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Intro: Welcome to the Let’s Talk Government Podcast. A podcast that is provided for you by the department of government at Minnesota State University, Mankato. Located in Minnesota in the United States. I am your host Dr. Pat Nelson, the chairperson of the department of criminal justice. I want to thank you for joining us as we explore different topics related to government. Some may be surprising and some may not, so please enjoy.

**Dr. Nelson:** Welcome to Episode 27 of the let's talk government podcast, the 9/11 terrorist attacks and changes to democracy. I am joined by Dr. Kevin Parsneau from the political science program in the department of government at Minnesota State University, Mankato. So Dr. Parsneau I'm going to start off with, what-- where would you like to go with this? There was so many changes so what was the first change to democracy after the 911 terrorist attacks that comes to your mind?

**Dr. Parsneau:** Probably the first thing that comes to my mind was among the first things that happened, which was authorization for military use against anyone who supported terrorists and terrorists and state sponsors of terrorism. I don't know exactly when that passed, but almost immediately the decisions after September 11th with huge support, I think was upper 70s 80%, of the public in favor of military use in Afghanistan for presidential use of the military. And while presidents have tended to use the military on their own decision and said that their role as commander in chief of the military gives them that authorization, the massive support plus the fact that, Congress not only went along with it, they were cheerleaders rather than asserting any sort of but wait, we’re the ones that have the power to declare war. So, George W Bush, used that position of commander in chief to quickly rapidly move into Afghanistan and not long afterwards to use it to justify taking military force into Iraq. And I think that's probably the big one, that expansion of executive power. That's not new, right? It happened in the past, but that particular event, possibly because it was so shocking it was right on American soil, resulted in something that was kind of going on in the past to some degree really accelerating, really getting an exaggerated version of that. So that's probably the big big difference. And that seems to still be the case.

**Dr. Nelson**: The first one, the 2001 authorization to use military force was passed on 9/14 so literally three days after the 9/11 attacks. And I always thought that one was interesting because representative Barbara Lee from Oakland California was the only one who voted against that between the House and the Senate. Everybody else voted for it. And the reason she says that she voted against it is because it granted the president overly broad power to wage war. She said she was not opposed to go into Afghanistan and getting terrorists but she thought that it granted overly broad power. The 2002 one authorized the use of military force and Iraq for the Iraq for war and that was a year after September 11th. But those acts have not been repealed, is that correct?

**Dr. Parsneau:** They keep renewing different versions of them. So it's interesting right? Because. okay so eventually they kill Osama bin Laden. But they've expanded it to groups like the Islamic State that came under various names, and people like the Islamic State was not even around on 9/11 and in 2001. So people-- so it's like well how can you be going after anyone who was involved in this and they couldn't possibly have been even in existence during this attack? But, you know, the Obama administration, normal people who kind of ran as the democrat who didn't support the war in 2008 was the one that justified continued military use and drone strikes in countries that weren't Afghanistan, weren't Iraq, a suspected terrorist through the middle east and different countries that weren’t involved. And if you just set aside the fact that Iraq was not involved

**Dr. Nelson**: Well, and we know that President Trump used it for strikes against Iran. And to go back to President Obama, he infamously authorized drone strikes that actually killed an American citizen that was linked to a terrorist organization, one of the shakes that was killed in a drone strike so. Alright so besides the authorized use to military force was just still in effect, what are some other ideas that impact our changing understanding of democracy? Because we may have some listeners that weren't born at that time and don't understand how much has changed.

**Dr. Parsneau:** I mean, I guess the other one I would look at was sort of the rise of Islamophobia and prejudice against, not even necessarily Muslims, but people from the Middle East or who even a look like to Americans like they're from the Middle East. So you’d be, you know, there was a person who is a Sikh—a Sikh and American who was attacked because they thought he was Muslim. And not that it would be okay to attack a person just because they're Muslim, but it was like it's not as if Americans did not always have the image of Muslims or people from the Middle East being terrorists, that was sort of a pop culture thing. If you go back to movies in the 80s, other than maybe Hans Gruber in Die Hard, almost all of our terrorists were Middle Easterners of some mysterious thing right? And so that was in the popular culture idea, but the actual terrorist attack in the US on such a scale, I think just ramped that up. And despite President Bush's best efforts to reassure the public that Islam was not should not be associated with terrorism, it’s a legitimate religion that teaches peace. That idea and instances and prejudices came out and they continued. Well, you know, decades later, and we're worsened by those events.

