

Doublespeak and the War on Terrorism

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Executive Summary

Five years have passed since the catastrophic terrorist attacks of September 11, 2001. Those attacks ushered in the war on terror. Since some high-ranking government officials and pundits are now referring to the war on terror as the “Long War” or “World War III,” because its duration is not clear, now is an appropriate time to take a few steps back and examine the disturbing new vocabulary that has emerged from this conflict.

One of the central insights of George Orwell’s classic novel *Nineteen Eighty-Four* concerned the manipulative use of language, which he called “newspeak” and “doublethink,” and which we now call “doublespeak” and “Orwellian.” Orwell was alarmed by government propaganda and the seemingly rampant use of euphemisms and half-

truths—and he conveyed his discomfort with such tactics to generations of readers by using vivid examples in his novel. Despite our general awareness of the tactic, government officials routinely use doublespeak to expand, or at least maintain, their power.

The purpose of this paper is not to criticize any particular policy initiative. Reasonable people can honestly disagree about what needs to be done to combat the terrorists who are bent on killing Americans. However, a conscientious discussion of our policy options must begin with a clear understanding of what our government is actually doing and what it is really proposing to do next. The aim here is to enhance the understanding of both policymakers and the interested lay public by exposing doublespeak.

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Introduction

George Orwell introduced the concept of “newspeak” and “doublethink” in his classic work *Nineteen Eighty-Four*. That novel tells the story of a totalitarian state in which government agents monitor all aspects of citizens’ lives. The three doublespeak slogans of the state are seen on posters everywhere: (1) War Is Peace, (2) Freedom Is Slavery, and (3) Ignorance Is Strength. By corrupting the language, the people who wield power are able to fool the others about their activities and evade responsibility and accountability. Professor William Lutz, author of *The New Doublespeak*, notes:

Doublespeak is language that pretends to communicate but really doesn’t. It is language that makes the bad seem good, the negative appear positive, the unpleasant appear attractive or at least tolerable. Doublespeak is language that avoids or shifts responsibility, language that is at variance with its real or purported meaning. It is language that conceals or prevents thought; rather than extending thought, doublespeak limits it.¹

It is true, of course, that dishonesty has always been a part of the human experience, but doublespeak is a pernicious variation of dishonesty. Doublespeak perverts the basic function of language, which is to facilitate a common understanding between human beings.²

The al-Qaeda attacks of September 11, 2001, ushered in a war on terrorism, which is now five years old. Some pundits refer to this conflict as “World War III.” Others are now describing the conflict as the “Long War” because there seems to be no obvious conclusion on the horizon. However the conflict is described, no one can deny that our government’s response to terrorism carries enormous political and economic consequences. This paper will scrutinize the new vocabulary

that has emerged since the war on terror began. The primary purpose of the paper is not to criticize any particular policy initiative but to draw attention to the underlying issues that are so often obscured by doublespeak. Reasonable people can disagree, for example, on the proper scope of the government’s police powers. However, before one can criticize or defend any particular policy or program, we must all be clear about what our government is actually doing, and what it proposes to do, about the threat posed by terrorists.

Homeland Security

After 9/11 lobbyists and politicians quickly recognized that the best way to secure legislative approval for a spending proposal is to package the idea as a “homeland security” measure even if the expenditure has nothing to do with our national defense. Here are few examples of “homeland security” spending:

- \$250,000 will be spent by city officials in Newark, New Jersey, for air-conditioned garbage trucks.³
- \$557,400 will be spent on communications equipment by town officials in North Pole, Alaska.⁴
- \$100,000 will be spent by the city government of the District of Columbia to send sanitation workers to Dale Carnegie classes. According to government officials, the classes will help sanitation workers develop the skills that will be necessary to deal with panicky customers in the aftermath of a disaster.⁵
- \$900,000 will be spent on the Steamship Authority in Massachusetts, which runs ferries to Martha’s Vineyard. When asked about the hefty expenditure, the local harbormaster confessed, “Quite honestly, I don’t know what we’re going to do, but you don’t turn down grant money.”⁶

James Bennett, author of *Homeland Security Scams*, notes that whatever the color

of the security alert issued by the government—code orange, code yellow, etc.—the spending light always seems to be green as pork-barrel dollars are showered on dubious programs.⁷ Lobbyists host conferences on “How to Sell Security to the Government.” Members of Congress, in turn, try to steer lucrative government contracts to firms in their home districts.

