

Detention camps at undisclosed locations in the US? Rule by Fear or Rule by Law?

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“The power of the Executive to cast a man into prison without formulating any charge known to the law, and particularly to deny him the judgment of his peers, is in the highest degree odious and is the foundation of all totalitarian government whether Nazi or Communist.”

— Winston Churchill, Nov. 21, 1943

Since 9/11, and seemingly without the notice of most Americans, the federal government has assumed the authority to institute martial law, arrest a wide swath of dissidents (citizen and noncitizen alike), and detain people without legal or constitutional recourse in the event of “an emergency influx of immigrants in the U.S., or to support the rapid development of new programs.”

Beginning in 1999, the government has entered into a series of single-bid contracts with Halliburton subsidiary Kellogg, Brown and Root (KBR) to build detention camps at undisclosed locations within the United States. The government has also contracted with several companies to build thousands of railcars, some reportedly equipped with shackles, ostensibly to transport detainees.

According to diplomat and author Peter Dale Scott, the KBR contract is part of a Homeland Security plan titled ENDGAME, which sets as its goal the removal of “all removable aliens” and “potential terrorists.”

Fraud-busters such as Rep. Henry Waxman, D-Los Angeles, have complained about these contracts, saying that more taxpayer dollars should not go to taxpayer-gouging Halliburton. But the real question is: What kind of “new programs” require the construction and refurbishment of detention facilities in nearly every state of the union with the capacity to house perhaps millions of people?

Sect. 1042 of the 2007 National Defense Authorization Act (NDAA), “Use of the Armed Forces in Major Public Emergencies,” gives the executive the power to invoke martial law. For the first time in more than a century, the president is now authorized to use the military in response to “a natural disaster, a disease outbreak, a terrorist attack or any other condition in which the President determines that domestic violence has occurred to the extent that state officials cannot maintain public order.”

The Military Commissions Act of 2006, rammed through Congress just before the 2006 midterm elections, allows for the indefinite imprisonment of anyone who donates money to

a charity that turns up on a list of “terrorist” organizations, or who speaks out against the government’s policies. The law calls for secret trials for citizens and noncitizens alike.

Also in 2007, the White House quietly issued National Security Presidential Directive 51 (NSPD-51), to ensure “continuity of government” in the event of what the document vaguely calls a “catastrophic emergency.” Should the president determine that such an emergency has occurred, he and he alone is empowered to do whatever he deems necessary to ensure “continuity of government.” This could include everything from canceling elections to suspending the Constitution to launching a nuclear attack. Congress has yet to hold a single hearing on NSPD-51.

U.S. Rep. Jane Harman, D-Venice (Los Angeles County) has come up with a new way to expand the domestic “war on terror.” Her Violent Radicalization and Homegrown Terrorism Prevention Act of 2007 (HR1955), which passed the House by the lopsided vote of 404-6, would set up a commission to “examine and report upon the facts and causes” of so-called violent radicalism and extremist ideology, then make legislative recommendations on combatting it.

According to commentary in the Baltimore Sun, Rep. Harman and her colleagues from both sides of the aisle believe the country faces a native brand of terrorism, and needs a commission with sweeping investigative power to combat it.

A clue as to where Harman’s commission might be aiming is the Animal Enterprise Terrorism Act, a law that labels those who “engage in sit-ins, civil disobedience, trespass, or any other crime in the name of animal rights” as terrorists. Other groups in the crosshairs could be anti-abortion protesters, anti-tax agitators, immigration activists, environmentalists, peace demonstrators, Second Amendment rights supporters ... the list goes on and on. According to author Naomi Wolf, the National Counterterrorism Center holds the names of roughly 775,000 “terror suspects” with the number increasing by 20,000 per month.

What could the government be contemplating that leads it to make contingency plans to detain without recourse millions of its own citizens?

The Constitution does not allow the executive to have unchecked power under any circumstances. The people must not allow the president to use the war on terrorism to rule by fear instead of by law.

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