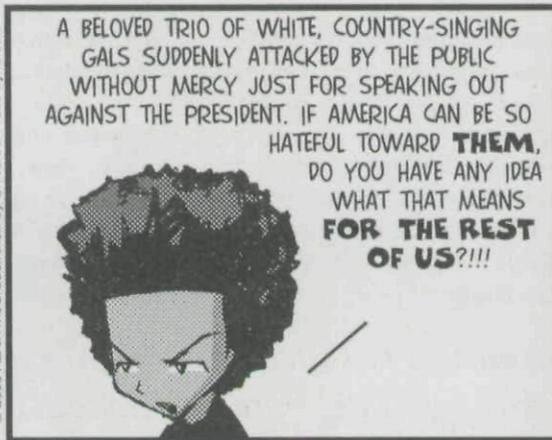
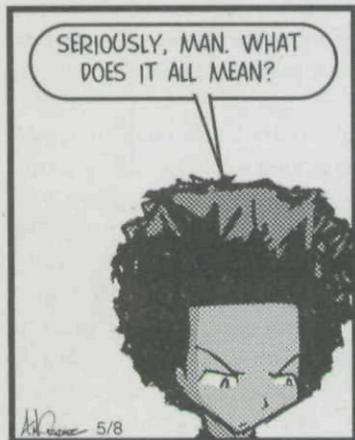


ARREST FOR ANTIBUSH PROTESTERS, DEATH THREATS FOR ANTIWAR PROFESSORS, SUSPENSION FOR STUDENTS WHO DON'T SAY THE PLEDGE: IS THIS THE NEW McCARTHYISM?



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## The Big Chill

ALISA SOLOMON

At a lecture in Cleveland in March, Supreme Court Justice Antonin Scalia told the audience, "Most of the rights that you enjoy go way beyond what the Constitution requires." The government can legitimately scale back individual rights during wartime, he explained, since "the Constitution just sets minimums." For an increasing number of Americans, it seems, even such minimums are excessive. Last August, the Freedom Forum's annual First Amendment survey showed that 49 percent of those polled said the Amendment goes too far in the rights it guarantees, a ten-point jump since the last survey, conducted just before 9/11. In the wake of the recent war and the triumphalism that has followed, it's a fair guess that in this summer's survey, the numbers will climb even higher.

While we've seen a flood of antiwar activity over the past eight months, we've also witnessed a powerful countercurrent of political repression. From shopping malls to cyberspace, Hollywood to the Ivy League, Americans have taken it upon themselves to stifle and shame those who question the legitimacy of the Administration or the war on Iraq. When we read a story here or there about the arrest of a man wearing a "Peace on Earth" T-shirt in an upstate New York mall, or about country music fans crushing Dixie Chicks CDs because the lead singer said she was ashamed of the President, each may seem like an anomalous episode. But taken as a whole, the far-flung incidents of bullying, silencing and even threats of violence reveal a political and cultural shift that recalls some of America's darkest days.

Like any avalanche, this one started at the top, and likely dates back to the moment after 9/11 when President Bush warned the world's nations, "Either you are with us or you are with the terrorists." From Bush on down, in the months that followed, govern-

ment officials drew limits around acceptable speech. White House spokesperson Ari Fleischer told Americans to "watch what they say." Such words gained force when the Patriot Act gave the government extensive new powers to spy, interrogate and detain. When civil libertarians began to protest the curbing of constitutional rights, Attorney General John Ashcroft offered a forbidding rejoinder: "To those who scare peace-loving people with phantoms of lost liberty, my message is this: Your tactics only aid terrorists." These kinds of remarks from our government's top leaders, says Anthony Romero, executive director of the ACLU, have granted ordinary people license "to shut down alternative views." The Administration has fashioned a domestic arm of its new doctrine of pre-emption.

Rashes of American conformity and nativism have broken out before during periods of war, social strain and insecurity over national self-definition. During World War I, the McCarthy period and the COINTELPRO program of three decades ago, dissenters lost their jobs, went to jail and endured mob violence or government smears. Today's crackdowns do not match the force and scale of those shameful times, or take the same forms. History rarely repeats precisely those excesses, which have since been declared dishonorable or unconstitutional. Though Phil Donahue was recently fired for his views, and charities have been canceling events with antiwar celebrities such as Susan Sarandon and Tim Robbins, the Hollywood blacklist itself, says historian Howard Zinn, could not happen again. Still, while the government expands its power even as it loosens constitutional limitations on it, the public acquiescence—and participation—in suppression threatens American democracy anew.