Not Conscription

During the 2004 presidential election debate, President Bush told a nationwide television audience to “forget about all this talk about a draft. We’re not going to have a draft so long as I am the president.”⁸ In order to evaluate the accuracy of that statement, one must pay careful attention to the word “draft”—for, as the economist Thomas Sowell once observed, “All statements are true, if you are free to redefine their terms.”⁹

Shortly after 9/11 President Bush declared a “national emergency” and simultaneously authorized Pentagon officials to issue “stop-loss” orders. A stop-loss order means that members of the military may not leave the service—even if they have fulfilled the terms of their enlistment contract. Once a stop-loss order is issued, an individual’s duty status changes from voluntary service to involuntary service. Although the legality of the stop-loss orders has been upheld by the judiciary, those orders have clearly changed the nature of military service for many soldiers.¹⁰ In military circles, the orders have been dubbed the “back-door draft.”¹¹

The National Guard has tried to attract recruits with a program called “Try One.” A website advertisement tells veterans who are leaving the service that they are eligible for a special program in the Guard or the Reserves. The Try One contract allows veterans to try the Guard or the Reserves for a year—and then decide if they wish to commit to a full enlistment. The Pentagon has ordered persons in that program to Iraq—even though they have already served a year and wish to return to

civilian life. According to the fine print, recruits could end up serving many years in the military, not one. When a reporter confronted Army personnel director, Brigadier General Sean Byrne, about the misleading nature of the Try One program, the general said, “I am not the marketer, but maybe it’ll have to be re-looked.”¹² Eighteen months after that interview, the government continues to mislead young men and women into what it keeps calling its “Try One” program.

National Security Letters

Government officials cannot deny the fact that the Constitution places limits on the power to search and seize private property. To bypass those limits, the government argues that the Constitution limits only the way in which “warrants” can be issued and executed. If the government uses another document and gives it an official-sounding name like, say, “national security letter,” voilà, the constitutional limitations on the search powers of the government no longer apply.¹³

The Fourth Amendment to the Constitution provides, “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.” It is important to note that the Fourth Amendment does not ban all governmental efforts to search and seize private property, but it does limit the power of the police to seize whatever they want, whenever they want.

The warrant application process is the primary check on the power of the executive branch to intrude into people’s homes and to seize property. If the police can persuade an impartial judge to issue a search warrant, the warrant will be executed. However, if the judge is unpersuaded, he will reject the application and no search will take place. In the event of a rejection, the police can either drop

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the case or continue the investigation, bolster their application with additional evidence, and reapply for a warrant. The Bush administration has tried to bypass this constitutional framework by championing the use of national security letters (NSLs).¹⁴

An NSL is a document that empowers federal agents to demand certain records from businesspeople. Unlike the case with search warrants, executive branch agents do not need to apply to judges for these letters.¹⁵ As former congressman Bob Barr (R-GA) has noted: “There’s no checks and balances whatever on them. It is simply some bureaucrat’s decision that they want information, and they can basically just go and get it.”¹⁶ The letters also threaten citizens with jail should they tell anyone about the government’s demand. When a constitutional challenge was brought against NSLs, Bush’s lawyers argued that they were fully consistent with the Bill of Rights. The federal court was not persuaded. Federal Judge Victor Marrero ruled that NSLs violated both the First Amendment and the Fourth Amendment.¹⁷ NSLs violate the First Amendment because they “operate as an unconstitutional prior restraint on speech.”¹⁸ NSLs violate the Fourth Amendment because they are written “in tones sounding virtually as biblical commandments,” thus making it “highly unlikely that an NSL recipient reasonably would know that he may have a right to contest the NSL, and that a process to do so may exist through a judicial proceeding.”¹⁹

