The media has announced that the Obama administration has used the Espionage Act seven times against government employees who have shared information with the press, including Edward Snowden. This use of the outdated 1917 act is more than all previous administrations combined. Meanwhile, we are told Snowden himself has appealed to the Russian government for security due to threats on his life by people in the NSA and U.S. military who assert that he has betrayed his country as a traitor. As of January 21st, it was reported that “the Justice Department is withholding documents related to the bulk collection of Americans' data from a transparency lawsuit launched by the American Civil Liberties Union.” And recently the secret FISA court has approved vast metadata collection on millions of American’s telephone calls for the 36th time in seven years. At the same time, the Pentagon continues its top secret program of global assassinations by drone strikes or by special forces teams in a number of foreign countries.

Commentators have also reflected on the general lack of outrage by the majority of American citizens concerning this vast system of spying that reveals their comings and goings, purchases, medical histories, personal associations, and life-patterns in great detail. In a recent article, William Reich reflects that people who are struggling from paycheck to paycheck, or students who are loaded with thousands of dollars in debt, are unwilling to rock the boat by protesting the corruption and absurdity of U.S. government policies. Others have suggested that the average citizen feels they have “nothing to hide” so why not let the government collect their personal data.

But as American political thinker, Hannah Arendt, and French philosopher, Claude LeFort, have pointed out, the drift toward totalitarianism, and the nature of totalitarian societies, have very clear signs, signs which are clearly visible in the U.S. government. I want to examine why this is so. Much democratic theory since the 18th century has stated that the people are sovereign, that legitimate governmental authority arises from the people themselves and is responsible to the people. Both the French Declaration of the Rights of Man and the U.S. Declaration of Independence (written by Thomas Jefferson), claim that the natural and inalienable “rights of man” are morally and conceptually prior to the political constitution of society and, therefore, prior to any specific government. It there is such a thing as human rights, then people (civil society) are prior to government.

It is not necessary to claim a literal belief in the doctrine of natural rights to understand a principle that is here fundamental to the very foundations of democracy. Government is constituted by the people to represent them in the performance of certain functions: it is not coextensive with society itself. Civil society in a democracy, therefore, is prior to and constitutive of, government. It is not an extension of government and government is certainly not morally or politically prior to civil society. For John Locke, who was the chief theorist drawn upon by the founders of the U.S. Constitution, the proper functions of government included promoting the equality and freedom of all citizens, protecting their natural rights, and ensuring fairness or impartiality in creating and enforcing the law across all three branches of government. For Locke, when government failed in any of these functions people retained the right of revolution, or in the words of the Declaration of Independence, “the right to alter or abolish” the offending government. Civil society is prior to government.

In a democracy, the idea of a set of human rights based on the principle of human dignity, and the priority of civil society over government, is absolutely fundamental. The behavior of the U.S. government, especially since 911, has been just the opposite. Spying and secrecy violate both our rights and our dignity. The government has acted as if it were identical or coextensive with the U.S. as a nation, as if it were an absolute totality that functioned in the mode of “the nation” and represented “loyalty to the nation.” The NSA, the military, the Obama administration, many of the courts, and much of the legislature manifest the attitude that they represent the whole and the symbolic meaning of U.S. society, an attitude which is very much a mythical and ideological fantasy. At the same time that they claim to represent the whole and the symbolic meaning of U.S. society, they also assert that they have the right to operate in secret from the rest of society and the right to spy on the rest of society. The government is not the nation and has no such rights.
All three of these features are indicative of totalitarianism: Hitler, Mussolini, Stalin, and the Communist regime of East Germany through the end of the Cold War, all claimed that the Nazi, Fascist, or Communist parties, respectively, represented (in some mythical or ideological way) the whole meaning and spirit of their respective societies and that this totalizing ideology gave them the authority to operate in secret, to spy on their populations, and to repress dissenters as traitors. This is what is truly scary about what the U.S. has become. The issue is not whether we the people have anything to hide that would preclude someone watching us. The issue is that the simple facts of spying and secrecy themselves are both manifestations of, and further steps in the direction of, totalitarianism. In a democracy, civil society and the rights of citizens are prior to and constitutive of government. Government does not and cannot represent the totality. Dissenters and whistleblowers are not traitors. They are essential to the plurality of civil society.

If we want to restore democracy within the U.S., however, internal struggle alone (while important) will not likely succeed. For every totalitarian regime not only claims to represent the totality, but needs to justify this claim (and its own ersatz legitimacy) through the additional claim that it is fighting mysterious, intractable enemies both within and abroad. Big brother, in George Orwell's *1984*, gave reports of mysterious foreign enemies that the regime had to struggle against in endless wars, just as the compliant, uncritical U.S. media daily reports unverifiable government claims of threats and attacks abroad.

