

Bush Homeland Security bill nears passage by US Congress

Police-state measure threatens democratic rights

The Editorial Board
18 November 2002

The US House of Representatives voted November 13 to establish a new federal Department of Homeland Security along the lines laid down by the Bush administration. The Senate, still under Democratic Party control in the lame-duck session, began considering the bill Friday, under an expedited procedure that limits debate to 30 hours and insures a final vote by November 20.

The Homeland Security bill represents a frontal assault on democratic rights, both in its provisions establishing, for the first time in US history, a centralized federal internal security agency, and in its consequences for workers in the new department, who are being deprived of civil service protection and union rights.

On the issue of workers' rights in the new department, which deadlocked congressional passage for the past three months, the House bill represents a complete victory for the White House, allowing the president to abolish collective bargaining and hire and fire workers at will.

The vote was a top-heavy 299-121, with nearly half of the Democrats joining with all but a few Republicans to endorse the measure. Among those voting for the bill was Nancy Pelosi, the California Democrat who is succeeding Richard Gephardt as house minority leader. Pelosi's elevation has come under fire from sections of the Democratic Party, who consider her too "liberal."

Once the legislation passes both houses of Congress and is signed into law, the administration plans to move rapidly to create the new department, with a target of 60 days to nominate the top officials and obtain Senate confirmation. According to some press reports, White House homeland security director Tom Ridge, the former governor of Pennsylvania, will be named secretary. One of the new department's top officials will be John Gannon, a former deputy director of the CIA—an agency that was previously barred by law from conducting spy operations inside the United States.

With 170,000 employees and a presence in every part of the country, the new Department of Homeland Security will be the closest thing America has ever had to a national police force. It will combine 22 federal agencies with some relationship to

internal security, including the Coast Guard, the Customs Service, the Secret Service, the Immigration and Naturalization Service, the Border Patrol, the Transportation Security Administration (newly established to conduct security checks of passengers and baggage at most airports) and the Federal Emergency Management Agency.

The new legislation gives the federal government powers that go far beyond those obtained by combining 22 separate security agencies into one. One provision in the bill will allow the federal government to track credit card purchases, medical data, travel, magazine subscriptions, library usage and web and email usage. All this information is to be centralized in a vast new database covering every citizen and visitor. Entitled the "Total Information Awareness" program, it is to be maintained by a new Security Advance Research Projects Agency (SARPA).

Up to now, it has been illegal for federal agencies like the FBI, the CIA, the IRS or the Immigration and Naturalization Service to share data under most circumstances. The Homeland Security Act tears down those walls, creating, in SARPA, a centralized office with unprecedented powers to link government and commercial databases, using a technique known as data mining.

SARPA will make use of methods developed by the Pentagon's Defense Advance Research Projects Agency, which has already begun research on the prototype for what it calls "a virtual, centralized grand database."

The identity of the official in charge of this \$200 million Pentagon effort is itself highly significant: retired Admiral John Poindexter, the national security adviser in the Reagan administration who was convicted of five criminal counts in the Iran-Contra affair, including lying to Congress. Poindexter's convictions were overturned on appeal and he was pardoned by President George H.W. Bush, the current president's father.

A man already convicted as a principal organizer of Reagan's secret war in Central America, organized behind the backs of the American people and in defiance of explicit congressional prohibition, is now engaged in developing a vital instrument of authoritarian rule within the United States.

The American Civil Liberties Union—which has been nearly

silent on the homeland security bill—on November 14 belatedly issued a statement condemning the Total Awareness Information program, after details were made public by *New York Times* columnist William Safire. All Americans “will find themselves under the accusatory cyber-state of an all-powerful national security apparatus,” the ACLU statement said.

There are sweeping new restrictions on the application of the Freedom of Information Act (FOIA), whose operation has already been virtually suspended by the Bush administration since the September 11 terrorist attacks. The White House has the legal power to exempt the internal functioning and intelligence-gathering of the new department from FOIA disclosure requests, by citing “national security.” Similar restrictions already apply to the Pentagon, CIA, FBI, National Security Agency and other military and intelligence bodies.

The new law goes beyond this, extending the exemption from the Freedom of Information Act to information voluntarily supplied to the Department of Homeland Security by private companies. If companies request in writing that the information be kept confidential, officials who make disclosures to the press or the public could be fined, fired, or jailed up to one year.

A company that has dumped hazardous waste into a river, for instance, could supply information about its operations to the Department of Homeland Security, have the data declared “critical infrastructure information,” and thereby criminalize any attempt to uncover the environmental or public health consequences of its actions.

The new legislation incorporates other anti-democratic provisions, including the entire text of the Cyber Security Enhancement Act, an Internet spying bill adopted by the House in July but stalled in the Senate. This gives the FBI expanded powers to collect information on web users from Internet Service Providers, and increases the penalties for computer hacking—loosely defined—to up to life imprisonment.

The process by which the Homeland Security Act is being revived and rammed through Congress demonstrates the complicity of the Democratic Party in the Bush administration’s attacks on democratic rights. The initial version of the legislation was introduced by Democratic Senator Joseph Lieberman, well before the White House had decided to support the creation of a cabinet-level department. Lieberman and other Democrats drafted many of the most reactionary provisions in the bill and enthusiastically support it, except for language that is opposed by officials of the federal employee unions.

Senate Republicans have been filibustering for the last three months to block consideration of a Democratic version of the homeland security legislation, which retained some union and civil service protection. They agreed to drop the filibuster after three supporters of the Democratic bill agreed to shift their position and oppose it. The Democratic bill was then voted down, by 50-47, clearing the way to take up the version sought by the Bush administration.

Democrats control the upper house at the start of the lame-duck session, and could have blocked the legislation. From a parliamentary standpoint, it would be perfectly feasible for the Democrats to engage in the same tactics as the Republicans—filibustering the bill until the White House made concessions—but outgoing Senate Majority Leader Tom Daschle said there would be no such effort.

Daschle and House Speaker Dennis Hastert called the lame-duck session because only two of the thirteen appropriations bills required to fund the federal government had been passed before Congress went into recess for the midterm elections. They said Congress would reconvene November 12 to take up the remaining appropriations bills.

But House and Senate Republicans have decided to postpone the spending bills until the new Congress assembles in January, when they will have control of both houses. When Bush proclaimed homeland security the main business of the lame-duck session, the Democrats meekly complied.

The White House-backed bill makes a mockery of legislative procedure. The most extensive reorganization of the federal government in 50 years is being rammed through Congress in a 484-page bill that most senators and congressmen have not read, with many provisions on which there have been no hearings and no public discussion. Senator Robert Byrd, the senior member of the Senate, spoke last Thursday night on the Senate floor, denouncing the legislation as a “sham,” and urging his colleagues not to “roll over and play dead.”

Daschle and the Democratic leadership, however, have made it clear that they will not conduct any struggle against the bill, and Daschle himself said he might vote for it. The Democrats’ complicity underscores the fact that there is no significant constituency for the defense of democratic rights against the power of the state in either party. Congress has become little more than a rubber stamp for the demands of an executive branch that is preparing to combine war abroad and repression of political opposition and dissent at home.



To contact the WSWS and the
Socialist Equality Party visit:
wsws.org/contact