

Friday, October 17, 2008

### **Obama and McCain on Civil Liberties: More like Tweedledum and Tweedledee?**

Â Bill of RightsÂ (From public domain.)Â Had Ralph Nader not run for president in 2000, Al Gore would have beaten George Bush, II. Nader knew he would not win the presidency, but also had a powerful message that most Democratic and Republican candidates and officeholders are more fundamentally alike than they are different, maintaining most of the status quo of the government-military-industrial complex. The only way to break out of the underdemocratic -- if not downright undemocratic -- two-party system is to risk electoral victories by the worst major candidates on the road to a truly multi-party system. Anger by anti-Bushies towards Nader is misplaced; a huge percentage of people alienated by the two-party system will risk having a terrible candidate elected before allowing themselves to be co-opted to the same old money-/machine-politics. As Nader's running mate Matt Gonzalez asks, "What do they [the Republicans and Democrats] have to do to lose your vote?"Â How different are McCain and Obama on the First Amendment? Doubtlessly, a president Obama will appoint federal judges who collectively willÂ urinate in the eye of civil liberties less than the judges appointed by a president McCain. However, Obama and McCain recently had a chance to vote for the First Amendment, but instead did the opposite, when Congress unanimously passed a law (the Protect our Children Act of 2008) last Monday that not only willÂ enable more spying on legitimate Internet and e-mail use during the government's anything-goesÂ fight against child pornography, but which promises hefty fines up to six figures against Internet service providers who do not rat to the government with their suspicions of child pornography running through their cyberwaves. Obama co-sponsored and his running mate Biden sponsored an earlier version of the legislation from last year, and opponent McCain sponsored and Hillary Clinton co-sponsored the version that passed lastÂ Monday.Â Neither the Democrats nor Republicans have a monopoly on urinatingÂ onÂ the First Amendment and the rest of the Bill of Rights.Â Jon Katz.

Posted by Jon Katz in Constitutional Law at 00:00