**Dr. Nelson:** Well from the law enforcement perspective we saw hate crimes increased dramatically against anybody that was perceived that they could be Muslim. And Minneapolis we had several attacks on Somali people that were walking down the street, especially if they were in any kind of religious garb. In Wisconsin we actually famously had a Sikh temple shooting for a male, who was a white male who was blaming them for being terrorists even though the Sikh religion has nothing to do with Islam or even the Middle East. We had profiling of people that were perceived to be Islam Americans or Muslim Americans. In fact, there would be 911 calls about terrorists driving down the road because someone looks like they might have been from Afghanistan, Pakistan or the Middle East. So we saw a big increase in hate crimes. But, you know, how did this perception of the other, the Muslims that were the terrorists link into what happened down at Guantanamo Bay where we now suddenly had people that were taken prisoner but they weren't considered prisoners of war. And what did Guantanamo Bay and what happened down there, do to our changing understanding of democracy?

**Dr. Parsneau:** I mean I think that's another thing you might say, an erosion of American values, or at least what people believe were American values if you look at elite discourse. I'm not going to say that pre 9/11 there weren't plenty of Americans would be like well, torture people and get the information out of them and stop whatever threat right? But when it became a serious real issue with a real event it seemed to justify too, and now I feel a bit like Robert McNamara, it justified in some people's minds that it was okay to engage in things that previously Americans would have criticized other countries for. And extraditing people who are captured on the battlefield, suspected terrorists, without trial, holding them in Guantanamo Bay because it's not American soil right so. And then of course there's always the argument, whether for nationals have habeas corpus right or protectants in place so you don't have to hold trials, so you can get away with things, or at least you can claim to get away with things that do not follow U.S. law. Of course the torture that went on in Abu Ghraib right and people actually justifying this. Americans on major television networks justifying things that a generation earlier I don't think anybody would have justified, except maybe like the most remote A.M. talk radio person trying to be a **[inaudible].**

**Dr. Nelson:** Right.

**Dr. Parsneau:** In a main discussion that people that legitimately elected members of the administration, or Congress supporters of the president, office holders, spokes people, not necessarily coming with a full throat but at least justifications for it. I don't think that was something that would have happened **[inaudible**] 9/11. So in that sense eroding that sort of understanding of ourselves as a law, uphold national law and, and frankly being the best. I think a lot of that got eroded in between 2001 and today.

**Dr. Nelson:** No that's interesting because it actually brings us back to you know one of the founding ideas of our democracy is that we have checks and balances right? We have three branches of our government that's supposed to check each other.But yet, the judicial branch did not step in when the executive branch was redefining what a prisoner of war was and redefining what interrogation was.And in fact, pretty much washed their hands of it and said you know that's a military matter we don't step in or they're not US citizens or they're not on US soil, so they don't need to be protected like somebody who's here. When in reality they should have been providing some sort of counterbalance to that so we see this as a big impact after 9/11 right? The checks and balances kind of falling apart.And we saw that with the U.S.A. PATRIOT Act and the Foreign Intelligence Surveillance Act.So I will set that one up since I've done a lot with this. But like the Foreign Intelligence Surveillance Act allowed the executive branch of the United States government to wiretap and go conduct search warrants in private persons homes without probablecause and without having to tell the person that there's warrants or court orders in place at any time to have this done which seems to go counter to the Fourth Amendment where you're protected from illegal search and seizure.We still see the FISA is still in intact. in fact there's a special court that’s supposed to hear these petitions to allow it to happen. How does that impact our view of democracy here Dr. Parsneau?

