

Body Politics: Evolving Police State in America

By [Chris Floyd](#)

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Four years ago, President George W. Bush quietly assumed dictatorial powers with a secret executive order granting himself the right to imprison anyone on earth indefinitely, without charges or trial or indictment or evidence, simply by declaring them an “enemy combatant,” on his say-so alone. This week, the assemblage of bootlickers and bagmen that befoul the U.S. Senate voted to codify the core of this global autocracy under the pretense of curtailing it.

With great self-fluffing fanfare, the Senate passed two measures ostensibly designed to stem the flood of torture and tyranny issuing from the White House. But the twinned amendments to a military spending bill have the curious effect of canceling each other out: The anti-torture measure leaves Bush’s tyranny intact, while the anti-tyranny measure will allow torture to continue unabated. This switcheroo, we are told by one of the scam’s sponsors, “will re-establish moral high ground for the United States,” The Washington Post reports.

But what can we actually see from this lofty moral promontory? We see that all foreign captives in Bush’s worldwide gulag have now been stripped of the ancient human right of habeas corpus. They will not be allowed to challenge “any aspect of their detention” in court — until they have already been tried and convicted by a “military tribunal” constituted under rules concocted arbitrarily by Bush and his minions. Only then, after years of incarceration without rights or legal protection, will they be given access to a single federal appeals court that can review their conviction — subject to the usual “national security” restrictions on challenging evidence gathered by secret means from secret sources in secret places. Remarkably, the Supreme Court is expressly prohibited from any jurisdiction whatsoever over any aspect of gulag captivity, The Washington Post reports. And of course, Bush can simply skip the tribunal and keep anyone he pleases chained in legal limbo until they rot. Neither of the ballyhooed amendments affects this raw despotism.

Meanwhile, U.S. citizens can also be arbitrarily imprisoned indefinitely without charge or trial. But for now, any Homelanders caught in Bush’s net can at least appear briefly in court *prior* to their conviction, where they will enjoy a “judicial process” that Stalin or Saddam would have loved: Bush officials present the judge with a piece of paper declaring that the prisoner is one bad hombre, but all the evidence against him is classified and nobody can see it — especially the prisoner, The Washington Post reports. And that’s it. The captive is then plunged back into the gulag, to be disposed of according to Bush’s whim. Again, this medieval mechanism of tyranny was left untouched by the Senate’s actions.

The Senate originally voted to cast Bush’s captives into outer darkness forever, without a single legal recourse. But then a few prissy hens and bleeding hearts made the usual squawk about rights and law and all that pinko jazz. So the compromise of allowing a post-

conviction appeal — for people who have been arbitrarily seized and held in isolation for years without charges, who have often been tortured, humiliated and driven to madness or attempted suicide before facing a kangaroo court — was hastily cobbled together and presented to the world as a triumph of the human spirit and the American way.

Ah, but what about the anti-torture amendment, sponsored by the Republican “maverick,” Senator John McCain, and hailed by editorialists across the land as a great leap forward in the evolution of political morality? The effusions that have greeted this measure are puzzling. It does nothing more than restate what is already the law of the land. American forces were already forbidden from subjecting any captive “to cruel, inhuman or degrading treatment or punishment” as prohibited by the Constitution and the UN Convention Against Torture. This regurgitation of existing law is the extent of the McCain amendment, along with an adjuration to interrogators to follow written guidelines for rough stuff set down by the Pentagon.

But the partisans of atrocity in the Bush White House knew these laws when they set up the gulag’s torture regimen in 2001. They simply redefined “torture” to accommodate any brutal technique they cared to implement, then declared that the commander in chief is beyond the reach of law in wartime — and that any underlings who commit crimes at his order are likewise absolved of legal liability. This sinister sophistry is still very much in operation and remains unchallenged by the toothless amendment of the “maverick.”

The dual amendments are a cynical PR ploy: Torture will be condemned in public but quietly continued in the former KGB camps and other secret hellholes that Bush has strung across the world like a barbed-wire necklace. The Pentagon’s own lawyers certainly understand the true nature of the game. As one told *The Guardian*: “If detainees can’t talk to lawyers or file cases, how will anyone ever find out if they have been abused?” No one ever will, of course; that’s the point. With habeas corpus denied up front, the worst cases of torture and false imprisonment can now be buried forever in “indefinite detention”; the tribunals, with their access to appeals, will be reserved for open-and-shut showpieces.

These draconian measures reach far beyond a handful of hard-core terrorists. According to the Pentagon’s own figures, more than 21,000 innocent people have been caged without due process in Iraq alone, *The Guardian* reports. Hundreds more have been unjustly imprisoned around the world. A regime that thrives on fear requires a steady stream of “enemy combatants” to justify its unlimited “war powers.” The belly of this beast will never be full.

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