012/feb/29/ndaa-danger-american-liberty>. 1-2.

<sup>130</sup> Chossudovsky, 1.



Reich President for the Protection of People and State,” commonly known as the “Reichstag Fire Decree.” This was enacted in Germany under the Weimar Republic on February 27, 1933, by President Paul von Hindenburg. It was in response to the Reichstag Fire, and was used to repeal civil liberties such as the right of habeas corpus. These civil liberties were suspended under the pretext of “protecting” democracy. With the signing of this presidential decree, Germany nullified its constitutional democracy. A month later, in March 1933, “The Enabling Act” allowed the Nazi government of Chancellor Adolf Hitler to invoke dictatorial powers. A year later, following the death of President Hindenburg, Hitler took over as Fuehrer, combining the function of Chancellor and Head of State. Through these two pieces of legislation, the Nazi regime was able to succeed in blatantly contradicting Germany’s 1919 Weimar Constitution. Thus, Chossudovsky concludes, “as in Weimar Germany, fundamental rights and freedoms are repealed under the pretext that democracy is threatened and must be protected.” The NDAA authorizes the “arbitrary and indefinite military detention of American citizens,” and as such, our country has repealed our most important traditions and values highlighted in the Bill of Rights and the U.S. constitution.<sup>131</sup> President “Obama’s New Year’s Gift” to the American citizens ensures, in fact, the destruction of our democracy.

As we have seen, our country is currently losing sight of our most fundamental ideals. We seem to be progressing towards what some have defined as a “police state.” However, in the past month, new evidence of this frightening trend has surfaced. It seems that our country’s militaristic progression is being propagated through an unexpected

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<sup>131</sup> Chossudovsky, 2-3.

medium. It seems that the Pentagon has now teamed up with Hollywood in an attempt to once again establish a relationship between the military and the entertainment industry. Last seen in the 1986 movie “Top Gun,” the relationship between these two industries ensures the generation of huge profits for each side. According to David Sirota, the Pentagon provides studios the opportunity to use military hardware and bases while filming, at a “discounted, taxpayer-subsidized rate.” In return, studios provide scripts to the Pentagon for line edits, which often redact criticism of military policy, depictions of historic military failures, and anything that would challenge our current defense policy. Should a studio not agree, it loses its access to the equipment, and more likely than not, the film is terminated. However, what is usually produced is a movie that celebrates U.S. military policy, without any knowledge on behalf of the audience of the censorship that took place. Sirota describes this relationship as a system of “stealth coercion,” that works to “swindle the American public.” He states that as Americans begin to start questioning “the efficacy of constant invasions and the morality of never-ending occupations, the Pentagon is getting worried and thus intensifying its agitprop to ever manipulative extremes.” This has resulted in the Pentagon fully financing and releasing its own feature-length film. On February 24<sup>th</sup>, “Act of Valor,” premiered around the country. The movie casts active-duty Navy SEALs to portray a bitter war against international terrorists plotting to attack our homeland. It includes dramatic war imagery using the military’s state of the art equipment. It also includes heroic portrayals and triumphs over ruthless terrorists. The final scene of the film depicts one SEAL making the ultimate sacrifice; jumping on a grenade to save his fellow comrades. The movie is an example of

what Sirota defines as the “Military-Entertainment Complex.”<sup>132</sup> It seems that as our country increases its power to infringe on civil liberties, it hopes to show why these abuses of executive power are necessary for the “security” of American citizens.

As our state grants increasingly more power to the federal government and the United States military, it is has also been participating in some unsettling exercises. In late January of this year, the Los Angeles Police Department held joint exercises with the U.S. military. The exercises took place over the course of five days, and took place in downtown areas. Blackhawk helicopters were seen flying just above some prominent buildings such as the Staples Center and U.S. Bank. The official statement was that “the Los Angeles Police Department will be providing support for a joint military training exercise in and around the great Los Angeles Area.” Additionally, the released marked that “this will be routine training conducted by military personnel, designed to ensure the military’s ability to operate in urban environments, prepare forces for upcoming overseas deployments, and meet mandatory training certification requirements.” The joint exercises have also occurred in Boston, Massachusetts and Little Rock, Arkansas over the past six months. Members of the Occupy movement were particularly outraged by the operations, in the wake of the repression of the movement by police departments throughout the nation, where the U.S. government worked to stymie the rights allotted in the First Amendment, Bill of Rights, and the Constitution. Members of the Occupy movement saw such exercises as directly suggestive of the crackdowns against their