Judge Marrero’s ruling was limited to the jurisdiction of his court in New York, and government lawyers immediately appealed his decision to a higher court. Meanwhile, the FBI continues to use NSLs in all other parts of the country. According to the *Washington Post*, the FBI now issues more than 30,000 national security letters a year.²⁰ The records that are surrendered to the authorities “describe where a person makes and spends money, with whom he lives and lived before, how much he gambles, what he buys online, what he pawns and borrows, where he travels, how he invests, what he searches for

and reads on the web, and who telephones or e-mails him at home and at work.”²¹

Asymmetrical Warfare

The American prison facility at Guantanamo Bay, Cuba, has been a frequent target of criticism because of Bush administration policies concerning the detention and treatment of prisoners. Whatever one may think about those detention and treatment policies, it is clear that the U.S. military has employed doublespeak to describe events at Guantanamo. “Self-injurious behavior incidents” is the Pentagon’s phrase for suicide attempts by prisoners, for example.²² And when three men hanged themselves in their cells, the camp commander, Rear Admiral Harry Harris, went so far as to say that the suicides were “an act of asymmetrical warfare” against the American military.²³ Warfare? A terrorist engages in asymmetrical warfare when he straps explosives to his body and then detonates the bomb when he gets close to his human targets. But if “warfare” is stretched so far as to include an enemy’s taking his own life, it is difficult to identify what actions a prisoner might engage in that would *not* constitute warfare.

Material Witness

In many countries around the world, police agents can arrest people whenever they choose, but in America the Bill of Rights is supposed to shield the people from overzealous government agents by placing some limits on the powers of the police. The Supreme Court has noted time and again that a person cannot be hauled out of his home on the mere suspicion of police agents—since that would put the liberty of every individual in the hands of any petty official. When the police apply for arrest warrants, they must be able to show a judge that they have gathered enough evidence against the suspect to satisfy the “probable cause” standard, which basically means that the evidence acquired indi-

cates that it is more likely than not that the suspect committed a criminal offense. In the months following the September 11 attacks, however, government agents tried to go around the probable cause standard by labeling some suspects “material witnesses.”²⁴

Prior to 9/11 few people were familiar with an obscure federal statute that pertains to material witnesses.²⁵ That law was designed to allow the police to secure a potential witness’s testimony in situations where the individual witness seems likely to ignore a summons and flee the jurisdiction. The material witness law allows the police to incarcerate such witnesses without charging them with a crime. Following 9/11 the government abused the material witness law by locking up persons whom it suspected of wrongdoing but for whom it lacked probable cause to charge them with a crime.²⁶ By “evading the requirement of probable cause of criminal conduct, the government bypassed checks on the reasonableness of its suspicion.”²⁷

To take but one example, Oregon attorney Brandon Mayfield was jailed for two weeks after the FBI claimed that he was a “material witness” to an overseas terrorist bombing. The bureau simultaneously sought and executed search warrants for Mayfield’s home and office. In their search warrant applications, government officials referred to Mayfield as a “potential target.” Several weeks later, FBI officials released Mayfield, cleared him of any wrongdoing, and apologized for the hardship the incarceration and negative publicity had caused to the entire Mayfield family.²⁸

National Security

Since the war on terrorism began, government officials have invoked “national security” to justify countless actions. Most of those invocations were probably appropriate, but others were a stretch, and some were plainly bogus.

When the American Civil Liberties Union brought a legal challenge to a certain section

of the Patriot Act, the Justice Department claimed the litigation was so sensitive that government censors had to be able to redact portions of all the legal papers, including the ACLU’s legal briefs, so that “national security” would not be jeopardized. That sounded plausible, but the censors blacked out material that had nothing to do with intelligence gathering “sources and methods.” The censors went so far as to try and black out this quotation from a *previously published* Supreme Court ruling: “The danger to political dissent is acute where the Government attempts to act under so vague a concept as the power to protect ‘domestic security.’ Given the difficulty of defining the domestic security interest, the danger of abuse in acting to protect that interest becomes apparent.”²⁹ Fortunately, a federal judge rejected that move by the censors. Critics properly lambasted the government for having the chutzpah to try and suppress a quotation about the “danger of abuse” from a court document—as if the mere expression of that idea posed some sort of “threat” to the country. When asked to explain the government’s actions, Justice Department spokesman Charles Miller declined to comment.³⁰

Some of the most bizarre invocations of national security have come from the highest levels of our government. In a speech before the National Cattlemen’s Beef Association, President Bush said New Deal-era farm subsidies had to continue because crop and cattle production was vital to America’s national security. “It’s in our national security interests that we be able to feed ourselves,” Bush said.³¹ Before 9/11 the administration had taken a skeptical view of farm subsidies, but the president reversed course and promised to pour record levels of taxpayer dollars into such programs. “This nation has got to eat,” Bush declared.³²

Security Directives

Under the U.S. Constitution, our laws are supposed to be made openly by our elected representatives in the legislative branch. That

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framework for lawmaking has been breaking down in recent years.³³ And that deeply disturbing trend only accelerated after 9/11. Unelected officials are now making secret laws that are called “security directives.”³⁴ Government officials claim that secrecy is necessary because they “do not want to let all the terrorists in the world know exactly what we are doing.”³⁵ It is, of course, reasonable to keep some things secret, such as the identity of our government’s informers, but it is startling to behold the transformation of the process by which our laws are made.