**Dr. Parsneau:** Well I mean I think it's odd, in a sense thata sense of privacy and protection against government surveillance that we felt protected prior to 9/11 has in some sense fallen apart. Well not in some sense I'm **[inaudible]** it's basically falling apart. And right to your point, I'm not-- in my introto U.S. government I've got critical things to say about James Madison.But his whole idea right if you read federalist 51, is that these different branches of government, engage in checks and balances right? They should jealously guard their own reviews.He doesn't talk so much about the judiciary and federalist 51, but we would expect the judiciary to step in and do something against executive overreach.We would also expect; he clearly expects Congress to want the president to go off and do whatever he wants. And Congress, for the most part, were either cheerleaders I guess depending upon whose party they were in or unwilling to step forward andchallenge presidents on these issues. I'm going to flip this around a bit as a presidency guy. I think sometimes presidents like to exercise power, but they might be better off if there was somebody to stand there and check them on some of this stuff.Because when everyone's backing off and deferring to the President, it kind of dumps it all in their lap, and then they've got to make a decision. And of course, George W. Bush was no shirker in terms of, I'm the decider. I mean he actually said I'm the deciderand he did it, but over the course of events might have been happier if somebody had tampered his ability to make some of those actions.And I said the same thing as the case for Barack Obama or President Trump and I suspect I Joe Biden will run into this. Although his history in the Senate he seems to be almost wanting to check himself.But yeah, I agree this deference to presidents has really created a strange situation where it's almost a burden on the president, more than what we want. They might want somebody to step in and stop themor at least tell them you can't do this.

**Dr. Nelson:** Well and it would be, I would say it would be difficult for the Congress to step in at certain points because it would have been very hard for many of them to say right after 9/11, “No, no, we don't, we're not going after the terrorists until you have like a good plan,” right? Because of the patriotic fever that was going on at the time. However, the judiciary could have easily stepped in and said woah, woah, woah we're way outside our constitutional bounds here rein it in, take a deep breath, you know, that type of thing. But they really didn't seem to do that either so.

**Dr. Parsneau:** Right. I mean, you should expect some, you should expect some members of Congress, if you're from some district in Massachusetts or someplace, you should expect some place with a lot of Democrats, you should expect some of them to step forward and say something. And I guess you've got Barbara Lee but that's not a whole big consensus. And you've got a lot of people falling in line just worried. I don't know whether they're so worried about necessarily the next election, because a senator is not going to be up for six years, you would you know some of them, would think enough of us have been around history long enough to go; whatever I think now, things might dramatically changed in six years and I should consider that. But people didn't seem to think that right? In 2001 they're not thinking; how will this all be perceived in 2007? Because in 2007 right, a lot of Republicans are about to lose their job because they were too, supportive of the-- they were very supportive of the invasion of Iraq, and that wasn't going well.

**Dr. Nelson**: Well, before we get to the talking about the changes of the party I just want to go back to the Foreign Intelligence Surveillance Act for a second. Because it establishes procedures for the physical electronic surveillance and collection of foreign intelligence information, the only president we really saw pushback about that in the last 20 years was President Trump, because he kind of got caught up in this. This is where your investigations about his links with the government of Russia came from was actually some of the search warrants and surveillance that was done under FISA. And he was one that pushed back on it but the American public really didn't go for that because it felt like it was just individually instead of a big concept so it was kind of interesting. Alright well so you kind of hinted at what I want to talk about next. How did our two major parties, our two major political parties change from 2001 until now and was there impact maybe on our elections?