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<sup>132</sup> Sirota, David. "Forgetting the Past, One Military Movie at a Time." *Truthout*, February 25, 2012. Accessed March 2, 2012. <http://www.truth-out.org/forgetting-past-one-military-movie-time/1330094665>. 1-2.

movement across the country. One member described it saying, “It appears America is preparing for war against its own citizens.” Another person commented on the exercises; “deployment of military assets in an urban area...video of these ‘exercises’ would be something to behold, probably much like what we saw in Iron-Curtain Eastern Europe and Tiananmen Square.”<sup>133</sup> It is important to note that when one considers Obama’s recent codification of indefinite detention into law, where presidents can militarily detain people captured far from any battlefield without temporal or geographic limitations, the military operations seem particularly ominous.

For the purpose of this paper, it is important that we remember the fate of the first republic, and the polity that proved to be the model for our representative democracy. In 508 BC, the Roman Republic began with the overthrow of the Roman Monarchy. It replaced this government with a system of two consuls, elected annually by the citizens and advised by a senate. The Roman Republic was ruled by a complex constitution that developed over time. Of the defining aspects of this constitution was a system of checks and balances which would divide power evenly among the differing branches of government to ensure that no one branch became sovereign over the other. The separation of powers became one of the most fundamental aspects of the republic. For almost five centuries the Roman Republic grew and became the most modern and advanced nation of its time. But as it grew, Roman politics began to transform. Towards the end of the first century BC, Roman politics became dominated by a small number of

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<sup>133</sup> Bacher, Dan. "LA Police Department Conducts Joint Exercises with the Military." *Truthout*, January 28, 2012. Accessed March 2, 2012. <http://www.truth-out.org/la-police-department-conducts-joint-exercises-military/1327767532>. 1-2.

Roman leaders. The fluid allegiances and alliances of these leaders lead to a series of civil wars, with each attempting to gain greater authority. By this time, despite the Republic's traditional system of constraints against any one individual's acquisition of permanent powers, power was polarized within the Republic. While it is often debated when the Roman Republic officially ended, many consider the Roman Senate's granting of extraordinary powers to Augustus under the first settlement in 27 BC, as the defining moment. The anecdote of Rome serves our discussion because of one contributing factor to the fall of this ancient Republic. As the Roman Republic became vast and was tasked with the protection of a larger area, the police and the military began to merge into a single body. Special units of soldiers were designated both for duty as policing agents and soldiers.<sup>134</sup> This mixing of the two spheres of governance proved to create a scenario where the military became the supreme power, operating as the sovereign body. As we continue to see recent joint exercises between our military and the police forces from various cities around our nation, it is important to realize the potential implications from this merge. As evidenced by the example of the first Republic, for the sanctity of a Republic, the military must remain separate from the domestic policing agent. To combine the two is to ensure the rise to extraordinary power of the armed forces. And as the president is the leader of the armed forces, the executive gains supreme power. It is imperative that we remember the Roman Republic, as their example is paramount to our understanding of how the political body should function.

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<sup>134</sup> Beard, Mary. "The Fall of the Roman Republic." *British Broadcasting Channel: History*, March 29, 2011. Accessed March 5, 2012. [http://www.bbc.co.uk/history/ancient/romans/fallofromanrepublic\\_article\\_01.shtml](http://www.bbc.co.uk/history/ancient/romans/fallofromanrepublic_article_01.shtml). 1-2.

It seems that we have undergone a transformation, where our democracy now faces classification as a different type of polity. This transformative process has been a gradual progression that has taken place slowly, but consistently over the course of many years. Our republic has morphed into a hybrid, where with President Obama's signing of the NDAA, we drift ever closer to a police state. This is evidenced by joint operations between the state police and the military. We now have the United States Armed Forces occupying our cities in training exercises. Our government is flexing their muscles for the American citizens. These shows of military might do nothing but intimidate the citizens and prove the ever-increasing nature of our executive's power. What will happen when our military and police forces continue to merge? Our executive is now propagandizing its citizens with depictions of military honor. The film, *Act of Valor*, proves this in its title alone. It contains depictions of honorable death and valiant military service. But most importantly it dehumanizes the enemy, the terrorist threat. It is thus clear that the United States government is attempting to preserve the hyper-security state that our nation currently maintains. The imminent threat of terrorism will still be used as the justification for even more and even greater creations of executive authority. The backlash of our government continues. As American citizens we hope that the checks and balances that define our democratic republic as a representative form of governance will hold true. But only time will tell. We must be weary not to follow in the footsteps of the Romans, who more than two thousand years ago lost their republic to the increasing unilateral power of the executive. Today, as Americans, we classify our selves as the most successful modern democracy, and task our country with the promotion of democracy around the world.

