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**Homeland Security Act:  
The Rise of the American Police State**  
by Jennifer Van Bergen  
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Editors Note: This a three-part series on the Homeland Security Act (HSA). Part 1 reviews the origins of the Act in the Hart-Rudman Commission and the Council on Foreign Relations. Part 2 discusses Cheney's plan for global dominance and how that relates to homeland security. Part 3 details some of the HSA provisions themselves and briefly discusses what worries civil libertarians.

Text of the Homeland Security Act

Part I

"It is far more dangerous and threatening to our few remaining civil liberties than he appears willing to suggest," writes Professor E. Nathaniel Gates of Benjamin N. Cardozo School of Law about William Safire's recent article on the Homeland Security Act. "I had the rather grim and unfortunate duty of reviewing the legislation to which Safire refers in some detail," says Gates.[1]

The Act, sponsored by Representative Dick Armey (R-TX) (whom the ACLU just astonishingly recruited as a consultant), and criticized by nearly every source on the internet, nonetheless passed the House 299-121. Why? Was it the continuing fear of terrorism?

I do not think so.

Although Bush apparently did not seriously consider the Homeland Security Act (HSA) provisions until after the attacks, its provisions were, like those of the USA PATRIOT Act, in the works long before September 11.

The Act, furthermore, promotes the creation of what one senator once called "a global security system" controlled by the United States, not to mention a budding police state in America. This agenda falls neatly in line with the plan for American global dominance endorsed by Cheney, Wolfowitz, Powell, and Rumsfeld.

Finally, the Homeland Security Act was structured on the recommendations of a special commission that was closely connected to, if not derived from, the Council on Foreign Relations (CFR), which one author notes "has had its hand in every major twentieth century conflict."

## **Homeland Security, the Hart-Rudman Commission, and the Council on Foreign Relations<sup>[2]</sup>**

"[T]he proposal for a Homeland Security Department originated in 1998 with the launching of the so-called Hart-Rudman Commission," officially called the United States Commission on National Security/21st Century, according to William F. Jasper.<sup>[3]</sup>

The report issued by the Hart-Rudman Commission ("the Commission"), "Road Map for National Security: Imperative for Change," is dated January 31, 2001.

The "Executive Summary"<sup>[4]</sup> of the Commission Report ("the Summary") declares: "In the new era, sharp distinctions between 'foreign' and 'domestic' no longer apply." The Commission does "not equate security with 'defense.'" However, they "do believe in the centrality of strategy, and of seizing opportunities as well as confronting dangers."

"The risk," says the Summary, "is not only death and destruction but also a demoralization that could undermine U.S. *global leadership*." (Emphasis added.)

The Commission recommended "the creation of a new independent National Homeland Security Agency (NHSA) with responsibility for planning, coordinating, and integrating various U.S. government activities involved in homeland security. NHSA would be built upon the Federal Emergency Management Agency, with the three organizations currently on the front line of border security -- the Coast Guard, the Customs Service, and the Border Patrol -- transferred to it. NHSA would not only protect American lives, but also assume responsibility for overseeing the protection of the nation's critical infrastructure, including information technology."

This is indeed the basic blueprint of the Homeland Security Act.

Of the "twelve" Hart-Rudman commissioners, Jasper writes, nine were members of the Council of Foreign Relations (CFR or "the Council"), which Jasper calls "the semi-secret, private organization that serves as the most visible element of the Internationalist Power Elite."

According to the CFR, the bipartisan 14-member panel was put together in 1998 by then-President Bill Clinton and then-House Speaker Newt Gingrich (R-Ga), to make strategic recommendations on how the United States could ensure its security in the 21st century.

The Council states that it is a "non-governmental, non-partisan organization" that "is dedicated to increasing America's understanding of the world and contributing ideas to U.S. foreign policy." Its stated goals are "to add value to the public debate on international affairs, energize foreign policy discussions nationwide by making the Council a truly national organization with membership across the country, identify and nurture the next generation of foreign policy leaders, and make the Council the source for ideas and clear and accurate information on key international issues for the interested public."

Membership to the Council is limited and based on recommendations by other members.