We know through experience that President Obama, James Clapper, and most of the rest lie to us with every public statement they make, and yet we keep repeating their propaganda about endless wars and threats. Absolute secrecy breeds corruption, yet we accept the reassuring face of Obama that speaks to us from the summit of a secretive empire of nuclear weapons, cruise missiles, torture, murder, and death, encircling the world. Only Snowden, Private Manning, Julian Assange, and some others have told the truth, and look at the way they are treated by both government and big media.

Totalitarian regimes need enemies. Hitler needed the ‘Jewish conspiracy,’ while Stalin needed ‘subversives and decadents.’ Our secretive, totalized U.S. government claims that we are under terrorist threat and attack around the world, as assessed by secret criteria and supported by secret evidence. Many progressive thinkers in the U.S. believe that the CIA and other agencies of the U.S. government set up or facilitate terror attacks, creating “false-flag” bombings and other forms of mass-murder that serve to justify their continuing secrecy, ever-increasing power, and totalitarian policies of gulag prisons, assassinations, and disappearances. Many believe they were instrumental in causing the attacks of 911 in order to provide “the new Pearl Harbor” called for by their “Project for the New American Century” declaration.

Whatever the truth of the matter is, the fact of the chaotic, undemocratic international system of militarized sovereign nation-states, many of which have their own secret spy and killer organizations, along with the ungovernable system of international shadowy organizations like al-Qaeda, and the corruption of transnational corporations with their own systems of bribery, protection, and violence, form the perfect context for the growth of totalitarianism within the U.S.. Spying, militarism, secrecy, and authoritarian policies are necessary, we are told, in this dangerous and chaotic world. Our government is justified, we are told, in “protecting us” by spying on us from a position of absolute, unbreachable secrecy. They represent the government and the nation—a secretive, shadowy in-crowd with security clearances and ideological conformity, very much like Stalin’s Communist Party. We the people do not.

The fact of the matter is that authentic democracy may be impossible to achieve within such a global context. The industrial-military complex alone fosters militarism, secrecy, and war (to the tune of many billions of dollars in profits) as Naomi Klein’s book *The Shock Doctrine and the Rise of Disaster Capitalism* points out. The international system is inherently a “war system,” as dozens of thinkers have also emphasized. The inescapable fact is that authentic democracy will only be possible if we establish world democracy under a non-military Constitution for the Federation of Earth.

The *Earth Constitution* creates the global conditions for the unity in diversity, for the universal protection of human rights, and the priority of global civil society that make possible effective local democratic processes everywhere in Earth. It sets up a nonmilitary, democratic federation, not abolishing local democracy but empowering it. It states the priority (sovereignty) of the people of Earth and requires transparency in government. It also establishes the framework for real protection and restoration for our collapsing global environment.
The government set up under the *Earth Constitution* would clearly arrest President Obama and put him, along with George W. Bush, in jail where they belong. They are not only totalitarian violators of our U.S. Constitution, they are war criminals, heading up torture and murder of people around the world without even the most elementary due process of law. It is surely torture, as well as unspeakable barbarism, to blow the legs off children in Afghanistan or Yemen with these hideous drone attacks.

Yet the reason why they are war criminals is primarily structural: among militarized sovereign nation-states there is, and can be, no genuine rule of law, and certainly no due process of law that properly holds individuals accountable for their actions before an impartial court of law. There can only be the rule of power, violence, secrecy, spying, murder, threat, and ideological posturing. If we want to establish democracy within the U.S., we have to examine seriously the chaos of a world disorder that *defeats democracy within nations* at every turn. By requiring militarized nation-states, this world disorder wastes more than one trillion U.S. dollars per year that could be used for jobs, protecting the environment, and global social justice. This world system manifests a chaos that gives totalitarian elements and totalitarian attitudes a breeding ground for secrecy, spying, and unrestrained violence.

We cannot reverse totalitarianism within the U.S. by ignoring the rest of the world and the structural elements that breed the totalitarian attitude. We should be studying and discussing the *Earth Constitution* on a daily basis if we are serious about democracy. Not only our future, but the future of our planet and its two billion children, depends on our willingness to think globally about democracy. The *Earth Constitution* is by far the most promising and realistic option that we have before us. Democracy and human rights are *inherently* universal. Everyone deserves authentic democracy. Everyone deserves to live with freedom and dignity under the *Constitution for the Federation of Earth*.

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