

# The Ukiah DAILY JOURNAL

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## Sweet Land of Liberty - Janet Napolitano: The new J. Edgar Hoover?

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Updated: 02/17/2012 12:00:51 PM PST

Sweet Land of Liberty - Janet Napolitano: The new J. Edgar Hoover?

The Obama administration appears so confident of its expansion of the George W. Bush-Dick Cheney surveillance of our personal lives -- starting with the Patriot Act -- that at times it is beginning to resemble the legendary FBI Director J. Edgar Hoover, who left many Americans fearful of saying or doing anything that could reveal an affiliation with communism.

In Hoover's time, those who nonetheless exercised their First Amendment rights often found, as I did, that they had earned an FBI file and were considered possibly "subversive." Why me? I had often criticized J. Edgar Hoover.

Are we returning to that state of fear? I ask this because of a Feb. 16 congressional hearing on "DHS (Department of Homeland Security) Monitoring of Social Networking and Media: Enhancing Intelligence Gathering and Ensuring Privacy."

This hearing, an inquiry on the extent to which those of us who use social media are suspiciously regarded by the Department of Homeland Security as too critical of the Obama administration (and the department itself), was brought about by the Washington-based Electronic Privacy Information Center (EPIC), a valuable, fearless defender of our constitutional rights.

Through a Freedom of Information Act lawsuit, EPIC received 300 pages of documents on the department's "'intelligence gathering' practices," according to the Infowars website ("Group Forces Congressional Hearing on Big Sis'

Twitter, Drudge Spying," Steve Watson, infowars.com, Feb. 9). "Big Sis" (not "Big Brother") is Janet Napolitano, secretary of the Department of Homeland Security.

Dig this: Starting in 2010, reports Infowars, Homeland Security told outside contractors "to monitor the web for media reports and comments that reflect adversely' on the agency or the federal government."

This reminds me that during Hoover's reign, a group that was never identified stole documents from a regional FBI office that was secretly tracking professors at a nearby college. The agents wanted to know which guest lecturers had been invited to a professor's class. These findings were sent to newspapers, but only the Washington Post and I (at the Village Voice) published a number of them. (Two FBI agents even knocked on my door, but I politely wouldn't let them in; I told them they didn't have a warrant from a judge. They left and did not come back.)

As for Robert Mueller's present-day FBI, the Infowars report cited a previous Reuters account that the Department of Homeland Security asked that contractors check "news media coverage on popular websites, including Facebook, Twitter, Hulu, Wikileaks, as well as news sites including the Huffington Post and The Drudge Report."

Drudge recently made headlines on his website regarding the attention being paid him by Big Sis. Drudge didn't make light of this story, no doubt read by reporters and editors around the country, out of self-importance. He wants everyone to know he's being spied on.

So does the director of EPIC, Ginger McCall. With Big Sis not yet replying to her accusation, McCall says: "The Department of Homeland Security's monitoring of political dissent has no legal basis and is contrary to core First Amendment principles" (infowars.com, Feb. 9).

What say you, President Obama? You sometimes remind us that you taught constitutional law at the University of Chicago. Sir, I'd very much like to see the copy of the Constitution you used in extending the Bush-Cheney legacy.

EPIC's Ginger McCall continues: "The idea that the government is constantly peering over your shoulder and listening to what you are saying creates a very chilling effect to legitimate dissent" (infowars.com, Feb. 9).

But EPIC has not been chilled into silence and is not alone in wanting to know whom Big Sis regards as a possibly dangerous dissenter. Since President Obama agrees with President Bush that this very land, the United States, has become a war zone, surely the CIA would be interested.

According to Infowars, Homeland Security officials say their search for dissonant views was just a test and "was quickly dropped as it did not meet operational requirements or privacy standards' which expressly prohibit reporting on individuals' First Amendment activities."

Does this reassure you? Do you trust what your government tells you?

EPIC does not. Says Infowars: "EPIC argues otherwise and has presented evidence that suggests the practice is being held up by the DHS (as) an example that should be emulated."

At the end of its report, Infowars says of the present: "The DHS has openly announced that it is actively monitoring social media for signs of social unrest ..."

In my book, "The War on the Bill of Rights and the Gathering Resistance" (Seven Stories Press, 2003), I quoted Georgetown law professor David Cole, a ceaseless constitutionalist: "When the next terrorist attack occurs, are we going to remember the lessons that are now being learned about whether we went too far (for national security), or is the public going to say we didn't go far enough and pass Patriot Act II and more? This is a critical moment for the public to engage on this issue about the proper balance between liberty and security."

Every day this is becoming more of a critical issue -- whichever political party is in power. We the People are not in power, but how many of us give a damn that Big Sis is checking on our grades as patriots?

I know James Madison's answer: "Legislative, executive and judiciary, in the same hands ... may justly be pronounced the very definition of tyranny."

How close are we coming to that end of who we used to be?

Nat Hentoff is a nationally renowned authority on the First Amendment and the Bill of Rights. He is a member of the Reporters Committee for Freedom of the Press, and the Cato Institute, where he is a senior fellow.