"[T]he 'conservatives' who populate the Bush administration -- Dick Cheney, Colin Powell, Donald Rumsfeld, Condoleezza Rice, Robert Zoellick, George Tenet, Paul Wolfowitz, et al. -- are drawn from the CFR stable," says Jasper. He also states that Senator Joseph Lieberman (D-CT) and Representative Dick Gephardt are both CFR.

Bi-partisan? Lieberman sponsored S. 2452, an earlier version of the Homeland Security Act, which was absorbed into HR 5710, the final version that passed the House.

According to its website, the Commission "was chartered to review in a comprehensive way U.S. national security requirements for the next century." The Addendum "provided a 'baseline' of the national security apparatus, and was completed in draft form by the summer of 2000 as the Commission's main Phase III effort began in earnest."

The Commission claims: "To our knowledge no product has been previously produced that describes the national security structures and processes of the U.S. government in such detail."

Those recommendations ultimately were followed closely by the Homeland Security Act, although Bush appears to have been reluctant to follow them before 9/11.[5]

Jasper's conclusion about the connection between the Hart-Rudman Commission and the Council on Foreign Relations seems sound. There is a significant amount of information about the Commission on the Council on Foreign Relations' website, including a report by a "Council-Sponsored Independent Task Force on Homeland Security Imperatives, Co-Chaired by Gary Hart and Warren B. Rudman, Directed by Stephen E. Flynn (2002)" which concludes that "America Is Still At Risk" and "Recommends Providing Federal Funds, Recalibrating Transportation Security Agenda; Strengthening Local, State, and Federal Public Health and Agricultural Agencies, Empowering Front Line Agents, and Supporting National Guard Units."

The Council states that the Independent Task Force "which makes recommendations for emergency action, included two former secretaries of state, three Nobel laureates, two former chairmen of the Joint Chiefs of Staff, a former director of the CIA and FBI, and some of the nation's most distinguished financial, legal, and medical experts. One of the country's leading authorities on homeland security, Council Senior Fellow Stephen Flynn, directed the Task Force."

The Task Force "does not seek to apportion blame about what has not been done or not done quickly enough. The report is aimed, rather, at closing the gap between our intelligence estimates and analysis -- which acknowledge immediate danger on the one hand -- and our capacity to prevent, mitigate and respond to these attacks on the other."

According to Jasper, Bush's homeland security proposal, announced nine days after September 11th, "follows the Hart-Rudman outline perfectly."

Jim Marrs wrote in his book, *Rule By Secrecy*, that critics of the Council have noted "that the

CFR has had its hand in every major twentieth century conflict." Marris quotes one CFR insider, Admiral Chester Ward, retired judge advocate general of the U.S. Navy and a longtime CFR member, as saying that the one common objective of CFR members is "to bring about the surrender of sovereignty and the national independence of the United States . . . Primarily, they want the world banking monopoly from whatever power ends up in the control of global government." [6]

According to Marris: "Nearly every CIA director since Allen Dulles has been a CFR member, including Richard Helms, William Colby, George Bush, William Webster, James Woolsey, John Deutsch, and William Casey." Noting that Article II of the CFR's bylaws state that anyone revealing details of CFR meetings in contravention of the CFR's rules could be dropped from membership, Marris concludes that the Council qualifies as "a secret society."

Sounds a little like the Bush administration.

## Part II

### **Cheney's Plan for Global Dominance**

One does not need to look into the Council on Foreign Relations, however, to discover the hidden agenda behind the Homeland Security Act. David Armstrong recently wrote a detailed article for *Harper's Magazine* on "Dick Cheney's Song of America: Drafting a Plan for Global Dominance." [7]

Armstrong reviewed the "Defense Planning Guidance" reports issued by the Office of the Secretary of Defense while Cheney was the secretary under Bush I and thereafter.

Jasper links the Homeland Security Department to "one of several unprecedented efforts to centralize military and law enforcement power in the executive branch," and notes Bush's June 1st speech at West Point in which he introduced the doctrine of "defensive intervention" (more commonly called "preemptive strikes").

David Armstrong echoes this conclusion when he states that the West Point speech was part of Cheney's "perpetually evolving work" which "will take its ultimate form . . . as America's new national security strategy."