**Dr. Parsneau:** Well, I mean I think that, and of course you can only run one version of history this isn't Star Trek we don't get multiple versions we just get the one. So, we don't know exactly but I think that there was a large public consensus after September 11th. And they strongly supported military use in Afghanistan and George W. Bush brought them around to the idea that you know many believe Saddam Hussein was behind September 11th in some way or connected or if they didn't he was a bad guy and he needed to go anyway. So there was a lot of support for this stuff, a lot of I mean republicans got behind it but even Democrats were afraid not to get behind it. And this elite let's see party leader early consensus, in many ways, you know everyone thinks, oh we were all together at that time. But it kind of shot both parties in the foot in a sense that by 2008, the war did not-- was not over in a few months or whatever, Donald Rumsfeld promised. It dragged on. And here's Hillary Clinton who, you know, by this point is not a supportive of war and argued that she had nearly voted to authorize Bush to use military force, but she didn't say he should. She was just saying well I want the president to have that kind of power to negotiate. But that didn't sell very well and the anti-Iraq war president or candidate Barack Obama essentially knocks off somebody who's the inevitable candidate right? If you go back to fall of 2007, Hillary Clinton is the inevitable nominee of the democrats and she gets knocked off. Given how close that was it's hard to believe that she wouldn't have won had she not had that massively uncomfortable issue of having supported authorizing George Bush. So I don't think we have a President Obama, if we don't have the post 9/11 events. And that said, right, a lot of Republicans stuck their neck out for George Bush's war and within a decade it's not looking good and a lot of grassroots tea party types and so forth are really mad about it. They're really mad that they sort of bought into it and it's **[inaudible]**. Not that they weren't still saying use the military against terrorists, but they didn't believe their traditional republican party leaders any longer than and it's sold out so that by 2016 right, Donald Trump runs as, I was always against this war. That's not true, but he said it, right? And people got behind him as sort of a rejection of all the never Trump Republican establishment. So both establishments took a massive hit because of the consensus and agreement around invading Afghanistan and Iraq. And I think that the last 20 years has been a real trouble spot, especially for the Republican establishment, but also for the Democratic step establishment. How to negotiate. And, I mean the last two presidents I don't believe would have been in office, had it not been for the post 9/11 decisions. And I think a lot of trust in government and party elites has evaporated.

**Dr. Nelson:** You know that's very interesting that you bring up the question though, would there have been a President Barack Obama without the Iraq War or the Afghans or the Afghanistan war? You know the more you think about it, it really doesn't so. Alright so one more big topic here before we wrap it up. What other civil liberties have you seen change since the 9/11 terrorist attack? And how does it impact our view of democracy here in the United States?

**Dr. Parsneau:** I mean I just keep going back to, I just keep going back to the issue of surveillance citizens. That there's a general acceptance of government surveillance and people in general. Maybe however many decades we are now, decades into the internet or you know, at least two decades into I'm carrying around a phone that's basically the FBI. FBI Director Hoover only wishing everybody was carrying around a tracking device so good as mine. And I don't even think about it and I'm sharing my thoughts and I'm doing all these things. And you know you have, I think you talked about not only that they could get these records and surveillance, but gag orders. Companies turning over our records and then sufficient searches of just running algorithms through computers and looking for anything off to supposedly defend us from defend us from terrorism. And maybe it has so, I mean there hasn't been a 9/11 since 9/11. And certainly if you would have said on 9/12 or 9/19 or any day, it's-- I know, a lot of people listening may not have been old enough to remember stuff but people felt like something else was going to happen right? Nothing anywhere near the scale people were afraid of, happened. And I think maybe some of this has been used to protect us. But on the other hand, do we really trust, I mean you know Edward Snowden indicated that we couldn't trust the government with this information. They're not going to only do what they say with it. I shouldn’t have open that can of worms with Edward Snowden.

**Dr. Nelson:** Well, we won’t talk about him specifically, but I mean I just look at what we see for surveillance. I always think about the novel 1984 by George Orwell with big brother and how that was supposed to be such a dystopian science fiction thing but look at what we do. We do carry around phones that track everything. I mean we, I'm going to date myself Kevin I know you're about the same age as I am, but we used to be able to go the airport and just walk up to our gate and maybe go through a metal detector but we could everybody could walk up to the gate, you could wave people off, you didn't have to show your ID. Now, we have to have real ID where we've had to verify our-- who we really are not just by showing a driver's license, you have to have multiple documents and there's a large database there. We have license plate readers that record when people are going on driving over bridges just randomly keeping surveillance. I mean look at our closed-circuit televisions that we have in most metro areas if not smaller areas. The ring doorbell for goodness sake. You can record who's coming up to the front of your house. And I don't know without 9/11, if we would have all gone down that route.

