

# NEWS & RECORD

## **From 9/11 to Portland, it was inevitable ‘Homeland Security’ would be turned on the American people**

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August 9, 2020

Even in the hazy, flag-waving days surrounding the Sept. 11, 2001, terror attack on the United States, there was something about America’s rush to create a massive state apparatus called the Department of Homeland Security that made some people’s skin crawl — and not just the usual patchouli-scented, granola-sated leftist suspects.

“The word ‘homeland’ is a strange word,” George W. Bush’s Defense Secretary Donald Rumsfeld told staffers in a memo after some floated the idea of combining federal functions around immigration, customs, domestic intelligence and law enforcement into one vast department even before 9/11. “‘Homeland’ Defense sounds more German than American.”

The USA had functioned just fine for 226 years without a Department of Homeland Security, and the decision to create DHS was never cast in stone. Even the hawkish Bush administration wasn’t sure it was needed — politically, the pressure came from centrist Democrats like former Connecticut Sen. Joe Lieberman eager to show their post-9/11 cojones. Yet once planted in the ground, DHS has grown wildly like choking, invasive kudzu, causing even the libertarian, Koch-Brothers-funded Cato Institute to call it wasteful and declare “Americans are not safer.”

Donald Rumsfeld was very wrong about many, many things — remember the WMDs east and west and south and north of Baghdad? — but his qualms about a homeland security state on U.S. soil were right on the money. The bureaucratic waste and the nation’s failure to confront its real threats from stronger hurricanes to a global pandemic have been bad enough. But the real risk of creating a state-security force was that it would follow the beaten-down jackbooted pathway of every state security force before it and get turned against the American people.

It would be trite and arguably wrong to label as “unthinkable” the scenes out of Portland, Oregon, over the last several weeks involving unbadged and anonymous federal agents hiding behind their dark visors and layers of camouflage. They fire choking tear gas at protesters demanding racial justice, or just-barely-less-than-lethal rubber bullets that can fracture skulls. Meanwhile their comrades take activists off the streets in unmarked vans, or arrest them so a judge can order them to avoid protests and thus surrender their First Amendment rights.

These DHS agents from militarized units within Customs and Border Patrol or Immigration Customs Enforcement have become a kind of secret police accountable only to President Donald Trump, some 3,000 miles away, and his appointed lackey now running DHS — even as public officials in Oregon begged them to leave.

Now the first wave of serious-but-threat-obsessed Republicans who initially ran Homeland Security for Bush 43 claims to have been shocked by the nightly footage out of Portland. “It would be a cold day in hell before I would consent to a unilateral, uninvited intervention into one of my cities,” Tom Ridge, the former Pennsylvania governor who was Bush’s initial DHS Secretary, told a radio interviewer. The Afghanistan-style “blowback” of a U.S. government agency waging war on American people was never the idea!

It never is ... at first.

“This is an experiment that has failed and needs to be radically rethought,” Elizabeth Goitein told me. She is co-director of the liberty and national security program at the Brennan Center for Justice and co-author of an article last month urging Congress not to mostly write DHS a blank check in its current spending bill but to insist on major reforms, as well as the naming of a permanent secretary after acting chiefs for the last 15 months.

Those of us who warned about a Portland-style scenario in flag-pinned days of the early 2000s were called alarmists, cranks, dirty (bleeping) hippies and much worse. The November 2002 vote to consolidate 22 federal agencies into the massive, now-240,000-employee DHS passed the Senate 90-9, as few listened to then-Wisconsin Sen. Russ Feingold — a seer on rising authoritarianism who would be booted from office for Russia-friendly kook Ron Johnson — warn we were “weakening protections against unwarranted government intrusion into the lives of ordinary Americans.”

To be sure, the 3,000 deaths on 9/11 exposed flaws that required a major tuneup. The CIA and the FBI didn’t talk to each other, NORAD (North American Aerospace Defense Command) was caught flat-footed, and airport security — then close to nonexistent — needed the overhaul that’s been a bumpy success in the 19 years since. But the massive changes wrought by DHS — largely in response to an international terrorism threat that now seems greatly diminished — were just part of a broader “homeland security” mindset. It saw every problem in America, from desperate refugees on the border to marginalized people demanding jobs and justice, as a nail to be jackhammered by a harsh, militaristic response, powered by armored personnel carriers and private prison cells.