"The plan," according to Armstrong, "is to rule the world. The overt theme is unilateralism, but it is ultimately a story of domination. It calls for the United States to maintain its overwhelming military superiority and prevent new rivals from rising up to challenge it on the world stage. It calls for dominion over friends and enemies alike. It says not that the United States must be more powerful, or most powerful, but that it must be absolutely powerful."

Armstrong muses that the Plan "is disturbing in many ways, and ultimately unworkable. Yet it is being sold now as an answer to the 'new realities' of the post-September 11 world, even

as it was sold previously as the answer to the new realities of the post-Cold War world." He says "Cheney's unwavering adherence to the Plan would be amusing, and maybe a little sad, except that it is now our plan."

Armstrong tracks Cheney's evolving work from the initial idea of America's need to project a military "forward presence" around the world, shifting from the policy of global containment in order to manage "less-well-defined regional struggles and unforeseen contingencies" to the doctrine of preemptive military force with nuclear weapons. He notes the shift from a threat-based defense strategy to a capability-based assessment.

The capability-based assessment of military requirements became a key theme of Cheney's plan. Capability-based: because we can. The inanity of this approach is well-illustrated by singer/songwriter Jonatha Brooke in her 1995 song "War" --

**It's the American way, the new world order  
We hold these truths to be self-evident  
In the American day, you must give and I shall take,  
And I will tell you what is moral and what's just  
Because I want, because I will, because I can, so will I kill.**

Behind Cheney's doctrines was a deep fear and suspicion of the Soviets that was shared by Colin Powell, who as Ronald Reagan's national security adviser began working on this Plan in the late 1980s, and by Paul Wolfowitz, then undersecretary of defense for policy.

When the Plan was leaked in March 1992 to the *New York Times*, Delaware Senator Joseph Biden criticized its proposal of "a global security system where threats to stability are suppressed or destroyed by U.S. military power."

Wolfowitz might have us believe that the Cheney Plan is a brilliant anticipation of the terrorist attacks. Wolfowitz asked in a 1996 editorial: "Should we sit idly by with our passive containment policy and our inept covert operations, and wait until a tyrant possessing large quantities of weapons of mass destruction and sophisticated delivery systems strikes out at us?"

The Council on Foreign Relations, on the other hand, refers to the Hart-Rudman Commission as the "now famous Commission on National Security that warned of such a terrorist attack three years ago."

These boastings, however, ignore what Armstrong's article so clearly reveals: the dangerous course these doctrines promote.

From national unity to state control.

From clear separations between foreign and domestic intelligence activities under the CIA charter of 1947 ("the Charter") and the Foreign Intelligence Surveillance Act (FISA) of 1978, in clear deference to the United States Constitution's Fourth, Fifth, and Sixth Amendment requirements, to wholesale merging of these activities, in violation of the Charter, the obvious intent of FISA, and the Constitution.

From military "base force" and a tentative "forward presence" to "preemptive strikes" and "unwarned attacks."

As Ralph G. Neas, president of People for the American Way said: "It's truly astonishing. It seems that we're forgetting everything we learned in the 1970's." [8] And, as Armstrong notes: "This country once rejected "unwarned" attacks such as Pearl Harbor as barbarous and unworthy of a civilized nation." Armstrong further states that we "also once denounced those who tried to rule the world."

The Plan, finally, envisions unilateral action without alliances. Coalitions are relegated to "ad hoc assemblies, often not lasting beyond the crisis being confronted." Where it cannot get others to agree with its goals or decisions, the United States will "act independently" to address "selectively those wrongs which threaten not only our interests, but those of our allies or friends." Coalitions "must not determine the mission." American interests, according to the Plan, include "access to vital raw materials, primarily Persian Gulf oil, proliferation of weapons of mass destruction and ballistic missiles, [and] threats to U.S. citizens from terrorism."

Now, if we claim that Persian Gulf oil is one of our primary interests and we are the only ones who can determine our mission, no wonder we are worried about "terrorist" threats from the Middle East.

Gary Hart, himself, noted in an article in the current (December 16th) issue of *The American Prospect*: "A major U.S. invasion of a Muslim country would almost certainly trigger serious attempts to kill Americans." He asks: "Are we ready for the virtually certain retaliatory terrorist attacks on our homeland if we invade Iraq?"