Henry Foner, a longtime labor organizer who lost his state teaching license to the Red Scare, remembers the "tremendous terror" he felt in the McCarthy period, as "FBI agents were all over the place, visiting people's neighbors." Now, that fear is being

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experienced by Muslim and Arab immigrants, who are regarded as dangerous regardless of their political beliefs. Immigrant neighborhoods like Midwood, Brooklyn, home to more than 100,000 Pakistanis, have been decimated by the loss of thousands of men who were deported or who have fled. Many still languish in detention for minor visa violations or for donations to the wrong charity. Businesses have failed as customers have been afraid to venture out even to buy their groceries.

But if Arab and Muslim immigrants are enduring fear levels reminiscent of the McCarthy period, dissenters are experiencing a chill, according to historian Blanche Wiesen Cook, "more along the lines of the total repression during World War I, though we're not all the way there yet." The government has not revived, precisely, the Espionage Act of 1917, which barred from the mails any material (including this magazine) "advocating or urging treason, insurrection, or forcible resistance to any law of the United States"; or the Sedition Act of 1918, which outlawed virtually all criticism of the war and the government. Under that law, a man was sentenced to twenty years for stating in a private conversation that he hoped the "government goes to hell so it will be of no value." Today's clampdown, though far less systematic, is reminiscent: In February a former public defender, Andrew O'Conner, was arrested in Santa Fe for "threatening the president" and subjected to five hours of interrogation by special agents because he'd said, in an Internet chat room, "Bush is out of control." Glenda Gilmore, a professor of US history at Yale, sees significant parallels with that period, especially in the "nationalist hysteria that was in the streets and in the air." Egged on by government leaders warning of the presence of German spies and "seditious" antiwar labor activists, Americans joined mob actions to contain and castigate dissenters. Though not as widespread or as violent, patriotic vigilantism has broken out again across the nation. As before, it is often spontaneous, threatening and out of proportion to the action it means to challenge.

## The New Patriotism

During the First World War, a man was beaten by fellow baseball fans for failing to stand up for "The Star-Spangled Banner." Today's patriotic outbursts are less bloody, though just as emotionally intense. Last winter, hundreds of merchant marine cadets amassed at a Manhattanville College basketball game to chant "Leave our country!" at senior Toni Smith, who had quietly been turning her back during the national anthem all season. Practically every sports columnist and talk-radio host in the country made sure to get in his licks against the obscure Division III player.

At Wheaton College, a small liberal arts school in Norton, Massachusetts, seven housemates hung an upside-down "distress" flag on their campus house the day the war started. Their neighbors responded by throwing rocks through the students' windows, calling in death threats to their answering machine and strapping a dead fish to their front door, *Godfather*-style. Restaurants in town stopped serving kids from Wheaton, and

bar patrons harassed them. Norton police recommended that for their own safety, the housemates move out for a few days. "I know it's nothing like Baghdad or Palestine," says Geoffrey Bickford, a recent political science graduate and resident of the house. "But being forced to flee from my home, having my voice silenced and living in fear because of my beliefs—that concept is so frightening."

At Yale, when sophomore Katherine Lo also hung an upside-down flag out her window, several men wielding a 2 by 4 tried to enter her room late at night while Lo was home. They left a convoluted note on her door that ended, "Fuck Iraqi Saddam following fucks. I hate you, GO AMERICA."

In the swanky Detroit suburb of Birmingham, Shelli Weissberg recalls sitting down to lunch at a cafe with her 8-year-old daughter and one of the child's friends, when a man she'd never met stomped up and yelled at her for wear-

ing a "No War" button in front of children. The Rev. Joseph Matoush, who led peace vigils in the military town of Twentynine Palms, California, found a letter tacked to his church door with caricatures of Saddam Hussein and Osama bin Laden next to the lines, "These are your friends! Why don't you leave America now."

In Albuquerque, humanities teacher Bill Nevins was suspended because, he told the local press, poetry students he coaches wrote and recited anti-Bush verses at a local slam. (School officials say it's because he failed to supervise the kids correctly.)