Just as Feingold tried to warn us, the homeland security state began spying on everyday Americans from Day One, first demanding to see your library card and moving up to bulk collection of your emails, enabled by fear-inspired bills like the Patriot Act that seem impossible to get rid of once they’re on the books.

The panic-stricken notion that al-Qaida would throw America a curveball by attacking some remote town in Idaho or the Pumpkin Festival in Keene, New Hampshire, which obtained one of the Pentagon’s surplus APCs, was the spark that led to the rise of the militarized warrior cop wielding those spare weapons of war. I’m pretty sure it was Chekhov who advised writers never to introduce body armor or rubber bullets in Act One unless someone’s going to use them in Act Three — even if Act Three is Americans marching against systemic racism.

The surge of new, young recruits who signed up to become Border Patrol or ICE agents in post-9/11 America found there weren’t that many al-Qaida terror plots to thwart — but they fostered an authoritarian culture that found other outlets (no group more enthusiastically backed Trump’s

2016 election than the union representing Border Patrol agents) and shared a distrust of immigrants, liberals and dissent.

They've been saying this quiet part out loud for years, and it's getting louder in the George Floyd era. Trump's Pentagon is now training soldiers to see protesters and journalists as "adversaries." At DHS, it was inevitable that 77 local "fusion centers" that were supposed to help federal, state and local officials cooperate on terrorism would increasingly monitor legitimate dissent like antiwar activists, Occupy Wall Street or Black Lives Matter. Or that 15 cities including Philadelphia would ask the feds for help spying on protests with its high-powered drones.

For everyday Americans who weren't paying attention as the frog of free speech sat in this pot of boiling water, Trump's immigration crackdown at the southern border should have been the alarm whistle. Again, there were voices back in 2002 that tried to warn us about the militarized, punitive regime that would be created with the formation of ICE, and with viewing immigration not as a social issue but a national security threat.

Goitein told me that some "mission creep" seemed inevitable with DHS, but the arrival of a president without respect for the rule of law has taken things to today's current dark place. "Customs and Border Patrol — he has let them off the leash, although there's a culture there that's predisposed to Trump's "strongman" approach.

Bill Ong Hing, now a professor at the University of San Francisco School of Law, testified back in 2002 against putting ICE under DHS and says today that "Congress created a monster" that conflates immigration and terrorism. Now that monster is putting peaceful protest and legitimate dissent under that same umbrella — and this approach is bleeding down to the local cop on the beat.

Last week, we saw armed, shorts-wearing plainclothes New York City detectives mimic the feds in Portland by taking a suspect accused of property damage, shoving her into an unmarked Kia van, and driving off. At the same time, about 100 local police departments in Wisconsin are refusing to provide security for the drastically downsized Democratic convention in Milwaukee because they're terrified the city will not allow them to deploy tear gas.

Enough already! America had muddled through much of its glorious history without tear gas, or camouflaged robocops — or a massive, now out-of-control Department of Homeland Security. If Joe Biden can hold onto his lead and become America's 46th president in January, with a more progressive Congress, they must begin the serious work of dismantling one of America's first great mistakes of the 21st century.

DHS should be abolished — its component parts rethought, then rebuilt from scratch — not only because the department is wasteful, inefficient and ineffective against actual threats, but because we'll be tearing down a neo-fascist mindset that slowly corrupted America society until it crawled fully formed from the sewers near a Portland courthouse.

It would help in that mission if our policy leaders began to think deeper and realize that DHS wasn't only one spectacularly bad idea, but symbolic of a militaristic society that can find the directions to send armed forces to Iraq and then to El Paso, Texas, and finally Portland — yet utterly lacks a moral compass. Yes, even deluded Donald Rumsfeld got one thing right: "Homeland Security" was a dumb concept that sounded worse in the original German.