

Bush Executive Order: Criminalizing the Antiwar Movement

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The Executive Order entitled “Blocking Property of Certain Persons Who Threaten Stabilization Efforts in Iraq” provides the President with the authority to confiscate the assets of whoever opposes the US led war.

A presidential Executive Order issued on July 17th, repeals with the stroke of a pen *the right to dissent* and to oppose the Pentagon’s military agenda in Iraq.

The Executive Order entitled **“Blocking Property of Certain Persons Who Threaten Stabilization Efforts in Iraq”** provides the President with the authority to confiscate the assets of “certain persons” who oppose the US led war in Iraq:

“I have issued an Executive Order blocking property of persons determined to have committed, or to pose a significant risk of committing, an act or acts of violence that have the purpose or effect of threatening the peace or stability of Iraq or the Government of Iraq or undermining efforts to promote economic reconstruction and political reform in Iraq or to provide humanitarian assistance to the Iraqi people.”

In substance, under this executive order, opposing the war becomes an illegal act.

The Executive Order criminalizes the antiwar movement. It is intended to “blocking property” of US citizens and organizations actively involved in the peace movement. It allows the Department of Defense to interfere in financial affairs and instruct the Treasury to “block the property” and/or confiscate/ freeze the assets of “Certain Persons” involved in antiwar activities. It targets those “Certain Persons” in America, including civil society organizations, who oppose the Bush Administration’s “peace and stability” program in Iraq, characterized, in plain English, by an illegal occupation and the continued killing of innocent civilians.

The Executive Order also targets those “Certain Persons” who are “undermining efforts to promote economic reconstruction”, or who, again in plain English, are opposed to the confiscation and privatization of Iraq’s oil resources, on behalf of the Anglo-American oil giants.



The order is also intended for anybody who opposes Bush's program of "political reform in Iraq", in other words, who questions the legitimacy of an Iraqi "government" installed by the occupation forces.

Moreover, those persons or nongovernmental organizations (NGOs), who provide bona fide humanitarian aid to Iraqi civilians, and who are not approved by the US Military or its lackeys in the US sponsored Iraqi puppet government are also liable to have their financial assets confiscated.

The executive order violates the First, Fourth and Fifth Amendments of the US Constitution. It repeals one of the fundamental tenets of US democracy, which is the right to free expression and dissent. The order has not been the object of discussion in the US Congress. So far, it has not been addressed by the US antiwar movement, in terms of a formal statement.

Apart from a bland Associated Press wire report, which presents the executive order as "an authority to use financial sanctions", there has been no media coverage or commentary of a presidential decision which strikes at the heart of the US Constitution..

Broader implications

The criminalization of the State is when the sitting President and Vice President use and abuse their authority through executive orders, presidential directives or otherwise to define "who are the criminals" when in fact they they are the criminals.

This latest executive order criminalizes the peace movement. It must be viewed in relation to various pieces of "anti-terrorist" legislation, the gamut of presidential and national security directives, etc., which are ultimately geared towards repealing constitutional

government and installing martial law in the event of a “national emergency”.

The war criminals in high office are intent upon repressing all forms of dissent which question the legitimacy of the war in Iraq.

The executive order combined with the existing anti-terrorist legislation is eventually intended to be used against the anti-war and civil rights movements. It can be used to seize the assets of antiwar groups in America as well as block the property and activities of non-governmental humanitarian organizations providing relief in Iraq, seizing the assets of alternative media involved in reporting the truth regarding the US-led war, etc.

In May 2007, Bush issued a major presidential National Security Directive (National Security and Homeland Security Presidential Directive NSPD 51/HSPD 20), which would suspend constitutional government and instate broad dictatorial powers under martial law in the case of a “Catastrophic Emergency” (e.g. Second 9/11 terrorist attack).

On July 11, 2007 the CIA published its “National Intelligence Estimate” which pointed to an imminent Al Qaeda attack on America, a second 9/11 which, according to the terms of NSPD 51, would immediately be followed by the suspension of constitutional government and the instatement of martial law under the authority of the president and the vice-president. (For further details, see Michel Chossudovsky, [Bush Directive for a “Catastrophic Emergency” in America: Building a Justification for Waging War on Iran?](#) June 2007)

NSPD 51 grants unprecedented powers to the Presidency and the Department of Homeland Security, overriding the foundations of Constitutional government. It allows the sitting president to declare a “national emergency” without Congressional approval. The implementation of NSPD 51 would lead to the de facto closing down of the Legislature and the militarization of justice and law enforcement.

“The President shall lead the activities of the Federal Government for ensuring constitutional government....”

Were NSPD 51 to be invoked, Vice President Dick Cheney, who constitutes the real power behind the Executive, would essentially assume de facto dictatorial powers, circumventing both the US Congress and the Judiciary, while continuing to use President George W. Bush as a proxy figurehead.

NSPD 51, while bypassing the Constitution, nonetheless, envisages very precise procedures which guarantee the powers of Vice President Dick Cheney in relation to “Continuity of Government” functions under Martial Law:

“This directive shall be implemented in a manner that is consistent with, and facilitates effective implementation of, provisions of the Constitution concerning succession to the Presidency or the exercise of its powers, and the Presidential Succession Act of 1947 (3 U.S.C. 19), with consultation of the Vice President and, as appropriate, others involved. Heads of executive departments and agencies shall ensure that appropriate support is available to the Vice President and others involved as necessary to be prepared at all times to implement those provisions.” (NSPD 51, op cit.)

The executive order to confiscate the assets of antiwar/peace activists is broadly consistent with NSPD 51. It could be triggered even in the absence of a “Catastrophic emergency” as

envisaged under NSPD 51. It repeals democracy. It goes one step further in “criminalizing” all forms of opposition and dissent. to the US led war and “Homeland Security” agenda.

