

# The Academy of Political Science

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both an up-to-the-minute primer and a sweeping critical analysis of American policy and the Middle East, *The Stakes* is as valuable as it is economical.

SCOTT LASENSKY  
*Council on Foreign Relations*

**Terrorism and the Constitution: Sacrificing Civil Liberties in the Name of National Security** by David Cole and James X. Dempsey. New York, New Press, 2002. 238 pp. Paper, \$16.95.

Today, frightened politicians demand the impossible—a domestic and international counterterrorism system so extensive that it will uncover all terrorist cells and interdict all attacks before they can happen. What we are likely to get instead is bureaucratic bloat with numerous agencies competing with each other, drowning each other in more information than they can possibly digest, and so often recycling rumors and speculations without source notations that they come to be accepted as fact.

As this timely and important book explains, the new homeland security system is likely to be less effective than a more narrowly focused combination of intelligence work abroad and law enforcement at home. It is also likely to be more destructive of civil liberties than anything experienced in the worst days of J. Edgar Hoover. After the embarrassing disclosures of the 1970s, most Americans thought that the FBI had gone back to being a law enforcement agency. Guidelines required its agents to suspect some sort of criminal activity before investigating political or religious groups. Wiretaps and burglaries conducted on less than probable cause were to be directed against agents of foreign powers only, that is, embassy spies. Walls of separation were supposed to keep the CIA, the National Security Administration, and the army from spying at home, while the FBI was not to evade the Fourth Amendment again by covertly using free-wheeling intelligence operations to collect legally admissible evidence for trial.

No more. Most of these walls are down, crumbling, or full of holes. Cole and Dempsey demonstrate that the FBI disregarded its own guidelines soon after they were adopted and well before the Bush administration, Congress, and the secretive Foreign Intelligence Surveillance Act (FISA) Court of Review gave them virtually cart blanche in the wake of September 11. Today the chief targets of the new surveillance are noncitizens, but the powers asserted are broad enough to encompass all Americans who support Middle Eastern charities, worship Allah, or oppose presidential wars. Since September 11 as many as 2,000 resident aliens, many with American wives and children, have been detained for months under harsh conditions without criminal charges or access to bail. A number have been subjected to secret proceedings and deported. However, not one of them appears to have been involved in, let alone convicted of, terrorist activity.

The emphasis of this book is on two laws: the Anti-Terrorism Act of 1996 and the so-called Patriot Act of 2001. Both loosen legal standards for initiating intelligence wiretaps set by the already relaxed FISA of 1978. The 1996 act permits the deportation of aliens, mostly from Islamic societies, largely on secret allegations about anti-American opinions or associations and without proof of terrorist activities. The Patriot Act extends the guilt by association test to the point where the slightest association with a charitable organization labeled terrorist by our government can result not only in deportation, but prosecution for the vague crime of giving “material support” to terrorism. No specific intent to aid terrorists is required. Nor may detainees challenge the information that led the government to blacklist the charity in the first place.

But the most dangerous change has been technological, not legal. Information that used to take gumshoes thousands of hours of door-knocking to collect now can be accessed in nanoseconds by computer “data mining” by government hackers, roaming around in legally unprotected travel records, bank accounts, and e-mail messages is on the brink of destroying what little is left of the Fourth Amendment. The U.S. government is rapidly acquiring the domestic intelligence apparatus of a police state with the support of conservative judges and liberal politicians.

The authors do not just deplore these developments. They explain how our government could actually fight terrorism more effectively by respecting constitutional rights. This is a book every citizen should read and act upon.

CHRISTOPHER H. PYLE  
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**The Final Frontier: America, Science, and Terror** by *Dominick Jenkins*.  
*New York, Verso, 2002. 312 pp. \$25.00.*

A salient feature of political discourse in the United States during the last ten to fifteen years has been the absence of any compelling and coherent alternative view from the left wing of American politics. Any ideological divide in politics and arguably in society in general seems to have narrowed. We are left with a gray center, where it is unclear where one position stops and another begins. Gone are the days of aggressive manifestos from the left, such as Howard Zinn’s *Postwar America*, in which the crimes of the state are detailed and the plight of its peoples are chronicled.

It is curious that the left wing of American politics, or even those in the center, one supposes, have not responded more aggressively to actions undertaken by the Bush administration that accrue more authority to the state at the expense of individual liberties. It is equally curious why there have been no calls for greater clarity in the so-called war on terror, in which neither the adversary is defined nor an end state described that will allow us to measure progress or even judge when victory is at hand.