

**Media is a Plural - Rory O'Connor's blog**[Print](#) | [Back to Article](#) | [Home](#)[United States of Fear](#)Posted by roc on 13th January 2006 @ 16:01 | [No Comments](#)

How can an open society best balance demands for security with democracy?

That question is at the heart of a stunning new documentary appropriately entitled “State of Fear.” The film chronicles awful events that took place in late-20th century Peru, where nearly 70,000 civilians perished in a crossfire between a crazed revolutionary-turned-terrorist group known as the Shining Path and a Peruvian military that didn’t differentiate between enemies of the state and ordinary citizens.

In focusing on the human and societal costs Peruvian democracy faced when it embarked on a war against terror, however, the film also implies much about our own. In the wake of America’s ongoing struggle against terror – and what is looking more and more like a creeping constitutional crisis – this cautionary tale could not be more relevant to the 21st century United States and its own citizenry.

Filmmakers Pamela Yates, Paco de Onís and Peter Kinoy tell a story of escalating violence in the Andean nation and show how fear of terrorism was used to undermine democracy and exploited by unscrupulous leaders seeking personal political gain. The result – in addition to the literal piles of bodies – was the creation of a virtual dictatorship where official corruption replaced the rule of law, military justice replaced civil authority, widespread abuses by the army went unpunished... and terrorism continued to spread.

The film interweaves archival footage with personal testimony of participants on all sides of the conflict and from all walks of Peruvian life, thus dramatizing the price their democracy paid when it acquiesced in a no-holds-barred battle against terror. Although the specifics of Peru’s cycle of violence and corruption are of course unique, they generally parallel and ominously foreshadow the current conflict between the West and Al Qaeda.

In particular, the acceptance by Peru’s middle class and elite of the “necessity” of trading civil and political rights for greater (if chimerical) security, and a concomitant reluctance to look too closely at the implications of that acceptance, resonate in our own modern context. So does the lack of outrage in many sectors of society over such abuses as domestic spying and manipulation of the media. In closely examining the incremental effect of Peruvian society’s decisions to trade democracy for security, “State of Fear” shows how little the fragility of freedom and democracy is really understood by Americans as well.

The road that Peruvian President Alberto Fujimori went down is of course familiar to anyone who has ever followed the behavior of totalitarian regimes. Dictators often declare war and then suspend civil liberties in the name of it. But of late, democrats as well as dictators have begun to engage in such behavior. President Fujimori was elected, just as President Bush was – once at least – and the diabolically named, profoundly anti-democratic, USA PATRIOT Act became law with the backing, lest we forget, of a huge majority of the duly elected representatives of the American people.

Consider as well the question of whether our own president has authority to order the National Security Agency to monitor communications in the United States without warrants. Just last week, the president defended his decision to order the surveillance by noting, “I did so because the enemy still wants to hurt us. And it seems like to me that if somebody is talking to Al Qaeda, we want to know why.”

Tough talk like that inevitably sways at least a portion of a frightened populace, and some of Bush’s

political aides [told the \*New York Times\*](#) they believed the decision would ultimately help rebuild his approval ratings by demonstrating the lengths to which he would go to prevent another terrorist attack inside the United States.

Singling out Americans in the United States for such surveillance would normally require a warrant under the Foreign Intelligence Surveillance Act of 1978 (FISA), passed after revelations of massive illegal and unconstitutional spying on American citizens during the Nixon era. Among his many abuses of power, Tricky Dick ordered the warrantless wiretaps of seventeen journalists and White House staffers. Although he claimed the wiretaps were done for national security purposes, they were actually undertaken for political purposes, as evidenced by the fact that his first illegal wiretap was of a reporter who revealed the secret unconstitutional bombing of Cambodia.

Casting history aside can be perilous: Nixon's illegal wiretaps eventually came back to haunt him as one of the many grounds for the articles of impeachment voted against him by a bipartisan majority of the House Judiciary Committee. Nonetheless, our current leaders continue to claim that the present threat to democracy is so great the Constitution allows the president simply to ignore the law. Shades of Santayana! No wonder, as Elizabeth Holtzman recently noted [in the \*Nation\*](#): "People have begun to speak of impeaching President George W. Bush – not in hushed whispers but openly, in newspapers, on the Internet, in ordinary conversations and even in Congress."

"Now, I – look, I understand people's concerns about government eavesdropping," Mr. Bush has said. "And I share those concerns, as well. So obviously I had to make the difficult decision between balancing civil liberties and, on a limited basis – and I mean limited basis – try to find out the intention of the enemy."

Support for those who disagree with the president's actions came recently from an unlikely source – former CIA general counsel Jeffrey H. Smith – in the form of a legal analysis requested by the top Democrat on the House Intelligence Committee, Representative Jane Harman of California.

Although recognizing the president's assertion that his power as commander in chief justifies warrantless surveillance, Smith called that case "weak" in light of FISA. Smith also wrote that the Congressional resolution authorizing military force against those who carried out the Sept. 11, 2001, terrorist attacks "does not, in my view, justify warrantless electronic surveillance of United States persons in the United States," as the Bush Administration has also claimed.

"The president was correct in concluding that many of our laws were not adequate to deal with this new threat," the onetime CIA lawyer concluded. "He was wrong, however, to conclude that he is therefore free to follow the laws he agrees with and ignore those with which he disagrees."

Nonetheless, the president remains undeterred, as evidenced by his recent assertion that he has the right as commander in chief to violate the McCain amendment to legislation he had just signed, which banned torture and degrading treatment of detainees. But if the president is permitted to break laws on torture or wiretapping, then there is nothing to prevent him from breaking any law he wishes – in the name of security, of course. He effectively is placed above the rule of law entirely. And as "State of Fear" chillingly details, such sovereign immunity is nothing less than a recipe for dictatorship.

Is this then to be our life during wartime – a war that might never end? Is the threat to our security becoming so great that we need to suspend the democratic rule of law? And if so, where will it end? If the lessons of Peru's "State of Fear" continue to go unheeded, we may all soon be living in the "United States of Fear."

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