ACLU affiliates around the country report cases of students being punished for expressing antiwar views. In Louisville, Kentucky, Sarah Doyle and her two older brothers, inspired by ballplayer Toni Smith, decided to protest the war by staying seated through the daily Pledge of Allegiance. Doyle's seventh-grade teacher made her come up to the front of the room and recite the pledge twice; one of her brothers received in-school suspension. Bretton Barber, 16, was sent home from Dearborn High School in Michigan when he refused to remove a T-shirt labeling George Bush an international terrorist. "I thought it was obvious the T-shirt was protected speech," says Barber, who filed suit against Dearborn High in March. He says he hopes to "send the message that all high school students have the right to express themselves."

But as the social costs increase, how many people will make use of such rights? Tim Robbins told the National Press Club on April 15 that on a recent trip to Florida for an extended family reunion, "the most frightening thing... was the amount of times we were thanked for speaking out against the war... 'Keep talking,' they said. 'I haven't been able to open my mouth.'"

A hush has even come over the arts, where free expression is supposed to be paramount. San Francisco's Alliance Française, a French language and cultural center, removed a sculpture that poked fun at the Bush Administration from its February exhibition. The Palestinian-American comedian Maysoon Zayid reports that clubs she plays regularly have taken to declaring certain material beyond the pale: No more jokes, for instance, about Ariel Sharon bragging to Saddam Hussein about the Security Council resolutions he's violated. In a joint act of self-censorship, New York's most established Off Broadway theater companies declined to participate in an April day of action called by the downtown

*A historian sees parallels with the World War I era, especially in the 'nationalist hysteria that was in the streets and in the air.'*

group Theaters Against War. According to Mark Russell, executive director of the experimental performance space P.S. 122, people inside the National Endowment for the Arts have let it be known that "we shouldn't even bother to apply this year unless we have a really safe project."

## The New Campus Raids

**O**n February 26 the small town of Moscow, Idaho, saw more commotion than it had since a truck camper exploded in a vacant lot last September. While the town was still sleeping, two military planes landed at a nearby airport, and at 4:30 AM, at least 100 armed federal agents raided a University of Idaho student apartment—all to arrest a single Saudi graduate student, Sami al-Hussayyen. As dawn broke, they interrogated at least twenty other Middle Eastern students and their spouses in their homes, sometimes in front of their children. Within hours, the Feds indicted al-Hussayyen on felony charges of visa fraud, accusing him of supporting a Detroit-based Muslim charity that, they alleged, had links to overseas terrorists. (The group has not been formally charged.)

Word of the raid spread quickly among foreign students across the country, as did news in December that six Middle Easterners studying in Colorado were jailed when they complied with the INS's "special registration" program, required of men from twenty-five predominantly Muslim countries. Their offense: dropping below the twelve-hour course minimum required for a student visa, even though they had permission from their schools. Another round of "enforcement action," to use agency parlance, had apparently begun.

Thanks to Hani Hanjour, the 9/11 hijacker who entered the United States on a student visa, South Asian and Middle Eastern students joined the government's suspect list soon after the attacks. Since then, says the ACLU's Lucas Guttentag, attorneys have observed "a persistent pattern of discriminatory investigations and enforcement against Muslims and South Asians, especially foreign students from Middle Eastern countries." An untold number disappeared in the mass INS sweeps immediately after 9/11. Then came the "special registration" arrests, which included many students. And round three has just begun: The Homeland Security Department's new immigration enforcement agency, the Bureau of Immigration and Customs Enforcement (ICE), introduced a massive database in January that will soon track the country's 1.2 million foreign students and visiting scholars in real time.

Some of the tactics used with students are constitutionally questionable. In the Idaho raids, for example, combined teams of FBI and INS agents interrogated students, blurring the line between criminal and civil questioning. Under immigration law, foreign students must answer any question relating to their visa status, yet anyone questioned by the FBI—even a noncitizen—has the right to remain silent. UI law professor Elizabeth Brandt, who coordinated the students' legal representation, said the FBI was "bootstrapping" INS authority to pressure students to answer questions related to criminal activity.

Indeed, a Moscow attorney present at one interrogation

This self-censorship extends all the way up to the halls of Congress, where Democrats have assured the President, in the words of Tom Lantos, the ranking Democrat on the House International Relations Committee, of "solid, unanimous support" in the war on terrorism. This silence on the part of the official oppo-

described "threats of criminal prosecution, threats of being placed in deportation proceedings, threats of immediate arrest." The lawyer, who asked not to be named, said many of those interrogated were not given Miranda warnings, and at least one was refused when she asked to call a lawyer. The attorney said veteran defense lawyers present at the interrogations were "really shaken."