Yet, are we truly as successful an example of democracy as we once were? As our military and police forces practice joint operations within our cities, and our citizens are subject to indefinite detainment by the United States armed forces, are we living in the same democracy that we originally founded? As the merging of police and military marked the fall of the Roman Empire, it seems that we are teetering precariously on the same ledge.

## **Chapter VI: Conclusion**

From our analysis it is clear that our government has, over the course of three separate periods, assumed three differing doctrines that have all contributed to a political decay. Each has been described as acting in the best interest of the American people, and working to “protect” us from the most dangerous threats. Our government has obsessed over these threats creating policy that enforces these doctrines with increasing powers and authorities. In the name of “securing” the American public from the threats of communism, crime, drugs, and terrorism, our country has diverged from its most fundamental democratic ideals. As I have shown, increasingly, since the resolution of the last World War, the United States of America has, because of various military interactions, institutional creations, and individual contributions, evolved into a polity most reminiscent of a Police State. American history has been marked by these events that have exponentially deteriorated our most basic republican framework. This thesis has highlighted specific instances, more clearly over the course of the last half-century, that have single-handedly, by endorsing ethically questionable practices and policies on behalf of “U.S. interest,” worked to undermine our democratic processes and beliefs. Of these events, those most noticeably relevant to our discussion include Operation Condor, Plan Colombia, The PATRIOT Act, Guantanamo Bay, and H.R. 1540. These policies have disempowered the American people by praying upon their most vulnerable weakness: the fear of a threat to their security. The expansion of problematic standards in the governance of military interactions, institutional creations, and individual contributions have collectively worked to undermine the framework of our republic during three distinct time periods. These periods, the Cold War Era, the Globalization of



Low-Intensity Conflict, and the War on Terror, have all shed light on the deterioration of our democratic republic. An analysis of the concept of the “Backlash Phenomenon” has allowed us to better comprehend how our nation has devolved to its current state. We saw that through the increasingly prevalent use of military might and infringement of individual rights in the international arena, our nation brought these practices back to the our domestic homeland.

Worst of all, is that we have realized our executive now has the ability to detain U.S. citizens without trial, and hold them indefinitely. It is clear that this law allows the military to detain American individuals who exercise forms of domestic protest and dissent, significantly curtailing fundamental rights and freedoms. In substance, any American opposed to the policies of our government can potentially be labeled a suspected terrorist and be detained by our military. With the stroke of a pen, President Barack Obama succeeded in culminating what has been a transformative progression spanning approximately half a century. This devolution is characteristic of the degenerative processes, a political decay, which slowly but surely threatens the very existence of our republic. This progression has led us away from the ideals and policies originally espoused during our founding. It leads us towards a government that polices its citizens without regard to their natural rights. Our analysis of the events that have characterized this shift has offered proof of what some have referred to as the “emerging American Police State.”

It seems we must once again return to the warning of our late, great President, Dwight D. Eisenhower. In his farewell address to the nation, the man who had

commanded the Allied forces in Europe during World War II offered the nation a solemn warning. He marked that one of the greatest threats to our freedom, did not come from enemies abroad, but from the “conjunction of an immense military establishment and a large arms industry.” He stated that this relationship would lead us to lose sight of defending our country, and instead would lead us to become devoted to its perpetuation. His warning insisted, “In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.” Were Eisenhower to see us today, he would roll over in his grave. While adjusting for inflation, for the past 13 consecutive years, military spending has grown in an unprecedented fashion. Our current military spending is now higher than at any time since World War II, and even excluding war costs, the military’s baseline budget has grown 50% in the last decade.<sup>135</sup> However, as we have seen so recently in our Congressional activities, should anyone offer a plan to reduce the rate of the defense budget’s growth, they inevitably cause a major debate. This is evidenced by the recent threat to reduce defense spending following the failure of the Joint Select Committee on Deficit Reduction. The committee was tasked with finding deficit savings of \$1.2 trillion over 10 years, but could not come to a deal. This triggered the alternative path to achieving those savings, or a sequestration that would cut projected overall spending by \$1.2 trillion in the years from 2013 to 2021. This plan calls for half of the savings to come from the defense budget, creating an annual reduction of about \$54 billion. These