The importance of these concerns cannot be overemphasized. Yet, they are hardly discussed in the press. Nor do these discussions begin to consider the various violations of international law that the United States would be committing, and already has committed, under Bush administration current and anticipated measures -- nor the potential effects of these on our safety.[9]

## Part III

### **Homeland Security Act**

The concerns of civil libertarians about incursions on civil liberties under the U.S.A. PATRIOT Act or Homeland Security Act do not begin to make a dent on public awareness (or in Bush policy-making) because they do not consider the Cheney Plan for Global Dominance. The Plan supersedes all.

Global domination is the universal dream of every secret warrior. As one of my students wrote in class a few years ago: "The two major Universal Drives seem to be Dominance (survival) and Sex (love). As long as these two conflicts don't arise, there is peace in the

world." [10]

But, while everyone may share such drives, not everyone has "an inordinate sense of his own entitlement" [11] like Bush and those in his inner circle have.

If you have the underlying belief that you must dominate in order to survive, you are unlikely to have much concern for civil liberties.

The Homeland Security Act, like the PATRIOT Act, is a further incursion on American civil liberties. Both of these Acts arose out of a deeper background policy of global domination and disregard for the sanctity of individual human rights.

### **Federal Supervision of First Responders**

The biggest charge that Jasper makes against the Homeland Security Act is that it "mandates federal supervision, funding, and coordination of 'local first responders' -- specifically police and emergency personnel," thus expanding federal control of local law enforcement.

The sections in the Homeland Security Act that concern "first responders" are in Title V: Emergency Preparedness and Response, but there is no specific mandate of federal control over local police. The provision simply provides for coordination and guidance. Although centralization appears to be the only way to properly handle emergency preparedness on a sufficiently large scale to protect our country, there is, nonetheless, reason for concern that central federal coordination could lead to loss of local control and to potential federal militarization, especially in view of the many other measures and events that support such a possibility -- such as, the Military Tribunals without constitutional procedural protections, the preemptive "war" on Iraq, the refusal of hearings and legal representation to "unlawful enemy combatants" and Guantanamo detainees, the indefinite detention of immigrants who are not even determined to be a danger (also often without hearings or representation), information-sharing provisions, the mixing of foreign and domestic investigations under FISA, Citizen Corps, and many more new measures now under the Homeland Security Act enumerated below.

According to the United States Northern Command (USNC), "First responders are the men and women who are 'first on the scene' as a natural or man-made disaster unfolds. They are also the last to leave the scene. First responders are policemen, firemen, emergency medical technicians. ... There are 11 million state and local first responders in 87,000 jurisdictions throughout the United States." [12]

The USNC states that: "Our nation's structure of overlapping federal, state, and local governance -- more than 87,000 different jurisdictions -- provides a unique opportunity and challenge for U.S. Northern Command. *Operations are underway to develop interconnected and complementary relationships and plans to support first responders.* Everyone on this broad team, including U.S. Northern Command, wants to ensure the safety and security of the American people" (emphasis added).

USNC notes that the Posse Comitatus Act (18 USC 1385) [13] "generally prohibits U.S.

military personnel from interdicting vehicles, vessels and aircraft; conducting surveillance, searches, pursuit and seizures; or making arrests on behalf of civilian law enforcement authorities."

USNC adds: "Prohibiting direct military involvement in law enforcement is in keeping with long-standing U.S. law and policy limiting the military's role in domestic affairs."

However, the USNC notes four statutory exceptions to this prohibition: (1) counter-drug assistance (10 USC 371-81), (2) Insurrection Act (10 USC 331-34), (3) crimes using nuclear materials ( 18 USC 831), and (4) chemical or biological weapons of mass destruction (10 USC 382).

According to a March 6, 2002 article by Gary Seigle on Government Executive Magazine, titled "'First responders' to terrorism seek federal strategy, equipment," first responders themselves were seeking federal assistance and guidance. Seigle writes: "A national training standard should be established and maintained by the federal government for first responders who are poorly prepared and equipped to recognize or respond to a weapon of mass destruction attack, emergency officials told a congressional subcommittee yesterday." [14]

According to the *New York Times*, General Ralph E. Eberhart, now in charge of USNC, said earlier this year that he would welcome a review of existing restrictions against using military forces domestically. (See Part 2 of this series, footnote 8.) Meaning, presumably, overturning the Posse Comitatus Act. Doing so would essentially mean allowing a standing domestic army.

