



Check out the new

Health Care Arena

An ongoing discussion on the health care debate

Jan. 03, 2010

Driving the Conversation:

Arena Ref: [Fred Barbash](#)

What's in a name? Does it matter if it's called "war on terror?" Is Obama's approach any better or worse than Bush's?

Share this



Print

Email



Roger Pilon

Vice President for Legal Affairs, Cato Institute :

It matters whether or not it's called "war on terror," because war, whether declared or not, changes the legal regime -- from law enforcement, aimed primarily at investigating and prosecuting domestic crimes after the fact, to protecting a people from acts of war before they happen by means unavailable outside of war. In discharging his duty to protect the nation, President Obama has moved slowly, inconsistently, and often begrudgingly from the law-enforcement to the war paradigm. Al-Qaeda has shown no such confusion or irresolution. Just this morning, for example, the [Washington Post reports](#) that at its Web site yesterday, al-Qaeda in the Arabian Peninsula "called for 'every Muslim' to kill 'every cross-worshiper who works at the [British and American] embassies.'"

So how did Obama treat the Christmas Day bomber al-Qaeda sent us? The way his mentor, Franklin Roosevelt, treated the German saboteurs who landed on our shores? No -- Abdulmutallab was "lawyered up," read his Miranda rights, and encouraged to talk through his lawyer, like any common criminal. Some say that approach -- like calling him "the underwear bomber" -- reduces a terrorist's stature. That's fine for the playground (as if the terrorists were seeking simply to join the community of nations). This is the real world.

And in the real world you don't make excuses for why the dots weren't connected, as Obama's homeland security adviser, John O. Brennan, did yesterday on the talk shows. You find out why they weren't. And a good place to start this morning is with Gordon Crovitz's piece in the **Wall Street Journal**. Rarely, he writes, does intelligence come to us "on such a silver platter." Abdulmutallab's father, a respected banker, reported his concerns to the American Embassy not once but three times, twice in person. And the son had a U.S. visa, which could easily have been discovered. He paid for his ticket in cash, and had no luggage. But the criteria U.S. intelligence agencies use for determining when to put a suspected terrorist on a watch list or a no-fly list, Crovitz shows, are adapted from a landmark law-enforcement case, *Terry v. Ohio*, concerning local traffic stops: "Mere guesses or inarticulate 'hunches,'" the standard concludes, "are not enough to constitute reasonable suspicion." Is it any wonder that the dots were not connected. They won't be until we start taking this war seriously.

Subject	Date
1)Are Republicans, including Dick Cheney, "playing politics" with terrorism? Are they overdoing it? 2)Why, after years of studies, spending and a whole new bureaucracy, do we still confront "systemic failure?"	Dec. 30, 2009
Is the "Obama way" the right way politically when it comes to dealing with terrorism?	Dec. 29, 2009
1)Flight 253: Do you agree with Janet Napolitano that "the system worked." 2)Iran protest killings: Should the president be speaking out forcefully?	Dec. 28, 2009
Open Mic	Dec. 27, 2009
Health Care: 1)The partisan chasm: How wide? How bitter? How poisonous? 2)The two bills: The road ahead leads where?	Dec. 24, 2009
Is the filibuster good or bad for America?	Dec. 23, 2009
In a word (or a phrase), how would you characterize the decade in politics?	Dec. 22, 2009

© 2010 Capitol News Company LLC

Please read our Privacy Policy. By using this site, you accept our Terms of Service.