

ISSUES IN PERSPECTIVE

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PERSPECTIVE NUMBER ONE

INTELLIGENCE AND HUMAN RIGHTS

One of the huge challenges when it comes to gathering intelligence is balancing national security issues with the protection of human rights: In other words, providing for the common defense vs. human freedom. There is always tension! Recently, the US government arrested Najibullah Zazi and charged him with a plot to bomb New York subways. This was a credible and real threat. What are the intelligence-gathering tools that protect this nation? The case of Zazi confirms that the tools provided by the Foreign Intelligence Surveillance Act are valid and effective. However, there are some in Congress who desire to make it difficult to gather, use and protect intelligence. Those forces are generally attacking the Patriot Act, enacted after 9/11. Many provisions of this law will expire unless Congress renews them. Some in Congress want to impose requirements that would diminish their effectiveness or add burdens to existing authorizations that would retard rather than advance our ability to gather intelligence. As Michael Mukasey, attorney general of the US from 2007 to 2009, has argued, the Patriot Act “permits investigators to maintain surveillance of sophisticated terrorists who change cell phones frequently to evade detection. This kind of surveillance is known as ‘roving wiretaps.’” Also up for renewal this year are authorizations to seek court orders to examine business records in national security investigations, and to conduct national security investigations when investigators cannot prove a particular target is connected to a particular terrorist organization or foreign power—know as “lone wolf” authority. How valuable are these tools?

- First, the roving wiretaps have been utilized for decades by law enforcement in routine narcotics cases. Mukasey reports that they were used to thwart a plot to blow up a synagogue in Riverdale, NY.
- Second, the value of lone wolf authority is best demonstrated by its absence in the summer of 2001. That is when FBI agents might have obtained a warrant to search the computer of Zacharias Moussaoui before the 9/11 attacks.

The changes being considered in Congress in terms of The Patriot Act may sound benign, but they “turn the concept of an investigation on its head, requiring the government to submit proof at the outset of an investigation while facts are still being sought.” Other proposals would ban the use of tools to gather information about local or long-distance calls, financial transactions or information from credit reports. However, as Mukasey reports, “This is precisely the kind of information that would be useful to an investigator trying to find out who a terrorist is calling or how much money he is receiving from overseas.” What is ludicrous about this situation currently in the Congress is that Congress has already given such authority to the FBI in cases involving crimes against children. The Drug Enforcement Administration has such authority in drug cases. Why would Congress not grant the same authority to investigators in matters of national security?

This is the whole point of the Zazi case. The tools of The Patriot Act averted a terrorist plot that would have been a catastrophe. In addition, other terrorist cells have been discovered and broken up in New York, Virginia, North Carolina, Oregon, Texas and Ohio.

Mukasey correctly observes that “those who indulge in paranoid fantasies of government investigators snooping on the books they take out of the library, and who would roll back current authorities in the name of protecting civil liberties, should consider what legislation will be proposed and passed if the next Najibullah Zazi is not detected.” Our nation has always struggled with how to balance security and human liberty. There is always tension and controversy. But we are in a war on terror, whether our president wants to use that term or not. And that War involves the needs of intelligence gathering that saves American lives. We live in a fallen world. That fallen world means that terrorism will thrive—and it will thrive in nations where there is not vigilance and the proactive gathering of intelligence information. May the current Congress maintain the authority of the Patriot Act, which gives our security forces the power and authority to use the tools the DEA and FBI have in crimes against children and in drug cases. It makes no sense to deny our intelligence gathering agencies the same authority when it comes to cases of national security against terrorists.

See Mukasey’s most helpful article in the *Wall Street Journal* (2 October 2009).

PERSPECTIVE NUMBER TWO

RIGHTS AND VALUES IN THE UNITED STATES

As the above *Perspective* highlights, words such as values, rights and liberties are precious to Americans. But are we using these terms too loosely? Are we dumping into these terms ideas and concepts that render them useless? Do we need to redefine them? Or do we need to be more precise when it comes to their meaning? Consider three examples:

- First, the term “rights” permeates the health care debate. For example, in August, President Obama re-framed the health care debate by arguing that there is a “core ethical and moral obligation” to health care. Further, he has talked about health care as something similar to a civil right. *Newsweek* columnist, Jonathan Alter, makes the same argument: “The core principle behind health care reform is—or should be—a combination of Social Security insurance and civil rights. Passage would end the shameful era in our nation’s history when we discriminated against people for no other reason than that they were sick.” However, it is time to stop this! Are we certain we want to place our collective stamp of approval on defining health care issues as rights? Is this wise or even possible? Listen to columnist George Will: “If our vocabulary is composed exclusively of references to rights, a.k.a. entitlements, we are condemned to endless jostling among elbow-throwing individuals irritably determined to protect, or enlarge, the boundaries of their rights. Among such people, all political discourse tends to be distilled to what Mary Ann Glendon of Harvard Law School calls ‘rights talk.’” This is precisely what has occurred in the national discussion about health care. Each proposal offered is invested with the dignity of a right, resulting in what Will calls the “apocalyptic clashes of rights.” Framing an issue around the talk of rights “tends toward moral inflation and militates against accommodation.” Rights talk redefines an issue, then places the moral authority of government behind that issue to solve it and the result is an entitlement program

that increases the role of government in our lives and pushes the nation toward bankruptcy. Medicaid is an example. It defines health care for citizens below a certain income level as a right. The individual states then must pay for this unfunded mandate to the extent that states like California are on the verge of financial collapse. Framing an issue like health care as a right is a certain path to financial insolvency. Is universal health care really a fundamental human right?