James Madison, a proponent of strong national government, wrote:

In time of actual war, great discretionary powers are constantly given to the executive magistrate. Constant apprehension of war has the same tendency to render the head too large for the body. A standing military force with an overgrown executive will not long be safe companions to liberty. [15]

Patrick Henry said: "A standing army [will] execute the execrable commands of tyranny." This is "a most dangerous power," he declared. [16]

### **Other provisions of concern are:**[17]

**Title II** creates a Directorate of Information Analysis and Infrastructure Protection, charged with creating and maintaining a massive data base of public and private information on virtually any individual in the United States. Information on persons' credit card purchases, telephone calls, banking transactions, and travel patterns can be compiled and used to assemble a profile that could be used to mark innocent people as terrorist suspects.

**Section 201(d)(5)** gives this Directorate authority to "develop a comprehensive national plan for securing the key resources and critical infrastructure of the United States, including power production, generation, and distribution systems, information technology and telecommunications systems (including satellites), electronic financial and property record storage and transmission systems, emergency preparedness communications systems, and the



physical and technological assets that support such systems."

Sounds almost like a communist state.

Under this provision, personnel from the CIA, FBI, DOS, NSA, DIA, and any other agency the President considers appropriate, "may be detailed to the Department for the performance of analytic functions and related duties" (201(f)(1)).

This makes the Directorate equivalent to a massive domestic intelligence agency like the KGB. KGB translates as "the Committee of the State Security."

Private sector analysts may be used and cooperative agreements between agencies are authorized (201(e)(2) and (f)(3)).

It is true that information sharing may be necessary, but these provisions, to say the least, obliterate the distinction between foreign and domestic intelligence gathering that was codified by the charter of the Central Intelligence Agency of 1947 and by the Foreign Intelligence Surveillance Act of 1978. Indeed, if the PATRIOT Act did not eviscerate those statutes, the Homeland Security Act finishes the job.

**Section 214** exempts "critical infrastructure information" that is voluntarily submitted to "a covered Federal agency" ( 201(f)(2) ) from public disclosure under the Freedom of Information Act (FOIA). Once such information is submitted to the government, it cannot be used in any civil action against the person or entity that submitted it and government officer who knowingly discloses such information would be subject to criminal penalties (including imprisonment) and fines, as well as the loss of his or her position.

Senator Leahy (D-Vt) warned that the FOIA exemption would "encourage government complicity with private firms to keep secret information about critical infrastructure vulnerabilities, reduce the incentive to fix the problems and end up hurting rather than helping our national security." [18]

The People for the American Way note that the exemption keeps the Department of Homeland Security "from having to defend non-disclosure of information in a court of law."

As one reporter noted: "U.S. law does not treat leaks of defense information as a criminal act, nor should it. But leaks of business information will now be a crime." [19]

**Section 225** absorbs the entire text of the Cyber Security Enhancement Act of 2001 (CSEA) which previously passed the House as a freestanding measure (HR 3482). Sponsored by Lamar Smith (R-TX), the CSEA allows service providers to voluntarily provide government agents with access to the contents of customer communications without consent based on a "good faith" belief that an emergency justifies the release. The same section allows for the installation of pen register and trap and trace devices without a court order where there is an ongoing attack on a "protected computer." Any computer involved in interstate commerce qualifies.

**Title III** concerns "Science and Technology in Support of Homeland Security." **Section 304**,

according to The National Gulf War Resources Center, Inc. , "grants the HHS secretary extraordinary powers to declare a health emergency simply based on a POTENTIAL threat. This means that a hypothetical threat analysis from intelligence agencies that failed to warn of Sept 11th could be used as a reason to suspend civil liberties and start mandatory smallpox vaccinations."