When a legal challenge was brought against an aviation security directive concerning passenger identification checks, a government lawyer expressed his confidence in the constitutionality of the secret law—even as he told a federal judge that the law itself could not be seen by the judiciary! Here is a telling excerpt from the court session:

Judge: What is the rule, if at all, concerning identification?

Government Attorney: The identification check, every passenger is requested to produce identification. As I’ve indicated, the statute provides one of the purposes to check whether that person is amongst those known to pose a risk to aviation safety. The other reason it’s used for purposes of the pre-screening system, is this a person—

Judge: I understand, you said all of that. You were saying the rule is not void for vagueness and we can move on. I just want to know what the rule is that isn’t void.

Government Attorney: If you are asking me to disclose what’s in the security directives, I can’t do it.³⁶

Thus far, the secret laws have mostly affected citizens using mass transit systems (airline and rail passengers), but it would be naïve for anyone to believe that the trend will stop

there. The possibility that Americans will now be held accountable for noncompliance with unknowable regulations is not the subject of heated debate in Congress. Indeed, it has not been debated at all.

Enemy Combatant

The most important legal issue that has arisen since the September 11 terrorist attacks has been President Bush’s claim that he can arrest any person in the world and incarcerate that person indefinitely. According to legal papers that Bush’s lawyers have filed in the courts, so long as the president has issued an enemy combatant order to his secretary of defense, instead of the attorney general, the president can ignore the ordinary constitutional safeguards and procedures.³⁷

To fully appreciate the implications of the administration’s enemy combatant argument, one must first consider the constitutional procedure of habeas corpus. The Constitution provides, “The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.” Since that provision appears in Article I of the Constitution, which sets forth the powers of the legislature, the implication is clear: Congress has the responsibility to decide whether or not the writ ought to be suspended. Notably, the Bush administration has not urged Congress to suspend habeas corpus. Nor has President Bush asserted the claim that he can suspend the writ unilaterally. Bush’s lawyers have instead tried to alter the way in which the writ operates when it is *not* suspended.

By way of background, the writ of habeas corpus is a venerable legal procedure that allows a prisoner to get a hearing before an impartial judge. If the jailer is able to supply a valid legal basis for the arrest and imprisonment at the hearing, the judge will simply order the prisoner to be returned to jail. But if the judge discovers that the imprisonment is illegal, he has the power to set the prisoner

free. For that reason, the Framers of the American Constitution routinely referred to this legal procedure as the “Great Writ” because it was considered one of the great safeguards of individual liberty.³⁸

The government has tried to bypass the writ of habeas corpus in several ways. First, American citizens designated “enemy combatants” were held in solitary confinement in a military brig in the United States. Access to attorneys was denied. According to the government’s reasoning, the prisoners could be denied meetings with their attorneys because they were enemy combatants, not criminals (who are guaranteed certain constitutional rights). Note the circularity of that argument. The prisoners could not go to court to challenge their enemy combatant designation because they were being held in solitary confinement. And if the prisoners could not meet with an attorney to explain their side of the story, it would be virtually impossible for any attorney to rebut the government’s enemy combatant allegations in a court hearing.³⁹

Second, government attorneys argued that even if an enemy combatant could meet with an attorney and even if a habeas corpus petition could be filed on the prisoner’s behalf, the courts ought to summarily throw such petitions out of court. According to Bush’s lawyers, the courts should not “second-guess” the president’s “battlefield” decisions. But when the government attorneys were pressed about their definition of the term “battlefield,” they said they considered the entire world to be the battlefield, including every inch of U.S. territory.⁴⁰ Every inch—from Disney World in Florida to Yellowstone Park in the Rockies to the sandy beaches of Hawaii and all of the tiny towns in between. They are all on the “battlefield.” That is a profoundly disturbing claim because there are no legal rights whatsoever on the battlefield. Military commanders simply exercise raw power. By twisting and redefining the term “battlefield,” government attorneys are advising President Bush that because he is the commander in chief, he can essentially incarcerate whomever he wants.⁴¹

