



The Fruition of 9/11

By Martha Mossburg – June 7th, 2013

News reports from the past month reveal a chasm between Americans' perception of their freedom and their actual freedom.

To those who thought the rule of law still protected them, the IRS targeting conservative groups for special scrutiny and Justice Department (DOJ) monitoring journalists' phone records should have been enough to disabuse them of that notion.

But then came news Wednesday shredding any scintilla of evidence America is the land of the free with reports that the National Security Agency is monitoring every phone call made on Verizon's network. The Foreign Intelligence Surveillance Court signed an order on April 25 requested by the FBI allowing the government to collect information through July 19 on a daily basis from one of the nation's largest phone companies on seemingly everything except the content of communication.

As the Cato Institute's Julian Sanchez told *The Guardian*, the British newspaper that broke the story,

We've certainly seen the government increasingly strain the bounds of 'relevance' to collect large numbers of records at once — everyone at one or two degrees of separation from a target — but vacuuming all metadata up indiscriminately would be an extraordinary repudiation of any pretence of constraint or particularized suspicion.

Glenn Greenwald, the reporter who wrote the story, should consider himself permanently wiretapped. He should also expect that no one in the government will speak to him in the future knowing his communications are monitored. His only hope is to have a sympathetic government spy on the other side like East German Stasi agent Hauptmann Gerd Wiesler in the brilliant 2006 film, *The Lives of Others* — if he doesn't end up in federal prison.

To think many were appalled by Congressional testimony earlier this week by John Eastman, the chairman of the National Organization for Marriage, that the IRS leaked confidential tax forms of his organization to the group's main political opponent, Human Rights Campaign. That seems so small fry in comparison to this.

A few Democrats on the Senate Intelligence committee have spoken publicly for years about how the government is using secret interpretations of the 2001 Patriot Act — passed six weeks after

September 11, 2001 — in a way that would astound Americans. On March 15, 2012, Democratic Senators Ron Wyden (Ore.) and Mark Udall (Colo.) went so far as to write Attorney General Eric Holder a letter about “this problem of secret law.”

They said they thought most Americans would be “stunned” to learn how the government is interpreting a portion of the Patriot Act. They added,

As we see it, there is now a significant gap between what most Americans think the law allows and what the government secretly claims the law allows. This is a problem, because it is impossible to have an informed public debate about what the law should say when the public doesn't know what its government thinks the law says.

Mr. Holder does not think DOJ overreach in monitoring journalists warrants a major overhaul of his organization. He told NBC Wednesday that, “I'm a little concerned that things have gotten a little out of whack...I think we can do a better job than we have. We can reform those regulations, reform those guidelines to better reflect that balance.”

But I wonder how he and President Barack Obama will answer to the Verizon revelations. Does blanket monitoring amount to things being “a little out of whack”? Are better (secret?) regulations all that is needed to prevent a mass violation of the Constitution's protection against illegal search and seizure not only against journalists but against all Americans?

If the IRS and journalist scandals are chilling, the Verizon court order is absolute zero. The 9/11 terrorists would be proud. They brought down planes, buildings and killed nearly 3,000. But in birthing the Patriot Act they helped to kill America from the inside out.