Justice Department spokesman Jorge Martinez would not comment on the Idaho raid except to say, "The FBI has clear guidance on how to handle those issues, Miranda rights." On April 25 al-Hussayyen was ordered deported for visa fraud, and ICE is holding him in solitary confinement as he awaits a criminal trial.

Since the Idaho and Colorado incidents, there has been a lull in the flashy raids. But foreign students are still on edge, as listservs carry whispers from campus to campus of interrogations, deportations and disappeared students.

Muslim foreign students say the pressure of continual scrutiny has led them to curtail travel plans and political activities. For some, this has meant agonizing professional sacrifices. Berkeley sophomore Imad Ahmed may turn down an internship with his "idol," an internationally esteemed human rights lawyer in Lahore. Although Ahmed is a British citizen and left Pakistan as an infant, he had to register with the INS and worries that he might have trouble re-entering the United States if he leaves.

Others are simply looking for a way out, believing the climate will only get worse. "I've had many friends leave," says Sharmeen Obaid, a Pakistani graduate student at Stanford University. "One quit a bank job in New York. The rest were in the process of applying for jobs but decided to go back."

Those who remain will likely see another wave of roundups after August 1, the compliance deadline for colleges to put information on all foreign students into the new ICE database. Once it's up and running, students will have to be vigilant about filing paperwork and keep schools notified of their every move, as the system's real-time reporting eliminates any slack that once allowed students and administrators to correct mistakes.

Immigration authorities have already picked up at least two students in good standing because of errors in the glitch-prone system. To this, ICE spokesman Chris Bentley responds, "Are these procedures foolproof? Obviously the answer is no. Could someone be arrested if the database says he is out of status? Yes."

In New York City, a Bangladeshi community-college student lives a life in limbo as he awaits deportation for a minor visa violation. Coming to America "was the best opportunity of my life," he said. "But after the buildings fell, I knew this would come. The worst has happened."

JUNGWON KIM

*Jungwon Kim is a radio reporter and an editor for Amnesty Now.*

sition party serves as a restraining factor, too: Notes political historian Gerald Horne, "Americans say to themselves, 'If people with money and power and influence are trimming their sails, why should little old me step forward?'"

## A Culture of Fear

The September 11 terrorist attacks go a long way toward explaining why so much of the public has shivered quietly under this chill. "The fear in this country since 9/11," says Henry Foner, "is probably more intense than the fear of Communism in the 1950s." Already a nation primed to panic, thanks to sensational broadcast news and the Willie Horton tradition in political campaigns, a real attack on American soil profoundly shook most Americans. We've still not had a chance to recover.

Quite the contrary. Since the Department of Homeland Security began its color-coded alerts a little over a year ago, it has never designated the United States to be at less than yellow—at "significant" risk of terrorist attack. A shoe-bomber arrest, an orange alert for Christmas, checkpoints on highways and now a simulated bioterror attack in Seattle—

a constant drumbeat reminds us of our vulnerability. Facing a shattered economy, the Bush Administration fans these anxieties, sending us to

buy duct tape, warning us away from public monuments and scheduling the Republican Party's convention for New York City on the anniversary of 9/11. People who are afraid want to be protected and reassured, explains Barry Glassner, author of *The Culture of Fear*. When the White House tends to those fears by laying out a plan to protect Americans, however misdirected, people do not want to see those leaders undermined.

The events of 9/11 were destabilizing in another way: They forced on many Americans the astonishing recognition that their country is not universally beloved. While some Americans responded with teach-ins or protests, others have acted out aggressively—think of the 2 by 4, the broken windows, the angry outbursts—to quell the expression of these troubling doubts.

The anti-dissidents don't have to look far for validation—it's available every night from the broadcast media and most days from the halls of government. Fox's Bill O'Reilly criticizes progressive *Los Angeles Times* (and *Nation*) columnist Robert Scheer by hammering him as a "traitor"; defense adviser Richard Perle, objecting to a report on his conflicts of interest, calls Seymour Hersh "the closest thing American journalism has to a terrorist." When Tom Daschle lamented the President's failure to find a diplomatic solution in Iraq, it wasn't just Rush Limbaugh who laid into the Senate minority leader, but House Speaker Dennis Hastert too, saying Daschle came "mighty close" to giving "comfort" to the enemy. Joint Chiefs of Staff Chairman Richard Myers even lashed out angrily at former generals who had aired reservations about the war strategy, questioning their "agenda."

