

## ‘Homeland Security’ Threatens Constitution

by Michele Steinberg

American experts on matters of national security, and guarding U.S. critical infrastructure, warned that the rush for Congress to ram through a Department of Homeland Defense is a threat to the Constitution, as well as a flight-forward reaction. The seminar, convened on July 10 by the Coalition on Defending American Constitutional Rights and Liberties and the Founders’ Views of Mankind, came not a moment too soon. According to news from the U.S. Senate on July 24, the Senate plans to complete the mark-up and passage of the Soviet-style Homeland Security bill introduced by Joseph Lieberman (D-Conn.) by Aug. 2. This Senate version would then be “worked out” in conference committee with the version that will have been rammed through the House of Representatives before the Summer recess, so that the bill could be signed and passed into law by Sept. 11, or, if not then, at least before the November elections.

Along with the creation of the U.S. Northern Command, a *military* command for the United States, Canada and Mexico, which threatens to abolish the Founding Fathers’ *posse comitatus* prohibition against using the military against the domestic population on U.S. soil, and in tandem with initiatives that do *not* require Congressional review, such as the Attorney General’s decisions to rewrite “guidelines” to allow Soviet-style domestic spying, and Executive Orders for secret evidence and military incarceration, the bill moves toward enacting police-state measures—without contributing at all to stopping terrorism.

The July 10 symposium in Washington dealt with these, and other crucial issues, at a time when popular hysteria over terror alerts, and panic over the political ramifications of the June-July dollar and stock market collapses, have enabled the Congressional leadership—driven by Presidential aspirant Lieberman—to block out discussion, and pass the law without debate.

Among the leading organizers of the Coalition is Dr. Thomas W. Frazier, president of GenCon, and an expert in analyzing and protecting against bio-terrorism. In the last half-decade, Dr. Frazier has sponsored numerous conferences, and warned that the United States is not prepared to meet such a threat at any level—Federal, state, or local. But unlike many other media-promoted “experts,” who wallow in the details of mass destruction, Dr. Frazier has made a

simple point over the years. The United States is unprotected against bio-terrorism, in large measure because of the takedown of the public health system, including the collapse of immunizations, the lack of screening, hospital closings, and the failure to pay attention to the protection of American agriculture.

And now, eight months after the anthrax attacks in the nation's capital, New York, and Florida, Dr. Frazier insists that the country is still not prepared. He also adds, after a careful study of the Homeland Defense Department proposals, and extensive meetings with Congress, that the proposed DHS will not fix this problem. Indicating the criminal negligence inside the government bureaucracy about the bio-terror threat, Dr. Frazier recounted an incident several years ago, in which he briefed a high-ranking CIA official about the danger, to which the official responded, "Show me the body count."

At the seminar, Dr. Frazier warned that the White House and Congress are pushing through "the greatest reorganization of the U.S. government since 1947, in matter of weeks," but without discussion or serious study, and in an atmosphere of hysteria. He and other experts have made themselves available for meetings with Congress, and have asked for hearings on various matters, but discussion has been cut off cold. He urged all the participants, and those concerned with Constitutional rights, to contact the White House, and their Congressional representatives, to immediately stop this runaway train.

Frazier said, "Our Federal intelligence and law enforcement agencies have been busy issuing terrorist alerts to police departments and to the public on a near-daily basis," which "are so general or diffuse that they have little if any instructional or predictive value." Instead, "what they actually do is to ratchet up and maintain emotional stress levels of the public. There are already substantial number of the public stressed enough to be willing to sacrifice all the liberties and freedoms that our Founders created in return for assurances of increased governmental protection from terrorist threats." When citizens do realize, down the line, what has happened, "there will be an overriding groundswell of protest about loss of civil liberties and harsh treatment or harassment of the public by law enforcement officials. . . . When people eventually do find out how their personal lives are going to be affected adversely . . . under planning in the interest of tightening defenses against terrorism, distrust in government will invariably grow."



*The Homeland Security bill for ripping up American Constitutional protections came under fire, at a Washington, D.C. seminar of national security experts. Here, President Bush unveils his Homeland Security strategy on July 16. To his right is Homeland Security Director Tom Ridge.*

Mincing no words, the conference presentations reflected in-depth discussions with other professionals from the military and intelligence services, as well as from civil liberties groups. Frazier summed up:

- there is no real understanding of terrorism by the administration or Congress;
- far better counsel from technical and academic sources is required to create a "truly useful" Homeland Security Department;
- a new department "will not fix existing internal problems in law enforcement and intelligence or in other federal agencies";
- we must be "concerned with the continuing erosion of Constitutional and statutory rights and freedoms by actions" associated with creating this entity;
- "we can expect more unconstitutional discrimination based on racial profiling and birthplace information," should this department be created without careful discussion;
- some of the "directions proposed or being taken by the administration could destroy or significantly degrade our whole system of jurisprudence";
- the proposed "new authorities" would "shred any remaining confidentiality of personal information."