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<sup>135</sup> Veronique de Rugy, 1.

reductions however, would not be from current spending levels but would affect the discretionary national defense spending, excluding the wars. The discretionary spending accounts for 96% of all military spending, and is estimated by the Congressional Budget Office to be \$5.3 trillion between 2013 and 2021. This means that the sequestration would reduce this amount to a total of \$4.8 trillion, a reduction of \$500 billion. This means that the sequestration amount would create 10% less in spending than otherwise projected, but this would still be 10% higher than current defense spending. When adjusted for inflation, the sequester cuts would create a military budget that was at its 2007 level. However, these numbers underestimate the growth of defense spending, as the data for this period excludes war costs, which would add \$400 billion during this period, and mandatory spending which equates to an additional \$6 billion a year.<sup>136</sup>

According to data from the Stockholm International Peace Research Institute's military expenditure database, the United States spent \$728 billion on its military in 2010. This is significant because it equates to 45% of the world's \$1.6 trillion total, and is more in spending than the next 14 largest spenders combined. The United States budget is six times more than the next biggest military spender, China. This means that with or without cuts, the United States will automatically remain the greatest global military power for another generation. If we consider that a country's defense budget should be a function of its security needs or the cost of guarding its citizens against the threats it faces, this data becomes very interesting. This is because most of the countries at the top of the list are allies of the United States. How then can our military spending

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<sup>136</sup> Veronique de Rugy, 2.

commensurate the dangers faced by our country? When confronted with the possibility of and increase of just 10% rather than 18% to the defense budget, certain individuals spoke out. Defense Secretary Leon Panetta warned that if sequestration begins in 2013, “these cuts would be devastating for the Department.” Former Defense Secretary William Cohen described the cuts as “draconian” and “calamitous” while Air Force Chief of Staff Norton Schwartz marked that the Defense Department “may not be able to overcome dire consequences.” A deputy in the department claimed the cuts would equate to “self-castration,” and Senator Lindsey Graham (R-S.C.) said that military spending cuts would do nothing less than “destroy the department of defense.”<sup>137</sup> When we take these statements into account, it seems that although the defense spending is huge, we cannot sacrifice even the smallest amount of funding, as evidenced by prominent members of the Defense Department and the Legislative branch. However, how is this possible, when we spend much more money in proportion to the level of danger we face? The military-industrial complex continues to grow, as Eisenhower warned it would. This institution maintains an insatiable need for increasing its budget, its size, and its influence in the affairs of the United States of America.

It would seem that Eisenhower’s warning more than fifty years ago proved true. Our military has grown to a size of unprecedented proportion, and is growing still. Over the past half century, our government has passed various pieces of legislation, pursued certain policy, and engaged in several military interactions, which have severely deteriorated our countries most basic democratic ideals. Recently we elected a leader who

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<sup>137</sup> Veronique de Rugy, 2.

ran his election campaign on the promise of “change.” But what change have we actually seen? The wars in the Middle East may finally be dwindling down, but we have not ended them yet. And most importantly, what Obama claimed would be his first act as president, the closing of Guantanamo Bay, has yet to occur. In fact, in his signing of the NDAA, President Obama has ensured that anyone suspected of terrorism on American soil, whether a U.S. citizen or not, can be detained indefinitely without trial and shipped off to the prison camp in Guantanamo. In this sense, not only has Obama not closed Guantanamo, but also he has extended an invitation to American citizens to stay there. All things considered, the future for our republic looks grim, but there is hope. If we wish to ensure that our 254 years of democracy does not end, and continues, we need to realize the affect the military-industrial complex has on our democratic values. On February 29, Senator Dianne Feinstein and 24 co-sponsors across party lines challenged the President’s signing of the NDAA. Additionally, several states have passed resolutions urging that the law not be implemented. The groups challenging the law claim that it holds uncanny similarities with the World War II executive order that sent about 110,000 Japanese Americans to relocation camps throughout California and the West. As the Japanese internment camps are considered to be one of the most shameful episodes in U.S. history, Feinstein and others are fighting to ensure this is not repeated. The NDAA violates basic due-process rights and a post-Reconstruction injunction that forbids the use of the military against civilians at home. A former Justice Department official of the Reagan administration noted that the law