Woodrow Wilson officially sponsored vigilantism by forming the American Protective League, citizen security forces that spied on and intimidated war critics. But then he didn't have Fox TV. Jingoistic broadcast media have provided Bush with his own "protective league" by setting the tone for repression. Who needs

government censorship when stations owned by Clear Channel, the nation's largest radio chain (reaching, thanks to deregulation, 54 percent of all American adults under age 49), can drop the Dixie Chicks from their playlists, as they did in March? Clear Channel, facing a Congressional investigation into its business practices, promoted prowar rallies in cities throughout the country.

## 'Free-Speech Zones'

As an inflamed public, incited by government hawks and shock jocks, does its best to shut down critical speech, the state has used force to quash expression in the public square. Local police across the country have used barricades and handcuffs to assert that some speech is more free than others.

On October 24 Brett Bursey tucked a cardboard sign under his arm and headed out to the Columbia, South Carolina, airport, where President Bush was about to touch down and stump for local Republicans. But as soon as Bursey lifted his homemade NO WAR FOR OIL placard above the cheering throngs, police ordered him to leave the airport access road and take his message to a "free-speech zone" about a mile away.

When Bursey, director of the statewide Progressive Network, pointed out that people with pro-Bush banners were not being asked to move, an officer replied, "It's the content of your sign that is the problem." When Bursey refused to move, he was arrested and now faces federal charges carrying a potential penalty of six months in prison.

In St. Louis in January, where Bush was giving a presentation on his economic stimulus plan, residents lined his motorcade with flags and signs. Banners proclaiming INSTEAD OF WAR, INVEST IN PEOPLE were selected by the police for removal; WE LOVE YOU, MR. PRESIDENT was allowed to stay. Police in other cities have subjected protesters to mass arrests, questions about their political views and affiliations, and even, in Oakland, rubber bullets. Legislation proposed in Oregon would jail street-blocking demonstrators as "terrorists" for at least twenty-five years.

Just as the range of expression permitted in the public square is constricted, traditional "free-speech zones," such as campuses, find themselves under pressure to hold dissent in check as well. Middle East studies scholars have been targeted in the past year in an aggressive, highly organized campaign attacking their positions not only on the war in Iraq but on the Israeli-Palestinian conflict. Campus Watch, launched last September to "monitor Middle East studies" on campus, has conducted virtual witch-hunts, posting "dossiers" on individual professors, distorting their criticisms of Israeli or US policy to malign them as "apologists for Palestinian and Islamist violence." In April, Bush nominated Campus Watch founder Daniel Pipes to join the board of the United States Institute of Peace, a body designed to promote the peaceful resolution of international conflicts.

Dozens of scholars have been mercilessly harassed and threatened. According to Amy Newhall, executive director of the Middle East Studies Association, some faculty members have had to abandon their e-mail addresses because they received so much anti-Arab hate e-mail—as many as 18,000 messages in

a single day. Some have been "spoofed," meaning hackers sent out anti-Semitic diatribes from the professor's own e-mail accounts. Some have received menacing warnings—"Your neighbors have been alerted to your allegiance to Islamic terrorists"—and threats of violence.

No sooner had Yale's Glenda Gilmore published an antiwar op-ed in the campus paper than she received a rush of rape and death threats. It turned out that Andrew Sullivan had set up a link from a blog denouncing her, and Pipes had attacked her in a hyperventilating op-ed titled "Professors Who Hate America."

In an article for *Academe*, Newhall notes that the purpose of these attacks is to stifle debate, and she warns that these efforts "will provide a model for future assaults."

At Columbia University an assistant professor of anthropology received so many death threats after remarks he made at a late March teach-in that he had

to move out of his home and teach under the protection of security guards. The professor, Nicholas de Genova, was quoted by *Newsday* as saying

that he hoped Iraq would defeat the United States and that he wished for "a million Mogadishus." An ugly statement, certainly, but not as extreme as Bill O'Reilly's enthusiastic on-air reading of an e-mail from a US soldier who bragged, "You would not believe the carnage. Imagine your street where you live with body parts, knee deep, with hundreds of vehicles burning and the occupants inside." On O'Reilly's remarks? Silence. But dozens of news outlets, from the *Jerusalem Post* to CNN, seized on de Genova's, portraying them as a bloodcurdling cry for American deaths. In an interview with *The Chronicle of Higher Education*, de Genova said he had hoped to "contest...the notion that an effective strategy for the antiwar movement is to capitulate to the patriotic pro-war pressure that demands that one must affirm support for the troops."