- Second, consider another aspect of the health care debate and the matter of rights. Belmont Abbey College is a Catholic college in the United States. It will not permit abortion, sterilization and contraception to be covered by its employees' health care plan. It makes this prohibition because it regards such practices as immoral. But the US Equal Employment Opportunity Commission has labeled Belmont's health plan "sexist." The director of Charlotte, North Carolina has stated that denying contraception is sexist "because only females take oral prescription contraceptives. By ending coverage, men are not affected, only women." Even though North Carolina law protects religious institutions from having to cover contraception, abortion and voluntary sterilization, the case could end up in federal court. Furthermore, Chuck Colson reports on these other instances: In Boston, Catholic Charities was forced out of the adoption business because it would not place children with homosexual couples. Christian fertility doctors have been sued because they refused artificial insemination to a lesbian—even though they referred her to another doctor. Christian pharmacists have lost their jobs for not distributing morning-after pills. Furthermore, and perhaps most profoundly, Congress has rejected every attempt to include language to protect the consciences of medical professionals in the health care debate. Further, current legislation under consideration may hand over to a "Health Choices Commissioner" the ability to regulate "basically all health insurance in America." A bureaucrat will now decide what procedures must be covered by the insurance plans of day care centers, Christian high schools and religiously-based colleges. Scary!! We now define health care as a right but reject any provision that protects the rights of the consciences of health care professionals. One would think that in the US with our Constitution, we would not need to protect the religious freedom of health care professionals. But we are living with the consequences of rights talk gone insane! Even the Constitution is distorted in this debate. The Bill of Rights is no longer used to protect against government intrusion; it is the mechanism for promoting government intrusion at the expense of religious freedom! That is not what the Founders of this Republic had in mind.
- Third, consider our current focus on values, specifically economic values. Many historians have observed that nations and empires have gone through a rather predictable cycle: Wealth and power lead to affluence and luxury. Affluence and luxury lead to decadence, corruption and decline. Until recently, this had not seemed to apply to the US. Our affluence has not led to indulgence and decline—until now. The early settlers of the nation in the colonial period were frugal and disciplined when it came to implementing their economic values. The pioneers of the West and the immigrants who flooded these shores maintained these same frugal economic values. But this has shifted. David Brooks, the columnist, has argued that there has been a dramatic shift in this nation's economic values: "Some of the signs are seemingly innocuous. States around the country began sponsoring lotteries: government-approved gambling that extracts its largest toll from the poor. Executives and hedge fund managers began bragging about compensation that would have been shameful a few decades ago. Chain restaurants went into supersize mode, offering gigantic portions that would have been socially unacceptable to an earlier generation." Another indicator of this shift in values is consumer consumption and debt. From 1950 to 1980, personal consumption was about 62% of GDP but in the next three decades

it shot up to 70% of GDP. At the same time debt exploded. By 2007, Americans' personal debt had surged to 133% of national income. Hence, our current crisis. Now, America must restore its traditional economic values to once again make the US a producer economy, not a consumer economy. We must champion a return to financial self-restraint. In my view, this crusade for economic self-restraint must be accompanied by a religious and spiritual revival. The fundamental problem of America is not financial but spiritual. We must restore a culture of frugality which sees temporal and material things through the gird of eternity. Eternity helps us to see that material things including money are either an idol or a tool. I am afraid for too long we have seen mammon as an idol, not a tool to advance the kingdom of God. That supreme value is what this nation needs.

See David Brooks in the *New York Times* (29 September 2009); Chuck Colson, "Breakpoint" (26 August 2009); Jeff Zeleny and Carl Hulse in the *New York Times* (20 August 2009); Jonathan Alter in *Newsweek* (24 and 31 August 2009); George Will in the *Washington Post* (11 October 2009).

PERSPECTIVE NUMBER THREE

HAMAS AND ISRAEL: HOPES FOR MIDEAST PEACE?

The militant Hamas movement remains deeply entrenched in Gaza. After it seized power there over two years ago, Hamas has neutralized the power of the major clans, brought competing paramilitary groups under its control, survived a three-week war with Israel and functioned under a strict economic embargo. It refuses to compromise on its goal of the eradication of the Israeli state. It is for that reason that the current US administration is living in a neverland of diplomacy. George Mitchell, President Obama's special envoy to the Middle East, has in effect been working with only half of the Palestinian leadership; so far it has not engaged Hamas. Furthermore, the Palestinian Authority is not strong enough in Gaza to return to power and Israel has no desire to reoccupy an area it vacated in 2005.

Why has Hamas suspended its campaign of firing rockets into Israel? The three-month old war proved that Hamas is vulnerable. As Howard Schneider of the *Washington Post* argues, "it seems to be maintaining a policy of 'industrial quiet'—suppressing most rocket fire into Israel as part of a pause in violence that is both practical, for rearming, and strategic, to ensure its hold on power."

Hamas was founded as an alternative to the PLO and has a charter that calls for Israel's destruction. It is a terrorist group and draws both financial and military support from Syria and Iran. Despite the failure of Hamas to protect Gaza citizens from the recent Israeli war or to truly govern and meet the needs of the Gaza population, there is no sign of any popular uprising against Hamas in Gaza. The longstanding policy of Hamas is to consider a long-term ceasefire with Israel in return for the establishment of a Palestinian state on the Gaza and West Bank land occupied by Israel in the 1967 Arab-Israeli war. But they have also made it clear that this is merely the first stage to driving Israel back to the 1948 boundaries and then into the sea. Hamas will never recognize the right of the Jewish people to a homeland in Palestine. For that reason, any hope for any peace in the Middle East is not possible. The terrorists of Hamas remain a formidable obstacle and they are not interested in negotiations with Israel.

See Schneider's article in the *Washington Post* (6 October 2009).