The Cure Autism Now Foundation noted on their website that, "In an eleventh hour maneuver, the House suddenly amended the Homeland Security Act with a rider that makes it impossible for families who believe their children were neurologically damaged by non-essential mercury based additives [thimerosal] in vaccines to sue for civil damages --- even in cases of fraud or criminal negligence." [20]

Parents Requesting open Vaccine Education (PROVE) and The Connecticut Vaccine Information Alliance (CTVIA) state that not only does the Act "let drug giant Eli Lilly off the hook for thimerosal based vaccine induced injuries and deaths," but there are "no personal, religious, or medical exemptions" for the forced smallpox vaccinations, if the authority is exercised, and "no guarantees for humane quarantine laws." [21]

Under **Section 308** , "extramural research development, demonstration, testing, and evaluation programs . . . to ensure that colleges, universities, private research institutes, and companies (and consortia thereof) from as many areas of the United States as practicable participate" is authorized.

While it may make sense for government to draw upon academia for research, etc., universities must retain their educational independence if academic freedom is to be preserved. Government intrusion taints academic pursuits.

A clear illustration of abuse of academia were the "extramural" programs carried out under Central Intelligence Agency Projects Bluebird, MkUltra, and Monarch, from the 1940's through the 1970's. These C.I.A. projects funded similar such organizations to carry out "research" on unwitting American citizens to see if drugs or other "scientific" methods, such as hypnosis, "psychic driving," or other forms of mind control programming, could be used to brainwash individuals. [22] That was in support of homeland security, too.

**Titles IV and XI** relate to immigration and border issues. The American Immigration Lawyers Association (AILA) states that the law "fails to provide for a high-level official who is focused on our nations immigration policy, relegates immigration services to a bureau that lacks its own Under-Secretary, provides little or no coordination between immigration enforcement and services, and fails to adequately protect the important role of immigration courts." [23]

AILA further warns that although the Homeland Security Act "codifies the existence of the courts and the Attorney General's authority to control them," it "fails to address key concerns such as the role and independence of the courts and the impartiality of the judicial process." Two recent conflicting appellate decisions about whether immigration courts should be viewed as equivalent to what are known as Article III courts (federal courts) in terms of the public's First Amendment right of access to hearings support AILA's view.

**Section 871** allows the Homeland Security Department to form advisory committees exempt from sunshine provisions in federal law that normally allow citizens to find out what occurred in meetings of such committees. This provision is clearly Cheney's answer to those who have sued him to produce records of his energy policy advisory committee.

**Section 891** contains the entire text of the Homeland Security Information Sharing Act (HSISA), which passed the House under HR 4598 earlier in the session. This provision will facilitate the sharing of sensitive intelligence information with state and local authorities and allows for greater sharing of grand jury information and electronic surveillance context.

### **What Didn't Get In**

**Section 770** prohibits all federal agencies from implementing the Terrorism Information and Prevention System (TIPS). **Section 815** prohibits the development of a national identification system or card. The so-called Total Information Awareness program (TIA), according to one senator, did not get in, although the Pentagon is still creating the database; the Directorate under Title II, however, is hardly less extensive, the main difference being that TIA mandates the development of new technology. Since the technology is being developed anyway, this is a distinction without a difference.

All in all, the Homeland Security Act is a frightening piece of legislation. One would have thought that the "walk softly and carry a big stick" ideal had long ago been proven to be in the grab bag of Big Dicks: those not worthy to be in the office of the president. This legislation and the acts of this administration purport to be for our protection, but they expose us to greater dangers. While the administration tells us to be afraid, be very afraid, they make sure we are not looking at our own faces.

As Glen Phillips, lead singer/songwriter of the now-defunct band, Toad the Wet Sprocket, aptly wrote in his 1997 song "Whatever I Fear,"

**Whatever I fear the most is whatever I see before me  
Whenever I let my guard down, whatever I was ignoring  
Whatever I fear the most is whatever I see before me  
Whatever I have been given, whatever I have been.**

Jennifer Van Bergen is a regular contributor to TruthOut. She has a J.D. from Benjamin N. Cardozo School of Law, is a contributing editor of Criminal Defense Weekly, an adjunct faculty member of the New School Online University, a division of the New School for Social Research, and an active member of the ACLU.