Well aware that guarding against terrorism "will cost" citizens in various ways, Frazier says, "However, we *cannot* give the Federal government *carte blanche* in any transformation of America into a police state or in the creation of an oppressive super-police agency of the kinds that have been seen in Europe in the past." Frazier says he is not accusing President George Bush or Attorney General John Ashcroft

of any such “confidential plan . . . to turn America into a repressive police state,” but he notes that, under crisis conditions, such as major wars, terrorist attack, or serious financial deterioration, “leaders [may] find that they are no longer in control of the political forces they have set into motion.”

His observations are especially apt, given the recent panic embodied in Attorney General Ashcroft’s citizen-spy plan, the Orwellian-sounding Terrorist Information and Prevention System (TIPS). The July 15 issue of Australia’s *Sydney Morning Herald* observed, that under TIPS, the United States would have a higher percentage of informants than even the East German Stasi secret police. The same comparison was made, among others, in the *Boston Globe*, *London Times*, and *Washington Post*.

### ‘Handle the Crisis First’

Dr. William R. “Dick” Burcham, a retired U.S. Navy Commander, who now works as an analyst at Sandia National Laboratories in Albuquerque, New Mexico, said that the nation should “take a page out of history,” and study how President Franklin Delano Roosevelt dealt with the crises he confronted. Burcham noted that crisis is “never the time to make sweeping changes.” The entirety of World War II was fought before the Department of Defense was created, in 1947: The nation “handled the crisis first.”

But, says Burcham, the weakness in current approaches lies precisely in the fact that there cannot be such a thing as a war on “terrorism,” because terrorism is not a “thing,” it is a “method.” No one in the White House and Congress has defined terrorism, he continued, so “what are we waging a war against? Are we waging a war against psychological warfare?” In that case, the victims of the President’s “war on terrorism,” might be the U.S. citizens, and their Constitution.

Burcham defines terrorism, as a method, as being “strategic indirect warfare.” To the contrary, by flailing about and declaring war on “evil” and war on “terrorism,” the Bush Administration and Congressional cheerleaders who are ramming through the DHS and other assaults on the Constitution, are making a big mistake. “We have not fought this type of war before,” said Burcham, and we “may not prevail without adopting an original and resourceful national strategy. To prevail we must do more than just the defeat of our enemies, we must also preserve our representative republic form of government and rights and freedoms set forth in the Constitution . . . [which] was ordained and established as a sacred pledge to the citizens of this country; a pledge to protect their personal freedoms and the rights of states. Far more than than a global war on terrorism will be lost if the importance of the promises to our posterity and ourselves, expressed in the Constitution are ever forgotten.”

He cautioned that you cannot look at the Department of Homeland Security proposal apart from the Northern Command, which is a *fait accompli*, and which has brought to

fore the concern over turning U.S. troops against the U.S. population. A militia system such as the American Revolution’s Minutemen, continues in the concept of the National Guard, which should not be put under national control, as proposed by some in the DHS camp. To end *posse comitatus* is a serious danger, added Burcham. He proposed, instead, that volunteer emergency forces—organized, provisioned, and called out by state elected officials—should complement existing emergency teams, such as the police, fire, and emergency medical personnel who responded on Sept. 11, and that that is the competent model to follow, which does not threaten the Constitution. As an example, Burcham pointed to the “emergency management organizations both in New York and Washington” whose plans for preparedness “enabled them to respond well to the attacks they suffered.”

However, “by contrast, the anthrax incidents that occurred in the same time period . . . generated far greater fear and revealed far more governmental inadequacies. . . . Despite years of warning . . . the nation’s emergency management system did not respond well during this episode. Casualties were needlessly suffered,” he said. This lack of preparedness is never going to be solved by proposing more force, and military action; in fact, it might backfire.

