



## Braun: With bin Laden dead, will freedoms return now? Don't hold your breath

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By

Now that the triumphalist breast-beating has stopped, can we now get on to the only meaningful celebration? Now that Osama bin Laden is dead, can we now stop living in fear?

Or as Jim Harper, a blogger for the Washington-based Cato Institute, wrote: "Can I have my airport back please?"

Can we repeal laws that made it easier for the government to spy on its people? Can we now return to trying criminals in civilian courts? Can we close Guantánamo? Can we end the war in Afghanistan begun to get at the man eventually found living in relative luxury in another country, a half-mile from Pakistan's West Point?



AFP/ Getty Images

With Osama bin Laden no longer around to control the al Qaeda terror network, do we still need to worry?

Mark Denbeaux, a professor at Seton Hall Law School and attorney for some detainees in Guantánamo, says that, "Now that we have effectively beaten the man who made us live in terror, isn't time to return to what life was like before 9/11?"

The answer, of course, should be "Yes," but we all know it isn't.

In the same speech announcing bin Laden's death, President Barack Obama warned, "Yet his death does not mark the end of our effort. There's no doubt that al Qaeda will continue to pursue attacks against us. We must — and we will — remain vigilant at home and abroad."

Endless fear. Endless war. In an Orwellian twist, victory made us less secure.

"I'm confused," says Lorie Van Auken of East Brunswick, one of the so-called "Jersey Widows" who successfully lobbied for the creation of the 9/11 Commission. "First, we were told we had to invade Afghanistan because the Taliban wouldn't give up bin Laden. Then, after we couldn't find him, we decided finding him really wasn't that important but we had to stay in Afghanistan anyway — and even invade Iraq.

"Now we find out bin Laden was living in Pakistan. We kill him and everybody celebrates a great triumph — so I guess he was a big deal again. So, can we stop the war in Afghanistan now?"



AP File Photo

Terror mastermind Osama bin Laden, pictured in this 1998 file photo.

Denbeaux said the nation should act as if it had emerged from a decade-long nightmare. "When it ends, we should be facing a sunnier, brighter day — not just more of the same."

He said bin Laden's elimination proved the "country should no longer be timid and fearful, we should restore faith in the courts and allow trials for the people we hold in custody."

Trying to remember Sept. 10, 2001, is difficult. Certainly getting through airports was easier. Washington and New York weren't bastions of security. Now virtually every government building, and many private ones, have metal detectors and armed security guards. But those aren't the most important changes. Since the invasion of Afghanistan, we have lost nearly 6,000 troops there and in Iraq.

"We are acting as if someone or some group will always be trying to take us over — and maybe they are," says Donald Robertson of Wall, whose son Donald was killed on 9/11. "Maybe that's just the way it has to be."

Maybe. But it makes the cheering flat and useless. The restoration of civil liberties would have been so much more satisfying than fist-pumping over the death of one man. Putting an end to the list of dead Americans would be a far more poignant commemoration of the 10th anniversary of 9/11.

Instead, it's well — break is over, everybody back to full-body screens, intimate pat-downs and taking off your belts and shoes. Even Harper from the Cato Institute said wanting our airports back is probably too premature a wish. He concluded:

"Osama bin Laden's survival helped shore up the mystique of the terrorist supervillain, which has fed counterterrorism excess such as the Transportation Security Administration's domestic airport security gauntlet. Now that bin Laden is gone, the public will be more willing to carefully balance security and privacy in our free country. By a small, but important margin, courts will be less willing to indulge extravagant government claims about threat and risk."

Frank Askin, head of the Constitutional Law Clinic at Rutgers-Newark, agreed courts would lead easing the security state. "In times of crisis, courts defer to the executive — only to admit later, as they did with interning Japanese-Americans in World War II, that they made a mistake."

Even better would be an affirmative answer to Denbeaux's question: "Can we stop being afraid now?"

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AFP/ Getty Images

U.S. Marines from a regiment combat team in Afghanistan watch TV as President Barack Obama announces the death of terror leader Osama Bin Laden.

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