I mean because we use it for safety that's always the big thing is we use it for safety, when we didn't feel that unsafe before 9/11.

**Dr. Parsneau:** Yeah, that's-- that is interesting. You know there was talk about how about the classic “how much liberty will you trade for safety?” And I think maybe Winston Smith wouldn't have felt so miserable about life if he had a phone with chat rooms on it or something. I mean it is odd in the wake of the pandemic. When you think what you have to do, the lines you have to wait through. I need my ID at this point, when you used to just walk into an airport. And yeah I guess in retrospect it was probably really easy for the terrorists to do some of this stuff and if there were more bad people who wanted to do it, it would have been easy in 2000, but you just got up and you could wave goodbye to grandma. But even though no one was killed by that shoe bomber right? We still take off our shoes 20 years later. or however long it is.

**Dr. Nelson:** Yeah.

**Dr. Parsneau:** However, on the other hand during the pandemic people argue that wearing a mask or getting vaccinated is some sort of horrible transgression of your civil liberties. Like compared to the relative danger of these two things, I should still be able to have my shoes on if that's the case.

**Dr. Nelson:** Yeah.

**Dr. Parsneau:** That's a weird comparison but to me the main point isn't whether mass vaccines, take our shoes off, the lines at airports, so much as this the sense of fear and danger and the willingness to make that trade off was so different, right and the immediate time after September 11th. It seems out of proportion. Maybe the response to the pandemic is out of proportion too, that gets into a whole discussion on people to assess danger.

**Dr. Nelson:** Right.

**Dr. Parsneau:** But yeah I mean it's almost weird to remember what it was like going to an airport in 2000 compared to now. You just get so used to like, Ok I got to get into line, got to take off my shoes, I have somebody digging through my carry on. And you just do it because even joking about it at that point is going to get you moved aside and a special treatment.

**Dr. Nelson:** Well thank goodness the underwear bomber was not successful otherwise we’d all have to strip search. But you know there were originally, like within the first year of that, we had the grandmas that were losing their knitting needles and you couldn’t carry your like embroidery, scissors. I mean it was an overreaction but honestly we've not reclaimed some of that Liberty we used to have. And again the surveillance state, I agree the surveillance has just increased so much and we've never backed off on that. And the courts won't back us off and the executive branch is not going to give up that power. And I have never, I haven't seen anything come out of Congress to limit it either so it's very interesting that, that one is one people won't touch because of safety is what the-- we have to keep us safe from those terrorists. Even though most of our attacks in the last 15 years have been domestic. Yeah.

**Dr. Parsneau:** Yeah. A pick on the Supreme Court a bit but people still have to come in and do drawings of them.

Dr. Nelson: Exactly.

**Dr. Parsneau:** We all care about the tracking device and all kinds of invasions of security. Somebody could be hacking this podcast right now and all of our mistakes that you and I are making and all anything that we've said that will be edited out, they'll certainly come back and punish us for it.

**Dr. Nelson:** Oh yes or troll it. Thank goodness we're not doing video because who knows what we’ll look like at the end of that right? So.

**Dr. Parsneau:** It is where I guess I'm really curious to talk to people who are-- who don't remember before 9/11 or any of that. It would be really interesting to hear their opinions because they, on the one hand for those of us who are older, it seems odd how much privacy we’ve given up willingly right? Whether you're talking about the laws or whether you're talking about like now I carry the phone around when I do stuff. As opposed to people who've grown up in this whole time period. Because they have seemed to thought about how they're going to negotiate these things and maybe more than I have. Maybe they give up privacy more than me, I don't know.

**Dr. Nelson:** Yeah, I'll be interesting. All right, well you know that sounded like a perfect closing thought for this podcast. You know, it would be interesting to do a little comparison, because it's a generation gap there now because we've had pre 9/11 and post 9/11 so. Dr. Parsneau thank you for your time I always love having discussions with you and we can always go off on tangents. It always fun to see where we both go and our we’re thinking so thanks for joining.

**Dr. Parsneau:** Thank you very much.

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