Imperative Security Internee

After the Supreme Court declared the Bush administration’s enemy combatant policy illegal—that even enemy combatants who are American citizens retain certain rights, such as access to a lawyer and an impartial hearing—the government has responded by simply slapping a new label on its prisoners. Cyrus Kar went to Iraq to make a film documentary. Kar is an Iranian American and a former U.S. Navy Seal. He was taken into custody on suspicion of wrongdoing and incarcerated at a U.S. military base in Iraq. Kar was held for several weeks, but no charges were filed against him.⁴²

When Kar’s family and friends tried to clear up the matter, but got nowhere with letters, phone calls, and meetings, they filed a lawsuit on Kar’s behalf in the United States, which forced government officials to account for their actions. When the U.S. military was confronted with the question of why it had not abided by the recent Supreme Court ruling and given Kar access to legal counsel and a hearing, a Pentagon spokesperson explained that Kar was considered, not an “enemy combatant,” but rather an “imperative security internee.”⁴³ That designation apparently means that until the Supreme Court rules that this new category of persons retains rights as well, the government will do whatever it wants. Should the Supreme Court rule that the Bill of Rights applies to “imperative security internees,” what is to stop the government from inventing another label for its prisoners?

Debriefing

“Debriefing” is the new euphemism for interrogation in the third degree. The New York City Police Department caused a stir in 2003 when its Intelligence Division used the coercive setting of an arrest interrogation to gather information about anti-war protesters. Outside the presence of counsel, detectives questioned protesters about their political views and affiliations.

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If a protester commits an act of vandalism, he can, to be sure, be arrested and jailed. But it is totally inappropriate for the police to grill such arrestees about their personal lives and political beliefs. When civil liberties groups confronted the police commissioner about such practices, a spokesperson said the department believed its policy was lawful because it viewed the questioning of the arrested demonstrators as “debriefings” rather than “interrogations.”⁴⁴ The NYPD nevertheless decided to scrap its Demonstration Debriefing Form—coincidentally just a single day after its use came to light in the newspapers.

The Central Intelligence Agency is also fond of using the term “debriefing” to describe its practices. Here is a telling excerpt from an interview with the then-director of the CIA, Porter Goss, with ABC News anchor Charles Gibson:

Charles Gibson: Let me ask you about torture.

Porter Goss: Mm hmm.

Charles Gibson: You said the other day that the CIA does not do torture. Correct?

Porter Goss: That is correct.

Charles Gibson: How do you define it?

Porter Goss: Well, I define torture probably the way most people would, in the eye of the beholder. What we do does not come close because torture, in terms of inflicting pain or something like that, physical pain or causing a disability, those kinds of things that probably would be a common definition for most Americans, sort of you know it when you see it, we don’t do that because it doesn’t get what you want. We do debriefings because debriefings are, the nature of our business is to get information and we do all that, and we do it in a way that does not involve torture because torture is counterproductive.

Charles Gibson: We reported in the past two weeks about, having talked to a number of people who have worked and did work in this agency, about six progressive techniques, each one harsher than the last to get terrorists to talk, including things like long term standing up, sleep deprivation, exposure for long periods of time to cold rooms, or something called water boarding, which involves cellophane and, over the face and water being poured on an individual. Do those things take place?

Porter Goss: (inaudible) we just simply . . .

Charles Gibson: You know, you know what water boarding is, though, right?

Porter Goss: I, I know what a lot of things are, but I am not going to comment.

Charles Gibson: Would that come under the heading of—would that come under the heading of torture?

Porter Goss: I don’t know. I . . .

Charles Gibson: Well, under your definition of torture that you just gave me of inflicting pain?

Porter Goss: Let me put it this way, I’m not going to comment on any individual techniques that anybody has brought forward as an allegation or have dreamed up or anything like that. What we do, as I’ve said many times, is professional, is lawful, it yields good results and it is not torture.⁴⁵

The Bush administration has taken the position that terrorists are not covered by the Geneva Convention but that the U.S. government will treat all prisoners humanely. However, when members of Congress pressed Attorney General Gonzales about that policy, Gonzales admitted that the president could

order the CIA to treat certain prisoners inhumanely.⁴⁶ In sum, the administration says it can legally authorize an inhumane debriefing, but not torture.