Authorizes the president to employ the military to show up on any of our doorsteps and say, ‘We think, based upon secret facts, you’re...in some kind of

way associated with al Qaeda that is fighting against our coalition partners, whoever they are. You can't challenge any of our evidence, and you can go to Guantanamo Bay and rot for the rest of your life.'<sup>138</sup>

An activist group rallying opposition to the law, the Bill of Rights Committee, has said that there was no hearing on the detainee provisions within the NDAA. The group accuses the sponsors, Senate Armed Services Committee Chairman Carl Levin (D-Mich.), and ranking Republican Senator John McCain of Arizona, of abusing the legislative process. The group admonishes those who voted for the NDAA accusing them of "a profound abdication of the oath of office to protect the Constitution."<sup>139</sup> Defenders of the NDAA have pointed to Obama's signing statement where he promised, "my administration will not authorize the indefinite military detention without trial of American citizens." However, while the President may promise to use this authority responsibly, we must remember another promise the president so adamantly assured: the closing of the prison camp at Guantanamo. Senator Feinstein will chair the Senate Judiciary Committee hearing on the bill she has sponsored. The Due Process Guarantee Act, which will change the detainee portions of the law signed by the President. Civil rights organizations aligning themselves with Feinstein praise her effort, but say that her bill is still too limited. Instead they urge that a full repeal of the detainee provisions is necessary. One that would not only protect citizens and permanent legal residents from indefinite military detention but tourists, business travelers, illegal residents, and anyone

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<sup>138</sup> Lochhead, Carolyn. "Feinstein to Challenge Indefinite Detention Law." *San Francisco Chronicle*, February 29, 2012. Accessed March 3, 2012.

<http://www.readersupportednews.org/news-section2/335-156/10209-feinstein-to-challenge-indefinite-detention-law>. 1.

<sup>139</sup> Lochhead, 2.

who is not a citizen as well. Chris Anders, the legislative director of the American Civil Liberties Union, said that Feinstein has been a hero in fighting the NDAA, but that her bill needs “work to meet the goals of explicitly blocking indefinite detention without charge or trial in the United States and ending illegal indefinite detention worldwide.”<sup>140</sup>

Feinstein’s bill is a glimpse of hope in an otherwise dim future. As we watch our executive branch becoming more powerful, it is necessary that we step back and realize the implications of this unprecedented acquisition. President Obama ran his campaign denouncing President Bush’s expansive use of executive power during his “war on terror,” yet he is now participating in the same activities. Certain liberal groups have characterized his drone attack on an American citizen as extra-judicial murder.<sup>141</sup> Obama’s use of secret legal justifications and undisclosed intelligence assessments have marked his abuse of executive power. As we move ever closer to November of this election year, we must realize the implications at stake. If we do not take action, the deteriorative processes that have continually altered our most fundamental democratic ideals will continue. We must stop the military-industrial complex and its associated nexuses from becoming ever more rooted in our polity. To achieve real “change,” it is necessary that we return to the beliefs of our founding fathers. As of now, Ron Paul seems to be the only Presidential Candidate who stands up for the Constitution. Hopefully, we can realize the wisdom imparted on us over half a century ago by our beloved President Eisenhower. To resist the acquisition of unwarranted influence by the military industrial complex, is paramount as the potential for a disastrous rise of misplace

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<sup>140</sup> Lochhead, 3.

<sup>141</sup> Hossenball, 1.

power exists and will persist. From our analysis of our own countries political decay, we have discovered that this warning has proven true. As Americans, we must turn to the ideals and freedoms that we hold most dear. We must turn to our Constitution, our Bill of Rights, and our Declaration of Independence. For if we don't, history is doomed to repeat itself.



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<sup>i</sup> In his work *Political Development and Political Decay*, Samuel P. Huntington touches upon this concept. He describes how, instead of a trend towards competitiveness and democracy, there has been a trend towards an “erosion of democracy,” and a subsequent tendency for autocratic military regimes. Thus, stability is replaced by coups and revolutions, nation building and nationalism is replaced by ethnic conflicts and civil wars. Rather than “institutional rationalization” there is a decay of “administrative organizations inherited from the colonial era and a weakening and disruption of the political organizations developed during the struggle for independent.” (392) Huntington emphasizes that as institutions grow and mature they also decay and dissolve.

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