

Ex-Patriot

By Reg P. Wydeven
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Although he was in the public eye for more than 60 years, few people realized that comic book hero Captain America recently died. So if you've noticed us nerds wearing black in mourning, now you know why.

'Cap' wasn't always a hero. Before he donned his star-spangled costume, he was scrawny Steve Rogers, a fine arts student who tried to join the army to serve his country in World War II. Although he was denied because of his poor constitution, he was selected to be the test subject in Operation: Rebirth, a top secret defense research project designed to create super soldiers. After taking the serum, Captain America was born and was set loose on the Nazis and later anyone else that threatened the U.S.

Captain America was assassinated on the steps of a federal courthouse as he was being led to trial for violating the Superhuman Registration Act and engaging in a Civil War that pitted super hero against super hero. The Act required all super-powered beings to unmask and register themselves with the government as living weapons of mass destruction. The Civil War between the super heroes erupted as the costumed crusaders fell into one of two camps: those who backed the civil rights of all U.S. citizens and those who favored their safety and security.

The reason the story arc is so riveting is because it mirrors the same all-too-real struggle in America today. The cause of the super hero Civil War was the root of a debate after President Bush signed a statement attached to postal legislation earlier this year that may allow the government to open mail without a warrant.

The law currently requires government agents to obtain a warrant to open first-class letters, however, Bush's postal reform act contained a statement saying that his administration would construe that provision "in a manner consistent, to the maximum extent permissible, with the need to conduct searches in exigent circumstances."

The administration contends it always had this authority, which is necessary to combat terrorism. The inclusion of this clause in the postal reform act, however, has alarmed many civil liberties watchdogs who believe the President is trying to overstretch the government's authority.

Another recent battle in this civil war involved the FBI. In a new report issued by the Justice Department's Inspector General, the FBI failed to follow the provisions of the Patriot Act when its agents obtained phone and financial records without a court order.

According to the report, the FBI purportedly underreported by at least 20 percent the use of a controversial provision within the Patriot Act known as National Security Letters, or NSLs, in required disclosures to Congress. By issuing an administrative NSL, FBI agents could demand telephone, bank, credit card and library records bypassing the need to seek a warrant from a federal judge.

Those same civil rights watchdogs have voiced their opposition to NSLs, claiming they would lead to the type of abuse by the FBI detailed in the Inspector General's report. According to the Justice Department, in 2005 the FBI made 9,254 NSL requests on 3,501 persons. While some officials believe the actual number is substantially higher, they don't believe the FBI committed "willful or criminal misconduct."

Unfortunately, it's during these trying times in our country's history when we need the most super heroes.