Military Tribunal

The U.S. Constitution requires certain procedures when the government accuses a person of a crime. The Bill of Rights provides that the accused shall enjoy the right to a speedy and public trial before a jury. The accused is also entitled to the assistance of counsel and must be permitted to confront witnesses against him. Shortly after 9/11 President Bush made an astonishing announcement. Bush declared that he would personally decide who was to receive a trial by jury in civilian court and who would face trial before a special military tribunal.⁴⁷ And Bush would also decide the various rules and procedures that would be followed in the tribunal proceedings.⁴⁸

President Bush's order was controversial.⁴⁹ *New York Times* columnist William Safire observed that prisoners brought before the tribunals were facing a superexecutive—"an executive that is now investigator, prosecutor, judge, jury and jailer or executioner."⁵⁰ Alberto Gonzales, then counsel to the president, tried to argue that Bush's order was fairly limited—since it applied only to noncitizens and to persons who supported "Al Qaeda or other international terrorist organizations."⁵¹ It is now apparent, however, that the president believes he should be able to revise or extend his order to include citizens and also to include persons who are not involved in international acts of terrorism.⁵² In sum, the administration maintains that the trial procedures set forth in the Constitution are merely a discretionary option for the president.

This Is Not a National Identification Card

In the immediate aftermath of the terrorist attacks on the World Trade Center and

the Pentagon, some members of Congress openly proposed the idea of national identification cards as a way of enhancing the safety of the citizenry. Unlike the Patriot Act, that proposal seemed to be going nowhere fast. White House spokesman Jimmy Orr said President Bush "is not even considering the idea."⁵³ A few years later, the president abruptly reversed his position and quietly signed legislation that will, in effect, create a national ID card for Americans.⁵⁴

Because national ID cards are not very popular, proponents have discovered that the road to success requires doublespeak. That is, the ID proposal must be "repackaged" as something else. This is what happened. Last year Congress passed the REAL ID Act, which will ostensibly enhance the security of state-issued drivers' licenses. Sen. Richard Durbin (D-IL) stressed the point during hearings on the proposed legislation: "This [measure] is about state-issued driver's licenses, not a national ID."⁵⁵ In fact, the REAL ID Act is a sweeping assertion of federal control over a traditional state function. The secretary of homeland security will now decide what forms of "state-issued" ID will be acceptable to federal security personnel at federal facilities and airports. State policymakers are now scrambling to meet the federal government's criteria.

Whether one supports or opposes the idea of a national identification card, the point here is that the merits and demerits should be discussed openly. Sen. Lamar Alexander (R-TN) blew the whistle on this egregious example of doublespeak when he urged his colleagues to be more forthright about what they were doing—instead of "pretending we are not creating national ID cards when we obviously are."⁵⁶

Terrorists

If politicians pour a billion dollars into a bureaucracy with a mandate to "thwart terrorism," bureaucrats will spend that money even if it requires stretching the definition of "terrorism." Here are a few examples of how

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the term “terrorist” is expanding:

- The FBI has asked local police departments to keep tabs on anti-war demonstrators and report suspicious activity to its counterterrorism squads.⁵⁷
- The U.S. military is also getting into the domestic surveillance business. In 2005 a Defense Department report summarized various threats to military personnel and facilities. One “threat” was a small gathering of political activists at a Quaker meeting house in Lake Worth, Florida. The activists met to plan a protest of military recruiting at the local high schools. Pentagon officials declined to discuss this matter with reporters.⁵⁸
- The Patriot Act requires financial institutions to file “suspicious activity reports” with federal officials when some unusual transaction takes place. Since the banks face stiff fines if they fail to report, they have stepped up their reporting in recent years. One bank closed the account of a Catholic nun because she did not have an identification card on file. Reports were also filed against former senate majority leader and presidential candidate Bob Dole and former defense secretary Frank Carlucci because they prefer to make large cash withdrawals to pay for their everyday expenses—instead of using a credit card. “Having been the national security adviser, the deputy director of the CIA, and the secretary of defense, I am an unlikely prospect for helping terrorists,” Carlucci quipped.⁵⁹
- In 2002 the White House Office of National Drug Control sponsored television ads that suggested that American drug users aid and abet terrorist networks because the money that is going to the local drug dealer might then go to persons involved in terrorism. There are approximately 20 million drug users in the United States.⁶⁰
- Federal prosecutors charged David Banach with terrorism after he reckless-

ly pointed a laser at an airplane flying over his property. Even though police were satisfied that Banach was not a terrorist, prosecutors charged him with interfering with a flight crew under the Patriot Act. Banach’s attorney said, “One would think they would want to devote their time and resources to prosecuting real terrorists.”⁶¹

