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## **Orwell in 2007**

By Robert Weiner and John Larmett  
The Oregonian

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In "1984," the novel that most baby boomers read in high school, George Orwell creates a theoretical modern-day government with absolute power - a state in which government, called the Party, monitors and controls every aspect of human life to the extent that even having a disloyal thought is against the law.

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On Sept. 26, a federal judge in Eugene ruled that crucial parts of the USA Patriot Act are unconstitutional because they allow federal surveillance and searches of American citizens without demonstrating probable cause. U.S. District Judge Ann L. Aiken said the federal government would "amend the Bill of Rights, by giving it an interpretation that would deprive it of any real meaning."

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Ruling in favor of an Oregon lawyer who challenged the act after he was mistakenly linked to the 2004 train bombings in Madrid, Spain, Aiken stated: "A shift to a nation based on extra-constitutional authority is prohibited, as well as ill advised."

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Earlier in September, another federal judge, this one in New York, ordered the FBI to stop obtaining e-mail and telephone data without first securing a warrant. The secrecy provisions are "the legislative equivalent of breaking and entering, with an ominous free pass to the hijacking of constitutional values," U.S. District Judge Victor Marrero wrote.

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In "1984," the Party barrages citizens with psychological stimuli designed to overwhelm the mind. The giant telescreen in every room

monitors behavior. People are continuously reminded of government's surveillance, especially by omnipresent signs reading, "BIG BROTHER IS WATCHING YOU." Individuals are encouraged to spy on each other, even children on their parents, and report any instance of disloyalty to the Party - i.e., government.

"1984" is happening in 2007.

Signs along interstate highways urge citizens, "Report Suspicious Behavior." Cameras mounted at strategic locations monitor our everyday movement (just as in the novel). Red, orange and yellow are no longer just bright, pretty colors: They now represent levels of national security alerts. Intelligence agencies now define "chatter" as "terrorist speak."

The Party in "1984" uses psychological manipulation to make citizens "doublethink" - hold two contradictory ideas contrary to common sense.

Back to 2007: The Patriot Act by its very name defies individuals to disagree with it, for to do so would be "unpatriotic."

The Patriot Act was passed hastily in October 2001, under a cloak of fear in response to the Sept. 11 terrorist attacks. Some of the fundamental changes to American's traditional legal rights include:

Establishing a huge surveillance system on millions with no court approval, without probable cause.

Holding citizens indefinitely without access to the courts or counsel.

Monitoring library withdrawals and Internet communications.

Taping attorney-client communications.

Creating a national system for citizens to monitor and report on each other, regardless of reason, including paranoia or ethnic bias.

Developing a massive computer system to monitor every purchase.

Creating a national identification card.

The new federal court rulings are a step forward against threats to our freedom - as were other recent court rulings against the Bush administration's contention that the Geneva Conventions prohibiting torture were "obsolete" and "trite" and against our secret holding of prisoners abroad without due process.

9-11 was real, as the recent videos by Osama bin Laden confirm now

more than six years after he attacked us. However, that fact does not allow playing on our fears and increasing our paranoia about our personal safety. Sen. Joseph McCarthy tried that with Communism in the 1950s. The administration has tried to condition the American people, just as Pavlov did with his dogs.

Congress is now revisiting the legality of the Patriot Act, warrantless surveillance programs, torture of prisoners in secret prisons and barring detainees from counsel and knowing the charges against them. By law, in the next few months, Congress must renew, change or end the Patriot Act and surveillance programs.

This week, House Judiciary Chairman John Conyers (D-MI) introduced legislation, passed by his committee and sent to the full House, guaranteeing that the courts oversee wiretaps and that the phone companies cannot just do what some federal investigator tells them and are held accountable for violations of civil liberties. The bill also requires independent audits by the DOJ Inspector General. These provisions continue effective monitoring of potential terrorists. As Conyers, a lifetime champion of individual rights, stated in introducing the bill, "It is possible to protect civil liberties and fight terrorism at the same time."

Senate Judiciary Chair Patrick Leahy (D-VT) has similar concerns, but both Conyers and Leahy must confront the different priorities of both bodies' Intelligence Committees. In addition, the Senate legislation does not penalize the phone companies for past abuses. The issues will be decided on the floor of both the House and Senate and in conference.

Congress must act quickly or the courts should permanently strike down presidential fear-based abuses. Americans' trust of the federal government is now lower than during Watergate, according to a Gallup poll released Sept. 26.

Al-Qaeda hates Americans of all creeds and races and will do whatever it can to destroy us and our way of life. James Madison warned, "If tyranny and oppression come to this land, it will be in the guise of fighting a foreign enemy." With the mightiest military and strongest technology on Earth, democracy can stand up to terrorism without becoming the mirror of our enemies.

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*Robert Weiner was a Clinton White House public affairs director and spokesman for the US House Government Operations Committee. John Larmett was Judiciary Legislative Assistant to Rep. Jim McDermott, D-Wash., and legislative assistant to the late Sen. Gaylord Nelson, D-Wisc., and is senior policy analyst at Robert Weiner Associates.*

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