### **Footnotes**

1. Email to author, November 20, 2002 (quote used with permission). See Gates' bio at: [http://www.cardozo.yu.edu/faculty\\_staff/fulltime.html#Gates](http://www.cardozo.yu.edu/faculty_staff/fulltime.html#Gates)
2. I have made liberal use of the websites of the Commission and the Council: [www.nssg.gov](http://www.nssg.gov) and [www.cfr.org](http://www.cfr.org). Quotes in this section come from their sites respectively, except Jasper quotes or where otherwise indicated.
3. William F. Jasper, "Rise of the Garrison State."  
This is the John Birch Society website, an unlikely source for such information. It is the only site this

author found that expressly connects the Homeland Security Act to the prior work of the Hart-Rudman Commission and Council on Foreign Relations.

4. All quotes from Executive Summary of U.S. Commission on National Security Report, U.S. Dept. of State, 1/31/01
5. Taking Exception to Mr. Bowman - Not so obvious, by Adam Garfinkle, *National Review*, 11/12/02, and What We Knew: Warning Given...Story Missed - How a Report on Terrorism Flew Under the Radar, by Harold Evans, *Columbia Journalism Review*, Nov/Dec 2001.
6. Jim Marrs, *Rule By Secrecy* (Harper Collins, 2000). All cites on CFR from pages 31-8.
7. David Armstrong, "Dick Cheney's Song of America: Drafting a plan for global dominance," pp. 76-83, *Harper's Magazine*, October 2002 (Vol. 305, No. 1829).
8. David Johnston "The Administration Begins to Rewrite Decades-Old Spying Restrictions," *New York Times*, 11/30/02
9. I will be discussing these issues in depth in an upcoming article.
10. Comment made by George L. Beke on 11 October 2000 in my class "Act to Write" at the New School Online University (division of the New School for Social Research).
11. Mark Crispin Miller, quoted in "Bush Anything But Moronic, According to Author: Dark Overtones in His Malapropisms" by Murray Whyte, *Toronto Star*, 11/28/02
12. First Responders, U.S. Northern Command, "Deter, Prevent, Defeat" (Text-Only Version)
13. The Act states: "Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, willfully uses any part of the Army or Air Force as a posse comitatus or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both."  
See Also: The Posse Comitatus Act: A Principle In Need Of Renewal, *Washington University Law Quarterly*, Vol.75, No.2, Summer 1997, which explores the history of this law, and how "Congress has deliberately eroded this principle by involving the military in drug interdiction at our borders". [--rator]
14. 'First responders' to terrorism seek federal strategy, equipment, by Greg Seigle, *Government Executive Magazine*, 3/6/02
15. Christopher Collier, *Decision in Philadelphia: The Constitutional Convention of 1787*, p. 316 (Ballantine Books, 1986).
16. Albert J. Beveridge, *The Life of John Marshall*, Vol. 1, pp. 389, 435 (Houghton Mifflin, 1919). (Quotes taken from the printed debates of the Constitutional Convention.)
17. I have drawn from several sources in this analysis and have freely copied the language in these: Homeland Security Act Poses Threat to Government Oversight, Civil Rights and Liberties, People For the American Way, 11/19/02, EPIC Alert 9.23 (11/19/02), The New Homeland Security Department - Challenge, Potential and Risk - Privacy Guidelines, Careful Oversight Required, Center for Democracy and Technology, 12/10/02 Please call your Senators today and ask them to remove Sections 304, 1714, 1715, 1716, and 871 from the Senate version of the Homeland Defense bill, the National Gulf War Resource Center, Inc., and Summary of New Homeland Security Bill's Immigration Provisions
18. Homeland Security Act criminalizes leaks of business information, The Reporters Committee for Freedom of the Press, 11/19/02
19. Senator lies--to protect us, of course, by Robert Leger, Springfield News-Leader, 11/24/02
20. <http://www.cureautismnow.org/action/hr5710.cfm>
21. See Too Much Insecurity in Homeland Security Bill, by Dawn Richardson, PROVE (Parents Requesting Open Vaccine Education) at VaccineInfo.net, Homeland Security and Vaccine Compensation, paper prepared by The National Vaccine Information Center (NVIC), and Drug Companies Get Liability Protection In Homeland Security Bill by Barbara Loe Fisher, President, NVIC
22. See Colin A. Ross, M.D., *Bluebird: Deliberate Creation of Multiple Personality by Psychiatrists* (Manitou Communications, 2000).
23. Congress Poised to Pass Flawed Homeland Security Measure, posted on American Immigration Lawyers Association InfoNet at Doc. No. 02111433, 11/14/02

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