- New York prosecutors are using an anti-terrorism law that was enacted after 9/11 to jail members of the St. James Boys street gang. Local lawmakers were taken aback by that move. One assemblyman said the law was supposed to deal with real acts of terrorism: “We were talking about Osama bin Laden, not gang members.”⁶²
- Two months after 9/11 North Carolina enacted a new anti-terrorism law. A few months later, a prosecutor charged a man who was accused of operating a methamphetamine lab under the new anti-terrorism provision that concerned the manufacture of chemical weaponry.⁶³
- Federal air marshals are reportedly putting innocent people into intelligence databases as “suspicious persons.” The air marshals do this because they must meet a monthly quota. Innocent travelers may never know why the government has identified them as potential terrorists.⁶⁴

One reason that the federal government failed to thwart the 9/11 plot is that it was trying to do so many things that it lost sight of its most important responsibility—defending the homeland from foreign threats. That responsibility was just lost in the jumble.⁶⁵ Repackaging the jumble as “terrorism” is not the way to thwart al-Qaeda or related splinter groups that want to murder as many Americans as they possibly can.

Freedom

President Bush has nothing but praise for freedom. He has probably spoken about free-

dom more than any other American president.⁶⁶ And on the day of the vicious terrorist attacks, September 11, 2001, Bush declared, “Freedom has been attacked, but freedom will be defended.” That sounded good. It is certainly what the overwhelming majority of Americans wanted to hear. Unfortunately, the Bush administration would soon push for measures that are antithetical to freedom, such as secretive subpoenas, secretive arrests, secretive detentions, and secretive trials.

Webster’s New World Dictionary (1998) defines “freedom” as “the state or quality of being free; esp., a) exemption or liberation from the control of some other person or some arbitrary power; liberty; independence.” President Bush has tried to use that word to mean something else. Bush uses the word “freedom” to draw the sharpest possible contrast with “terrorism.” Thus, the president frames the battle against al-Qaeda in terms of the “struggle between freedom and terror.”⁶⁷ As author James Bovard has observed: “For Bush, freedom seems to be whatever extends his own political power. Whatever razes any barriers to executive power—that is ‘freedom.’”⁶⁸

One can certainly argue that the al-Qaeda terrorist network represents a dangerous new threat to the American homeland—and that government officials require new powers to combat that threat. But it is doublespeak to use the terms “freedom” and “power” as if they were interchangeable. Who could credibly argue that the repeal of the Bill of Rights would represent the “advancement of freedom”?

Conclusion

Five years ago three thousand people were viciously killed by al-Qaeda terrorists. Terrorism is clearly a problem that must be confronted by American policymakers. And reasonable people can honestly disagree about the merits and demerits of various foreign policy and domestic policy initiatives. At the same time, no serious person can deny the phenomenon of double-speak. And no reputable policymaker or scholar

would claim that doublespeak is desirable. All persons of goodwill from across the political spectrum decry the corruption of public discourse.

Given that widespread condemnation, one might reasonably ask why doublespeak seems to be flourishing. The short answer is that government officials have an incentive to lie and misrepresent their actions so that they can expand, or at least maintain, their power. When the citizenry is fed false information, it is costly for skeptics to undertake an investigation of the various issues in order to learn the truth. Politicians and bureaucrats exploit this disadvantage to the fullest in order to shape political outcomes to their liking.⁶⁹

The American people must recognize these odious tactics for what they are and remain vigilant about our Constitution and individual liberty. Too many people seem to think that the Constitution will automatically check the government from overstepping its authority and running amok. That simply is not true. The Constitution is incapable of enforcing itself. The ultimate limit on the power of government has always been the patience of the people. As Judge Learned Hand warned many years ago, “Liberty lies in the hearts of men and women; [if] it dies there, no constitution, no law, no court can save it.”⁷⁰

Notes

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