“The use of Federal troops in less than desperate situations,” added Burcham, “might be looked upon as an intrusion into local affairs *by an imperial government that believes it is the nation’s solitary and absolute authority*” (emphasis added). He also warned that creating the opportunity of using such military forces against the population—as an almost *first* resort—also adds to the danger of the “balkanization” of the United States, where the very ethnic diversity and tolerance of the American system, is replaced by ethnic profiling, generalized spying, and an atmosphere of fear, pitting one citizen against another.

### Covering Up the Economic Firestorm

Moderating discussion at the symposium was *EIR* Counterintelligence Editor Jeffrey Steinberg, whose numerous articles and special reports on Sept. 11, amply refute the official cover story that Osama bin Laden masterminded the attacks. At the seminar, he introduced a crucial element into the discussion about “homeland security”: the fact that administration and Congressional officials will not admit that they are obsessed with the ongoing financial collapse.

This reality had already been addressed by Dr. Frazier, who warned that the danger to civil rights becomes even more pronounced “if the nation is stressed enough and if the leadership is incapable of dealing with this national stress wisely and effectively.” Frazier said that “the best . . . example of loss of government control” is the “present deterioration in capital markets . . . corporate crime . . . and the recent collapse of major corporations controlling and operating critical national infrastructures such as energy, telecommunications, transportation, etc.” As he has been warning that the only

really effective protection against bio-terrorism is an in-depth public health system which can implement emergency response, Frazier pointed out that it is ludicrous to talk about "homeland security," when unregulated corporate and capital markets had already taken down the U.S. economy, with many citizens who have "lost most of our personal savings investing in the stock market."

Wayne Madsen, a noted author on intelligence matters, raised the question of whether it had been intentionally built into the DHS proposal for the agencies that competently provide the necessities defined in the constitutional precept of the "general welfare," to be destroyed.

Madsen's question addressed issues raised by Dr. Norman Bailey, former chief economist for the National Security Council under President Ronald Reagan, who had specified in his remarks, that the DHS plan was so incompetent, that, by swallowing up the often well-functioning agencies such as the U.S. Coast Guard, the plan both jeopardizes effective action against terrorism, and also these agencies' ability to fulfill their duties in other emergencies. He further warned that the White House repeatedly uses the open-ended phrase "to be determined" in defining DHS functions, giving it a deadly "blank check" to institute whatever measures it wishes, after the bill is passed—i.e., without the checks and balances exercised by the citizens' elected representatives.

Another presenter, Dr. Joseph Foxell, the Director of Information Security for the Human Resources Administration of New York City, said that since Sept. 11, there has been an almost complete failure in the ability to retrace or, "reverse engineer," the process leading up to the attacks. And now, in the face of those inadequacies, the suspension of civil liberties is being substituted as a cure-all.

While the symposium was titled "Getting the Formation of the Homeland Security Department 'Right,'" the conclusion must be drawn, that there is no way to "get it right," under present circumstances. That view may well be shared by some U.S. Senators. On June 25, in a Senate Judiciary Committee hearing on the Justice Department oversight, Chairman Patrick Leahy (D-Vt.) told Ashcroft, "Now, the last time you appeared here, you brought an al-Qaeda operations manual to make the point that the war on terrorism is serious and that you take it seriously. I want to make it clear that everybody—the Attorney General, this chairman, the ranking [Republican] member and every member of this committee—is very much against terrorism. There's no more serious business that we deal with, day in and day out. . . ." Leahy continued, "But you've taken an oath to support the Constitution, as have I. . . . Al-Qaeda may have an operation manual that serves them in the short term. This country has an operation manual. We have an operation manual called the United States Constitution that has served us for 225 years. It's served us in good times and bad times. It's served us during civil wars and world wars. And the only times we have been less than defended is when we have ignored

the protections of that Constitution."

Other committee members grilled Ashcroft on his TIPS Orwellian spy system, as advertised on the Justice Department website. Unfortunately, Senators have yet to display that sort of gumption, in dealing with Lieberman all-out effort to outrun George W. Bush in enacting a police-state department that can wage war on the U.S. population, without protecting anyone from the types of terror seen on Sept. 11.

The July 10 symposium is the first instance in which specialists, many of whom have dedicated their lives to defending national security, have mobilized to stop the rampage toward police-state measures. Dr. Burcham demonstrated how the Constitution is "the source of our strength," by reciting from the Preamble: "We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

In his hearings, Senator Leahy pointed out to Ashcroft that the Constitution will outlive "this Senate and this Attorney General." If Americans mobilize against the "big lies" about Sept. 11, and the concomitant "homeland defense" hysteria, we can avert the creation of this police-state department.

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