The debate de Genova meant to provoke, needless to say, was never engaged. In an unprecedented move, 104 Republican members of Congress signed a letter to Columbia president Lee Bollinger demanding de Genova's ouster.

## The Defense Mechanisms of Democracy

Confronting the right's organized censure, and the popular patriotic flare-ups it inspires, it's easy to become demoralized. In the face of such effective pressure, says Gerald Horne, young people like his students at the University of North Carolina—who were born during Reagan's presidency—easily learn to distrust the very idea of dissent out of a feeling that the right always wins. "They have a pragmatic, if not very deep, sentiment that's the political version of 'Nobody ever got fired for buying IBM': If you want to lead a comfortable, hassle-free life and not be a loser, be with the right," he says. "Unlike in the Vietnam period, we've all become sadly familiar with TINA—there is no alternative." In such a univocal world, dissent can seem downright futile.

As the space for dissent constricts, it's global public opinion and our own domestic civic institutions of liberal democracy—the courts, opposition parties, nongovernmental organizations and

the media—that have to keep the channels open for alternatives to emerge. An inquisitive and vigorous press is essential, but too much of the mainstream media quickly succumbed to Pentagon spin. NBC fired Peter Arnett for making the obvious points to Iraqi television that war planners had "misjudged the determination of the Iraqi forces" and that there was "a growing challenge to President Bush about the conduct of the war." According to a leaked memo, MSNBC's sacking of Donahue in February was the result of fear that he might ask guests tough questions about foreign policy; he was replaced by right-wingers like former Republican Congressman Joe Scarborough. *San Francisco Chronicle* technology staff writer Henry Norr was fired in April after taking a sick day to participate in an antiwar protest, and two deejays at Colorado radio station KKCS were suspended in early May for playing a Dixie Chicks tune. Aaron

McGruder's acerbic antiwar comic *The Boondocks* was dropped by the *Boston Globe* in late March when McGruder penned a special antiwar "protest strip."

As for the courts, Ellen Schrecker, who has written several books about the McCarthy period, fears that they won't reverse their trade-off of rights for security the way they did some decades ago. By 1957, the Supreme Court had begun to rein in the most restrictive Red Scare laws. "They're feeble now," she says. "Twenty years of Reagan-Bush have really reconfigured the judiciary." The opposition party has also failed to rise to the occasion, leaving us, says Horne, accidental anarchists, with "no electoral vehicle through which to express dissent." What we do have is a small but vibrant alternative press, growing numbers in organizations like the ACLU, more than a hundred city councils that have voted to condemn the Patriot Act or similar measures and an inchoate protest movement that thronged the streets all winter. Howard Zinn regards these outpourings as significant, "a broader shield of protection than we had during the McCarthy period."

One of the spirited chants at the February and March demonstrations went, "This is what democracy looks like." True enough, the multiracial, intergenerational demos, which brought together Plumbers for Peace and Queers Against War, corporate attorneys, public hospital nurses, students, retirees and Sunday school teachers, reflected the vast diversity and insistent expression of the American polis. But that can't be all that democracy looks like. It takes powerful civic institutions to provide checks and balances, meaningful enfranchisement and vigorous open debate to make democracy function. None other than Donald Rumsfeld made this point recently. He was talking about Iraq.

In at least one respect, the current situation has the potential to do graver damage than even the McCarthy and Wilson eras. Historically, civil liberties have sprung back to full force when hot or cold wars have ended, thanks in large part to the perseverance, or the resuscitation, of the press, the courts and the opposition party. But in an open-ended "war on terrorism," the day when danger passes may never come. Even if it does, the democratic muscle of the courts, the press and the opposition party—already failing so miserably to flex themselves—may be too atrophied to do the heavy lifting needed to restore our fundamental rights and freedoms. ■

*After a Yale professor published an antiwar op-ed in the campus paper, she received a rush of rape and death threats.*

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