ANNEX

TEXT OF THE EXECUTIVE ORDER

July 17, 2007

Executive Order: Blocking Property of Certain Persons Who Threaten Stabilization Efforts in Iraq

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 et seq.)(IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.)(NEA), and section 301 of title 3, United States Code,

I, GEORGE W. BUSH, President of the United States of America, find that, due to the unusual and extraordinary threat to the national security and foreign policy of the United States posed by acts of violence threatening the peace and stability of Iraq and undermining efforts to promote economic reconstruction and political reform in Iraq and to provide humanitarian assistance to the Iraqi people, it is in the interests of the United States to take additional steps with respect to the national emergency declared in Executive Order 13303 of May 22, 2003, and expanded in Executive Order 13315 of August 28, 2003, and relied upon for additional steps taken in Executive Order 13350 of July 29, 2004, and Executive Order 13364 of November 29, 2004. I hereby order:

Section 1. (a) Except to the extent provided in section 203(b)(1), (3), and (4) of IEEPA (50 U.S.C. 1702(b)(1), (3), and (4)), or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the date of this order, all property and interests in property of the following persons, that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, are blocked and may not be transferred, paid, exported, withdrawn, or otherwise dealt in: any person determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Defense,

(i) to have committed, or to pose a significant risk of committing, an act or acts of violence that have the purpose or effect of:

(A) threatening the peace or stability of Iraq or the Government of Iraq; or

(B) undermining efforts to promote economic reconstruction and political reform in Iraq or to provide humanitarian assistance to the Iraqi people;

(ii) to have materially assisted, sponsored, or provided financial, material, logistical, or technical support for, or goods or services in support of, such an act or acts of violence or any person whose property and interests in property are blocked pursuant to this order; or

(iii) to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked

pursuant to this order.

(b) The prohibitions in subsection (a) of this section include, but are not limited to, (i) the making of any contribution or provision of funds, goods, or services by, to, or for the benefit of any person whose property and interests in property are blocked pursuant to this order, and (ii) the receipt of any contribution or provision of funds, goods, or services from any such person.

Sec. 2. (a) Any transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 3. For purposes of this order:

(a) the term “person” means an individual or entity;

(b) the term “entity” means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization; and

(c) the term “United States person” means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.

Sec. 4. I hereby determine that the making of donations of the type specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by, to, or for the benefit of, any person whose property and interests in property are blocked pursuant to this order would seriously impair my ability to deal with the national emergency declared in Executive Order 13303 and expanded in Executive Order 13315, and I hereby prohibit such donations as provided by section 1 of this order.

Sec. 5. For those persons whose property and interests in property are blocked pursuant to this order who might have a constitutional presence in the United States, I find that, because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in Executive Order 13303 and expanded in Executive Order 13315, there need be no prior notice of a listing or determination made pursuant to section 1(a) of this order.

Sec. 6. The Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Defense, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government, consistent with applicable law. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order and, where appropriate, to advise the Secretary of the Treasury in a timely manner of the measures taken.

Sec. 7. Nothing in this order is intended to affect the continued effectiveness of any rules, regulations, orders, licenses, or other forms of administrative action issued, taken, or continued in effect heretofore or hereafter under 31 C.F.R. chapter V, except as expressly terminated, modified, or suspended by or pursuant to this order.

Sec. 8. This order is not intended to, and does not, create any right, benefit, or privilege, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

GEORGE W. BUSH

THE WHITE HOUSE,

July 17, 2007.

[Below is the text of the Message to the Congress of the United States Regarding International Emergency Economic Powers Act](#)

[There has been no response by the US congress or commentary by individual Senators or Representatives.]

Office of the Press Secretary July 17, 2007

Message to the Congress of the United States Regarding International Emergency Economic Powers Act

White House News

Executive Order: Blocking Property of Certain Persons Who Threaten Stabilization Efforts in Iraq

Pursuant to the International Emergency Economic Powers Act, as amended (50 U.S.C. 1701 et seq.)(IEEPA), I hereby report that I have issued an Executive Order blocking property of persons determined to have committed, or to pose a significant risk of committing, an act or acts of violence that have the purpose or effect of threatening the peace or stability of Iraq or the Government of Iraq or undermining efforts to promote economic reconstruction and political reform in Iraq or to provide humanitarian assistance to the Iraqi people.

I issued this order to take additional steps with respect to the national emergency declared in Executive Order 13303 of May 22, 2003, and expanded in Executive Order 13315 of August 28, 2003, and relied upon for additional steps taken in Executive Order 13350 of July 29, 2004, and Executive Order 13364 of November 29, 2004.

In these previous Executive Orders, I ordered various measures to address the unusual and extraordinary threat to the national security and foreign policy of the United States posed by obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in that country, and the development of political, administrative, and economic institutions in Iraq.

My new order takes additional steps with respect to the national emergency declared in

Executive Order 13303 and expanded in Executive Order 13315 by blocking the property and interests in property of persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Defense, to have committed, or to pose a significant risk of committing, an act or acts of violence that have the purpose or effect of threatening the peace or stability of Iraq or the Government of Iraq or undermining efforts to promote economic reconstruction and political reform in Iraq or to provide humanitarian assistance to the Iraqi people.

The order further authorizes the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Defense, to designate for blocking those persons determined to have materially assisted, sponsored, or provided financial, material, logistical, or technical support for, or goods or services in support of, such an act or acts of violence or any person designated pursuant to this order, or to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this order.

I delegated to the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Defense, the authority to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of my order. I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH

The White House,

July 17, 2007.



Michel Chossudovsky is the author of the international best [America's "War on Terrorism"](#) Second Edition, Global Research, 2005. He is Professor of Economics at the University of Ottawa and Director of the Center for Research on Globalization.

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